

January 6, 2020

RE: Comments on Second Revised EIS on Line 3

PL-9/CN-14-916

PL-9/PPL-15-137

Dear Public Utility Commission Members:

I have chosen to live and work in Bemidji, MN because of its natural beauty and access to outdoor activities. I care about the clean water, wetlands and forests of northern MN. And, I care about the quality of the State of Minnesota that we leave for those who follow us. This revised EIS is inadequate and should be deemed so by the PUC.

Before outlining the inadequacies of this revised EIS, I want to share that I am disappointed that the PUC is trying to avoid public engagement by having set the public hearing in Duluth just days before Christmas. And, the short time frame to comment is unfair. The way in which you posted this revised EIS was incredibly difficult to read. And the fact that this is the holiday season, makes it quite difficult for folks to read and comment by January 16th. That deadline should be extended.

This revised EIS fails to evaluate the downstream impacts of spills into the Lake Superior watershed in Wisconsin by limiting the analysis only to Minnesota -- water, like oil spills, does not know state boundaries and those impacts should be weighed. As a recent MN Appeals Court ruling highlighted, nothing in Minnesota's environmental review law limits jurisdiction to projects physically within the state. This has long been included in NEPA and MEPA guidance documents, that being that the pathway a pollutant follows is no respecter of geo-political boundaries. Therefore, impact must be assessed across these artificial boundaries. Yet, the MN DOC EERA refused to consider the adjoining Nemaadji watershed in Wisconsin, a component of the St. Louis River Estuary and the Lake Superior watershed. This is wrong and you are obliged to consider this.

Why is the fact that Duluth Harbor is a working harbor relevant? The threat to both the lake and the watershed is just as real.

I also am concerned that this revised EIS uses, in Chapter 10, information about oil floating which appears to be for conventional crude oil, not tar sands oil. Tar sands oil doesn't float. And, the diluent evaporates inside of 24 hours. If Enbridge's technology regarding dilbit has changed such that they can make it float, that information needs to be available for scrutiny.

The Enbridge assertion in the revised EIS that the oil will "resurface" and remain floating after passing through turbulent waters is not even probable, given the nature of dilbit. Please refer to the National Academy of Sciences study: <https://canadians.org/blog/national-academy-science-report-points-dangers-bitumen-spills> and <https://www.nap.edu/catalog/21834/spills-of-diluted-bitumen-from-pipelines-a-comparative-study-of>

For a pinhole leak facing downward, how long would it take to be noticed? The diluent evaporates and the tar sands oil sinks, coating the bottom of wetlands, creek bed, river bed and banks. And, all that happens long before it's discovered.

Moreover, the claim in the revised EIS that there will be "minimal" adhesion of oil to the riverbed and unique riverside topography of the St. Louis River in Jay Cooke State Park and above the FDL dam is not credible. Again, I refer you to the National Academy of Sciences study: <https://canadians.org/blog/national-academy-science-report-points-dangers-bitumen->

[spills](https://www.nap.edu/catalog/21834/spills-of-diluted-bitumen-from-pipelines-a-comparative-study-of) and <https://www.nap.edu/catalog/21834/spills-of-diluted-bitumen-from-pipelines-a-comparative-study-of>

The tar sands in Line 3 is some of the dirtiest oil in the world, and the most difficult to clean when it spills. Enbridge has a history of spills and greater scrutiny is needed for spill clean-up, permanent damage to waterways and riverbeds, and the threat to Ojibwe wild rice rights and sensitive ricing waters, including Spirit Lake.

Where's the cost analysis on the impact of the spill? Where's the spill impact on the Fond du Lac turbine generating plant? And, where's the financial assurance that Enbridge can get the insurance to cover a catastrophic spill, given its extraordinary debt load? Financial assurance provided to Minnesota must be unencumbered by potential claims from spills in other states.

And, how does Enbridge intend to clean the Jay Cooke State Park's dynamic geologic formations?

