**EXECUTIVE SUMMARY**

Enbridge's Mess is a special report prepared by Minnesotans for Pipeline Cleanup which examines the financial, legal, and environmental impact of the proposed abandonment of Enbridge’s Line 3 on Minnesota landowners, tribal communities, and the wider public.

Years, or even decades from now, Minnesotans will be responsible for the detritus of Enbridge’s massively lucrative business. Oil, rust, and dozens of chemicals will remain in the ground beneath farmland, homes, churches, and wild rice lakes; and a little-known provision of Minnesota law allows the company to hand liability to landowners five years after ceasing operation of the pipeline.

This is the first legal deactivation of a pipeline in Minnesota history. The repercussions will play out again and again in the coming decades as the fossil fuel industry becomes less economical. Companies across the energy industry will continue to deactivate crude oil, refined petroleum, and natural gas transportation pipelines.

To escape their financial responsibility, Enbridge has been quietly working against the interests of Minnesota landowners, ignoring their concerns and lobbying government agencies to approve their new route without requiring cleanup of their old pipe.

If the state were to require Enbridge remove the old Line 3 as a condition of continued debate of the new route, a precedent would be set that elevates property rights over corporate profit. Thousands of jobs would be created. Minnesotan traditions such as wild ricing — and our environment — would be protected.

This report is grounded in interviews with affected landowners from across the political spectrum who want the failing pipe removed from their land and their communities. Their experiences are bolstered by scientific data which reveal the faults in Enbridge’s permanent deactivation plan and expose the hollow center of the company’s public relations campaign.

In tandem with this report, videographer Sadie Luetmer worked with Minnesotans for Pipeline Cleanup to produce a series of videos. In the videos, landowners explain their concerns and show the land that is threatened by Enbridge’s irresponsible proposal. To hear their stories in their voices, you can visit MPC’s Youtube channel: [www.youtube.com/channel/UCQLAS01DaFQkN_rto_W7-fw/featured](http://www.youtube.com/channel/UCQLAS01DaFQkN_rto_W7-fw/featured).

Allen Richardson, Minnesotans for Pipeline Cleanup
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Enbridge operates the longest crude oil and liquids transport system in the world. For 50 years, the company has made billions of dollars pumping crude oil through the old Line 3 pipeline that crosses Northern Minnesota. Now, the transnational corporation — which owns nearly $45 billion in assets — wants to simply abandon the pipeline. The company would save more than a billion dollars by abandoning rather than removing the pipe.

The old Line 3 is 282 miles long in Minnesota, and crosses beneath public waterways, tribal land, church property, and farmland. There are some places along the line where a limited, monitored abandonment might be the best option, but that decisions must be made on a case-by-case basis by the public or the affected landowners — not by Enbridge.

As part of their application to build a new pipeline in the state, Enbridge worked with the Minnesota Department of Commerce to write a comprehensive study of how the project would impact the environment, including their proposal to abandon the old Line 3.

The final environmental impact statement (FEIS) says unequivocally that abandonment has only two benefits: it is less disruptive to the environment in the short term, and it is much cheaper for Enbridge.

The risks of abandonment, however, are manifold. They include potential economic, environmental, and cultural damages which might not be apparent for years or even decades, but which could cost much more than the $1 billion Enbridge would save. However, long-term liability for the pipeline is not spelled out in Minnesota or federal law, and landowners and the public may be on the hook to pay these hidden costs.

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Minnesota must take great care in this process. This is the first admitted pipeline deactivation in the state, and how we handle it will set the precedent for all future deactivations. Enbridge alone has nine pipelines in Minnesota; seven in their Mainline system.2) The Minnesota Pipeline Company operates another four, for a total of 13 crude oil pipelines in Minnesota. This doesn’t include natural gas pipelines (which criss-cross the state) or refined petroleum pipelines (two, plus the sprawling Magellan Pipeline System).3) This is a lot of infrastructure for an industry which is expected to lose many customers in the coming decades. Countries which, together, buy 80 percent of all automobiles have committed to stop selling cars and trucks that run on fossil fuels by, at the latest, 2040.4) And in just ten years, solar energy is predicted to be cheaper than natural gas.5) In Minnesota, Xcel Energy plans on garnering 60 percent of its power from renewables by 2030; not for environmental reasons, but because it is the cheapest option.6) After these lines are abandoned, landowners worry that they will become responsible for the cleanup. Rod Struble is one such landowner. Struble is careful to let people know where he stands politically, “I’m not an activist. I’m not an environmentalist.” What he is, is skeptical of Enbridge’s promises. “Eventually, they’ll end up wanting to abandon these other pipes... you know, there’s three more in the ground, similar in age, and once they abandon it, they can say, ‘well’... they can easily release that easement back to the landowner with nothing more than a claim deed. And the issues would be ours.” The fact is, more and more crude oil, petroleum and natural gas pipelines will be deactivated in the coming years as fossil fuels become less economical. If we mishandle Line 3’s deactivation, our


