

Expert knocks 'polluters pay' law

By Tim Richard
staff writer

An attorney shocked an environmental conference by saying Michigan's tough new "polluters pay" law can lead to urban sprawl.

"Such laws can and do promote sprawl," said David Bruegel, a specialist in environmental law with the Detroit-based firm of Dickinson, Wright, Moon, VanDusen and Freeman.

The law's criminal sanctions, including jail terms and fines, are "a potential disincentive to the business person to be creative and find a new use for land," he said. Thus, investors will tend to opt for undeveloped land — urban sprawl — rather than communities where roads and utilities already are in place.

Bruegel, of Bloomfield Township, does work for Oakland County, businesses and financial institutions. The "polluters pay" bill, which takes effect July 1, amends the state's environmental response act with faster enforcement procedures to clean up hazardous wastes.

BESIDES GASPS from the audience attending a day-long workshop sponsored by the Southeast Michigan Council of Governments, Bruegel's remarks drew a retort from state Rep. James Kosteva, D-Canton.

"I can't stand idly by and allow Bruegel to portray the act as a black plague on development," said Kosteva, who was vice chairman of the House Conservation Committee which last summer rescued and rewrote the bill after it died in the Senate.

"Members of the Small Business Association, Michigan Bankers Association and Michigan Manufacturers Association all were sitting at the exact same table as the environmentalists in negotiating this act," Kosteva said.

He said the new law will allow allocation of costs between parties rather than socking one with total liability. And it provides for a negotiating board outside the state Department of Natural Resources to review cleanup costs. "Never before has a state law allowed a process outside the department," he said.

SEMOG's workshop at Mercy College of Detroit drew several hundred local officials, real estate people and academics. It is part of a year-long regional development initiative.

SEMOG's chief concern is that in the next 20 years, population in the seven-county region will grow by only 6 percent while developed land will increase by 40 percent at current rates. Such urban sprawl's twin evils are 1) enormous governmental costs for roads, water and sewers and 2) abandonment of already developed land and communities.

BRUEGEL DIDN'T reply publicly to Kosteva but in an interview later indicated business people may have acquiesced to the negotiations process while still being unhappy with the "polluters pay" law.

He told the conference the law gives bankers a disincentive to lend money for redevelopment. A banker would know that a state-imposed lien for cleanup of hazardous wastes would take precedence over the lender's lien and be in effect a

"super lien."

"These liens may have a major impact on future development. The bank's own assets may be at risk," Bruegel said.

He said the law "reaches back" to judge deeds done innocently or even in conformance with earlier laws and imposes costs for their cleanup.

In effect the law says: "We hold you responsible for rules adopted after the fact or which didn't exist when you acted," Bruegel said. "If you sell (property), you may become liable later, even if you handed materials properly under the law."

While proponents portrayed big corporations as polluters who would pay, Bruegel said the law also applies to small sole proprietors, making them "all the more fearful." Parent companies and executives personally may be held liable.

DETROIT city officials admitted their extension of water and sewer services to suburbia contributed to sprawl.

County loses fight against state prison

The Michigan Supreme Court has handed Oakland County a defeat in its fight against a state prison location in Holly Township.

The high court on a 6-0 vote declined to hear Oakland's appeal "because we are not persuaded that the questions presented should be reviewed by this court."

Conrad Mallett Jr., the newest justice, did not participate in the decision.

The Supreme Court last stand a 3-0 Court of Appeals decision affirming a summary judgment against Oakland and in favor of the state Department of Corrections.

Prodded by commissioner Ruth Johnson, R-Holly, the county charged the Department of Corrections violated criteria in state law in selecting the Holly site.

"Defendant (state) developed a comprehensive plan, but the plan had not yet been approved by the Legislature," said the appeals panel.

"Nevertheless, defendant has moved forward with its site selection process in Oakland County."

"Plaintiff (Oakland) claims that this conduct is prohibited by sec. 16 (requiring a plan) of the statute. We disagree."

The appeals panel said that section doesn't apply to facilities proposed before the comprehensive plan takes effect if sites have not been selected by the effective date.

"Defendant may select sites without a plan and without community involvement until the plan has been approved and takes effect."

