



Enbridge Line 5: A Disaster in Waiting

A Statement from UPEC and FOLK by Horst Schmidt



The Upper Peninsula Environmental Coalition (UPEC) and Friends of the Land of Keweenaw (FOLK) support Governor Gretchen Whitmer and Attorney General Dana Nessel in their efforts to hold Enbridge responsible for the safety of Line 5. The purpose of Line 5 is to transport light crude oil and natural gas liquids (propane) to Sarnia, Ontario. It has been alleged by pipeline proponents that it is also the sole source of propane for UP residents. However, the Governor's UP Energy Task Force spent a year listening, reviewing and developing viable alternative propane supplies to replace Line 5. They came up with 14 recommendations (see page 2) that would set up a modified system of obtaining propane from multiple sources for UP residents, especially in the case of unexpected disruptions. If implemented, the report suggests citizens of the UP would be able to reliably receive propane at reasonable costs and end the need for an ill-planned tunnel project under the Straits of Mackinac.

Enbridge, a Canadian company, states that on June 18th, 2020, it discovered an anchor supporting the east pipeline that had shifted, sustaining significant damage. A rupture of the pipeline would have realized our worst fears.

This fast-moving scenario led to a confrontation between Governor Whitmer and Enbridge. The governor

demanded full disclosure and full shutdown of the pipeline. The company, after partial compliance, restarted pumping through the west line. Attorney General Nessel stepped in and filed a request for an injunction. The court ordered all pumping be stopped on



Damaged anchor support (right) holding East leg of Line 5 pipeline under the Straits of Mackinac

Line 5 and Enbridge was to provide all documents related to the damage. According to media reports, the company complied. The arguments at the hearing on June 30th revolved around state jurisdiction and restarting piping on the west line of Line 5. Judge James Jamo ruled on July 1st, 2020, that the west pipeline under the Straits could be started again while the other remains

closed until the judge is satisfied with the safety of the line based on the results from the ongoing investigation.

Why are we so concerned? Enbridge is responsible for almost ten million gallons of oil spills from 1996 through 2014, including the Line 6 rupture in 2010 along the Kalamazoo River. What makes it worse is a culture of manipulation of regulatory and political systems in North America. As recent news reports show, Line 5 remains in constant danger of being damaged. Assurances by Enbridge and its allies ring hollow, which is why we support the Governor and Attorney General's actions to protect our Great Lakes and the State's citizens by shutting down Line 5.

UP Energy Task Force Draft Recommendations

The UP Energy Task Force (UPETF) was created by executive order to assess the UP's overall energy needs and formulate alternative solutions to meeting those needs. Phase I focused on propane availability and Phase II, to be completed in April 2021, focuses on electricity. For more information see links below.

Recommendations for the Michigan Legislature

- Explore creation of a customer storage incentive program designed to encourage propane retailers to work with their customers to maximize the amount of propane in customer storage at the beginning of and throughout the heating season.
- Explore a wholesalers and retailers storage incentive program to encourage wholesalers and retailers to create more propane storage capacity.
- Review the Freight Economic Development Program to determine if any program revisions are needed to encourage greater capacity for receiving propane delivery by rail and diversifying our supply infrastructure to protect Michigan consumers.
- Increase funding for weatherization to help reduce long term resources needed by low-income customers to pay utility bills.
- Engage the Michigan Propane Gas Association in discussions about the potential of levying a small surcharge on propane fuel to target a weatherization program focused on propane users in Michigan.
- Establish a fund designated to pay for basic home repairs needed to make a residence eligible for federal, state, and utility-sponsored weatherization assistance.
- Explore adopting fuel price gouging legislation, using the Wisconsin law as a potential model.

Recommendations for the Department of Technology, Management and Budget

- Explore whether the state could contract for propane in a manner that would create the equivalent of a strategic propane reserve to be used in case of a disruption.
- Work with the Department of Health and Human Services to determine if the state could contract for propane in such a way as to have a resident's tank filled on a state account.
- Explore revising the method by which it contracts for propane, to potentially go beyond just serving to supply state facilities.

Recommendations for the Department of Transportation

- Review the ratings of Michigan rail lines provided by the rail carriers and, if necessary, make a recommendation to the Legislature about any needed rail line upgrades to facilitate propane distribution.

Recommendations for the Michigan Public Service Commission

- Identify and monitor factors that can cause or contribute to a propane shortage or disruption that could potentially affect Michigan customers.
- Require one standard application for use by all regulated utilities for customers seeking weatherization and/or bill payment assistance.

Recommendations for the Department of Health and Human Services

- Review assistance programs to determine if families in need could be identified in advance.