mistake will play out over and over again in the next two decades. We need to go slow, take responsibility for doing it right, and guarantee that landowners and tribal communities are given the right to decide what happens on their land.

**What is Abandonment?**

The definition of removal is clear, but abandonment is a legal grey zone. Some states have more rigorous regulations, but in Minnesota, only 11 state and federal laws and rules regulate abandonment\(^7\) — about two printed pages.

The laws generally describe a minimum standard for cleaning the inside of a pipe and require operators to document the location of abandoned pipelines. The longest details the preferred method of submitting the documentation. Two rules do define a more rigorous standard for abandonment, but only when a pipe crosses a freeway. The laws do not address cleaning or inspecting the outside of pipes, liability, maintenance, or legacy spills. These are some of the costs and risks which landowners and the public may be ultimately liable to cover. Enbridge is only required to minimally clean the inside of the pipe, and take a few rudimentary steps to deactivate it. According to their permanent deactivation plan, Enbridge will do little more.

Cleaning the pipe consists of propelling “pigs” through the line — devices which push lingering oil to a storage tank

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**How reliable is Cathodic protection?**

Cathodic protection refers to the process of reducing corrosion on a pipeline by turning it into the “cathode” of a giant electrochemical cell (a battery.) However, this process is not the magic-bullet Enbridge implies.

For one thing, if the pipe is close enough to high-voltage power lines, the cathodic protection can actually result in faster degradation. Enbridge has not addressed this issue in their deactivation plans.

Cathodic protection is also susceptible to human error, and where it is misapplied it can actually accelerate corrosion.

The cathodic protection on Line 3 also relies on a polyethylene tape. Twenty years ago, Enbridge discovered that the tape was “wringling.” This lets water seep between the pipe and the tape, negating the cathodic protection. As the FEIS says: “it is unclear what Enbridge is doing about this issue.”\(^8\)

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\(^7\)Minnesota Statutes 216D.04 Subd. 3(f); Minnesota Administrative Rule Part 7560.0125; 49 Code of Federal Regulations (CFR) 195.402(10); and 49 CFR 195.59


\(^9\) Guidelines for use of statistics for analysis of sample inspection of corrosion, TWI Limited, Health and Safety Executive, 2002
in Clearbrook or Superior — followed by multiple rounds of cleaning solution, more pigs, and water baths. Next, they physically remove small pieces of the pipe, first to physically disconnect it from their system and then to break the pipe into about 50 shorter lines.

Last is monitoring and maintaining the pipeline “indefinitely.” Enbridge’s permanent deactivation plan goes into detail about what this monitoring entails, but it boils down to a commitment to monitor Line 3 where it is next to active pipelines.\(^\text{10}\) As for maintenance, there are deep and unaddressed flaws in the way Enbridge is proposing to implement the cathodic protection they will rely on for long-term maintenance.

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**Fighting against safety**

Enbridge builds goodwill by proclaiming their commitment to all the laws and regulations that apply to their business,\(^\text{11}\) but they have lobbied against pipeline safety extensively for decades.

In 1986, a gasoline pipeline explosion in Mounds View, MN, killed two people and destroyed an entire city block. The government convened a commission to research ways to regulate the industry.\(^\text{12}\) In 1987, Enbridge (then called Lakehead Pipeline Company) led a massive lobbying campaign to combat the proposed regulations.\(^\text{13}\) When the so-called “Minnesota Pipeline Safety Act” was passed, it served only to deregulate the industry.

