Stronger Rules Needed to Stop Oil Spills

JEFF KAROUB, Associated Press

DETROIT (AP) — States should approve their own rules to protect the Great Lakes basin from oil pollution because federal laws inadequately address the problem, according to a new report written in response to a massive oil spill in southern Michigan.

The report released Monday by the National Wildlife Federation and University of Michigan Law School concluded there's no review of long-term risks related to oil-pipeline routing decisions and states have a "critical opportunity" to minimize impact before construction. The report says stronger rules are needed to prevent spills such as the July 2010 accident near Marshall that released more than 800,000 gallons of oil into the Kalamazoo River and Talmadge Creek.

Sara Gosman, the report's lead author, said during a conference call that she was surprised to learn from her research that there is no federal oversight for routing of oil pipelines and that the federal process focuses only on reducing risk once a given pipeline is already in an environmentally vulnerable area. Only three Great Lakes states — Michigan, Minnesota and Illinois — require permits specifically for new oil pipeline construction.

The report said Michigan's process is comparatively minimal: Applicants propose a pipeline route and it's typically approved if found to be reasonable and pipeline companies must minimize physical impact and environmental damage that results from construction and repair. By contrast, Minnesota accepts a limited number of proposals and ultimately selects the approved route for the pipeline.

The report also found that Enbridge had no responsibility to report the rupture and spill to Michigan officials, as the state has specifically exempted pipelines form its reporting requirement. Transportation-related facilities are frequently exempted from state requirements for reporting of oil spills.

Michigan Department of Environmental Quality spokesman Brad Wurfel said his department looks forward to reviewing the report.

The pipeline that ruptured about 60 miles east of Grand Rapids and caused the spill is operated by Calgary, Alberta-based Enbridge Inc. and runs from Griffith, Ind., to Sarnia, Ontario. Cleanup continues as well as an investigation into the cause of the rupture.

A three-mile segment of the Kalamazoo River recently reopened for public use. Federal environmental officials have said they will determine when to reopen an additional 25 to 30 miles of the river — about three-quarters of the area that was affected by the spill — after receiving an analysis from experts around the end of May.

The U.S. Environmental Protection Agency's efforts during the past year have focused largely on removing submerged oil from a roughly 200 acres of river bottom, using boats and heavy equipment to jolt the oil to the surface. The agency will change tactics this year by installing structures that will capture oil as it flows naturally with the current.

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