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SILVERTIP PIPELINE OIL SPILL IN YELLOWSTONE COUNTY, MONTANA

(112–47)

HEARING

BEFORE THE

SUBCOMMITTEE ON
RAILROADS, PIPELINES, AND
HAZARDOUS MATERIALS

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

JULY 14, 2011

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[1] Senator Jon Tester did not submit a written statement.

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

John L. Mica
Chairman

James W. Coon II, Chief of Staff

Washington, DC 20515

July 12, 2011

Nick J. Rahall, II
Ranking Member

James H. Zoia, Democrat Chief of Staff

SUMMARY OF SUBJECT MATTER

To: Members of the Subcommittee on Railroads, Pipelines, and Hazardous Materials

From: Subcommittee on Railroads, Pipelines and Hazardous Materials Staff

Subject: Hearing on "Silvertip Pipeline Oil Spill in Yellowstone County, Montana"

PURPOSE OF HEARING

The Subcommittee on Railroads, Pipelines, and Hazardous Materials will meet on Thursday, July 14, 2011, at 10:00 a.m., in Room 2167 of the Rayburn House Office Building to receive testimony related to the July 1, 2011, release of crude oil from the Silvertip Pipeline in Yellowstone County, Montana. The Subcommittee will hear from the Administrator of the Pipelines and Hazardous Materials Safety Administration (PHMSA), the President of the ExxonMobil Pipeline Company, and a scientist from the National Wildlife Federation.

BACKGROUND

On July 1, 2011, a reportable accident occurred on the Silvertip hazardous liquid pipeline in Yellowstone County, Montana, near Laurel, Montana. The Silvertip Pipeline is a 12-inch diameter pipeline approximately 69 miles in length that transports crude oil from the Silver pump station near Elk Basin, Wyoming, to the ExxonMobil refinery in Billings, Montana. ExxonMobil owns and operates the Silvertip Pipeline. PMHSA estimates that 750 to 1,000 barrels of crude oil were released into the Yellowstone River as a result of the accident.

PRELIMINARY ACCIDENT TIMELINE

July 1, 2011

10:41 p.m. MDT	ExxonMobil control room operators in Houston, Texas, detected a loss of pressure on the Silvertip Pipeline in Montana.
10:47 p.m. MDT	ExxonMobil shut down the pumps at the beginning of the line at the Silvertip Station near Elk Basin, Wyoming.
10:57 p.m. MDT	In attempt to isolate the location of the leak, ExxonMobil closed the pipeline block valve near Laurel, Montana, north of the Yellowstone River, reopened it at 11:07 p.m., and then closed the block valve a final time at 11:28 p.m.
11:36 p.m. MDT	ExxonMobil closed the block valve located south of the Yellowstone River.

July 2, 2011

12:19 a.m. MDT	The incident was reported to the National Response Center.

SILVERTIP PIPELINE INFORMATION

The Silvertip Pipeline is a 12-inch diameter pipeline, approximately 69 miles in length that transports crude oil from the Silvertip pump station near Elk Basin, Wyoming, to the ExxonMobil refinery in Billings, Montana. The Silvertip Pipeline was originally constructed between 1949 and 1954. However, the section of the pipeline that crosses under the Yellowstone River was constructed in 1991. PHMSA suspects that the pipeline failure occurred where the pipeline crosses under the Yellowstone River.

ExxonMobil performed an in-line inspection of the Silvertip Pipeline in 2005 and 2009. Between June 6 and June 10, 2011, PHMSA reviewed the data from the in-line inspection and found no integrity-threatening defects in pipe materials in the area of the Yellowstone River crossing.

Following a public inquiry by the City of Laurel Public Works Department in October 2010, PHMSA and the City of Laurel jointly reviewed river scour and bank erosion at the south bank of the Yellowstone River crossing. As a result of that review ExxonMobil agreed to perform a depth-of-cover survey to determine how deep the pipeline was buried. The survey was completed on December 1, 2010 and ExxonMobil determined that there was at least 5 feet of cover at all measured points.

In May 2011, following heavy flooding and in response to additional concerns by the City of Laurel, a PHMSA inspector began monitoring conditions of the pipeline crossing.

Turbulent waters and flooding conditions increase the likelihood of scour and external force damage. On June 1, 2011, PHMSA contacted ExxonMobil to confirm the current depth of cover for the river crossing and ExxonMobil reported that there was at least 12 feet of cover.

INCIDENT RESPONSE AND INVESTIGATION

Various state and federal agencies responded to the scene but the Environmental Protection Agency (EPA) is responsible for directing and overseeing cleanup activities related to the spill through the Unified Command Center. The incident did not cause any known injuries but approximately 140 people were temporarily evacuated.

According to the EPA, air monitoring instruments that look for volatile organic compounds and hydrogen sulfide continue to show no detections in ambient air along the Yellowstone River. Additionally, air sampling for benzene has been conducted between Laurel, Montana, and Billings, Montana, with no detections.

According to PHMSA and EPA, most of the oil in the Yellowstone River has been encountered within 30 miles of the spill, but oil deposits have been discovered as far downstream as 240 miles from the pipeline crossing. Water intakes for the City of Billings are located immediately downstream of the spill and these intakes were temporarily shut down. However, EPA water sampling indicates there are no petroleum hydrocarbons above drinking water level standards in the region. Preliminary tests also indicate that the Yellowstone River poses no threat to agriculture use.

As of July 7, 2011, approximately 544 personnel are involved in the incident response and over 360 are in the field conducting cleanup operations and recovering oil. Personnel continue to walk the shores of the Yellowstone and deploy absorbent boom along the river bank to absorb oil; however, some areas of the river remain inaccessible due to flooding.

ExxonMobil has been directed to take a number of clean up and restoration activities including supplying personnel and contractors to assist in the cleanup and recovery efforts. As of July 9, 2011, ExxonMobil has responded to approximately 100 claims related to property, agriculture or health.

PHMSA continues to investigate the cause of the spill. On July 5, 2011 PHMSA issued a corrective action order requiring ExxonMobil to take certain actions to protect the public, property, and the environment from potential hazards associated with the Silvertip Pipeline spill. At this time, the cause of the spill has not been determined. ExxonMobil must comply with twelve requirements specified in the corrective action order prior to restarting the Silvertip Pipeline.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION AUTHORITY

PHMSA is the primary federal regulatory agency responsible for ensuring the safety of America's energy pipelines. PHMSA develops and implements pipeline safety regulations at

the federal level and shares regulatory responsibility with the states, providing oversight to more than two million miles of pipeline.

PHMSA's regulations require that pipeline operators implement an integrity management plan to identify, prioritize, assess, evaluate, repair and validate the integrity of hazardous liquid pipelines that could, in the event of a leak or failure, affect High Consequence Areas (HCAs) within the United States. HCAs include: population areas; areas containing drinking water and ecological resources that are unusually sensitive to environmental damage; and commercially navigable waterways. Pipeline operators are required to comprehensively assess the structural integrity of pipeline segments that may affect an HCA and take prompt action to repair any defects that could reduce a pipeline's integrity. Integrity management assessments must be performed at least once every five years.

The area of the leak – where the Silvertip Pipeline crosses the Yellowstone River – is in an HCA and as a result this segment of the pipeline is subject to PHMSA's integrity management regulations.

WITNESS LIST

The Honorable Cynthia Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation

Gary W. Pruessing
President
ExxonMobil Pipeline Company

Douglas B. Inkley, Ph.D.
Senior Scientist
National Wildlife Federation

SILVERTIP PIPELINE OIL SPILL IN YELLOWSTONE COUNTY, MONTANA

THURSDAY, JULY 14, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m. in room 2167, Rayburn House Office Building, Hon. Bill Shuster (Chairman of the subcommittee) presiding.

Mr. SHUSTER. The hearing will come to order. Good morning to everybody. Good morning, Senator. Thanks for joining us here this morning, I look forward to hearing your testimony.

I ask for unanimous consent to allow Dennis Rehberg from Montana to participate in today's hearing. Without objection, so ordered.

Again, good morning. Welcome, everybody, to this morning's pipeline hearing. We are going to make a little adjustment, I believe, in the panels. The Senator will go first, then the administrator will go by herself, and then we will have the other few folks go next.

So, again, thank you all for being here. And today we are going to receive testimony related to the July 1, 2011, release of crude oil from the Silvertip pipeline in Yellowstone County, Montana. And, as I said, we will be hearing from the Senator, from Ms. Quarterman, the administrator of PHMSA, along with Gary Pruessing, president of ExxonMobil Pipeline Company, and Douglas Inkley, a scientist from the National Wildlife Federation.

And also I would like to welcome Congressman Rehberg——

Mr. REHBERG. Thank you.

Mr. SHUSTER [continuing]. My good friend, for being here today and for requesting the hearing, and of course, inviting Senator Tester. We also invited Senator Baucus, at your request. He is obviously tied up, but I am sure he is very concerned, as we all are, about the situation in Montana.

I want to offer my heartfelt condolences to all those who have been affected by the spill in Montana. And as chairman of the subcommittee, I want to ensure that Congress is being proactive and staying on top of these critical safety issues. I also want to ensure that State, Federal, and local actors and key stakeholders are working together and that the safety concerns are being adequately addressed, and that the incidents are subject to appropriate investigation by this committee and Congress.

The United States has the largest network of energy pipelines—2.5 million miles—the largest in the world, and the pipelines remain critical to our energy life, and they power nearly everything in our daily lives and activities. America's pipeline network is the safest and most cost-effective means to transport the extraordinary volumes of natural gas and hazardous liquid products that fuel our economy.

Both Government and industry have taken numerous steps to improve pipeline safety over the last 10 years. And while the data shows that Federal pipeline safety programs have been on the right track, recent pipeline incidents suggest there continues to be room for improvement and, to quote Secretary LaHood, these incidents are "cause for concern, but not for alarm."

The pipeline companies have shown that they are aggressively taking action to address safety concerns, and that safety continues to be the top priority. In fact, incidents are down 30 percent over the past several years.

Today we are focusing on gathering information regarding the incident in Montana, and examining what went wrong. I am committed to ensuring the continued safety and enhanced reliability in the transportation of the Nation's energy products by pipeline.

Additionally, I am committed to enhancing our already strong pipeline system, by looking at ways to improve safety and coordination between the Federal Government, State regulators, and pipeline operators. We must ensure that we proceed in a thoughtful and balanced way that keeps in place regulatory measures that are working, and makes adjustments to measures that are not working.

So, again, I thank everybody for being here. And with that, I will yield to the ranking member, Ms. Brown, for an opening statement.

Ms. BROWN. I want to thank Chairman Shuster for holding today's hearing on the ExxonMobil oil spill in Montana's Yellowstone River. This is a very timely hearing, as the U.S. has, unfortunately, experienced a high number of pipeline ruptures over the last few years that have caused significant environmental damage, health concerns, and death.

I want to begin by expressing my deepest sympathy to the residents of Montana, who are dealing with the aftermath of this tragedy. As a resident of Florida, I know all too well that—the devastating economy and emotional effects these spills can have on people. Most of the Gulf Coast is still cleaning up after the damage that was taking place a full year ago. And I can assure everyone here that the oil just doesn't simply disappear, and could easily return to our shores, due to another natural disaster.

Tomorrow will be the 1-year anniversary of capping the BP spill, and I am sure that we can use what we have learned in the spills to prevent the same mistakes from happening in Montana. I think we need not only to ensure that ExxonMobil protects its pipelines from the river that is known to be moving fast, and is following the law as it relates to pipeline safety, but that the company is also properly addressing the health and economic concerns of the people impacted by the spill.

During the Enbridge spill in Michigan, we saw cases of people signing away all of their rights for air conditioners. Unacceptable.

We need to keep ExxonMobil's feet to the fire, and we can't let things like this happen again to the American people.

I want to also take this time to express my disappointment that the chairman discharged this committee from consideration of the bill that would force the President to make a key decision on whether to allow the Keystone pipeline to be constructed. This committee on Transportation and Infrastructure is the committee of primary jurisdiction over pipeline safety legislation, and is the primary committee to refer for the Keystone legislation.

There is still major concerns with this project. And, at the same time pipelines will be traveling around the Yellowstone River, this is being affected today by the Exxon spill. This should have been strongly vetted by this committee, and I join Ranking Member Rahall in urging the committee to hold a markup on the legislation prior to the floor consideration. It would be a disaster if a spill occurred on the pipeline, and this committee never held a hearing on it at all.

When I was chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, I held a series of five separate hearings concerning pipeline safety which highlighted significant problems with reporting and inspection, as well as the unhealthy relationship between the pipeline industry and the agency regulating them.

In addition, much like the sewer and water infrastructure in this country, much of the pipeline infrastructure is reaching the end of its useful life, and we are going to need to make significant investments in improving these assets, if we are going to accomplish the goals of both delivering critical petroleum to the States, and protecting citizens from the danger of a hazardous pipeline spill and deadly explosions.

We also need to develop new technology and strategies for improving safety in highly populated areas that are now located above the aging pipeline.

With the high unemployment rate in this country it is currently facing, we should be hiring and training inspectors, and putting contractors to work replacing this aging pipeline infrastructure in the United States. Gas and oil companies are making record profit while the infrastructure with which they are bringing this product to market becomes more and more unstable.

I hope that those testifying today will have some good ideas about how we can prevent future accidents and what Congress can do to—immediately to improve the safety of the Nation's pipeline.

With that, I welcome today's panelists, and thank you for joining us. I am looking forward to the hearing and their testimony. I yield back the balance of my time.

Mr. SHUSTER. Thank the gentlelady. And no one on our side has an opening statement. Yield to Mr. Larsen for 5 minutes for an opening statement.

Mr. LARSEN. Thank you, Mr. Chairman. Thanks for holding the hearing today. The July 1 Silvertip pipeline rupture resulted in the release of approximately 31,000 to 42,000 gallons of crude oil in the Yellowstone River. Although the causes of this spill are still under investigation, its occurrence is alarming to me and to this subcommittee.

The rupture occurred in a high-consequence area. ExxonMobil inspected the line in 2005 and again in 2009, and PHMSA has not found any integrity-threatening defects from these inspections. However, there are several concerning facts that have arisen so far.

First, PHMSA inspectors warned ExxonMobil several times that heavy flooding in the Yellowstone River could have a significant impact on the pipeline. It is not clear to me that anything was done to respond to these concerns.

Second, the timing of the ExxonMobil's response to the rupture is concerning. It took a total of 55 minutes to close all the valves, and one of the valves was closed, reopened, and then closed again. This doesn't make sense. And, frankly, I just look forward to hearing clarification from the witnesses today.

Finally, I want to take this opportunity to remind my colleagues and our witnesses that the 2006 Pipeline Inspection, Protection, Enforcement, and Safety Act, or PIPES Act, has expired. It is due for reauthorization. I was part of reauthorizing that, I was part of writing the 2002 pipeline safety bill, as well, because of a terrible tragedy in my own district in 1999 that resulted in the death of three young men.

So, I hope this incident and the others that we have talked about so far in opening testimony that have occurred will spur this committee to reauthorize this important law, with the changes that I think that need to be made. And I urge my colleagues to work in a bipartisan manner to strengthen our Nation's pipeline safety laws.

And with that, I want to thank you for holding this hearing today, and look forward to hearing from our witnesses.

And, Mr. Chairman, just one more thing. Since we are allowing Mr. Rehberg to sit in our committee, I am hopeful he will allow us to sit in on the Appropriations Committee at some time.

[Laughter.]

Mr. SHUSTER. I am working on that right now.

Mr. LARSEN. Thank you.

Mr. SHUSTER. I appreciate the gentleman's opening statement, and your words. You have been a leader on pipeline safety, and we are moving forward. We will be talking with our colleagues on the other side here in the next coming days and weeks to get a pipeline bill that we can reauthorize.

Mrs. Napolitano, do you have a statement?

Mrs. NAPOLITANO. No statement, but thank you for holding this hearing. I am very interested in what kind of safeguards we may have, because what happens in one State is very prone to happen in other States. So thank you.

Mr. SHUSTER. Thank you. And with that, I will yield 5 minutes to my colleague, Mr. Rehberg, and take Mr. Larsen's words about letting us come on the Appropriations Committee and help out there.

Mr. REHBERG. Well, thank you, Mr. Chairman. I really, truly appreciate the opportunity to sit at the dais, and for the rest of the committee, as well. When I left this committee in 2005, I had built so much seniority I was almost sitting where Mr. Tester is right this minute. And I would love to have you join my committee, Rick. That would be great.

Right now, my sister-in-law is visiting. She is, of course, from your home district. She is a Tea Partier. Do you want me to keep her? So you make your choice. Do you want me to keep my sister-in-law in Billings, or let you join my——

Mr. LARSEN. I love all my constituents.

[Laughter.]

Mr. REHBERG. Good answer. I also want to welcome my colleague, Jon Tester, who accepted my invitation to join us here today from the lower chamber. And—that is actually an inside joke in Montana, because he was a senator in Montana and I was the representative, and we finally surveyed the floor and found out that, in fact, the senate was, what, about a quarter of an inch lower than the house. And so we always referred to the senate as the lower chamber in Montana.

I look forward to working with Senators Tester and Baucus, and the two agencies and companies represented on the panel to accomplish two critical things today. First, we need to figure out what went wrong, so we can determine what can be done to prevent it from happening again. And, second, I want to be absolutely certain that we are doing everything that can be done to mitigate the environmental heath and economic impact from this spill.

For many, it is just another news story about an oil spill. But for Montanans, this is about our home. Water and rivers play a big role in the lives of many Montanans. For the Maclean family in the famous movie, "A River Runs Through It," it was the Big Blackfoot River. For me and my family, it is the Yellowstone River.

I grew up in Billings, just a few miles from the river banks of the Yellowstone. As a boy, I swam and fished that river. I spent time with my family and friends floating down it in inner tubes, and barbecuing on its banks. You could say that, like thousands of other Montana families, the Yellowstone is our family river. So this oil spill is a pretty big deal for us. We have questions, and we deserve answers.

As Montana's congressman, I fly into Billings just about every week. I fly over the Yellowstone River. But I also fly over the oil refinery that provides good—many good jobs for our community. Just like the river is a part of Montana's culture, so is the energy industry. Montana is a warehouse of energy options. We have got it all: wind, solar, geothermal, biomass, oil, coal, gas, biofuels. This energy options helps us provide the energy this country needs, and to end our energy addiction on oil from foreign countries. It also provides good-paying jobs.

While there might be some people out there who think we should develop our resources without any regard for the environment, that is not me. And there are others who think we should stop all human impact on the environment whatsoever. That is not me, either. Neither of these options works for Montana.

Montanans demand a third option, a way to utilize our natural resources, while doing everything we can to protect our environment. It is a reasonable and responsible expectation. The United States is leading the way in providing clean, effective energy. We are not perfect, but when there is a spill or a mistake, you won't find a more scrutinized response anywhere in the world.

This is one of the reasons domestic energy production is such a good idea. Our standard and expectations are so much higher than countries that we import oil from. A kilowatt hour of energy produced in the United States on balance is going to be cleaner and safer than a kilowatt hour of energy we import. In Montana, one of the most valuable resources is nature, itself.

Montanans get it. We hunt, we hike, we don't just visit the outdoors, we live there. That is why I have always said Montanans are excellent stewards of the land, and that we don't need Federal bureaucrats telling us how to manage our lands and wildlife. This spill was a failure that did not live up to our standards. And I want to know why. I want to know what is being done, and what more needs to be done to prevent it from happening again.

It is because energy is such an important part of our economy that it is so important to acknowledge our mistakes, so that we can learn from them.

I appreciate everyone for being here today. I look forward to hearing your testimony, and asking some questions. I hope I ask some tough questions. But that is only because it is so important for Montana. And whether you are a part of the energy industry or an environmental steward, you are a big part of our Montana family.

Again, Mr. Chairman, thank you so very much for having this hearing today. It means a lot to me that you would care as much about Montana as we care about Montana. And again, Mr. Tester, welcome to testify, as well. Thank you.

Mr. SHUSTER. Thank you very much, Mr. Rehberg. And with that, Senator——

Ms. BROWN. Mr. Chairman?

Mr. SHUSTER. Oh, 1 second.

Ms. BROWN. Yes. I would like unanimous consent to include in the hearing record a statement by the Pipeline Safety Trust.

[No response.]

Mr. SHUSTER. Without objection, so ordered.

[The information follows:]

TESTIMONY OF
THE PIPELINE SAFETY TRUST

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Drafted by:

Carl Weimer, Executive Director

FOR THE

SUBCOMMITTEE ON RAILROADS, PIPELINES AND HAZARDOUS MATERIALS
OF THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON

PIPELINE SAFETY OVERSIGHT

JULY 14, 2011

We thank the Subcommittee for asking for our testimony for the record on this important hearing on Pipeline Safety Oversight related to the recent ExxonMobil spill into the Yellowstone River.

My name is Carl Weimer and I am the Executive Director of the Pipeline Safety Trust. I am also a member of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Technical Hazardous Liquid Pipeline Safety Standard Committee, as well as a member of the steering committee for PHMSA's Pipelines and Informed Planning Alliance. I also serve on the Governor-appointed Washington State Citizens Committee on Pipeline Safety, and bring a local government perspective to these discussions as an elected member of the Whatcom County Council in Washington State.

The Pipeline Safety Trust came into being after a pipeline disaster that occurred twelve years ago last month - the 1999 Olympic Pipeline tragedy in Bellingham, Washington that left three young people dead, wiped out every living thing in a beautiful salmon stream, and caused millions of dollars of economic disruption. While prosecuting that incident the U.S. Justice Department was so aghast at the way the pipeline company had operated and maintained their pipeline, and equally aghast at the lack of oversight from federal regulators, that they asked the federal courts to set aside money from the settlement of that case to create the Pipeline Safety Trust as an independent national watchdog organization over both the industry and the regulators. We have been trying to fulfill that vision ever since, but the spate of recent disasters makes us question whether our message is being heard.

