



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

REPLY TO THE ATTENTION OF

January 5, 2017

*Via Email and U.S. Post*

Mr. Chris Kaitson  
Vice President-US Law & Deputy General Counsel  
Enbridge  
1100 Louisiana Street, #3300  
Houston, TX 77002

Re: Enbridge draft exercise plan for the Agreed Exercise at Cass Lake, MN in 2017

Dear Mr. Kaitson:

On December 26, 2016, EPA received Enbridge's draft exercise plan for the Agreed Exercise at Cass Lake, MN as required by ¶ 115 of the proposed Consent Decree for *U.S. v. Enbridge Energy, Limited Partnership, et al.*, (Civil Action No: 1:16-cv-914) ("Proposed Decree").

The plan accurately reflects what was discussed at the first planning meeting and is acceptable. As discussed with Enbridge participants at the time, due to some Agencies not in attendance, we agreed to hold off on final approval of objectives and participants until the Mid-Planning conference (scheduled for February 16, 2017) in hopes that the other agencies would be able to attend.

Thus, pursuant to ¶¶115 and 137b of the Proposed Decree, EPA approves with conditions the Agreed Exercise Plan for the Cass Lake, MN exercise. As discussed above, EPA's approval is conditioned upon the understanding that the participants list and the exercise objectives may need to be revised based on comments provided by the organizations listed below who choose to participate in the next planning meeting:


- MN Department of Health
- MN Department of Natural Resources
- MN Homeland Security and Emergency Management
- US Fish and Wildlife Service
- Tribal Agencies (police, fire, health, etc.)

Approval of the plan does not indicate that EPA accepts Enbridge's confidentiality claims attached to the draft plan. As described in ¶155 of the Proposed Decree, EPA will evaluate any claims of confidentiality pursuant to 40 C.F.R. Part 2.

If you or your staff would like to discuss this matter, please contact Ann Whelan at (312)886-7258.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason El-Zein', with a long horizontal stroke extending to the right.

 Jason El-Zein, Chief, Emergency Response Branch 2

Cc: Leslie A. Kirby-Miles, ORC