

**§ 153.105**

**33 CFR Ch. I (7-1-05 Edition)**

**§ 153.105 FWPCA delegations and re-delegation.**

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,

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
<b>EPA Regional Offices</b>		
Region:		
1 .....	1 Congress St., Suite 1100, Boston, MA 02114-2023 .....	617-918-1111
2 .....	290 Broadway, New York, NY 10007-1866 .....	212-637-3000
3 .....	1650 Arch St., Philadelphia, PA 19103-2029 .....	215-814-5000
4 .....	Atlanta Federal Center, 61 Forsyth St., SW, Atlanta, GA 30303-3104 .....	404-562-9900
5 .....	77 West Jackson Boulevard, Chicago, IL 60604-3507 .....	312-353-2000
6 .....	Fountain Place 12th Floor, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202-2733.	214-665-2200
7 .....	901 North 5th St., Kansas City, KS 66101 .....	913-551-7003
8 .....	999 18th St., Suite 500, Denver, CO 80202-2466 .....	303-312-6312
9 .....	75 Hawthorne St., San Francisco, CA 94105 .....	415-744-1305
10 .....	1200 Sixth Avenue, Seattle, WA 98101 .....	206-553-1200
<b>Coast Guard District Offices</b>		
District:		
1st .....	408 Atlantic Avenue, Boston, MA 02210-3350 .....	617-223-8480

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

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

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

States and EPA region	Coast Guard district
Region I:	
Maine .....	1st
New Hampshire .....	1st
Vermont:	
All except Northwestern portion .....	1st
Northwestern portion .....	1st
Massachusetts .....	1st
Connecticut .....	1st
Rhode Island .....	1st
Region II:	
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 III:	
Pennsylvania:	
Eastern portion .....	5th
Great Lakes area .....	9th
Southwestern portion .....	8th
Maryland .....	5th
Delaware .....	5th
West Virginia .....	8th
Virginia .....	5th
District of Columbia .....	5th
Region IV:	
Kentucky .....	8th
Tennessee .....	8th
North Carolina .....	5th
South Carolina .....	7th
Georgia .....	7th
Florida:	
Atlantic and Gulf coasts .....	7th
Panhandle area .....	8th
Alabama .....	8th
Mississippi .....	8th
Region V:	
Minnesota:	
Great Lakes area .....	9th
Inland rivers area .....	8th
Wisconsin:	
Great Lakes area .....	9th
Inland rivers area .....	8th
Michigan .....	9th
Illinois:	
Great Lakes area .....	9th
Inland rivers area .....	8th

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
Iowa .....	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]

#### § 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