



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 15, 2013

Enbridge Energy, Limited Partnership  
c/o Mr. Rich Adams  
Vice President, Operations  
Superior City Center  
Second Floor  
1409 Hammond Ave.  
Superior, Wisconsin 54880

**Re: Enbridge Energy, Limited Partnership's August 8, 2013 letter in response to the Administrative Order issued by U.S. EPA on March 14, 2013 (Docket No. CWA 1321-5-13-001)**

Dear Mr. Adams:

The United States Environmental Protection Agency ("U.S. EPA") is in receipt of your letter on behalf of Enbridge Energy, Limited Partnership and its affiliates ("Enbridge") dated August 8, 2013. In the letter, you request that U.S. EPA amend its March 13, 2013 Order ("Order") to extend the deadline for completion of dredging in the Morrow Lake Delta and Morrow Lake from December 31, 2013 to an unspecified date in 2014. U.S. EPA cannot grant your request. Enbridge has explained that it needs the extension, in part, because it is having difficulty obtaining permission to use the dredge pad location it has chosen for the dredging work at the Delta. However, Enbridge's request failed to provide a detailed explanation of the efforts it has made to obtain alternative dredge pad locations (i.e., a description of possible other locations, dates landowners were contacted, and a summary of the current status of those discussions). Similarly, it is not clear whether Enbridge has considered other options, such as using multiple, smaller dredge pads or other dredging methodologies (i.e. dredging in the dry). Further, Enbridge did not propose any concrete plan for completion of dredging in the Morrow Lake Delta and Morrow Lake, including a detailed schedule showing completion of the dredging with a firm end date (such as early 2014). U.S. EPA would need this additional information before it could consider a request for extension.

Enbridge also noted in its letter that MDEQ has not yet issued the dredge permit for Morrow Lake and the Delta. Although this is true, it is also true that Enbridge has not yet submitted certain information required by MDEQ for the permit application. Enbridge has had all required information from U.S. EPA for completion of the application since U.S. EPA approved the Dredge Completion Depth Plan on August 1, 2013. U.S. EPA again reminds Enbridge to submit this information to MDEQ immediately.

Finally, although there has been some isolated, yet intense, public resistance to the dredge pad location Enbridge has selected for the Delta, many citizens of that community have informed U.S. EPA that they want the oil removed from the river and they want the removal activities to be completed soon and not extend into next summer so they can regain their use of this area and have their lives return to normal. U.S. EPA believes that delaying the dredge activities in the Delta area of Morrow Lake will have undesired consequences as it is likely that oil will continue

to move out into Morrow Lake. Further, based on information available to U.S. EPA, it appears the Township has not yet made a final determination on the site plan for the dredge pad location. Therefore, Enbridge may still receive approval from Comstock Township for your current pad location and a request for an extension based on the permit is premature at this time.

I suggest you conduct a more detailed review of your options in short order and keep U.S. EPA informed of your progress. Enbridge should understand that U.S. EPA believes dredging can occur into the winter months and that Enbridge has alternatives it may not have explored regarding locating a suitable dredge pad alternative. The current Order end date for dredge activities of December 31, 2013 remains in effect.

If you have any questions regarding this letter, please contact me immediately at (734) 692-7688.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Kimble', written in a cursive style.

Jeffrey Kimble  
Federal On-Scene Coordinator  
U.S. EPA, Region 5

**cc:** K. Peaceman, U.S. EPA, ORC  
C. Mikalian, U.S. EPA, ORC  
S. McAnaney, U.S. EPA, ORC  
R. Dollhopf, U.S. EPA, Reg. V  
M. DeLong, MDEQ  
M. Ducharme, MDEQ  
Records Center, U.S. EPA, Reg. V