



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

C100

August 15, 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 August 2, 2010 (Revised August 14, 2010), submission 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

Dear Mr. Adams:

The United States Environmental Protection Agency (U.S. EPA) has completed a review of the following documents submitted by Enbridge Energy, Limited Partnership (Enbridge) on August 2, 2010 and August 11, 2010, pursuant to Paragraph 19 of the above-referenced Order and pursuant to U.S. EPA's request in its July 31, 2010 letter:

Sampling and Analysis Plan (SAP)
Quality Assurance Project Plan (QAPP)

U.S. EPA disapproves Enbridge's Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) submitted on August 14, 2010 due to deficiencies described herein. Specific comments are set forth below and shall be incorporated into revised SAP and QAPP, pursuant to Paragraph 20 of the U.S. EPA Order. As set out below, U.S. EPA technical staff have been designated to direct Enbridge's revision of the plans. In addition, the Federal On-Scene Coordinator (FOSC), Ralph Dollhopf, has directed Enbridge to work with U.S. EPA to address a lack of information in the SAP and QAPP.

The final SAP and QAPP, as amended, shall be submitted to U.S. EPA no later than 1700 hours Eastern, August 15, 2010. The U.S. EPA FOSC will then complete a final review. Any additional corrections of, or modifications to, the SAP and QAPP will be made by Enbridge as directed by the FOSC. Enbridge is directed to submit the SAP and QAPP in Microsoft Word format to allow for corrections or modifications to the electronic documents.

The U.S. EPA reserves the right to disapprove, comment, or modify, as appropriate, the SAP and QAPP upon their resubmission.

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The principal focus of all current actions covered by the SAP and QAPP shall be the achievement of the primary objective stated above, regardless of any supplemental sampling that Enbridge elects to perform in support of secondary objectives. At no time shall sampling and/or characterization in support of potential secondary objectives prevent or otherwise limit Enbridge's sampling in support of the primary objective. This includes the allocation of resources or schedule considerations, whereby resources are always assigned to supporting the primary objective first.

SAP-Specific Comments

1. The SAP shall identify the methods and/or protocols that will be used to determine if observed oil is comprised of dense non-aqueous phase liquid (DNAPL), light non-aqueous phase liquid (LNAPL), or both.
2. Please confirm that the table numbering within the text is sequential
3. List of Acronyms:
 - a. Please correct the definition of NREPA to include "Protection"
 - b. Please modify the definition of Response to state "The initial response to remove and/or abate visible oil and/or sheen that is either currently affecting navigable waterways and/or poses the threat of release of a visible oil and/or sheen to navigable waterways."
 - c. Please define the terms SCAT, NOAA, SCAT, SOSC, NRDA and ICS.
4. Introduction: Response action plans are referenced, but not specifically identified. Please specifically identify the referenced plans.
5. Section 1.0: Please revise the definition of Division C to include the endpoint of Division C.
6. Section 2.0 (last paragraph): Please modify this section to state "...has been submitted for general permit activities within...".
7. Section 4.0: Modify the second sentence to read, "...from all media to distinguish between pollutants related to this incident and historical conditions."
8. Section 4.1:
 - a. Please add "and the source/spill area" before "for the presence....".
 - b. Please add the metrics for evaluating oil in various media including qualitative, as presented in Section 3.1, 3.1.1, 3.1.2 and 3.1.3 of the Response Plan for Downstream Impacted Areas.

- c. Please summarize in tabular form the various qualitative metrics described.
- d. If appropriate, please state a secondary goal that may include soil and groundwater as relevant media for regulatory benchmark comparison.

9. Section 4.2.2:

- a. In addition to the sampling frequency of surface water sampling stated, please add that surface water will also be sampled at sediment deposition areas along the impacted waterway as well.
- b. Please add a wet-weather component in the sampling objectives that includes increased monitoring frequency (including visual observations) to ensure that the visible oil/sheen is contained and does not exacerbate the extent of oil impacts.
- c. One of the bulleted locations identified is incorrect. Please replace “D Avenue in Battle Creek” with “D Avenue in Kalamazoo”.
- d. Please add the following locations to the bulleted list of locations for:
 - Michigan 96 Bridge in Augusta
 - H Avenue in Kalamazoo Township
 - Star Road in Plainwell City
 - North Street in Otsego
 - Swan Creek in M-89
 - Kalamazoo Lake at Washington Street
- e. Second Sentence of the Second Full Paragraph: Please clarify the statement regarding the sample depth where “size” is referenced as a numerical value.

10. Section 4.2.3:

- a. Please add a comma between DO and Turbidity and include “DO” in acronym list.
- b. Please correct the reference to Section 4.8.2, as it does not exist.
- c. Please increase the number of surface water sample location for qualitative evaluation to at least 4, and preferably 6, locations within Morrow Lake.

11. Section 4.3.2:

- a. Please add another location in the list of locations to be sampled for “Michigan 96 Bridge in Augusta”.
- b. Please replace the word “downstream” with “upstream” in front of “of Ceresco Dam, and...”.
- c. Please increase the frequency of sediment sampling to weekly, rather than every 2 weeks.

12. Section 4.4: Please provide an explanation/justification for the distance of 200 feet used for evaluating groundwater wells and explicitly state that, as a minimum, wells (not homes or other structures) must be located within the specified distance.

