



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

June 17, 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 of Enbridge Energy, Limited Partnership's May 25, 2011 Request 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 letter identified in italics below and 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"):

*Waste Characterization and Oil Recovery Sampling for Soils and Sediment at the Enbridge Line 6B MP608, Marshall, MI Pipeline Release (Prepared May 25, 2011)*

Pursuant to Paragraph 19 of the July 27, 2010 Order, U.S. EPA approves, with the modifications described below, Enbridge's requested waste handling modifications described in the above-referenced letter.

U.S. EPA comments regarding Enbridge's request to use generator knowledge for characterization of oil-containing soil and sediment are presented below.

1. Changes proposed in Enbridge's May 25, 2011 letter shall be converted to an Addendum to the approved Waste Treatment and Transportation (WTTD) Plan, subject to the revisions described below.
2. General comments:
  - a. While the U.S. EPA generally agrees that existing analytical data sufficiently characterizes the remaining oil-contaminated soils and sediment as non-hazardous waste for the purposes of disposal, visual and physical tests for free liquids

continue to be required as described in the approved WTTD Plan. Please add a provision in the Addendum requiring visual and physical tests for the presence of free liquids.

- b. Please add a provision to the Addendum stating that the U.S. EPA or its representatives may, at their sole discretion, require Enbridge to collect additional samples for waste characterization. Examples of where the U.S. EPA may invoke this right could include, among other situations: waste streams consisting of combined of tank bottoms with soil; when free oil is present in a waste stream; and/or when the waste stream is saturated with oil.
3. Please replace the first enumerated list of items describing the purpose of the request to the following:

“1) To indicate that the existing analytical data sufficiently characterizes the crude oil impacted soils and sediment remaining at the site in accordance with ASTM D6044-96 Standard Guide for Representative Sampling for Management of Waste Contaminated Media for the purpose of disposal and ASTM D6009-96 (reapproved 2001) Standard Guide for Sampling Waste Piles as appropriate;

2) To indicate that further waste characterization sampling for disposal is not necessary to confirm that the crude oil impacted soils and sediment remaining at the site are characterized as non-hazardous unless requested by the U.S. EPA or their representative;

3) To provide an alternate method for collecting composite soil samples for oil and grease analysis so that Enbridge will have a means of continuing to calculate oil recovery for soil even when soil is not stockpiled (i.e., directly loaded or accumulated in roll-offs instead).”


4. Please replace “1) Single point aliquots will be collected from each truck load of soil that leaves the site. Aliquots will be composited from up to 10 loads of soil per day;” with the following:

“1) Single point aliquots will be collected from each truck load of soil that leaves the site. Aliquots from each 10 loads of soil, or fraction thereof, will be composited for laboratory analysis as described herein. Samples aliquots will not be stored overnight waiting for additional loads to be generated at a future date, nor will full loads of soil be stored overnight without collection of a sample aliquot.”

The WTTD Plan Addendum shall be submitted to U.S. EPA no later than 1700 hours Eastern, June 20, 2011. The document 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,

A handwritten signature in black ink, appearing to read "R. Dollhopf". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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  
T. Edwards, U.S. EPA  
S. Wolfe, U.S. EPA  
M. Ducharme, MDEQ  
M. Alexander, MDEQ  
Records Center, U.S. EPA, Reg. V