



Minnesota Pollution Control Agency | Minnesota Department of Natural Resources

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Minnesota state agencies and Fond du Lac Band announce Enbridge enforcement resulting in \$11M in payments, environmental projects, and financial assurances

The Minnesota Pollution Control Agency (MPCA) and Department of Natural Resources (DNR) today announced the results from extensive enforcement investigations of water quality violations and aquifer breaches related to Enbridge Energy's Line 3 pipeline construction project in northern Minnesota. Combined with the previous DNR actions, and in partnership with Fond du Lac Band of Lake Superior Chippewa, these investigations have resulted in more than \$11 million in payments, environmental projects, and financial assurances from Enbridge.

The MPCA investigation found that Enbridge violated a series of regulations and requirements including discharging construction stormwater into wetlands and inadvertently releasing drilling mud into surface waters at 12 locations between June 8, 2021, and August 5, 2021. Building upon previous enforcement actions, the DNR has also finalized two comprehensive enforcement resolution agreements to address three aquifer breaches related to Line 3 construction. These agreements are in addition to Attorney General Keith Ellison announcing a settlement with Enbridge that includes fines and environmental restoration.

“At the start of this project, the MPCA issued our most stringent water quality certification to date and permits that were strong, enforceable, and protective — and this enforcement action holds Enbridge accountable for the violations that occurred during construction,” said MPCA Commissioner Katrina Kessler. **“We are committed to protecting Minnesota’s wetlands**

and streams and will continue to monitor the company's ongoing work to return the site to its pre-construction condition."

"In entering into these comprehensive enforcement actions, the DNR is holding Enbridge fully accountable and ensuring that the DNR has the resources needed to address the aquifer breaches," DNR Commissioner Sarah Strommen said. "We deeply appreciate the Fond du Lac Band of Lake Superior Chippewa's partnership in investigating and addressing the aquifer breach affecting their Reservation. We will continue work to ensure that mitigation and restoration efforts effectively address damages to Minnesota's natural resources resulting from these aquifer breaches."

DNR and Fond du Lac Band Enforcement Actions

The DNR and the Fond du Lac Band of Lake Superior Chippewa reached an agreement with Enbridge to address an aquifer breach at Milepost 1102.5, just west of the Fond du Lac Reservation. This agreement includes:

- \$150,000 in funds for the DNR and Fond du Lac to conduct ongoing monitoring
- \$20,000 (the statutory maximum) in penalty funds to the DNR
- \$105,000 in penalty funds to Fond du Lac
- \$200,000 to Fond du Lac for water quality enhancement projects
- \$300,000 in financial assurance funds available to the DNR, if needed, for restoration, mitigation, or monitoring
- \$1 million in financial assurance funds available to Fond du Lac, if needed, for restoration, mitigation, or monitoring

Separately, the DNR and Enbridge reached an agreement for two other aquifer breaches, one near Enbridge's Clearbrook Terminal and the other near the LaSalle Creek Crossing. This agreement builds on previous enforcement actions taken in the fall of 2021, which included \$20,000 in penalties, \$590,000 for mitigation and monitoring, and \$2.75 million in escrow as financial assurance for fen wetlands mitigation and restoration, if needed. The new agreement includes \$165,400 in additional groundwater mitigation funds for the Clearbrook location.

For the LaSalle Creek site, the new agreement includes:

- \$100,000 in funds to conduct ongoing monitoring
- \$20,000 (the statutory maximum) in penalty funds
- \$200,000 in mitigation funds
- \$610,000 in financial assurance funds, if needed, for restoration, mitigation, or monitoring

Under these two agreements, the DNR retains its authority to pursue further enforcement, restoration, and mitigation if the DNR identifies additional aquifer breach sites.

As of October 11, 2022, the repairs made in April to the breach at Milepost 1102.5 have eliminated the uncontrolled groundwater flow at that location. The repairs at LaSalle Creek

have lowered the uncontrolled flow to 20 gallons per minute and the Clearbrook flow to less than one gallon per minute. DNR continues to monitor these sites, evaluate additional breach repair options, and address any natural resource-related concerns.

Additional information about DNR enforcement actions is [available online](#).

MPCA Enforcement Action

The MPCA investigation results require Enbridge to:

- Pay \$2.395 million to the State of Minnesota
- Fund \$2.625 million to complete several supplemental environmental projects in affected watersheds along the project line

MPCA considered violations of its water quality certification through on-site investigations, independent environmental monitors, and from Enbridge. MPCA placed additional requirements on Enbridge during construction, including increasing the number of independent environmental monitors and requiring turbidity curtains at river crossings as a preemptive barrier to contain any inadvertent drilling releases. Enbridge and MPCA worked together to address the violations that occurred during construction.

The new pipeline began operating once construction was completed in November 2021, however the MPCA applicable permits for the project remain in place as Enbridge works to ensure all sites along the pipeline route are returned to their condition prior to construction.

Additional information is available in the [MPCA Enbridge Line 3 enforcement agreement](#).

Minnesota state agencies will continue to evaluate any new information about environmental impacts of the construction as it becomes available.

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