ENVIRONMENTAL MANAGEMENT POLICY COMMITTEE
NIRPC Auditorium, Portage, IN
September 6, 2012
MINUTES

Members/Guests Present

Kevin Breitzke, Kay Nelson, Lauri Keagle, Amber Winter, Michelle Caldwell, Ashley Snyder, Dorreen Carey, Chandra Viswanathan, Charlotte Read, Colin Highlands, Mark Reshkin, Jennifer Gadzala, Nicole Barker, Renetta DuBose, Deb Backhus, Mardanna Soto, Gordon Wilder, George Smolka, Adolph Lesczynski, Bob Daum, Charles Morris, Allan Beshore, Tim Kingsland, Jerry Herzog, Andrew Blackburn, Richard Paszton, Jim Sweeney, Nathan Pavlovic, William Leszezynski, Rich Herr, Diego Magalhaed, Teresa Massa, Larry Boos, Samantha Roper, Elizabeth McCloskey, Stephanie Tyrka, Kay Rosen, Karen Tallian, DeAnna Poon, Jeff Hamilton, Nick Minich, Sherryl Doerr, Patricia Carlisle, Leslie Dorworth, Erin Argyilan, Debbie Scurlock, Marge Hefner, Richard Morrisroe, Mitchell Bishop, Linda Roper, Amber Winter, Linda Wilson, Jason Lewis, Bill LaFever, Jorge Ortiz, Chuck Weindorf, Maggie Byrne, Jim Bartos, Nick Dernik, Pennie Lombard, George VanTil, Dan Gossman, Matt Buffington, Robert Boklund, Paul Leffler, Jennifer Smith, Tom Hodge, Kevin O'Connor, Rachel Shetka

NIRPC Staff

Kathy Luther, Joe Exl, Bill Brown, Steve Strains, Meredith Stilwell

Call to order and Pledge of Allegiance

Co-Chair Kevin Breitze called the meeting to order with the Pledge of Allegiance.

♦Approval of August 2, 2012 EMPC Minutes

On motion by Kay Nelson and second by Nicole Barker the August 2, 2012 EMPC minutes were approved.

Presentations

♦ **Enbridge Line 6B Replacement Projects** – Jennifer Smith, *Enbridge*

Jennifer presented a brief informational piece on Enbridge that included facts such as they operate the world's longest liquids pipeline, have an interest in over 50,000 miles of pipelines, deliver 2.5 million barrels per day of crude and liquid petroleum, employs more than 6,900 people with about 60 employees based in Indiana and is recognized as one of the Global 100 Most Sustainable Corporations in the World. Enbridge has also voluntarily committed to the Tree for a Tree and Kilowatt for a Kilowatt programs.

Enbridge brings in about 13% of the US energy supply with over 60% of the supply to mid-western refineries. Line 6B was constructed in 1968 and put into service in 1969 and spans 300 miles from Griffith, IN to Sarnia, Ontario. The replacement of Line 6B is a two phase project. Phase 1 will replace two 5-mile segments in Indiana, three 5-mile segments in Michigan, 50-miles east of Stockbridge and is intended to assure continued use and reliability of the Line. Phase 2 replaces an additional 50 miles in Indiana, adds 160 miles of replacement in Michigan, restores the original capacity of Line 6B, reduces the level of anticipated future maintenance activities and meets shippers' transportation requirements. The original pipe in Indiana is a 30 inch pipe and will be replaced with a 36 inch pipe. When the replacements are finished the existing pipeline will remain in place but be purged, filled with nitrogen and capped off and will remain on the Enbridge maintenance logs. The wall thickness of the pipe will increase from .25 inch to .50 inch and around wetlands and water body crossings will be increased to .625 inch. Other safety initiatives being built into Line 6B include x-ray testing on 100% of welds, 24/7 pump station monitoring, cathodic protection to inhibit external corrosion, as well as continuation of higher frequency of in-line inspections on the entire line. A supplemental public awareness program has been implemented, enhanced emergency responder outreach and over $50m is being invested in online and in person emergency responder training.

