



April 27, 2021

Electronic Delivery
2021-SCEE-Enbridge, Inc.
Jefferson County

Enbridge, Inc.
Mr. Karl Beaster, Senior Environmental Advisor
11 East Superior Street, Suite 125
Duluth, MN 55802
Karl.Beaster@enbridge.com

Enbridge Pipelines (Lakehead) LLC
c/o CT Corporation System, Registered Agent
301 S. Bedford St. Suite 1
Madison, WI 53703

Subject: NOTICE OF VIOLATION / ENFORCEMENT TELECONFERENCE

Dear Mr. Beaster:

The Department of Natural Resources (department) has reason to believe that Enbridge, Inc. and Enbridge Pipelines (Lakehead) LLC (herein, Enbridge) are in violation of Wisconsin's hazardous substance spills law, chapter 292, Wis. Stats., at Enbridge Line 13 Blackhawk Valve located between Westphal Lane and Hartwig Lane, on Blackhawk Island Road in Fort Atkinson, Wisconsin (the Site). Jefferson County tax records show the real estate parcel where the Site is located is owned by Dale G. Overson and Judith E. Springer, parcel number 016-0514-0824-003.

Enbridge is a "responsible party" under s. NR 700.03(51), as identified in the responsible party letter sent to you on August 3, 2020 and has environmental obligations at the Site.

The department alleges the following violations:

Section 292.11(2)(a), Wis. Stats.: Notice of Discharge. A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted under sub. (9).

Section NR 706.05(1)(b), Wis. Admin. Code: Hazardous substance discharges shall be immediately reported to the department by telephoning the department-designated 24-hour hotline telephone number.

- On April 26, 2019, an alarm was reported to Enbridge. Representatives of Enbridge determined a leak associated with a fitting on the control valve of the pipeline had led to a release of diluent at the Site. On May 3-4, 2019, representatives of Enbridge conducted shallow soil sampling and installed temporary

vapor monitoring probes. One shallow soil sample showed benzene greater than the department soil to groundwater pathway standard. Vapor monitoring probes detected Volatile Organic Compounds (VOCs).

- Throughout 2019, Enbridge conducted three soil excavation events. In total, approximately 250 cubic yards of contaminated soil were excavated and disposed of in a licensed landfill. These volumes of impacted soil indicate a hazardous substance discharge had occurred.
- Enbridge failed to report the hazardous substance discharge to the department until July 31, 2020. Methods to report a discharge of a hazardous substances are defined in Wis. Admin. Code ch. 706.

We have scheduled the following Enforcement Teleconference to discuss this matter in more detail:

Teleconference Date: May 17, 2021
Teleconference Time: 2:00 PM
Teleconference Call Number: (608) 316-9000, Passcode: 90874827#

We request you attend the Enforcement Teleconference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The department's enforcement decision will be based upon available information if you do not attend the Enforcement Teleconference.

Please be advised that violations of ch. 292, Wis. Stats., and Wis. Admin. Code chs. NR 700-799 may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$5,000 per day of violation. Each day of violation is considered a separate offense. In addition, please note that the department has the authority under s. 292.94, Wis. Stats., to assess non-reimbursable fees as specified in ch. NR 749, Wis. Admin. Code, to parties involved in enforcement actions.

If you have questions or need to reschedule the teleconference, please contact me at (715) 215-2669.

Sincerely,



Emily Pedersen
Environmental Enforcement Specialist

Enclosure – Enforcement Conference Information Sheet

cc: C. Rice, DNR – Fitchburg
S. Martin, DNR – Fitchburg
T. Nobile, DNR – Milwaukee
B. Nelson, DNR – LS/8
T. Wetmore, Enbridge –Trent.Wetmore@enbridge.com
D. Overson, Property Owner
J. Springer, Property Owner



Environmental Enforcement Conference

An Enforcement Conference (EC) is a meeting between Department of Natural Resources staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

Why Should I Attend?

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

Who Should Attend the EC?

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

What Happens if I don't Attend the EC?

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

What Happens Following the EC?

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice (DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.