Born from a tragedy in Bellingham, but also riding on the emotion and facts of other tragedies in places like Edison, New Jersey; Carlsbad, New Mexico; Walnut Creek, California and Carmichael, Mississippi we have testified to Congress for years in response to such tragedies about the improvements needed in federal regulations to help prevent more such tragedies. For years we have talked about the need for more miles of pipelines to be inspected by smart pigs. We have pleaded for clear standards for leak detection, requirements for the placement of automated shut off valves, closing the loopholes that allow some pipelines to remain unregulated, and for better information to be available people will know if they live near a large pipeline and whether that pipeline is maintained and inspected in a way to ensure their safety.

So here we are again after the very recent dumping of oil into the Yellowstone River and a bad year of tragedies in Marshall, Michigan, San Bruno, California and Allentown, Pennsylvania asking for the same things we have asked for in previous hearings following previous tragedies. We are pleased to see some of our recommendations tentatively included as part of legislation recently passed unanimously by the Senate Committee on Commerce, Science and Transportation, and we hope this body will build on that legislation to provide a much stronger more comprehensive bill. It is our sincere desire not to be back here again in the future saying the same things after yet another tragedy.

The vision of the Pipeline Safety Trust is simple. We believe that communities should feel safe when pipelines run through them, and trust that their government is proactively working to prevent pipeline hazards. We believe that local communities who have the most to lose if a pipeline fails should be included in discussions of how best to prevent pipeline failures. And we believe that only when trusted partnerships between pipeline companies, government, communities, and safety advocates are formed, will pipelines truly be safer.

Clearly trust in pipeline safety has now been lost in Montana, so add that state to Michigan, California, and Pennsylvania where people now question whether the industry, regulators and legislators are really doing all they can to keep people and the environment safe.

Our testimony focuses on areas that may be pertinent to the spill into the Yellowstone River, but please don't forget or stall on issues that pertain to the other rash of major incidents that have happened over the past year. These are the issues we think may be pertinent:

- **Evaluating the adequacy of current depth of burial requirements for major river crossings**
- **Requiring emergency flow restricting devices for liquid transmission pipelines**
- **Developing and implementing enhanced standards and requirements for leak detection on hazardous liquid lines**
- **Making facility response planning more inclusive and the plans publicly available**
- **State authority opportunities**

Evaluating the adequacy of current depth of burial requirements for major river crossings

Current regulations only require that hazardous liquid pipelines crossing rivers such as the Yellowstone be four feet deep under the river and thirty inches deep past the high water mark.[1] Major rivers such as the Yellowstone can move and scalp major amounts of sediments from banks and river bottoms in major flood events. While the cause of this spill is still unknown, the required four feet of depth seems inadequate to protect pipelines from these extreme river forces, so we think PHMSA should be directed to undertake a study to determine if the regulations need to be changed.

Clearly the regulations regarding High Consequence Areas put the responsibility on the pipeline operator to consider threats to their pipelines even if the regulations do not clearly spell out such things as a safe burial depth. PHMSA has already in their Corrective Action Order to ExxonMobil ordered them to directionally drill the pipeline at a much deeper depth under the river before it restarts, so clearly PHMSA believes the current depth the pipeline was at is inadequate. We should use this tragic experience to learn from and create new standards that make it clear for future pipeline crossing what a safe minimum depth for such crossings is.

Requiring emergency flow restricting devices for liquid transmission pipelines

For liquid pipelines in 1992, 1996, 2002, and 2006, Congress required OPS to "survey and assess the effectiveness of emergency flow restricting devices...to detect and locate hazardous liquid pipeline ruptures and minimize product releases"[2] with the first such requirement having a deadline in 1994 (17 years ago!). Following this analysis, Congress required OPS to "prescribe regulations on the circumstances under which an operator of a hazardous liquid pipeline facility must use an emergency flow restricting device."[3]

OPS/PHMSA never issued a formal analysis on emergency flow restricting device (EFRD) effectiveness. Instead, in its hazardous liquid pipeline integrity management rule[4], OPS rejected

[1] See 49 CFR 195.248(a)
[2] See 49 USC 60102(j)(1).
[3] See 49 USC 60102(j)(2).
[4] See 49 CFR 195.452(i)(4).

the comments of the NTSB, the US Environmental Protection Agency, the Lower Colorado River Authority, the City of Austin, and the Environmental Defense Fund and chose to leave EFRD decisions up to pipeline operators after listing in the rule various criteria for operators to consider. Such an approach to EFRD use does not appear to meet Congressional intent, partly because the approach is essentially unenforceable and not protective of important environmental assets such as rivers and lakes including those not considered High Consequence Areas.

Congress needs to reiterate its previous mandates to PHMSA on EFRD use on liquid pipelines and ensure they are followed to mitigate the extent of future pipeline releases.

Developing and implementing enhanced standards and requirements for leak detection on hazardous liquid lines

In its hazardous liquid transmission pipeline integrity management rule, PHMSA requires that operators have a means to detect leaks, but there are no performance standards for such a system.[5] This is in contrast to the State of Alaska, for example, which requires that *all* crude oil transmission pipelines have a leak detection system capable of promptly detecting a leak of no more than 1% of daily throughput.[6] PHMSA listed in the integrity management rule various criteria for operators to consider when selecting such a device. Again, such an approach is virtually unenforceable and not protective of important environmental assets such as rivers and lakes including those not considered High Consequence Areas.

The recent Enbridge spill in Michigan and the Chevron pipeline release near Salt Lake City are examples of what can go wrong when a pipeline with a leak detection system has no performance standards for operations. In both those incidents the pipelines had leak detection systems as required by regulations, but neither system was capable of detecting and halting significant spills. From initial reports it appears that ExxonMobil's leak detection system did identify the problem quickly, but this is certainly an area in need of improvement in the regulations to protect important water bodies and the public.

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[5] See 49 CFR 195.452(i)(3).
[6] See 18 AAC 75.055(a)(1).

We ask that Congress direct PHMSA to issue performance standards for leak detection systems used by hazardous liquid pipeline operators by a date certain to prevent damage from future pipeline releases. Such standards need to clearly determine the size of leak the system is capable of detecting, and the time required for the system to issue an alarm in the event that a leak of that size should occur

Making facility response planning more inclusive and the plans publicly available

As has been learned in the recent Gulf of Mexico tragedy, it is crucial that these types of spill response plans are well-designed, adequately meet worst-case scenarios, and use the most up-to-date technologies. While 49 CFR §194 requires onshore oil pipeline operators to prepare spill response plans, including worst-case scenarios, those plans are difficult for the public to access. To our knowledge the plans are not public documents, and they certainly are not easily available documents.

The review and adoption of such response plans is also a process that does not include the public. In fact PHMSA has argued that they are not required to follow any public processes, such as NEPA, for the review of these plans. If the Gulf tragedy has taught us nothing else it should have taught us that the industry and agencies could use all the help they can get to ensure such response plans will work in the case of a real emergency.

It is always our belief that greater transparency in all aspects of pipeline safety will lead to increased involvement, review and ultimately safety. There are many organizations, local and state government agencies, and academic institutions that have expertise and an interest in preventing the release of fuels to the environment. Greater transparency would help involve these entities and provide ideas from outside of the industry. The State of Washington has passed rules[7] that when complete spill plans are submitted for approval, the plans are required to be made publicly available, interested parties are notified, and there is a 30 day period for interested parties to comment on the contents of the proposed plan. We urge Congress to require PHMSA to develop similar requirements for the adoption of spill response plans across

[7] See Washington Administrative Code 173-182-630

the country, and that such plans for new pipelines be integrated into the environmental reviews required as part of the pipeline siting process.

State authority opportunities

The State of Montana has voiced outrage that this was allowed to happen and at the cleanup process that has proceeded so far. To date Montana has not used their ability to have any real authority to be either part of the inspection of liquid pipelines or require state level spill response planning for pipelines. We believe that states that step up to provide an additional layer of pipeline inspections by requesting such authority from PHMSA help provide a significant increase in pipeline safety in their states. The same holds true for those states that take on spill response planning for hazardous liquid pipelines. We hope Montana will use this terrible wake up call to consider becoming a more active player in keeping the pipelines that traverse that beautiful state safe.

Thank you again for this opportunity to provide this testimony. The Pipeline Safety Trust hopes that you will closely consider the concerns we have raised and the requests we have made. If you have any questions now or at anytime in the future, the Trust would be pleased to answer them.

Mr. SHUSTER. And with that, Senator, proceed, please.

TESTIMONY OF HON. JON TESTER, A UNITED STATES SENATOR FROM THE STATE OF MONTANA

Senator TESTER. Well, thank you, Chairman Shuster. I very much appreciate the invitation. Congressman Brown, thank you for Monday's invitation to this hearing to speak on behalf of Montana and the recent oil spill in the Yellowstone River.

Congressman Rehberg, it is good to see you. Thank you for your follow-up invitation request yesterday, albeit through the Great Falls Tribune.

I agree on the importance of working together on this critical issue. I am pleased to see people are being reasonable on this issue. We could stand to have a little more working together and being reasonable on other important issues.

I appreciate this committee's serious consideration and work to make America's infrastructure safer and more secure. You know, Ms. Alexis Bonogofsky was supposed to be here today from Montana. I understand she couldn't make it because of health concerns, and that is too bad. Because, like Ms. Bonogofsky, I make a living in production agriculture. My wife, Sharla, and I still farm the land homesteaded by my grandparents 100 years ago. In fact, just last weekend I was home plowing down peas and stacking hay. I am the only Member of Congress who can say that.

My livelihood is a farmer, and my bottom line depends upon clean water and healthy land. If either of those are compromised, Montana's farmers and ranchers cannot produce the high-quality feed, food, and fiber that we are so very famous for.

Of course, it is not just agriculture. Many refinery jobs in Montana are connected with the Silvertip pipeline. And when incidents like this happen, those jobs are put in jeopardy.

I would like to thank Exxon for responding so quickly to my request, to make sure that there would not be any layoffs while this pipeline is shut down.

As chairman of the Congressional Sportsmen's Caucus, I also know that the land, the rivers, the lakes where we hunt, fish, hike, boat, and play make Montana the last best place. Montana's tourism and recreation industry bring in about $3.4 billion to our State. It is Montana's second-largest industry, behind agriculture.

So, as a farmer and as a sportsman, I have consistently questioned the safety of our current and proposed pipelines in Montana. In fact, when TransCanada had plans to lower safety standards for sections of the proposed Keystone XL pipeline through rural Montana, I put my foot down. They wanted to run thinner pipe in Montana and across rural America, and a waiver to run higher oil pressure. I said, "No way," and they changed their plans.

My message then and my message now is that there is no cutting corners in rural America. When I commented about the proposed Keystone pipeline to Secretary Clinton, I urged her to assure that all safety precautions were taken when permitting and building it. I also hinged my support on the fact that safety must come first, and that property rights in rural American must be respected and treated fairly in all transactions.

Soon after the Yellowstone River spill on July 1st, I called upon Exxon to pay for the full cost of recovery of this cleanup. Taxpayers shouldn't have to pay one dime, in the end. Exxon reported about $11 billion in profit in the first quarter this year alone, and Montana taxpayers have already paid their fair share.

I will continue to hold Exxon accountable through all avenues, including legislation. When I found out about a loophole in the Clean Water Act that lets companies like BP and Exxon off the hook, I proposed a bill to fix it. My bill requires companies that spill oil to pay whichever fine is greater, whether the fine is based on the number of barrels spilled, or the duration of the spill. We have real consequences for polluters that harm jobs and our economy.

And finally, we expect and deserve full cooperation, accountability, and transparency from America's biggest and most profitable corporations in the wake of disasters like this. Exxon has been ambitious in efforts to keep us informed, and to respond to the needs of the communities affected by this spill. That is a very good thing.

But I have been frustrated by the fact that Exxon hasn't always been accurate. We have heard mixed messages about how long it took to shut the pipeline down when the spill happened. We have heard different stories about how far downstream the oil has traveled. We have heard conflicting reports about how deep the pipeline was buried.

And in this situation, Exxon was tasked with regulating itself; regulators were not on the job. And now we are paying a price for it. Does that sound familiar? Wall Street had no regulators, either, and it led to the collapse of our Nation's economy 3 years ago.

There are always things we can do to streamline and to adjust regulation to make sure that they are still protecting consumers and the public without strangling small business. But without regulations, we will see more economic meltdowns and oil spills and corporate takeovers that hurt small business. Folks who say that we are over-regulated in this country are speaking on behalf of Wall Street and big oil. I look these folks in the eye and say, "You are wrong."

Here we are, nearly 2 weeks after the spill, and we still haven't seen the spill response plan. Government regulators haven't given us the plan. Exxon hasn't given us the plan. I, along with this committee, have asked for a plan.

Furthermore, Exxon's cleanup plan was returned to them by the EPA, because it was incomplete. I must ask this committee, I must ask Exxon, and I must ask the Administration, what good does a spill response plan do, if no one can access it to actually respond? How do we validate that these companies are well-prepared, if we are being stonewalled on getting the information?

Are there other discrepancies which have yet to be explained? Why did Exxon close the valves and then reopen them, only to close them again? Why did Exxon cut the pipeline bed instead of bore it, when boring would have been safer?

I hope we will get clear answers to these questions. There are more than 13,000 miles of pipelines in Montana. This time it was the Billings area. But there are dozens of other communities that

could easily face the same or worse conditions without smarter strategies for pipeline safety. We must fully recover and uncover exactly what happened before, during, and after this spill for the sake of the folks that were impacted by this spill up and down the Yellowstone River. And as we do, it is just as important that we strive to build a culture more committed to safety, transparency, and full accountability among everyone involved.

Unfortunately, not everyone is committed to those values. Yesterday, Senator Rockefeller tried to pass the Senate's pipeline safety bill, and I hope it can happen today. We cannot be in the business of saying "no" to safety transparency and accountability. We are in the business of making those values work for us, for the sake of our health, our safety, our economy, and more importantly, for our kids and grandkids.

We are not out of the woods yet. But this hearing is a good sign that folks are willing to work together to make sure taxpayers are protected, to make sure that jobs are not lost at the local refinery when supply is disrupted, to make sure that the Yellowstone River and that the land that surrounds it are returned back to the way God intended it, to make sure drinking water downstream is clean and safe, and to protect our fish and wildlife.

Looking forward, we need to make sure that all pipelines and proposals for pipelines need to put a premium on safety, to take every precaution to minimize risk. Make no mistake. We are all for jobs. And I am not for—I am all for responsible energy development using all of our Nation's resources. But above all, we must do it safely.

I want to thank you again, Mr. Chairman, for inviting me to the committee. Thank you again, Congresswoman Brown, for inviting me to the committee to speak on this important subject. Thank you.

Mr. SHUSTER. Thank you, Senator. We appreciate your testimony. And, again, we will do our due diligence over here, and get to the bottom of this. So thank you very much. Appreciate it.

Go ahead, Ms. Brown.

Ms. BROWN. Senator? Senator? I also want to thank you for coming over. It is very good to see someone come over from the other body. And I am very excited that you all are close to passing a bill on pipeline safety, and sending it over to the House. Usually it is the other way around, and we send our bills, and it just kind of hangs over there for 2 or 3 years.

But, seriously, thank you very much.

Senator TESTER. Well——

Ms. BROWN. Looking forward to you all sending bills over. We are kind of stalemate over here a little bit in the House right now.

Senator TESTER. Thank you. As you guys know all too well, and as we know in the Senate, it is never done until it is done. But hopefully, this pipeline safety bill by Senator Rockefeller will be done, and you guys can deal with it in a way that I know will be appropriate. Thank you.

Ms. BROWN. Thank you.

Mr. SHUSTER. Thank you very much. With that, we invite Ms. Quarterman, the administrator, to take her place.

And again, we changed this up a little bit. We are going to have Ms. Quarterman testify, and we will ask questions, and then we will get the—I guess it will be the third panel.

So, whenever you are ready, Ms. Quarterman, you can proceed. Welcome back for, what, about your 15th visit in the last 2, 2½ years?

Ms. QUARTERMAN. Good morning. Thank you for giving me the record in the number of hearings.

Mr. SHUSTER. I think it is the record.

Ms. QUARTERMAN. Probably for everybody at the department.

TESTIMONY OF THE HONORABLE CYNTHIA L. QUARTERMAN, ADMINISTRATOR, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION

Ms. QUARTERMAN. Chairman Shuster, Ranking Member Brown, and distinguished members of the subcommittee, thank you for the opportunity to discuss the Pipeline and Hazardous Materials Safety Administration's response to and investigation of the July 1, 2011, ExxonMobil Pipeline Company oil spill in Laurel, Montana.

Safety is the number one priority of Secretary LaHood, myself, and the employees of PHMSA. We are all strongly committed to reducing safety risks to the public and environment. More than two-and-a-half million miles of pipelines deliver energy to homes and businesses across America. And of those, PHMSA oversees 174,000 miles of hazardous liquids pipelines.

Despite recent improvements in pipeline safety, I am very troubled by this oil spill, and its significant impact on the surrounding communities. Let me join with the chair and the ranking member in sending also my regrets to those families who are affected, the communities in Montana.

I assure you that PHMSA is vigorously investigating this incident, and will continue to do so. PHMSA personnel were on the scene and directly engaged within 12 hours of notification of the spill.

On July 5th, PHMSA issued a corrective action order requiring ExxonMobil to directionally drill the Yellowstone River crossing, and assess the risk of other major Silvertip pipeline water crossings. Due to the high river flow, the ruptured pipe is currently inaccessible for further examination. However, I can assure you that once the failed pipe becomes accessible, PHMSA will complete this investigation as soon as possible.

Before the incident occurred, PHMSA and the City of Laurel Public Works Department jointly reviewed rising river water and river flow and erosion near the Yellowstone River crossing. We were concerned with the risks to the Silvertip pipeline. In response to our request, ExxonMobil performed a depth of cover survey that confirmed that at least 5 feet of cover was over the pipeline in the riverbed.

Subsequently, ExxonMobil indicated to us that the south shore of the crossing, which was a cause of erosion concern, had averaged over 12 feet of cover over the pipeline.

Historically, PHMSA has conducted routine inspections of the Silvertip pipeline for many years. As recently as July of 2009, the

agency conducted a standard inspection of the pipeline. We issued three enforcement actions as a result of this inspection. All of those were unrelated to the river crossing that failed.

From June 6th to June 10, 2011, PHMSA personnel performed an integrity management field inspection on the Silvertip pipeline. At that time, no regulatory violations were found, with respect to the integrity assessment.

Mr. Chairman, I assure you that PHMSA will remain vigilant in ensuring the safety, reliability, and integrity of all pipelines under its jurisdiction. We will also ensure that the Silvertip pipeline is free of safety and environmental risks before ExxonMobil is granted permission to restart this line. PHMSA will investigate this incident fully, to ensure that the line is operated safely, that the public is protected, and that the violations of the Federal pipeline safety regulations are swiftly addressed.

Thank you, and I am happy to respond to any questions you may have.

Mr. SHUSTER. Thank you very much. And I am going to start off yielding my time to Mr. Rehberg, if he has some opening questions.

Mr. REHBERG. Great. Thank you, Mr. Chairman. And, Ms. Quarterman, thank you for joining us today. Could you explain to me just exactly what the investigation process is going to be? And will you, from that investigation, be able to tell us just the exact cause of the break, itself?

Ms. QUARTERMAN. That is the purpose of the investigation. Once the pipeline becomes accessible—at this point the flood waters are still too high to remove it—we will review the pipeline break to determine what the cause was.

Mr. REHBERG. So the process is you bring the pipe up. You cut it, you bring it up, you inspect it.

Ms. QUARTERMAN. Correct.

Mr. REHBERG. At the same time the permitting process is going on for the replacement, so that they can possibly get that pipeline up and running as soon as possible, so it doesn't, on the other end, affect our economy and such?

Ms. QUARTERMAN. That is up to ExxonMobil, in terms of the permitting for the new pipeline, how they want to stage that.

We have asked Exxon to do a side scan of the area sonar, to get a picture of what is happening at the bottom.

Mr. REHBERG. OK. Can you give us an indication of what kind of timeframe, then, the investigation will take, once the river recedes and you have the ability to bring the pipeline up?

Ms. QUARTERMAN. I think it will take several months, probably. And in terms of getting the pipeline up, that too may take weeks, if not months, before we can——

Mr. REHBERG. Are you the one, then, that would be responsible for working with Exxon to make a determination just exactly how much was spilled into the river? You know, we hear conflicting reports, although—and we seem to go back and forth between barrels and gallons, and barrels and gallons. Clearly, you know, whatever looks worst gets reported.

But ultimately, will you be able to make a determination, getting the facts of just exactly how much was spilled into the river?

Ms. QUARTERMAN. We hope to be able to make that determination once we review all the data that Exxon will provide. We have visited the Houston control room. So once we see what the pipeline looks like, we can determine pretty well how much oil should have been spilled, given the flow during that day.

Mr. REHBERG. To your knowledge, was there any outstanding violations of the rules and regulations and laws, as you enforce, at the time of the—I know there was concern, and there were other violations that didn't have anything to do with the break, itself. But, to your knowledge, was there any outstanding violations that could have caused this——

Ms. QUARTERMAN. Well, that will be the subject of the ongoing investigation.

Mr. REHBERG. Well, it would seem fairly obvious, as to whether there is a violation that is sitting there that had not been addressed. I am not talking about something that you might find that violates a rule or a regulation as you are doing the inspection. I am suggesting, up until that point, is there any violation that was pending——

Ms. QUARTERMAN. Up until that point in time, I don't believe there were any violations that were pending.

Mr. REHBERG. OK.

Ms. QUARTERMAN. But——

Mr. REHBERG. Could you explain? What is the point of the directional drilling immediately? Was that for the purposes of determining where the stream bed is, or—I just don't understand why.

Ms. QUARTERMAN. We ordered them to do a horizontal directional drill, which would make the pipeline go at a much lower—a depth much below the riverbed, as opposed to being—in this case, the pipeline was in what we call an open cut situation. They cut the riverbed open, stopped——

Mr. REHBERG. But I thought the pipeline was shut off. What is the purpose of the directional drill, if the valve on one end is shut off and the valve on the other end is shut off? Why——

Ms. QUARTERMAN. Oh, the directional drill is for the new pipeline, if they were to put one in. It would have to be horizontally directionally drilled underneath the riverbed at a much lower place than it was, initially.

