



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

REPLY TO THE ATTENTION OF:

C-14J

VIA EMAIL

July 7, 2023

David H. Coburn
William T. Hassler
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
dcoburn@steptoe.com
whassler@steptoe.com

Re: *United States v. Enbridge Energy, Limited Partnership, et al.*, Civ. No. 1:16-cv-00914,
Consent Decree, **Demand for Payment of Stipulated Penalties (Sixth Set)**¹

Dear David and Bill:

Pursuant to Paragraphs 164.e, 167, and 168 of the Consent Decree in the above-referenced matter, the United States Environmental Protection Agency (“EPA”) hereby demands payment from Enbridge of stipulated penalties in the amount of \$10,000 for violations of the Consent Decree. This demand is being made by EPA with the assent of the United States Department of Justice.

Each of the incidents of noncompliance with the Consent Decree is described below, together with the amount of stipulated penalty demanded for the incident. For all incidents, EPA is demanding the full penalty amount prescribed in Paragraph 164.e of the Consent Decree.

1. \$6,000 for untimely Initial In-Line Inspection (“ILI”) Reports. This relates to three separate Initial ILI Reports, each of which was received one Day late. The first report related to a Geometry Tool Run on Line 93, CR-KD; the second report related to Corrosion features detected during a combined Corrosion/Geometry Tool Run on Line 93, GF-CR; and the third report related to dent features detected during the same combined Corrosion/Geometry Tool Run on Line 93, GF-CR.

¹ Details regarding EPA’s prior stipulated penalty demands, as well as Enbridge’s responses to the demands, are available at: <https://www.epa.gov/enbridge-spill-michigan/enbridge-consent-decree-section-xi-stipulated-penalties>.

2. \$2,000 for exceeding an interim pressure restriction established for one Crack feature on Line 6A, AM-GT. The period of violation extended for one Day.
3. \$2,000 for completing a Corrosion Tool Run on Line 6A, PE-AM, one Day late.

Altogether, EPA demands payment from Enbridge of stipulated penalties in the amount of \$10,000 for the violations of the Consent Decree described above. EPA reserves the right to demand stipulated penalties for other violations of the Consent Decree.

As provided by Paragraph 167 of the Consent Decree, stipulated penalties shall be paid within 30 days of receiving a written demand. Stipulated penalties should be paid in the manner set forth in Paragraph 169 of the Consent Decree. Consistent with Paragraph 169 of the Consent Decree, the Financial Litigation Unit of the U.S. Attorney's Office for the Western District of Michigan will send Enbridge written FedWire EFT instructions upon written confirmation from Enbridge that it intends to pay the amount demanded hereunder.

If you have any questions, please contact me at 312-353-4410.

Sincerely,

**MATTHEW
RUSSO**

Digitally signed by
MATTHEW RUSSO
Date: 2023.07.07
07:23:31 -05'00'

Matthew Russo
Associate Regional Counsel

cc: C. Mymko, Enbridge
D. Purvis, Enbridge
J. Runyan, Steptoe
S. Willey, DOJ
J. Warren, DOJ
C. Garypie, EPA R5/ORC
K. Peaceman, EPA R5/ORC
L. Welles, EPA OECA/OCE/WED