

# U.S. House of Representatives Committee on Transportation and Infrastructure

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## *Testimony Regarding the Enbridge Pipeline Oil Spill in Marshall, MI*

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Chairman Oberstar and honorable members of the committee, thank you for the opportunity to be here today. Thanks also to our local Congressman Mark Schauer for your commitment to include local governments in the mix of testimonies. It was difficult to summarize into this brief testimony Calhoun County's perspective on the oil spill and its impacts on our community given relatively short notice, and given the fact that although we are out of "crisis" mode, the oil spill is not yet all cleaned up. We still have more questions than conclusions to offer.

I am here today to attempt to paint for you a picture of what Calhoun County was like before July 26, 2010, what the County's involvement in oil spill response effort has been to get the situation to what it is today, and what I believe the local concerns will be going forward. Before the crisis that started locally ends locally, it is important to the County Commissioners that we begin through various engagements to plan long term restoration strategies. If what you hear today offers any preliminary "lessons learned" for future reference or leads to any assistance in this recovery strategy, we will all be better off.

This is my full statement; I will limit my remarks today to a five-minute summary of it.

### **INTRODUCTION**

I have been the County Administrator/Controller for about a year and a half, and was appointed as the County's Public Information Officer (PIO) in May 2009. I completed two days of Incident Command Structure training last summer, and thankfully this is the first time I had to get real "on the job experience" with a major environmental disaster happening literally in the county's backyard.

On Monday night, July 26, 2010, I was at home in my pajamas playing Monopoly with my family. I got a call at about 8:30pm from our County Public Health Officer Jim Rutherford, who informed me that there had been a major oil spill in Marshall and that I should come to the next incident briefing to be held at 9:00pm. Briefings were scheduled thereafter for every three hours, around the clock. I had never heard of Enbridge and was unaware that its pipelines traveled through our county. When I got to the Incident

Command, which was then located at Enbridge's facility in Marshall (and would later be moved three times to its eventual and current location in the Marshall industrial park), several County officials were on scene along with officials from the State of Michigan Homeland Security, Environmental Protection Agency (EPA) and other agencies. Enbridge officials continued to arrive into the night. No one wore badges at that point and so it was unclear who was actually there and what roles and responsibilities each had. There was an attempt to get organized, yet there was a great deal of confusion and the status was certainly not determined at that point. Sheriff Al Byam and I remarked after a few hours that the setting was sort of surreal—like a really bad dream.

We would later learn that the oil spill had leaked approximately 819,000 gallons of oil into a creek in a rural area and then into one of Michigan's major inland rivers, the Kalamazoo River, and was headed for Morrow Lake 30 miles downriver (West) from the spill site. On Monday night, however, the magnitude was unknown and it was dark before the situation could be fully assessed. The County's Emergency Management Services Director Durk Dunham said to me "at the time I envisioned a few large vacuum trucks would come in and remove the oil and then we would go home and have dinner that night." As it turns out, Mr. Dunham logged over 100 hours per week for the next two weeks and probably hasn't had dinner at home much since. As part of the Incident Unified Command, Mr. Rutherford also has attributed more than 500 hours of his time to the oil spill. Sheriff deputies were dedicated to traffic control and public safety and our county Emergency Operations Center (EOC) was deployed from day 1. My efforts as PIO required lots of overtime on nights and weekends for the first few weeks after July 26, but have now tapered off. As locals, our unexpected challenges included trying to maintain family life and hold down our day jobs that pre-oil spill were already full of meetings scheduled, ambitious goals to achieve and people to lead. Some of the county's work in progress simply got put on hold indefinitely while we reacted to this crisis.

## **BEFORE JULY 26**

Calhoun County is located in southern Michigan, midway between Chicago and Detroit, at the junction of two major interstate freeways - I-94 (east/west) and I-69 (north/south). We are the 17<sup>th</sup> largest county of 83 in Michigan, with a population of approximately 136,000 and an area of just over 700 square miles. My office and our County Seat are in Marshall, just down the road from the site of the Enbridge Oil Spill.

There are three population centers within the County: the City of Albion in the eastern portion of the County, the City of Marshall in the center and the City of Battle Creek in the northwest corner. The City of Battle Creek is the largest metropolitan area in the County. The remainder of the County is primarily agricultural. There are 19 townships, four incorporated cities and four villages within the boundaries of the County. Our website, [www.calhouncountymi.gov](http://www.calhouncountymi.gov), encourages people to visit, live and do business in Calhoun County, proudly stating that "Calhoun County offers the serenity of country living and the cultural and recreational amenities offered in urban settings."

