

United States Senate
WASHINGTON, DC 20510

November 7, 2017

Administrator Howard Elliott
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Elliott,

We write to express our deep concerns regarding the recent disclosure of damage and gaps in the protective coatings on segments of Pipeline #5 (“Line 5”), owned and operated by Enbridge Pipeline Inc., located at the Straits of Mackinac (“the Straits”) between Lake Michigan and Lake Huron. This newly-public information raises additional concerns about the operation of a pipeline in a high consequence¹ and unusually sensitive area². We request that the Pipeline and Hazardous Material Safety Administration examine these recent events for any pipeline safety or reporting violations.

In 2014, support anchors were installed along the underwater segment of Line 5 at the Straits to ensure that no unsupported span would exceed 75 feet, the limit granted as part of the 1953 easement that permitted construction of Line 5. During this maintenance in 2014, damage occurred to the coatings that protect the pipeline from corrosion with the full knowledge of Enbridge engineering staff, according to a media statement³ released by Enbridge on October 27, 2017. Despite Enbridge knowing about the damage in 2014 and conducting a full suite of inspections throughout the summer of 2016, we are just learning now – in 2017 – of damage to the protective coatings.

The underwater visual inspection of Line 5 occurred in June of 2016 with an autonomous underwater vehicle and remote operated vehicle, as required by Enbridge’s consent decree with the Environmental Protection Agency⁴. This supposedly thorough and detailed⁵ inspection apparently missed damaged areas as large as 13 feet by 1 foot 7 inches that are only now being reported over a year later.

Alternatively, Enbridge did not disclose the damaged areas. Inaccurate reporting or lack of notification does not follow the intent of pipeline integrity management programs. “Deficient and ineffective” integrity management programs have previously contributed to devastating events like the San Bruno pipeline explosion⁶ in September of 2010, which killed 8 people, destroyed 38 homes, damaged 70 additional homes, and injured many others⁷.

¹ 49 Code for Federal Regulation 195.450 Definitions. *High Consequence Area*

² Public Law No: 114-183 *Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016*, Section 19 *Unusually Sensitive Areas*

³ <http://www.america.easynbranches.com/michigan/Enbridge-says-it-knew-about-pipeline-damage-3-years-ago-260647>

⁴ VII Injunctive Measures, E. Measures to Prevent Spills in the Straits of Mackinac, Paragraph 68(f);
https://www.epa.gov/sites/production/files/2017-06/documents/enbridgeentered-cd_0.pdf

⁵ <https://www.enbridge.com/stories/line-5-underwater-inspections-michigan-straits-of-mackinac>

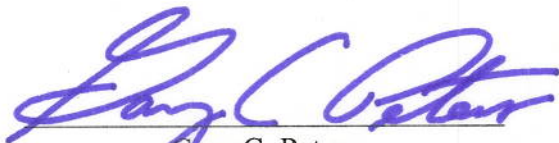
⁶ <https://www.aga.org/sites/default/files/legacy-assets/our-issues/safety/pipeline-safety/Technicalreports/Documents/Final%20Report%20of%20NTSB%20San%20Bruno%20Accident%20Investigation.pdf>

⁷ <https://www.nts.gov/investigations/AccidentReports/Pages/PAR1101.aspx>

The lack of disclosure by Enbridge in 2014, along with either inaccurate inspection reporting or the lack of detection during the 2016 inspections, are issues that must be addressed. Title 49 of the Code of Federal Section 195.452⁸ requires establishing pipeline integrity management plans in high consequence areas. Subsection h establishes the requirement for operators to “take prompt action to address all anomalous conditions” and provide notification to the Administrator of anomalous conditions. Appendix C to Part 195⁹ further clarifies conditions that may impair a pipeline’s integrity, including “any change since the previous assessment” and “mechanical damage that is located on the top side of the pipeline.” Disturbed coating areas measuring over 20 square feet in area and holidays in the coatings exposing bare metal measuring greater than 1 square foot in area are highly anomalous. Changes in the condition of the pipeline since prior assessments, resulting from mechanical damage, are a threat to the safety and integrity of Line 5.

Specifically, we request that PHMSA investigate Enbridge’s reporting actions and the condition of Line 5 at the Straits to determine the integrity of the pipeline in light of recent reporting on the damage to the protective coatings on the pipeline. Michiganders need assurance about the integrity and safety of operating Line 5 in a high consequence, unusually sensitive area and that any problems will be addressed quickly and transparently. We ask PHMSA to determine whether Enbridge committed any violations with respect to the pipeline integrity management program, their reporting requirements to PHMSA, and safety requirements to maintain the integrity of Line 5.

Sincerely,



Gary C. Peters
United States Senator



Debbie Stabenow
United States Senator

⁸ <https://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol3/pdf/CFR-2011-title49-vol3-sec195-452.pdf>

⁹ <https://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol3/pdf/CFR-2011-title49-vol3-part195-appC.pdf>