



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

May 12, 2011

Enbridge Energy, Limited Partnership
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 Conditional Approval and Notice of Disapproval of Enbridge Energy, Limited Partnership's April 28, 2011 submittal and May 2, 2011 submittal, respectively, in response to the Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and Supplement to the Administrative Order issued by 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 documents submitted by Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), and Enbridge Energy Partners, L.P. (herein collectively referred to as "Enbridge"):

Transfer of Operations from Site A to Frac Tank City, Enbridge Energy, Limited Partnership, Line 6B Incident, Marshall, Michigan (dated April 28, 2011)

Enbridge Line 6B MP 608, Marshall, MI Pipeline Release, Waste Treatment, Transportation and Disposal Plan, Enbridge Energy, Limited Partnership, (initially dated August 2, 2010, revised: August 8, 2010, supplemental revision: August 8, 2010, Supplemental revision October 28, 2010, revised: March 4, 2011, revised: March 23, 2011, revised: May 2, 2011).

Pursuant to Paragraph 19 of the July 27, 2010 Order, U.S. EPA approves, with the modifications described below, Enbridge's above-referenced *Transfer of Operations from Site A to Frac Tank City* ("Transfer Plan") submitted to U.S. EPA on April 28, 2011. Specific comments are set forth below and shall be incorporated into a revised Transfer Plan.

- a. Please make the Transfer Plan "Attachment H" of the *Waste Treatment, Transportation and Disposal Plan* ("WTTD Plan").
- b. Please spell out all acronyms the first time they are used and include all acronyms used in the "List of Acronyms" in the WTTD Plan.

- c. Please delete the first sentence of the “History” section.
- d. Please define “decommissioning activities” as used in the Transfer Plan.
- e. Please add the Frac Tank City Frac Tank Water Storage areas to Figures 2 and 3 of the WTTD Plan and reference Figures 2 and 3 in the “Frac Tank City” subsection of the “Current Conditions” section of the Transfer Plan.
- f. Provide a legend (similar to the one in Figure 1) for Figure 2.
- g. Please provide the referenced “*Soil Staging, Decontamination and River Access Site Closure Plan*” and “*Talmadge Creek Swamp mat Removal Sampling Plan*” as attachments to the Transfer Plan.
- h. Please delete the second sentence in the “Closing” section.

Pursuant to Paragraph 19 of the July 27, 2010 Order, U.S. EPA disapproves Enbridge’s WTTD Plan submitted to U.S. EPA on May 2, 2011 due to deficiencies in content and lack of sufficient technical details. Specific comments are set forth below and shall be incorporated into a revised Plan.

1. General

- a. Please perform a thorough and comprehensive technical, spelling and grammar review and edit of the WTTD Plan (including all attachments and figures) prior to resubmission of the WTTD Plan.
- b. First sentence: Please substitute the word “roll off” with “roll-off” and use it consistently throughout the WTTD Plan.
- c. Please include definitions for all acronyms and abbreviations used in tables located in a key/legend located immediately beneath the table where it is used.

2. Cover

- a. Please replace “USEPA” with “United States Environmental Protection Agency”.

3. Section 1.0 Plan Objectives

- a. First paragraph: replace “WWTD” with “WTTD”.
- b. Insert “Order” prior to “ID Number MIK752366161” in the second sentence.
- c. Section 1.1 Work Plans
 - i. This section is unclear. Please revise the text and consider moving the second full paragraph (“The WTTD Plan is established...”) to the introductory paragraph of Section 1.0.

- ii. Please replace the second and third sentences of the second full paragraph with the following “The original WTTD Plan was completed and approved on August 2, 2010 and August 9, 2010, respectively. Waste management and disposal procedures are modified as needed or requested during the cleanup, pending Federal, State, and County approval.”
 - iii. Please replace the word “media” with “streams” in last sentence of this section.
- 4. Section 2.0 Waste Identification
 - a. First sentence of first paragraph: please replace “The wastes streams...” with “The waste stream...”
 - b. Last sentence of the first paragraph: please define the referenced “Site locations.”
 - c. Second paragraph: please reference the Transfer Plan and revise soil staging areas appropriately.
 - d. Third sentence of the second paragraph: please delete “pending USEPA and MDEQ approval.”
- 5. Section 3.0 Waste Characterization
 - a. First paragraph:
 - i. Please explain and justify why analysis of PCBs, flash point, or pH are not required to fulfill characterization requirements.
 - ii. Please add paint filter testing (PFT), or explain and justify why PFT is not required.
 - b. Second paragraph:
 - i. Second sentence: Please replace “However; if...” with “However, if...”
 - ii. Please delete the last sentence and replace with “Waste characterization will be performed in accordance with the approve QAPP” and include a formal citation to the approved QAPP.
 - c. TCLP and O&G Analysis
 - i. Please rename this to “3.1 TCLP and O&G Analyses,” thereby creating a new section.
 - ii. Please replace “soxhlet” with “solvent.”
 - d. Soil and Sediment: please rename this section title to “3.2 Soil and Sediment.”

