

MINUTES

MICHIGAN PIPELINE SAFETY ADVISORY BOARD

Michigan Agency for Energy
Lake Michigan Hearing Room, 1st Floor
7109 West Saginaw Highway
Lansing, Michigan 48917

October 28, 2015
1:30 – 3:30 p.m.

Present: Valerie Brader, Co-Chair, Michigan Agency for Energy
Dan Wyant, Co-Chair, Department of Environmental Quality
Keith Creagh, Department of Natural Resources
Craig Hupp, Bodman, PLC
Carol Isaacs (*Designee for Attorney General Bill Schuette*), Department of Attorney General
Capt. Chris Kelenske (*Designee for Col. Kriste Kibbey Etue*), Michigan State Police
Jennifer McKay, Tip of the Mitt
Guy Meadows, Michigan Technological University
Craig Pierson, Marathon Petroleum
Jeffrey Pillon, National Association of State Energy Officials
John Quackenbush, Michigan Public Service Commission
Brad Shamla, Enbridge Energy Co.
Chris Shepler, Shepler's Mackinac Island Ferry Service
Michael Shriberg, National Wildlife Federation

Absent: Jerome Popiel, Coast Guard

Others: Matt Goddard, DEQ
Heidi Grether, MAE
Peter Manning, AG
Maggie Pallone, DEQ
Robert Reichel, AG
Holly Simons, DEQ

I. CALL TO ORDER

Valerie Brader, Executive Director, Michigan Agency for Energy (MAE), called the meeting to order at 1:32 p.m.

II. BACKGROUND AND INTRODUCTIONS

Co-Chair Brader introduced herself, welcomed everyone, and provided a brief background of how the Board was created from a recommendation included in the Michigan Petroleum Pipeline Task Force Report and that the Board will act in an advisory capacity to the Governor.

Co-Chair Wyant, Director, Department of Environmental Quality (DEQ), introduced himself and recognized members of the Task Force who were present and thanked them for their service.

Carol Issacs, Chief Deputy, Department of Attorney General (AG), provided a brief background on the work of the Task Force.

Valerie Brader moved, seconded by Dan Wyant, that the Michigan Pipeline Safety Advisory Board elect Holly Simons as Secretary for the Board. The vote was taken on the motion. The motion carried unanimously.

Board members introduced themselves.

III. CHARGE OF ADVISORY

Co-Chair Brader reviewed the Board's charge in the Executive Order that created it. She highlighted that the Board shall act in an advisory capacity and accomplish the tasks outlined in the Executive Order, including:

1. Review and make recommendations for statutory, regulatory, and contractual implementation of the Michigan Petroleum Pipeline Task Force Report.
2. Identify areas of best practice in pipeline safety and siting across the United States that could be implemented in Michigan.
3. Review and make recommendations on state policies and procedures regarding emergency response and planning for pipelines.
4. Review and make recommendations on state policies and procedures regarding pipeline siting.
5. Review information submitted to the state in response to the Michigan Petroleum Pipeline Task Force Report.
6. Provide recommendations to increase transparency and public engagement on pipelines.

IV. PRELIMINARY AND ORGANIZATIONAL ITEMS

1. *Adoption of Procedures*

Co-Chair Brader reviewed the recommended procedures highlighting: when regular and special meetings will be held, that all meetings are open to the public, the process for public comment, quorum, voting, minutes, inquiries (legal, legislative, and media), reimbursement, workgroups, and dissolution. She suggested the recommendations be adopted, any additional feedback regarding Board Procedures be sent to Holly so that amendments may be added to the December agenda.

Clarifying questions were raised by Board members regarding ex officio members, media inquiries, and public commentary. Discussion took place.

Valerie Brader moved, seconded by Dan Wyant, that the Michigan Pipeline Safety Advisory Board adopt the recommended meeting procedures. The vote was taken on the motion. The motion carried unanimously.

2. *Proposed Meeting Locations and Dates*

Co-Chair Brader highlighted the proposed meeting locations and dates for the rest of this year and next, including: meeting again in December to have an in-depth discussion on the scope of work for the alternatives analysis and risk assessment. She noted next year the Board will meet quarterly with a summer meeting in northern Michigan. She informed the Board the proposed locations

and dates do not need to be adopted at this meeting, however, to let Holly know of any scheduling conflicts.

