

Talking Points: MPCA permits for Enbridge Line 3

OVERVIEW

Enbridge proposes to construct a new pipeline to transport tar sands oil from Edmonton, Canada to Superior, Wisconsin via Minnesota. While billed as a “replacement” of the current Line 3 pipeline, the Line 3 Replacement Project (L3RP) would construct 340 miles of new, higher-capacity pipeline along a new route in northern Minnesota. Due to the sensitive ecosystems this pipeline will cross, the toxic properties of the oil it will carry, and its contribution to continued climate damage, the L3RP poses unacceptable risks to Minnesotans.

This pipeline needs several state and federal permits before it can be built. The Minnesota Pollution Control Agency has just issued a “draft 401 permit approval” and is requesting public comment by April 3. Submit online at 401wqc.mPCA.commentinput.com or mail to *Enbridge Line 3 Comments, MPCA, 520 Lafayette Rd. N, St. Paul MN 55155*.

WHEN CREATING YOUR COMMENT OR TESTIMONY

Tell the story of why this matters to you; focus on just some of the topics below. If you have questions email Christy at dolph.christine@gmail.com or Laura at trip0043@umn.edu

1 IF YOU CARE ABOUT DEMOCRATIC PROCESS

- **Insist that MPCA has the legal, independent authority to protect Minnesota waters.** The draft permit states that this project will inevitably degrade high quality waters. By law, MPCA can not approve a project that degrades waters of the state unless the agency finds the project has important ‘social and economic benefits’. Yet the permit includes no accounting of net social costs and benefits. MPCA says the need for the pipeline has been resolved by the PUC, but a separate government agency (Dept of Commerce) has challenged this need. MPCA should not hide behind the PUC and abdicate its authority to protect our waters.
- **Demand that MPCA evaluate this project from the standpoint of the public’s best interests rather than corporate profits.** Enbridge’s stated purpose for the project is to ship more oil from point A to point B, which primarily serves their private corporate interests. But MPCA’s mission is to ‘protect and improve the environment and human health’, not to protect corporate profits. An example project purpose in the public’s interest would be “to fulfill society’s needs for a clean, sustainable form of energy”. Line 3 clearly does not fulfill such a purpose. As an example of a social *cost* of this project, a Minnesota Administrative Law Judge found that the climate change impacts *alone* from Line 3 would have a social cost of \$287 billion over 60 years.
- **Insist that MPCA follow the requirements of the Minnesota Environmental Policy Act**, which declares that projects that cause significant damage to the environment should not be permitted when reasonable and prudent alternatives exist (like renewable energy!).

2 IF YOU CARE ABOUT WATER QUALITY

- **Ask MPCA to enforce all state water quality standards** that would be violated by pipeline construction. These violations include increased suspended sediment (muddiness) and degradation of aquatic life in streams.
- **Insist that MPCA deny the project based on construction impacts to streams.** Enbridge is proposing to cross most streams with a method called ‘dry crossing’. This method involves damming the stream for days, digging a trench in the stream bed, installing the pipe then covering it. Enbridge is proposing this method for 161 stream crossings, including 4 trout streams. **These methods will violate water quality standards by causing increased suspended sediment, destroyed stream habitat, and destabilized stream banks and stream beds. These impacts will be compounded by extreme rainfall events driven by climate change.**
- **Tell MPCA to deny the project because it will cause permanent loss of mature trees and other vegetation, resulting in degraded water quality.** At each stream crossing, Enbridge will cut down existing shrubs and trees, which will never be allowed to regrow for the full service life of the pipeline. Degraded riparian habitat will result in erosion, sedimentation and impacts to aquatic life in violation of water quality standards.

- **Call on MPCA to deny the project based on the enormous areas of wetlands potentially impacted.** Over 11,000 acres of wetlands are connected to the pipeline route and could be permanently degraded, but Enbridge only reported ~300 acres in their application.
- **Ask MPCA to deny the project based on the facts that 1) wetlands can not readily be replaced in the same watersheds where they are lost, and 2) constructed or restored wetlands can never replace the full function of natural wetlands.** By allowing Enbridge to destroy these wetlands and pay \$ to MPCA to construct wetlands elsewhere, there is a net loss to the environment and the public good.

3 IF YOU CARE ABOUT CLIMATE CHANGE

- **Ask MPCA to deny the project based on climate change impacts to water quality.** Minnesota agency scientists have previously stated that the biggest threat to Minnesota's water quality is climate change! Carbon emissions from Line 3 would be equivalent to that of 50 new coal-fired power plants. **We also need intact natural wetlands and streams** to help our communities mitigate the effects of climate change.

4 IF YOU CARE ABOUT INDIGENOUS COMMUNITIES AND TREATY RIGHTS

- **Ask MPCA to deny the project based on impacts to wild rice beds and other food sources,** especially in the 17 wild rice water bodies that occur within 0.5 miles of the pipeline corridor. High nutritional value foods like wild rice and native fish are central to traditional diets and culture. Wetland loss can mean loss of medicinal plants and cultural practices. The Final Environmental Impact Statement states that the adverse impacts of this project fall disproportionately on Native communities, which is incompatible with MPCA's stated commitment to environmental justice. In addition, the bulk of the new pipeline corridor runs through the 1855 treaty territory, where Ojibwe people retain the rights to hunt, fish and gather. **Allowing pipeline construction or operation in this area could violate treaty provisions, which must be upheld.**

5 IF YOU CARE ABOUT OIL SPILLS

- **Ask MPCA to deny the project based on the predicted number of leaks and spills over the life-span of the project that will inevitably result in damage to streams, wetlands, lakes and aquifers.** A promise by Enbridge to promptly respond to a spill is not protection from spills. Pipelines built in the last decade have had far more spills than pipelines built in previous decades.
- **Tell MPCA to accurately state the pipeline's contents and reassess danger from spills.** They call it "crude oil", but heavy Canadian tar sands crude is mixed with other carcinogens to create "dilbit". Dilbit is not only laden with toxic chemicals, it can also sink when spilled. In 2010, an Enbridge pipeline spilled 1 million gallons of dilbit into the Kalamazoo River; oil that sank remains impossible to clean up. In other recent spills into rivers (e.g. Arkansas & Montana), water treatment plants were closed and homes evacuated.
- **Ask MPCA to conduct a geologic assessment of the increased risk of spills due to climate change.** Minnesota is forecasted to have more megastorms, which will cause streams and rivers to have more frequent and more intense floods. These higher frequency flood flows can expose buried pipelines. MPCA did not take this into account when approving the generic and incomplete construction plans provided by Enbridge.

6 IF YOU CARE ABOUT HUMAN HEALTH

- **Demand that MPCA independently consider how many drinking water sources could be impacted by leaks and spills.** The draft permit doesn't mention drinking water, though St. Cloud and Minneapolis get water from the Mississippi River downstream of pipeline crossings. And, though the 401 permit process is for surface water, surface and groundwater are tightly connected. Spills to groundwater can connect to lakes and streams.
- **Demand that MPCA acknowledge climate change is a public health threat, and to count that as a "social cost" in their calculation of benefit from this project.** Critical public health risks include threats to farming communities, threats to indigenous communities, endangerment of basic infrastructure, adverse mental health impacts, exacerbation of existing health conditions (such as asthma and some allergies), and increased prevalence of tick-borne and mosquito-borne diseases.