



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 20, 2017

REPLY TO THE ATTENTION OF:

VIA EMAIL AND UPS

Lisa D. Wilson
Associate General Counsel
Enbridge
26 East Superior Street, Suite 309
Duluth, MN 55802

Re: Revised Approval for Enbridge Line 5 Coating Repairs Work Plan (Version 3.0)

Dear Ms. Wilson:

On September 13, 2017, the U.S. Environmental Protection Agency ("EPA") received Version 3 of Enbridge's Line 5 Coating Repairs Work Plan ("Work Plan"). Enbridge submitted the Work Plan after identifying gaps in the exterior coating of the Dual Pipelines of Line 5 that cross the Straits of Mackinac. Enbridge identified the coating gaps during implementation of the Biota Investigation Work Plan, as required pursuant to Paragraph 69 of the Consent Decree for *U.S. v. Enbridge Energy, Limited Partnership, et al.*, (Civil Action No: 1:16-cv-914) ("Consent Decree"). The Independent Third Party, retained by Enbridge pursuant to the Consent Decree, has reviewed the Work Plan and provided comments to EPA and Enbridge.

On September 14, 2017, EPA approved the Work Plan with three conditions. EPA now revises the conditions upon which it approves the Work Plan as follows:

1. EPA is not approving the use of Modified Method 2 (described on page 4 of the Work Plan) at this time because Enbridge has not yet demonstrated the effectiveness of that Method. Enbridge may not use Modified Method 2 unless EPA provides prior written approval;
2. within 30 days of Enbridge's completion of the activities required by the Work Plan, Enbridge shall submit to EPA a Final Report, summarizing its activities and identifying and justifying any deviations from the procedures in the Work Plan; and
3. Enbridge shall implement the Work Plan in accordance with all federal, state, and local regulations and laws, including any permitting requirements.

Enbridge shall implement this Work Plan immediately upon receipt of this approval.

Approval of this Work Plan does not release Enbridge from its obligation to fully comply with Paragraph 69(c) of the Consent Decree. Paragraph 69(c) requires that, no later than 60 days after the completion of the biota investigation, Enbridge shall submit a final report to EPA, describing the findings of the investigation. In the event that the investigation finds that biota have impaired, or threaten to impair, the Dual Pipelines, Enbridge shall supplement its final report with a proposed work plan and schedule to address such impairments.

Approval of the Work Plan also does not indicate that EPA accepts Enbridge's confidentiality claims attached to the Work Plan. As described in Paragraph 155 of the Consent Decree, EPA will evaluate any claims of confidentiality pursuant to 40 C.F.R. Part 2.

Sincerely,



Jason H. El-Zein, Chief
Emergency Response Branch 1

cc: Matthew Thompson, Enbridge
Joanne Coprez, Enbridge
Carrie Mymko, Enbridge
William Hassler, Steptoe
Jay Eickholt, MDEQ
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Allan Beshore, PHMSA
Margaret Guerriero, EPA
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