

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, Public Law 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: One, strengthening the enforcement provisions by removing the words “grossly negligent” and “willful” in the definition of the word “discharge; and, two, creating a revolving fund to finance clean-up measures under critical conditions.

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 cleanup.

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 nonnavigable 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.

Mr. WRIGHT. Mr. Oeming, at this point may I ask this: Do you feel that the standards that the State of Michigan has created are fully adequate within the State of Michigan? And certainly that includes the installations that might be on shores. Has your set of standards been approved by the Federal Water Pollution Control Administration?