Mr. REHBERG. Does that make the valves further away from the river, so that there is an additional issue of whether it can be shut off as fast as is necessary?

Ms. QUARTERMAN. It will have no effect on the valves, unless Exxon has a plan that we haven't seen that we would have to approve to change the location of the valves. I know of no reason why the location of the valves would need to change at this point in time.

Mr. REHBERG. All right. OK. No further questions. Thank you.

Mr. SHUSTER. Thank you, and I yield to the ranking member for 5 minutes for questions.

Ms. BROWN. Thank you. Ms. Quarterman, obviously, DOT, city of Laurel, had some concerns. And, according to the staff DOT, inspectors warned ExxonMobil several times that the heavy flooding in the river could have a significant impact on the pipelines. Why, given the fact that there have been historical flooding in the past,

why were the inspectors concerned? And if they warned Exxon several times, I mean, why was the problem not dealt with upfront?

Ms. QUARTERMAN. I think the original concern was associated with the south river bank of the crossing, where there was a concern that there was erosion there. But the City of Laurel Public Works approached us. I think they had been trying to figure out who is the regulatory authority here. They had contacted FEMA and the Corps of Engineers, and eventually discovered PHMSA. And when they contacted us, we went with them to Exxon and said, "You need to take a look at this and do a depth of cover survey," which had not been done at that point to determine the depth of the pipeline.

We were concerned, not just with this particular pipeline, but with all the pipelines that were in flooded areas throughout the United States, and in June had notified operators on a regional basis, "You need to be paying close attention to your pipelines, because of the floods."

Ms. BROWN. Well, the Silvertip pipeline was built between 1949 and 1954. But the section closest to the failure was built in 1991.

Ms. QUARTERMAN. Correct. Correct.

Ms. BROWN. I guess I don't understand. It was a concern that the coverage wasn't enough. It wasn't proper.

Ms. QUARTERMAN. Well, whenever there is flooding and pipelines are nearby, it is incumbent upon the operators of those pipelines to keep vigilant about the amount of cover that is above their pipeline. They need to be monitoring it on a regular basis. Our inspector, in fact, went out on a daily basis and was monitoring this line because of the concerns that had been raised.

Ms. BROWN. Were you working with ExxonMobil? I mean were you telling them—I saw that you verbally told them twice that you were concerned.

Ms. QUARTERMAN. Yes, we did.

Ms. BROWN. And what was their response?

Ms. QUARTERMAN. They gave us a depth of cover survey. They performed the depth of cover survey, which showed us that there were at least 5 feet of cover over the pipeline and the riverbed—this is as of December of 2010—and that there was, on average, I believe, 12 feet of cover on the south side of the crossing.

But let me say it is the operator's responsibility to weigh and assess the risks associated with its pipeline. We have—in terms of construction requirements, a pipeline is required, at a minimum, to have 4 feet of cover in a riverbed of this size, which is more than 100 feet wide. But there are additional requirements. When you design a pipeline, you have to be sure that it is capable of dealing with stresses and external loads.

And this particular pipeline happened to be in an area that could affect a high-consequence area, which means the integrity management rules were implicated. Pursuant to those rules, an operator is required, on a continual basis, to ensure that its pipeline is meeting all local environmental requirements. And by that, we include climatic, specifically.

So, the operator has an ongoing obligation to continually reassess and assess the risks associated with its pipeline, especially in con-

ditions like that. That is why we kept saying to them, "You need to check this pipeline out and watch it."

Ms. BROWN. I guess the last question or concern—the Senator raised the—who is responsible for the cleanup plan? Is the plan on file? Who is responsible for implementing that? I mean, do we have the oversight? How does it work?

And I mean it is the same thing that happened 1 year ago.

Ms. QUARTERMAN. The oil spill response plan is filed with PHMSA, and we do have Senator Tester's request. I signed a letter to him yesterday, telling him that we will be getting him a copy of that plan.

We do have an obligation to go through it and redact certain personal information, and also certain security information that TSA has asked us to not include for public disclosure.

However, the folks who are at the scene—obviously, the Environmental Protection Agency leads these kinds of cleanups—they have a copy of the report, as does the Coast Guard. So the response team has the oil spill response plan. It is not yet publicly available, simply because we haven't gone through the process of redacting whatever needs to be redacted. But it should be available shortly.

Ms. BROWN. Well——

Mr. SHUSTER. The gentlelady's time is expired.

Ms. BROWN. OK.

Mr. SHUSTER. We will come back again if you have more questions.

Ms. BROWN. Yes.

Mr. SHUSTER. A question. First, I wanted to ask—Senator Tester brought up that—why ExxonMobil shut off the pipeline and turned it back on. My understanding—and I want to see if it concurs with you, if you think it is reasonable—they shut it off, they turned it back on to isolate and figure out exactly where the leak was. Senator Tester brought that up, that he had a question about that. Does that sound reasonable to you, for them to shut it off, turn it back on, to try to isolate and find where the leak is coming from?

Ms. QUARTERMAN. Well, I—that is the subject of our investigation, obviously.

They shut off a valve on the pipeline. The pipeline, according to our timeline, at 10:04 there was a low-pressure alarm. At 10:41—not 10:04, sorry, 10:40 p.m. Mountain Time. At 10:41, the Edgar Station went down, and the ExxonMobil control center operation knew that there was a problem. At 10:47 the control room operator shut down the pump station that would be pumping crude through the line. At 10:57 the control room closed the Laurel Station valve, which was north of the river. Now, this is not the valve that would stop crude oil from flowing into the river.

At 10:57 they closed the valve—I just said that. At 11:36 they ultimately closed the river valve that is south of the river. Now, I understand that there may have been some opening and closing of that northern valve. I don't know why. That will be the subject of our investigation.

Mr. SHUSTER. All right. Thank you. And I know that in October you started to actively monitor the pipeline. And, of course, the failure that occurred last month. Those additional warnings, have you—or those additional monitorings, have you had a chance to go

back and review your monitoring and try to figure out what you could have done differently at PHMSA, or you haven't had an opportunity to really do an after-action report?

Ms. QUARTERMAN. We haven't done an after-action report at this time. We are still getting documents, not only internally, but also from ExxonMobil, which will be a part of our review of the investigation.

Mr. SHUSTER. And, additionally, I guess a month before the pipeline failed, you did a review and discovered there was no violation of Federal regulations, but you did discover an anomaly in the pipeline.

Ms. QUARTERMAN. That is correct.

Mr. SHUSTER. Can you talk about that anomaly? What——

Ms. QUARTERMAN. Yes. Because of all the sensitivity associated with this pipeline, I believe the inspectors wanted to do an extra effort. So, in June of this year, they went to ExxonMobil to look at the Silvertip pipeline in-line inspection run. There had been two in-line inspections done in 2004, and another in 2009.

With respect to the 2009 run, they looked at the entire run of the river crossing, and looked at the raw data to verify whether they agreed with the conclusions that were drawn there. They did find one anomaly that was below the regulatory cut-off for taking an action.

Obviously, once the pipeline is removed from the river, we will take a close look——

Mr. SHUSTER. Yes.

Ms. QUARTERMAN [continuing]. To see if anything—if that anomaly is in place, as it was then, or if it contributed to this in any way.

Mr. SHUSTER. All right. And I know additionally for several years you—PHMSA—has been concerned about scouring and erosion occurring in the Silvertip pipeline area of the Yellowstone River. Are there other examples where scouring erosions occurred, where maybe fast-moving debris has caused the damage to the pipeline anywhere in the country that you have seen this happen before?

Ms. QUARTERMAN. This has happened before in the country in the past. I believe there was a San Jacinto pipeline incident in the 1990s, where eight pipelines burst in the Texas area on the flood plain there. It is not a usual occurrence, but it is something—obviously, when a flood occurs—that you have to be cognizant of and vigilant about.

Mr. SHUSTER. Right, OK. Thank you. And I will yield to Mr. Larsen. You have 5 minutes for questions.

Mr. LARSEN. Ms. Quarterman, the accessibility of the pipeline, you say we have to wait until the river comes down. Do we have a timeline on that? Are we looking August/September? Or—yes, August/September timeframe?

Ms. QUARTERMAN. I—this is a guess on my part——

Mr. LARSEN. Yes, right.

Ms. QUARTERMAN [continuing]. But based on what I have heard, it would suggest August——

Mr. LARSEN. OK.

Ms. QUARTERMAN [continuing]. Is more likely than September.

Mr. LARSEN. So it is going to be at least in the next month, perhaps, before you can actually get into the river. And the process for getting to the pipeline? Your—the agency's process to actually get physically to the pipeline, once the river is low enough?

Ms. QUARTERMAN. Exxon will be responsible for exposing the pipeline, and we will be there on site to take custody of it, once it comes from the water into our examiner——

Mr. LARSEN. And then will you remove all the pipeline just within the riverbanks, or between the valves, do you know?

Ms. QUARTERMAN. At this time I think it is too soon to say.

Mr. LARSEN. Yes. And this is a—this was in a high-consequence area, as defined by the law. Is that right?

Ms. QUARTERMAN. By the regulation, yes.

Mr. LARSEN. By regulation. And the requirements for testing in an HCA for liquid fuel, can you remind us of that?

Ms. QUARTERMAN. Once every 5 years.

Mr. LARSEN. Once every 5 years. With a pig?

Ms. QUARTERMAN. That is what was done in this instance. That is the preferred, shall we say?

Mr. LARSEN. Yes, sure. OK. And so—and that was last done in 2009?

Ms. QUARTERMAN. Correct.

Mr. LARSEN. For this. And any visual inspection on the pipeline—I don't know about—is this above ground when it is not to the river, or is this all underground?

Ms. QUARTERMAN. It is all underground, as far as I know.

Mr. LARSEN. Yes, OK. So it wouldn't be visual. All right.

You said that there was no sign of integrity problems—there were three violations, but none of those violations were related to, as far as you can tell, to this particular problem. Can you tell us why that is the case? Can you assure us that is the case?

Ms. QUARTERMAN. I am happy to give you a copy of our findings from those particular inspections. I don't have a catalog right now of everything that—what our findings were. But I know they didn't relate to this particular river crossing.

Mr. LARSEN. If you could, follow up with us so that we can——

Ms. QUARTERMAN. Absolutely.

Mr. LARSEN [continuing]. Be assured that that is the case as well, as we look into this. I appreciate it.

So, where does NTSB fit into the investigation? Are they doing their own separate investigation?

Ms. QUARTERMAN. No, they are not doing an investigation. The NTSB probably investigates a very small percentage of the number of pipeline incidents that occur in the country. They usually have to be of a certain size. They don't have as many people as we do, who have expertise in this. And I think they are pretty busy right now, investigating some of the earlier incidents——

Mr. LARSEN. OK.

Ms. QUARTERMAN [continuing]. Around the country.

Mr. LARSEN. I know they were involved with Olympic pipeline that exploded in my district——

Ms. QUARTERMAN. Yes.

Mr. LARSEN [continuing]. About a decade ago. The process that you all have right now is strictly investigation. And then what are

your options when your investigation is done? Generally, what are your options?

Ms. QUARTERMAN. We are investigating one for cause, but also to determine whether there are any violations of the pipeline safety regulations. At that point, we have brought authority to issue all sorts of penalties, civil penalties, compliance orders, violations, amendments to the plans. We will be looking, obviously, at whatever needs to be done, based on our findings.

Mr. LARSEN. And strictly on the civil side?

Ms. QUARTERMAN. If we see a potential criminal violation, we would refer that.

Mr. LARSEN. Yes, OK. Thank you, Mr. Chairman, appreciate it.

Mr. SHUSTER. Thank you. And now Mr. Hanna from New York, recognized for 5 minutes for questions.

Mr. HANNA. Thank you, Mr. Chairman. You said that your requirements for depth of these pipelines is roughly 4 feet?

Ms. QUARTERMAN. Mm-hmm.

Mr. HANNA. And you said that the—in case I am mistaken—that the report that was given to you was—showed that the pipeline was 12 feet deep, is that right?

Ms. QUARTERMAN. The report covered a span, both underneath and to the sides of the crossing. The riverbed requirement is, at a minimum, 4 feet for more than 100 feet across.

Mr. HANNA. Right.

Ms. QUARTERMAN. And it was at least 5 feet. The 12 feet comes in on the——

Mr. HANNA. Banks.

Ms. QUARTERMAN. The banks of the river, yes. There was some concern by the Public Works. I think a lot of their concern was focused, really, on the south bank of the riverbed when we went out there initially.

And so, some time earlier this year we got a request from them to further follow up with ExxonMobil, and we asked them, "What is the covering on that south bank?" And they said, on average, 12 feet.

Mr. HANNA. So—but to the best of your knowledge, it was over 4 feet through the riverbed?

Ms. QUARTERMAN. To the best of my knowledge. As of December of 2010——

Mr. HANNA. And your goal, through horizontal drilling, is to make it deeper than that, I take it?

Ms. QUARTERMAN. Correct.

Mr. HANNA. And what are you proposing?

Ms. QUARTERMAN. We haven't set a particular number of feet. This is a process that, you know, Exxon will have to come with us—come to us with a proposal.

Mr. HANNA. You have no idea yet whether it was a leak caused by a lack of cathodic protection, or if it was a leak that was a function of scouring, or if it was just mislaid——

Ms. QUARTERMAN. Correct.

Mr. HANNA [continuing]. And rubbed against stones, or something like that.

Ms. QUARTERMAN. Correct.

Mr. HANNA. Are these lines cathodically protected?

Ms. QUARTERMAN. They are.

Mr. HANNA. OK. Thank you very much.

Mr. SHUSTER. Thank you, Mr. Hanna. Mrs. Napolitano, recognized for 5 minutes for questions.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. Ms. Quarterman, thank you for being here today. It is good to see you.

Ms. QUARTERMAN. You too.

Mrs. NAPOLITANO. According to your staff, the DOT inspectors verbally warned ExxonMobil several times that heavy flooding in the river would have a significant impact on the pipeline. Question is: Why?

And, given the facts there have been historic flooding at least twice—I believe it was in—I don't have the correct years, I think it was 1996 or 1997, or the heavy flood years—why—given the fact there is this historic flooding in the past, nothing new in that area, why were the inspectors concerned?

Ms. QUARTERMAN. They wanted to be sure that Exxon had taken all steps necessary—ExxonMobil had taken all the steps necessary—to ensure that, given the high level of flooding, there would not be a problem with this pipeline.

Mrs. NAPOLITANO. OK. But I guess maybe I am trying to reach why it—do they inspect it regularly? By law they have to inspect the area—let's see. Each—Federal regs require each operator, at intervals not exceeding 3 weeks, to at least inspect 26 times each calendar year the surface conditions on or adjacent to each pipeline right away.

Was there something that they saw that they—caused them concern and asked Exxon to ensure that they inspected?

Ms. QUARTERMAN. I think the source of their initial concern was the call from the City of Laurel Public Works, who——

Mrs. NAPOLITANO. OK.

Ms. QUARTERMAN [continuing]. Were concerned about the south crossing, the south bank of the river. Then, the flood waters began to rage throughout the United States, and that added to their concern, not only on this pipeline but on other pipelines that were affected, to make sure that the operators were actually paying attention, and——

Mrs. NAPOLITANO. OK. Does PHMSA have copies of the—ExxonMobil's integrity management plan and oil spill response plan? Do you keep those on file? And when was the last time these were reviewed?

Ms. QUARTERMAN. We do not have a copy of the integrity management plan. That is something that the inspectors view when they go out to perform an inspection. We do have on file a copy of the oil spill response plan. That is the document that Senator Tester referred to earlier, and which we are readying to produce to a number of people who have requested it.

Mrs. NAPOLITANO. Mr. Chair, I don't know whether that is proper to ask her, for us to be able to see what response plan there was, and what the date of that plan would have been. Was it updated? Was it upgraded, based on the findings after the floods? Were there reviews to ensure that the erosion had not been so bad that it was a cause of concern?

Ms. QUARTERMAN. I am happy to supply you with a copy of that. My recollection is that it was updated at the end of 2010, but perhaps the witness from ExxonMobil would be better to answer the exact date.

Mrs. NAPOLITANO. OK. Well, you know, I am going back to if the river was as swift and mobile and USGS indicates, then ExxonMobil should have been there annually, verifying the depth of cover over the pipeline, due to the historical area. You can do all the internal diagnosis and diagnostics. But if the overburdened cover was thinning, then you are setting yourself up for disaster, which may have been what happened here.

The DOT and the city of Laurel was clearly concerned about the river score and bank erosion at Yellowstone River crossing over the pipeline. In fact, DOT checked with ExxonMobil twice on the depth of cover to confirm results December 1st, last year, when the depth of cover survey was first completed, and then again in June, to confirm the current depth of cover.

Was there a reason DOT kept checking back, besides the city of Laurel being concerned?

Ms. QUARTERMAN. Well, we were concerned, as well. And we just wanted to make sure that they were paying attention.

Mrs. NAPOLITANO. OK. And there is also talk about doing the new laying of the pipe once—concurrent to the investigation. Is this going to be bored? Is it going to be deeper? You talk about lower, but you don't indicate how much lower.

Ms. QUARTERMAN. In our corrective action order, we require them to horizontally drill this pipeline beneath the riverbed. We did not, the best of my recollection, set a depth number. Exxon will be required to come in with a plan for us to approve.

Mrs. NAPOLITANO. Are there standards for the rivers that have higher river flow than others for the amount of sediment that is left, or, I mean taken away?

I am trying to figure out how much lower will that be, enough to be able to allay some of the concerns the community may have in the future about flooding? Or, I mean, about the spills?

Ms. QUARTERMAN. Yes. At this point I don't know how low it will be. It could be as low as 20-some-odd feet below the riverbed.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Mr. SHUSTER. Thank you. And Ms. Richardson, do you have questions? We have no one left on our side, so go ahead.

Ms. RICHARDSON. Yes. Thank you, Mr. Chairman. Ms. Quarterman, it is my understanding that committee staff has requested information on the crude oil and other chemicals that are transported in this Silvertip pipeline but have yet to receive any response. What is the gravity of the rating of the crude oil that was being transported in the pipeline at the time of the rupture? What are the gravity ratings of other crude oil, if any, are transported in that line? And will you commit to providing to this committee the information requested, including any materials, safety data sheets, or shipping papers for the hearing record?

Ms. QUARTERMAN. I am unaware of that request from the committee. I do not know the gravity of the crude in that pipeline. ExxonMobil, who will testify after, should be able to provide that information for the record. We do not keep copies of any shipping

documents associated with, you know, the movement of crude oil on pipelines.

Ms. RICHARDSON. Would you be willing——

Mr. SHUSTER. Excuse me, just want to—we have that information, and we can share it with you at another point. I don't know if your side has access, but we have it, so——

Ms. BROWN. Probably not.

Ms. RICHARDSON. We don't have the information.

Mr. SHUSTER. We will get it to you.

Ms. RICHARDSON. OK. My next question has to do with—also last Friday, it is my understanding, on the Democratic side we requested copies of all claim forms. Do you guys have those, as well?

Mr. SHUSTER. I don't—repeat that again, please.

Ms. RICHARDSON. It is my understanding we also requested copies of all claim forms, including any forms dealing with medical claims or reimbursement of expenses.

Mr. SHUSTER. We didn't request that, but I don't know if you requested it—we didn't get it.

Ms. RICHARDSON. OK. So, would you be able to assist us in getting copies, or has your office determined the need to request copies of all the claim forms, including any forms dealing with medical claims and reimbursement of expenses? So far we haven't received anything. Would you be able to assist us in that effort?

Ms. QUARTERMAN. That is not something that we collect. The Environmental Protection Agency is the incident command leader in this particular spill. They are the ones responding to the spill and to claims. ExxonMobil, again, will probably have copies of all those claims.

Ms. RICHARDSON. OK. My last two questions—I have got about 3 minutes here—does the PHMSA have copies of ExxonMobil's—I think Mrs. Napolitano asked this question—of the integrity management plan, and you said no. And my question would be, is it normal for you to have those?

Ms. QUARTERMAN. No, it is not. It is something that is intended to be a document that is kept alive, so continually updated. And it is one that our inspectors review when they go to visit and inspect an operator, and review it there for accuracy.

Ms. RICHARDSON. But it was not there, or not available at the previous inspections?

Ms. QUARTERMAN. As far as I know, it was there. I am sure it was. There were no violations associated with not having such a plan.

Ms. RICHARDSON. And do you have any process in place, based upon now these things that have happened, to consider, if it is a living and breathing document, that you continue to get updates throughout?

Ms. QUARTERMAN. Well, we don't have the original plan. I think it is an issue that we have been discussing internally, how we can have more data associated with pipelines, and how we might gather, store, protect that data.

Ms. RICHARDSON. What is the reason why you wouldn't want to have the information?

Ms. QUARTERMAN. Certainly we would want to have as much data as possible. It is not a question of want.

Ms. RICHARDSON. OK. So are you officially requesting of this committee that we would assist you in having that done?

Ms. QUARTERMAN. I can't state a position on that at this point without having it cleared throughout the Administration. I would say that we are, as part of our reauthorization package that was sent to the Hill in 2010, there was one initiative that related to data and the need for data.

Ms. RICHARDSON. OK. Could you forward that to the committee? Because I don't recall seeing it. Yes.

Ms. QUARTERMAN. Sure.

Ms. RICHARDSON. Thank you. My last question. In your opinion, should MobilExxon—ExxonMobil, excuse me—have addressed the unique conditions of the flow of the Yellowstone River in their design, construction, and maintenance of the pipeline? And should that be—do you feel that that should be addressed in their integrity management plan? And do you believe that it should be annually verified, the depth of the cover of the pipeline?

Ms. QUARTERMAN. I believe that, yes, those things must be considered. I mean it is the operator's obligation to consider all the environmental aspects of where it is laying its pipeline, including the location of a riverbed—river, the historic flow levels, the expectations for floods. All that should be considered in any design for any river crossing.

And in terms of depth of cover, you say once a year. I would say as often as is necessary to ensure that that depth of cover is sufficient.

Ms. RICHARDSON. And are you aware if that was in the current integrity management plan? And that is my last question, I am sorry.

Ms. QUARTERMAN. I don't know the answer to that question.

