

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

\_\_\_\_\_  
**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ENBRIDGE ENERGY, LIMITED  
PARTNERSHIP, et al.,**

**Defendants.**  
\_\_\_\_\_

)  
)  
) **Civil Action No. 1:16-cv-914**  
)  
) **Judge Gordon J. Quist**  
)  
)  
)  
)  
) **NOTICE OF SECOND**  
) **MODIFICATION OF**  
) **CONSENT DECREE**  
)  
)

Pursuant to Paragraph 115.c of the Consent Decree, the United States and Enbridge hereby notify the Court that they have agreed to a non-material second modification of the Consent Decree that does not require approval of the Court.<sup>1</sup> Specifically, the Parties have agreed to modify the timing for the completion of activities associated with the Agreed Exercise at Cass, Minnesota, which is currently required to be completed by Enbridge in 2017 under Paragraph 115.b(1) (referred to herein as the “Cass Lake Exercise”).

The Parties agree that the Cass Lake Exercise shall be completed by Enbridge in two parts in 2017 and 2018. In 2017, Enbridge shall conduct the first part of the Cass Lake Exercise in Bemidji, Minnesota, and it shall include a functional exercise with the mobilization and

<sup>1</sup> As used herein, “Enbridge” refers collectively to: Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Energy Partners, L.P., Enbridge Energy Management, L.L.C., Enbridge Energy Company, Inc., Enbridge Employee Services, Inc., Enbridge Operational Services, Inc., Enbridge Pipelines Inc. and Enbridge Employee Services Canada Inc.

deployment of Enbridge's local Incident Management Team and a functioning command post. The first part of the Cass Lake Exercise shall implement the Incident Command System ("ICS"), including operation of the unified command structure in preparation for the field exercise to be conducted during the second part of the Cass Lake Exercise. Enbridge is not required to conduct any field exercise with equipment deployment in 2017 as part of the activities described above. Pursuant to Paragraph 117.d of the Consent Decree, Enbridge shall provide to EPA the Control Point information for the Cass Lake Exercise no later than 60 Days before the first part of the Cass Lake Exercise.

Enbridge shall conduct the second part of the Cass Lake Exercise in 2018. The second part of the Cass Lake Exercise shall be a field exercise with equipment deployment at or near Cass Lake, Minnesota, and it shall be conducted in compliance with the requirements of Paragraph 115.a of the Consent Decree. This field exercise will not include the implementation of a command post using the ICS. If the second part of the Cass Lake Exercise is to be performed using Control Point information other than that submitted pursuant to Paragraph 117.d of the Consent Decree, Enbridge shall submit updated Control Point information at least 60 Days before the second part of the Cass Lake Exercise.

Pursuant to Paragraph 115.c of the Consent Decree, agreed-upon changes to "the location or time" of Agreed Exercises do not require Court approval and are effective upon notice to the Court. No separate action by the Court is required to effectuate the modification described herein.

Each undersigned representative of Enbridge certifies that he or she is fully authorized to enter into the terms and conditions of this Second Modification of Consent Decree and to execute and legally bind Enbridge to this document.

Each of the undersigned parties enters into and agrees to be bound by this Second Modification of the Consent Decree.

FOR PLAINTIFF UNITED STATES OF AMERICA:

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment and Natural Resources Division

s/ Steven J. Willey  
STEVEN J. WILLEY (Ohio 0025361)  
Environmental Enforcement Section  
Environment and Natural Resources Division  
Department of Justice  
P.O. Box 7611  
Washington, D.C. 20530  
(202) 514-2807  
steven.willey@usdoj.gov

Each of the undersigned parties enters into and agrees to be bound by this Second Modification of Consent Decree.

FOR THE UNITED STATES OF AMERICA (CONTINUED)

ANDREW BYERLY BIRGE  
Acting United States Attorney  
Western District of Michigan

s/ Ryan D. Cobb  
RYAN COBB  
Assistant United States Attorney  
330 Ionia Avenue, N.W.  
Suite 501  
Grand Rapids, Michigan 49503  
(616) 456-2404  
ryan.cobb@usdoj.gov

Each of the undersigned parties enters into and agrees to be bound by this Second Modification of Consent Decree.

FOR THE UNITED STATES OF AMERICA (CONTINUED)

A handwritten signature in blue ink, reading "Robert A. Kaplan". The signature is fluid and cursive, with the first name "Robert" and last name "Kaplan" clearly legible. The middle initial "A." is smaller and less distinct.

ROBERT A. KAPLAN  
Acting Regional Administrator  
U.S. EPA, Region 5  
Chicago, Illinois

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FOR THE UNITED STATES OF AMERICA (CONTINUED)



MARK POLLINS

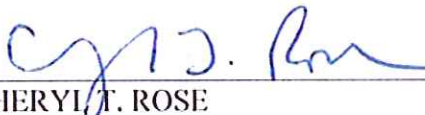
Director

Water Enforcement Division

Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency



CHERYL T. ROSE

Senior Attorney

Water Enforcement Division

Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

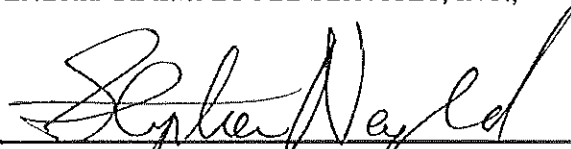
1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

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FOR DEFENDANTS:

ENBRIDGE ENERGY, LIMITED PARTNERSHIP,  
ENBRIDGE PIPELINES (LAKEHEAD) L.L.C.,  
ENBRIDGE ENERGY PARTNERS, L.P.,  
ENBRIDGE ENERGY MANAGEMENT, L.L.C.,  
ENBRIDGE ENERGY COMPANY, INC., and  
ENBRIDGE EMPLOYEE SERVICES, INC.,

  
\_\_\_\_\_  
Stephen J. Neyland, Vice President

FOR DEFENDANTS:

ENBRIDGE OPERATIONAL SERVICES, INC.,  
ENBRIDGE PIPELINES INC., and  
ENBRIDGE EMPLOYEE SERVICES CANADA INC.

\_\_\_\_\_  
D. Guy Jarvis, President

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ENBRIDGE ENERGY COMPANY, INC., and  
ENBRIDGE EMPLOYEE SERVICES, INC.,

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Stephen J. Neyland, Vice President

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ENBRIDGE OPERATIONAL SERVICES, INC.,  
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ENBRIDGE EMPLOYEE SERVICES CANADA INC.

A handwritten signature in black ink, appearing to read 'D. Guy Jarvis', is written over a horizontal line.

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D. Guy Jarvis, President