Over 50 different grades of North American crude are being transported and all products meet strict quality specifications before entering the pipeline system. Studies have shown crude from the Oil Sands Region of Alberta, Canada has the same low level of corrosivity and runs at the same temperatures as "conventional" heavy crude. Jennifer stated that more than 2 million barrels of liquid petroleum are transported across North American by Enbridge pipelines every day and when moving large volumes of petroleum long distances has been shown that pipelines are the most efficient, safest and environmentally responsible energy transportation system. It would take nearly 13,000 tanker trucks to transport the same amount. In the last 10 years, Enbridge has transported over 12 billion barrels at a

better than 99.9 safety delivery record. In 2011 over $400m in upgrades and improvements to safety programs and in 2012 over $800m will be spent as they continually strive for zero incidents.

There is significant regulatory oversight from Federal, State and Local agencies. The Federal Energy Regulatory Commission (FERC) oversees rates and terms of service Enbridge operates under while the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) oversees design, construction, maintenance and integrity and also looks at the emergency preparedness of pipeline system operations. Some of the Federal environmental agencies worked with are the U.S. Army Corps of engineers and U.S. Fish and Wildlife and State agencies include Utility Regulatory Commission, Department of Natural Resource (DNR) and the Department of Environmental Management (IDEM). Jennifer noted that permits for the project are very detailed plans and months and years of planning have gone into the projects.

Public outreach efforts have included project introduction letters and update mailings to landowners, contact for survey, easement, and temporary construction work space by land agents, an open house in LaPorte on June 26, 2012 and Focus Group meetings in Portage on August 27, 2012. Outreach with federal, state and local public officials has included initial project letters and update mailings, ongoing in-person meetings and phone calls with public officials and project web sites and information materials. In addition to the outreach for this project, Enbridge has ongoing annual public awareness activities which include annual mailings to people who live, work and congregate along pipeline systems. They also hold in-person and group meetings. A National Pipeline Mapping System which reflects high level mapping of pipelines throughout the United States is located at www.npms.phmsa.dot.gov.

Q and A: *NOTE- *Enbridge responses are italicized.*

- The spills in Michigan two years ago and in Wisconsin this July were discussed. Concerns were raised that the Michigan spill took over a year to clean up and if that happened here and went into Lake Michigan it could result in great ecological consequence. A recommendation was made to adopt similar safety standards that Canada has implemented. Additional subjects addressed included hiring independent environmental monitors to inspect the pipeline every day and the possibility of floating a bond for each county involved as a source of money to allow for repair if an issue did arise. *Enbridge acknowledged the incident in Michigan was horrible and have apologized and tried to make things right and have learned a lot from the spill. They have worked closely with NTSB during their investigation and have conducted their own investigation as well. Many changes have been made organizationally as well as procedurally. A new control center in Edmonton has been established with leak detection systems and the staff in that area has been doubled. Jennifer noted standards in the United States are actually higher than in Canadian regions and they are actually bringing theirs up to what is already included in the Line 6B standards and other Enbridge projects. Kevin O'Connor from Enbridge representative added the pipeline can operate at 100% capacity and Line 6B pipe will operate at 72% of the yield strength of the steel and although the standards are not the same, are comparable safety levels. Decisions regarding independent environmental monitors would be left up to the agencies.*
- A land owner voiced concerns over expert reports stating there have been 805 spills within the last 13 years releasing approximately 7 million gallons of product. He also referenced a 50,000 gallon spill from a 14 year old line and questioned how can Enbridge achieve their goal of zero incidents: *Enbridge representatives indicated the incident level for which a report must be filed is 5 gallons or more and many of those have been at pump stations and facilities during maintenance activities with the released oil being captured in containment vessels. It was noted that PHMSA has reported the number of spills across the industry has decreased 75% in the last decade. Since the release of some of those reports, significant changes have been made in organizational structure and procedures, leak detection, number of staff, and there has been a larger focus on safety culture. The pipeline from the 50,000 gallon spill is still being analyzed to determine the cause. Allan Beshore from US DOT/PHMSA informed the group the consent agreement with Enbridge is on their website and one of the items addressed is a study of their corporate safety culture. Allan indicated they met with Enbridge frequently to work on the plan and will be following and monitoring their progress.*
- Another concern raised was that sections of Line 6B run through areas where streams are within 30 miles of Lake Michigan and with the economy of this region dependent upon the status of Lake Michigan, what detailed, written plan does Enbridge have to deal with potential spills within the short distance to Lake Michigan: *Jennifer stated that although she did not have a written emergency response plan available, Enbridge has been beefing up not only their equipment but also regional and emergency responder training. Meetings have been held with Homeland Security in Northwest Indiana to determine who has what capabilities. Employees in the region are near the pipeline throughout the entire 60 miles and there is 24/7 monitoring and on-call staff. In addition a list of integrity measures are located on the Enbridge website.* Lake County Surveyor George VanTil commented that they have dealt with a number of