- e. 3.1.1 Procedures for Direct Loading
 - i. Please rename this section title to “3.1.2 Procedures for Direct Loading.”
 - ii. The details regarding direct loading of excavated soils and the associated sampling/analyses are not clear. Please provide additional details and clarification.
 - iii. Please revise the approach to include collection and analysis of at least one representative waste characterization sample from each 50 cubic yards (or fraction thereof) from excavated soil (not in-situ) for each excavation site. The characterization samples should be analyzed as required in subsequent solid waste characterization sections of the WTTD Plan and shall include.
 - iv. Third paragraph:
 - 1. First sentence: please replace “excavation areas” with “excavated materials.”
 - 2. Second sentence:
 - a. Please replace “work site” with “excavation site.”
 - b. Please replace the sampling frequency for PFT analysis to include a minimum of one representative sample per excavation site, where the sample will be required based on visual inspection by a designated individual (approved by the USEPA and MDEQ). Also include a provision for additional PFT testing, as required by visual inspection or as directed by the USEPA and MDEQ, or their representatives.
 - v. Fourth paragraph:
 - 1. Please replace the second sentence with “A rock box is a reinforced steel constructed box with gussets and a pull bar for use in conjunction with an excavator for the handling of solid materials. A rock box will be utilized to comingle excavated soils (with varying levels of saturation) with an approved stabilizing agent using an excavator.”
 - 2. Fourth sentence: Replace “USEPA” with “USEPA and MDEQ.”
- f. 3.1.2 Procedures for Soil Stockpiles
 - i. Please rename this section title to “3.2.2 Procedures for Soil Stockpiles.”
 - ii. First paragraph:

1. Please provide a detailed citation for the referenced “sampling plan.”
2. Last sentence: replace “above” with “in Section 3.2.1.”
3. Please replace the second paragraph with:
“As described in Appendix A of the Supplement to Waste Treatment, Transportation and Disposal Plan (dated October 28, 2010), REVISED Safety-Kleen Soil Pile Management Plan-Enbridge Energy, Marshall, MI. Crude Oil release, Rev. 04, composite samples for waste characterization will be collected from stockpiles in each of four quadrants utilizing an excavator. This will consist of an excavator scooping two buckets for the collection of an 8-point composite of representative soils from each 200 yd³ segment of the soil pile. Soil samples will be collected from four depths, from top to bottom of the pile. The soil aliquots from the four depths are homogenized to create one composite sample for each 200 yd³ segment of the soil pile.”

g. 3.2 Liquid Waste Water

- i. Please rename this section title to “3.3 Liquid Waste Water.”
- ii. Third full paragraph:
 1. First sentence: delete “non hazardous.”
 2. First sentence: replace “CP” with “Control Point (CP)”.
- iii. Fourth paragraph: replace “The storm water sump collection...” with “Water from the storm water sump collection....”

h. 3.3 Oil Impacted Media and Debris

- i. Please rename this section title to “3.4 Oil Impacted Media and Debris.”
 - ii. Please amend the list of analyses to be performed to include TCLP metals, or provide justification for excluding TCLP metals.
- i. 3.3.1 Roll-off Sampling Procedures
- i. Please rename this section title to “3.4.1 Roll-off Sampling Procedures.”
 - ii. First bullet:

1. First sentence: replace “six samples from each” with “six sample aliquots from each.”
 2. Please state that the samples collected and submitted for analyses will be representative of the oil impacts.
- iii. Second bullet:
1. First sentence: replace “discrete samples (6 total) from each component” with “six sample aliquots from each debris component.”
 2. Second sentence: replace “entire box” with “entire roll-off box.”
 3. Please state that the samples collected and submitted for analyses will be representative of the oil impacts.
- j. 3.3.2 CP Sampling Procedures
- i. Please rename this section title to “3.4.2 Control Point Sampling Procedures.”
 - ii. Please reference the April 15, 2011 supplement to the *Roll Off–Debris TPH and QAQC Waste Characterization Sampling Plan, Rev-01 8/26/2010 EQ – Debris Waste Sampling Plan*, as many of the details included in this section are included in the referenced supplement.
 - iii. Second set of bullets, seventh bullet: please replace “The debris composite aliquot sample is placed” with “Aliquots for debris composite samples are placed.”
 - iv. Second set of bullets, eleventh bullet: replace “samples are be used” with “samples are used.”
- k. 3.3.3 Timber Mat Sampling Procedures
- i. Please rename this section title to “3.4.3 Timber Mat Sampling Procedures.”
 - ii. Please clarify whether the impacted timber mats will be placed in roll-off containers, or if they will be dismantled and/or crushed within soil cells.
- l. 3.4 Municipal Solid Waste
- i. Please rename this section title to “3.5 Municipal Solid Waste.”