The act disallowed cities and counties to enact even basic zoning of pipeline companies, and massively streamlined the pipeline approval and routing process to the benefit of companies like Enbridge.\(^\text{14}\) As Enbridge continues their PUC lobbying (they’ve spent $4.5 million since 2012\(^\text{15}\)) to influence the routing process, and as they brag that they are following the rules, dotting their i’s and crossing their t’s, remember that they have spent millions opposing safety regulations.

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\(^\text{11}\) See the “Emergency Management” section of Enbridge’s website, which details their commitment to safety while skirting over the fact that everything in the section is required by Canadian or American regulations. [https://www.enbridge.com/about-us/safety/emergency-management](https://www.enbridge.com/about-us/safety/emergency-management)

\(^\text{12}\) Commission on Pipeline Safety: Findings and Recommendations, Minnesota Department of Energy and Economic Development, Policy Analysis Division, December 1986. PDF provided by the Minnesota Office of Pipeline Safety


\(^\text{14}\) Laws of Minnesota 1987, CHAPTER 353 - S.F.No. 90; Sec.1 116L.015 Subd. 3 and 4.

In the Final Environmental Impact Statement (FEIS,) a pattern emerges from the analysis of the risks and benefits of Line 3’s abandonment. Over and over again, the benefits of abandonment are described as “short term,” while the risks and costs are “long term.” Further complicating the situation is a little-known Minnesota law that lets pipeline operators return easements to landowners if they stop operating a pipeline for five years. Landowners worry about Enbridge’s commitment to cover the long-term costs once they can return the easements.

Colleen Bernu lives in the Sawyer community of the Fond du Lac Indian reservation with her family. The Bernus raise chickens and grow most of the vegetables they eat. Like many Minnesotans, hunting and fishing are an important part of the Bernu’s family tradition — and their diet. When they have to supplement their groceries, they buy local. “We just try to live as basic as we can,” Colleen said.

The Enbridge mainline corridor contains five lines where it runs along the edge of the Bernu’s property.

“They are basically assuring us with a gentleman’s handshake that they will continue to be responsible for the line,” Bernu said, “but there is absolutely no legislation or legal documentation that says that they will, for sure, be responsible for the line.”

Like Bernu, Struble is frustrated with Enbridge’s proposal. The easement “basically spells out they can install, operate, replace,” he said, “[there’s] no word of abandonment. That’s basically leaving their garbage behind.”

Legacy contamination

Legacy contamination is a catch-all term that refers to all the substances that have accumulated around the

"99.99% Clean"

Enbridge says that a test cleaning of 12 miles of Line 3 cleaned 99.99 percent of oil from the line, but the FEIS points out that there is no certainty that this would hold true when the process was conducted over the entire length of the pipeline, and there is no law that says Enbridge must meet this level of efficiency.


18) See the “Emergency Management” section of Enbridge’s website, which details their commitment to safety while skirting over the fact that everything in the section is required by Canadian or American regulations. https://www.enbridge.com/about-us/safety/emergency-management
pipeline. The most likely contaminant is crude oil, but others include the cleaning fluid they will use to flush the pipe; the poly-ethylene tape the company wrapped around the pipe decades ago; and the pipe itself, which will continue to rust in the ground until it crumbles.

The old line runs past St. Andrew’s Lutheran Church in Grand Rapids, where Megan Crouch is a pastor.

“ Pipelines are a part of life in northern Minnesota. I drive a car; I know we have to have a way to move the oil around,” Crouch said. “While we don’t dispute pipelines, we need to be responsible and when we abandon them, we need to clean them up. That’s the responsible thing to do, to restore the earth and preserve and protect it.”

All pipes leak. Even modern leak detection systems such as SCADA — which is the system Enbridge is proposing to use on the new Line 3 — can only detect leaks down to a level of about one percent of the total flow of a line.20) The old line 3 has been pumping at least 390,000 barrels a day for more than 50 years. If just a few undetected pinhole leaks have been leaking a miniscule fraction of the total daily flow, the oil accumulated around the pipe could rival the size of the 2010 Kalamazoo River spill.21)

Because long-term liability has not been clearly decided, legacy contamination is a concern to all landowners near the old Line 3. “Should the church become responsible, we don’t have the money to remove or to do maintenance,” Crouch said, “It’s not within our power to do it.”

