



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREYER  
DIRECTOR

June 22, 2018

VIA E-MAIL

Mr. Bryan Newland, President  
Bay Mills Indian Community  
12140 West Lakeshore Drive  
Brimley, Michigan 49715

Dear Mr. Newland:

Thank you for your letter of May 1, 2018, regarding Bay Mills Indian Community's questions and concerns with respect to the safe operation of Enbridge's Line 5 pipeline. The State of Michigan is committed to the protection of the Great Lakes and ensuring appropriate safeguards for natural resources are in place along the entire length of Line 5 in Michigan. The State will continue to support and encourage Bay Mills Indian Community's efforts to address pipeline safety issues.

Following are the responses to the questions in your letter:

1. ***Does Enbridge shut down (vacate and depressurize) the Line 5 Pipeline beneath the Straits of Mackinac during maintenance activities?***

Enbridge's decision on whether to shut down the Line 5 pipelines beneath the Straits of Mackinac (Straits) when conducting maintenance activities depends on the type of maintenance being performed. Inquiries about specific operations and maintenance procedures are best directed to Enbridge.

2. ***How did the State determine the 8-foot wave height threshold for "adverse weather conditions" in its November 27, 2017 agreement with Enbridge, Inc.?***

As with other stipulations contained in the November 27, 2017, agreement with Enbridge, the requirement to shut down the Line 5 pipelines beneath the Straits during "adverse weather conditions" was put in place to further reduce risks posed by the pipelines. In negotiating the agreement, Enbridge had originally proposed a wave height threshold that was substantially higher than the eight-foot wave height that was mutually agreed to by the State and Enbridge. Given that no requirement previously existed to shut down the pipeline during adverse weather conditions, this stipulation represents a significant step forward in reducing risk in the event of a release in the Straits.

3. ***Was the United States Coast Guard consulted when negotiating the State's agreement with Enbridge?***

State staff did informally consult with representatives of the United States Coast Guard (USCG) during agreement negotiations. In general, the USCG does not provide assurances related to response adequacy, as the effectiveness of spill response depends on a multitude of factors beyond wave height. However, given that the effectiveness of spill response equipment tends to decrease with wave height, during negotiations, the State sought the smallest wave height that could be accepted by both parties and that would substantively mitigate risk.

4. ***Do the State and other responding agencies have the capacity to respond to a spill today?***

The State works closely with the USCG to prepare for spills and ensure industry's awareness of its own responsibilities when it comes to oil spill prevention and response. Pipeline companies contract with commercial oil spill removal organizations that will respond according to established time frames and bring the required response resources. It is difficult to assess the full scope of an incident as every incident is unique. As in any disaster, no one entity has the capacity to respond to an incident without coordination and support from other agencies. This coordination is completed through mutual aid agreements between local municipalities, private industry, and through the State Emergency Operations Center.

5. ***Given recent events with American Transmission Company's spill in the Straits, is the State confident that it (or any responding agency) can sufficiently protect our resources in the Straits by responding to a spill during ice cover?***

Ice cover can make cleanup more difficult, but there are cold weather response techniques. This scenario is one of the most complex and difficult to plan and exercise for, and the USCG has been leading the planning and training efforts in Michigan for this exact scenario. In 2015 a full-scale exercise was conducted in the Straits for oil recovery on ice. Additional follow-up sessions have been held to further expand local, State, and federal knowledge of the issue. The *Federal On-scene Coordinator (FOSC) Guide for Oil in Ice* by the USCG's Research & Development Center was developed in large part through exercises and work conducted in the Straits (copy enclosed).

6. ***Has there been any action on the requests from Bay Mills Indian Community to Director Grether from the letter to DEQ dated December 14, 2017 to obtain detailed records on the condition of inland portions of Line 5 within Michigan?***

The State sent a letter to Enbridge dated January 11, 2018, requesting a significant amount of information pertaining to the condition of Line 5 in Michigan, including inland portions of the line. Pursuant to this request, State technical staff and subject matter experts engaged in multiple in-person workshops with technical staff from Enbridge to review pipeline condition

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information, integrity management plans, and other company data and policies regarding portions of Line 5 within Michigan. As we are sure you are aware, the November 27, 2017, agreement also stipulates Enbridge must participate in semi-annual reviews with the State to assess the operating plans for Line 5 located within Michigan.

If you have further questions or concerns, please contact Ms. Katherine Kruse, Environmental Justice and Tribal Liaison, Michigan Department of Environmental Quality (MDEQ), at 517-249-0906 or [krusek2@michigan.gov](mailto:krusek2@michigan.gov); or Mr. Trevor VanDyke, Tribal Liaison, Michigan Department of Natural Resources (MDNR), at 517-284-5808 or [vandyket1@michigan.gov](mailto:vandyket1@michigan.gov).

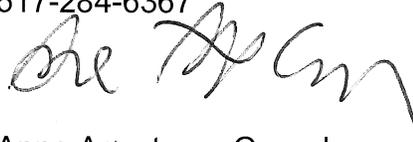
Sincerely,



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Director  
Michigan Department of Environmental Quality  
517-284-6700



Keith Creagh  
Director  
Michigan Department of Natural Resources  
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Anne Armstrong Cusack  
Executive Director  
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Enclosure

cc/enc: Ms. Katie Otanez, United States Army Corps of Engineers  
Mr. Trevor VanDyke, Tribal Liaison, MDNR  
Mr. Mark Sweatman, MDNR  
Ms. Carol Simon, Tribal Liaison, Michigan Agency for Energy (MAE)  
Mr. Alexander Morese, MAE  
Mr. Aaron B. Keatley, Chief Deputy Director, MDEQ  
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