- ii. First paragraph:
 - 1. Please provide examples of non-impacted waste material and debris.
 - 2. Please replace “MSW” with “Municipal Solid Waste (MSW)”.
- iii. Second paragraph: delete this paragraph in its entirety.
- iv. Please add “Section 3.5.1 De Minimis Hazardous Waste” and provide details for characterization of de minimis hazardous waste (e.g., used bug repellent, used degreasers, used mechanical/automotive products, used batteries, etc.). These hazardous wastes must be disposed in accordance with all federal, state, and local regulations. Please note that Enbridge is not a “household hazardous waste generator” and as such, regulations applicable to household hazardous waste do not apply.

6. Section 4.0 Waste Transportation

- a. Second paragraph: replace “(centralized soil cells and frac tanks)” with “(Site A and Frac Tank City).”
- b. Section 4.1 Soils and Sediment Waste
 - i. First sentence: delete “impacted timber mats” since the mats are being handled as debris and not soil or sediment.
 - ii. Second sentence: Site A is referenced as the stockpile area. However, Site A and Frac Tank City are referred to jointly throughout the rest of the WTTD Plan and should be referred to jointly here as well. In addition, please reference Appendix H (Transfer Plan) in this section.
- c. Section 4.1.1 Best Management Practices
 - i. Third bullet: please replace “stockpile procedures” with “stockpile spill prevention procedures.”
 - ii. Second full paragraph: please replace “...maintained by the AECOM construction oversight personnel and the documentation...” with “maintained by Enbridge’s representative and the documentation...”
- d. Section 4.1.2 Soil and Sediment Stabilization
 - i. First paragraph:
 - 1. First sentence: please replace “USEPA” with “USEPA and MDEQ.”

2. Third sentence: please replace “USEPA or MDEQ” with “USEPA and MDEQ.”
- ii. Third paragraph:
 1. Please replace “site A” with “Site A.”
 2. Please replace “IntaZorb” with “InstaZorb.”
- iii. Sixth paragraph: Please delete the fourth sentence in its entirety and replace with “Onsite ambient particulate monitoring will be conducted during soil stabilization mixing activities and during delivery of stabilization agent.” The purpose of this monitoring will be to protect personnel not required to wear respirators (e.g., spotters, non-operators, observers, etc.).
- iv. Section 4.2 Liquid Waste Water
 1. Second sentence of first paragraph: please confirm that the status of the March 3, 2011 submittal is pending, and revise if necessary.
- v. Section 4.3 Oil Impacted Media and Debris (second sentence): please define “designated areas.”
- vi. Section 4.4 Municipal Solid Waste:
 1. Third paragraph: please note that Enbridge is not a “household hazardous waste generator” and as such, regulations applicable to household hazardous waste do not apply. Please revise accordingly.
 2. Fourth paragraph: Please provide details for the procedures that will be used for transporting miscellaneous small waste streams.

7. Section 5.0 Waste Disposal

- a. First paragraph: please replace “AECOM as Enbridge’s representative” with “An Enbridge representative.”
- b. Third full paragraph: please replace “Summary of Waste Shipment Table below.” with “waste stream disposal facility table below.”
- c. Table:
 - i. Title: Please replace “Summary of Waste Shipment” with “Waste Stream Disposal Facilities.” Also, ensure that all references to this table are revised accordingly.

- ii. Table: Please delete the columns labeled “Quantity Shipped” and “Unit of Measure” as the data are inaccurate and irrelevant.

8. Section 6.0 Documentation Reporting

- a. Section 6.4.2 Waste Generation and Shipment Information: please provide a correct title for the referenced table and describe its location more accurately (e.g., below, at the end of Section 6.0, etc.).

9. Section 7.0 Notifications Proposed for Deletion

- a. Please revise the name of the section to “7.0 Notifications”
- b. First bullet: please add a sentence stating that disposal facilities must be approved by the U.S. EPA, in accordance with the Administrative Order issued by U.S. EPA on July 27, 2010, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-10-001) and Supplement to the Administrative Order issued by U.S. EPA on September 23, 2010.
- c. Second bullet: delete in its entirety. The stated requirement will remain in effect.
- d. Third bullet: delete in its entirety. The stated requirement will remain in effect.
- e. Fourth bullet: delete in its entirety. The stated requirement will remain in effect.

10. Attachments, Flow Charts

- a. Remove all references to specific contractor companies and replace with generic terms such as Enbridge representatives.
- b. The flow charts are intended to represent a summary of the progression steps used for a particular event described in more detail elsewhere in the WTTD Plan. Therefore, flow chart content shall be consistent with text in the WTTD Plan. Please ensure consistency between the flow charts and the WTTD Plan text.
- c. In-situ sampling is not approved for waste characterization. Therefore, please remove in-situ sampling from the flow charts.

The revised WTTD Plan and Transfer Plan, as modified above, shall be submitted to U.S. EPA no later than 1700 hours Eastern, May 13, 2011. The documents shall also be concurrently submitted electronically in Microsoft Word format.

If you have any questions regarding this letter, please contact me immediately at (231) 301-0559.

Sincerely,



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

- cc:** L. Kirby-Miles, U.S. EPA, ORC
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