**Pipeline Failure**

Subsistence is when soil enters the pipeline, either gradually or suddenly (i.e. a collapse.) If this happens under a railroad or a roadway, it could be dangerous. If it happens in less populated areas, it may go undetected and affect the environment. While subsistence is less dangerous, relative to some of the other threats of abandonment, it is one of the most likely.

“Enbridge has already admitted that Line 3 is at such a state that there is grave concern that it will fail,” Bernu said, “it’s just a matter of when and how badly.”

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If the pipeline fails beneath a waterway, it may act as a water conduit, draining waterways or flooding dry areas. Along with legacy contamination, the risk of the pipe becoming a water conduit is a major threat to the property rights of Minnesota’s Anishinaabeg people.

First, the old Line 3 crosses tribal land owned by the White Earth and Leech Lake bands of Ojibwe; abandonment is a direct threat to natural resources on reservation land. Second, as recently as 2015, the US Supreme Court has affirmed the special rights of the tribe to hunt, fish, and harvest on certain lands outside the boundary of the reservations. These rights cannot be taken away without just compensation and are well established, having been granted more than a hundred years ago in a series of treaties. In both cases, abandonment poses especial risk to the wild rice beds of northern Minnesota, which have a special place in Anishinaabeg history, culture, and legal rights. These dangers are intensified by the proposed replacement line which the Native-led organization Honor the Earth called “a declaration of war against the Anishinaabeg, a slap in the face of tribal governments, and a threat to the precious fresh water of Minnesota.”

Honor the Earth has vowed to vigorously defend the property rights of the Ojibwe people, and their neighbors stand with them. “The Indian reservation belongs to Indians,” said affected landowner Richard Shustarich, “It does not belong to the U.S. We made a treaty, so if they say they don’t want to have a pipeline there, they shouldn’t have to have one there.”

Exposure

Line 3 was constructed before the government mandated a minimum depth of coverage for pipelines. Even while the pipeline was weighed down with oil, it surfaced in over 200 places, with a total of 8,496 feet of exposed pipe. When the pipeline is empty, it will be less dense than the soil above it and is more likely to rise and become exposed. This can affect the environment, speed up the decay of the pipe, and render land unusable. The pipeline is exposed in multiple places on Richard Schustarich’s property in Blackberry, Minnesota. Shustarich said the first place the pipe comes out of the ground, there is a foot or two exposed, “It’s covered with moss and grass and

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A Threat to Minnesota Traditions

For thousands of years, ricing has been an integral part of the culture of the land that is now Minnesota. Both the proposed abandonment of Line 3 and the construction of its replacement threaten the water that gives life to this ancient tradition.

stuff like that, then it goes underground for a little ways — it’s probably about 6 inches underground — it goes on the other side of my driveway, and it gets down probably a hundred and fifty yards, and then it’s all out of the ground.”

Falling property values

There is some debate about the extent to which transmission pipelines affect property values, but the connection has been demonstrated. Some Minnesota landowners have already experienced a drop in their property value, and fear that abandonment will end with them being solely responsible for the growing financial burdens of the old line.

“I have two pipelines on my property. I wouldn’t feel quite so threatened about property value if one of the lines wasn’t sitting on top of the ground,” Shustarich said. “And if they leave it, and abandon it, it’s going to definitely have something to do with my property value.”

Enbridge does not address the effect of abandonment on property values in

Richard Shustarich

“My property value sucks, you know. I got two pipes”

Schustarich lives in Blackberry, MN. The former industrial painter worries about becoming responsible for the pipe on his property.

their permanent deactivation plan, but the connection is common sense to landowners. “The government has rules against removing abandoned septic tanks,” Colleen Bernu said, “they have rules about removing abandoned fuel tanks from fuel stations, so obviously leaving that stuff in the ground, because of the collapsing hazard, because of the environmental hazard, because of leaching, is something that has already been determined as unsafe. The pipeline should be no different.”

Are there benefits to abandonment?

The FEIS states that there are two benefits to abandonment. First, in the short term, it is gentler on the environment. How short a time is not noted, but maybe as short as a year. Second, it is cheaper for Enbridge: $85 million versus $1.28 billion if they were to remove the entire length of Line 3.

