From: Holton, Jennifer (MDARD)
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Ananich Urges Snyder To Get Involved With Flint Water Situation

Senate Minority Leader Jim ANANICH (D-Flint) today called on Gov. Rick **SNYDER** to get involved in resolving a water supply issue in his home city that he said is "dangerous for our citizens, especially our most vulnerable young people."

A medical study last week found that lead levels in the blood of children 5 and younger this year are doubled and, in some cases, tripled, spurring swift reaction from Ananich, U.S. Rep. Dan KILDEE (D-Flint) and other Flint leaders (See "Higher Lead Levels In Flint Kids Spurs Legislator Action," 9/25/15).

Ananich wants Snyder to help get Flint back on the Detroit water supply immediately, as opposed to the Flint water supply, which he believes is the source of the lead. The Senator noted the Karegnondi Water Authority should be complete by year's end and Flint can move into that when it's ready.

He wants the state's help in putting a chemical additive into the water that can prevent corrosion in the lead pipes, more bottled water, water filters and a "long-term commitment" to address the city's outdated infrastructure.

"My constituents and I believe the state must act urgently to provide concrete solutions to the public health crisis in the City of Flint," Ananich said. "In speaking with Governor Snyder and his key aides today, I stressed the need to work together on a number of initiatives that will ensure safe water for Flint residents."

The Snyder administration has questioned the findings of the Hurley Medical Center study that concluded that heightened lead levels are due to the water supply.

Snyder Press Secretary Sara **WURFEL** said the Governor spoke with Ananich this morning about how the state can continue working with Flint city leaders. The administration received Ananich's letter and are reviewing his suggestions.

"We deeply share the senator's commitment to making sure all state residents have access to clean and safe water," she said.

The Governor and state agencies have been closely working with Flint leaders on their infrastructure challenges for months, including about providing $4.2 million in grants and restructured loan financing to provide resources needed to locate and fix infrastructure problems and add the carbon filtration system, she said.

The Department of Environmental Quality and the Department of Health and Human Services are testing water and working with Flint residents on issues related to what they can do if they have concerns about the pipes in their homes, Wurfel added.

Senate Bill Calls For Statewide Recycling Reporting

Recycling establishments would have to beef up its annual reporting on how much recyclable materials are collected under a recently introduced Senate bill.

Sponsored by Sen. Mike GREEN (R-Mayville), SB 0507 would require recycling establishments to specify quantities of reportable recyclable material in tons using a volume-to-conversion formula provided by the state.

The recycling establishment could choose to file four quarterly reports or one annual report for the entire fiscal year.

There are currently no statewide recycling reporting requirements in place. Green's bill exempts establishments that recycle fewer than 100 tons per year, end users of recycled product and retailers that collect returnable cans under the 10-cent bottle return law, among others.

The bill comes as the administration continues to promote increasing Michigan residents' access to recycling and looking for ways to fund future endeavors in the recycling arena.

Gov. Rick SNYDER last year rolled out a plan to that end. His administration noted a reliable tracking system is a key component required for making successful recycling estimates and to move the state forward.

Under Snyder's plan, all 83 counties in Michigan should have convenient access to residential recycling by 2017.

The state's assessment in 2014 found only 25 counties offer across-the-board convenient access and that the state's current recycling rate is 15 percent, which the administration would like to double to 30 percent (See "Snyder Recycling Plan: 'Convenient Access' Statewide By 2017," 4/14/14).

In a statement, Tonia **OLSON** of the Michigan Waste and Recycling Association said the data collected from the reporting outlined in the legislation would "provide a more complete understanding of the recycling rate for the state, thus allowing public policy decisions using state resources to be based on accurate information."

Retailers Lose Suit Against Marathon

Three small retailers in Southwest Detroit have lost their federal lawsuit that blames an oil refinery for killing their businesses and creating environmental hazards.

U.S. District Judge Patrick **DUGGAN** found no legal basis for claims against the refinery operator, Marathon Petroleum Co.