3. *Designating Alternatives*

Co-Chair Brader reminded the Board that each member of the Executive Branch and the federal government is allowed to designate an alternative person to attend and participate on their behalf and that each of the agency representatives have the ability to designate an alternative as well. She made note of the Member Inquiry Form in their packets and asked that Board members fill out and return them to Holly so their designees can be included in future meeting notices and other information. She reminded them that any changes to their designee need to happen 10 days before a meeting as adopted in the procedures of the board.

4. *Staffing*

Co-Chair Brader introduced the support staff to the Board. She has designated Heidi Grether, Deputy Director, MAE, to be her day-to-day point. Co-Chair Wyant has designated Matt Goddard, Senior Environmental Quality Analyst, DEQ, to be his point person. Heidi and Matt introduced themselves. Co-Chair Brader introduced the Board to Holly Simons, DEQ, who will be staffing the Board, keeping minutes, and acting as primary liaison between the Board and its members.

5. *Open Meetings Act and Freedom of Information Act*

Peter Manning, Department of Attorney General, reviewed the requirements of the Open Meetings Act and Freedom of Information Act with the Board.

Clarifying questions were raised by Board members regarding records and the use of alternate email addresses. Discussion took place.

6. *Public Information and Communications*

Co-Chair Brader reminded the Board that all legal, legislative and media inquiries should be handled through DEQ or MAE.

7. *Travel Reimbursement*

Co-Chair Brader informed the Board that they are eligible to be reimbursed for travel to and from meetings. All reimbursement should be submitted to Holly for processing using the template she will email to the Board.

V. MICHIGAN PETROLEUM PIPELINE TASK FORCE

1. *Recommendations*

Co-Chair Wyant outlined each of the recommendations from the Michigan Petroleum Pipeline Task Force and provided status updates. He emphasized the Board's commitment to implementing each one, adding, many are already far along in the process of being accomplished – if not completed already.

Recommendations regarding the Straits Pipelines specifically include:

- a. Prevent the transportation of heavy crude oil through the Straits Pipelines.

- b. Require an independent risk analysis and adequate financial assurance for the Straits Pipelines.
- c. Require an independent analysis of alternatives to the existing Straits Pipelines.
- d. Obtain additional information from Enbridge relating to the Straits Pipelines.

Each of the statewide recommendations have been assigned a lead state agency.

2. *Scoping for Alternatives Analysis*

Matt Goddard reviewed the draft scope of work for alternatives analysis.

Considerations, comments, and clarifying questions were raised by Board members including: where materials are coming from and where they're going, transit time and means, complete shutdown of the pipeline, new build versus utilizing the existing structure, economic vulnerabilities and impact both for Michigan and beyond (Ohio, Canada, etc.), maintaining status quo, and the varied products running through lines. Discussion took place.

3. *Scoping for Risk Assessment*

Bob Reichel provided background and reviewed the draft scope of work for risk assessment.

Considerations, comments, and clarifying questions were raised by Board members including: peer reviews, impact on shipping industry, alternatives to minimize risk, and independent risk analysis. Discussion took place.

Co-Chair Brader noted, both scopes (alternatives analysis and risk assessment) are draft documents meant to be starting-off points for conversation and reminded the Board they will meet again in December to have an in-depth discussion on these topics. Any major talking points should be sent to Holly to add to the December agenda.

4. *Draft Legislation on Spill Response Plans*

Maggie Pallone reviewed the draft legislation on spill response plans.

Clarifying questions were raised by Board members regarding the impact on other state agencies outside of the DEQ, staffing, timelines, infrastructure, contingency plans, public input, security, and real-time monitoring. Discussion took place.

VI. PUBLIC PARTICIPATION

David Holtz, Sierra Club, shared verbal comments on concerns for the representation of selected Board members.

VII. NEXT MEETING

Monday, December 14, 2015, from 1:30 - 3:30 p.m. in the ConCon Conference Room in the Atrium of the Michigan Department of Environmental Quality located at Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48933.

VIII. ADJOURN

Valerie Brader moved, seconded by Dan Wyant, that the Michigan Pipeline Safety Advisory Board meeting adjourn at 3:25 p.m. The vote was taken on the motion. The motion carried unanimously.