

Enbridge Line 5 Considerations

Just before the enactment of the *Submerged Lands Act of 1953*, a pipeline, now owned by Enbridge Energy, was laid to transport light crude oil and natural gas liquids from Western to Eastern Canada. The pipeline takes a shortcut through Michigan and under the Straits of Mackinac. Public awareness of the risk of the threat of a spill in the Straits of Mackinac was awakened when in July, 2010 Enbridge's line 6b spilled over 1 million gallons of heavy crude oil into Tallmadge Creek, a tributary to the Kalamazoo River - the largest inland oil spill in U.S. history, with clean-up costs currently exceeding \$1.2 billion.

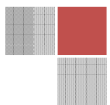
Michigan citizens and local governments, particularly concerned about a potential spill in the Straits of Mackinac, urged their state government to address this problem. Governor Snyder then formed the [Michigan Petroleum Pipeline Task Force](#),¹ which in 2015, concluded its work with a set of recommendations about the safety of pipelines in Michigan and specifically about Enbridge's Line 5 across the Straits of Mackinac.

The Task Force report recommended that: 1) "heavy crude oil not be transported through the Straits pipeline;" 2) that "an independent risk analysis and adequate financial assurance for the Straits Pipelines be completed;" 3) that "an independent analysis of alternatives to the existing Straits Pipelines be completed;" and 4) "additional information from Enbridge relating to the Straits Pipelines" be provided and evaluated. The Governor did respond to the first recommendation by signing an agreement with Enbridge to not transport heavy crude in the future through Line 5 (even though the pipeline was not designed to transport heavy crude anyway). The Governor also formed a public advisory body (The Pipeline Safety Advisory Board) to provide input to the Task Force. Their major focus now is on reviewing the comprehensive risk assessment and alternative analysis. Unfortunately, this timeframe will not reduce the risk of a major oil spill from the Straits pipeline in the immediate future.

Other items of value:

- The Great Lakes are a drinking water source for over 35 million people and contain 20% of the world's fresh, available surface water.
- Latest reports state the Great Lakes are linked to over 1.5 million jobs – 35% in Michigan.
- Tourism is one of Michigan's largest revenue sources, bringing in billions of dollars each year.
- Our agriculture, fisheries, shipping, and industry depend on a healthy Great Lakes ecosystem.
- At installation, a 50 year life expectancy was forecast for Line 5; it is now 62 years old.
- It is easier to protect Michigan's waters and environment by preventing contamination and environmental degradation, rather than attempting a cleanup and restoration after a spill.

¹ http://michigan.gov/documents/deq/M_Petroleum_Pipeline_Report_2015-10_reducedsize_494297_7.pdf



- Using Michigan as a shortcut between western Canadian oil fields and Canadian refineries near Sarnia, Ontario, Line 5 was completed in 1953 - running from Superior, Wisconsin to Sarnia, Ontario; the line primarily carries light crude oil and natural gas liquids: at St. Ignace, Michigan the line splits into 2 pipelines running just west of the Mackinac Bridge to Mackinaw City, where it returns to a single pipe.
- At least 90% of the oil moved through Line 5 ends up in Canadian refineries, with the remainder delivering product to the refineries near Detroit, Michigan and Toledo, Ohio.
- 85% percent of the natural gas liquids and propane carried by Line 5 stays in the Upper Peninsula primarily used for heating homes.
- According to a 2014 study by the University of Michigan, the Straits are the “worst possible place” for an oil spill in the Great Lakes because of the shifting currents; oil would spread throughout Lake Michigan and Lake Huron and perhaps downstream to Lakes St. Clair and Erie.
- Corrosion is a prime reason that pipelines fail; **the question is not *if* the line will fail, but *when*.**
- The U.S. Coast Guard Commandant testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes; spill recovery companies say that recovering 30% is considered a good response – less if the lakes are frozen.
- Since 1999, Enbridge spills and other failures have released 181,311 barrels or 7,615,062 gallons of liquid hydrocarbons into the environment.
- The number of spills per year from Enbridge pipelines has increased steadily from an average of 50 spills per year from 1999 to 2004, to an average of over 90 spills per year from 2010 to 2014.
- The National Transportation Safety Board identified the following causes of the Line 6b 2010 spill in Marshall, Michigan: pervasive organizational failures at Enbridge; inadequate integrity management oversight; and inadequate emergency response resources and procedures.
- Public Trust Doctrine and Act 10 of 1953 provide the State with the authority, when faced with uncertainty of devastating or serious harm, take action to prevent harm, rather than waiting for a catastrophe or harm to occur.
- The State also has the authority to enforce its 1953 easement agreement for the pipeline; the easement requires, among other things, that Enbridge operate in a reasonable and prudent manner; that it supply inspection and line repair records; that it provide supports at intervals of 75 feet for the Straits Pipelines and that it have insurance in place adequate to pay all damages and losses. Enbridge is currently deficient in many areas of this agreement with the State.
- Despite claims by Enbridge that the Straits Pipelines are in ‘excellent’ condition, the Michigan Pipeline Task Force concluded that Enbridge has not made available the information needed to allow independent experts to validate these claims.
- The existing pipeline system, due in part to an enlarging Enbridge 6b, is more than adequate to handle the light crude oil, now transported through line 5.²

² <http://flowforwater.org/wp-content/uploads/2015/12/FLOW-Composite-Report-12-14-15-FINAL.pdf>