13. Section 4.4.2 (second to last sentence in the paragraph): Please add “At” at the beginning of the sentence to clarify the intent.

14. Table 4.2:

- a. If sediment samples are to be analyzed for volatile organic compounds, please state that sediment samples containing water should not be preserved with methanol.
- b. Please replace with method “8206B” with “8260B”?

15. Section 4.4.2: If Merit Lab is to perform analyses for semi-volatile organic compounds, they must receive certification prior to extracting/testing semi-volatile organic compound groundwater samples.

16. Section 4.5.3: Please provide a list of anticipated analyses that will be performed during the soil assessment portion of this response, as was provided for other media referenced in the SAP. As a minimum, samples shall be analyzed for total petroleum hydrocarbons (TPH), gasoline-range TPH (GRO), diesel-range TPH (DRO) and oil-range TPH (ORO) to the list of analytes for all soil samples.

17. Section 4.6: Please add analyses of soils in the storage area to the waste characterization sampling plan as a preventative measure so that the contaminants in the soil are known in the event that leakage of the contaminants from the stockpile occurs. Soils shall be analyzed for the same parameters as the other waste streams identified.

18. Section 5.0, Third Paragraph: Please complete the appendix reference as it is incomplete.

19. Section 6.0: As referenced in the U.S. EPA comment letter regarding the SAP to Enbridge on August 12, 2010, the standard level of data packages for the work described by the SAP is Level III (not Level II), with 10% of the samples including Level IV data packages. Please revise Section 6.0 accordingly.
20. Section 7.0: Soil and groundwater are not included in this section. Please revise to include soil and groundwater samples.
21. Section 7.6: As stated above, Level III data packages will be required for full data validation for 90% of the samples analyzed, and Level IV data packages will be required for full data validation of the remaining 10% of the samples analyzed. The referenced “levels” refer to the data packages required, not the validation effort required during review of the data packages.
22. Tables T-1 through T-3: metals in the referenced Target Analyte List are not specified. Please specify all of the metals that are to be analyzed.
23. SOP 4, Section 5.3: Please clarify that sediments from the top 2 inches of that recovered by the sampling device will be used for submittal to the laboratory for analyses.
24. SOP 8 - Soil Sampling, Soil Classification and Logging: If soil VOC testing is planned, then Methanol (MeOH) preservation should be identified. If low-level soil VOC testing may be used, then the preservatives must be identified. All soil testing results shall be reported on a dry weight basis.
25. Public health considerations in the SAP are inadequate. Please provide additional sampling criteria and methods that will be employed during the visible oil/sheen removal response actions. The actions should provide clearly defined action levels that will be used.
26. Please change all references from the Unified Command (UC) and/or Incident Commander (IC) in the SAP to reference the FOSC.

QAPP-Specific Comments

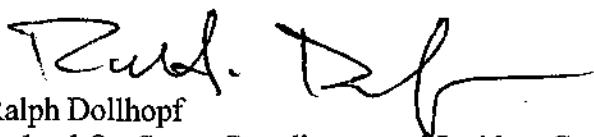
1. Please correct the definition of NREPA in the List of Acronyms/Definitions, and add the definition of “PM”.
2. Section 1.3.2: Please modify the first sentence to include “The impacted area encompasses upland, wetland, floodplain, creek...”.
3. Section 1.2.8: Please identify the specific third-party data validation entity.
4. Please provide detail regarding what each of the identified laboratories will be analyzing for (e.g., media and analytical method) and provide confirmation that they are certified for those analyses.

5. Section 3.6.1: Please revise this section to state that the EUL will modify corrective actions only after consultation with and concurrence by the FOSC.
6. Tables 1-2 through 1-11:
 - a. Tables 1-2 and 1-3 identify Method 5035 for soil sample preparation. This should state that soil samples for VOC analysis of highly contaminated samples should use methanol preservation as specified in Method 5035.
 - b. VOC and SVOC accuracy and precision aqueous data is insufficient, given that surface water and groundwater may be impacted. This information should be added to the plan.
 - c. Precision acceptance of 30 and 50 Relative Percent Difference (RPD) for every VOC/SVOC soil/sediment compound is unacceptable. Please propose appropriate revised RPDs.
 - d. Precision, Accuracy or Reporting Limit data is not provided for an oil matrix. Because the spill was an oil matrix, this information shall be included.
7. Tables 1-16, 1-21, 1-22: Many compounds in these tables have footnotes referencing the Kansas Department of Health and Environment (KDHE). Please provide an explanation as to why KDHE is referenced; or provide a correct reference.
8. Please change all references from the Unified Command (UC) and/or Incident Commander (IC) in the QAPP to reference the FOSC.

The nature of this emergency response effort demands an expedited and efficient review and approval process. U.S. EPA is providing competent and technical resources to ensure that a final comprehensive and functional SAP and QAPP for this project can be in place no later than 1700 hours Eastern, August 15, 2010.

U.S. EPA appreciates Enbridge's continued desire to conduct response efforts to the release from its 6B Pipeline, but requires that these efforts be conducted safely, promptly, and with appropriate resources and best technical practices. U.S. EPA will not accept further submissions of deficient plans.

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. FOSC, FOSC
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