

The next proposed legislation on which we would like to comment is S. 2760. The pollution control needs which are highlighted by this bill's proposed amendments to the Water Pollution Control Act are serious problems whose solution definitely requires federal assistance.

LAKE POLLUTION CONTROL

The needs for improved techniques for controlling lake pollution in a state like Michigan, with its numerous inland lakes, are urgent. We endorse the concept of research and demonstrations which would lead to the restoration of these lakes to their full degree of usefulness.

OIL POLLUTION CONTROL

The need for a strengthening and tightening of the legal mechanism for control of oil pollution is also most urgent. The number of incidents of oil pollution from commercial vessels reported to the Water Resources Commission has increased markedly in recent years. These incidents have ranged from the most serious—the foundering of an oil barge in Lower Lake Michigan, with attendant massive fouling of more than 200 miles of beaches during the next summer—to the nearly continuous summertime complaints of swimmers smeared by tar-like fuel oils on our Great Lakes beaches.

The growing rate of complaints has paralleled the increase in number of oil-fueled vessels on the Great Lakes. These have been vessels engaged in lake commerce as well as those in ocean commerce. Nearly all vessels inbound into the Great Lakes through the St. Lawrence Seaway are oil-fueled.

It is apparent that the amendment of the Oil Pollution Act by the Clean Waters Restoration Act of 1966, P.L. 89-753, has been inadequate to cope with the problems we are experiencing.

There are two aspects of the proposed amendments which are essential for adequate oil pollution control:

1. Strengthening the enforcement provisions by removing the words "grossly negligent" and "willful" in the definition of the word "discharge";
2. Creating a revolving fund to finance clean-up measures under critical conditions.

As a pollution control administrator with some 35 years of experience I can personally testify that the requirement of proving "negligence" or "willfulness" provides almost a guarantee of escape from the penalties of a polluting act. Much of the fouling of eastern Lake Michigan's shoreline from the previously mentioned oil-barge foundering could have been prevented had there been provisions and funding for emergency clean-up.

We do not agree with the expansion of Federal authority in one area of oil pollution control, that of shore installations. Vessels engaged in interstate commerce should and must be under Federal authority, but control of oil pollution from shore installations should remain the primary responsibility of the state. To separate oil pollution control within a state on the basis of whether the installation is adjacent to navigable or non-navigable water can only lead to jurisdictional confusion and fractionating of effort. The Michigan interstate water quality standards require that there be "no visible film of oil, gasoline or related materials, and no globules of grease" resulting from a discharge into Michigan waters. The Secretary of the Interior has approved that portion of the standards containing this provision. Michigan statutes are fully adequate to enforce these standards and it is certainly the intent of the Water Resources Commission and its member agencies to do so.

We are encouraged by the bill's authorization for the Secretary of the Interior to enter into agreement with States in the enforcement of the Act. Such agreements could greatly strengthen the Act's enforcement provisions.

POLLUTION BY COMMERCIAL VESSELS

One aspect of pollution with which we are experiencing increasing problems is the indiscriminate overboard disposal of garbage, dunnage, and trash from vessels engaged in commercial navigation. The detrimental effects of these practices grow increasingly worse with the use of plastics and other indestructible containers. Public and private costs in the removal of this debris from Great Lakes' beaches is becoming very substantial. The aesthetic damage is even more serious.