



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

October 5, 2010

Enbridge Energy Partners, LP  
c/o Mr. Rich Adams  
Vice President, Operations  
Superior City Centre  
Second Floor  
1409 Hammond Ave.  
Superior, Wisconsin 54880

**Re: U.S. EPA Notice of Disapproval of Enbridge Energy, Limited Partnership's September 27, 2010, submittal in response to the Removal Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act in Docket No. CWA 1321-5-10-001; and the Supplement to the Removal Administrative Order issued by the U.S. EPA on September 23, 2010**

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the following document submitted by Enbridge Energy, Limited Partnership; Enbridge Pipelines (Lakehead) L.L.C.; Enbridge Pipelines (Wisconsin); and Enbridge Energy Partners, L.P. (herein collectively identified as and referred to as "Enbridge") on September 27, 2010, pursuant to Paragraph 18.m of the above-referenced Supplemental Order:

*Enbridge Line 6B MP 608, Marshall, Michigan, Supplement to Source Area Response Plan and Supplement to Response Plan for Downstream Impacted Areas, September 27, 2010*

Pursuant to Paragraph 19 of the above-referenced Order, the *Enbridge Line 6B MP 608, Marshall, Michigan, Supplement to Source Area Response Plan and Supplement to Response Plan for Downstream Impacted Areas, September 27, 2010* (the "Supplement") is hereby disapproved. Enbridge shall revise the Supplement as directed herein and shall also include other revisions/improvements to the plan currently contemplated by Enbridge.

Five bound copies of the revised Supplement, as modified, shall be submitted to U.S. EPA no later than 12:00 hours Eastern, October 7, 2010. Additionally, Enbridge is directed to submit the Supplement in Microsoft Word format to allow for corrections or modifications to the electronic documents.

**Specific Modifications Required: *Enbridge Line 6B MP 608, Marshall, Michigan, Supplement to Source Area Response Plan and Supplement to Response Plan for Downstream Impacted Areas, September 27, 2010***

1. Please amend the title of this document to reflect that it is, at least, primarily an Operations and Maintenance (O&M) Plan.
2. Please ensure that all major section headings are designated as such using numerical section numbers/identifiers.
3. Section 1.1:
  - a. Please restate, via inserting, items “j” and “k” from the Supplemental Order into the first paragraph.
  - b. Please remove the extraneous text of “ter Sources” from the end of the paragraph.
  - c. SHORELINE Operating and Maintenance Activities:
    - i. Second paragraph: Please add “in ecologically sensitive locations” to the end of the first sentence.
    - ii. Please confirm that the “O&M Maintenance and Monitoring table” is the actual name of the form and that it is not the “Operation and Maintenance Inspection Form.” Revise if necessary.
    - iii. Third paragraph:
      1. After the sixth existing sentence, add: “Recommended changes to the table will be submitted to the U.S. EPA and MDNRE for review and approval prior to implementation.”
      2. Add the following to the end of the third paragraph:

“...sheet and distributed to the U.S. EPA and MDNRE on a weekly basis and will include proposed changes to the approved plan. The possibility exists that additional areas will be added to the table over time. These include: areas discovered by field crews, areas called in by landowners that are investigated and verified, and areas that may transition from the submerged oil group. This last category may include locations along the river where residual oil remains after submerged oil remediation techniques have been exhausted. During the Talmadge Creek restoration project, features such as underflow dams were installed to capture and residual oil and contain it prior to reaching the river. In addition, hay bales and/or other containment structures, as approved by the U.S. EPA, have been placed just upstream of these dams to contain any oily sediment that may be released during

restoration activities. Since these features may remain for a period of time after that particular project comes to an end, and the crews that have been maintaining these areas may no longer be available, these locations may also be added to the table. The O&M group inspectors developed the maintenance codes and applied them to each O&M area. Enbridge used the maintenance codes and site specific data to develop the tentative monitoring protocol. The monitoring protocol is designated as tentative because it is likely that the O&M areas will change over time as operations and seasonal events change these areas. Therefore this table will be a working document that is updated regularly to accurately reflect the conditions at each O&M area. Inspections of each O&M area will take place at intervals as designated by the tentative monitoring protocol. Three inspectors are proposed to complete the inspections, along with EPA oversight, on designated portions of the river. The O&M Inspection Form will be used by the Inspectors to track the progress of inspections and record the information gathered during each inspection within their designated areas. The information from the three inspectors will be compiled into one tracking spread sheet and distributed. If the inspectors deem that the O & M procedures need to be enacted at a particular location, a contractor crew will be dispatched to carry out the prescribed procedures.”

- iv. The “SCAT” table referenced in the last paragraph is incorrectly named. Please reference the actual name of the table included in Attachment A.

4. Section 1.2:

- a. Replace the first sentence with the following:  
“Operations & Maintenance (O&M) will be performed for the recovery and/or containment of known and newly identified submerged oil and oil-contaminated sediments in accordance with the *Work Plan for Ceresco dam Dredging and Permanent Recovery of Submerged oil and Oil-Contaminated Sediments at Priority Locations.*”
- b. Add the following after the fourth sentence in the second paragraph:  
“If a newly identified submerged oil site is not appropriate for permanent recovery as determined by the submerged oil task force, then it will be included in the O & M table for inspection and follow-up. If submerged oil recovery techniques at a known site prove not to be effective, then these locations will also be added to the O & M table.”
- c. In the last sentence of the second paragraph: Replace “Sign-off” with “Approval from the U.S. EPA and MDNRE.”

