

Neither the Baltimore city ordinances nor the port authority make any distinction between an oil spill in the harbor caused by a vessel or by a shore installation. The offender is treated the same in each instance. However, since Federal authorities are on scene in each case, the port authority has never taken punitive action against any offender, even though we could do so either by an invocation of the city ordinances or the State laws concerning unlawful discharge of oil.

It is interesting to note that in most cases of a spill caused by a shore installation, the owner or operator will report the spill to us and request our cleanup services. All our investigated spills have been caused by either acts of God or by accident. We have had no case of a willful violation of the oil pollution statutes. In many, but not all, instances, the owners or operators cooperate fully with us in not only reporting the case but actively assisting in shoreside cleanup operations. Where we do enjoy such excellent cooperation, we give him a thank-you letter after we receive payment for our bill, and send copies to the Coast Guard and to the Corps of Engineers, in the event such letter would serve to ameliorate the punitive action which will be taken on the case.

Since I received an invitation to attend his hearing on Monday, April 22, I have not had an opportunity to recommend and obtain an official port authority position on these bills, H.R. 15907, 15906, S. 2760, or to coordinate our position with that of the Maryland State Department of Water Resources. The following comments therefore solely reflect my own personal opinion based on many years of experience in the Coast Guard as well as recent experience with the Maryland Port Authority in the enforcement of Federal, State, and municipal oil pollution statutes.

I will not comment on the provisions of H.R. 15907 or the provisions of S. 2760 insofar as the provisions of that act pertain to matters other than pollution control.

REQUIREMENT FOR CLEANUP IN OPEN WATERS NOT REALISTIC

Although I am in full accord with the principle that the person responsible for an oil spillage should also be held responsible for cleaning it up, I find fault with the wording of H.R. 15906 and S. 2760 requiring the owner or operator of a vessel from which oil is discharged into the contiguous zone or upon the navigable waters of the United States, to remove such discharged oil or be held liable to the United States for the full costs of such removal in the event the owner and operator fails to remove the oil.

The technology for removing oil from the sea has not yet advanced to the point where this is a realistic requirement. In my opinion we cannot at this time successfully and economically remove oil from the open sea or unsheltered waters, and the attempts which have been made to do so have been so costly that there is a question in my mind whether or not the costs incurred in these efforts have not been greater than the cost of repairing the damage done if the oil had been left alone. By the way, the owners, I would assume, would be subject to suit by property owners for damage by oil in addition to these other claims.