Minnesota House of Representatives



Minnesota State Senate

July 27, 2021

Commissioner Peter Tester MN Pollution Control Agency 520 Lafayette Road Saint Paul, MN 55155

Dear Commissioner Tester,

We write to express our concerns with the reported releases of drilling fluid at nine separate locations along the Enbridge Line 3 pipeline route. The severe drought and excessive heat experienced throughout Minnesota impact the ability of waterways, wetlands, and marshes to effectively dilute harmful chemicals and excessive sediment. The drought is also causing rapid evaporation of waterways and could result in a lack of clean water available to assist with any cleanup of spills and releases.

Your transparency throughout this process is instrumental in addressing these incidents and enforcement violations. To date, the public has had access to information only through social media posts, Enbridge's press releases and individual conversations or email exchanges with your staff. Therefore, we are requesting that you provide us, in writing, with the following information related to the nine incidents:

- Dates and locations of each incident;
- Total amount of drilling fluid released;
- Total amount of bentonite clay contained in each release;
- All materials, gases and substances designated as pollutants contained in each release;
- How MPCA agency staff or Enbridge's environmental monitors became aware of each incident;
- Estimated length of time between the start of each release, detection by the company or agency, and the start of cleanup and mitigation efforts;
- Distance between each release and the nearest waterway, wetland or marsh;
- How MPCA staff is monitoring the drilling activities throughout construction;
- The "detailed plans" referenced in the July 21 MPCA Facebook post that Enbridge has provided for cleanup and mitigation; and
- Whether drilling has resumed at any of the sites that were deemed enforcement violations.

Given the frequency and nature of these releases, we are asking that you temporarily suspend the Section 401 Certification and order Enbridge to immediately halt all drilling along the Line 3 route until the state is no longer experiencing drought conditions and until a thorough investigation can be completed by your agency so that the causes of these releases are fully understood and further releases can be avoided.

Because of the urgency related to potential harm to human health and the environment, we are requesting

this information by no later than close of business on Monday, August 2. We believe this is reasonable as this data should have been provided to the agency at the time of the incidents.

Sincerely,

Representative Patty Acomb

Representative Esther Agbaje

Representative Jamie Becker-Finn

Representative Liz Boldon

Representative Jim Davnie

Representative Sandra Feist

Representative Cedrick Frazier

Representative Aisha Gomez

Representative Emma Greenman

Representative Jessica Hanson

Representative Frank Hornstein

Representative Sydney Jordan

Representative Heather Keeler

Representative Jamie Long

Representative Rena Moran

Representative Kelly Morrison

Representative Liz Reyer

Senator Greg Clausen

Senator Scott Dibble

Senator Kari Dziedzic

Senator Chris Eaton

Senator Omar Fateh

Senator Melisa Franzen

Senator Mary Kunesh

Senator John Marty

Senator Jennifer McEwen

Senator Erin Murphy

Senator Sandra Pappas

Senator Lindsey Port

Senator Ann Rest

Senator Patricia Torres Ray

Senator Chuck Wiger