

Document sent to Michigan Radio from the Michigan Department of Environment, Great Lakes and Energy:

Status of the Kalamazoo River area Line 6B release as of July 2020, and any additional monitoring:

The Department of Environment, Great Lakes, and Energy (EGLE) is responsible for ensuring the complete investigation of residual effects of the July 2010 oil spill near Marshall, Michigan, along with long-term remediation and restoration of affected areas to meet state law requirements and satisfy all terms of the Consent Judgment entered by the Calhoun County Circuit Court between EGLE and Enbridge Energy in 2015.

Water Resources Division staff have successfully overseen completion of the majority of ecological restoration and monitoring required under the Consent Judgment to ensure health of all impacted aquatic ecosystems including the Kalamazoo River, Talmadge Creek, and their associated floodplain and wetlands, with the goal of returning ecosystem health to at least pre-spill condition. Activities completed, or expected to be completed by the end of 2020 include:

- Residual oil monitoring and maintenance to address observations of oil or sheen
- Kalamazoo River bank erosion monitoring and stabilization due to extensive response activities
- On-site restoration, monitoring, and invasive species control of wetland vegetation along the Kalamazoo River and Talmadge Creek
- Channel and overbank restoration and monitoring required under EGLE permits for the removal of the Ceresco Dam on the Kalamazoo River
- Talmadge Creek channel habitat monitoring to evaluate success of functional restoration required as a result of intensive excavation and reconstruction of the creek within the release area
- Assessment and quantification of large wood material removals, and subsequent restoration activities designed to restore function and habitat values through wood structure installations
- Fish status and trends monitoring and fish contaminant monitoring in coordination with MDNR and MDCH to evaluate benthic macroinvertebrate community health
- EGLE permitted culvert removals and replacements to enhance aquatic connectivity, health, and fish passage
- Construction or augmentation of five public access locations, including facilities for river access and recreation along the Kalamazoo River, to compensate for the occupation of the stream bed and channel during response activities

Two more activities are still ongoing pursuant to the Consent Judgment. Final reports for the remedial investigation of in-channel and wetland impacts affecting aquatic life and designated uses, including evaluation of potential chronic effects of residual oil through sediment sampling and analysis, will be submitted this year for final review. Additionally, monitoring and maintenance will continue on the 300 acres of wetland that have been constructed at an off-site location within the Kalamazoo River watershed as compensation/mitigation to the state for certain wetland resource losses attributable to the release.

EGLE and its sister agency, the Department of Natural Resources, are also Natural Resource Trustees (along with the Michigan Department of Attorney General) designated to participate in a Trustee Council which includes federal and tribal representatives with an interest in ensuring that Enbridge Energy returns the Talmadge Creek and Kalamazoo River ecosystems to pre-spill conditions. Further detail on those ongoing activities can be found here:

<https://www.fws.gov/midwest/es/ec/nrda/MichiganEnbridge/>

The Remediation and Redevelopment Division staff have successfully overseen completion of the of the investigation and remediation of the overbank areas extending from the Talmadge Creek and Kalamazoo River shorelines to edge of the inundated edge of the riverbank. Pursuant to the Consent Judgement, Remedial Investigations were conducted to achieve the performance objective of evaluating the site conditions, in order to select appropriate remedial action that adequately addresses those conditions by identifying the source or sources of contamination related to the Enbridge Line 6B Marshall release and defining the nature and extent for which Enbridge is liable.

The overbank remedial investigations extended from the source area on Talmadge Creek down the Kalamazoo River to the downstream end of Morrow Lake. A total of 48 remedial investigation reports documenting the results of the remedial investigations were submitted to EGLE for review and comment. Each remedial investigation report included the following objectives to characterize the nature and extent of contaminants in the overbank soil, groundwater, sediment, and surface associated with the Line 6B crude oil release within the overbank areas:

- Confirm the effectiveness of the removal response activities
- Identify and evaluate any potential migration pathways
- Assess potential human health and terrestrial ecological risks
- Evaluate aesthetic observations

Based on the results of the remedial investigations, responses activities were selected to meet the performance objectives to protect the public health, safety, or welfare of the environment.

In accordance with the Consent Judgement, a total of 11 No Further Action Reports addressing the contamination were submitted to EGLE for review and approval/disapproval documenting the response activities were met. The objectives of the No Further Action Reports are to document and achieve EGLE approval for the following pathways, risk, and conditions:

- All groundwater pathways
- All soil pathways
- Surface waters
- Wetland in sediment

Over the past four years, Enbridge has submitted and received approval of all 11 No Further Action Reports following review by EGLE staff. Prior to EGLE approval, EGLE consulted with the project stakeholder group that included tribal, environmental watershed, and state and local health department members for comment and input. Seeking public participation for each No Further Action Report, EGLE provided a public comment period of 30-days for each report. The final No Further Action Report was approved in July of 2020.