Ms. RICHARDSON. Will you find out for us, and advise the committee?

Ms. QUARTERMAN. We don't have a copy of that on file. We can try to ascertain that. Perhaps ExxonMobil can answer that question, as well.

Ms. RICHARDSON. Well, I would think, in light of what is going on, you probably would want to know that as well, right?

Ms. QUARTERMAN. Well, it will be part of our investigation, obviously.

Ms. RICHARDSON. Thank you. Yield back.

Mr. SHUSTER. Ms. Quarterman, thank you very much for being here. I am confident we will see you again.

[Laughter.]

Mr. SHUSTER. Thank you very much, and you are——

Ms. QUARTERMAN. Hopefully to reauthorize the pipeline safety program.

Mr. SHUSTER. We are moving forward with that post-haste. So thank you very much for being here today.

And I would like to invite Mr. Pruessing and Dr. Inkley to come to the witness desk.

[Pause.]

Mr. SHUSTER. All right, again, thank you both, gentlemen, for being here today. And, Dr. Inkley, we will start with you.

Dr. Inkley, as I said earlier, is a scientist from the National Wildlife Federation. Thank you very much. And you can proceed.

TESTIMONY OF DOUGLAS B. INKLEY, PH.D., SENIOR SCIENTIST, CONSERVATION PROGRAMS, NATIONAL WILDLIFE FEDERATION; AND GARY W. PRUESSING, PRESIDENT, EXXONMOBIL PIPELINE COMPANY

Mr. INKLEY. Thank you, Chairman Shuster. Thank you for the opportunity to testify this morning. I appreciate that you and the ranking member and all of the committee members are here today.

I am testifying in lieu of Ms. Alexis Bonogofsky, to whom the invitation was originally extended. Her family farm, or ranch, lies along the banks of the Yellowstone River, near the site of the spill. Unfortunately, she had to be taken to an emergency room earlier this week, where she was diagnosed with acute hydrocarbon exposure, and is unable to be here today.

As we consider pipeline safety, it is important to keep three facts in mind. The first of these is that the Yellowstone River oil spill is America's third major oil spill in just 15 months. The second is that, in large spills, at best, only 10 to 15 percent of the total oil spilled is ever recovered. EPA indicated yesterday that was only 1 to 5 percent in this spill. And third, the effects of oil on the environment may not be immediately obvious, but can last for years.

Crude oil from this pipeline is a serious threat to people and wildlife. Drinking and irrigation water are at risk of contamination. Relatively immobile wildlife, such as frogs and salamanders, turtles, beavers, muskrats, and otters, they are all in harm's way. Of greatest concern to me is the aquatic food chain, including the many fish that have no place to seek refuge. The endangered pallid sturgeon lives downstream from the spill.

As I earlier noted, my colleague, Ms. Bonogofsky, fell ill due to hydrocarbon exposure. But furthermore, her summer pastures, which are critical for her livestock, are ruined by the oil contamination, and she cannot allow her livestock to feed in that.

The inadequacy of the response has been reported widely in the press. Ms. Bonogofsky learned about the spill when she discovered oil on her property, and then read about the pipeline rupture in the local paper. She was never formally notified. She had to discover it herself.

When she called the county health department, she was told that the oil was "just an irritant." Yet, in the Utah Department of Health's response to a recent 33,000-gallon spill near Salt Lake City, they had a long list of potential health impacts, including lung, liver, and kidney damage, infertility, and immune system suppression. Clearly, crude oil is far more than "just an irritant."

When Ms. Bonogofsky was directed to State officials to call—by State officials to call an ExxonMobil hotline, initially they provided her with no information. They were there just to take her information. A public relations person from ExxonMobil would not tell her what chemicals were in the oil, or if any had been added, and she still doesn't know.

Unfortunately, I am a veteran of previous oil spills, including the Deepwater Horizon oil spill disaster last year in the Gulf of Mexico. Sadly, I believe that industry is using the same play book to re-

spond to this particular oil spill. Industry assures everyone that operations were safe. Industry responds slowly to the spill. Industry understates the size of the spill.

Industry keeps the public in the dark. Governor Brian Schweitzer pulled Montana out of the incident command center because "ExxonMobil was refusing to be transparent with the public."

And industry keeps the press out. Montana Governor Schweitzer again stated, "They have security guards that don't let the press in." Same thing happened in the Gulf.

It is not surprising, though, that this is the industry play book. There is a lot to hide. From 2000 to 2009, pipeline accidents onshore accounted for more than 2,000 significant incidents, and 161 fatalities in the United States. Since January 2010, 2.3 million gallons of oil spilled, causing $46 million in damage to private property and to the environment.

Just weeks prior to the spill, this particular spill, a Federal inspector assessed the pipeline to be in compliance with Federal pipeline safety standards. So, clearly, industry and the existing—the existing—pipeline safety standards are failing to protect public health and the environment.

My written testimony contains a list of recommendations to improve pipeline safety. These include, among others, requiring incidents to be reported immediately to Federal and State agencies, and to all people potentially affected. Require accurate, independent assessment of spill size. Require long-term monitoring of spills down river and in repairing zones, and of impacts to fish and wildlife populations. Require immediate public disclosure of the chemical composition of spilled oil.

In closing, it is imperative that safety standards be improved. Industry is now promoting its riskiest project yet: nearly 20 times the capacity of the Silvertip pipeline, the Keystone XL tar sands pipeline. Unfortunately, the House may soon vote on a bill to fast-track the permitting of this new pipeline. Instead, I believe that Congress should first focus on enacting legislation to improve our Nation's pipeline safety policies, not fast-track another pipeline.

Thank you again, Mr. Chairman, for the opportunity to testify.

Mr. SHUSTER. Thank you, Doctor. And now, Mr. Pruessing, who is the president of ExxonMobil Pipeline Company.

Mr. Pruessing, please proceed.

Mr. PRUESSING. Chairman Shuster, Ranking Member Brown, members of the subcommittee, thank you for the opportunity to discuss the pipeline incident that occurred on July 1st in the Yellowstone River in Montana, and to update you on the progress we have achieved to clean up the spill.

Before I begin, however, allow me to repeat our sincere apologies to the people of Montana. We deeply regret that this incident occurred, and are steadfastly committed to not only complete the cleanup, but also to build the learnings from this incident into our future operations.

This requires, first, that we understand exactly what occurred. We do not yet know the precise cause of the apparent breach in the Silvertip pipeline, and we will not likely know until our investigation is complete.

We do know that the pipeline had met all regulatory requirements, including a 2009 pipeline inspection and a December 2010 depth of cover survey. Additionally, as recently as last month, the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration, or PHMSA, performed a field audit of the pipeline's integrity management program.

And, of course, we do know the effects of the incident. The pipeline lost pressure the night of July 1st. And within 7 minutes, our employees shut down the pumps. Shortly thereafter, we began closing valves to isolate segments of the pipeline, and minimize any release. We estimate that no more than 1,000 barrels of oil spilled.

We notified the national response center, and immediately began implementing our emergency response plans, drawing upon local resources at the ExxonMobil Billings Refinery, as well as our experts across the country. A unified command center, led by the Environmental Protection Agency, and involving almost 700 people now, directs the response.

This coordinated effort, combining the resources and expertise of Government, industry, and others, is crucial to effective cleanup and recovery. I speak on behalf of our entire company in thanking the public servants at all levels of Government, and the volunteers from nongovernmental organizations contributing to this effort. This includes professionals from PHMSA, the Environmental Protection Agency, the United States Department of the Interior, the Montana Department of Environmental Quality, Montana Fish, Wildlife, and Parks, the Yellowstone County supervisors—or commissioners, local response organizations, International Bird Rescue, and many others.

As part of our cleanup strategy, we have divided the area down river of the spill into four zones. In the first two cleanup zones, covering a combined distance of about 19 miles, we have deployed approximately 43,000 feet of boom, 260,000 absorbent pads, and several vacuum trucks, boats, and other equipment to capture oil. Our priority is to ensure that the cleanup is safe and effective, a task made more challenging by the persistent high-water levels in the Yellowstone River. At the same time, through the unified command, we continue to conduct air and water quality monitoring of over 200 miles of the river, as well as wildlife assessments and recovery efforts. To date, EPA monitoring confirms there is no danger to public health, and no reported water system impacts.

We have also brought in recognized experts to actively monitor the impact on local wildlife. So far, a total of four animals have received treatment: one garter snake, two—one warbler, and two toads. In addition, International Bird Rescue has identified several oiled birds, and they are assessing if any require capture and cleaning. Monitoring and mitigating the impact of the spill on wildlife will remain a priority of ours throughout the cleanup.

The Silvertip pipeline plays an important role in supplying energy to the Billings area and, therefore, helps sustain local jobs and economic growth. We are committed to replace the damaged pipe, using horizontal and directional drilling techniques, with a new section that will lay approximately 30 feet below the riverbed, consistent with the PHMSA direction.

Of paramount concern to us is the impact on the local communities. We established a community information line, and have received more than 300 calls. A number of these calls are claims related to property, agriculture, health, and we are actively responding to more than 120 of those. We have also sent 6 teams door to door to visit more than 150 residents in the most impacted areas. It is our goal to respond to individual concerns within 24 hours.

I am pleased to report that these outreach efforts have mostly received a very positive response. In fact, more than 130 calls to the information line have been offers of help. This outpouring of local volunteer support is immensely helpful. It testifies to the resilience, industry, and generosity of the people of Montana. We deeply appreciate their understanding and support.

To repeat, ExxonMobil Pipeline Company takes full responsibility for the incident and the cleanup. And we pledge to satisfy all legitimate claims. But even then, our work will not be done. We are equally committed to learn from this incident, and to build those learnings into our future operations. Thank you.

Mr. SHUSTER. Thank you, Mr. Pruessing. And I will first go to Mr. Rehberg for questions.

Mr. REHBERG. Thank you, Mr. Chairman. Dr. Inkley, I was listening to your testimony, and I missed the point. Were you suggesting that there is water in—irrigation water violations or damage now, or that you suspect there will be, or were you talking about with a oil spill it happens, and it is something we need to be cognizant of? I just missed that point, I am sorry.

Mr. INKLEY. The latter. With an oil spill of this magnitude, we need to be cognizant that all of these natural resources are at some risk. So the monitoring is appropriate to be done intensely, and for a certain period of time.

Mr. REHBERG. OK. So I suspect that, at this point, there is less likelihood of that occurring.

Mr. INKLEY. At this time there is less likelihood of that occurring. But the thing that concerns me is that the EPA has said that there is no danger to public health, yet Ms. Bonogofsky was diagnosed with hydrocarbon exposure, and we have spread some 1,000 barrels of toxic chemicals across the landscape.

Mr. REHBERG. Yes.

Mr. INKLEY. It doesn't compute, for me, that there is no risk or danger to public health. It seems to me that there very much is a danger to public health, and we shouldn't——

Mr. REHBERG. Mr. Chairman?

Mr. INKLEY [continuing]. We shouldn't ignore that.

Mr. REHBERG. Mr. Chairman, for the record, I did have a meeting, a conference call, that was public and the press was invited, with CDC and the NIH. And they both said that there was no health risk that they could verify at this time, as well.

So, the evidence is starting to mount—that is not to suggest that we don't want to continue to monitor, that there aren't going to be problems. We want to be cognizant and vigilant, to make sure what you are suggesting does not occur. It is just so far, in hearing at least from the EPA and from NIH and CDC to this point——

Mr. SHUSTER. Right.

Mr. REHBERG [continuing]. There is no——

Mr. SHUSTER. Right.

Mr. REHBERG [continuing]. No health risk at this time. You had mentioned, then, Mr. Pruessing, in your testimony, drinking water. How about irrigation? Because, of course, I have a lot of friends along the river. They have pastures. They say that the pastures are soiled, they cannot graze their cattle.

So, one, are you seeing any damage to irrigation water? And, two, are your adjusters going to go in and remunerate for the loss of use, in the particular case of somebody who is trying to graze cattle, or whatever?

Mr. PRUESSING. Well, first, through the unified command there is sampling being done of the river water. That work was initiated some time ago. The EPA has been the lead in that, and they have already indicated to us that they have not found anything in the water that would be a problem for irrigation. So, actually, in one of the recent public meetings, I did hear them say that it would be OK to use that.

That said, we are very anxious to respond to any claims that people have, or any concerns they have. And we are encouraging people to use the information line if they have questions or concerns. And we want to respond to each one of those on an individual basis.

To the extent that people cannot use their fields for feed, or cannot use the water, we are going to respond to those and provide that.

Mr. REHBERG. Does the EPA have a process where there is a sign-off? Obviously, with the municipalities and the water systems, you know, there is a turn-on date. But with irrigation, is somebody out there signing something saying, "Good to go, open your flood gate, or your head gate, go ahead and irrigate"?

Mr. PRUESSING. Certainly from our perspective, we are not asking citizens to sign anything.

Mr. REHBERG. No. I mean some kind of a Governmental entity that gives them the go-ahead after all the various assurances and testing that EPA is doing.

Mr. PRUESSING. Yes. The EPA is taking the lead in communicating to the people of the community about the water. But, again, as I know, and what I have heard them say, they are not indicating there is any issue with the irrigation water.

Mr. REHBERG. OK. I had read somewhere that the EPA had suggested a September 9th deadline for cleanup. Is that a hard and fast rule? I mean is that even possible?

Mr. PRUESSING. We have not put any end date on the cleanup. We are committed——

Mr. REHBERG. But EPA?

Mr. PRUESSING. I am not aware of any dates that the EPA has set, as well. I do know that the EPA is in the leadership role, but very integrated in the unified command. But we have said many, many times that we are committed to do the cleanup until it is finished, and we will be there as long as necessary.

Mr. REHBERG. Yes, I have seen the pictures of, you know, where it has gone over the bank, it is in people's lawns. That is the easy stuff to see, because you can see it when you fly over or when you are walking.

But there is also some underbrush. What do you do? Are you going to go in and mow? Do you have a chemical that eats it up? How do you get—you know, think of a tumbleweed as an example, with oil all over the tumbleweed. Now, it is a great, big bush on the stream. How do you get in and clean up that tumbleweed, so you know that everything is cleaned off?

Mr. PRUESSING. You are correct that our early work has been to get into the backwater areas where the river is not flowing as quickly, to absorb any oil that may still be in that area. As the river starts to recede, we will be able to access additional areas to inspect, to make sure that there is not damage there.

Again, the final decision on what is the proper cleanup method so that we do not damage the environment, but also can pick up the oil, is part of the unified command. And the EPA, the State of Montana, and ExxonMobil will work together to make sure that we have the right solution from an environmental standpoint.

Mr. REHBERG. So you will stay until it is clean?

Mr. PRUESSING. That is correct.

Mr. REHBERG. Thank you.

Mr. SHUSTER. With that, Ms. Brown, recognized for 5 minutes for questions.

Ms. BROWN. Thank you. Mr. Chairman, first of all, I want to say less than 2 weeks ago, people on this committee were trying to wipe out EPA. I mean here today we understand the importance of having EPA to monitor the system and someone to have oversight.

Let me just first of all ask a question. They were trying to wipe out EPA by cutting the funding. That is wiping it out. I mean leaving something on the books, and not being able to monitor this kind of situation is why we have EPA in the first place. Do you know when EPA, Mr.—will you pronounce——

Mr. PRUESSING. Pruessing.

Ms. BROWN. Pruessing. Do you know when EPA started to conduct their monitoring after the rupture?

Mr. PRUESSING. Right after——

Ms. BROWN. You know when they started? Because these illnesses could be identified later, as opposed to sooner.

Mr. PRUESSING. Actually, right after the event, we had industrial hygiene people begin doing air monitoring within a couple hours of the time we had identified where the incident site occurred.

Shortly after that, the EPA was on site, and also began doing their own monitoring. So we have monitoring data from very early after the incident. And again, all of that data at this point indicates that we're—have not created a public health issue.

Ms. BROWN. The Democratic staff has requested a lot of information, information on several different things, including, but not—request copies of all forms, including any forms dealing with medical claims or reimbursement of expenses, and other things. Have you—do you have that information, or are we going to be able to get that information, so we can monitor this situation, also?

Mr. PRUESSING. I have not personally reviewed the claims, but I can share with you the claims process that we have put in place. We now have over 40 claims specialists on site to try to work with the community. We try to respond to every claim within 24 hours.

We then set up a meeting with the individual. Often times that includes a site visit, so we can see what the actual issues are.

As I mentioned earlier, we are not asking anyone who files a claim to sign anything. If they file a claim, that does not mean that their claim is completed. All we are trying to do is help individuals respond to the actual incident and any impacts they may be feeling at this point. We will continue to be there, and respond as necessary until the job is done.

Ms. BROWN. I think it is—copy of the forms. But I do know that we have several requests in to your office, and we have not received any response as of yet.

Mr. PRUESSING. I will have to get back to you on that item, because I am not familiar with it.

Ms. BROWN. I know you heard Ms. Quarterman's testimony. And the situation had been monitored. What could we do to prevent this from happening again? It was a lot of ill ease as to whether or not it was adequate protection. So, as we move forward——

Mr. PRUESSING. Well, as Ms. Quarterman relayed to the subcommittee, you know, we had done an inline inspection of this line in 2009, and did not find integrity issues with it. We had come back and done the depth of cover survey in the end—at the end of 2010 and, again, felt that we had adequate depth of cover, based on previous experience.

At this point in time, we do not know what occurred with this line. That is troubling to all of us. And we realize that we may have to wait for the water to recede before we can fully understand what occurred here.

You know, there is certainly speculation that may be related to the river flooding. But at this point in time, I do not know what happened to this line. What does concern me, though, is that we used a very good engineering analysis and credible assessment, as we had done in the past, to look at this line from a risk standpoint. We had actually taken a one-day shut-down of this line in late May, as we worked with the city of Laurel, to show them the data we had.

I know that a lot of their issues were associated with the erosion of the south bank, as Ms. Quarterman has already shared. But we shared that data with them, as well as with PHMSA. Everything that we looked at at this point indicated, from a risk assessment standpoint, that we had a safe line.

Again, we do not know what happened with this line, but we, just as everyone, are very anxious to be able to complete that investigation so that we can learn from it, and apply those learnings to the other parts of our business.

Ms. BROWN. We will have another round, I guess?

Mr. SHUSTER. Sure.

Ms. BROWN. OK, thank you.

Mr. SHUSTER. I think we will. Dr. Inkley, it is—again, appreciate you being here, in place of the witness that my colleagues requested.

It is concerning to me, though, you are coming before the committee coming from a well-known organization, questioning—and we certainly want to, as Mr. Rehberg pointed out, to continue to monitor the situation—but you are questioning the safety, the

quality of the air, when we have got three organizations—the EPA, the NIH, and the CDC—that have said they evacuated people but they tested the quality of the air and let them come back in.

And you are here today, it seems to me, saying—you are questioning whether it is safe out there, when we have got, like I said, the CDC and the NIH, two very, very highly respected health organizations saying it is fine to go back in. Are you still questioning it, even based on what the CDC and the NIH has said?

Mr. INKLEY. Yes, I am. I am questioning how it is being presented to the public.

We still know that there is a lot of oil out there. In fact, when their cleanup is completed, and they leave the scene, they will have recovered only some 5 or 10 percent of the oil.

Mr. SHUSTER. Right.

Mr. INKLEY. The other 90 percent will still be out there, or have degraded.

Mr. SHUSTER. Right.

Mr. INKLEY. The public needs to understand that they can still be exposed. Fortunately, there has been—you know, there has been Ms. Bonogofsky, who ended up in the emergency room——

Mr. SHUSTER. Right.

Mr. INKLEY [continuing]. And there has been some impact to wildlife. I am most concerned about the aquatic organisms.

Mr. SHUSTER. Right.

Mr. INKLEY. But——

Mr. SHUSTER. And your——

Mr. INKLEY [continuing]. You still have to be concerned.

Mr. SHUSTER. You——

Mr. INKLEY. You know, when a grizzly bear is in an area, that doesn't mean there is no risk. There is a risk. The risk doesn't occur only when the grizzly bear attacks.

Mr. SHUSTER. Sir, I understand that. But when a very respected organization says, "We don't believe the risk is raised to a level that people shouldn't be there," as stated by the CDC and the NIH, I have real questions as to whether—again, is your analysis coming—you have been on the ground out there, and looked around.

Mr. INKLEY. We do have people on the ground. You know, I do question the appropriateness of not having independent assessments. It wasn't until there was an independent assessment of the oil spill size in the BP spill in the Gulf of Mexico that the Government——

Mr. SHUSTER. Right.

Mr. INKLEY [continuing]. And industry finally backed away from a terrible underestimate of one-tenth the actual size, of just 5,000 barrels per day in that spill.

Mr. SHUSTER. Right, right.

Mr. INKLEY. Government said that.

Mr. SHUSTER. Well, this is——

Mr. INKLEY. You are expecting me to believe that. It was wrong.

Mr. SHUSTER. This is much smaller, and the CDC and the NIH are, again, very highly respected organizations.

So, that being said, the next question to you is, is there another way that we can transport hazardous materials that is safer, in your view?

Mr. INKLEY. I think that we need to have improved pipeline standards. As I indicated in my testimony, as Mr. Pruessing indicated, they do not know why it failed. It had passed Federal inspection earlier. Obviously, the standards are inadequate to prevent it from happening.

Mr. SHUSTER. But you dispute the past 20 years they have improved, over the past 20 years we have 30 percent less of the number of barrels of oil spilled, and the incidents have gone down significantly. Do you dispute that?

Mr. INKLEY. Well, I am greatly appreciative of the fact that the number of oil spills seems to have declined since the passage of that act. But we still have a long way to go. This map shows the incidences that have occurred across the United States in the last 10 years.

Mr. SHUSTER. Sure, I understand.

Mr. INKLEY. It is very significant, still.

Mr. SHUSTER. But it has decreased, and we are getting better. But my question is, when someone comes before this committee and questions pipelines, in light of all the facts—it is getting better—it seems to me that the only way to get to zero incidents is just to stop doing it. Are you advocating that we shouldn't be—

Mr. INKLEY. No, no. We are advocating to protect public health and safety——

Mr. SHUSTER. Well, and that is what we are doing here also. But whenever you do anything—for instance, you drive a car—there is a risk involved. And we try to mitigate and reduce that, and I think we have done a good job of going in that direction.

