

Straits Area Concerned Citizens for Peace, Justice and Environment

The Honorable Debbie Stabenow
United State Senator, Michigan
133 Hart Senate Office Building
Washington, D.C. 20510

May 4, 2016

The Honorable Gary Peters
United States Senator, Michigan
Suite 724, Hart Senate Office Building
Washington, D.C. 20510

Re: Request Assistance to Require PHMSA to Decertify the Enbridge Integrated Contingency Plan for the Superior Region (#866) Response Zone

Dear Senator Stabenow and Senator Peters:

As you know, Line 5 owned and operated by Enbridge Energy Partnership LP carries crude oil and natural gas liquids from Superior Wisconsin, across the Upper Peninsula under the Straits of Mackinac and across the Lower Peninsula of Michigan to Sarnia, Ontario. The U.S. government has a duty and the requisite authority to protect the public trust of the waters and bottomlands of the Straits of Mackinac and the rest of the Great Lakes from a catastrophic release of oil from this line. This responsibility includes prevention of impairments of our nation's freshwater resources and public uses such as navigation, commerce, drinking water, fishing, boating and recreation.

In accordance with regulations in 49 CFR 195 (Transportation of Hazardous Liquids by Pipeline) and in 49 CFR 194 (Response Plans for Onshore Pipelines), Enbridge must prove that they have a contingency plan that identifies adequate resources to contain and clean up a worst case spill from their facilities. The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) approved the subject contingency plan on July 11, 2013, valid for the next five years.

As a grass-root organization with members residing in the bulls-eye of a prospective spill, we have identified important violations of these regulations which are detailed in the attachment to this letter. A careful review of published information leads us to conclude that **Enbridge cannot contain a worst case oil spill from high consequence segments of Line 5 and cannot remediate the ecological damages caused by such an event.**

These violations show on their face that PHMSA should never have approved the Enbridge Contingency Plan for Line 5 in 2013. **PHMSA as the federal regulator for this pipeline must withdraw its 2013 approval of Enbridge's contingency plan** as the pipeline operator failed to provide accurate and adequate details as documented in the attachment to this letter. In addition, decertification of the subject contingency plan must prohibit Enbridge from handling, storing or transporting crude oil through the pipeline until they can adequately prove that the cited violations of federal regulations are corrected in accordance with 33 U.S.C. 1321 (j)(5)(F)(i); 49 C.F.R. 194.7(a).

We request your assistance in preventing a catastrophic contamination of the Straits of Mackinac and the rest of the Great Lakes before an oil rupture occurs from Line 5. I can be reached below. Thank you in advance.

Joanne Cromley, No Spill Coordinator
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Afton, MI 49705-9728

Copy furnished: Leah McCallum, Sen. Peters Field Office, Traverse City, Michigan
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