



# Environmental News

FOR IMMEDIATE RELEASE  
TUESDAY, APRIL 15, 1980

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GOVERNMENT ABOUT  
TO RUN OUT OF  
MONEY TO CLEAN  
UP HAZARDOUS  
CHEMICAL AND  
OIL SPILLS

"The Federal government may soon lose much of its ability to protect the public from dangerous chemical and oil spills," Environmental Protection Agency Administrator Douglas M. Costle warned today. Costle noted that a special fund set up to pay for Federal spill clean-up is in danger of being depleted.

"Money from the fund has been vital to the government in dealing with such dangerous incidents as Love Canal in upper New York State and the recent kerosene spill that threatened the drinking water of Northern Virginia," Costle said. "If another incident similar to Love Canal were to occur tomorrow, it is doubtful that we would have adequate means to give the public even a minimal amount of the protection it needs and deserves."

Costle said that only about \$3.2 million remains in the fund to respond to environmental emergencies and that the fund could run out of money in the near future. A supplemental appropriation of \$21.3 million submitted by the U.S. Coast Guard to replenish the fund is now pending before Congress.

The fund -- established under Section 311 of the Clean Water Act -- provides Federal funds for clean-up of spills and other incidents involving the pollution of waterways. (More comprehensive "superfund" legislation now also being considered by Congress would, by contrast, provide broader protection to include incidents not involving waterways.)

"The existence of the fund gives the Federal government the capability to contain and clean up spills and other uncontrolled discharges of chemicals and oil into U.S. waterways," Costle said. "If Congress does not act swiftly on the supplemental request, the Federal government will not be able to take actions to protect the public health in an environmental emergency. Should the fund be depleted -- which could occur in a matter of weeks -- the public would not have the protection Congress intended when it passed the 1977 Clean Water Act and previous legislation."

"At this very moment, the Federal government is involved in cleaning up a number of incidents that could have a severe effect on the health of people and the environment," the Administrator said. "These incidents alone could exhaust the fund if carried to completion, even if no new emergencies develop in the meantime. At the current rate of expenditure for ongoing clean-up actions at three sites in Tennessee, Pennsylvania and Indiana, costs could ultimately exceed \$30 million. This is greatly in excess of what now remains in the fund."

Section 311(k) of the Act provides that a fund of \$35 million be maintained for use by EPA and the Coast Guard to respond to spills of oil and designated chemicals and other emergencies involving water pollution. Congress intended that those responsible for a spill would repay the fund, within the limits of established liability, for any money used by the Federal government in its response; hence, the fund is known as a "revolving" fund. In practice, however, it is impossible in some cases to determine who is responsible; in other cases the responsible parties are able to tie up in court the process of recovering clean-up costs. In such cases, the costs are never recovered or, at best, are only partially recovered by the government. Such situations have reduced the amount of money available in the fund to deal with future incidents.

Congress has acted several times in recent years to replenish the fund when it was in danger of being depleted.

In the three incidents mentioned by Costle, money from the Section 311 fund is being used to pay the costs of dealing with serious environmental problems. At the Hollywood chemical dump site in north Memphis, Tennessee, it could cost over a million dollars to stop chemical discharges into the Wolf River; up to \$20 million could be needed to find a permanent remedy. In Pittston, Pennsylvania, \$10 million may be needed to control the chemicals and oil that have been seeping from an abandoned mine into the Susquehanna River since mid-1979. Up to \$800,000 will be needed to abate the discharge of chemicals from a site in Seymour, Indiana; at this site, about \$500,000 from the fund has been spent in the past two weeks alone.

Almost on a daily basis, new abandoned waste sites are discovered or new spills occur that further compound existing problems. These new incidents are occurring at a daily rate that will make it difficult for the Federal government to respond effectively to abate the immediate threat posed by these sites and spills, even when the supplemental funds are made available.

Moreover, the Section 311 spill response program applies only to incidents in which surface waters are contaminated. "Superfund" legislation also pending before Congress would enable the government to respond to other types of chemical emergencies, too, since it would also apply to incidents other than those affecting surface waters. In addition, it would remedy the present funding problem by placing fees on oil and certain chemicals. This would greatly reduce the current dependence on the supplemental appropriations process. ]\*

EPA's spill response program requires that the Coast Guard be notified immediately when a spill occurs. It also enables EPA and the Coast Guard to take clean-up action if those responsible for a spill do not respond adequately. Those responsible are subject to fines of up to \$250,000, in addition to being liable to pay the government back for any of its clean-up costs.

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