Just a few relevant words about our governance structure...the county is governed by a seven-member elected Board of Commissioners, who are elected on a partisan basis every two years. 2010 is a County

Government election year, with the oil spill happening just one week before the August 3 Primary Election. In addition to the Board of Commissioners, the County has five elected officials, including Water Resources Commissioner and the Sheriff. Our Emergency Management Director reports to the Sheriff and is essentially an office of two plus some volunteers. Calhoun County just recently created an independent Consolidated Dispatch center that just begun operations out of the County Building in Marshall in March of this year. The Dispatch Authority is governed by a board separate from the County Government and hired an Executive Director who moved from a neighboring county. From an Emergency Management (EMS) standpoint, our county is somewhat unique in that in addition to the County's EMS office, Battle Creek City also has an EMS operation.

Due to the national economic crisis and Michigan's budget crisis, Calhoun County has experienced significant increases in tax foreclosures, and we are in our second year of property value declines. The real estate market continues to be depressed and our County ranks very low compared with other counties when it comes to several key health indicators. Several coordinated local efforts have just begun to sprout to take new approaches to turn things around. Use of our environmental assets such as rivers, parks and trails are part of many plans to encourage healthier lifestyles in Calhoun County.

An editorial appeared on June 13, 2010 in Crain's Detroit ([www.craigslist.com](http://www.craigslist.com)) titled "Turn Oil Spill into Pure Michigan." The suggestion was that Michigan's tourist industry could be boosted by targeting travelers who have abandoned Gulf Coast vacation plans due to the BP oil spill this past spring. It is ironic and sad that a month and a half later we experienced a local tragedy that at the least cut off recreational use of the river, which resulted in canceled camping, fishing and canoeing trips, and other events booked before the July 26 incident.

## **THE RESPONSE - COUNTY GOVERNMENT INVOLVEMENT**

Calhoun County elected and appointed officials have been actively involved in the coordinated governmental response to the event. In consultation with County Board Chair Mike Rae, I authorized the filing of the appropriate paperwork just before midnight on Monday, July 26—the day the spill was reported—to declare a local state of emergency under state law, thus triggering various local, state, and federal response activities. Calhoun County Sheriff Allen Byam and Emergency Services Coordinator Durk Dunham have worked closely with officials from Enbridge, Federal On-Scene Coordinator, EPA, the State of Michigan, Kalamazoo County and the City of Battle Creek in the Unified Command to make every effort to ensure that public safety and public health concerns are addressed promptly and to the fullest extent possible.

The pipeline rupture took place in the 6th District represented by Commissioner Becky Rocho and has also affected to some degree all other districts represented by Commissioners Julie Camp, Terris Todd, James Haadsma, Lisa Gerow and Kirk Lee. Most of the commissioners were involved with the oil spill response efforts, attending briefings, touring the river on airboats, and working closely with officials and citizens along the shores of the Kalamazoo River to facilitate appropriate actions. Voluntary evacuations were announced for 61 properties along Talmadge Creek and the Kalamazoo River starting on July 27

due to levels of benzene in the air, and remained in place for about three weeks to protect citizens potentially at risk. County Health Officer Jim Rutherford and Emergency Services Coordinator Durk Dunham are representing the County on the Unified Command Team. The Calhoun County Land Bank, working in conjunction with the EPA and Enbridge, has made available property in Albion, Michigan for use in staging the numerous vehicles and personnel involved in the response effort and will continue to do so during on-going cleanup and remediation process. Enbridge is also leasing parking spaces from the County for one of their two community centers, located very close to the county building in Marshall.

From the beginning Calhoun County has afforded all requested resources to Enbridge and the Incident Command. We are part of the vendor list and like others, expect to submit invoices to Enbridge and get fully reimbursed for our efforts. To date our total investment to the oil spill response has exceeded \$300,000, with the majority of the cost coming from Public Health, Office of the Sheriff, Administration and Equalization, which created over 400 maps for Enbridge and the EPA for various uses. The Calhoun County Road Commission, which is a separately governed organization, estimates at least \$500,000 in damages to roads because of the heavy equipment being used in the response.

## **COMMUNICATIONS – MY ROLE**

From the day the oil spill was reported, my cell phone began ringing almost off the hook, and my executive secretary began emailing me with messages coming into my office from various concerned parties—media with inquiries; local residents concerned about air quality, water quality, traffic restrictions; local businesses with questions about impact to their operations; relatives who were evacuated; county commissioners and other government officials wanting updates. For the first few days there were not many answers or time to keep up with the calls. I found myself memorizing and passing on quickly the number to the only hotline we had to give to residents (1.800.306.6837)—run by Enbridge and staffed by them and local Health Department employees.

On Thursday July 29 after a regularly scheduled Unified Command meeting, the PIOs from all agencies and Enbridge started to formally meet and tackle the challenge of creating a unified communications system. With EPA's ramped up resources then available along with the State's Joint Information System, we had a new website as a tool, a media line and a listserv so we could route questions to each other as appropriate. We developed a frequently asked question (FAQ) page for the EPA website and began facilitating daily press briefings, along with staffing the regular briefings (then held twice daily) for assisting agencies to attend. It was impressive the first few weeks to see how committed our local, state and national elected officials were to the response efforts and to the needs of those of us involved.

