



Protecting the Common Waters of the Great Lakes Basin
Through Public Trust Solutions

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Enbridge's Neglect of 64-Year-Old "Line 5" Pipelines in Mackinac Straits Requires State to Apply Law, Stop Oil, Reject Permit

At today's St. Ignace public hearing, FLOW cites newly revealed easement violations and imminent threat of catastrophic oil spill in the Great Lakes

ST. IGNACE – The state of Michigan must immediately apply the law, stop Line 5's oil flow, and reject a Canadian company's application to extract more life out of its decaying steel pipelines built in 1953, according to FLOW, a Traverse City-based Great Lakes water law and policy center in public comments made today. The comments came at a public hearing in St. Ignace on Enbridge's bid for state approval to shore up parts of Line 5 that are bent or deformed due to the company's neglect and support other areas potentially prone to erosion.

"Enbridge characterizes the application as seeking authorization for routine maintenance," said **Liz Kirkwood, FLOW's Executive Director and environmental attorney**. "The reality is that Enbridge is scurrying to rectify its dangerous neglect of maintenance over decades, including multiple violations of a legal agreement to properly anchor its dual pipelines against the swift currents in the Straits."

A recent report by Dr. Ed Timm, a FLOW adviser and former Dow Chemical engineer, shows Line 5 is bent and deformed where Enbridge wants to anchor it. The report presents new evidence of structural damage to the western pipe where Enbridge seeks to install five of the 22 anchors into Lake Michigan's public bottomlands, stemming from a company pattern of [violating a 1953 easement](#) granted by the state allowing Enbridge to occupy the Mackinac Straits.

The state's easement agreement allowing Line 5 to occupy the Mackinac Straits limits unsupported spans to no more than 75 feet, but a 2003 survey identified 16 unsupported spans greater than 140 feet; the longest at 224 feet on the east leg and 286 feet on the west leg. Other Enbridge inspection report revealed nearly 250 instances between 2005 and 2016 of unsupported spans on the pipelines exceeded a 75-foot legal limit in violation of Michigan's easement agreement with Enbridge. This track record does not provide confidence that the company will fulfill its obligations in the future.

By attempting to cloak the results of its neglect and avoiding an assessment of Line 5's impacts and alternatives, Enbridge is 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.

In fact, the company's poor performance as well as the massive work proposed provides a compelling legal basis for the state to consider feasible and prudent alternatives to continued operation of the dual Line 5 pipelines.

“The state of Michigan must consider under rule of law whether there are viable options to the piecemeal patch-up of these aging steel oil pipelines threatening the Great Lakes,” said **Jim Olson, FLOW’s founder and president and a renowned water rights attorney**. “Enbridge has expanded Line 5 and the new Line 78 from Indiana across lower Michigan to Sarnia under the rubric of ‘maintenance.’ 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.”

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.

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.

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.”

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