Do you oppose the Keystone pipeline?

Mr. INKLEY. The National Wildlife Federation believes that the Keystone pipeline should not be built, especially in light of the fact that we have these current safety standards that have been——

Mr. SHUSTER. Right, and so——

Mr. INKLEY [continuing]. Devastatingly inadequate.

Mr. SHUSTER [continuing]. You would be advocating for shipping hazardous materials by train or truck? Is that what you would be advocating for, instead of pipeline?

Mr. INKLEY. We are looking for improved pipeline safety standards.

Mr. SHUSTER. And, in the meantime, let it be on trucks and let it be on trains, is that——

Mr. INKLEY. No, that is not what we are saying at all. We are saying that we need to improve the safety standards.

Mr. SHUSTER. So that you would say that pipeline is probably the most—it is the safest way to move hazardous materials?

Mr. INKLEY. Actually, I am not a biochemical engineer, so I couldn't answer that question.

Mr. SHUSTER. Right, right. Well, thank you very much. Mr. Pruessing, can you tell us why it took 2 hours for ExxonMobil to report to the National Response Center about the incident that occurred?

Mr. PRUESSING. Thank you for asking me that question, because there seems to be some misinformation about the actual timeline. So, let me go through the process that occurred——

Mr. SHUSTER. Sure.

Mr. PRUESSING. And some of this you heard from Ms. Quarterman. But again, I want to make sure that everybody understands.

At about 10:40 p.m. Mountain Time on July—the evening of July 1st, we got a pressure indication in our control room, where we monitor all of our pipelines on a 24/7 basis, that something unusual was going on in the pipeline, there was a pressure reduction. At that time we did not know if it was a pump shutting down, or an instrument that malfunctioned, or some other event.

The team in the control room pulled in additional resources, tried to analyze the situation, and determined they could not, at that point, know exactly what was going on. So, they made the decision to shut down the pumps on the line, to stop the line from pumping. That was done within 7 minutes. So, at 10:47 p.m. Mountain Time, the pumps were shut down.

They then began a complex series of steps to actually start closing valves that are along the pipeline to isolate various segments of the pipeline.

There was a question earlier about why were some valves opened and then later closed and then later reopened. That was on the downhill section of the line, downstream of this river, and flowing into one of the refineries that we provide crude to. After that valve was closed, it was assessed that that was a safe section of line, there was not likely any issue there, the pressure reduction had been seen while upstream, and they could reopen that valve to allow the oil to drain away, down into the refinery.

So, that was done from a safety perspective, to try to get the material into a safe spot which, in this particular case, was the refinery we were delivering oil to. We later came back and closed that valve, because we wanted to isolate all of the line at that point.

The valve that we closed next to the Yellowstone River was done at 11:36. So our period—it took a period of 49 minutes before that actual valve was closed, from the time we started closing those valves.

At that point in time, we did not yet know exactly where the incident occurred. All we know was that something unusual was going on in the lines, and we were shutting it down and isolating it.

At 11:45 p.m. our control center in Houston received a call from the local fire department in Laurel City, indicating they had an odor of petroleum. That was really the first indication that we had of where the actual site may have been. At 12:19 we called the National Response Center. So, from the time we knew we had an actual spill until the time we called the National Response Center was certainly less than an hour.

Mr. SHUSTER. Thank you very much for that. Now I will go to Mrs. Napolitano for 5 minutes for questions.

Mrs. NAPOLITANO. Thank you, Mr. Chair. One of the things that comes to mind, Mr. Pruessing, is the emergency response and corrosion control procedures. Your supervisor's knowledge of these procedures, I understand it is self-certification of the employees.

How does that happen? Does this—how do you address it? Are they certified? If they are self-certified, how do we know that they are properly trained in these procedures?

Mr. PRUESSING. We have a very large and integrated plan to maintain the integrity of all of our pipelines across the country. And that involves——

Mrs. NAPOLITANO. I am sorry, but I have to run.

Mr. PRUESSING. Yes.

Mrs. NAPOLITANO. I am talking about specifically here.

Mr. PRUESSING. Yes.

Mrs. NAPOLITANO. In this particular area. Do you have a record of the self-certified employees, whether you trained them, they were trained by video, or were they trained by booklet? How were they trained, if they are self-certified?

Mr. PRUESSING. All of the skills that we have with regard to integrity management are part of the daily activities for many of these operators on the line. As was mentioned earlier, not only do we do the monitoring of this pipeline in a control room with electronic equipment and pressure and flow rates, but we also actually have employees in the field that visit the pipelines on a regular basis. We measure the corrosion protection. All of those are pieces of data that must be reported to PHMSA.

Mrs. NAPOLITANO. I know, but the——

Mr. PRUESSING. And——

Mrs. NAPOLITANO. The training to be able to recognize these——

Mr. PRUESSING. Yes.

Mrs. NAPOLITANO [continuing]. Instances is what I am concerned about.

Mr. PRUESSING. And the operators on a pipeline must be OQ-qualified, according to the regulations in PHMSA.

Mrs. NAPOLITANO. Who records that qualification?

Mr. PRUESSING. We do the training. We actually have the tests on file. We record all of that, and then PHMSA will come in on audits and actually look at all of those training records, to make sure that they have been done properly.

Mrs. NAPOLITANO. Does PHMSA conduct any follow-up on this training, to ensure that the certification is proper?

Mr. PRUESSING. PHMSA has the right to come in and audit us in any aspect of our business.

Mrs. NAPOLITANO. OK, but they don't. In other words, this is self-certification.

Mr. PRUESSING. We actually do the work. But as—again, as Ms. Quarterman shared earlier, we have the responsibility to meet the requirements. They come in and audit all of those various requirements, to make sure we are meeting them.

Mrs. NAPOLITANO. Thank you. One of the statements I believe you might have made—and correct me if I am wrong—that you were going to replace a pipeline to 30-feet depth.

Mr. PRUESSING. That is correct, ma'am.

Mrs. NAPOLITANO. Then you recognize that the previously placed 5 feet of cover is inadequate. Why do you now believe the 30 feet is adequate, and what are you basing it on?

Mr. PRUESSING. Well, once again, we do not know the cause of this incident at this time. It may be related to the river conditions, but it may not be. So we will not know the answer to that until the investigation is complete.

Mrs. NAPOLITANO. But you will do it at a 30-foot depth?

Mr. PRUESSING. PHMSA provided a corrective order to us, asking us to use this technology when we do replace the line. I have not actually seen the final drawings on that, but I have talked with the engineers that are working on that. And they have indicated to me that we are looking at drilling at about 30 feet, and it will not be in the rubble or the sediment of the riverbed, it actually will be in rock.

Mrs. NAPOLITANO. Thank you. In 1997, USGS recorded a flow of 82,000 cubic feet per second at their gauge in Billings. Did ExxonMobil go out and measure the impact then, the effect it had on your pipeline? And, if so, what was found? And do you have to perform—did you, at that time, have to perform any remedial action?

Mr. PRUESSING. We have not, in the past, had any issues with our pipelines during periods of flood. Again, as I mentioned earlier, we had gone back at this particular time, just months ago, and done further risk assessment work to confirm that we still had a safe pipeline. We had nothing that would indicate that the line was not safe.

Mrs. NAPOLITANO. Well, and my information tells me that USGS indicates that anything over 50,000 CFS does move a lot of the bedrock, a lot of the riverbed. Is this a problem you have been noticing?

And when your inspectors look at this, do they gauge the changes there are in actual movement? Because there have been—in 1996, in 1997, and before that—have been in 1991, and I am looking at historical records from USGS. And if this showing an erosion, what steps are you taking in areas—and if you are going to bury this one 30 under, what about other areas they may be less than?

Mr. PRUESSING. We are constantly looking to try to improve our knowledge and improve our operations from a safety and integrity standpoint. That is part of the way we try to address our business each and every day. We do risk assessments on all parts of our business, to make sure that we are comfortable continuing the operations, no matter what the conditions.

I will share with you that when the Mississippi River was flooding earlier this year, they were going to open the Morganza Spillway for the first time since 1973. We had several lines that crossed the Atchafalaya River, downstream of the Morganza Spillway. We did a risk assessment on that work, on those lines. We determined that, based on historical issues, that we needed to shut those lines down.

So, when they opened that Morganza Spillway, our lines were shut down, cleared of oil, and filled with water. We did that as part of our normal risk assessment process to say, "How do we get ourselves comfortable that we are operating in an appropriate way?"

Mrs. NAPOLITANO. Yes——

Mr. PRUESSING. We did that——

Mrs. NAPOLITANO [continuing]. I am focusing on Billings, sir. That is my focus.

Mr. PRUESSING. We did that same type of activity here, at the Billings crossing. We identified the potential risks, we looked at all

the data, the integrity data, the depth of cover data, the recent PHMSA inspections. We felt like we had a safe system.

Again, I do not yet know what the cause of this incident was.

Mr. SHUSTER. The gentlelady's time has expired.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Mr. SHUSTER. I would like to recognize Mr. Hanna for 5 minutes of questioning.

Mr. HANNA. Thank you, Chairman. Couple things. The age of the pipeline, do you have a rough idea?

Mr. PRUESSING. The original line was—first was laid in 1949. But this particular crossing was relaid in 1991. It used to run across the—underneath the bridge, going across the river. And the State highway department had asked us to take it off the bridge and relocate it in the river. So we relaid this line in 1991.

Mr. HANNA. So it is 20 years old.

Mr. PRUESSING. Yes.

Mr. HANNA. Do you have—you have sacrificial anodes on this?

Mr. PRUESSING. Yes.

Mr. HANNA. Cathodic protection——

Mr. PRUESSING. Yes, we use cathodic protection——

Mr. HANNA. You stated that you have—you checked, and that—they were intact, they were adequate?

Mr. PRUESSING. Yes. One of the regular things that we do, from a pipeline maintenance standpoint, is check the rectifier readings, to make sure that we have current going appropriately to protect the lines, and we have no indication that that was a problem.

Mr. HANNA. OK. And the valves that you closed, they are all hand-closed valves?

Mr. PRUESSING. Some of those are hand-closed valves, some of those are motor-operated valves that actually were operated from the control center in Houston. And, in addition, at this particular river crossing, on the downstream side there was actually a check valve to prevent back flow.

Mr. HANNA. And this all happened—a lot of this happened in the middle of the night?

Mr. PRUESSING. Yes, it did.

Mr. HANNA. So—all right. Thank you very much.

Mr. SHUSTER. Thank you, Mr. Hanna. Ms. Richardson, you are recognized for 5 minutes for questions.

Ms. RICHARDSON. Yes, thank you, Mr. Chairman. First of all, I want to say, Mr. Pruessing, thank you for being here and addressing this in the serious manner that it deserves. The fact that you have come and participated with this committee, I think, is appreciated by all.

Sir, just wanted to recap a couple things that I had asked Ms. Quarterman. One, would you be willing to submit your—ExxonMobil's—integrity management plan to the committee?

Mr. PRUESSING. Our integrity management plan, we would be glad to review with the committee. I did not realize that that request had been made. But certainly the plan that we have in place that we use to monitor our pipelines is something that we would be glad to share.

Ms. RICHARDSON. OK. And then I think, building upon the question of Ms. Brown, her question was would you provide the com-

mittee information regarding the claims. And as I heard your response, you said the work that you were doing with the claims, but you didn't say you would supply the information to the committee. So, would you be willing to include that, as well?

Mr. PRUESSING. I will need to get back to you on that, because I certainly want to make sure that we protect the privacy of the individuals that are making the claims. So that would be my concern. I would have to get back to you on that particular question.

Ms. RICHARDSON. Well, I think it would be obvious to assume that the committee wouldn't expect necessarily to have the names of the individuals, but the fact if X amount of claims have been submitted—I think you said 40 or so—you have talked to approximately 120 people, what those claims have been associated with, you know, whether it is environment or property damage and so on, and where along the process you are in responding.

Mr. PRUESSING. We would be happy to provide that kind of information.

Ms. RICHARDSON. Thank you, sir, because I think, when we look at previous situations that have occurred, those have been some of the big issues that have gotten the attention of this committee and others, as well.

Mr. PRUESSING. Well, it is certainly our intent to respond to everyone's individual claims. And again, I want to reinforce that we will honor all legitimate claims.

Ms. RICHARDSON. OK. And I believe that is my last question. Thank you. I yield back, Mr. Chairman.

Mr. SHUSTER. Thank you very much. And we are going to go to a second round for the ranking member.

I just want to—EPA, we are trying to get EPA to be rational in what they do. They are doing a great job here. I see all the press releases coming out, EPA saying things are moving in a positive direction, which I appreciate. But just to respond to the ranking member's criticism of our side trying to cut their funding, we are trying to cut their funding for new stuff.

And in my State of Pennsylvania, they are wreaking havoc, telling my Department of Environmental Protection, the Pennsylvania Department of Environmental Protection, how to do their job, which they have been doing effectively and efficiently for three or four decades. So we are trying to get them to back away from overstepping their bounds when it comes to the State of Pennsylvania, and a one-size-fits-all regulation. So that is my—that is a big problem I have with EPA.

So, with that——

Ms. RICHARDSON. Mr. Chairman?

Mr. SHUSTER. Yes, ma'am.

Ms. RICHARDSON. Would you yield for just a moment?

Mr. SHUSTER. Yes.

Ms. RICHARDSON. I yielded back about 2 minutes——

Mr. SHUSTER. Yes.

Ms. RICHARDSON [continuing]. And I forgot to say one thing.

Mr. SHUSTER. Sure.

Ms. RICHARDSON. I just wanted to also note that the staff immediately—when this incident occurred, I did receive an email and received numerous updates. And although this is not a good situation

and we are looking to address it, I at least want to commend the information that was provided in a timely fashion.

Mr. PRUESSING. Thank you very much.

Ms. RICHARDSON. Thank you.

Mr. SHUSTER. Thank you. And I recognize the ranking member for 5 minutes for another round of questions.

Ms. BROWN. Thank you. But I need to say something for EPA, and I don't want it taken from my time. But let me just say that I didn't call any names, but someone once told me the squeaky wheels, or the squeaky pigs, or whatever, make a lot of noise. I didn't say who was trying to cut EPA funding. I didn't call any names.

Mr. SHUSTER. I wouldn't call anybody names, but I have heard you squeak before.

Ms. BROWN. Doctor—yes, sir, would you please tell us a little about your background, and who you are, just quick? Because I think people need to understand that you come here with some knowledge of the situation, and you are not just talking to be talking.

Monitoring depends on when you take the monitor. And if people are sick, we need to analyze what caused it, and it is the ongoing process.

Mr. INKLEY. OK. Well, thank you very much——

Ms. BROWN. You are my guest on this committee.

Mr. INKLEY. Thank you very much. Thank you for the invitation to be here today.

I usually tell people it took me 10 years to get through college, but that is because it included a bachelor of science degree, a master of science degree, and a Ph.D., as well. I would add that the Ph.D.——

Ms. BROWN. But is that—what is it in, your Ph.D.?

Mr. INKLEY. My Ph.D. is in wildlife ecology from the University of Wyoming. So I am quite familiar with western ecosystems, and even directed a research project that covered the Billings area, with respect to raptors, or birds of prey.

So, I have—since then, I have worked with the U.S. Fish and Wildlife Service, I have worked for the Florida Department of Game and Freshwater Fish Commission, and now I have served the National Wildlife Federation as their senior scientist for a number of years.

Unfortunately, I was deeply involved over the past year in response to the oil spill in the Gulf of Mexico, and have spent more time than I wish dealing with that situation.

Ms. BROWN. Thank you. And your recommendations, you are going to give us in writing what you would recommend how we could improve the system. We are not indicating that we don't want to use the natural gas to move the oil, but we want to make sure that we are protecting the environment for our children and children's children.

Mr. INKLEY. That is exactly what we are here for, is to try to protect wildlife for our children's future. I know that everyone here wants to do that. But it is very apparent to me, to the National Wildlife Federation, that the current standards are inadequate for

doing that in an appropriate manner. And all we are seeking to do is to strengthen those.

Ms. BROWN. Yes, sir. Let me just move on. I am familiar with what happened in Alaska with ExxonMobil. And the fact is, I am probably the only person with institutional memory knowing that it is not completely cleaned up, as we speak, even though the people from Alaska want to act like it is cleaned up.

You indicated that you all have conducted surveys. Did you all go down in the river to conduct those surveys, or—I am not a scientist—so how did you all do it? I want to know not so much as blaming this moment, but as we move forward, how can we make sure it doesn't happen again? We are looking at a bill. I want to make sure we include what we need to in the bill to make sure that everybody stay and do what they supposed to do.

Mr. PRUESSING. We certainly agree that we want to make sure any learnings from this incident get built in to the future procedures and the way we operate lines.

Again, we do not yet know what caused this incident. And so we are very anxious to work with PHMSA and do our own investigation as well, so that we can learn that, moving forward.

Ms. BROWN. Well, how did you conduct the indepth survey, specifically?

Mr. PRUESSING. The steps that we took over the last couple of years, I think again, are important to understand.

First of all, we ran a smart pig in the line, which actually measures thickness of the line and collects data about the integrity of the line. We did that in 2009. In December 2010 we did soundings, electronic soundings, over the riverbed to confirm the depth of cover. And that was 5 to 8 feet, as has been mentioned earlier.

Then, in addition, we shut the line down in late May to do an additional risk assessment. The city of Laurel was very concerned about bank erosion. And that is also part of the data that we provided, as far as the depth of cover on the bank, which, as mentioned earlier, was between 11 and 13 feet.

In addition to those steps, we do aerial overflights of our pipelines. It is required to do that 26 times a year, but we do it every week. We do it twice as often as the regulation requires, just so that we are getting eyes on all of our pipelines, to make sure that there is not something going on, or right of way encroachment that we are not aware of.

In addition, we have corrosion monitoring that goes on. It was mentioned earlier about cathodic protection. That is the method to basically cause another piece of metal that is buried in the ground to corrode, and keep the pipeline safe. So we have cathodic protection on all of our lines, we go out and we measure to make sure that that current is moving appropriately, so that there is no interruption in that.

And, in addition to all of those things, then, we have PHMSA, who comes in and audits all of these activities on a regular basis to make sure that we are meeting all those requirements.

So, again, our integrity program is very broad. It covers many different aspects, many different people. But again, as we—even as we entered this period of time of high river flow, we had assessed, from a risk standpoint, that we still had a safe line. So, obviously,

there is something that occurred that we are not yet aware of, that we are very anxious to find out, so that we can learn from that.

Ms. BROWN. We had over five different hearings and discussions. And, you know, people want to talk about what happened. In the last 18 months we separated the agency from the industry, and I am very pleased with that, so that everybody could play their proper role.

And so, we still want to know—one of the problems was we had indicated there are some areas that we need to rev up, put additional security, and then there are some areas that, you know, the—we need to put people—not just put people to work, but to reinforce the pipelines. What are some of the recommendations the industry—you—are making to us, that we can include in the bill to make sure that we keep the public safe from these kinds of accidents?

Mr. PRUESSING. Thank you for that question. Probably the single biggest item that the industry has been pushing on, and is currently included in the proposed bill, is that we remove the exemptions for one call for all parties.

Right now, if you are an individual that wants to do a dig near a pipeline right of way, you have to call the State one call and let people know you want to dig. It is the call-before-you-dig——

Ms. BROWN. Yes, I understand that. That is a very successful program.

Mr. PRUESSING. Yes. But, up to this point, municipalities, State departments of transportation, have not been required to make the one call. And so, protection of those pipelines, and making sure that everyone has to make that call before they begin digging, we believe, will be a major step forward in improving pipeline safety. And to the credit of Congress, that is included in the proposed bill right now.

Ms. BROWN. OK.

Mr. SHUSTER. I didn't take away the gentlelady's time for responding to me on EPA, and I gave her 2 minutes. If you have one final question to wrap up, I would be happy to take that, because we want to move along, and we want to get the——

Ms. BROWN. You can go and come back to me.

Mr. SHUSTER. Well, we want to finish up. So go ahead. Final question.

Ms. BROWN. No, I understand what—that recommendation. I am asking you specifically what can you all do, the industry, to—we have—you are making billions of dollars. I mean it has never been so well for your industry. How can we go in and make sure that we are training, monitoring—you all are. What can you do to up the safety? That is why I am asking.

Mr. PRUESSING. Well, I certainly believe that one of the things that we can do, as an industry, is make sure that we all learn from the instances that do occur, that we share those learnings across the industry, so that we do not repeat mistakes.

Certainly the Association of Oil Pipelines, which we are a member, has been trying to step up that, make sure that we do a better job of sharing knowledge, as it is gained, so that incidents or issues are not repeated. And that is something the industry is working on very hard right now.

Mr. SHUSTER. Thank you very much. And a final question? Mr. Rehberg, I think, has a follow-up.

Mr. REHBERG. Yes, thank you. Thank you, Mr. Chairman. And I was remiss in not thanking your staff. They have been very easy to work with. I really appreciate their desire to have this hearing in a timely fashion. And it meant a lot to me that you would be as timely, as well.

So, let me thank you for that; Dr. Inkley, for your kind work and good work. I am, in fact, affiliated with the National Wildlife Federation, as a result of my relationship with the Billings Rod and Gun Club, and—which are my neighbor, actually, on my fence line.

Mr. INKLEY. Thank you for requesting the hearing.

Mr. REHBERG. Yes, I know your good work, and I appreciate it as much.

Mr. Pruessing, first of all, thank you for being on the ground in Billings, constantly. I am actually, frankly, surprised and pleased you are out here, because you at once promised all of us you would never leave Billings until it was done. Clearly, your wife or someone has suggested you need to get away from Billings a little bit.

But you have been on the ground. You know this issue inside and out. When the Governor and I met with you—you made a statement that you haven't repeated—and I just want to, for clarification purposes—you know, one of the criticisms was, well, why didn't you just shut the pipeline off, and I thought your response at that time was particularly apropos for this hearing.

Maybe you could restate why you don't just shut things down, why you have a protocol for shutting this down and then that down, and then there is a time lag, and such? Because I think it really is an important point for the congressional record.