5. Section 1.3:

- a. Expand the definition of “Site” to include other areas related to the release which may be discovered later. This shall include, but is not limited to areas downstream of the Morrow Lake Dam.
- b. Second Bullet of Goals and Objectives: Expand this item to include oil-contaminated sediment.
- c. MONITORING: Please identify the composition of the “inspection team” referenced in the “Air Operations” bullet.
- d. First Paragraph in Containment: Please provide methods for structural reinforcement (e.g., sheet piling) of containment devices to resist not only ice flow, but also high velocity river flow during an ice melt.
- e. Third Paragraph in Containment: Please add a statement that removal of any containment devices will be performed only after approval from the U.S. EPA.
- f. CONTAINMENT, Operation and Maintenance Control Point reduction plan (from Sept 28, 2010 to Oct 9, 2010):
  - i. Please replace “(MP 3.75)” with “(MP 39.75).”
  - ii. In the first sentence, please replace “total” with “number of.”
- g. November 1<sup>st</sup> to Freeze up:
  - i. Please provide metrics for evaluating the number of control points and determining if they will be reduced.
  - ii. Please replace the last sentence of the second paragraph with the following: “Based on observations made during site monitoring and through consultation with the U.S. EPA and other agencies (e.g., MDNRE) if appropriate, this list of control point may be reduced further based on river conditions and other factors.”
- h. Recovery: add “and replaced” at the end of the last sentence.
- i. Maintenance:
  - i. Replace “removal” with “removal and/or replacement” in the last sentence of the first paragraph.
  - ii. Please add a statement to the last paragraph stating that the referenced containment items will be removed only after approval from the U.S. EPA.
- j. Winterizing Monitoring:
  - i. Please replace “completed” with “carried out” in the first sentence.

- ii. Add metrics for observing and identifying the formation of ice dams. Identify areas that are susceptible to the formation of ice dams. The location of historical ice dams may be available by contacting the County Drain Commissioner or other regulatory bodies.
  - k. Spring Deployment: Please replace “completed” with “carried out” in the first sentence.
6. Section 1.4: Please replace the last sentence with “The U.S. EPA (and/or other appropriate agencies such as the MDNRE) will review and approve completed excavation work and the revised site remediation plan.”
  7. Section 1.5:
    - a. Please provide further clarification and an expected time frame of when use of the soil cells referenced in the first paragraph will be discontinued and/or the cells decommissioned.
    - b. Replace the last sentence with “When these cells are no longer required a Soil Staging Area Closure Plan will be developed, and submitted to the U.S. EPA for review and approval, to document the planned decommissioning of these facilities.”
  8. Section 1.6: Please provide a complete reference (e.g., formal title, author, date) for the cited reference.
  9. Section 1.7: Please provide a complete reference (e.g., formal title, author, date) for the cited reference.
  10. Please add a methodology for tracking observations made and actions required/taken.
  11. Add a methodology for tracking the presence of reoccurring sheen and the presence of booms in areas where sheen is observed.
  12. Add a section for O&M related to erosion control and minimization. In the situation of temporary seeding, consider the use of resistant vegetation such as wheat.
  13. Please consider the use of booms on dry lands prior to ice melt or other significant precipitation events that can mobilize oil from overland areas.
  14. Please provide a detailed plan for the removal of the mat roads installed during the response efforts. The plan shall include, but not be limited to:
    - a. Removal procedures for the mat roads.
    - b. Procedures for addressing and/or removing any visible oil and/or oil-containing soils exposed or observed during the mat road removal.
    - c. Confirmation testing after the roads and oil-containing soils have been removed.
    - d. Backfill/regrading and erosion control plans related to mat road removal.

The U.S. EPA directive provided herein does not represent assurance that activities undertaken are in compliance with laws and regulations outside the purview of the U.S. EPA during these response actions, including but not limited to the laws and regulations of the State of Michigan. Enbridge is not relieved of its obligation to comply with other laws and regulations if omitted in these comments. Undertaking activities directed by the U.S. EPA does not obviate the need for Enbridge to acquire all necessary permits and comply with other applicable regulatory requirements.

U.S. EPA technical staff have been designated to direct Enbridge's revision of the Supplement. In addition, the Federal On-Scene Coordinator (FOSC), Ralph Dollhopf, has directed Enbridge to work with U.S. EPA to incorporate the modifications requested herein.

Upon submittal of the revised Supplement as amended, the U.S. EPA's FOSC will then complete a final review. Any additional corrections of, or modifications to, the Supplement will be made by Enbridge as directed by the FOSC. The U.S. EPA reserves the right to disapprove, comment, or modify, as appropriate, the Supplement upon its resubmission.

U.S. EPA appreciates Enbridge's continued efforts to conduct effective response actions to the release from its 6B Pipeline.

Sincerely,

Ralph Dollhopf  
Federal On-Scene Coordinator and Incident Commander  
U.S. EPA, Region 5

**cc:** L. Kirby-Miles, U.S. EPA, ORC  
J. Cahn, U.S. EPA, ORC  
J. Kimble, U.S. EPA, Dep. IC, FOSC  
M. Durno, U.S. EPA, Dep. IC, Section Chief  
Records Center, U.S. EPA, Reg. V