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DEPUTY ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
July 20, 2011

Chairman Baucus, Ranking Member Vitter, and Members of the Subcommittee, thank you for inviting me to discuss the role and activities of the U.S. Environmental Protection Agency (EPA) regarding the Exxon/Mobil pipeline break into the Yellowstone River and the resulting oil spill. EPA, in coordination with our federal, state, tribal, and local partners, is committed to protecting Yellowstone River communities from the adverse environmental effects of the Silvertip Pipeline oil spill.

BACKGROUND

EPA's Oil Spill Program focuses on activities to prevent, prepare for and respond to oil spills from a wide variety of non-transportation related facilities that handle, store, or use various types of oil. EPA regulates approximately 620,000 of these facilities, including oil production, bulk oil storage, and oil refinery facilities that store or use oil in above-ground and certain below-ground storage tanks.

EPA shares the responsibility of responding to oil spills with the U.S. Coast Guard (USCG). Further, we share the responsibility for prevention and preparedness with USCG and several other federal agencies. The USCG leads the response to spills that occur along the coast of the United States, or in the coastal zone, and EPA leads the response to spills that occur in the

internal United States, or the inland zones. The exact lines between the inland and coastal zones are determined by Regional Response Teams (RRTs) and established by Memoranda of Agreement (MOAs) between regional EPA and USCG offices.

EPA and USCG have a strong relationship and work closely on oil spill response activities regardless of where the spill occurs. As the principal federal response agency for oil spills in the inland zone, EPA assumes the role of Federal On-Scene Coordinator when oil spills occur in inland waters, such as the Yellowstone River. Inland zone oil spills stem from a variety of causal factors including oil pipeline ruptures, tank spills, mishandling, and other sources. The Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation is responsible for regulation and oversight of pipeline safety and my counterpart from PHMSA will discuss that agency's role with respect to pipeline oil spill prevention and response.

EPA either manages the oil spill response or oversees the response efforts of private parties at approximately 300 spills per year where state or local resources are unable to respond sufficiently. After an oil spill occurs, EPA frequently provides technical assistance which may include air and water monitoring support, waste management support, and mobilization of our On-Scene Coordinators (OSCs) and EPA's Special Teams including the Environmental Response Team and the National Decontamination Team to assist with the response. The Special Teams are comprised of highly-skilled environmental experts and utilize modern, sophisticated, and innovative technologies for oil spill response.

THE SILVERTIP PIPELINE INCIDENT AND RESPONSE

At approximately 10:45 PM MDT on Friday, July 1, 2011, a break occurred in a 12-inch pipeline owned by ExxonMobil that resulted in a spill of crude oil into the Yellowstone River approximately 20 miles upstream of Billings, Montana. The current estimate of the amount of oil released remains at 1,000 barrels based on information provided by ExxonMobil, but both PHMSA and the state of Montana are investigating all elements of this incident, including the amount of oil released.

EPA's primary concern is protecting people's health and the environment and EPA will remain on-site to ensure cleanup and removal efforts do just that. As part of this mission and out of an abundance of caution, we have been collecting air, surface water and drinking water samples and began taking soil and sediment samples as soon as these areas were accessible. I will describe these efforts in a moment.

Consistent with the protocols set forward by the National Contingency Plan, EPA is coordinating its response actions with the Department of the Interior, including the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, as well as state and local agencies, and the Crow Tribe. We will take all steps necessary to ensure that ExxonMobil, addresses the potential impacts of this spill and is held accountable for relevant response costs, in accordance with the Oil Pollution Act of 1990 and other laws. I would like to point out that the State, and especially Governor Schweitzer, have been integrally involved in the coordinated response to this spill, and have been an important partner in this response. The Governor's leadership in the deployment of several agencies and the State's consultation with experts from other states are representative of the extraordinary effort toward keeping the people of Montana affected by this spill informed about what is happening on the ground.

