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Press Release - Asks for Explanation of Oil Spill Clause in Water Quality Act

Edmund S. Muskie

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MUSKIE

Maine

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FOR RELEASE

Contact:
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June 18, 1971
FOR IMMEDIATE RELEASE

WASHINGTON--Senator Edmund S. Muskie (D-Maine) has requested Secretary of Transportation John Volpe to provide him with a detailed explanation of how provisions of the Water Quality Act of 1970 relating to oil spills are being implemented.

The request was prompted by the Federal Government's response to last week's oil spill in Portland harbor in which action was initiated under the Refuse Act of 1899, rather than under the more stringent provisions of the Water Quality Act of 1970. The maximum fine under the 1899 Act is \$2500. The 1970 Act provides for both criminal penalties and civil penalties of up to \$10,000, in addition to payments for clean-up costs.

"I am sure you will agree," Senator Muskie wrote Volpe, "that failure to implement this law to the fullest extent possible will result in continued disregard for the coastal water of the United States by the owners of vessels carrying oil."

In his letter, Senator Muskie asked for information concerning the number of oil spills since enactment of the Water Quality Act, how many prosecutions have been sought under the 1970 law, and what guidelines for enforcement have been furnished the Coast Guard and U.S. Attorney's offices.

The complete text of the letter follows:

June 8, 1971

Honorable John A. Volpe
Secretary
United States Department of
Transportation
Washington, D.C. 20590

Dear Mr. Secretary:

It has been reported that the Department of Justice has recently initiated action under the authority of the Refuse Act of 1899 to seek penalties for the discharge of oil on Connecticut waters.

Also, I understand that the same law was used to require bond from a vessel which discharged oil into Casco Bay, Maine on June 6, 1971.

Several provisions of Section 11 of the Water Quality Improvement Act of 1970 provide penalties for the discharge of oil and associated requirements, accompanied by sanctions, such as notice, knowing discharge, and liability for removal costs. Executive Order 11548 delegated the enforcement authority to the Secretary of Transportation, which is apparently shared with the Department of Justice.

I would be interested in knowing whether the provisions of the Act - including penalties - were fully applied in these two incidents.

Could you also provide the following information bearing upon the implementation of the Act:

- a) How many oil spills have there been since date of enactment of the Water Quality Improvement Act?
- b) How many of those responsible for these oil spills supplied notice as required by subsection (b) (4)?
- c) How many prosecutions have there been for failure to notify? What justification exists for difference, if any, between total spills and unprosecuted failures to give notice?
- d) How much money has the Federal Government expended in removal costs to date? How much of this money has been recovered pursuant to the liability provision?
- e) How many prosecutions have there been for the knowing discharge violation under subsection (b) (5)?
- f) How many prosecutions have there been for violations of regulations under subsection (j)?
- g) What guidelines to enforce Section 11 have been furnished to Regional Coast Guard and EPA offices and U.S. Attorney's offices?

I am sure you will agree that failure to implement this law to the fullest extent possible will result in continued disregard for the coastal waters of the United States by owners of vessels carrying oil.

I would appreciate your early response to this inquiry

EDMUND S. MUSKIE, U.S.S.
Chairman, Subcommittee on Air & Water
Pollution