

Judge Halts TransCanada Oil Pipeline Work

RAMIT PLUSHNICK-MASTI, Associated Press

HOUSTON (AP) — A Texas judge has ordered TransCanada to temporarily halt work on a private property where it is building part of an oil pipeline designed to carry tar sands oil from Canada to the Gulf Coast, the latest legal battle to plague a project that has encountered numerous obstacles nationwide.

Texas landowner Michael Bishop, who is defending himself in his legal battle against the oil giant, filed his lawsuit in the Nacogdoches County courthouse, arguing that TransCanada lied to Texans when it said it would be using the Keystone XL pipeline to transport crude oil.

Tar sands oil — or diluted bitumen — does not meet the definition as outlined in Texas and federal statutory codes which define crude oil as "liquid hydrocarbons extracted from the earth at atmospheric temperatures," Bishop said. When tar sands are extracted in Alberta, Canada, the material is almost a solid and "has to be heated and diluted in order to even be transmitted," he told The Associated Press exclusively.

"They lied to the American people," Bishop said.

Texas County Court at Law Judge Jack Sinz signed a temporary restraining order and injunction Friday, saying there was sufficient cause to halt work until a hearing Dec. 19. The two-week injunction went into effect Tuesday after Bishop posted bond.

TransCanada spokesman Shawn Howard said later in a statement that the judge had agreed to push the hearing up to Thursday, Dec. 13.

David Dodson, a spokesman for TransCanada, has said courts have already ruled that tar sands are a form of crude oil. The company said in a statement emailed Tuesday that work on Bishop's property is underway and that the injunction will not have an effect on construction.

"We are on track to bring this pipeline into operation in late 2013," the statement said.

Environmentalists are concerned that if the pipeline leaks or a spill occurs, the heavy tar sands will contaminate water and land. The tar sands, they argue, are more difficult to clean than regular crude, and U.S. pipeline regulations are not suited to transport the product. They also say refining the product will further pollute the air in the Texas Gulf Coast. The state already leads the nation in greenhouse gas emissions and industrial pollution.

In February, another judge briefly halted work on the pipeline in northeast Texas due to archaeological artifacts on the property. The judge later ruled the work could

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resume. The pipeline is being built, although the landowner is fighting the condemnation of her land.

TransCanada wants to build the pipeline to transport tar sands from Alberta to the Gulf Coast, but has encountered roadblocks along the way. To cross the U.S.-Canadian border, the company needs a presidential permit, which was rejected earlier this year by President Barack Obama, who suggested the company reroute to avoid a sensitive environmental area in Nebraska. The company plans to reroute that portion.

In the meantime, Obama encouraged the company to pursue a shorter portion of the pipeline from Oklahoma to Texas, which would help relieve a bottleneck in Cushing. TransCanada received the necessary permits for that southern portion earlier this year and began construction.

But many Texas landowners have taken to the courts to fight the company's land condemnations in a state that has long wed its fortunes to oil.

Bishop owns 20 acres in Douglass, a town about 160 miles north of Houston. He used to raise poultry and goats on the land where he lives with his wife and 16-year-old daughter, he said, but sold the animals about two years ago because of the planned pipeline. Initially, the Vietnam War veteran said, he fought the company's attempt to condemn his land, but settled because he could not afford the lawyer's fees of \$10,000.

Bishop said he settled under "duress," so he bought a law book and decided to defend himself. Since then, he has filed a lawsuit in Austin against the Texas Railroad Commission, the state agency that oversees pipelines, arguing it failed to properly investigate the pipeline and protect groundwater, public health and safety.

Aware that the oil giant could have a battery of lawyers and experts at the hearing later this month, Bishop, a 64-year-old retired chemist currently in medical school, said he is determined to fight.

"Bring 'em on. I'm a United States Marine. I'm not afraid of anyone. I'm not afraid of them," he said. "When I'm done with them, they will know that they've been in a fight. I may not win, but I'm going to hurt them."

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Associated Press writer Josh Funk contributed to this report from Omaha, Neb.

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