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Enbridge's Neglect of 64-Year-Old "Line 5" Pipelines Risks Mackinac Straits, Requires State to Stop Oil and Hold Hearings

Public comment period ends today on Enbridge's "maintenance" application that papers over years of easement violations, Midwest expansion, and imminent threat to the Great Lakes

TRAVERSE CITY –

After the [revelation](#) earlier this month that Enbridge for years routinely violated a legal agreement to properly anchor its dual pipelines against the swift currents in the Mackinac Straits, the state of Michigan now must apply the law, stop Line 5's oil flow, and hold public hearings as it considers the Canadian company's application to squeeze more life out of its decaying steel infrastructure built in 1953, according to FLOW, a Traverse City-based Great Lakes water law and policy center, in [formal comments](#) released today.

While the state's [1953 easement agreement](#) granting Enbridge conditional occupancy of state bottomlands in the Mackinac Straits allows Enbridge up to 90 days to cure any violations, a [2016 report commissioned by Enbridge](#) shows that the company for years knowingly ignored the erosion problem, which appears to be unfixable and worsening with time.

"Enbridge's willful neglect to properly support Line 5 in the Mackinac Straits is a game changer," said **Liz Kirkwood, FLOW's Executive Director and environmental attorney**. "This neglect is a flagrant violation of the company's privilege to use the bottomlands and waters of the Great Lakes."

"Leaving the pipeline exposed without support in the currents and forces of the Straits causes metal fatigue and heightens the risk of a spill. There needs to be an investigation of whether a pipeline should be there at all, before considering structural changes to a pipeline that has been compromised by the company's own actions," **Kirkwood** said.

Enbridge's June 9 "maintenance" application to install up to 22 more pipeline anchors into Lake Michigan's public bottomlands fails to address a company pattern of [violating the easement](#) and avoiding an assessment of Line 5's impacts and alternatives, while perpetuating the imminent threat to the Great Lakes and the protected public uses that include fishing, commerce, navigation, recreation, and drinking, according to a legal analysis by FLOW.

The Michigan Department of Environmental Quality (MDEQ) is receiving [public comment](#) through today on Enbridge's application, which also is being reviewed by the U.S. Army Corps of Engineers.

"This application is not about anchor supports. It's about whether Enbridge can expand Line 5 and the new Line 78 from Indiana across lower Michigan to Sarnia," said **Jim Olson, FLOW's founder and president and a renowned water rights attorney**. "Our cities, villages, and citizens have ended up with Enbridge's version of the Keystone XL right here in the Great Lakes, and it happened without the public notice, hearings, and independent impact and alternative analyses required by law."

The application, like many others filed by Enbridge in the last few years, disguises the company's piecemeal actions that continue to significantly expand oil transport through and around the Great Lakes. Line 5 transports nearly 23 million gallons of oil and natural gas liquids each day through the Mackinac Straits, 80 percent more volume than its past design capacity after several of its so-called "maintenance" upgrades.

The Michigan Pipeline Safety [Advisory Board](#) is conducting a parallel review of Line 5 in the Straits, with a draft report on alternatives [released today](#) and a risk report that has been stymied by a [conflict of interest](#), but that process is neither under the rule of law nor complies with the Great Lakes Submerged Lands Act (GLSLA) or other state and federal law.

"The advisory board's review is not legally binding and does not replace the DEQ's independent obligation to determine whether Line 5 should continue." **Kirkwood** said.

Of particular concern is Enbridge's continued failure to predict and prevent the cumulative impacts on Line 5 of lakebed erosion caused by Straits currents that frequently reverse and can exceed 10 times the flow over Niagara Falls.

"Enbridge's piecemeal approach to managing washouts and installing adequate support under the Straits crossing of Line 5 has resulted in the line frequently being out of compliance with easement support requirements since the 1970's," said **Ed Timm, PhD, an engineer advising FLOW**. "Washouts are inherently unpredictable and it is likely that damage to the pipe has already occurred because of unsupported spans that were not detected and repaired by Enbridge's two-year inspection and repair schedule."

Contrary to assertions by Enbridge, the state taking action to stop Line 5's oil flow in the Mackinac Straits to prevent a catastrophic oil spill would not disrupt Michigan's or the Midwest's crude oil and propane supply, according to a set of [expert reports](#) FLOW released in December 2015. Available capacity and flexibility to meet energy demand in the Great Lakes region already exists in the North American pipeline system run not only by Enbridge, but also by competitors supplying the same refineries in Detroit, Toledo, and Sarnia, Ontario.

"The fact is, Line 5 is not essential," said **Rick Kane, a Michigan-based hazardous materials risk management specialist advising FLOW**. "The regional pipeline system can supply crude oil to Michigan and surrounding refineries while eliminating the risk that Line 5 poses to the Great Lakes," Kane said. "Feasible and prudent alternatives exist to support domestic needs, as well as exports. However, pipeline company owners will not move to implement any alternatives as long as Line 5 operates and the public continues to carry the risk."

For more information, visit FLOW's website at www.FLOWforWater.org/Line-5/ and these links:

- [FLOW's Public Comments](#) on the Joint Application of Enbridge Energy to Occupy Great Lakes Bottomlands for Anchoring Supports to Transport Crude Oil in Line 5 Pipelines in the Straits of Mackinac and Lake Michigan [2RD-DFDK-Y35G], submitted June 29, 2017.
- [FLOW's Public Comments](#) on the Joint Application of Enbridge Energy to Occupy Great Lakes Bottomlands for Anchoring Supports to Transport Crude Oil in Line 5 Pipelines in The Straits of Mackinac and Lake Michigan [No. 2hb-Vgko-35je], submitted August 25, 2016.
- [Technical Note](#) Regarding Enbridge Line 5 Non-Compliance with 1953 Easement Requirements, *A Mechanistic Analysis of Straits Pipeline Washout Phenomena*, by Edward E. Timm, PhD, PE, August 20, 2016.
- Appendices of August 2016: [A](#) & [B](#)

Enbridge's June 9, 2017, application and public notice can be viewed at:

- MDEQ website at <https://miwaters.deq.state.mi.us/>. The public can view the application or submit comments by clicking on the Public Notice Search and entering "Enbridge" in the Applicant Name section or "2RD-DFDK-Y35G" in the Application Number section.

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