Mr. PRUESSING. Thank you very much for that question. When you try to shut down a pipeline, you have a large amount of mass flowing at very high velocities in a pipe. If you just slam the valve shut, all that energy, the kinetic energy that is moving with that mass, has to turn into some other form of energy, and that becomes pressure.

So, if you have a very large line moving large amounts of material, just slamming a valve shut means you could actually overpressure a line. So we have a process to avoid that. The first thing we do is shut down pumps to get most of the pressure off the line and stop it from flowing. But then we have a very detailed plan to shut down individual valves, to isolate it, so that we don't create a new problem.

And so, again, yes, it takes some time to fully isolate a line. But it is done with safety in mind, to make sure that we don't create other issues.

Mr. REHBERG. The other question that we talked about at one of our hearings was about the 30-foot depth, and the fact that it would, in fact, change where the valves are located. And while Ms. Quarterman kind of moved beyond that, or said it shouldn't, I don't think that is correct, is it?

Mr. PRUESSING. No. If we go to a depth of 30 feet, we will have to dig from farther back to make sure that we don't have too steep a slope. So the valves actually will be moved back, farther away from the river bank.

Mr. REHBERG. And the third question, then, that was brought up at one of those meetings was—one of the requirements or suggestions was a different kind of valve. And there was a suggestion that perhaps that new valve, or a different kind of valve, might actually create more of a problem than it solves. Is that true, or was that just enough of—a throw-away line by somebody?

Mr. PRUESSING. There has been discussion about automatic shut-down systems, or automatic shut-down valves. We still have control of those valves, to make sure we don't create other issues. So, while many of them are motor-operated, and can be remotely moved by the control center, we do not have a single button you push to shut down a line, because of that concern about over-pressure.

Mr. REHBERG. OK. Thank you very much.

Mr. SHUSTER. Thank you, Mr. Rehberg, and thank you for being here today. You bring depth of knowledge to this particular incident that, of course, none of us have.

Mr. REHBERG. And you don't want to.

Mr. SHUSTER. I am sure. And I hope you don't have to do it again.

But thank you for being here today. And thank you, too, to our two witnesses, Dr. Inkley and Mr. Pruessing, for being here today. We appreciate you taking the time. And, again, we are going to be watching closely what is happening up there.

I would like to submit for the record the daily EPA reports. They are the incident command there. And it appears to me that things are getting done, in light of the fact we have a spill. But EPA is reporting there on a daily basis what is happening, so I want to have that for the record.

[The information follows:]

EPA United States Environmental Protection Agency

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Contact Information

Public questions: 303-312-6015, 8 a.m.–4 p.m. MT weekdays.

Exxon Claims Questions: 888-382-0043

ExxonMobil Community Outreach:
2345 King Avenue West, Suite B
Billings, MT 59102
406-969-1750
Monday - Friday 10 a.m. - 2 p.m.

U.S. Fish and Wildlife Hotline: 800-259-0596

National Information

Oil Cleanup Home

To report a spill: National Response Center (NRC), 800-424-8802

Spill and Cleanup Information

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EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), August 12 2011

Matthew Allen, (720) 237-7414; Libby Faulk, (303) 548-3967; John Dalton (303) 524-2459

(Billings, Mont --, August 12, 2011) EPA continues to oversee the response to the ExxonMobil Silvertip Pipeline Spill on the Yellowstone River near Billings, Mont. EPA will take whatever steps are necessary to ensure ExxonMobil Pipeline Company addresses any and all potential impacts of this spill. EPA will continue to direct and oversee the cleanup and restoration of the Yellowstone River and will continue to work to ensure people's health and the environment are protected.

There are over 1,000 personnel engaged in cleanup and shoreline assessment efforts. Shoreline Cleanup Assessment Technique (SCAT) teams have assessed more than 6,500 acres. Several segments are ready for review and

Related links

Montana state government:

- Yellowstone River Spill
- Report areas affected by the spill

Other federal health and environmental information:

- Health Care Information (ATSDR)

sign off and are on the schedule to be inspected by SCAT teams once their initial assessments are completed.

"Right now we're progressing through the work plan, and SCAT teams have made a lot of progress," said Craig Myers, EPA On-Scene Coordinator. "At this point things appear to be happening on schedule."

EPA sampling results for air, water, soil, and sediment data are still available on the EPA spill website. The data shows there are no levels of concern in the water and no elevated levels above instrument detection for volatile organic compounds. EPA site-specific soil sampling result letters went out to 40 landowners affected by the Yellowstone River oil spill. Results and a fact sheet on the crude oil samples and an Agricultural Fact Sheet are available at the EPA website as well.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit www.epa.gov/yellowstoneriverspill/ for the latest information, data and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), August 5, 2011
Matthew Allen, (720) 237-7414; John Dalton (303) 524-2459

(Billings, Mont --, August 5, 2011) EPA continues to oversee the response to the ExxonMobil Silvertip Pipeline Spill on the Yellowstone River. At this point, there are nearly 850 personnel engaged in cleanup and shoreline assessment efforts.

EPA sampling results for air, water, soil and sediment data are now available on the EPA spill website. Results and a fact sheet on the crude oil samples are available as well.

"The data tell us that we have weathered crude in the environment that is readily bio-degradable," said Steve Merritt, EPA On-Scene Coordinator. "The oil is weathering as we expected it would. We remain committed to not do more harm than good as we continue to work our way through the cleanup areas."

- Worker safety around oil spills (NIOSH)
- How to report potentially oiled wildlife (FWS hotline)

about PDF

EPA has also posted an Agricultural Fact Sheet at the spill website, which was made in conjunction with local, regional and national experts in an Agricultural Impact Subcommittee. This fact sheet provides guidance to landowners along the impacted sections of the Yellowstone River.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

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EPA Update on Yellowstone River oil spill (Silvertip Pipeline), July 28, 2011
Matthew Allen, (720) 237-7414; Libby Faulk, (406) 351-9014

(Billings, Mont --, July 28, 2011) EPA continues to oversee the response to the ExxonMobil Silvertip Pipeline Spill on the Yellowstone River. At this point, there are nearly 900 personnel engaged in cleanup and shoreline assessment efforts. Unified Command has conducted helicopter lift operations to get equipment into areas that were previously inaccessible to cleanup crews and to remove contaminated debris. This has accelerated cleanup efforts and will enable contaminated debris piles to be removed more effectively.

EPA is working with a team of local, regional, and national experts in an Agricultural Impact Subcommittee to develop a fact sheet for agricultural questions that will be made available to the public as soon as it is completed. This fact sheet will provide guidance to landowners on remediation techniques and will serve as a framework to address their concerns.

Sampling data results will be made available as quickly as validated results permit. A decision was made by Unified Command early on to ensure that all the response data associated with this incident be consistent with Montana DEQ methodology and standards. As such, we are using only certified labs in Montana and those businesses have been working diligently to process samples and data packages. When data becomes available it will immediately be posted to the maps section of the EPA website.

"Even though we're all awaiting final testing results from the samples, this has not impeded our decision making for the cleanup or the speed of our response efforts," said Steve Merritt, EPA On-Scene Coordinator. "Everyone is working

diligently to get this data out to the public as soon as possible. Nevertheless, the preliminary results continue to support the conclusions drawn already about surface water, drinking water, and air throughout the area."

Of greater significance, SCAT teams have surveyed most of Divisions A and B, and will continue working through Division C in the next several days. The SCAT process includes 3 phases: survey and develop cleanup instructions, clean the assessed area, and reassess the area to ensure that the instructions have been followed completely.

The following are data related to the survey phase of Divisions A and B:

- Division A includes the first 10 river miles downstream of the pipeline break. 561 acres, roughly 79% of the area in this first section, has been surveyed by the SCAT teams. Of those areas surveyed, approximately 39.8% of the shorelines had no oil observed, 7.9% had very light oil impacts, 15.8% had light oil impacts, 33.8% had moderate oil impacts, and 2.7% had heavy oil impacts.

- Division B includes the next 18 river miles beyond Division A. 1367 acres, roughly 78% of the area, has been surveyed by SCAT teams. Of those areas surveyed, approximately 39.2% of the shorelines had no oil observed, 22.4% had very light oil impacts, 32.4% had light oil impacts, 5.8% had moderate oil impacts, and 0.1% had heavy oil impacts.

These figures reinforce the previous aerial and non-SCAT observations that impacts diminish as the distance from the pipeline break location and that the oil impacts are predominantly associated with the south bank of the river and on islands that were submerged during the flooding within Divisions A and B.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

PLEASE NOTE: The next Media Availability Call will be held on Friday, July 29th at 3:30 p.m. For dial-in information please contact the individuals listed on this press release.

Please visit www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions or stop into the Governor's Billings office at 424 Morey Street or visit www.yellowstoneriveroilspill.mt.gov.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 24, 2011

Response Activity Maps have been posted. The maps on this page show two of the three sections of the river corridor where assessment, clean up and monitoring work is happening or planned. This information will be updated as progress is made.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions or stop into the Governor's Billings office at 424 Morey Street or visit www.yellowstoneriveroilspill.mt.gov.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 22, 2011
Wendy Thomi, (406) 351-9014

(Billings, Mont --, July 22, 2011) There are no updates regarding the Silvertip Pipeline today.

PLEASE NOTE: The next media call will take place on Wednesday, July 27th at 3:00 MDT. There will be no calls over the weekend. If there are any new developments, we will send out a media advisory. For conference call dial-in information, please contact Wendy Thomi listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 21, 2011
Lisa McClain-Vanderpool, (303) 501-4027, (mcclain-vanderpool.lisa@epa.gov); Wendy Thomi, (406) 351-9014

(Billings, Mont --, July 21, 2011) ExxonMobil Pipeline Co. cleanup crews have completed the initial stage of work on 4 of the 25 originally identified spill sites. These sites were targeted due to large quantities of easily accessed debris and vegetation. To date, crews have completed assessment of over 1200 acres in and along the river corridor.

A heavy lift helicopter (an S-61) was tested in preparation for moving small pieces of equipment, such as bobcats, chippers and small dumpsters to the islands to support upcoming island cleanup efforts.

Today 7 members of the Crow Nation visited the cleanup site and received a tour of site activities and an explanation of Unified Command. The Crow Nation members will be involved in all aspects of the process, including SCAT, consolidated cleanup recommendations, and sign-off. At EPA's request, ExxonMobil Pipeline Co. will provide health and safety training to the Crow Nation members so they can fully participate in the response.

PLEASE NOTE: After Friday's media briefing at 3:00, the next media call will take place on Wednesday, July 27th at 3:00 MDT. There will be no calls over the weekend. If there are any new developments, we will send out a media advisory. For conference call dial-in information please contact Wendy Thomi listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions or stop into the Governor's Billings office at 424 Morey Street or visit www.yellowstoneriveroilspill.mt.gov.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 20, 2011
Lisa McClain-Vanderpool, (303) 501-4027, (mcclain-vanderpool.lisa@epa.gov); Wendy Thomi, (406) 351-9014

(Billings, Mont --, July 20, 2011) We received the revised workplan from ExxonMobil Pipeline Co. last night at 5pm. EPA, and our state and federal partners will complete our review of revisions and will make a final decision on the workplan by early next week. All cleanup activities are continuing under the direction of the Unified Command.

The Unified Command is testing and evaluating numerous cleanup options. Today, cleanup crews tested a high water pressure device for removing oil from flood debris. This method proved to be ineffective for removing oil and will not likely be used as a clean up technique. Use of in-situ burning to address flood debris piles is not being considered for current operations, although it may still be considered in the future. This is primarily due to technical and logistical constraints specific to the sites currently under review.

PLEASE NOTE: Our daily media briefings continue this week via conference call only, at 3:00pm MDT. For conference call dial-in information, please contact Lisa McClain-Vanderpool listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions or stop into the Governor's Billings office at 424 Morey Street or visit www.yellowstoneriveroilspill.mt.gov.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 19, 2011
Lisa McClain-Vanderpool, (303) 501-4027, (mcclain-vanderpool.lisa@epa.gov); Wendy Thomi, (406) 351-9014

Billings, Mont --, July 19, 2011) The river levels continue to drop, giving our assessment and cleanup crews more access to vegetation and shoreline. The crews have assessed approximately 47 river miles of shoreline. We are finding numerous, heavily oiled flood debris piles at various locations along the shoreline and on the islands. Since no two piles are alike, the Unified Command is investigating a variety of options to use for cleaning up these piles. In some cases, it may be necessary to use equipment to remove heavy debris. In other instances, especially on the more sensitive and less easily accessed islands, oiled debris could be covered with a fixative like sand or sawdust, which eliminates the stickiness of the oil and provides a buffer for wildlife. In evaluating clean up techniques, we are carefully considering wildlife and habitat to ensure our remedies do not cause more harm than good.

ExxonMobil has submitted their revised workplan to EPA. We and our federal and state partners will conduct a timely review and will finalize the workplan carefully and promptly. All cleanup activities are continuing under the direction of the Unified Command.

PLEASE NOTE: Our daily media briefings continue this week via conference call only, at 3:00pm MDT. For conference call dial-in information, please contact Lisa McClain-Vanderpool listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions or stop into the Governor's Billings office at 424 Morey Street or visit www.yellowstoneriveroilspill.mt.gov.

EPA update on Yellowstone River oil spill (Silvertip Pipeline), July 18, 2011
Lisa McClain-Vanderpool, (303) 501-4027, (mcclain-vanderpool.lisa@epa.gov); Wendy Thomi, (406) 351-9014

(Billings, Mont --, July 18, 2011) Over the weekend, EPA, State and federal partners oversaw ExxonMobil Pipeline Co.'s removal of all the residual oil and oily water mixture from the two segments of pipeline on either side of the break location. The threat of secondary releases from the ruptured portion of the pipeline has been eliminated. Going forward, the pipeline break site is under the jurisdiction of DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA).

The river levels continue to drop, giving our Shoreline Cleanup and Assessment Technique (SCAT) teams and cleanup crews more access to vegetation and shoreline. At this point approximately 47 river miles of shoreline have been assessed. Overall there is light to moderate oil coverage on most shoreline and island vegetation representing 10% or less of oil coverage in a given area. We are also finding large, more heavily oiled flood debris piles at various locations along the shoreline and on the islands. In developing cleanup techniques we are carefully considering wildlife and habitat to ensure our remedies do not cause more harm than good.

The US Fish and Wildlife Service has reported that 19 oiled animals have been seen (but not yet captured), including a bald eagle, and 10 dead animals that have been collected for analysis. Five animals have been captured for cleaning and care. For more information, please contact Leith Edgar, USFWS, 303-236-4580.

ExxonMobil has received a substantial number of comments from EPA, Montana state agencies and other stakeholders on their draft work plan. They will revise the draft based on these comments and submit it to EPA for approval by tomorrow evening.

PLEASE NOTE: Our daily media briefings occur now via conference call only, at 3:00 p.m. MDT. For conference call dial-in information, please contact Lisa McClain-Vanderpool listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), July 17, 2011

Lisa McClain-Vanderpool, (303) 501-4027; Wendy Thomi, (406) 351-9014

(Billings, Mont --, July 17, 2011) The U.S. EPA continues to oversee the response to the ExxonMobil spill on the Yellowstone River. This weekend, EPA, DOT and Montana Department of Environmental Quality and Disaster and Emergency Services Division representatives oversaw ExxonMobil Pipeline Co.'s removal of the remaining oily water mixture from two segments of pipeline on either side of the break location. The draining of these two segments was completed with no releases of oil into the environment. Going forward, the pipeline break site is under the jurisdiction of DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) since the threat of release has been mitigated with this removal.

Today, the south segment of the pipeline was drained. Approximately 80 barrels of crude oil were estimated to have been removed from the south segment. The balance of the 250 barrels removed in total from the south segment constituted a mixture of oily water and was trucked back to ExxonMobil Billings Refinery for storage. Yesterday the north segment of the pipeline was drained of approximately 8,400 gallons (200 barrels) of oily water. "With the removal of the residual oil from these segments of the pipeline, the threat of secondary releases has been eliminated," said Steve Merritt, EPA's on scene coordinator.

There are now over 700 personnel involved in the cleanup of the spill site, with over 600 currently in the field engaged in cleanup or sampling activities. About 13% of these personnel are local hires.

PLEASE NOTE: Beginning Monday, July 18th, our daily media briefings will occur via conference call only, at 3:00 p.m. MDT. For conference call dial-in information, please contact the people listed above. We will continue to post the latest information including monitoring data and progress on clean-up and restoration as it becomes available on our website, epa.gov/yellowstoneriverspill.

BACKGROUND: At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), July 16, 2011

Lisa McClain-Vanderpool, (303) 501-4027; Libby Faulk, (406) 351-9014

(Billings, Mont --, July 16, 2011) The U.S. EPA continues to oversee the response to the ExxonMobil spill on the Yellowstone River. This weekend, EPA and DOT partners are overseeing Exxon's removal of any residual oil from two segments of pipeline on either side of the break location. EPA and the state have reviewed and approved these procedures to ensure that there are no further releases of oil into the environment as a result of these activities.

Today the north segment of the pipeline was drained of approximately 8400 gallons (200 barrels) of oily water without any releases to the environment and was trucked back to ExxonMobil Billings Refinery for storage while samples are being analyzed. Sunday, the south segment of the pipeline will be vacuumed and we anticipate there will be a higher volume of residual oil in that segment due to the way fluids travelled through the pipeline during the spill. Approved procedures are in place to ensure that residual oil and water are properly and safely removed.

Sunday, the south segment of the pipeline will be vacuumed and we anticipate there will be a higher volume of residual oil in that segment due to the way fluids

travelled through the pipeline during the spill. Approved procedures are in place to ensure that residual oil and water are properly and safely removed.

There are over 700 personnel on site with over 500 currently in the field engaged in cleanup or sampling activities. About 13% of these personnel are local hires. There are over 50 boats on scene as well.

PLEASE NOTE: Beginning Monday, July 18th, our daily media briefings will occur via conference call only, at 3:00pm MDT. There is no call on Sunday, July 17th. There will be no press releases this weekend but we will continue to post the latest information including monitoring data and progress on clean-up and restoration on our website, epa.gov/yellowstoneriverspill. For conference call dial-in information, please contact the people listed above.

At approximately 11 p.m. on Friday, July 1 a break occurred in a 12-inch pipeline owned by ExxonMobil Pipeline Co. 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 Pipeline Co.. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil Pipeline Co., the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), July 15, 2011
Lisa McClain Vanderpool, (303) 501-4027; Libby Faulk, (406) 351-9014

(Billings, Mont --, July 15, 2011) The U.S. EPA continues to oversee the response to the ExxonMobil spill on the Yellowstone River. This weekend, EPA will provide direction and oversight as Exxon removes any residual oil from two segments of pipeline on either side of the break location. EPA and the state have reviewed and approved procedures to ensure that there are no further releases of oil into the environment as a result of these activities.

PLEASE NOTE: On Saturday July 16th our daily media briefing will occur via conference call, and not in person, and we will not issue any press releases over the weekend. There is no call on Sunday, July 17th. However, we will continue to post the latest information including monitoring data and progress on clean-up and restoration on our website, epa.gov/yellowstoneriverspill. During the week of July 18th we will hold daily media briefings via conference call at 11

a.m. and will continue to answer additional media questions via email or phone as they occur. For conference call dial-in information, please contact the people listed above.

There are 750 personnel on site with 540 currently in the field engaged in cleanup or sampling activities. Cleanup crews have used over 50,000 feet of absorbent booms and 260,000 absorbent pads, among other materials. There are 56 boats on scene as well.

At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

Press inquiries: press@epa.gov

Please visit http://www.epa.gov/yellowstoneriverspill for the latest information, data, and maps.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), July 14, 2011

Shoreline teams move downriver, cleanup and sampling continue

Matthew Allen, (720) 237-7414; Libby Faulk, (406) 351-9014

(Billings, Mont --, July 14, 2011) The U.S. EPA continues to oversee the response to the ExxonMobil spill on the Yellowstone River. Today, Shoreline Cleanup & Assessment Technique (SCAT) teams continue to carefully assess and clean up the most heavily affected areas of the spill and comb the riverbanks. A total of seven SCAT teams are now working along the shores of the Yellowstone River.

"We're focusing our efforts on vegetation and shoreline cleanup," said Steve Merritt, EPA On-Scene Coordinator. "Our SCAT teams are evaluating every section of accessible shoreline to direct cleanup operations and make sure we don't do more harm than good in these actions."

Cleanup methods will vary depending on how much oil is present at a location, and SCAT teams will work to ensure a proper balance between cleanup and minimizing further impacts to ecosystems. To better allocate ground resources, the affected areas of the river have been further subdivided. Zones A and B remain the same. Zone C now ends at Yellowstone County line instead of Miles City. Zones D through H correspond with county lines moving east to Glendive,

MT.

There are 750 personnel on site with 540 currently in the field engaged in cleanup or sampling activities. Cleanup crews have used over 36,000 feet of absorbent booms and 260,000 absorbent pads, among other materials.. There are 54 boats on scene as well.

At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

Tomorrow's media availability session will be at 11 a.m. at the Crowne Plaza Hotel, 27 North 27th St in Billings. PLEASE NOTE: A conference line is available for media who cannot attend. Please contact the individuals listed at the top of this release for dial-in information.

The Montana DEQ encourages people to call the Governor's information line at 406-657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

July 13 Update on Federal Response to Silvertip Pipeline Oil Spill Near Billings, Montana
Community meeting tonight, shoreline teams increase
Matthew Allen, (720) 237-7414; Libby Faulk, (406) 351-9014
(Billings, Mont -- July 13, 2011)

At approximately 11 p.m. on Friday, July 1 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

Shoreline Cleanup & Assessment Technique (SCAT) teams are continuing to carefully assess and clean up the most heavily affected areas of the spill and are combing the riverbanks again today. SCAT teams will increase from 4 to 6 over the next few days. A Rapid Deployment SCAT team that EPA and MDEQ directed ExxonMobil to develop will be added as well to quickly address new sightings of removable oil and to delineate downstream shoreline impacts.

"As I stated yesterday, increased access means increased progress and we're increasing the SCAT teams from four to six," said Steve Merritt, EPA On-Scene

Coordinator. "Including the Rapid Deployment team, that gives us seven teams to survey and confirm the extent and severity of shoreline oiling."