pipelines and the "locals are a bother attitude" from Enbridge in the past has changed since the Michigan incident. He relayed that five pipelines were recently completed working with the Town of Merrillville, safety issues around the ditches and creeks were reviewed and Enbridge incorporated their requirements that notification should be made to the locals if an incident were to occur. *Enbridge is trying to have more local communication with not only the emergency responders, but the general public and officials as well.*

- A request for detailed maps was made: The complete applications for both phases of the project and very detailed maps are available on the IDEM website. www.in.gov/idem/6395.htm.
- A cost estimate for the overall project was requested: *Around $1.6 billion with about $300 million in Indiana.*
- Reflecting back to the spill in Michigan concerns were raised regarding the fact that tar sands have physical and chemical properties that are different than standard crude and allow for the compound to sink to the bottom of water. The commenter said the reason cost was so high for clean-up was due to the riverbed essentially having to be dredged and restructured. It was questioned if Enbridge has a reasonable clean-up plan that specifically addresses a tar sands spill in Northwest Indiana's rivers or Lake Michigan: *Jennifer stated the majority of the oil cleaned up in Michigan was from the surface and Kevin O'Connor relayed that there is a weighting scale that is used to rate oil from 0-70 with 0 being the heaviest and 70 being the lightest. What went into the Kalamazoo River was an 11 on the scale. Ratings from 0-10 sink in water, and although 11 does, the relatively small amount released that sank did so because of the turbulent nature of the river it became connected with other organic material in the river. He also stated reports that the river was completed redone and reshaped were not accurate.* After that discussion, it was again questioned if Enbridge has a plan for clean up if or when a spill comes in contact with other organic material and sinks to the bottom of Lake Michigan: *Kevin stated you can never rule out the possibility of a spill, but felt commenters' statements that a spill will inevitably end up at the bottom of Lake Michigan were an exaggeration and over-statement of what is likely to happen. The vast majority of oil transported through the lines reaches its destination as it should and there is an inherent interest on Enbridge's part to make sure that happens. He noted that what is being gathered today from the oil spill in Michigan are small flakes at best.* After being asked once again if there is a plan: *Jennifer indicated there is a response plan that has been worked on, local emergency responders have been worked with and Enbridge has beefed up internal equipment, training and communications with external responders. Kevin added that if it were to ever happen again, Enbridge is in a position to be able to clean up submerged oil.*
- It was questioned how many people and what agencies are on the ground monitoring the placement of the new pipeline and the closing of the old pipeline: *Specific numbers of people from agencies is not determined by Enbridge. Jennifer noted permitted agencies oversee what they are approving and will be involved in the process during construction and after. The permit process is an aggressive and robust process and comes with a wide number of conditions to which Enbridge must respond. Enbridge inspectors as well as various agency inspectors are there to make sure all permit conditions are adhered to.*
  - Assistant general counsel from the Utility Regulatory Commission, DeAnna Poon, relayed they have limited scope because it is an intrastate pipeline and the majority of the regulating is done by PHMSA. The IURC goal is to understand the project and be a liaison between the public and Enbridge and send out required information letters to affected landowners. They also have construction guidelines, but they are voluntary guidelines.
  - Allan Beshore from PHMSA stated there are specific standards for construction of the pipeline and they are reviewing welding procedures and looking specifically at physical construction. Once in operation, regulations require many items in regard to operation and maintenance of the pipeline. Inspectors will be on the project frequently and will be x-raying 100% of the welds. Spot checks will be done throughout the whole project.