After the voluntary evacuations were announced and many residents left their home to relocate to hotels, relatives' homes or wherever, it became a real communications challenge to get message updates to them. As PIOs we were encouraged to help get the message out that the Unified Command was working better and better together and it was definitely true that increased structure and more formality within the Incident Command Center was of great assistance.

One of the early stories centered on the response time and the reporting of the oil spill. I understand that specific item is part of one or more investigations. I would make just one point on the issue and that is that we find no record, and the Consolidated Dispatch Authority finds no record, of Enbridge contacting the County or Consolidated Dispatch to alert of any potential problems with the pipeline. As the 911 records show, the Consolidated Dispatch was notified by a Consumers Energy employee who discovered the leak on the morning of July 26, and that triggered the Dispatch notification to County EMS and then Battle Creek Hazardous Materials Response. Our understanding is that Enbridge was required to notify only the National Response Center. There also was not notification from either federal or state agencies to the County or Consolidated Dispatch.

From a technology standpoint, we now reflect on a couple of shortfalls that may have helped communication efforts be in place earlier on in the process. Our county, like many, has a website created several years ago and currently undergoing a total redesign and upgrade to include new technology such as social media and messaging capabilities that would have been helpful to have during this emergency. Our Geographic Information System (GIS) was recently updated and fleshed out to include new layers such as floodplain maps. We did not have pipeline maps on the GIS, even though we now know they are readily available from the National Pipeline Mapping System (NPMS) through the U.S. Department of Transportation. Likewise, Consolidated Dispatch did not have the pipeline layers on its computer system.

## **LOOKING FORWARD**

I can't speak on behalf of all the local governmental units or directly for our residents. But the many conversations I've been involved with usually end with the following five questions about the future of Calhoun County and the aftermath of the Enbridge oil spill:

1. How long will Enbridge be here in town, and what will we be left with once they're gone?
2. When will the Kalamazoo River be open for recreational purposes again—2011, 2012?
3. How will this environmental disaster impact future economic development—how many businesses will avoid Calhoun County when contemplating start up, expansion or relocation?
4. What will happen to our property values, which we thought were close to bottoming out before the spill but were expected to rebound in the next year or two?
5. Are we safe—how can we be sure another pipeline failure doesn't happen in the near future?

I also serve as a county representative on the Board of Directors of our local Battle Creek/Calhoun County Convention and Visitors Bureau (CVB). From a Convention and Visitors Bureau perspective we have appreciated the boosted hotel occupancy and increased levels of visitors in town frequenting our businesses. But we are concerned about the long term negative impacts the oil spill will have on our community and have approached Enbridge with the request to consider assistance with public relations once the cleanup is complete. We believe there will be opportunity to focus on the positive news of how the river is being restored and how residents and visitors can enjoy the river in the future.

Involvement of many of us from the County will continue indefinitely in the response to the Enbridge Oil Spill so that there is local representation on site. These efforts will likely focus on ongoing communications, monitoring of public health impacts and focus on public safety. It will be months before damage to our roads and county parks can be assessed and plans put in place to correct.

On August 5, 2010, the Calhoun County Board of Commissioners resolved to create a new “task force” in response to the oil spill and the magnified realization that we have a number of energy transmitting pipelines traversing the area and crisscrossing inland waterways like the Kalamazoo River, and further that an aging infrastructure puts the area at continuing risk for tragic events to be repeated in the future. One premise to be discussed is whether there is a need to accelerate the development of environmental cleanup and restoration technologies.

There is already local experience in creating, testing and training in new technologies and sciences, with one example being the International Food Protection Training Institute launched in July 2009 in Battle Creek—Cereal City USA—with the \$1 million federal appropriation that U.S. Rep. Mark Schauer, D-Battle Creek, helped secure for the institute, along with other local funding. Our new task force or authority will include local, state and federal officials and private sector representatives, with special attention to those involved with economic and business development, tourism, parks and recreation, real estate and planning. My office will coordinate this effort and we hope to begin meeting next month.

#### **CONCLUDING REMARKS**

Our hope is that if we leverage the local education, research and technology assets we already have in our County with any expertise and funding available to communities suffering from such catastrophes, we will not only return our county to its pre-spill state, but also turn it into an even better place to visit, live and do business in.

We urge the Committee on Transportation and Infrastructure to consider any items that may increase local awareness of pipeline existence, safety regulations and pipeline failure response training and resources. Our Health Officer reminds me often that “there is no play book” for each unique emergency situation when we discuss lessons learned. But from my perspective, communication plans that begin from the responsible party and include early and direct notification to local emergency centers of potential issues with pipelines would streamline response efforts if nothing else. Please do not hesitate to contact me if there is anything further Calhoun County can do to help your Committee or the public.

Again, thank you for your time today.

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