

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	AMENDMENT TO ORDER AND
)	SUPPLEMENT FOR COMPLIANCE
)	UNDER SECTION 311(c) OF THE
)	CLEAN WATER ACT
ENBRIDGE ENERGY PARTNERS,)	
L.P., et al.)	
Respondents)	DOCKET NO: CWA 1321-5-10-001
<hr/>		

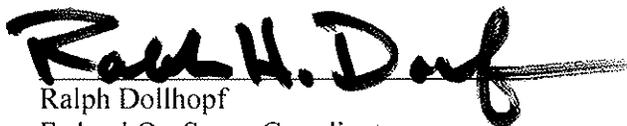
1. On July 27, 2010, the United States Environmental Protection Agency (“EPA”) issued Enbridge Energy Partners, L.P. an order pursuant to Section 311(c) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(c), as amended (“CWA”) (the “Order”), which required Enbridge Energy Partners, L.P. to, *inter alia*, abate an imminent and substantial threat to the public health or welfare of the United States by performing removal actions in response to the spill of oil from a facility located at 16000 Division Drive in Marshall, Michigan (“facility”) into the Kalamazoo River, by way of Talmadge Creek. *See* Order dated July 27, 2010 (Docket No. CWA 1321-5-10-001). On September 23, 2010, EPA supplemented the Order by adding three additional Respondents and additional response work. *See* Supplement to Order for Compliance Under Section 311(c) of the Clean Water Act dated September 23, 2010 (Docket No. CWA 1321-5-10-001) (“Supplement”).
2. U.S. EPA’s identification of Enbridge Energy Partners, L.P. as the sole Respondent to the Order was based on the best evidence available to EPA as of July 27, 2010, regarding the owner and operator of the pipeline pumping station.
3. On August 4, 2010, EPA issued requests for information under Section 308 of the CWA to Enbridge Energy, Limited Partnership and Enbridge Pipelines (Lakehead) L.L.C., which required the companies to provide information regarding any and all owners and operators of the facility.
4. On August 25, 2010, Enbridge Energy, Limited Partnership stated in its response to EPA’s request for information that: “The Facility is owned by Enbridge Energy, Limited Partnership (EELP), whose General Partners are: Enbridge Pipelines (Lakehead) L.L.C. and Enbridge Pipelines (Wisconsin) Inc., and whose Limited Partner is Enbridge Energy Partners, L.P.” Enbridge Energy, Limited Partnership Response to EPA’s Information Request at p. 12 (Aug. 25, 2010).
5. On October 14, 2010, Enbridge Energy, Limited Partnership revised its earlier response to EPA’s information request to add two additional limited partners: Enbridge Energy Company, Inc. and Enbridge Pipelines (Alberta Clipper) L. L.C.

6. Accordingly, paragraph 3 of the Order is further amended to provide in its entirety as follows:

3. This Order applies to Enbridge Energy, Limited Partnership, Enbridge Pipelines (Lakehead) L.L.C., Enbridge Pipelines (Wisconsin), Enbridge Energy Partners, L.P., Enbridge Energy Company, Inc. and Enbridge Pipelines (Alberta Clipper) L. L.C. The Order further applies to persons acting on behalf of Respondents, or who succeed to an interest in Respondents. Any change in ownership, partnership, or corporate status of a Respondent, including but not limited to a transfer of assets or real or personal property, will not alter the responsibilities of such Respondent under the Order.

7. Respondents may request a conference with EPA regarding the terms and requirements of this Amendment.

8. The effective date of this Amendment shall be the date of its receipt by the Respondents.



Ralph Dollhopf
Federal On-Scene Coordinator

11-10-10

Date

Received by: _____
Representing Respondents

Date