



Update oil spill response

By Mollie Matteson,
Commentary
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In a little over two years, the amount of crude oil traveling down the Hudson by rail or barge has jumped from virtually none to over a billion gallons annually.

And the explosive growth in the transport of the highly combustible crude along the Hudson is just getting started.

Industry will be allowed to roughly triple the flow of crude through the region to nearly 3 billion gallons a year under permits already approved by the state Department of Environmental Conservation. And the agency has given the OK for a warming facility at Albany that would enable the local transport of Alberta tar sands, a heavy, viscous substance that sinks straight to the bottom of waterways when spilled, and can take years to clean up.

But despite the rush to dramatically boost the movement of crude oil through the region, regulatory officials have failed to update the oil spill response plans that, in theory, would protect residents and wildlife — including 17 endangered species — from the rapidly escalating risks.

Known as the New York and New Jersey Area Contingency Plan, the multi-agency strategy to prevent and respond to oil and hazardous waste spills in New York Harbor and the lower

Hudson River requires updates every three years to keep pace with the ever-changing nature of materials flowing through the region.

It's a requirement on which regulators have fallen woefully short.

The regional safety plan was last updated in 2011, a time when 443 million barrels of oil transited the port of New York annually, virtually none of it crude oil that had moved through Albany.

By contrast, last year more than a billion gallons of Bakken crude oil alone passed through Albany.

When and where it was transported has not been made public, leaving local fire and rescue workers and the communities they serve in the dark about the mounting risks they face every day as trains carrying crude oil move past their homes, schools and businesses. The regulatory agencies have also failed to consult with the U.S. Fish and Wildlife Service — as mandated by the Endangered Species Act — to determine the increased risk to the federally protected species, including Atlantic sturgeon, sea turtles and piping plovers.

As a result, the conservation organization where I work as a biologist filed a formal notice of intent last month to sue the U.S. Coast Guard and Environmental Protection Agency for failing to update the oil spill plans.

Public awareness of the unprecedented safety issues has surged since July 2013 when an oil train carrying Bakken crude from North Dakota derailed and exploded in the small town of Lac-Mégantic, Quebec, killing 47 people, incinerating part of the downtown, and spilling 1.5 million gallons of oil, much of it into the nearby lake. Since then, fiery derailments of oil trains, sometimes pulling 100 tanker cars or more, have occurred in North Dakota, Alabama and New Brunswick.

In response, the federal Pipeline and Hazardous Materials Safety Administration issued a tardy safety alert in early January warning that Bakken crude poses a particular risk because of its flammability.

Then the U.S. National Transportation Safety Board and Transportation Safety Board of Canada issued a joint statement expressing concern "that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an accident."

But as of yet, there have been no concrete steps to increase protections for residents or wildlife.

Mollie Matteson is a wildlife biologist who works as a senior scientist for the Center for Biological Diversity in Richmond, Vt.