§ 153.105

§153.105 FWPCA delegations and redelegation.

The delegations and redelegations under the Federal Water Pollution Control Act (FWPCA) [33 U.S.C. 1321 *et seq.*] are published in §1.01–80 and §1.01–85, respectively, of this chapter.

[CGD 91-225, 59 FR 66485, Dec. 27, 1994]

§153.107 [Reserved]

§153.109 CERCLA delegations.

The delegations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) are published in §1.01-70 of this chapter.

[CGD 83-009, 49 FR 575, Jan. 5, 1984]

Subpart B—Notice of the Discharge of Oil or a Hazardous Substance

§153.201 Purpose.

The purpose of this subpart is to prescribe the manner in which the notice required in section 311(b)(5) of the Act is to be given and to list the government officials to receive that notice.

§153.203 Procedure for the notice of discharge.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of section 311(b)(3) of the Act,

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immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, toll free telephone number 800-424-8802 (in Washington, DC metropolitan area, (202) 267-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.

NOTE: Geographical jurisdiction of Coast Guard and EPA OSC's are specified in the applicable Regional Contingency Plan. Regional Contingency Plans are available at Coast Guard District Offices and EPA Regional Offices as indicated in Table 2. Addresses and telephone numbers for these offices are listed in Table 1.

[CGD 84-067, 51 FR 17966, May 16, 1986, as amended by CGD 88-052, 53 FR 25121, July 1, 1988]

§153.205 Fines.

Section 311(b)(5) of the Act prescribes that any person who fails to notify the appropriate agency of the United States Government immediately of a discharge is, upon conviction, fined in accordance with Title 18, U.S. Code, or imprisoned for not more than 5 years, or both.

TABLE 1—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES

	Address	Telephone		
	, idd ood			
EPA Regional Offices				
Region:				
¹	1 Congress St., Suite 1100, Boston, MA 02114-2023	617–918–111		
2	290 Broadway, New York, NY 10007–1866	212-637-300		
3	1650 Arch St., Philadelphia, PA 19103-2029	215-814-500		
4	Atlanta Federal Center, 61 Forsyth St., SW, Atlanta, GA 30303-3104	404-562-990		
5	77 West Jackson Boulevard, Chicago, IL 60604-3507	312-353-200		
6	Fountain Place 12th Floor, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202–2733.	214-665-220		
7	901 North 5th St., Kansas City, KS 66101	913-551-700		
8	999 18th St., Suite 500, Denver, CO 80202-2466	303-312-631		
9	75 Hawthorne St., San Francisco, CA 94105	415-744-130		
10	1200 Sixth Avenue, Seattle, WA 98101	206-553-120		
	Coast Guard District Offices			
District:				
1st	408 Atlantic Avenue, Boston, MA 02210-3350	617-223-848		

Coast Guard, DHS

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§153.205

TABLE 1-ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA **REGIONAL OFFICES**—Continued

	Address	Telephone
5th 7th 8th	Federal Building, 431 Crawford St., Portsmouth, VA 23704–5004 909 S.E. First Avenue, Miami, FL 33131–3050 Hale Boggs Federal Bldg., 500 Camp Street, New Orleans, LA 70130– 3396	757–398–6638 305–536–5651 504–589–6901
9th 11th 13th 14th	1240 E. 9th St., Cleveland, OH 44199–2060 Coast Guard Island, Building 50–6, Alameda, CA 94501–5100 Jackson Federal Bldg., 915 Second Avenue, Seattle, WA 98174–1067 Prince PJKK Federal Bldg., Room 9212, 300 Ala Moana Blvd., Honolulu, HI 96850–4982.	216–902–6045 510–437–2940 206–220–7090 808–541–2114
17th	P.O. Box 25517, Juneau, AK 99802-5517	907-463-2199

OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

Region I: 1st Maine 1st New Hampshire 1st Vermont: 1st All except Northwestern portion 1st Massachusetts 1st Connecticut 1st Rhode Island 1st Region II: 1st New York: Coastal area and Eastern portion 1st Great Lakes area and other portions 9th New Jersey: Upper portion 1st Lower portion 5th Puerto Rico 7th Virgin Islands 7th Region II: Pennsylvania: Eastern portion 5th Oferat Lakes area 9th Southwestern portion 5th Delaware 5th Delaware 5th Delaware 5th North Carolina 5th Southwestern portion 5th Delaware 5th North Carolina 5th Sth Sth South carolina 5th South Carolina Sth	States and EPA region	Coast Guard district
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Inland rivers area 8th	Great Lakes area	9th
	Inland rivers area	8th