- The possibly of placing a heavier or thicker pipe through the wetlands was mentioned and it was asked if there is containment such as a double pipe that would be used in wetland areas to catch spills: *The only place a casing is used is under interstate highways or railroads and is not intended to catch a release but is for structural protection.* It was asked how it is known when there is a release and if there is spill detection, how far apart the detection monitors are placed: *There is spill detection in place and the distance varies depending on pipe diameter, distance between pump stations, etc. In many cases there are isolation valves placed on either side of major wetlands and water body crossings. Also, in many cases at valve sites there are pressure monitors to indicate the integrity of the pipe. However, there are not isolation valves and monitors installed for every individual crossing for this area in the project. Within the 60 miles in Indiana there are either 10 or 12 valve sites.* It was suggested that to be more protected it might be beneficial to have those types of installations at all water crossings.
- How much of the work involves long-standing easements and how much new terrain: *Enbridge is asking for an additional 25 feet of easement to put in the new pipe. A lot of the footage is used to maintain safety distance from the existing pipe while work is being done since it will still be operational.* It was then questioned why the 25 feet is needed when there is only 8 feet between the lines now: *The additional space allows for the new line to be 25 feet*

from the existing line and leave a buffer for future maintenance and to eliminate encroachments and development right against the pipeline and to minimize third party damage. Since there will be room between the existing line and the new line the possibility of another line installation between the two was discussed: *At this point there are no plans for another installation in the easement and one of the reasons for the increase from a 30" pipe to a 36" pipe is so they do not have to come back in a year, two years, or three years. It was reiterated that the reason for the large easement is to be able to not work over the existing line which will still be in service and allows for the general construction practices to take place on ground where no pipeline exists. Ditch slope, dirt spoil from the excavation, top soil placement, pipe placement, work area and construction equipment were all discussed as factors.*

- NW IN is an area of some of the most extensive wetlands in the State. Will the pipeline run beneath the wetland: *In the wetlands the top organic layer of soil is segregated and after the pipeline is buried the subsoil is replaced first and the organic layer is then replaced.*
- A Professor from IUN stated the people asking questions about how far a spill will spread given the specific gravity of the crude, if there is an emergency response plan and what will happen to the riverbed are scientists who understand the implications of the project. They also understand it is in the ability of the engineers to create models to show for every minute that passes how far the material is moving and where is it going given the different flow parameters of the streams. The information is available, usable and can be plugged into models. She felt it is a minimum expectation of Enbridge is to be communicative, but it is also their job to explain the risks, to demonstrate them and illustrate them and help people understand what they will truly have to deal with.
- Public comment regarding money spent on the pipelines, climate change and repercussions on future generations was made.
- Questions were raised regarding the integrity and composition of the pipe: *The pipe composition was explained including that it is not internally coated, but externally coated. What is allowed in a pipeline by The Federal Regulatory Commission beyond petroleum itself, including water, is less than half of one percent.* Public comment was made regarding moisture containing organic acids going through the lines and the corrosion that will occur from that. The likelihood of a break was raised and the commenter felt that Enbridge was not taking that into account and the point of view should be that it is a possibility and the plans for Northwest Indiana should look at the streams in a way that where a spill can be stopped could be determined. *Jennifer relayed that is Enbridge's mentality to look at all the initiatives that have been put into place, both those to prevent a release and response measures if one does occur.*
- A LaPorte County Hazmat employee spoke on the amount and age of the pipelines that are currently running through LaPorte County. He stated that there was a pipeline break in LaPorte County recently and the oil companies do have emergency response plans. Representatives were in the area within an hour to help and work was done 24/7 to stop the leak. He commented further that the new pipe will be in the ground many years and the pipes that are there, some of which have been there since the 1940s, have the same products being run through them, and all the pipeline companies should be looked at and not just Enbridge. Many of the oil companies, including Enbridge, provide training to emergency responders including not only Hazmat team members but also local fire departments.
- Co-Chair Breitzke pointed out that he felt very strongly that the pipeline needs to be replaced across the three counties and noted that he has been in contact with the engineering firm that represents Enbridge through the years as they were doing their maintenance and it has become more frequent. Each time they inspect and do maintenance there is an intrusion into the environment and risks associated with that. He stated the new pipe with thicker walls is a great improvement.
- A member of the public commented that it took 17 hours from the time the Kalamazoo spill began for a response. *Kevin O'Connor stated there were absolutely mistakes made that were inexcusable, but feels they have learned from that incident and a lot of integrity measures have been put in place over a wide spectrum of areas to correct that problem so it never happens again.*
- Surveyor VanTil commented there are about a half-dozen crossings in Lake County and he will find out how many shutoff valves are planned and look into why they shouldn't have them at each stream that can affect Lake Michigan.
- It was noted the Conservation Alliance, a consortium of environmental groups meets once a year to choose five priorities to push for at the State House and more monitoring and requirements to provide information to local entities about leakages, etc. might be one of the priorities to push for and would be applicable to all hazardous liquid pipelines in the State. Addition comment was made in regard to the desire of those in attendance to have a written reported created that includes specific modeling and data instead of the generality of Enbridge's new measures put in place. She inquired further about independent monitors and what happens if they find something wrong. PHMSA Representative Allan Beshore stated there will mostly likely be one or two people out almost daily and there are design requirements and all those materials will be reviewed. Once the pipeline is in place there will

