



U.S. House of Representatives
Committee on Transportation and Infrastructure

Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

September 14, 2010

SUMMARY OF SUBJECT MATTER

TO: Republican Members of the Committee on Transportation and Infrastructure
FROM: Committee on Transportation and Infrastructure Republican Staff
SUBJECT: Hearing on “Enbridge Pipeline Oil Spill in Marshall, Michigan”

PURPOSE OF HEARING

The Committee on Transportation and Infrastructure is scheduled to meet on Wednesday, September 15, 2010, at 10:00 a.m., in room 2167 of the Rayburn House Office Building to receive testimony on the recent Enbridge pipeline failure in Marshall, Michigan

Although the hearing is focused on the Enbridge rupture in Michigan, Members are advised that the National Transportation Safety Board (NTSB) and Pipeline and Hazardous Materials Safety Administration (PHMSA) within the U.S. Department of Transportation (DOT) will be able to answer questions at the hearing related to the September 9th Enbridge release of crude oil on Line 6A in Romeoville, Illinois, and the Pacific Gas & Electric natural gas explosion in San Bruno, California, as well as Federal oversight of gas and hazardous liquid pipeline safety.

BACKGROUND

On July 26, 2010, Enbridge reported to the National Response Center (NRC) that a 30-inch diameter pipeline, known as Line 6B, was transporting crude oil when it ruptured in a rural area about one mile south of Marshall, Michigan, releasing nearly 20,000 barrels of crude oil.¹ The oil flowed into a culvert, which led to the Talmadge Creek, and then flowed from the Creek about 30 to 35 miles down the Kalamazoo River.

¹ The NRC is part of the federally established National Response System and is the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. The NRC is under the command of the U.S. Coast Guard.

Line 6B transports up to 190,000 barrels of crude oil per day from Griffith, Indiana, to Sarnia, Ontario. It is part of Enbridge's 1,900-mile Lakehead System, which spans from the international border near Neche, North Dakota, to the international border near Marysville, Michigan, with an extension across the Niagara River into the Buffalo, New York area. Line 6A which ruptured in Romeoville, Illinois, on September 9 is also part of the Lakehead System.

PRELIMINARY TIMELINE²

According to the NTSB, at 5:58 p.m. eastern daylight time on July 25, 2010, Enbridge experienced an abrupt pressure drop at the Marshall Pump Station. At this time on July 25 the pipeline was in a scheduled 10 hour shutdown. The abrupt pressure drop triggered low pressure alarms in Enbridge's control room, which is located in Edmonton, Alberta. At 6:07 p.m., instrumentation in the pipeline control room indicated that pressure had been restored to the pipeline.

At 9:25 p.m., the first 9-1-1 call was received at the Calhoun County Dispatch Center in Marshall City. The caller reported a "bad" odor, possibly natural gas. [Note: Michigan Gas Utilities has a facility in Marshall.] The Marshall City Fire Department responded.

At 4:04 a.m. on Monday, July 26, Enbridge restarted operation of the pipelines. Eight minutes later, at 4:12 a.m., the pipeline control room received a new alarm indicating a problem with the pipeline.

For the next several hours, the control center continued to try and troubleshoot Line 6B including stopping and restarting the pipeline.

At 9:49 a.m., the control center called an Enbridge technician in Marshall to visit the pump station and look for leaks in the general vicinity. No leaks were discovered.

At 11:18 a.m., the Enbridge control center received an outside call from Consumers Energy, a local gas utility, reporting oil in Talmadge Creek. The utility was onsite responding to as many as 48 customer complaints of natural gas odors.

Enbridge personnel confirmed the leak at 11:41 a.m., at which time booms were being deployed on the river.

At 1:29 p.m., Enbridge reported the spill to the NRC. Under existing regulations, pipeline operators are required to report incidents at the earliest practicable moment following discovery of a release of hazardous liquid but not later than 2 hours after the discovery of the release. Enbridge took approximately 1 hour and 48 minutes to report the incident after it was confirmed.

