

## MINUTES

## MICHIGAN PIPELINE SAFETY ADVISORY BOARD

Ramada Lansing Hotel and Conference Center  
Regency Ballroom  
7501 West Saginaw Highway  
Lansing, Michigan 48917

August 6, 2018  
9:00 a.m. – 5:00 p.m.

Present: Keith Creagh, Co-Chair, Department of Natural Resources (DNR)  
Heidi Grether, Co-Chair, Department of Environmental Quality (DEQ)  
Anne Armstrong, Michigan Agency for Energy (MAE)  
Inspector Chris Bush (Designee for Capt. Chris Kelenske), Michigan State Police (MSP)  
David Chislea (Designee for Sally Talberg), Michigan Public Service Commission (MPSC)  
Anthony England, University of Michigan-Dearborn  
Craig Hupp, Public Member  
Shawn Lyon, Marathon Petroleum  
Homer Mandoka, Nottawaseppi Huron Band of the Potawatomi  
Jennifer McKay, Tip of the Mitt  
Laura Moody (*Designee for Attorney General Bill Schuette*), Department of Attorney General (DAG)  
Jeffrey Pillon, National Association of State Energy Officials  
Jerome Popiel, United States Coast Guard (*Coast Guard Liaison, non-voting*)  
Brad Shamlala, Enbridge Energy Company  
Michael Shriberg, National Wildlife Federation

Absent: Chris Shepler, Shepler's Mackinac Island Ferry Service

Others: Mary Goodhall, DEQ  
Joe Haas, DEQ  
Reka Holley, MAE  
Sarah Howes, DEQ  
Alex Morese, MAE  
Robert Reichel, DAG  
Holly Simons, DEQ  
Mark Sweatman, DNR  
Travis Warner, MPSC

I. CALL TO ORDER

Keith Creagh, Director, DNR, called the meeting to order at 9:04 a.m.

II. WELCOME AND INTRODUCTIONS

Co-Chair Creagh welcomed everyone and asked board members to please speak into the provided microphones in order to be heard. Co-Chair Creagh reminded the board that Holly Simons, elected by the board to be Secretary, will take the minutes for today's

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meeting and for members of the public wishing to speak to fill out a comment card and submit them to Holly. Co-Chair Creagh asked board members if there was any new business to add to the agenda. Homer Mandoka indicated he would like to provide a tribal update.

**Anne Armstrong moved, seconded by Brad Shamlia, that the agenda be amended to add a Tribal Update. The vote was taken on the motion. The motion carried.**

III. MAY 14, 2018 MEETING MINUTES

Having reviewed the minutes from the May 14, 2018, meeting, Co-Chair Creagh asked for comments. Anne Armstrong indicated a discrepancy listing her as absent from the meeting. Craig Hupp indicated a discrepancy on his comment on page five and asked that the date be changed to October 15, 2018.

**Co-Chair Grether moved, seconded by Homer Mandoka, that the amended minutes from the May 14, 2018, meeting be approved. The vote was taken on the motion. The motion carried.**

IV. CORRESPONDENCE RECEIVED

Correspondence received on behalf of the Board since its last meeting was shared with the Board in the pre-meeting packet, including:

*Non-Board Members*

- Bob Learner
- Liz Kirkwood, FLOW
- Leonard Page, SACCPJE
- James Olson, FLOW
- Marion Mangi
- Jamie Winters
- Holly Berkowitz

V. ORGANIZATIONAL ITEMS

Co-Chair Creagh reminded the board that the next meeting will take place Monday, October 15, 2018 and that the state will announce the meeting location as soon as possible. Co-Chair Creagh informed the board that a presentation of the Independent Risk Analysis for the Straits Pipelines will be taking place Monday, August 13, 2018, at 6:00 p.m. in the Blue/Green Room at Boyne Highlands Resort in Harbor Springs.

VI. PETROLEUM PIPELINE TASK FORCE RECOMMENDATIONS AND CHARGE TO BOARD

Co-Chair Creagh introduced Mary Goodhall from the DEQ who has been asked to facilitate the discussion.

- A. House Bill 6201 – Oil Spill Response Plans and Reporting  
Reka Holley, MAE, provided an introduction for the discussion.

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Jennifer McKay referenced the Marshall line spill and lessons learned and questioned why the bill is limited to the Straits pipeline when the recommendation was statewide.

Jeffrey Pillon commented on the feasibility noting insufficient funds.

Homer Mandoka stated tribal government may not be aware and suggested assigning a liaison from the House or Senate and to send a memo to the tribes to inform them and to seek comment from them.

Craig Hupp inquired on the status of the bill.

Reka Holley informed the board that it has been assigned to the Competitiveness Committee and is currently awaiting scheduling.

Craig Hupp seconded Jennifer McKay's comments that it should be more inclusive.

Michael Shriberg added that scope-wise, this bill has the potential to pick upon the weakness of federal agencies proposed legislations and that Michigan could be an example.