Thus, the panel said, Oakland's claim "is legally unenforceable."

The appeals panel included Judges John H. Shepherd, Richard M. Maher and Joseph B. Sullivan.

ATTENTION TAXPAYERS

WANT YOUR REFUND FAST?
TIRED OF THE INCOME TAX PAPER CHASE?

WPM is now offering

ELECTRONIC
TAX FILING

Just follow these three easy steps:

1. Bring me your tax return and all supporting documents.
2. Complete and sign an Authorization to File your return electronically.
3. Bring me your completed return and all supporting documents.

Returns Being Collected For Electronic Transmission
through April 15, 1991 at the following locations:

LATHROP VILLAGE DAY PASS TROY
SOUTHFIELD WESTLAND
LIVONIA

Why Pay More? Call TODAY 557-2707

Dittrich's Fur Exchange

Receive a
Double
Trade-In
Allowance
Now through Saturday

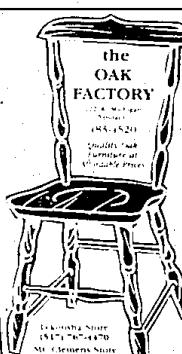


Dittrich's
Since 1918

DEPT. 1379 7379 Third Avenue, Westland, Michigan 48090-1379
BLOOMFIELD HILLS 1515 N. Woodward Ave. Southfield, Michigan 48034-1515
OPEN MON-SAT 10:00-6:00 (SUNDAY 10:00-5:00)
Customer parking on site

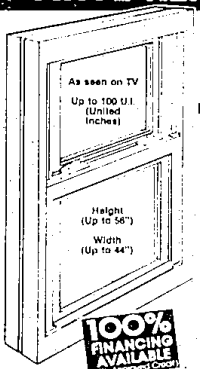
BEAR NECESSITIES

for your
Valentine
Special 6 ft. Ideas for Valentines Day!
The Doll Hospital
& Toy Soldier Shop
2411 W. 12 Mile Ave. #413-3715
Westland, MI 48090-3715



Save Money Every Month!

With WALLSIDE'S Energy-Efficient
VINYL REPLACEMENT WINDOWS



Beat The High Cost Of Home
Heating Bills By Replacing Those
Drafty Old Windows With...

Wallside Window Factory
Double-Hung Vinyl Windows
with Ford Glass

FEATURES:
No Payments
Until April 1991
PER WINDOW INSTALLED
\$199

WE WILL NOT BE UNDERSOLD!
LET US PROVE IT!
FOR A FREE ESTIMATE CALL **272-4400**

THE WALLSIDE ADVANTAGES
EXPERIENCE
FACTORY DIRECT
35 YEAR WARRANTY
Lowest Prices
6" Vinyl Sliding
Patio Doorwall **\$699** PER WINDOW
DETROIT'S LEADING
Manufacturer and
Installer of Energy
Efficient Replacement
Windows

15830 Schofer
Detroit, MI 48227
TOLL FREE
1-800-521-7800
Factory & Showroom, FREE No Obligation In-Home Estimates

Leewards Valentine Values!

Sweatshirts **6.99**
1st quality 15 solid colors to choose from
Adult sizes M-XL
Every Stitchery
Kit in the store!
25% Off

WOW!
Natural & Watercolor
Stems
All Heart
Wreaths
33% Off
33% Off
All dried flowers
33% Off
A large variety of
styles & colors

Paper Ribbon **99¢**
2 1/2" wide in luscious Spring
colors
Candy
Wafers
2/\$3
Easy-to-melt! Create cards
specialties
Mini Mop Kits
3.99
Each includes
everything you
need to start &
finish

On sale Sunday, February 3 through Saturday, February 9
Leewards

STORE HOURS: Mon.-Fri. 9:30-9, Sat. 9:30-6, Sun. 11-6
ROCHESTER HILLS, Lansing, Novi & Ann Arbor 9:30-9
ANN ARBOR 11500 E. University Ave. 48106-1150
LANSING 2711 E. Grand River 48203-2711
ROCHESTER HILLS 2411 W. 12 Mile Ave. 48063-2411
ANN ARBOR 2001 N. Zeeb Rd. 48106-2001
LANSING 2711 E. Grand River 48203-2711