
U.S.

The Other Canadian Tar Sands Pipeline Quietly Snaking Into the U.S. Without a Permit

BY ZOË SCHLANGER 11/18/14 AT 11:49 AM

While the country focuses on the pending Senate vote to approve or reject the Keystone XL pipeline, another Canadian company is quietly pressing ahead on a pipeline project that will significantly raise the volume of tar sands oil transported through the U.S. The company is pressing ahead without a permit, and environmental groups say it is flouting the law.

The company, Enbridge, is the same firm that spilled more than one million gallons of thick, sticky tar sands crude into the Kalamazoo River in Michigan in 2010.

Inside Climate News reports that Enbridge applied for a State Department permit two years ago for its latest project: a bid to increase the capacity of its “Alberta Clipper” pipeline from 450,000 to 800,000 barrels of tar sands crude per day. The Clipper crosses the border from Canada into the U.S. in North Dakota, so a Presidential Permit from the department would be required by law.

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But, frustrated with the lengthy permitting process, Enbridge engineered a work-around that appears to get the job done, without a permit. By running a connection between two parallel Enbridge pipelines right on the border with the U.S., the company will be able to swap the contents of each. As the crude approaches the border with Canada in the Alberta Clipper pipeline, it will be diverted into the parallel “Line 3” pipeline, and swapped back into the Clipper once it reaches the U.S.. The move is projected to increase capacity to 570,000 barrels per day. But by the middle of next year, the company says it will transport 800,000 barrels per day of Canadian tar sands into the U.S. with "no additional permit," according to Enbridge attorney David Coburn.

In a letter to the State Department, Enbridge’s lawyer made clear its intention to press ahead with the plan without the Presidential Permit.

“ *As we explained, the unforeseen Line 67 Project permitting delay at the Department of over a year has led Enbridge to recently assess options for achieving this additional capacity ... Enbridge intends to construct the interconnections and Pump Upgrades, and to operate those facilities to increase the flow of oil on the Line 67 south of border segment, **whether or not a new Presidential Permit is issued by the Department.***”
(emphasis added).

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The Alberta Clipper begins in Alberta, crosses the Canadian border into North Dakota, and continues for 327 miles to Superior, Wisconsin. The oil would be stored in holding tanks before flowing to Cushing, Oklahoma, and then to the Gulf Coast for refining and export.

Alexandra Klass, a professor at the University of Minnesota Law School, told Inside Climate News that Enbridge's strategy isn't surprising. "This happens in environmental reviews all the time. You seek approval for smaller pieces, which on their own don't seem like they'll have a big environmental impact. But considered cumulatively, they do."

This summer, a State Department staff member said in a letter than work-around did not legally require federal authorization. But environmental groups claim the move is illegal. The Sierra Club told the Washington Spectator that a Freedom of Information Act document request for correspondence between Enbridge and the State Department was denied.

Unless a legal challenge is presented, it appears Enbridge will meet its goals without the public upheaval that has marked TransCanada's Keystone XL efforts.

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