

October 4, 2021

Dear Governor Walz and Lt. Governor Flanagan:

Over the past weeks we have learned several very concerning things about the Enbridge Line 3 construction process and are writing today to request your intervention.

1. On Friday, September 17 the DNR made public for the first time that Enbridge failed to follow its own construction plans and breached an artesian aquifer near Clearbrook, Minnesota on January 21, 2021 – more than 8 months ago. Our understanding is that Enbridge only told state regulators about it in June after its attempts to cover it up became unsustainable and after it had received the amended dewatering permit it sought. The breached aquifer has been draining at a rate of approximately 106,000 gallons a day. Over 25 million gallons have been lost so far.
2. In July, the MPCA revealed that within a period of only 59 days, Enbridge had 28 drilling fluid spills at Horizontal Directional Drilling river crossing sites, for as much as 13,000 gallons. Spills affected 63% of the river crossings, all in violation of Enbridge’s permit conditions. We understand that an investigation into the nature and details of these spills is ongoing.

You can read more about these problems in two fact sheets from Minnesota Environmental Partnership that are linked below.<sup>1</sup>

Among other concerns, these construction failures shine a light on the disregard wielded by Enbridge as it has constructed a tar sands pipeline through the heart of Minnesota’s most pristine waters, wetlands and wild rice beds.

As Enbridge announces its plans to begin pumping oil through the new Line 3 pipeline, Minnesotans expect state officials to hold Enbridge accountable by addressing these serious violations before allowing the company to profit from the transportation of tar sands oil through Minnesota.

The state should require complete accountability for the correction of all permit violations, and proof of no other serious environmental harm. This includes all of the items that are currently under investigation and those that continue to be revealed and catalogued.

The State of Minnesota has authority over the operations of the pipeline.<sup>2</sup> It also has ongoing authority to use its regulatory power to prevent or mitigate environmental damage.<sup>3</sup>

---

<sup>1</sup> MEP Fact Sheets on the [Aquifer Breach](#) and [28 Spills in 21 Water Crossings](#)

<sup>2</sup> [From the License to Cross Public Waters](#) approved by the Dept. of Natural Resources in November 2020, Page 1:

1.0 APPLICANT INFORMATION Enbridge Energy, Limited Partnership (“Enbridge”) submits this revised Application for a License to Cross Public Lands (“Application”) to the Minnesota Department of Natural Resources (“MDNR”) for the passage of utilities under public lands related to the construction and operation of the Line 3 Replacement Project (“L3R” or “Project”).

<sup>3</sup> [From the License to Cross Public Waters](#) approved by the Dept. of Natural Resources in November 2020, Page 31:

Additionally, environmental effects to public water crossings are subject to mitigation by ongoing public regulatory authority.<sup>29</sup>

<sup>29</sup> This includes, but is not limited to, the Clean Water Act (“CWA”) Section 404 and Section 10 Rivers and Harbors Act permit; the MPCA CWA Section 401 water quality certification; MPCA NPDES/SDS industrial wastewater permit; MPCA NPDES/SDS construction stormwater general permit; and other related MDNR licenses and permits.

In light of these serious failures of construction, reporting and compliance with permits, the state needs to act now to prevent Enbridge from doing more harm. Please use your power as Governor, working with your state agencies, to suspend the permits now. The DNR's License to Cross Public Waters<sup>4</sup>, is for both the construction and operation of the pipeline. At minimum, permits must be suspended unless and until Enbridge has corrected all permit violations, and the MPCA investigations into the 28 spills are complete and enforcement penalties determined.

Minnesotans rely on our executive branch and our state agencies to keep us safe. Please take action in response to Enbridge's construction failures – ensuring that our lakes and rivers are protected and that Minnesotans can be confident that our public agencies are prioritizing public interest.

Respectfully,



Michael Noble  
Executive Director  
Fresh Energy



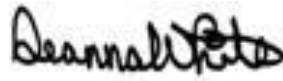
Whitney Clark  
Executive Director  
Friends of the Mississippi River



Rob Schultz  
Executive Director  
Audubon Minnesota



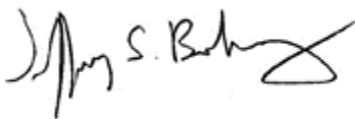
Michelle Witte  
Executive Director  
League of Women Voters MN



Deanna White  
State Director  
Clean Water Action MN



Julia Frost Nerbonne  
Executive Director  
MN Interfaith Power & Light



Jeffrey Broberg  
Director  
Minnesota Well Owners Assn.



Nicole Rom  
Executive Director  
Climate Generation



Steve Morse  
Executive Director  
MN Environmental Partnership



Margaret Levin  
State Director  
Sierra Club – North Star Chapter

---

<sup>4</sup> [License to Cross Public Waters Permit](#)

cc: Sarah Strommen, Commissioner, Minnesota Department of Natural Resources  
Peter Tester, Commissioner, Minnesota Pollution Control Agency  
Jan Malcolm, Commissioner, Minnesota Department of Health  
Grace Arnold, Commissioner, Minnesota Department of Commerce