Soil and sediment sampling continues, and cleanup activities will carry on as the samples are collected. Soil and sediment samples are used to determine locations where oil was transported and what compounds are present in the environment. This, in turn, will greatly assist with ongoing assessments and cleanup efforts.

There are 680 personnel on site with 460 currently in the field engaged in cleanup or sampling activities. Cleanup crews have used 43,000 linear feet of materials such as absorbent booms and sweeps, and 260,000 absorbent pads. There are 46 boats on scene as well. Declining floodwaters have given cleanup crews, SCAT teams, sampling teams, and scientists increased access to locations previously inaccessible.

EPA will hold a community meeting at the Laurel High School tonight, July 13th at 6:30 p.m. The high school is located at 203 East 8th Street in Laurel.

Tomorrow's media availability session will be at 11 a.m. at the Crowne Plaza Hotel, 27 North 27th St in Billings. The Montana DEQ encourages people to call the Governor's information line at 657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

July 12 Update on Federal Response to Silvertip Pipeline Oil Spill Near Billings, Montana
Sampling continues, community meeting in Laurel tomorrow night

At approximately 11 p.m. on Friday, July 1, 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. EPA's primary concern is protecting people's health and the environment. EPA will remain on-site to ensure cleanup and restoration efforts do just that. EPA continues to hold ExxonMobil, the responsible party, accountable for assessment and cleanup.

There are 640 personnel on site with 420 currently in the field engaged in cleanup or sampling activities. Cleanup crews have used 40,000 linear feet of materials such as absorbent booms and sweeps, and 8,600 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 at ExxonMobil's refinery near Laurel, while solid waste is being stored until it is transferred to a landfill in Bennett, CO.

EPA will also perform soil and sediment sampling today in addition to continued air, surface water and drinking water sampling. EPA has developed sampling plans in conjunction with the state of Montana and federal cleanup partners. These sampling plans use the state of Montana regulatory standards to ensure we are being protective of human health and the environment.

Shoreline Cleanup & Assessment Technique (SCAT) teams are continuing to carefully assess and clean up the most heavily affected areas of the spill and are combing the riverbanks again today.

"Increased access means increased progress," said Steve Merritt, EPA On-Scene Coordinator. "The number of accessible sites for assessment and cleanup is going to increase as water levels continue to fall. We've seen a dramatic increase in the amount of shoreline our SCAT teams can access in the past 24 hours."

EPA will hold a community meeting at the Laurel High School on Wednesday, July 13th at 6:30 p.m. The high school is located at 203 East 8th Street in Laurel. At the event, EPA will provide an update on the cleanup and local public health representatives will address human health issues associated with the spill. In addition state and other federal agencies will be available to answer questions. Company representatives will also be available. An availability session to address specific needs will be held afterward. Media are encouraged to attend.

Tomorrow's media availability session will be held at the Governors Information Center in Billings at 11 a.m. The building is located at 424 Morey Street in Billings. The Montana DEQ encourages people to call the Governor's information line at 657-0231 with questions, concerns or comments, or visit www.yellowstoneriveroilspill.mt.gov.

July 11 Update on Federal Response to Silvertip Pipeline Oil Spill Near Billings, Montana

Below: EPA will hold a community meeting at the Laurel High School on Wednesday, July 13th at 6:30 p.m. The high school is located at 203 East 8th Street in Laurel.

At approximately 11 p.m. on Friday, July 1 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. According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off. EPA is on-site and is directing and overseeing cleanup efforts, conducting air and water sampling and holding ExxonMobil, the responsible party, accountable. EPA's primary concern is protecting people's health and the environment and EPA will remain on-site to ensure cleanup and restoration efforts do just that. There are nearly 600 responders on scene conducting cleanup activities on various parts of the river. EPA will continue to direct and oversee the cleanup and restoration of the Yellowstone River and will continue to work to ensure people's health and the environment are protected.

EPA is providing ongoing water and air monitoring in the impacted areas of Montana, and will continue to sample wells that provide drinking water to homes and businesses. As water levels recede and shorelines become more accessible, Shoreline Cleanup Assessment Teams (SCAT) will be deployed to begin shoreline cleaning.

Over the weekend, ExxonMobil delivered a draft work plan to EPA. The work plan contains seven elements. EPA has determined three of those elements require further clarification and scope definition by the company. EPA has instructed ExxonMobil to provide a revised plan within the week. Those three areas that will be addressed are the oil recovery containment, source release area, and remediation sections of the plan. For further information please see the Administrative Order posted at the website below.

Media availability sessions will continue to be held by EPA daily at 11 a.m. The session will be held at the Crowne Plaza Hotel, located at 27 North 27th Street in Billings, Conference Room 5 (3rd floor).

EPA will hold a community meeting at the Laurel High School on Wednesday, July 13th at 6:30 p.m. The high school is located at 203 East 8th Street in Laurel. At the event, EPA will provide an update on the cleanup and local public health representatives will address human health issues associated with the spill. In addition state and other federal agencies will be available to answer questions. Company representatives will also be available. An availability session to address specific needs will be held afterward. Media are encouraged to attend.

7/10/2011 EPA Region 8 news release: EPA Update on Yellowstone River Oil Spill (Silvertip Pipeline), July 10, 2011. This news release also provides the following correction: "The public meeting to be held in Laurel, MT this week has been moved from Tuesday to Wednesday at 6:30 PM, location to be determined."

July 7 Update on Federal Response to Silvertip Pipeline Oil Spill Near Billings, Montana

At approximately 11 p.m. on Friday, July 1 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. According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off.

EPA's primary concern is protection of human health and the environment, and the agency is conducting both air and water sampling to determine what impacts the spill may have on air or water quality, while also ensuring the responsible party is held accountable. Air monitoring using real-time instruments that look for

volatile organic compounds and hydrogen sulfide continue to show no detections in ambient air along the Yellowstone River. Additionally, air sampling for benzene has been conducted between Laurel, MT, and Billings, MT, with no detections. We have collected six 24-hour air samples at locations along the Yellowstone River to ensure the continued protection of the community and emergency responders and will publish these results as soon as they are available.

Water sampling conducted by EPA between Laurel and Miles City, MT indicates there are no petroleum hydrocarbons above drinking water levels standards in that region. Preliminary results indicate that the Yellowstone River poses no threat to agriculture use. Prior sampling and ongoing monitoring indicate that the municipal drinking water supplies in these areas remain safe. Fully validated results will be on the EPA website within the next few days. EPA will be coordinating domestic well water testing and conducting indoor air sampling at residences impacted by the spill.

EPA is also directing and overseeing cleanup activities since arriving at the site. As of Thursday, July 7, approximately 544 personnel are involved in the incident response and over 360 are in the field conducting cleanup operations and recovering oil. Personnel continue to walk the shores and deploy absorbent boom along the river banks to absorb oil that has collected in slow water areas along the shoreline. While most of the oil has been encountered within 30 miles of the spill, a pocket of emulsified oil has been spotted approximately 80 miles downstream. No evidence of visible oil staining or emulsified oil has sighted beyond this point during ground and aerial reconnaissance to Miles City.

On July 6, EPA issued an order to ExxonMobil, pursuant to the Clean Water Act, directing the company to take a number of clean-up and restoration activities as a result of an oil spill into the Yellowstone River. EPA will continue in its role in directing and overseeing the cleanup and restoration of the river and ensuring the protection of human health and the environment.

EPA is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses any and all potential impacts of this spill. In addition, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration is responsible for determining the cause of the pipeline failure and has been onsite since Saturday.

July 6 Update on Federal Response to Oil Spill Near Billings, Montana

At approximately 11 p.m. on Friday, July 1 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. According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off.

EPA's primary concern is protection of human health and the environment, and the agency is conducting both air and water sampling to determine what impacts the spill may have on air or water quality, while also ensuring the responsible party is held accountable. EPA has initiated air and water quality sampling and will make the results available to the public as soon as the data are available. Air monitoring using real-time instruments that look for volatile organic compounds and hydrogen sulfide is ongoing with no detections in the last 72 hours. Additionally, air sampling for benzene has been conducted between Laurel, MT, and Billings, MT, with no detectable levels. We are deploying additional air samplers at specific locations to ensure the continued protection of the community and emergency responders.

EPA is also directing and overseeing cleanup activities since arriving at the site. As of Wednesday, July 6, approximately 440 responders are on the scene and conducting cleanup activities. Personnel continue to walk the shores and deploy absorbent boom along the river banks to absorb oil that has collected in slow water areas along the shoreline. Responders continue to work to assess where the oil has traveled and what impact it may be having.

The river has been divided into 4 divisions for planning and operational purposes. Initial cleanup activities are concentrated in the first two divisions -- from Laurel to Duck Creek Bridge and Duck Creek Bridge to Johnson Lane -- where responders have identified the most oil-impacted areas. The third river segment encompasses the area from Johnson Lane to Miles City and will also undergo reconnaissance and cleanup. The fourth division includes the remaining downstream portion of the river from Miles City to Glendive.

Today, EPA issued an order to ExxonMobil, pursuant to the Clean Water Act, directing the company to take a number of clean-up and restoration activities as a result of an oil spill into the Yellowstone River. EPA will continue in its role in directing and overseeing the cleanup and restoration of the river and ensuring the protection of human health and the environment.

EPA is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses any and all potential impacts of this spill.

In addition, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration is responsible for determining the cause of the pipeline failure and has been onsite since Saturday.

July 5 Update on Federal Response to Oil Spill Near Billings, Montana

At approximately 11 p.m. on Friday, July 1 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.

According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off.

EPA's primary concern is protection of human health and the environment, and the agency is conducting both air and water sampling to determine what impacts the spill may have on air or water quality, while also ensuring the responsible party is held accountable. EPA began initial water sampling yesterday and comprehensive air and water sampling plans are being developed.

EPA is also directing and overseeing cleanup activities since arriving at the site. As of Tuesday, July 5, approximately 350 responders are on the scene and conducting cleanup activities. Personnel continue to walk the shores and deploy absorbent boom along the river banks to absorb oil that has collected in slow water areas along the shoreline. Responders continue to work to assess where the oil has traveled and what impact it may be having.

EPA Region 8 Administrator Jim Martin briefed Governor Schweitzer and other state officials on the cleanup operation today and led the group to view on-site response activities.

The river has been divided into 4 divisions for planning and operational purposes. Initial cleanup activities are concentrated in the first two divisions -- from Laurel to Duck Creek Bridge and Duck Creek Bridge to Johnson Lane -- where responders have identified the most oil-impacted areas. The third river segment encompasses the area from Johnson Lane to Miles City and will also undergo reconnaissance and cleanup. The fourth division includes the remaining downstream portion of the river from Miles City to Glendive.

EPA is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses any and all potential impacts of this spill.

In addition, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration is responsible for determining the cause of the pipeline failure and has been onsite since Saturday.

July 4 Update on Federal Response to Oil Spill Near Billings, Montana

At approximately 11 p.m. on Friday, July 1 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. According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off.

EPA's primary concern is protection of human health and the environment, and the agency is conducting both air and water sampling to determine what impacts

the spill may have on air or water quality, while also ensuring the responsible party, is held accountable.

EPA is also directing and overseeing cleanup activities since arriving at the site. As of Monday, July 4, approximately 250 responders are on the scene and conducting cleanup activities.

The river has been divided into 4 divisions for planning and operational purposes. Initial cleanup activities are concentrated in the first two divisions -- from Laurel to Duck Creek Bridge and Duck Creek Bridge to Johnson Lane -- where responders have identified the most oil-impacted areas. The third river segment encompasses the area from Johnson Lane to Miles City and will also undergo reconnaissance and cleanup. The fourth division includes the remaining downstream portion of the river from Miles City to Glendive.

Personnel continue to walk the shores and deploy absorbent boom along the river banks to absorb oil that has collected in slow water areas along the shoreline.

Responders continue to work to assess where the oil has traveled and what impact it may be having. Yesterday, EPA and U.S. Fish and Wildlife Service personnel conducted an aerial assessment of the area beginning where the pipeline apparently broke, near Laurel, to a point 30 miles downstream of Billings. They reported seeing bank deposits and small pooling of oil in backwaters and slow water at intermittent points along both the north and south banks of the river.

EPA is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses any and all potential impacts of this spill.

In addition, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration is responsible for determining the cause of the pipeline failure and has been onsite since Saturday..

July 3 Federal Response to Oil Spill Near Billings, Montana

At approximately 11 p.m. on Friday, July 1 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. According to the company's estimates, 1,000 barrels of oil entered the river, which is in flood stage, before the pipeline was cut off.

An EPA on-scene coordinator (OSC) has been directing and overseeing cleanup activities since arriving at the site. This morning EPA and U.S. Fish and Wildlife Service personnel conducted an aerial assessment of the area beginning where the pipeline apparently broke, near Laurel, to a point 30 miles

downstream of Billings. They reported seeing bank deposits and small pools of oil in backwaters and slow water at intermittent points along both the north and south banks of the river. Personnel are walking the shores and are deploying absorbent booms along the river banks to absorb oil that has collected in slow water areas along the shoreline.

EPA has mobilized 50 emergency response personnel in addition to four U.S. Coast Guard personnel from the Pacific Strike Team who are scheduled to arrive this evening. ExxonMobil, as the responsible party, has 40 personnel on the ground. By Sunday evening approximately 200 responders will be on-site to assist in cleanup and minimize any potential health and environmental impacts from this spill.

The river has been divided into 4 divisions for planning and operational purposes. The first two divisions encompass the 15-20 miles of river immediately downstream of the spill and initial cleanup efforts are concentrated there (Laurel to Billings, Montana). The next two river segments will encompass the area from Billings to Glendive. That will cover an area of 180 miles of shoreline.

EPA is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses any and all potential impacts of this spill.

WCMS
Last updated on Wednesday, August 17, 2011

Mr. SHUSTER. So again, thank you all very much, and this hearing is adjourned.

[Whereupon, at 12:03 p.m., the subcommittee was adjourned.]

Rep. Denny Rehberg's Opening Statement:

Thank you for recognizing me and I want to offer my appreciation to my good friends John Mica and Bill Shuster for calling his hearing. I want to really commend your dedicated staff for putting this together on such short notice, and I think your responsiveness to my request for this hearing is a testament for just how seriously we all take the response to this spill in Montana.

I also want to welcome my colleague Jon Tester who accepted my invitation to join us here today from that side of the Hill.

I look forward to working with Senators Tester and Baucus and the agencies and companies represented on the panel to accomplish two critical things today. First, we need to figure out what went wrong so we can determine what can be done to prevent it from happening again. Second, I want to be absolutely certain that we're doing everything that can be done to mitigate the environmental, health and economic impact from this spill.

For many, it's just another news story about an oil spill.

But for Montanans, this is our home. Water and rivers play a big role in the lives of many Montanans. For the Maclean family in that famous movie *A River Runs Through It*, it was the Big Blackfoot River.

For me and my family, it's the Yellowstone River. I grew up in Billings, Montana just a few miles from the river banks of the

Yellowstone. As a boy, I swam and fished in the Yellowstone River. I spent time with my family floating down it in inner tubes and barbecuing on its banks.

You could say that like thousands of other Montana families, the Yellowstone is our family river. So this oil spill is a pretty big deal for us. We have questions and we deserve answers.

As Montana's Congressman I fly into Billings just about every week. I fly over the Yellowstone River, but I also fly over the oil refinery that provides so many good jobs in Billings. You know, just like the River is a part of Montana's culture, so is the energy industry.

Montana's a warehouse of energy options. We've got it all: wind, solar, coal, oil and biofuels. These energy options help us provide the energy this country needs to end our addiction to foreign oil. It also creates good-paying jobs.

The reason I point this out is simple.

While there might be some people out there who think we should develop our resources without any regard for the environment, that's not me. And there are others who think we should stop all human impact on the environment whatsoever. That's not me either. Neither of those options works for Montana.

Montanans demand a third option – a way to utilize our natural resources while doing everything we can to protect the environment.

It's a reasonable and responsible expectation. The United States is leading the way in providing clean, effective energy. We're not perfect, but when there's a spill or a mistake you won't find a more scrutinized response anywhere in the world.

This is one of the reasons domestic energy production is such a good idea – our standards and expectations are so much higher than the countries we import oil from. A kilowatt hour of energy produced in the United States is, on balance, going to be cleaner and safer than a kilowatt hour of energy we import.

In Montana, one of our most valuable resources is nature itself. Montanans get it. We hunt, we hike, we don't just visit the outdoors – we live there. That's why I've always said Montanans are excellent stewards of the land – and that we don't need federal bureaucrats telling us how to manage our lands and wildlife.

This spill was a failure to live up to that standard, and I want to know why. I want to know what is being done and what more needs to be done to prevent it from happening again. It's because energy is such an important part of our economy that it's so important to acknowledge mistakes so that we can learn from them.

I appreciate everyone for being here today, and I look forward to hearing your testimony and asking some questions. I will probably ask some tough questions today, but that's only because this is so

important for Montana and whether you're a part of the energy industry or an environmental steward, you're a big part of the Montana family.

UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Hearing on
The ExxonMobil Silvertip Pipeline Failure in
Yellowstone County, Montana

Before the
Committee on Transportation and Infrastructure
Subcommittee on Railroads, Pipelines and Hazardous Materials
United States House of Representatives

Written Statement of Cynthia L. Quarterman
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department Of Transportation

Expected Delivery 10:00 a.m.
July 14, 2011

WRITTEN STATEMENT
OF
CYNTHIA L. QUARTERMAN
ADMINISTRATOR
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
BEFORE THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON RAILROADS, PIPELINES AND HAZARDOUS MATERIALS
UNITED STATES HOUSE OF REPRESENTATIVES
July 14, 2011

Chairman Shuster, Ranking Member Brown, and distinguished Members of the subcommittee, thank you for the opportunity to discuss the Pipeline and Hazardous Materials Safety Administration (PHMSA)'s response to the July 1, 2011 ExxonMobil Pipeline Company (ExxonMobil) oil spill in Laurel, Montana.

Safety is the number one priority of Secretary Ray LaHood, myself, and the employees of PHMSA. We are all strongly committed to reducing safety risks to the public and environment. More than 2.5 million miles of pipelines deliver energy to homes and businesses across America, and our job at PHMSA is to ensure that every mile is safe. Of these 2.5 million miles, PHMSA oversees 174,000 miles of hazardous liquid pipelines. Over the past 20 years, the traditional measures of risk exposure such as population growth and development have been rising. However, at the same time, the number of significant incidents involving onshore hazardous liquid pipelines has declined 28%, with a corresponding decrease of 57% of gross barrels spilled.

Despite those recent improvements in performance, I am certainly troubled by this recent oil spill. Secretary LaHood, myself, and the employees of PHMSA are always mindful of the substantial effects these incidents can have on a community where a spill occurs. As identified during PHMSA's preliminary failure investigation, ExxonMobil personnel reported to the National Response Center that the spill occurred on the Silvertip pipeline on Friday, July 1, at approximately 10:40 p.m. MDT. An estimated 1,000 barrels of oil were released. That initial estimate was also reported by ExxonMobil and is subject to further review once more information becomes available. At 10:47 p.m. MDT, ExxonMobil shut down the pumps at Silvertip station. At approximately 10:57 p.m., the company closed the Laurel block valve

located downstream of the failure site. Thereafter, ExxonMobil reopened the block valve at 11:07 p.m. and closed it at 11:28 p.m. MDT. ExxonMobil closed the block valve located upstream of the failure site at approximately 11:36 p.m. MDT. This valve shut down the flow of product into the Yellowstone River. These valve operations will be examined in detail during the PHMSA investigation of the incident. ExxonMobil reported the failure to the National Response Center on July 2, at approximately 12:19 a.m. MDT.

Mr. Chairman, Members of the subcommittee, I assure you that PHMSA is vigorously investigating this incident and will continue to do so. PHMSA personnel were on the scene and directly engaged in the response efforts within 12 hours of notification of the spill. As part of the on-scene Unified Command Center, PHMSA assisted various State and Federal agencies in assessing the failure's devastating affects to the Yellowstone River and its surrounding communities and overseeing clean-up activities. The Environmental Protection Agency is coordinating its response actions with the Department of the Interior, Fish and Wildlife Service and state and local agencies and will take whatever steps are necessary to ensure ExxonMobil, as the responsible party, addresses all potential impacts of this spill. In addition, PHMSA is responsible for determining the cause of the pipeline failure and has confirmed the shutdown of the Silvertip pipeline, verified the isolation of the other major water crossings, gathered information from ExxonMobil's control center in Houston, Texas, and initiated an onsite failure investigation. On July 3, PHMSA contacted all pipeline operators with pipeline crossings in the Yellowstone River to verify the condition and operational status of their crossings. We advised them to take appropriate preventive measures by patrolling their pipeline crossings, more frequently monitoring them, and coordinating their efforts with other nearby operators. On July 5, the first business day after the incident, PHMSA issued a Corrective Action Order requiring ExxonMobil to directionally drill the Yellowstone River crossing and assess the risk of other major Silvertip pipeline water crossings. We continue to have staff on scene participating in the incident command, assisting state and local agencies, and carrying out our investigation. Unfortunately, due to the high river flows, the ruptured pipe is currently inaccessible for further examination at this time. Therefore, PHMSA has been unable to complete its failure investigation. However, I can assure this subcommittee that once the failed pipe becomes accessible, PHMSA will complete this investigation as soon as possible.

Before the incident occurred, PHMSA was actively monitoring the Silvertip pipeline and the recent flooding conditions brought about by the rising river flows. In October 2010, PHMSA and the City of Laurel Public Works Department jointly reviewed rising river flow and erosion near the south bank of the Yellowstone River crossing. Both PHMSA and the City of Laurel were concerned with the risks to the Silvertip pipeline due to high runoff and possible river bottom scour and erosion of the river bank. In response to these risks, ExxonMobil performed a depth-of-cover survey that was completed on December 1, 2010. That depth-of-cover survey confirmed at least five feet of cover over the pipeline for the riverbed, which was within the 4 feet depth-of-cover requirement in the pipeline safety regulations. Due to the onset of heavy flooding, starting in May 2011, PHMSA inspectors began monitoring the flow rates in the Yellowstone River on a daily basis and visually observing the conditions of the pipeline crossing on a biweekly basis. On June 1, PHMSA requested that ExxonMobil again confirm the current depth-of-cover for the south bank. ExxonMobil reported that there was at least 12 feet of cover for the south bank. In June 2011, PHMSA also alerted pipeline operators in the vicinity of the upper Missouri River and its tributaries of the risk of high flood waters and advised those operators to take appropriate preventive measures.

