

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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BILL SCHUETTE
ATTORNEY GENERAL

March 8, 2017

Ms. Jane TenEyk, et al.
Oil & Water Don't Mix
c/o For Love of Water
153 ½ East Front Street, Suite 203C
Traverse City, MI 49684

Re: Enbridge Line 5 Dual Pipelines at the Straits of Mackinac

Dear Ms. TenEyk and Co-signers:

Thank you for your letter dated February 17, 2017 regarding the Enbridge Line 5 dual pipelines at the Straits of Mackinac. That letter asserts that the State of Michigan should immediately take steps to terminate the 1953 Easement that authorized the construction and operation of the Straits Pipelines. In doing so, it refers to the April 16, 2016 correspondence from Oil & Water Don't Mix identifying a series of alleged violations by Enbridge of terms and conditions of the Easement, as well as the September, 2016 Biota Investigation Work Plan prepared by Enbridge pursuant to the proposed Consent Decree in *United States v Enbridge Energy Limited Partnership, et al.* (W.D. Mich No 1:16-cv-914). The latter document refers to areas along the dual pipelines where at least some portion of the external coating (which was designed to consist of asphalt and two layers of fiberglass wrap) has separated from the pipe or is missing.

As emphasized in the State's April 27, 2016 response to Oil & Water Don't Mix's previous letter, we are committed to protecting the Great Lakes from potential sources of pollution, including the Enbridge Straits Pipelines. And, since the date of that letter, we have taken and are continuing to take further actions to address that potential threat. This includes:

- Notifying Enbridge of the need to install additional pipeline supports to comply with the support-spacing requirement of the Easement and monitoring its completion of the necessary corrective work by November, 2016.

- Selecting and retaining qualified expert contractors to conduct the independent risk analysis and independent alternatives analysis for the Straits Pipelines as recommended by the Petroleum Pipeline Task Force.
- Overseeing the progress of those ongoing analyses, which include, among other tasks, a detailed engineering review of the existing pipelines.
- Developing, in consultation with the Michigan Pipeline Safety Advisory Board, a public information and comment process to seek public and stakeholder input on the content of the draft reports for each of those studies, which are currently expected to be available by the end of June, 2017, as well as opportunities for public and stakeholder input after the final reports are completed.

And, with respect to the specific issue regarding the pipeline coatings raised in your letter, the State has:

- Provided the available information to the contractors conducting the independent risk and alternatives analyses for their consideration and expert review.
- Invited Enbridge to publicly address this issue at the next scheduled meeting of the Pipeline Safety Advisory Board on March 13, 2017.
- Submitted a detailed information request to Enbridge regarding what the Biota Work Plan refers to as “holidays” in the pipeline coating, seeking written clarification and documentation of the conditions referenced in that Plan, as well as further information relevant to the integrity of the pipelines. A copy of that information request is attached.

In sum, the State is continuing to carefully assemble and evaluate, with the assistance of independent experts, facts needed to analyze both the risks associated with continued operation of the Straits Pipelines and the availability of various alternatives to it. We intend to use this information, developed with input from the public and stakeholders, to guide decisions about the future of Pipelines. And, throughout this process, we will continue to evaluate risks of the Pipelines’ operation and monitor Enbridge’s compliance with the Easement to determine what further actions are appropriate.



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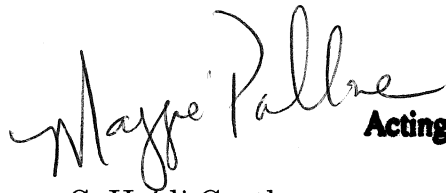
Thank you again for your interest in this very important matter.

Sincerely,



Bill Schuette
Attorney General
State of Michigan

Keith Creagh
Director, Department
of Natural Resources



C. Heidi Grether
Director, Department
of Environmental
Quality

Acting

Enclosures

cc: Valerie Brader, Executive Director of MAE