Jeffery Pillon asked if board member comments will be shared with the legislature. Co-Chair Creagh indicated they would and written comments should be submitted to Holly for their inclusion. Since this is a time sensitive issue, having them separate would be helpful.

Shawn Lyon commented on the existence of an oil spill liability trust fund that oil and gas operators pay into.

Joe Haas indicated the bill is pretty narrowly defined.

Michael Shriberg noted that the bill requires sufficient personnel, materials, and time.

Jerome Popiel questioned whether the trust fund that Shawn mentioned could be used in such a manner, indicating that the fund is primarily used for spill responses.

Craig Hupp inquired if drafters of the bill had consultation with the state agencies.

Reka Holley indicated that none had taken place yet but will be.

Jennifer McKay indicated this is the second version of this bill. It was first introduced in 2015.

Robert Reichel asked the board to look at how the bill compared to previous legislation. HB 5198, for example, where staff from the DEQ and the DAG were involved. While substantial portions are similar, there are differences. For

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example, HB 6201 focuses only on pipelines at the Straits while HB 5198 applied to oil pipelines throughout the state. Under HB 5198, civil fines for oil spills would consider the quantity of oil released.

Jennifer McKay indicated one difference in the bills is that response plans are not subject to FOIA.

Robert Reichel responded by saying the way the bill is presently written, that is correct. Under HB 6201, response plans would not be subject to FOIA.

B. Hazardous Liquids Pipeline Safety Program

Brian Sheldon, MAE, provided an introduction for the discussion.

Homer Madoka asked how consultation is going to include the tribes and indicated that under state law if human remains are uncovered, historic preservation must take place.

David Chislea indicated that the white paper does not specifically address that but is something that is done as a matter of practice with state archaeologists.

Michael Shriberg questioned the cost and funding.

Brian Sheldon indicated that the team looked at other states for reimbursement rates.

Michael Shriberg gave kudos to the team for their work in providing excellent analysis. He inquired about how big of an asset the information access is.

Brian Sheldon indicated that it is difficult to quantify.

Jennifer McKay commented that PHMSA indicated to the board last summer that it could participate informally.

Jeffery Pillon commented on the importance of open communication and the state having an active role.

Homer Mandoka commented on how the National Traffic Safety Board previously called out PHMSA on their lack of oversight.

Shawn Lyon indicated that since the Woverine incident, PHMSA has adjusted.

Michael Shriberg inquired where board comments should be directed.

Co-Chair Creagh indicated comments would be shared with the Governor and that responsible parties would be informed within the recommendations.

Craig Hupp inquired whether state agencies would develop an opinion on if it is advisable.

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David Chislea responded by saying not beyond the white paper, however MPSC has a good relationship with PHMSA.

Co-Chair Grether indicated the DEQ will weigh it against other priorities and take MAE's lead.

Co-Chair Creagh indicated there is room for improvement and that today's comments will be very helpful in determining the outcome.

C. Pipeline Safety Best Practices and Pipeline Siting Subcommittee Recommendations

Travis Warner, MPSC, provided an introduction for the discussion.

Craig Hupp indicated the importance of including public need as it correlates to what product is being moved.

Jeffery Pillon commented on the importance of looking where we've been and what we've learned siting what happened in Wolverine; and the importance of educating the public so they can make informed decisions.

Michael Shriberg questioned whether there would be additional authority or resources.

Travis Warner indicated that they specifically stayed away from legislation from a resource perspective and that the state may need to look at how applications are reviewed and what it's really costing the state.

Shawn Lyon pointed out the bar graph on Page 2 showing that not many applications come through.

Siting Part 7 on Page 8, Michael Shriberg stated that most applications fall well under, however, he believes some go way over. Tracking time would help.

Jennifer McKay stated a recent case that modified fees which generated a lot of discussion on what was appropriate.

Jeffery Pillon indicated it would depend on other cases before the Commission.

Seeing more of an intersect now that it has been established, Co-Chair Creagh suggested taking a look at the executive order that established the Governor's Infrastructure Commission and seeing if there are opportunities to integrate management of aging infrastructure.

Sarah Howes stated that water assessment is house within the Department of Treasury.

Co-Chair Creagh recommended sharing the report with the Commission.

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Jeffery Pillon suggested looking at the interdependencies of infrastructure and minimizing future risk stating people don't always see the connection.

Michael Shriberg asked to hear more about the environmental justice piece, specifically, the reasoning beyond time.

Travis Warner noted a lack of personal context on where the recommendations came from and what they were trying to achieve with them.

Jennifer McKay expressed hesitation on how it would be implemented.

Shawn Lyon expressed concern with the scope being beyond what the board was asked to do but realized the learning opportunity that would be missed if a process weren't implemented.

David Chislea indicated the importance of consulting with other agencies on applications received as a matter of practice.

VII. BREAK

The board adjourned for a break at 10:30 a.m. and reconvened at 10:49 a.m.

