



Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
Tracy Stone-Manning, Director

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November 13, 2014

Via E-mail and U.S. Mail

Tom Henson
C/O Scott Davies
ARCADIS
801 Corporate Center Drive, Suite 300
Raleigh, NC 27607-5073
tom.s.henson@exxonmobil.com

Re: Silvertip Natural Attenuation Monitoring: Notice of Completion of Natural Attenuation Monitoring Work Pursuant to Section XXIX of the Administrative Order on Consent, Docket No. WQA-12-08

Dear Mr. Henson:

The Montana Department of Environmental Quality (DEQ) has reviewed the Final Natural Attenuation Monitoring Report for the Silvertip Pipeline Incident Response dated September 2014 (Final NAM Report). The Final NAM Report was prepared by ARCADIS on behalf of ExxonMobil Pipeline Company (EMPCo), and it compiles the documentation of the late summer 2014 natural attenuation monitoring (NAM) and stake-retrieval event.

The NAM effort began in 2011 with 45 locations, and by fall 2013, DEQ had approved removal of 32 NAM locations from the monitoring schedule either because there was no oil observed at a location or because the location was substantially altered (i.e., the river bank eroded and the original focus of the location was gone). At the remaining 13 locations where signs of crude oil persisted, ARCADIS's field observations indicated "natural attenuation is apparent." DEQ compared the fall 2013 photographs of these locations with photographs from previous NAM events, and verified that this statement was correct. While some crude oil stains remained at 13 of the original 45 NAM locations, DEQ noted in its February 10, 2013 letter to EMPCo that staining appeared to be lighter in fall 2013 than in previous events. All remaining crude oil stains, monitored as part of the NAM effort, were either on highly textured tree bark (as a "bathtub ring" around live cottonwood trees), or were on light-colored wood or branches against which the crude oil was highly visible. DEQ's February 2014 letter stated that these stains are likely to persist for an unknown length of time. While the stains might be considered aesthetically unpleasing, DEQ determined that they were dry and weathered and did not appear to pose a threat to human health or the environment.

In DEQ's February 2014 letter to EMPCo, DEQ agreed that the NAM effort may be ended after an additional summer 2014 monitoring event of the remaining 13 locations where crude oil staining was visible, and after retrieval of the wooden location-marker stakes and flagging.

In September 2014, representatives from DEQ and the Montana Department of Justice's Natural Resource Damage Program accompanied ARCADIS and EMPCo during the final NAM event and stake-retrieval effort. No residual oil was observed at 3 of the 13 NAM locations that had previously shown some residual oil in fall 2013 (those 3 locations were B12-LB-01, B30-LB01, and B34-LB-01). One of the 13 NAM locations was not accessible due to landowner access restrictions. The remaining 9 NAM locations showed evidence of continued weathering (a comparison of current conditions to previous NAM photographs showed less residual oil in September 2014). Twenty-six of the original NAM locations were visited for the purpose of retrieving stakes and flagging (one location was not visited per landowner access restriction, three locations in Division C were not visited because of poor weather conditions and safety concerns, and 15 locations had previously been altered/eroded such that the stakes would no longer be present).

EMPCo has completed the summer 2014 NAM event and stake retrieval as required in DEQ's February 10, 2014 letter and the AOC. As such, DEQ approves ending the NAM effort.

Please note that, as provided in Section XXIX of the AOC, if DEQ becomes aware of conditions that were previously unknown to DEQ or new information is received by DEQ that indicates that the work was not adequate to protect the public health, welfare or safety, or the environment, DEQ may require additional monitoring of these locations. In such case, ExxonMobil shall perform the Additional Work pursuant to Section XXVIII of the AOC. In addition, this letter does not address EMPCo's potential liability under federal or State law related to natural resource damages.

Sincerely,



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