EPA has been actively engaged in and overseeing the Shoreline Cleanup Assessment Technique (SCAT) activities. SCAT is a process of inspecting impacted areas for the degree of oiling and the types of soil and vegetation that need to be cleaned up in a particular area. There are basically three steps to the SCAT process – assessment, cleanup and evaluation. SCAT reports are developed to drive cleanup activities in the field. Once cleanup crews have completed their activities in previously assessed areas, a second SCAT team will be sent to validate the effectiveness and thoroughness of the cleanup process. The declining floodwaters continue to provide our SCAT teams and cleanup crews increased access to vegetation and shoreline that was previously unavailable to us. This access allows EPA and the state to systematically move down river as we assess and clean up the spill.

EPA continues to hold ExxonMobil accountable for assessment and cleanup. The Agency has issued an official Administrative Order to ExxonMobil, pursuant to section 311(c) of the Clean Water Act, directing the company to take a number of clean-up, removal, and near-term restoration efforts and we continue to carefully and thoroughly review their workplans, data and field activities.

EPA sample collection and oversight, as well as the samples taken or planned by our state, tribal and federal partners, all contribute to our understanding of where oil is present and what compounds remain in the environment. To date, water sampling conducted by EPA between Laurel and Miles City, MT indicates there are no petroleum hydrocarbons above drinking water standards in that region. In addition, our air monitoring continues to show no detections of contaminants associated with the spill in ambient air along the Yellowstone River at levels that would pose a threat to human health. Two compounds (naphthalene and methylene chloride) were detected at concentrations slightly above the levels used to evaluate potential human health

risks. However, naphthalene concentrations are similar to concentrations in the area prior to the spill and methylene chloride is not a compound associated with the oil spill. No other compounds were detected above levels which could pose a risk to human health. The soil and sediment sampling effort was initially complicated by flooding in the area, but as the flood waters have receded, the response team has been able to access the areas and proceed expeditiously. We have been actively developing sampling plans using state of Montana regulatory standards to ensure we are being protective of human health and the environment. These monitoring efforts will continue as we remain focused on taking all necessary steps to protect public health. As additional data are collected, we will have a more comprehensive picture of the potential impacts.

EPA's cleanup activities, which focus on removal of the oil, continue while these samples are being collected. The visual presence of oil in the system is a powerful tool and one used by our SCAT teams as they continue to assess impacts to the riverbank and floodplain. In addition to our collection of real time air samples, EPA also follows strict scientific and quality assurance protocols for the soil or sediment samples that are collected and sent to a certified local laboratory for analysis and validation. Once they receive them, the laboratory analyzes the samples and then does a quality check of the data. EPA then performs another quality check of the data and begins to interpret the data with state and federal partners. During emergency response situations, the agency works to expedite this process as much as possible. As soon as EPA has updated data, we post the information for the public on our website at: www.epa.gov/yellowstoneriverspill/. We have been providing daily updates to the public, and have held community meetings to keep the public informed.

In addition to the SCAT process of assessment, cleanup and evaluation, the cleanup methods being used focus on removal, and vary depending on the media impacted and how much oil is present at a particular location. SCAT teams work to ensure a proper balance between cleanup and minimizing further impacts to ecosystems.

As of July 18, 2011, there are 755 personnel on site and 610 currently in the field engaged in cleanup or sampling activities. Cleanup crews have used 41,338 linear feet of materials such as absorbent booms and 9,000 square feet of materials such as absorbent pads. Crews have recovered 942 barrels of oily liquids and 505 cubic yards of oily solids. Liquid waste is being processed through a permitted refinery wastewater treatment plant and solid waste is being shipped to Bennett, CO. During the pipeline evacuation last weekend, 370 barrels of oily liquid and about 80 barrels of oil were recovered.

NEXT STEPS

In coordination with our federal, state, and local partners, EPA is committed to protecting the community from any adverse environmental effects of the oil spill. In the coming weeks, we will be transitioning from emergency response activities to a SCAT-driven process toward State-determined cleanup standards. EPA will continue monitoring, identifying, and responding to potential public health and environmental concerns.

At this time, I welcome any questions you may have.