D. State Policies on Emergency Response and Planning for Pipelines

Chris Bush, MSP; and Jerome Popiel, USCG, provided an introduction for the discussion.

Jennifer McKay asked if there would be funding for locals to attend the training and workshop.

Chris Bush indicated there would be.

Jerome Popiel recommended additional funding and looking at current state procedure because responses start local and end local.

Jeffery Pillon indicated it would be useful to incorporate detail when addressing plans. Impact on petroleum products, air quality requirements, etc.

Chris Bush agreed stating they are working with MAE to do so.

Michael Shriberg asked if these are changes to procedure or if there are already in place.

Chris Bush indicated they are always working on the process to do a better job.

Jeffery Pillon suggested looking at the Risk Analysis to better define and understand the consequence of events.

Joe Haas shared that Shoreline Cleanup and Assessment Technique training will be taking place this week with state agencies and local officials.

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E. Miscellaneous Recommendations and Advice to Governor

Co-Chair Creagh provided an introduction for the discussion.

Jerome Popiel talked about the Federal Register Notice for the Regulated Navigation Area in the Straits and the need for communication and support.

Co-Chair Creagh stated Holly will provide the link to the Federal Register from Jerome Popiel to the board after the meeting.

Anthony England discussed alternatives opportunities such as a tunnel or partially buried pipeline that he wouldn't want to see lost and suggested providing an incentive to Enbridge.

Jennifer McKay stated the need to look beyond the Straits and address inland threats.

Homer Mandoka suggested that local officials and pipeline owners and operators be involved in every county where the pipeline exists and by doing so could help with stewardship so that the boots on the ground have the same information as those in higher places.

Chris Bush suggested that part of the emergency response should be sharing information with local level emergency managers.

Co-Chair Grether added that it should be a shared responsibility to create a relationship with pipeline owners.

Homer Mandoka added that it would be important for pipeline owners to attend local members regular meetings.

Chris Bush added that it would certainly be helpful to have those contacts.

Brad Shamla agreed and shared the importance of best practices when looking at long term viability.

Anthony England indicated the need to move forward and not wait for a disaster to happen echoing the importance of an incentive to Enbridge.

Jerome Popiel agreed that the response effort is better prepared in the Straits and not as coordinated inland.

Jeffery Pillon stated that the Risk Analysis is an excellent resource to inform local responders what we've learned in the past.

Joe Haas cited a National Transportation Safety Board report that recommended outreach beyond the local emergency officials to neighbors who are our first line of response.

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Craig Hupp expressed the importance of keeping the public informed and engaged beyond installation.

Shawn Lyon and Brad Shamla agreed stating it is a continual process and always room for improvement.

Jennifer McKay expressed the need for allocated funds for the website to continue in a meaningful way. She also discussed transparency with operators by continuing to obtain and provide reports on the website.

Michael Shriberg asked what the role of the board is with the Risk Analysis.

Co-Chair Creagh responded by asking the Board to share their recommendations in their comments.

Jeffery Pillon echoed the Co-Chair's response and expressed his disappointment in the price tag and timeframe of the tunnel.

Michael Shriberg sited a London Economics International report that he believes expands on the Dynamic Risk report and provides best options.

Craig Hupp expressed the importance of learning from the near-sighted vision of the 1950's and look ahead 65-100 years at what might be possible and where we want to be.

Joe Haas shared that at a public hearing for the additional support anchors for Line 5, he learned that a large portion of funding for Mackinac Schools is provided by taxes from Enbridge and expressed the need to look at this from all perspectives.

Co-Chair Creagh thanked the board for their comments and reminded them that it was requested their written comments be no longer than five pages and are due to Holly by August 27, 2018.

VIII. BREAK FOR LUNCH

The board adjourned for lunch at 11:58 a.m. And reconvened at 12:56 p.m.

IX. STRAITS INCIDENT PROGRESS

Joe Haas, DEQ, provided an update. Discussion took place.

X. ENBRIDGE AGREEMENT

Robert Reichel, DAG, provided an update. Discussion took place.

XI. TRIBAL UPDATE

Homer Mandoka provided an update. Discussion took place.

XII. PUBLIC PARTICIPATION



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- John Machowicz shared verbal comments.
- Vince Lumetta shared verbal comments.
- Dale Giddings shared verbal comments.
- Terri Wilkerson shared verbal comments.
- Allison LaPlatt shared verbal comments.
- Linda Singer shared verbal comments.
- Anne Woiwode, Sierra Club of Michigan, shared verbal comments.
- Sean McBrearty, Clean Water Action/Oil and Water Don't Mix, shared verbal comments.

XIII. BREAK

The board adjourned for a break at 1:50 p.m. and reconvened at 3:00 p.m.

XIV. PUBLIC PARTICIPATION

- John Machowicz shared additional comments.

XV. ADJOURN

Co-Chair Creagh called the meeting to adjourn at 3:07 p.m.

NEXT MEETING

Monday, October 15, 2018  
Time: 10:30 a.m. – 3:30 p.m.  
Location: TBA