Enbridge is currently allowed to hide the composition of its diluents under the term "trade secret". So, how can we assess the analysis in the revised EIS of the impact on water-soluble components of the diluents, especially benzene, to drinking waters? How and when will we discover the carcinogenic components of the diluents?

I don't see a reliable effort to analyze the cumulative impacts of dilbit in the estuary, its fisheries, wildlife, wild rice, aquatic environment, and public riverfront properties.

More worrisome, yet, is the lack of a credible analysis detailing the cumulative impact on Superfund sites in the St. Louis River, where so much money has already been invested in trying to clean up earlier instances of pollution and degradation.

The analysis of the impact of a winter spill is severely limited. With oil under the ice, the 24 hour analysis model expires, compromising clean up and/or mitigation.

There's a similar lack of analysis on wild rice beds in the estuary. "It is assumed that wild rice may be present in shallow-water areas of the St. Louis River Estuary." Well, yes, of course. And, this project is an unacceptable risk to wild rice.

Unlike Michigan Tech's Line 5 study and its list of "tasks," this revised EIS is inadequate as it essentially ignores all but two of these tasks: <https://mipetroleumpipelines.com/document/independent-risk-analysis-straits-pipelines-final-report> <https://mipetroleumpipelines.com/document/independent-risk-analysis-straits-pipelines-executive-summary#>

I also find fault with this revised EIS in that it doesn't seem to have shifted the route for review to that which had been settled on by Enbridge and the PUC a year ago. With the expectation that the new route is that which will be utilized in the request for a Route Permit, it's problematic that this revised EIS doesn't evaluate that route.

Also, I can't find where the revised EIS makes note in the analysis of the Lake Superior watershed about the increasing risks of spills of new oil pipelines. Given the experience in North Dakota recently, the analysis should be considering greater leak probabilities. Spills from causes other than age-related corrosion is very real and generally unrelated to pipeline age. New pipelines may have latent defects that are difficult to detect and my understanding is that new pipelines are typically inspected only once every five years. This much longer inspection interval (than is currently in place by consent decree for the existing Line 3) allows latent materials defects to manifest and also allows other types of damage, such as stray voltage corrosion, to cause leaks before they can be detected and prevented. And, how in

the world is Enbridge going to see leaks by aerial inspection in much of the area which was supposed to be studied in this revised EIS? As we know, spills and exposed pipe go unnoticed and unreported until a landowner happens upon it.

This Court-ordered revision to the EIS was required because the original analysis did not include spill modeling for impacts to the Lake Superior watershed, not just Lake Superior. And, this model showed that a potential spill in Little Otter Creek would, within 24 hours, impact the watershed because a spill would reach the St. Louis River.

Yet, this analysis primarily focuses on whether a release of oil would ultimately reach the main body of Lake Superior, and glosses over the impacts to the St. Louis River estuary, a key part of the lake ecosystem that has been a focus of habitat restoration efforts and is already threatened by pollution.

The choice of Little Otter Creek sought to provide a convenient “mitigation” measure. The Fond du Lac dam is downstream of the spill site. But, there’s no real certainty about the dam acting as a barrier. In Enbridge's Kalamazoo spill there were two dams downstream. Both were breached. So, we can assume that this dam would be breached, too.

And, why was this one, and only one, location chosen to represent the risk to the Lake Superior watershed? This makes the analysis overly narrow and flawed in the lack of consideration for other locations and for the failure to include an ecological risk assessment. Risky oil spill impacts come from oil spills in many other waterways and in many other scenarios than what was tested. It is short sighted to end the analysis without looking at impacts to the estuary or in other conditions. This analysis ignores the protected wetlands, natural areas, and parks that are along the St. Louis River and the bays and lakes upstream of Lake Superior. Instead, this analysis generalizes them as commercial areas with other industrial uses and therefore not worth evaluating for oil spill impacts.

In conclusion, the revised EIS falls short and the PUC should rule it inadequate. Clearly, the PUC should also deny both the certificate of need and route permits for this project based on the risks and harms already identified in the record as well as new information from this revised EIS.

Sincerely,

Thomas Schmidt

Bemidji, MN