“"If it is no longer going to be maintained, I want it to be removed."
— Pastor Megan Crouch

Us and Them

Colleen Bernu has seen this issue divide neighbors, “I would go so far as to say that corporate America encourages this debate so we lose sight of the other debate.” The truth is, if Enbridge removed the old Line 3 on native communities, they would benefit, and workers would benefit from the jobs that are created.

“I see people tear each other up over this, and I honestly believe the corporations are laughing all the way to the bank,” Bernu said. “So treat each other with respect. We’re all in this together. We’re all going to live here together when they’re gone... And it doesn’t matter how well these companies treat you, try to think down the road. What is this going to mean to your kids, and your grandkids.”

While there are some sections of Line 3 which might need to be abandoned, this should be decided by site-specific conditions with input from landowners, not Enbridge. Still, the dangers of abandonment remain: that the pipeline will surface, collapse, act as a water conduit, or that legacy contamination will remain undiscovered. To mitigate these risks, the abandoned sections must be closely examined and filled with an engineered material.

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All of these dangers and costs would be mitigated if Enbridge removed the old Line 3. But there is another benefit to removal; removal would be a huge job creator.  

The FEIS estimates that removing the pipeline will generate half as many jobs as building a new pipe. Their logic is specious, however, and the number is almost certainly higher. The FEIS states that removal will cost half as much as building a new pipe, so there must be half as many jobs.28) However, their estimate doesn’t consider the cost of raw materials for a new pipeline. While labor costs for installation should be comparable, manufacturing will not create many jobs in America because most of the pipe for Line 3 will be made by Canada-based manufacturer EVRAZ.29) Removal does pose some short term risks to the natural environment. The most likely is a short-term disturbance of the environment when the pipe is removed. This could be mitigated if Enbridge planned their work around the seasons and worked with landowners to mitigate impacts to farmland.

Enbridge claims that removal would risk damaging nearby pipelines, but Line 3 is more isolated from its neighbors than their deactivation plan implies. As was stated above, Line 3 was built before pipeline depth was regulated; it is shallower than its neighbors. Horizontally, Enbridge’s most conservative estimates put Line 3 no closer than 10 feet to another pipe. Lastly, Line 3 only has a pipe within 20 feet on both sides for 104 of its 28230) miles.

The FEIS states clearly and repeatedly that removal is better for native communities.31) At a minimum, Enbridge must remove the sections of the pipe that cross tribal land, if requested by those communities.

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28) ibid.
31) ibid.
For most landowners, the benefits of removal far outweigh the short term disturbance to their land. Removal will include a detailed, visual inspection of the entire length of Line 3, force Enbridge to take responsibility for legacy contamination, and not allow them to ignore their mess for another fifty years. This is good for landowners, it is good for workers, it is good for the environment. The only entity who doesn’t directly benefit is Enbridge.

Get involved

The deactivation of Line 3 is the first of many pipeline deactivations which will occur in the coming years. The state’s actions will play out again and again. We have to do it right, carefully examining the risks and benefits to both removal and abandonment and honoring the wishes of affected landowners.

More study could be conducted to fully understand all these risks and benefits, but based on the Line 3 FEIS, there is ample evidence that removal is the best option for landowners, for workers, and for Minnesota.

Abandoning the pipe carries many risks that the FEIS says increase as time passes and benefits no one except Enbridge, who stands to save more than a billion dollars. On the other hand, removal protects landowner’s property rights, rights some of the wrongs done to our Native neighbors, potentially creates thousands of jobs, and ensures that Enbridge takes responsibility now for the legacy spills which have accumulated around their pipe over the past 50 years.

Whether they support the construction of the new Line 3, oppose it, or don’t have an opinion, landowners want to see the old Line 3 removed. “I don’t want it left there to rust and degrade,” Crouch said. “I don’t want it to become exposed due to erosion. I don’t want a kid playing on our church property to trip over it or fall into a pit around it. If it is no longer going to be maintained, I want it to be removed.”

Stand with landowners and demand that the state of Minnesota guarantee their right to have Line 3 removed from their property, if they choose. To get involved, contact Minnesotans for Pipeline Cleanup, sign the petition at http://pipelinecleanupmn.org/, or send letters to your elected Minnesota officials.

“**My long term dream would be that we would be investigating options where we no longer are going to have to deal with this. The reality is, the fossil fuel industry is a dying industry.**"

— Colleen Bernu

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