Historically, PHMSA has conducted routine inspections on the Silvertip pipeline for many years. In July 2009, the agency conducted a standard inspection of the Silvertip line. PHMSA issued three enforcement actions as a result of this inspection. However, none of these alleged violations involved the Yellowstone River crossing. Two of the cases were closed after ExxonMobil completed all required actions. The third case is still open, but ExxonMobil took appropriate compliance action after the inspection occurred and before the Notice was issued. As recently as June 6-10, 2011, PHMSA personnel performed an integrity management field inspection on the Silvertip pipeline. As a part of that inspection, PHMSA reviewed ExxonMobil's 2009 internal inspection (ILI) raw data for this particular pipeline. No regulatory violations were found at that time. The ILI data did show one pipeline anomaly at the river crossing, however, that anomaly was below the required repair conditions under the pipeline safety regulations. Mr. Chairman, I assure you that PHMSA will remain vigilant in ensuring the safety, reliability and the integrity of all pipelines under its jurisdiction. We will also ensure that the Silvertip pipeline is free of safety and environmental risks before ExxonMobil is granted permission to restart the line. PHMSA will investigate this incident fully to ensure that the line

is operated safely, that the public is protected, and that any potential violations of the federal pipeline safety regulations are swiftly addressed.

Thank you and I am happy to respond to your questions.

Testimony of

Douglas B. Inkley, Ph.D.
Senior Scientist, Conservation Programs
National Wildlife Federation

Before the

House Transportation and Infrastructure Committee
Subcommittee on Railroads, Pipelines,
and Hazardous Materials

July 14, 2011

NATIONAL
WILDLIFE
FEDERATION®

Chairman Shuster, Ranking Member Brown, members of the Subcommittee, thank you for the opportunity to be here today.

National Wildlife Federation is a non-partisan, non-profit organization. Our mission is to inspire Americans to protect wildlife for our children's future. National Wildlife Federation is supported by 47 state and territorial affiliates and 4 million members and supporters across the nation. Our members include hunters, anglers, backyard gardeners, birdwatchers and outdoor enthusiasts from throughout the nation.

I appreciate the opportunity to testify today in lieu of Ms. Alexis Bonogofsky, to whom the invitation was originally extended. Ms. Bonogofsky is the Senior Coordinator of the National Wildlife Federation's Tribal Lands Program. Ms. Bonogofsky's family farm lies along the banks of the Yellowstone River near the site of the July 1, 2011 spill of 1,000 barrels of crude oil from ExxonMobil's Silvertip Pipeline. Ms. Bonogofsky intended to testify today about the damage to her family farm. Unfortunately, she has fallen ill from exposure to hydrocarbon fumes from the spill and is unable to travel at this time.

I am a certified wildlife biologist and have been involved in the conservation of wildlife throughout my career. For the last 14 months I have been deeply engaged in the National Wildlife Federation's response to the Gulf of Mexico oil spill disaster, including authoring the report "The Long Road to Recovery: Wetlands and Wildlife One Year Into the Gulf Oil Disaster."

The Yellowstone River – A Source of Life

The longest undammed river in the United States, the Yellowstone River sustains a rich diversity and abundance of fish and wildlife in an otherwise arid landscape along most of its 692 miles. It is the primary source of drinking water for Billings, Montana and other rural communities. It also provides essential irrigation water for crops that otherwise could not grow in this region of high summer temperatures and low annual precipitation.

The Yellowstone River comprises the riverbed itself, as well as a broad floodplain that floods annually with fresh water from melting snow in the mountains of the Yellowstone River watershed. This annual flooding sustains an extensive riparian zone with a diversity of plant and animal life…cottonwoods, willows, abundant wildflowers, songbirds, bald eagles, muskrat, beaver and osprey. The river channel itself sustains native fish populations of sauger, channel catfish and other species that support recreational fishing.

The ExxonMobil Silvertip Pipeline Spill

As we consider ExxonMobil's Silvertip Pipeline spill, it is important to keep these facts in mind:

1) Along with the Gulf oil disaster and Michigan's Kalamazoo River tar sands oil spill, the Yellowstone River oil spill is America's third major oil disaster in just 15 months.

2) In large spills at sea, at best only 10 to 15 percent of the total oil spilled is ever recovered.[i] The fast moving current of the Yellowstone River makes oil recovery difficult due to likely rapid entrainment of oil into the water column.

3) Oil degrades through various processes, but the heavier oil molecules especially can persist in the environment for years, with long-lasting impacts.
    a) One study demonstrated an impact to the benthic (bottom dwelling) community persisting at least 18 months (after which the study terminated).[ii]
    b) Recovery of fish assemblages in the Reedy River in South Carolina following a major diesel oil pipeline spill took up to 52 months.[iii]
    c) Persistent components of fuel oil spilled in 1969 in West Falmouth, Massachusetts can still be found and smelled[iv] in marsh soil, and may remain indefinitely.[v] Fiddler crabs took nearly a decade to return to the area, and still exhibit aberrant behavior making them more susceptible to predation.[vi]

The July 1, 2011 spill of 1,000 barrels of crude oil from ExxonMobil's Silvertip Pipeline has contaminated the Yellowstone River ecosystem. Oil has been reported at least 80 miles downstream.[vii] High water has carried crude oil out of the river banks into the riparian zone. As the water has ebbed and flowed, it has left behind vegetation, soil and backwaters contaminated with a slimy layer of crude oil.

The Yellowstone River ecosystem and the many benefits it provides are threatened by this spill. Drinking and irrigation water are at risk of contamination. Relatively immobile wildlife such as frogs and salamanders (permeable skin makes them very susceptible to contamination), turtles, beavers, muskrats and otters are in harm's way. Of greatest concern is the aquatic food chain, including the many fish that have no place to seek refuge. The endangered pallid sturgeon lives downstream from the spill.

The spill has directly impacted the health and livelihoods of landowners along the river. People have become sick due to exposure to the oil fumes. My colleague Ms. Bonogofsky had to be taken to the emergency room and was diagnosed with acute hydrocarbon exposure. She has reported that summer pastures critical for her livestock are ruined by oil-contamination. She has observed birds unable to fly because of oil on their wings.

These impacts have been confounded by Exxon's lack of preparedness to deal with them. For example, Ms. Bonogofsky learned about the spill when she discovered oil on her property and read about the pipeline rupture in the local paper. Although some people living upriver from her were eventually evacuated, she was never formally notified.

When Ms. Bonogofsky sought information about the cleanup, she called the Montana Department of Environmental Quality and the Department of Emergency Services, and she was told repeatedly to call an ExxonMobil hotline. However, when she called the hotline, the people who answered did not have any information for her and were just there to take her information. When she called the County Health Department, she was told that the oil was just an irritant. In marked contrast, the Utah Department of Health's description of the dangers of acute exposure to crude oil was far more alarming when a Chevron pipeline spilled 33,000 gallons into Red Butte Creek near Salt Lake City, Utah. They issued a public statement that crude oil is not only an irritant, but that acute exposure has resulted in reports of "difficulty breathing, headaches, dizziness, nausea, confusion and other central nervous system (CNS) effects." They went on to say that chronic exposure should be avoided if at all possible due to the possibility of serious effects including "lung, liver and kidney damage, infertility, immune system suppression,

disruption of hormone levels, blood disorders, gene mutations and cancer," and that "exposure to crude oil can cause abnormal growth and infertility in children."[viii]

When she finally spoke with a public relations person from Exxon, he would not tell her what chemicals were in the oil or if any had been added. He told her to stay away from it and that she should not document the effects on her property just to be safe. Furthermore, no health warning has gone out to the public. Because the impacts of toxic oil can take months or even years to reveal themselves, it is clear that we won't know the full impacts of this oil spill for years to come. We must not rush to draw premature conclusions about the impacts of this spill on the Yellowstone River, the people living nearby, the communities that depend on the water, or the surrounding ecosystems.

Petroleum Industry Response

Unfortunately, I am a veteran of previous oil spills, including the Deepwater Horizon oil spill disaster in the Gulf of Mexico (2010). Sadly, industry is using the same playbook to respond to the Yellowstone River spill that it did in the Gulf oil disaster.

1) *Industry assures everyone that operations were safe.* Four days after the spill Gary Pruessing, President, ExxonMobil Pipeline Company stated: "From a risk assessment standpoint, we were confident we had a safe line."[ix]
2) *Industry responds slowly to the spill.* Holidays are no excuse for an inadequate clean-up response to the spill.
3) *Industry understates the size of the spill.* In the Gulf of Mexico oil spill disaster industry and government claimed the spill was only about 1/10th of the actual size later demonstrated by an independent investigation. ExxonMobil declared the Yellowstone River spill to be half the size they later admitted to, and there is still no independent assessment of spill size.
4) *Industry keeps the public in the dark.* When Governor Brian Schweitzer pulled Montana out of the incident command center he said it was because "ExxonMobil was refusing to be transparent with the public, and telling the Montana Department of Environmental Quality officials that the documents they we're sharing were not public documents."[x]
5) *Industry keeps the press out.* Montana Governor Schweitzer stated "They have security guards that don't let the press in."[xi]

Petroleum Industry Accident Record

National Wildlife Federation's 2010 report, "Assault on America: A Decade of Petroleum Company Disaster, Pollution, and Profit," documents that oil and gas disasters are tragically all too common. From 2000 – 2009, pipeline accidents onshore accounted for 2,554 significant incidents, 161 fatalities, and 576 injuries in the United States.[xii]

Since 2009, the accidents have continued, including the largest oil spill in U.S. history with the tragic explosion of the Deepwater Horizon on April 20, 2010. Pipeline safety has not fared any better. According to data from the Pipeline and Hazardous Materials Safety Administration (PHMSA), since January 2010, pipelines have spilled 2.3 million gallons of oil and caused $46 million dollars in damage to private property and the environment.

Among those was one of the largest pipeline spills in U.S. history. On July 25, 2010, an estimated 840,000 gallons of raw tar sands crude, also called diluted bitumen, spilled from an Enbridge pipeline into Michigan's Kalamazoo River watershed. Over 30 miles of waterway were contaminated before it was contained. Because Enbridge misread its leak detection system, the spill went undetected and unreported for over 15 hours. It was not until mid-morning on the following day when Enbridge was told by a local utility that they had a major oil spill, that the line was shut down. As in the Exxon spill, Enbridge greatly underestimated the size of the spill initially and failed to notify affected communities, and people had to visit the hospital due to exposure to oil fumes.

Also in July 2010, a Chevron pipeline spilled 33,000 gallons into Red Butte Creek near Salt Lake City, Utah. Just 6 months later the same pipeline spilled another 21,000 gallons. TransCanada's Keystone tar sands pipeline has had twelve spills in its first twelve months of operation and became the newest pipeline on record to have been deemed a "threat to life, property and the environment" by PHMSA.

This accident record makes it clear that the industry's safety claims cannot be trusted and our existing pipeline safety regulations are failing to protect public health and the environment. It is ironic that despite this, the industry is now promoting its riskiest project yet. The Keystone XL tar sands pipeline would carry diluted bitumen across the U.S. from Canada to the Gulf of Mexico, crossing the Yellowstone and many other important rivers, and running through some of the most ecologically sensitive regions of one of our nation's most important aquifers.

There are several indications that diluted bitumen poses increased risks for pipeline safety compared with conventional crude oil, and the Keystone XL pipeline would have 20 times the capacity of the Silvertip Pipeline, making a potential spill much more disastrous. Yet, according to a recent testimony before Congress by PHMSA Administrator Cynthia Quarterman, no study has been done nor regulations developed for diluted bitumen, and PHMSA has not been involved in the environmental review for the Keystone XL pipeline. National Wildlife Federation is opposed to this pipeline for many reasons, some of which are not germane to this hearing. But, we also believe that solely on the basis of pipeline safety, the project's review should not proceed until the safety of diluted bitumen pipelines has been adequately addressed.

We appreciate the efforts of members of this Committee and the Energy and Commerce Committee for introducing a discussion draft of the Pipeline Infrastructure and Community Protection Act of 2011. We are pleased that draft legislation calls for a study of diluted bitumen pipeline safety, however we believe that permitting the Keystone XL tar sands pipeline without the study would likely perpetuate our failing pipeline safety policies. The time to get pipeline safety right is before a pipeline is built.

Recommendations

Montana's people, fish, and wildlife didn't deserve this oil spill in the Yellowstone River, but they do deserve a better response from ExxonMobil and the federal government. Oil disasters are preventable. But despite the Enbridge disaster in Michigan and numerous other pipeline spills over the last year, Congress has still failed to enact legislation to improve pipeline safety.

We urge Congress and the Administration to focus on enacting legislation to improve our nation's pipeline safety policies to better safeguard people, wildlife and the environment, and to set aside any legislation to fast-track the permitting of the Keystone XL tar sands pipeline.

National Wildlife Federation supports the recommendations of the Pipeline Safety Trust, which we understand will have a representative testifying in tomorrow's Energy and Commerce Committee hearing on pipeline safety. Based on the lessons of the recent Yellowstone River crude oil spill, National Wildlife Federation also recommends that pipeline safety reforms, through this or other committees with jurisdiction, should:

1) Require incidents to be reported immediately to federal and state agencies
2) Require accurate, independent assessments of spill size
3) Require long-term monitoring of contaminants downriver and in riparian zones, and impacts to fish and wildlife populations in the event of a spill
4) Require federal oversight of spill clean-up and restoration, with the responsible companies held completely liable
5) Require an assessment of the health impacts of exposure to spilled crude oil and require emergency response plans to address such impacts
6) Strengthen federal standards for monitoring and repairing pipelines, and require public disclosure of the data
7) Require that PHMSA update the ecological resource maps used in the identification of "high consequence areas," which require additional protections from pipeline spills

Thank you again for this opportunity to testify.

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[i] The International Tanker Owners Pollution Federation. www.itopf.com/spill-response/clean-up-and-response/containment-and-recovery/

[ii] Poulton, B. C., S. E. Finger, S. A. Humphrey. 1997. Effects of a Crude Oil Spill on the Benthic Invertebrate Community in the Gasconade River, Missouri. Archives of Environmental Contamination Toxicology. (33) 268–276.

[iii] shoal.in/2010/10/25/recovery-of-a-temperate-riverine-fish-assemblage-from-a-major-diesel-oil-spill/

[iv] www.wbur.org/2010/07/19/west-falmouth-oil-spill

[v] pubs.acs.org/doi/abs/10.1021/es020656n

[vi] www.mvgazette.com/article.php?25597

[vii] cnsnews.com/news/article/exxon-s-ruptured-pipeline-sends-oil-80-m

[viii] www.deq.utah.gov/Issues/redbuttespill/docs/EffectsFromCrudeOil.pdf

[ix] www.upstreamonline.com/live/article265308.ece?service=print July 5, 2011

[x] www.usatoday.com/news/nation/2011-07-07-montana-oil-spill-yellowstone_n.htm

[xi] www.usatoday.com/news/nation/2011-07-07-montana-oil-spill-yellowstone_n.htm

[xii] U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration. primis.phmsa.dot.gov/comm/States.htm?nocache=8428

Gary W. Pruessing
President, ExxonMobil Pipeline Company
U.S. House of Representatives
Subcommittee on Railroads, Pipelines & Hazardous Materials
Hearing on Pipeline Safety
July 14, 2011

Opening Statement

Chairman Shuster, Ranking Member Brown, members of the subcommittee.

Thank you for the opportunity to discuss the pipeline incident that occurred July 1 in the Yellowstone River in Montana, and to update you on the progress we have achieved to clean up the spill.

Before I begin, however, allow me to repeat our sincere apologies to the people of Montana. We deeply regret that this incident occurred, and are steadfastly committed to not only complete the cleanup, but also to build the learnings from this incident into our future operations.

This requires first that we understand exactly what occurred. We do not yet know the precise cause of the apparent breach in our Silvertip Pipeline – and will likely not know until our investigation is complete.

We do know that the pipeline had met all regulatory requirements, including a 2009 pipeline inspection and a December 2010 depth-of-cover survey. Additionally, as recently as last month, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) performed a field audit of the pipeline's integrity management program.

And, of course, we do know the effects of the incident. The pipeline lost pressure the night of July 1, and within seven minutes, our employees shut down the pumps. Shortly thereafter, we began closing valves to isolate segments of the pipeline and minimize any release. We estimate that no more than 1,000 barrels of oil spilled.

We notified the National Response Center and immediately began implementing our emergency response plans, drawing upon our local resources at the Billings Refinery as well as our experts from across the

country. A Unified Command Center led by the Environmental Protection Agency and involving almost 700 people now directs the response.

This coordinated effort, combining the resources and expertise of government, industry, and others, is crucial to effective cleanup and recovery. I speak on behalf of our entire company in thanking the public servants at all levels of government and the volunteers from non-governmental organizations contributing to this effort.

This includes professionals from PHMSA, the Environmental Protection Agency, the U.S. Department of the Interior, the Montana Department of Environmental Quality, Montana Fish, Wildlife and Parks, Yellowstone County commissioners, local response organizations, International Bird Rescue and many others.

As part of our cleanup strategy we have divided the area downriver of the spill into four zones. In the first two cleanup zones, covering a combined distance of about 19 miles, we have deployed approximately 43,000 feet of boom, 260,000 absorbent pads, and several vacuum trucks, boats and other equipment to capture oil. Our priority is to ensure the cleanup is safe and effective – a task made more challenging by persistent high water levels in the Yellowstone River.

At the same time, through the Unified Command, we continue to conduct air and water quality monitoring of over 200 miles of the river, as well as wildlife assessments and recovery efforts. To date, EPA monitoring confirms there is no danger to public health, and no reported water system impacts.

We have also brought in recognized experts to actively monitor the impact on local wildlife. So far, a total of four animals have received treatment - one garter snake, one warbler and two toads. In addition, International Bird Rescue has identified several oiled birds, and are assessing if any require capture or cleaning. Monitoring and mitigating the impact of the spill on wildlife will remain a priority of ours throughout the cleanup.

The Silvertip Pipeline plays an important role in supplying energy to the Billings area, and therefore helps sustain local jobs and economic growth. We are committed to replace the damaged pipeline, using horizontal

directional drilling techniques, with a new section that we will lay 30 feet below the river bed, consistent with PHMSA direction.

Of paramount concern to us is the impact on local communities. We established a community information line, and have received more than 300 calls. A number of these calls are claims related to property, agriculture and health, and we are actively responding to more than 120 of them. We have also sent six teams door-to-door to visit more than 150 residents in the most impacted areas. It is our goal to respond to individual concerns within 24 hours.

I am pleased to report that these outreach efforts have mostly received a very positive response. In fact, more than 130 calls to the information line have been offers to help. This outpouring of local volunteer support is immensely helpful. It testifies to the resilience, industry and generosity of the people of Montana. We deeply appreciate their understanding and support.

To repeat, ExxonMobil Pipeline Company takes full responsibility for the incident and the cleanup, and we pledge to satisfy all legitimate claims.

But even then, our work will not be done. We are equally committed to learn from this incident and build those learnings into our future operations. Thank you.

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

John L. Mica
Chairman

James W. Coon II, Chief of Staff

Washington, DC 20515

Nick J. Rahall, II
Ranking Member

James H. Zoia, Democrat Chief of Staff

July 19, 2011

Mr. Gary W. Pruessing
President
ExxonMobil Pipeline Company
800 Bell Street
Houston, TX 77002

Dear Mr. Pruessing:

On July 1, 2011, a 12-inch pipeline owned and operated by ExxonMobil ruptured, releasing an estimated 42,000 gallons of crude oil into the Yellowstone River, which flows eastward through the City of Billings, Montana, and discharges into the Missouri River. According to ExxonMobil, the 69-mile Silvertip Pipeline transports crude oil from the company's Silvertip Station near Elk Basin, Wyoming to the ExxonMobil refinery in Billings, Montana.

Both before and after the July 14, 2011 hearing of the Subcommittee on Railroads, Pipelines, and Hazardous Materials regarding this spill, Democratic Committee staff repeatedly requested information from ExxonMobil to help inform our Members about this incident. Unfortunately, we have received little response from ExxonMobil, and we are therefore writing to specifically request the following information:

- All written integrity management plans developed and/or maintained by ExxonMobil and its related companies for the Silvertip Pipeline.
- All oil spill response plans developed and/or maintained by ExxonMobil and its related companies, in accordance with Part 194 of Title 49 of the Code of Federal Regulations, for the Silvertip Pipeline.
- Shipping papers, including Material Safety Data Sheets, for all products that were transported in the Silvertip Pipeline from July 1, 2010 through July 1, 2011, and detailed information on the source of such products.
- A detailed description of how the depth-of-cover survey was conducted in December 2010.

Gary W. Pruessing
July 19, 2011
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- Specific dates that ExxonMobil conducted depth-of-cover surveys on the portion of the pipeline that ruptured, from the date the portion of the pipeline was installed in 1991 through July 1, 2011.

- The methods utilized by ExxonMobil to conduct any depth-of-cover surveys from 1991 through July 1, 2011, and the specific findings of such depth-of-cover surveys.

- Engineering design criteria for the Silvertip pipeline crossing and actual final construction details.

Please provide the requested documents to the Subcommittee on Railroads, Pipelines, and Hazardous Materials, 592 Ford House Office Building, Washington, DC 20515, no later than Thursday, July 28, 2011. If you have any questions regarding this request, please contact Jennifer Homendy or David Wegner at (202) 225-3274.

Thank you for your assistance in this matter.

Sincerely,

The Honorable Nick J. Rahall, II
Ranking Democrat
Committee on Transportation and Infrastructure

The Honorable Corrine Brown
Ranking Democrat
Subcommittee on Railroads,
Pipelines, and Hazardous Materials

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