be frequent inspections. He noted since the spill in Michigan a lot of time has been spent with Enbridge working on issues and expects that to continue on this project. In addition, an outreach has been started with the National Energy Board in Canada and their inspectors have been invited to observe PHMSA's inspections. He also noted their rules and regulations are specific to the design, construction, operation and maintenance of the pipeline and do not involve looking at endangered species and wetlands. It was asked if there are currently any environmental inspectors from other agencies that will be supervising Phase 1 or Phase 2 of the project. An Army Corps of Engineers representative noted in regard to wetlands or waterway crossings that after permits are issued project sites are visited to ensure what was planned is being done according to the permit issued. However, there are only three inspectors in the Chicago area to visit sites. Marty Maupin, IDEM's contact for the Line 6B project, stated that in reality if they issue the permit they will not be out there the day Enbridge is digging, but after the project is over will look at if they impacted what they said they would and if they did what they said they would. It was commented further that more monitoring would be better as prevention rather than reaction and there needs to be funds in place for Northwest Indiana since the area is bearing the risk of the oil products moving through the region. Marty responded that proposed wetland impacts for the size of the project are very small relative to what is normally seen for Northwest Indiana.

- A Hobart property owner questioned the process of land acquisition and what are the rights of property owners and Enbridge in a land acquisition dispute. In response, Assistant General Counsel for IURC briefly spoke regarding information she was aware of, but noted it is handled through the court system and there are certain rights held by both property owners and Enbridge in regard to imminent domain. *Jennifer commented that Enbridge wants to work with each and every land owner and their goal is to be fair and consistent.*
  - To end the discussion it was voiced that it is up to the regulatory agencies through the permitting process to put the checks and balances in place that the public and the local scientists are asking for. The permitting agencies were thanked for their time and it was voiced that there are members of the public that are willing to help decide what must be in place.

Announcements:

Jammin for the Dunes

Organization: Save the Dunes
When: Saturday, September 8, 2012 / 4:00–10:00 p.m.
Where: Washington Park, Jaycee Stage
Contact Info: Nicole Barker nicole@savedunes.org (219)879-3937

International Coastal Clean-up Day

Organization: Alliance for the Great Lakes
When: Saturday, September 15, 2012 / 9:00 a.m.-12:00 p.m.
Where: Haven Hollow Park
300 West 700 North, Valparaiso, IN 46385
**Further information on additional sites can be found at www.greatlakes.org/adoptabeach
Contact Info: Amanda Pollard aperegrine@nirpc.org (219)763-6060 ext. 142

Save the Dunes 60th Anniversary Gala

Organization: Save the Dunes
When: Saturday, October 27, 2012 / 6:00 p.m.
Where: Sand Creek Country Club
1001 Sand Creek Dr., Chesterton, IN 46304
Contact Info: Nicole Barker nicole@savedunes.org (219)879-3937

Grant Information

Coastal Grant Pre-proposals

Pre-proposals Due: September 28, 2012
Contact Info: Maggie Byrne mbyrne@dnr.in.gov (219) 983-9912
Materials may be obtained at: www.in.gov/dnr/lakemich/6044.htm

The next EMPC meeting will be October 4, 2012.

Meeting adjourned.

Reasonable Accommodations
Requests for alternate format materials or interpreters may be made 48 hours in advance to Kathy Luther:
(219)763-6060, Ext. 127 or e-mail kluther@nirpc.org
Non-Discrimination
The Northwestern Indiana Regional Planning Commission (NIRPC) prohibits discrimination in all its programs and

activities on the basis of race, color, sex, religion, national origin, age, disability, marital status, familial status, parental status, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program.