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Lansing Council to decide whether to fight pipeline

By DANIEL STURM

As Lansing City Council gets ready to decide next week whether to oppose the new route proposed by the Wolverine Pipe Line Co., it might want to consider these factors:

— A month before 71,000 gallons of gasoline spilled out of Wolverine's pipeline in Jackson County, the U.S. Accounting Office issued a disturbing study that found that the U.S. Office of Pipeline Safety had not enforced 22 of 49 safety regulations passed by Congress in 1988.

Ingham County Commissioner Lisa Dedden photographed the remains of the Wolverine Pipe Line Co. gas spill in Blackman Township in Jackson County in January 2002, 18 months after the spill occurred. Dedden said, "I could still see the gasoline floating up in the water."

— In May 2001, a Michigan Senate Democratic task force concluded that a rupture like the Jackson County pipeline break "might not have occurred if Michigan had in place an effective monitoring, oversight mechanism."

— The same task force said the lack of oversight allowed companies such as Wolverine to turn a blind eye to what might constitute a "potential safety hazard for the people of this state."

— Wolverine's Jackson County incident was not the first fuel leak in Michigan. The number of dangerous leaks in Michigan has more than doubled during the past decade, due to digging, broken welds and other problems. According to the Office of Pipeline Safety, since 1984 there were 87 pipeline incidents in Michigan, ranking Michigan eighth for pipeline spills for that period. From 1997 to 2001, the state Department of Environmental Quality identified 17 river miles polluted solely by oil and grease due to leaks, spills and other causes such as automobile runoff.

Despite such concerns, the state Public Service Commission approved the new route through south Lansing last week. City Council appears poised to vote against the route, which would utilize the I-96 corridor. But even if it doesn't, Ingham County Commissioner Lisa Dedden, whose district includes South Lansing, said she will do whatever she can to fight Wolverine.

In January, a year and a half after the Jackson County spill that forced 1,000 residents from their homes, Dedden took her camera to the site in Blackman Township. "I could still see the gasoline floating up in the water," Dedden said.

At a Committee of the Whole meeting on July 25, Council members heard City Attorney James Smiertka tell them: "The administration recommends against the pipeline because of the unreasonable risk to future drinking water supplies." Dedden and Lansing Mayor David Hollister went on the record before the commission as strongly opposed to the pipeline route.

Hollister

Smiertka presented two possible resolutions. The first would reject Wolverine's plans to build a pipeline along I-96. The second would approve the application permit, but require strict compliance with extra safety measures called for by the Board of Water & Light. Both resolutions will be on the agenda of City Council's Aug. 5 meeting on the 10th floor of City Hall.

Smiertka said if the Council rejects the pipeline, the administration would ask the Council for permission to appeal the commission's decision. Wolverine can then apply for a new route, sue the city or ignore the decision. Ignoring the city's denial would force the city to go to court.

In the city's petition to the commissioner, Hollister questioned the company's good faith, claiming it downplayed serious concerns over the pipeline's effect on local residents and businesses as simply "not in my back yard" objections. Hollister pointed out that the 25,777 people living along the suggested route – 1,330 more than along the existing pipeline route in Meridian Township — were a relevant factor, as was the safety of the water supply for 220,000 people.

Using apparent sarcasm, Hollister referred to Wolverine as a "wonderful corporate citizen." He said the company trivialized the Blackman Township incident, by dismissing Lansing's reference to it as a "catastrophe." The mayor concluded: "Wolverine only considers the direct loss of life to be a bona fide catastrophe."

Dedden

Wolverine argues on its Web site that “rumors were spread” about the Blackman Township spill. The company claims there was no contamination of water supplies, nobody was injured, and every homeowner was reimbursed for damages associated with the spill. Vice President Leslie C. Cole said in an interview that Wolverine has been in business since 1953 and has “never contaminated a drinking water well.” As with any spill, the gasoline quickly floated to the surface, “which makes it easy to pick up.” Cole said that because shallow ground water is separated from the main aquifer, gasoline would probably never reach it. Cole asserted that Wolverine exceeded state and federal pipeline standards.

