

## Enbridge Energy's history of environmental damage

Enbridge, a Canadian company, operates the largest oil pipeline system in North America; carrying oil and natural gas from the tarsands region of Alberta

Enbridge Line 6B ruptured July 25, 2010 causing the largest on land spill in US history saturating 40 miles of the Kalamazoo river watershed; continued for 17 hours because Enbridge did not detect it and increased pressure to clear out what they thought was a "bubble." That line carried tar sands "dilbit" which sinks in water.<sup>1</sup> National Transportation Safety Board stated that there was a "culture of deviance" at Enbridge where personnel did not follow procedures.<sup>2</sup>

Line 5, built in 1953, has spilled at least fifteen times including over 220,000 gallons of oil and natural gas liquids into a marsh near Crystal Falls MI in 1999.

Construction practices of Enbridge have resulted in millions of dollars of fines, including \$1.1 million to Wisconsin for waterway violations while building Line 61 Wisconsin in 2007-8<sup>3</sup> and at least 28 reports of "frack outs" in Minnesota during Enbridge's 2020-21 construction of their Line 3 reroute. Enbridge has yet to disclose what the drilling fluid contains.<sup>4</sup>

Enbridge admits (in EIS dated December 2021) that ONE incident of aquifer breach occurred during Line 3 construction near Clearwater MN in January 2021, which was not reported to the Minnesota DNR and only discovered in June based on communications by independent environmental monitors to MN DNR and resulted in \$11 million in penalties levied against Enbridge; however they knew of two others at that time but failed to notify state or tribal authorities. It is now suspected that there were three additional aquifer breaches. Enbridge "proposed" to drill eight feet down but drilled 18 feet down, drove sheet piling 28 feet down and breached an aquifer.<sup>5</sup>

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<sup>1</sup> As of May 2013 Enbridge told the US Environmental Protection Agency 1.15 million gallons of oil had been recovered from the Kalamazoo River

<sup>2</sup> <https://www.reuters.com/article/us-enbridge-spill/enbridge-says-pipeline-safe-after-ntsb-blasts-company-idUSBRE86A1DI20120711>

<sup>3</sup> <https://www.twincities.com/2009/01/02/enbridge-energy-to-pay-state-1-1-million-for-waterways-violations-during-pipeline-construction>; <https://www.cbsnews.com/minnesota/news/enbridge-to-pay-millions-in-fines-for-line-3-water-quality-violations-aquifer-breaches/>

<sup>4</sup> <https://www.mprnews.org/story/2021/08/10/mpca-line-3-drilling-fluid-spilled-into-wetlands>

<sup>5</sup> <https://www.mprnews.org/story/2021/09/16/enbridge-ordered-to-pay-33-million-for-aquifer-breach>

The breach of the aquifer in Minnesota also resulted in water withdrawal violations by Enbridge which took the water released from the aquifer for their use in construction despite drought conditions in northern Minnesota in 2021, and exceeding by ten times the quantity of water Enbridge claimed it would use in rerouting/expanding Line 3.<sup>6</sup>

### Enbridge Refused to Carry Pollution Insurance in Wisconsin.

In 2014 Enbridge proposed expanding Line 61, the line that carries tar sands “dilbit” from Superior to Delevan Wisconsin, crossing the state from northwest to southeast. Dane County’s land use committee and board, acting on the advice of an insurance consultant, imposed a condition that Enbridge carry pollution insurance to cover cleanup costs and environmental damage from a potential leak. A last minute (and poorly worded) state budget amendment adopted a few months later prohibited counties and townships from requiring additional insurance, and Enbridge prevailed in the Wisconsin Supreme Court, refusing to disclose their insurance policy or carry additional coverage in 2019.<sup>7</sup>

### Bad River Band of Lake Superior Chippewa and Michigan v. Enbridge Line 5

Enbridge’s Line 5 runs from Superior Wisconsin to the Upper Peninsula of Michigan where it crosses the Straits of Mackinac before going south across Michigan to its destination-Sarnia Ontario. Less than 5% of the oil and gas liquids in Line 5 are siphoned off near Escanaba; none goes to Wisconsin.<sup>8</sup> The state of Michigan refused to renew Enbridge’s permit under the Straits and demanded they shut down Line 5 in May, 2021<sup>9</sup>, but Enbridge ignored the order to continue crossing two Great Lakes, and litigation continues in Michigan federal court.

