

# EPA, other agencies seek more careful review of oil pipeline

April 14 2016, by David Pitt

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The Environmental Protection Agency and two other federal agencies have asked the U.S. Army Corps of Engineers to more carefully review and revise its preliminary plan for the Dakota Access oil pipeline, saying it should pay closer attention to the impact a spill would have on drinking water for Native American tribes.

Besides the concerns over water for the tribes near the pipeline route, the EPA, Department of the Interior and Advisory Council on Historic Preservation also want a better look at whether the route would disturb historic sites.

The pipeline will cross through Illinois, Iowa, North Dakota and South Dakota. Dakota Access, a unit of Dallas-based Energy Transfer Partners, has received state permits to proceed with the 1,168-mile pipeline, which will carry nearly half a million barrels of oil a day from northwestern North Dakota's Bakken oil fields. It awaits final federal approval from the corps, which has jurisdiction over portions of the pipeline that cross public waterways including the Missouri and Mississippi rivers and must consider impact on historical sites, animal habitat for threatened species and the environment.

The corps' Omaha District is responsible for the project in South Dakota and North Dakota, where the pipeline crosses the Missouri River. Corps officials in Omaha released a draft environmental assessment in December that concluded the company's proposed route "is not expected to have any significant direct, indirect, or cumulative impacts on the

environment."

In March, corps officials received letters from the EPA, Interior Department and Advisory Council on Historic Preservation criticizing that evaluation.

The EPA said the corps should better assess the potential impact of a pipeline leak to [drinking water](#) sources for Native American tribes. Philip Strobel, an EPA official responsible for ensuring compliance with the National Environmental Policy Act, said the Missouri River is used as the drinking water supply for much of western South Dakota and five Tribal Nations—the Cheyenne River, Crow Creek, Oglala, Rosebud and Lower Brule Sioux tribes.

He questioned the corps' draft assessment conclusion that says there is minimal risk of an oil spill to water resources, noting the pipeline crosses the Missouri just 10 miles above the drinking water intake for Fort Yates, North Dakota, the headquarters for the Standing Rock Sioux Tribe.

"There would be very little time to determine if a spill or leak affecting surface waters is occurring, to notify water treatment plants and to have treatment plant staff on site to shut down the water intakes," Strobel said.

A March 29 letter from an Interior Department official said the corps must more adequately justify its conclusion that there would be no significant impact on the environment. And a letter from an official at the Advisory Council On Historic Preservation said the corps should expand its review of the project to include the potential impact on historic properties in consultation with affected Native American tribes.

A spokeswoman in the corps' Omaha office said the concerns are under

review.

"We're evaluating real concerns and real issues that have been brought to our attention through public comments, and it's our responsibility to recognize those concerns and ensure that the applicant addresses them," Eileen Williamson said.

A spokesman for the corps' Rock Island District, which oversees the Mississippi River crossing and others in Iowa and Illinois, said the agency's work assessing the project with the U.S. Fish and Wildlife Service and other agencies continues. Ron Fournier said permits aren't expected to be issued until at least June if all goes smoothly.

The corps has adequately addressed the portions of the project under its jurisdiction, a spokeswoman for Dakota Access said.

"They are the experts in this area and we believe they have done an excellent job addressing any comments received to date," Vicki Granado said.

She said the corps' jurisdiction involves just 3.5 percent of the entire [pipeline](#) and a more thorough environmental impact statement is not required and would be a misuse of taxpayer money.

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