

PC # 13-153

Rice, Robin (PUC)

From: Gardner, Annah J. <AJGARDNER@stthomas.edu>
Sent: Friday, August 16, 2013 2:45 PM
To: #PUC_Public Comments
Subject: PL - 9/CN - 13 - 153 - Reply comments on the contested facts and the completeness of Enbridge Energy's Application for a Certificate of Need for the Line 67 Station Upgrade Project—Phase 2 (Application)
Attachments: Enbridge Line 67 - reply cmts 8-16-13.docx

PL - 9/CN - 13 - 153

Attached are reply comments on behalf of the Sierra Club on the contested facts and the completeness of Enbridge Energy's Application for a Certificate of Need for the Line 67 Station Upgrade Project—Phase 2 (Application)

thank you

Beverly Jones Heydinger, Chair
Minnesota Public Utilities Commission
121 7th Place East
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Cc: Dr. David Boyd, Nancy Lange, J. Dennis O'Brien, Betsy Wergin – Commissioners

August 16, 2013

RE: Reply comments on the contested facts and the completeness of Enbridge Energy's Application for a Certificate of Need for the Line 67 Station Upgrade Project—Phase 2 (Application)

Thank you for providing this opportunity to submit reply comments on the petition for a Certificate of Need for the Line 67 Station Upgrade Project (Project). The comments herein are submitted on behalf of the Sierra Club North Star Chapter. The Sierra Club is a non-profit environmental organization with several thousand members in Minnesota. We participate in the administrative process to encourage environmental health and sustainability, long-term wildlife and habitat protection, and biodiversity goals.

The Sierra Club has reviewed all comments submitted during the initial comment period for this petition. The Sierra Club agrees with many points made in the comments submitted by MN350 and the Department of Commerce (DOC). There are many contested facts and many instances of incomplete information. This Application should be re-submitted with the appropriate information included, such as; proof of need for increasing the capacity of the pipeline, proof and data for the asserted guarantees of safety, and the cumulative effects of this Project on Minnesota's natural and cultural resources "along the route". In addition, we agree with MN350 and the DOC that this matter should go before the Office of Administrative Hearings for a contested case hearing.

The Application requests to upgrade pumping stations so as to increase the throughput of Line 67 from 570,000 bpd to 800,000 bpd. This massive increase raises concerns over potential spills. Detailed information should be provided outlining the important issues of safety and increased risk of spills, especially in light of the need for higher maximum operating pressure, higher pumping rates and the increased potential size of a spill. This should include information pertaining to spills that have occurred in the past, including how they were handled and costs involved. Especially important and completely missing from this Application, Applicant should provide information detailing what steps will be taken to prevent any future spills from occurring. We support MN350's assertion that the Applicant must provide all spill response information requested by law. Tar sands spills behave differently than conventional oil when released in water, these types of spills require different response actions and equipment.

The Sierra Club also supports the comment by MN350 that the Application should address the negative effects that would occur as a consequence of the greenhouse gas (GHG) emissions that would occur as a consequence of this Project. It is clear that the Project will have adverse impacts on our planet's climate. In a cumulative impacts analysis this information and

data should be presented and analyzed. The Applicant should take into account all of the aspects of the Project – extraction, transportation, construction and consumption from the capacity increase.

The Sierra Club is especially worried with Enbridge's flawed track record. There were 800 spills from Enbridge pipelines between 1999 and 2010. In Minnesota alone, Enbridge has spilled almost 1.5 million gallons of oil. Applicant must fully address how this Project will be different than their past record and what steps will be taken to prevent catastrophic spills.

In reviewing the Application and the many comments to the Application Sierra Club additionally supports the DOC comments on the noted lack of documentation on the probable effect of a denial of the Application on the price and reliability of oil supplies to Minnesota customers and surrounding states. Nor is there a detailed explanation of how Minnesota will benefit from the Project if the heavy crude tar sands oil is not refined in MN, the Sierra Club asserts that Applicant's intent for the Project is to export product from the east and Gulf coasts and there is not a demand or need for the Project to benefit Minnesota customers.

The information the Applicant must provide to adequately address the "proof of need" is well laid out in the comments from MN350. Sierra Club fully supports all data requests made and agrees that the Application is insufficient and inadequate without further information regarding heavy crude oil demand in the region and the need for the Project locally. This data should be provided transparently for the public citizens of Minnesota to review.

Allowing the pipeline to be expanded could result in irreversible damage to our natural environment and threaten the public health of the citizens of Minnesota. The Sierra Club agrees with the comments made by MN350 that there is a complete lack of information required regarding the natural and cultural resources that will be impacted "along the route" of the Project. The Applicant must provide a detailed assessment of all lakes, rivers and other waters, public lands including state, federal and county, cultural resources, and other public facilities "along the route".

This information is incredibly important to include due to the increased capacity of the Project, increasing the pressure, temperature and amount of the diluted heavy crude passing through Minnesota thereby increasing the risk of oil spills and the increased size of an oil spill. The Application is inadequate and incomplete due to the complete lack of this information. In addition to the impacted resources mentioned above the Applicant should include a careful assessment of all threatened, endangered, and species of special concern habitat that the Project traverses. The iconic wildlife of Minnesota is an important public resource for the citizens of the state.

Sierra Club is concerned about the Applications lack of important information especially regarding the Commission's need determination, the Applicant's compliance with spill response law, and failure to identify impacted resources. It is only a matter of time until this pipeline leaks dangerous toxins into Minnesota's environment and water resources. Tar sands are very dangerous to transport, they are diluted with toxic chemicals and pumped at very high pressures. The pipeline passes through sensitive ecosystems and over countless rivers and watersheds. Many of these rivers provide drinking water to millions of people. Watersheds like the Lake

Superior watershed and the Mississippi River watershed are very important to the State of Minnesota and must be protected at all costs.

Sierra Club respectfully requests the Commission order a contested case hearing for this Project.

Sincerely,

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