



NEWS RELEASE

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350Madison files appeal in case of Enbridge Energy versus landowners

350Madison filed an appeal on Friday with the Dane County Court of Appeals, seeking to reverse the November 11th decision by Circuit Court Judge Peter C. Anderson that overturned Dane County's requirement for Enbridge Energy to carry cleanup insurance on its hazardous tar sands pipeline near Marshall.

Enbridge is the same company that caused the worst inland oil spill in U.S. history, near Kalamazoo, Michigan, in 2010. That disaster, which cost \$1.2 billion to clean up, was caused by gross negligence that led regulators from the Transportation Safety Board to compare the company to the "Keystone Kops".

Because of that record, in April of 2015, Dane County ordered the pipeline company to purchase environmental insurance as a condition of the permit the company needs to double the volume of oil piped at high pressure through the county.

But, then, in July, the State Legislature passed a last-minute budget amendment, signed by Governor Walker, attempting to override this requirement. Enbridge's claim that it had no involvement with this amendment, which affects only them, was met with widespread disbelief.

According to 350Madison's attorneys, Patricia Hammel and Thomas Burney, "Enbridge's lobbyists, or whoever it was that Enbridge claims drafted the budget amendment on its behalf, made fatal drafting errors. Instead of giving the pipeline company an automatic override of the insurance requirement, the amendment imposed a prerequisite condition to qualify for the override that Enbridge fails to meet."

Specifically, Hammel said, under the wording of the amendment, Enbridge has to first have a specific kind of insurance policy called "sudden and accidental" coverage, which the County's own insurance expert, David Dybdahl, testified to the County Board that Enbridge does not have. Also, the County's attorney, David Gault, told the Judge the County had never made a decision that the company had this coverage.

"Yet," Hammel emphasized, "Judge Anderson ruled that Dane County had decided that Enbridge did have the prerequisite type of insurance, which qualified them under the budget amendment to overturn the County's permit condition requiring cleanup insurance, even though the County had never made such a legal finding and its attorney had told the Judge that."

350Madison spokesperson Mary Beth Elliott said "it is a tragedy when a Dane County judge just makes up facts that do not exist in order to find a basis to rob the County of its ability to protect its citizens from multi-million-dollar taxpayer bailouts."

350Madison's co-counsel, attorney Thomas Burney, said they are hoping to have a favorable decision from the Court of Appeals by the end of this summer.

350 Madison Climate Action Team is the local branch of 350.org, an international grassroots organization that is mobilizing a global climate movement. 350 parts per million (ppm) of CO₂ is the number that leading scientists say is the safe upper limit for carbon dioxide in our atmosphere. We have well exceeded that limit.

Learn more: <http://350madison.org/> Multi-School Divestment Fund <http://www.divestfund.org/>

Judge Peter C. Anderson is no relation to Peter N. Anderson of 350Madison.