



MEDIA ADVISORY

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Court Hearing on Legality and Enforceability of Dane County Cleanup Insurance Condition for Enbridge's Waterloo Pump Station Monday, July 11, 1:30, Dane County Circuit Court

Two lawsuits involving Enbridge Energy will be heard in Dane County Circuit Court on Monday, July 11. These cases represent the latest development in Dane County's standoff with the \$43 billion Canadian pipeline company over its expansion plans.

WHAT: Hearing on *Campbell v. Enbridge* and *Enbridge v. Dane County* (Judge Peter Anderson presiding)

WHEN: Monday, July 11, 1:30 p.m.

WHERE: Dane County Courthouse
6th Floor, Courtroom 6A — Branch 17
217 S. Hamilton Street, Madison

350 Madison won a significant victory 15 months ago when the Dane County Zoning Committee required that Enbridge obtain cleanup insurance. Dane County imposed the requirement as a condition of approving Enbridge's Waterloo pump station, which is part of the company's plan to triple the volume of tar sands oil flowing through Line 61. At full capacity, the pipeline would carry 1.2 million barrels per day through the state, 45% more than the now-rejected Keystone XL.

Enbridge v. Dane County concerns Enbridge's demand that Dane County remove the insurance requirement from the pump station permit on the basis that it was invalidated by a state budget provision adopted as part of the 2015–17 state budget. The county has refused to comply, arguing that the insurance requirement was foundational to its approval of the permit, and that without the requirement, the permit could not have been granted at all.

In *Campbell v. Enbridge*, seven landowners with property adjacent to the pump station assert that the state budget provision, apparently inserted at Enbridge's behest, barred the *county* from enforcing the insurance requirement but did not similarly bar enforcement by affected landowners, and is also not retroactive. Enbridge has moved to dismiss the complaint. The landowners ask the court to enjoin Enbridge from opening its expanded pump station unless it has purchased the cleanup insurance demanded by the county zoning committee.

The landowner lawsuit was originally assigned to Judge Richard Niess, but he consolidated it with Enbridge's case before Judge Anderson because of numerous overlapping issues. Judge Anderson will hear argument on motions for summary judgment and dismissal in both cases starting at 1:30 on Monday, July 11, in the County Courthouse, Courtroom 6A. The hearing is open to the public, and Judge Anderson has indicated that he will rule from the bench. The key legal question appears to be whether the judge will find that sections [59.69\(2\)\(bs\)](#) and [59.70\(25\)](#) of the Wisconsin Statutes, enacted as part of the budget on July 12, 2015, should be interpreted to be retroactive to April 21, 2015, when the county issued its permit.

The legal papers are available online:

- [Enbridge Initial Brief in Consolidated Action Before Judge Anderson](#) (4/25/16)
- [Landowner Response to Enbridge Motion to Dismiss](#) (3/24/16)
- [Enbridge Motion to Dismiss Landowner Lawsuit Against Enbridge for Enforcement of Insurance Provision](#) (3/2/16)
- [Landowner Lawsuit Against Enbridge for Enforcement of Insurance Provision: Complaint for Injunction](#) (2/8/16)
- [Enbridge Petition for Writ of Certiorari Against Dane Co., Dane Co. ZLR, and Dane Co. Bd. of Supervisors](#) (1/4/16)

Questions? Looking for an interview? Contact Peter Anderson, 608-231-1100 / cell 608-444-2817, anderson@recycleworlds.net.

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The 350 Madison Climate Action Team is dedicated to achieving a just transition to a reduction in atmospheric CO₂ below 350 parts per million (ppm) by working locally in concert with a powerful global movement.