The Hollister administration questioned this in petition to the commission. “Does that mean they didn’t follow these policies and ignored applicable standards when building and operating their Blackman Township pipeline? Or does it mean that even with the best safeguards possible, pipeline accidents do occur?”

Wolverine has agreed to 21 extra safety measures requested by BW&L, such as monitoring wells, an on-site construction inspector and monthly pressure testing to detect leaks. BW&L general manager Joseph Pandy Jr. said he doesn’t support the construction of any oil pipeline near drinking water resources. However, in case the Council accepts Wolverine’s proposal, Pandy suggested to the Committee of the Whole that these revisions be added to minimize risks.

Dedden said such safety measures are immaterial. “No matter how safely Wolverine constructs its pipeline — the risk inevitably increases when it’s located in densely populated areas.” Population density was the reason the commission rejected Wolverine’s initial plan to replace part of the existing pipeline in Meridian Township, prompting Wolverine to propose the new route.

Dedden said running the pipeline through south Lansing was an example of ethnic and economic discrimination. According to United States Census 2000 data, 30 percent of the population along the six tracts of the proposed I-96 route is of minority descent. This is 20 percent more than along the five tracts of the existing Meridian route. Respectively, the average incomes along the same routes are \$49,784 in Lansing and \$83,393 in Meridian Township.

Hollister and Dedden argue if the route through Meridian is too dangerous the same logic should apply for a route through Lansing. Dedden, an attorney who as a commissioner represents 20,754 south Lansing residents, said it’s usually hard to use an equal protection argument. But this case is different, because there are similarly situated persons within the same region.” Thus Dedden and the city argue the pipeline would “unlawfully discriminate against minorities.”

Dedden said Wolverine's decision to withdraw the Meridian Township portion of its original application was based purely on the recognition of a potential economic lobby. "They realized Meridian was too hard to fight, because there were people with resources. Then they saw I-96 and chose this path." However, a rebellious City Council led by Hollister "made them aware this is not the right path." Dedden believes if the City Council rejects Wolverine's proposal, the company could pursue another of six possible routes. "They will look at less populated areas where they would have to make acquisitions of private property." Wolverine is not saying if it will choose an alternate route or take the matter to court on the grounds that the city does not have sufficient authority to ban the use of the I-96 corridor.

The Public Service Commission and Wolverine argue the route along I-96 was as good as it gets. "There were no residents within 50 feet of the pipeline and only a handful even within 150 feet of the pipeline. That was attractive to the commission," said spokeswoman Mary Joe Kunkle. The commission also concluded that the number of residents along the route didn't necessarily correspond to the number of those living within a zone of potential peril, in the instance of a pipeline failure. They shared Wolverine's opinion that the proposed pipeline was safe because there were no residences within 50 feet.

The proposed pipeline route is the lower thick rule with arrows just above it.

But Dedden argued these were "arbitrary distinctions at best, and rather seem calculated to mislead the commission and the public." She said Wolverine didn't present data to indicate that only persons residing within less than 150 feet would be affected by an accident. Even the "Muhlbauer model," upon which Wolverine experts rely for their risk assessment, utilizes a standard of 660 feet: either one-eighth of a mile on either side of a proposed pipeline or a one-quarter-mile wide corridor along the proposed route. Hollister pointed out that placing a pipeline along a route where more than 9,000 people live clearly does not comply with federal safety standards.

Wolverine's Cole insists that "proximity" is more important than "population density."

Considering the City Council members' critical assessment of the pipeline proposal, there's a strong likelihood that the majority will vote against it on Monday. Councilwoman Sandy Allen, who represents south Lansing, said she plans to vote against it — "Look what happened in Jackson!" Councilwoman Joan Bauer is concerned about the potential risk to Lansing's drinking water, and didn't appear reassured by BW&L's Pandy's reply to her

question, “In the event of a terrible spill – is it possible to remedy it?” “Nothing is impossible, it just takes money,” Pandy said at the meeting Thursday. Councilman Tony Benavides’ argument held the greatest weight: “We cannot put our people of Lansing at risk. This pipeline is going to be here forever. Once we approve it, it could be like Adios Amigos.”

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