TABLE 2-STANDARD ADMINISTRATIVE REGIONS TABLE 2-STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS-Continued

States and EPA region	Coast Guard district
Indiana:	
Great Lakes area	9th
Inland rivers area	8th
Ohio:	
Great Lakes area	9th
Inland rivers area	8th
Region VI:	
New Mexico	8th
Texas	8th
Oklahoma	8th
Arkansas	8th
Louisiana	8th
Region VII:	
Nebraska	8th
lowa	8th
Kansas	8th
Missouri	8th
Region VIII:	
Montana	13th
Wyoming	8th
Utah	11th
Colorado	8th
North Dakota	8th
South Dakota	8th
Region IX:	
California	11th
Nevada	11th
Arizona	11th
Hawaii	14th
Guam	14th
American Samoa	14th
Trust Territory of the Pacific Islands	14th
Northern Mariana Islands	14th
Region X:	
Washington	13th
Oregon	13th
Idaho	13th
Alaska	17th

[CGD 84-067, 51 FR 17967, May 16, 1986, as amended by CGD 88-052, 53 FR 25121, July 1, 1988; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-1998-3799, 63 FR 35530, June 30, 1998; USCG-2000-7223, 65 FR 40057, June 29, 2000]

Subpart C—Removal of Discharged Oil

§153.301 Purpose.

The purpose of this subpart is to prescribe methods and procedures to be used to remove discharges of oil from coastal waters.

§153.303 Applicability.

The provisions of this subpart apply to any owner or operator of a vessel or onshore or offshore facility from which a discharge of oil into coastal waters occurs who acts to remove or arranges for the removal of such discharges.

§153.305 Methods and procedures for the removal of discharged oil.

Each person who removes or arranges for the removal of a discharge of oil from coastal waters shall:

(a) Use to the maximum extent possible mechanical methods and sorbents that:

(1) Most effectively expedite removal of the discharged oil; and

(2) Minimize secondary pollution from the removal operations;

NOTE: The Federal OSC is authorized by the provisions of the National Contingency Plan to require or deny the use of specific mechanical methods and sorbents. Sorbent selection considerations of the OSC include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of a mechanical method for containment and recovery.

(b) Control the source of discharge, prevent further discharges, and halt or slow the spread of the discharge by mechanical methods or sorbents or both to the maximum extent possible;

(c) Recover the discharged oil from the water or adjoining shorelines by mechanical or manual methods or both to the maximum extent possible;

(d) Use chemical agents only in accordance with the provisions of Subpart H of the National Contingency Plan and with the prior approval of the Federal OSC; and

(e) Dispose of recovered oil and oil contaminated materials in accordance with applicable State and local government procedures.

[CGD 73-185, 41 FR 12630, Mar. 25, 1976, as amended by CGD 84-067, 51 FR 17966, May 16, 1986]

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§153.307 Penalties.

Any person who fails or refuses to comply with the provisions of this part, or to comply with an order issued by the Federal On-Scene Coordinator under 33 U.S.C. §§ 1321(c) or (e)(1)(B), is liable for a civil penalty per day of violation or an amount equal to three times the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure.

[USCG-1998-3799, 63 FR 35531, June 30, 1998]

Subpart D—Administration of the Pollution Fund

§153.401 Purpose.

This subpart prescribes policies, procedures, and reporting requirements for the payment from and deposit into the Fund established pursuant to section 311(k) of the Act.

§153.403 Applicability.

The provisions of this subpart apply to:

(a) Each Federal and State agency that desires reimbursement from the Fund for costs incurred during a removal activity; and

(b) The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity.

§153.405 Liability to the pollution fund.

The owner or operator of the vessel or onshore or offshore facility from which a discharge occurs that requires Federal removal activity is liable to the pollution fund for the actual costs of Federal and State agencies, including the employment and use of personnel and equipment, not to exceed the limits established by sections 311(f) and (g) of the Act.

§153.407 Payments or reimbursements from the pollution fund.

(a) The following costs incurred during performance of a Phase III activity as defined in Subpart E of the National Contingency Plan, or a removal action as defined in Subpart F of the National Contingency Plan, are reimbursable to Federal and State agencies when authorized by the appropriate OSC under