

JOAN LARSEN ON THE ENVIRONMENT

Highlights:

- Joan Larsen was against the environment.
 - Larsen sided with a pipeline over the environment.
 - Larsen protected an oil pipeline that had a history of spills.

Larsen Was Against The Environment

LARSEN SIDED WITH A PIPELINE OVER THE ENVIRONMENT

A Natural Gas Pipeline From Ohio To Michigan Applied And Was Granted Permits To Begin Construction

The NEXUS Pipeline Project Involved The Construction, Operation, And Maintenance Of A 257-Mile Natural Gas Pipeline System From Ohio And To Michigan. According to the United States Court of Appeals Sixth Circuit, “The \$2.1 billion NEXUS pipeline project involves the construction, operation, and maintenance of a 257-mile natural gas pipeline system originating in Ohio and running into Michigan. The project also includes the construction and operation of four natural gas compressor stations along the pipeline. Two of those compressor stations—one located near Waterville, Ohio and another located near Wadsworth, Ohio—are at issue in this case.” [United States Court of Appeals Sixth Circuit, [2/21/19](#)]

Environmental Groups Appealed The Nexus Pipeline Permits On Grounds It Could Impact The Environment

The Three Groups Filed To Appeal The Permit Of The Pipeline But Had Their Appeal Dismissed. According to the United States Court of Appeals Sixth Circuit, “In October 2016, Protecting Air for Waterville and Neighbors Against NEXUS appealed the Ohio EPA's permit issuance for the Waterville Compressor Station; Sustainable Medina County appealed the Ohio EPA's permit issuance for the Wadsworth Compressor Station. All three citizen groups appealed to the Ohio Environmental Review Appeals Commission (ERAC), which has jurisdiction to hear appeals from certain actions of the Ohio EPA Director. See Ohio Rev. Code §§ 3745.04, 3745.07. In August 2017, while discovery was ongoing, NEXUS filed motions to dismiss the ERAC proceedings for lack of subject-matter jurisdiction, claiming that the Natural Gas Act, 15 U.S.C. § 717r(d)(1), vests jurisdiction over such appeals exclusively with the United States Courts of Appeal. ERAC agreed and dismissed the appeals.” [United States Court of Appeals Sixth Circuit, [2/21/19](#)]

The Groups Argued That The Pipeline Could Affect The Environment If A Leak Occurred Or Cause Pollution.

According to the United States Court of Appeals Sixth Circuit, “The petitioners have a clear interest in the outcome. They live close to the facilities in question. A leak could cause an explosion. If the proposed facilities are built, their property values may decrease, they may be exposed to air pollution, and their peace and quiet may be disturbed by two noisy factories.” [United States Court of Appeals Sixth Circuit, [2/21/19](#)]

Larsen Dismissed The Appeal From The Three Groups Challenging The Pipeline

Larsen Opined That The Three Had No Standing To Challenge The Pipeline Permits And Dismissed The Petition.

According to the United States Court of Appeals Sixth Circuit, “LARSEN, Circuit Judge. Three citizen groups, Protecting Air for Waterville, Neighbors Against NEXUS, and Sustainable Medina County, challenge air pollution permits issued to NEXUS Gas Transmission for two natural gas compressor stations along NEXUS's natural gas pipeline. But the citizen groups have not demonstrated standing to challenge the permits. We are therefore required to DISMISS their petition for review for lack of jurisdiction.” [United States Court of Appeals Sixth Circuit, [2/21/19](#)]

LARSEN PROTECTED AN OIL PIPELINE THAT HAD A HISTORY OF SPILLS

The National Wildlife Federation Sued Enbridge Energy Over The Line 5 Pipeline Who Over The Years Had Approximately 269 Oil Spills Or Leaks, A District Court Agreed And Ordered Enbridge To Comply With

Environmental Laws. According to People For The American Way, “Line 5’ is a major pipeline that has carried oil across the Great Lakes region in Michigan and Wisconsin for a number of years. Enbridge Energy, which operates Line 5, submits periodic plans to the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as required by the Clean Water Act (CWA), to address the risks of oil spills.[...] From 1999 through 2016, however, there were some 269 oil spills or leaks from Enbridge, resulting in more than three million gallons spilled. The agency approved several Enbridge plans over the last five years. The National Wildlife Federation (NWF) contended, however, that the agency had improperly failed to comply with ESA and NEPA before approving the plans and filed suit. A district court agreed with NWF and ruled that the agency should comply with both laws requiring consideration of potential environmental impact before approving the plans.” [People For The American Way, [7/17/20](#)]

Larsen Joined A Ruling That Reversed The District Court Ruling That A Federal Agency Had To Comply With The Endangered Species Act (ESA) And The National Environmental Policy Act (NEPA) Before It Approved Plans By An Oil Pipeline Operator. According to People For The American Way, “Trump Sixth Circuit judges Amul Thapar and Joan Larsen issued a 2-1 decision that reversed a district court ruling that a federal agency had to comply with the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) before it approved plans by an oil pipeline operator to deal with the serious risks of oil spills. The June 2020 case is National Wildlife Federation v. Secretary of the United States Department of Transportation.” [People For The American Way, [7/17/20](#)]