Testimony of William Kennedy
County Commissioner
Yellowstone County, Montana
Before the Environment and Public Works Committee
Hearing on "Yellowstone River Oil Spill Oversight"
July 20, 2011

Thank you Madam Chairman Boxer, Vice-Chair Inhofe, and Members of the Committee. Thank you, Senator Max Baucus, for inviting me to give the committee insight on the Exxon oil spill in the Yellowstone River near Laurel, Montana, located in Yellowstone County.

I am Bill Kennedy, a Yellowstone County Commissioner, and the pipeline crosses the Yellowstone River located in my county. We are located about 140 miles from Yellowstone Park and about 300 miles to the confluence of the Yellowstone River into the Missouri River.

Since May we have had flooding and in June we received a Presidential Emergency Declaration on our county and statewide. The amount of snowpack is way above normal and the Yellowstone River has been higher since May. This gives you the background setting up the stage for the July 1st oil break of the ExxonMobil pipeline. I have been monitoring the flooding on the Yellowstone River almost daily since the river hit floodstage.

Late Friday night on July 1st, our Disaster and Emergency Services Director, Duane Winslow, opened the Emergency Operations Center. The Laurel Volunteer Fire Department, along with Yellowstone County Sheriff's deputies, evacuated approximately 125 people from their homes along the Yellowstone River.

The air was heavy with the smell of crude oil. The immediate danger to the public was not known at the time, but all emergency personnel were notified. Approximately 42,000 gallons of oil had leaked into the Yellowstone River. Emergency personnel and Exxon employees responded immediately and within the next hour pipeline valves had been closed, shutting down the flow of oil. This quick response allowed us to prevent more oil flowing into the Yellowstone River.

We live in the West and water is very important to us for safe drinking water, irrigating our crops, watering livestock and tourism on our Montana rivers. Public safety and cleanup were our top priorities. This is a big deal and all parties hit the ground running.

At 6:30 am Saturday morning we called a press conference to inform the public and immediately let the public know our drinking water was safe and our drinking water intakes were shutdown.

Exxon was already on board, in addition to our local Disaster and Emergency personnel. EPA and State DEQ were enroute. The response was immediate and the July 4th weekend became a real life disaster response in our county.

The cleanup process was underway, but at this time it was very evident that the local government was informed but not involved in decisions involving the next steps.

EPA took charge, but samples and results were slow to come, taking from 4 to 7 days. We were told we could tell the public there is no imminent danger but that verifying results would take days. The public, especially the landowners, were upset over the unknown. By Day 3, I asked to be at the table on decisions and the plan for cleanup. It was agreed the county would be on board and we were briefed but sampling and cleanup were still left to the EPA and DEQ.

Exxon did take our suggestions – we provided mapping and landowners' names and they contacted our residents. I asked every agency to have a live person on the phone and face to face meetings with the public. Exxon had briefings daily, then EPA had daily briefings. The state set up a local office and took their own samples. We need to all work together.

We need to have a strategy to keep local government officials on board and in decision-making positions. We know the residents, the geography and the companies in our community. This spill opened our eyes to what a leak can do and how our emergency planning works. We also know now that we need to work on being included in decisions on cleanup and future safety planning for our residents.

The pipelines are safer than trucking and rail and keep good paying jobs in our community. We have 3 refineries and have always had expectations that DOT checked and assured everything was good. This was a wakeup call for the county to be more involved.

The positive outcomes are:

- We are now invited to participate in daily briefings on the status of the cleanup
- Local landowners have face to face meetings with Exxon and agencies
- Local elected officials are included in briefings
- Exxon and EPA have held public meetings
- Local workforce is being trained for hazardous cleanup
- The public now knows what to expect from the public response system

- We have assurances from Exxon that the property will be cleaned up and put back to the way it was before the leak
- We have independent water, air and soil monitoring and sampling through the State and EPA to confirm these assurances

What we can do better:

- Publicity will take a while to explain to agriculture producers and tourists that the Yellowstone River is safe to irrigate their crops, water livestock and that tourists can still float and fish
- Communication between all parties took a few days to be seamless
- Local government officials are still not openly included in decisions

I will say that all parties seem to be working together for our community. We do need rules that state the first priority should be working with local officials for the public health and safety of Montana's counties.

I am open to any questions.