

FOR IMMEDIATE RELEASE
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MPCA requires stringent water quality requirements for Enbridge's Line 3 project

The Minnesota Pollution Control Agency (MPCA) today issued its most stringent 401 water quality certification to date to Enbridge Energy for the Line 3 pipeline replacement project. In addition, the MPCA approved the capped air emissions and National Pollutant Discharge Elimination System wastewater (NPDES) permit for Line 3.

“The MPCA has used sound science and thorough analysis to ensure that necessary safeguards are in place to protect Minnesota’s waters. The 401 certification requires Enbridge to meet Minnesota’s extensive water quality standards instead of lower federal standards,” said MPCA Commissioner Laura Bishop. **“Thousands of Minnesotans provided valuable comments that strengthened the 401 certification and the rigorous review during the contested case hearing validated the proposed stream and wetland crossing safeguards. The result is a certification and permits that are strong, enforceable, and protective.”**

The MPCA’s 401 certification requires Enbridge to take every precaution to safeguard 730 acres of wetlands and more than 200 streams in northern Minnesota. To protect water quality, the 401 certification requires 35 specific conditions to ensure compliance with state water quality standards, including extensive mitigation and post-construction restoration requirements, seasonal restrictions, and protections for wild rice waters.

Guaranteeing stream restoration and enhancements

As part of the 401 Certification and Antidegradation Determination, Enbridge is required to conduct extensive stream and wetland mitigation efforts. Enbridge is required to provide monetary funds as mitigation for stream impacts from open trench crossing methods and permanent impacts to riparian buffers. The funding will be used to conduct stream restoration or enhancements in watersheds impacted by the pipeline replacement project.

Protecting sensitive and wild rice waters

From April 1 to July 15, Enbridge is prohibited from conducting construction in wild rice waters or areas up to 25 miles upstream of wild rice waters. To further protect wild rice waters and reduce chloride pollution in Minnesota waters, Enbridge is prohibited from using any salt deicer products.

Enbridge must also take specific actions to ensure that construction activities do not contribute to any existing water quality impairment, including mercury and fish bioassessments. To protect aquatic life during sensitive periods, Enbridge must not conduct construction activities from April 1 to June 15 in any sensitive wetland.

Ensuring an independent review of the project

Enbridge must pay for 24 independent, third-party environmental monitors for the project who must report directly to, and be under the control of, the MPCA and other resource agencies. These monitors

will ensure the regulatory requirements in the 401 certification and permits are followed throughout the construction of the project.

Incorporating the public's feedback for stronger protections

Throughout the permitting process, Minnesotans provided extensive comments and feedback on the proposed Line 3 project. With the COVID 19 pandemic taking hold in Minnesota earlier this spring, the MPCA extended the public comment period to ensure the public had more time to submit comments and conducted three statewide telephone town hall meetings to gather comments. More than 10,000 Minnesotans submitted comments online, during three statewide telephone town halls and by mail.

The MPCA made several changes in the final 401 certification from the draft 401 certification consistent with public comments, additional administrative process, coordination with the Minnesota Department of Natural Resources, and additional information provided by the applicant. These changes included:

- enhanced third-party monitoring requirements during construction;
- seasonal restrictions on work in sensitive waters or upstream of wild rice waters;
- enhanced post-construction financial assurance for wetland restoration;
- new requirements for notification to MPCA for any unauthorized direct or indirect impacts to waters of the state; and
- additional requirements to further minimize impacts on water quality.

During the comment period, the MPCA received 20 requests for a contested case hearing for a variety of reasons, including wetland impacts, climate change, and oil spill risks. The agency determined that requests related to wetlands and stream protection issues met the threshold to grant a hearing, held on August 24, 2020. In October, Judge James LaFave, an administrative law judge, validated the agency's original determination that the draft 401 certification protected wetland and stream crossings.

“This project invokes many strong emotions among Minnesotans,” continued Bishop. “While everyone can agree that the increased use of fossil fuels, including oil, will adversely impact our climate, the MPCA can only use its 401 certification authority to regulate water quality. The agency used its authority to develop the most stringent requirements that protect Minnesota’s water quality.”

Even with today's permitting decision, Enbridge cannot begin construction until the MPCA approves Enbridge's construction stormwater permit, which requires the U.S. Army Corps of Engineers to issue its Section 404 permit. The MPCA must determine if Enbridge's construction stormwater plan protects lakes, streams, and wetlands from pollutant runoff. Since the construction stormwater permit is a general permit, the MPCA has up to 30 days to review and approve.

Under the federal Clean Water Act, the MPCA was required to make a final decision regarding the 401 certification by November 14, 2020, which is one year after Enbridge submitted its application.

For more information on the MPCA's permitting process for Line 3, visit its [website](#).

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