OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

ANGELA MCLEAN
LT. GOVERNOR

February 13, 2015

Secretary Anthony Foxx
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Foxx:

Montana, for the second time in less than four years, has suffered another oil spill in the Yellowstone River due to a ruptured oil pipeline. The Bridger Pipeline near Glendive, Montana has polluted our treasured Yellowstone with up to 30,000 gallons of crude oil. The spill impacted the town's drinking water, requiring the water treatment plant to shut down for several days. We are still trying to determine the ecological impacts. Dealing with this disaster has been made much more difficult by the ice on the river, and the cleanup has been intermittent due to constantly changing weather conditions. It will take months before we truly know the damage this spill has done and how much oil will remain in our environment.

In 2011, the Exxon Silvertip Pipeline ruptured, sending 63,000 gallons of oil into the Yellowstone River near Billings, fouling nearly 70 miles of riverbank and adjacent land. The spill killed fish and wildlife and impacted the people of Laurel and Billings.
Oil spills in Montana's rivers are unacceptable and will not be tolerated. As Governor, I am working to ensure that those responsible for these spills are held accountable, the environment is cleaned up to our standards, and that we do everything we can to avoid another oil spill into Montana waters.

I am aware that the Yellowstone River has a significant capacity for scouring, making it difficult at times to maintain and determine the proper depth of cover. The Exxon pipeline that burst in 2011 was last inspected in 2010 and was reported to have had at least five feet of cover. The Bridger pipeline near Glendive was inspected in 2011 and was reported to have had about 8 feet of cover. Clearly, more frequent inspections and oversight are needed so as to avoid another major disaster here in Montana. In addition to your federal regulators, I believe that pipeline

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owners need to share some responsibility for addressing these concerns, and I intend to work with pipeline owners to secure their commitments to do so.

It is my understanding that currently only one Pipeline and Hazardous Materials Safety Administration (PHMSA) inspector lives in Montana and only 18 inspectors serve the entire Western region, which includes Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of Northern Mariana Islands, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. I am also aware that recent federal appropriations allow for PHMSA to hire an additional 109 pipeline inspectors. Pipelines throughout Montana cross our state's waters over 9,000 times. Eighty-eight of those crossings are at our state's navigable waterways. It is a staggering number, which begs for increased on-the-ground presence by your agency.

As you know, the state's safety authority over these major oil pipelines is minimal, at best, so we must rely on your agency to do the job we are not allowed to do by law. The ability to effectively regulate and inspect hazardous substance pipelines in Montana is vital to protecting our land, water and people from another oil spill. We must work together to ensure that companies are doing everything they can to prevent another pipeline from breaking.

It is in that regard, preventing future spills, that I write to you today with the following requests:

1. PHMSA immediately reevaluate its inspection schedule and appropriate depth of cover requirements. This evaluation should lead to more frequent inspections and deeper minimum cover depths for pipelines under our rivers. PHMSA should also determine whether trenching to bury a pipeline in our riverbeds is ever appropriate;
2. PHMSA must base additional pipeline inspectors in Montana with a priority of inspecting the 3,800 miles of pipelines in the state for which your agency is responsible;
3. Compile and report to my office a list of all oil pipelines PHMSA regulates in Montana. Included with this information I am requesting data on pipeline ownership, age, depth of cover, whether or not the pipeline has been horizontally directionally drilled, latest PHMSA and company inspection reports, along with future PHMSA and company inspection schedules for the next two years;
4. Provide professional technical assistance to Montana so that as we consider granting easements, we have the best science to impose protective conditions for pipeline river crossings; and,
5. PHMSA take the necessary steps to improve timely and comprehensive sharing of information with the state, specifically the Department of Environmental Quality and the Department of Natural Resources and Conservation.

PHMSA must continue to have a positive working relationship with Montana's state agencies. Information you provide will allow us to better assess pipeline vulnerabilities and potential risks to our water, land and people. We must do more to avoid any future oil spills.

You are on the front lines, ensuring that pipelines are inspected and safe. You and your colleagues must do whatever possible to guarantee the safety of the pipelines. I would appreciate and expect your immediate attention to my requests. I look forward to working with you to put more boots on the ground and to better share information between PHMSA and Montana.

Sincerely,

STEVE BULLOCK
Governor

CC: Senator Jon Tester
Senator Steve Daines
Congressman Ryan Zinke
Acting Administrator Timothy P. Butters, PHMSA

# Office of the Governor
State of Montana

Steve Bullock
Governor

Angela McLean
Lt. Governor


To: John Tubbs, Director, Department of Natural Resources and Conservation
Tom Livers, Director, Department of Environmental Quality
Jeff Hagener, Director, Department of Fish, Wildlife and Parks

From: Governor Steve Bullock

Re: Protecting state waters and associated state resources from future pipeline spills

Date: February 13, 2015

Montana has, for the second time in 4 years, suffered another oil spill in the Yellowstone River due to a ruptured oil pipeline. I fully intend to utilize all means available to me to ensure that those responsible for these spills are held accountable, the environment is cleaned up, and that we do everything we can to avoid another oil spill into Montana waters.

In regard to taking preventive action, I am directing your agencies to jointly review and determine the state's authority to place conditions on the siting of both existing and future easements for pipelines that cross our navigable waters, in order to protect our priceless rivers, riverbeds, and fish and wildlife.

I am concerned that some of the methods employed for pipeline crossings, such as trenching (as opposed to directional drilling or other more advanced and protective techniques) are inadequate. In addition, I am concerned that the present level of federal monitoring of river bed conditions is not comprehensive enough to ensure that the state's resources are protected.

Specifically, the agencies should advise me regarding the extent to which the state's authorities to protect health, safety and welfare, water quality, fish and wildlife, and state land resources, provide the necessary tools to achieve these ends.

In addition, since pipelines crossing navigable waterways require easements from the state, I am requesting an analysis of the state's ability to utilize contractual obligations to accomplish these objectives.

Please provide a response to me no later than February 25, 2015.


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