² The information supplied in this timeline was provided by the NTSB in its docket regarding the Marshall rupture.

EMERGENCY RESPONSE

Unified Command Structure

Once Enbridge reported the spill to the NRC, the NRC notified the appropriate Federal agencies. Within hours, the NTSB, DOT's PHMSA, the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service, the State of Michigan, and several State and local officials were on scene. EPA immediately assumed the role of Federal On-Scene Coordinator and established a Unified Command structure to coordinate Federal, State, and local agencies' response to the spill.

National Transportation Safety Board

The NTSB also launched four investigators within hours of being notified of the spill. The NTSB is leading the safety investigation of the pipeline rupture.

Two sections of the pipe, 23 feet, 4-inches and another 26 feet, 10 inches have arrived at the NTSB for further examination. The photographs below show the length of the fracture which extends about 6.5 feet longitudinally with the widest portion of the opening measuring 4.5 inches. According to the NTSB, the fracture was located about 25 feet from the upstream joint in a 40 foot section of 30-inch pipe.



Pipeline and Hazardous Materials Safety Administration (PHMSA)

DOT's PHMSA is responsible for overseeing the safety of the Nation's pipeline system, including prescribing design specifications and construction procedures to operation and maintenance of pipelines and onshore spill response planning. PHMSA is working with the NTSB on the safety investigation and has enforcement authority over Enbridge.

ENBRIDGE'S LINE 6B

According to PHMSA, Enbridge and its affiliates are responsible for 163 pipeline incidents since 2002, 83 of which occurred on the Lakehead System. These incidents range from improperly maintained rights of way to major pipeline leaks.

Pursuant to Federal regulations, since Line 6B was constructed in 1969, the line has been evaluated for corrosion seven times. The most recent inspection of this line occurred in June 2009. During that inspection, approximately 250 anomalies were identified that required additional inspection and remediation within 180 days.

Under Federal regulations, a pipeline operator has the option to reduce pressure on the line for one year while they determine what action must be taken to address the anomalies discovered during the initial inspection. Enbridge decided to reduce pressure on the line and has made several repairs to address some of the 250 anomalies discovered. However, more than half of the anomalies have not been addressed, and on July 15, 2010, Enbridge requested permission to operate at reduced pressure for another 2.5 years to give them more time to make repairs to the pipeline. This request is still pending.

RELEASES OF LIABILITY AND MEDICAL INFORMATION

On September 1, 2010, Chairman James L. Oberstar and Congressman Mark H. Schauer sent letters to the U.S. Department of Justice and U.S. Department of Health and Human Services requesting inquiries into Enbridge's practices relating to liability releases and medical information forms. Chairman James L. Oberstar and Congressman Mark H. Schauer also wrote to Enbridge regarding the allegation, and asked Enbridge to voluntarily rescind any and all releases of full and final settlement and any and all authorizations for releases of medical records that have been signed pursuant to the oil spill in Marshall, Michigan. They requested an immediate halt of Enbridge's practice of asking residents to sign the forms and asked for copies of all signed forms and related materials.

EXPECTED WITNESSES

Ms. Michelle Barlondsmith
Resident, Battle Creek, Michigan

Mr. Andy Buchsbaum
Executive Director of Great Lakes Regional Center
National Wildlife Federation

Mrs. Susan Connelly
Resident, Marshall, Michigan

Mr. Patrick Daniel
President and Chief Executive Officer
Enbridge, Inc.

The Honorable Deborah Hersman
Chairman
National Transportation Safety Board

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency

Mr. James Lee
Resident, Marshall, Michigan

Mr. Scott Masten
Senior Scientist, National Toxicology Program
National Institute of Environmental Health Sciences
National Institutes of Health

Mrs. Debra Miller
Resident, Ceresco, Michigan

The Honorable John D. Porcari
Deputy Secretary
U.S. Department of Transportation

Ms. Kelli D. Scott
Administrator/Controller
Calhoun County, Michigan

Mrs. Darla Thorpe and Mrs. Denise Green
Residents, Ceresco, Michigan