Across Northern Wisconsin, Line 5 crosses Douglas, Bayfield, Ashland and Iron Counties, and twelve miles of the Bad River Band of Lake Superior Chippewa’s reservation east of Ashland. Line 5 got an easement from the Bureau of Indian Affairs in 1953 which expired in 2013. The tribe refused to renew Enbridge’s

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<sup>6</sup> <https://www.startribune.com/minnesotas-ok-for-enbridge-to-temporarily-move-5b-gallons-of-water-sows-tension-line-3-pipeline/600073288/>

<sup>7</sup> <https://www.yahoo.com/video/wisconsin-supreme-court-backs-enbridge-173538670.html>

<sup>8</sup> Dynamic Risk, Alternatives Analysis for the Straits Pipelines, Doc. no.:SOM-2017-01-RPT-001 Project no.:SOM-2017-01 Rev. no.: 2, section 4.2.1.1 or pg. 282

<sup>9</sup> <https://www.reuters.com/legal/judge-rules-michigans-line-5-oil-pipeline-lawsuit-should-be-heard-federal-court-2022-08-18/>

easement which threatens the Bad River, Kakagon Sloughs (a wetland of international importance, home to rice beds and spawning grounds for much of Lake Superior's fishery) and Lake Superior. Six years after Enbridge's easement expired the tribe sued in federal court in July 2019 to remove the pipeline.

On September 7, 2022, Judge Conley ruled that Enbridge was trespassing on the Bad River Band's reservation<sup>10</sup> but denied the Band's request to order Enbridge to shut down Line 5. Enbridge had begun a process to get permits to "reroute" the line for 41 miles around the reservation in 2019 after the Band made it clear that they would not let Enbridge keep shipping oil across the reservation.

The Bad River Band wants Enbridge to remove Line 5, which is aging and corroding, from the Bad River watershed. The proposed reroute circles the reservation but crosses nearly 200 waterways including six rivers, and more than 40 named streams. All the rivers are tributaries of the Bad River and five (including the Bad) are classified as "outstanding resource waters" under the federal Clean Water Act. The reroute only moves the risk upstream.

In spring of this year, the continued meandering of the Bad River moved it rapidly closer to where the pipe was buried, and the Bad River Band requested an injunction to shut down the 70 year old line immediately. Judge Conley ruled on June 16 that Enbridge must accelerate their plan to shut down the line and remove it within three years. He also ordered Enbridge to pay the Band \$5.1 million dollars for their continuing trespass on the reservation.<sup>11</sup>

Can we afford to help Enbridge keep shipping oil from Canada to Canada? It is all risk and no reward for Wisconsin communities near Line 5. Enbridge is still in the process of getting a final Environmental Impact Statement submitted to Wisconsin DNR for the reroute, and the Army Corps of Engineers is involved in crossings of navigable waters and some wetlands<sup>12</sup> Transitioning away from fossil fuels offers the best chance to mitigate climate change.

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<sup>10</sup> <https://casetext.com/case/bad-river-band-of-the-lake-superior-tribe-v-enbridge-energy-co/>

<sup>11</sup> <https://wisconsinexaminer.com/brief/federal-judge-orders-enbridge-to-shut-down-line-5-in-three-years-pay-tribe-5-million/>

<sup>12</sup> <https://midwestadvocates.org/issues-actions/actions/environmental-review-of-enbridge-line-5>