The 14 recommendations above are abbreviated due to space limits in our newsletter. Please see them in full at kweenawfolk.org or mi.gov/upenergytaskforce

WHAT'S GOING ON WITH LINE 5? by Horst Schmidt

1. Enbridge Energy of Canada is big news. Recent state court cases were viewed virtually. One court case is part of Attorney General Dana Nessel's effort to shut down Line 5. That case is still under way. The other case stems from damage to an anchor supporting the pipeline. Enbridge stopped pumping oil through both lines, but then unilaterally decided to restart one of the lines. The attorney general got a restraining order to stop all activity. The company had to prove it was safe to restart one line, plus provide all information on the damaged line to the state. The judge gave approval to restart one line under the straits.



2. The DNR director, Dan Eichinger, stepped up the pressure by requesting Enbridge to purchase insurance and put its Canadian corporation assets up as collateral in the event of a spill. The Enbridge response was to promise they would cover the cost without any legal commitment.
3. The Michigan Public Service Commission rejected Enbridge Energy's bid to bypass scrutiny of their proposed Line 5 pipeline tunnel in the Straits of Mackinac and instead ordered a full review. The public hearing is August 24th. The DNR is researching the legal basis of the 1953 easement which allowed the company to build the line.
4. The Department of Environment, Great Lakes, & Energy Water Resources Division has received permit applications for the tunnel project which were ruled incomplete. If Enbridge complies, the state will hold public hearings.
5. The Upper Peninsula Energy Task Force (UPETF) completed Phase 1 of its yearlong hearings on alternatives to Line 5 for propane. (See article on recommendations, page 2)
6. Senator Ed McBroom and Representative Greg Markkanen support continued operation of Line 5 and building the tunnel under the Straits while McBroom does not support the 14 recommendations put forth by the UPETF on alternate propane supplies.

What you can do:

1. Tell Governor Whitmer you support her efforts to shut down Line 5. (See oilandwaterdontmix.org/gov_whitmer_shut_it_down for sample letter.)
2. Let our elected state officials know you don't approve of their support for Enbridge.
3. Write letters to the editors of newspapers, emails to the U.P. TV stations, post on social media.
4. Vote for candidates who support environmentally responsible policies in August and November.

What you can tell our elected officials:

1. Line 5 is not safe after 67 years. (See forloveofwater.org/line5)
2. Enbridge Line 5 has had a million gallons of oil spills along its entire length.
3. Four spills of over 200,000 gallons each occurred in the UP near the Wisconsin-Michigan border.
4. Enbridge is interested in protecting Line 5, not the environment.
5. We have been lucky that there has not been a spill in the Straits.
6. In good weather, officials say they could possibly get one-third of any oil spill in the Straits; much less with inclement weather or during winter.
7. A tunnel under the Straits will create pollution during construction.
8. When a company like Enbridge says they are following the rules while damaging the environment, we need to change the rules.
9. Enbridge needs to provide legally enforceable financial assurance which covers the cost of cleanup.



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Membership Form
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PO Box 671 Houghton MI 49931

Please print: Name _____

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City _____

State _____ Zip _____

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Phone (____) _____ Date _____

- Individual (Annual Membership/Jan-Dec): \$10
- Senior Citizen, Unemployed, Student (Annual): \$5
- Contribute to FOLK's mission to protect the integrity of Lake Superior's Watershed \$_____
- I want to get involved with FOLK! Please contact me by: (circle one) email or phone.
- Total enclosed: \$_____

Actions by FOLK board members:

*Endorsed the *Draft of the UP Energy Task Force (UPETF) Committee Recommendations Part 1 - Propane Supply* and the 14 Recommendations. (see page 2)

*Submitted statement to the Army Corps of Engineers to request a denial to Enbridge's application to build a tunnel under the Straits until a full environmental assessment by the Corps is completed.

*Submitted a statement to Michigan Public Service Commission (MPSC) to deny Enbridge's request for declaratory ruling that a new application was not needed to build the tunnel.

*FOLK board members virtually attended UPETF meetings since May 2020.

*FOLK & UPEC held a virtual press conference in July to discuss the joint position statement on Enbridge Line 5.

*FOLK volunteers picked up 7 bags of trash along our 2 mile Adopt-A-Highway stretch in July.

Announcements:

*Go to keweenawfolk.org for links to take action and become more informed about the UP Energy Task Force and Line 5.

*Last Highway Clean-up is Sept. 26 – Oct. 4.

*MPSC Public virtual hearing for Enbridge Line 5 tunnel permit - Aug. 24th.