At the center of the conflict is the impact on the Oakwood Heights neighborhood of Marathon's Detroit Heavy Oil Upgrade Project that began operations in November 2012. The affected area is south of Fort Street, the River Rouge, South Dix Street and Schaefer Highway near Interstate-75.

The refinery is the only one in Michigan and has about 525 employees.

Marathon launched a residential buyout program in the run-up to the project that expanded the refinery's crude oil capacity. The company purchased at least 277 of the 294 homes in the heavily industrialized neighborhood, most of them built in the 1920s for workers and their families.

The result: financial losses for businesses whose customers moved away, the suit claimed. Meanwhile, business and commercial property owners weren't offered buyouts through that program.

Marathon communications manager Jamal**KHEIRY** said, "From time to time we will purchase -- or explore the possibility of purchasing -- properties that may be available. We don't discuss specifics of these opportunities."

"If there is no business, what's the good of having a business here if you're not making any money?" said Dave **SINGH**, the owner of Universal Lock & Security Service Inc., one of the retailers that filed the suit.

Singh, whose locksmith shop has been in the same location since 1932, said he's laid off all his employees. "We are small businessmen and they are closing so many businesses. We have nothing more."

The other two plaintiffs are House of Hardtops Inc., a used car dealership, and Moss & Associates Inc.

Marathon hasn't offered to buy him out, Singh said, adding, "If they come I will sell it today. If they give me a good price, I'll retire."

In court papers, Marathon said it had a "legitimate business reason for the program -- creating green space for its expanded refinery."

But James **GIDDINGS**, a lawyer for the businesses, said, "It's been depopulated basically. There are a few hangouts there.

"That area has been extremely degraded by Marathon and others. Our legal theory is this wasn't some noble effort to save green space," but rather to get rid of potential environmental claims," said Giddings, of Williamston.

In the court decision, Duggan said, "While parts of Oakwood Heights are zoned residential, one need not strain the imagination to envision the environmental impact an oil refinery would have on nearby properties."

The suit sought damages for intentionally interfering with business relationships and for creating a nuisance from air pollution.

First, the businesses asserted that Marathon's property purchase program was a ruse to reduce its potential liability for environmental contamination and to cause their property values "to plummet so it can acquire the properties in the future" to expand the refinery "for less than the market value." As they contended in a court filing, Marathon "knew that the residential property purchase program would drive the plaintiffs out of business so their lands could be acquired cheaply."

Duggan rejected that argument, finding no evidence that Marathon acted maliciously to interfere with the businesses or that the company deliberately concealed information from Oakwood Heights residents.

"There is nothing inherently wrong or improper about Marathon's desire to expand the Detroit Refinery's operations and to purchase surrounding property to facilitate this expansion," Duggan said. "Nor is there anything improper about offering neighborhood residents a buyout, even if the buyouts were motivated by a desire to stem further liability."

That's true even if the company knew that buying the homes would "depopulate" the neighborhood and hurt the remaining local stores," he said.

For their second claim, the businesses accused Marathon of creating a nuisance by increasing the emission of contaminants carried by the air onto their properties. According to the suit, "During the last 42 years, the owners of the refinery have been sued at least four times by nearby residents alleging the refinery caused a nuisance as to them by polluting their air."

However, Duggan said the businesses failed to offer enough evidence to proceed and "do not endeavor to explain how the emissions interfered with their use and enjoyment of their properties, let alone how the interference was unreasonable in light of the Detroit Refinery's utility."

Marathon's Kheiry said Department of Environmental Quality (DEQ) data shows that pollutant emissions from the refinery account for about 3 percent of industrial emissions within a 4-mile radius of the facility.

He also said emissions are below the level allowed by its DEQ permit and that "the refinery has reduced its emission by more than 70 percent over the past 15 years" despite increased output.

Giddings said his clients haven't decided whether to appeal.

*(Contributed by Capital News Service Correspondent Eric **FREEDMAN**.)*

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