

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Scott Walker, Governor
Cathy Stepp, Secretary
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October 24, 2014

Ms. Kimberly S. Bushey
Walworth County Clerk
100 West Walworth St.
P.O. Box 1001
Elkhorn, WI 53121

Subject: Enbridge Resolution

Dear Ms. Bushey:

Thank you for sharing a copy of the recent Walworth County Board resolution 26-09/14 regarding the permitting and review of the Enbridge capacity expansion of Line 61. I am responding to you on behalf of Secretary Stepp.

The resolution raised concerns about Enbridge expanding the capacity of the pipeline to pump petroleum products. The Department does not have authority to regulate the amount of material flowing in the pipeline. Capacity expansion, construction, inspection and maintenance for all liquid petroleum pipelines is regulated by the federal government through the Pipeline and Hazardous Materials Safety Administration (PHMSA), which is part of the US Department of Transportation (<http://www.phmsa.dot.gov/>).

In late 2013 and early 2014, Enbridge submitted application materials to the WDNR for an air permit, a wetland permit, and erosion control permits for work activities associated with the Line 61 Mainline Enhancement Project (61EP). The wetland permit and erosion control permits were for several pump station sites, and those permit authorizations were issued in April and May 2014. For the air construction permit for expanding storage tank capacity at the Superior terminal owned by Enbridge, the DNR approved the permit after considering more than 200 written comments that were submitted during the permit comment period. We also received approximately 3,400 additional emails from the public, most coming in after the comment period.

On June 12, 2014, the Department issued a decision to approve the subject air permit that included a determination of compliance with the Wisconsin Environmental Policy Act (WEPA) and Chapter NR150, Wis. Adm. Code.

Enbridge has installed pipelines in Wisconsin since the 1960's, including Lines 13 and 61, formerly known as "Southern Access." These 20-inch and 42-inch diameter pipelines were constructed in 2007-08, traversing approximately 320 miles through Wisconsin. The WDNR held three public informational hearings regarding the Southern Access project in September 2006 in Hayward, Marshfield, and Portage. Additionally, as part of the review for the installation of Line 61, the WDNR and US Army Corps of Engineers (ACOE) prepared an Environmental Assessment (EA) in the fall of 2006. The WDNR received and responded to several comments, issuing an amended EA, which was certified in November 2006. This EA (Enbridge Energy LP Southern Access Expansion Program Superior to Delavan Project) can be found on the WDNR's website: <http://dnr.wi.gov/topic/EIA/ArchiveTitle.html>.

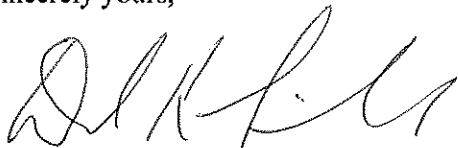
Enbridge has also constructed pipelines from the west entering Superior from Minnesota. Most recently the company constructed the "Alberta Clipper" project in 2012. DNR prepared an EA for that pipeline from Canada through Minnesota, using 13 miles of right-of-way in Douglas County. The US State Department prepared a federal EIS on the 2012 Alberta Clipper (now referred to as "Line 67") pipeline.

In May 2014, Enbridge submitted an application for wetland and waterway permits to construct a new pipeline in Douglas County as part of a longer project to the west called "Sandpiper". The Department intends to prepare an environmental impact statement (or EIS) for that project. We held a public meeting in Superior on August 25, and through the end of September we have had an open public comment process for determining the scope of analysis. The Department will maintain a web-page (<http://dnr.wi.gov/topic/eia/enbridge.html>) for this project so the public can follow the progress of the EIS and opportunities for comment.

Further, we are aware that Enbridge is considering additional pipeline projects in Wisconsin. In February 2014, the company sent letters to landowners along the lines from Superior to near Whitewater seeking permission to conduct engineering and environmental field surveys near the current right-of-way. To date, we have not seen any proposal for a new line. If Enbridge develops a proposal for a new pipeline through the state, the WDNR will conduct a detailed environmental analysis process and permitting review involving public involvement.

We will continue to follow our legal authorities for any projects that Enbridge proposes.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. R. Siebert", written in a cursive style.

David R. Siebert
Director, Bureau of Environmental Analysis and Sustainability

cc: Secretary Stepp