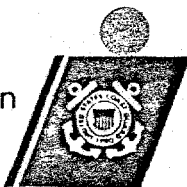


U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

Washington, DC 20593
Staff Symbol (G-CC)
Phone (202) 426-4280

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2 5 MAY 1982

Honorable Ted Stevens
United States Senate
Washington, DC 20510

Dear Senator Stevens:

This is in reply to your April 27, 1982, letter concerning the inquiry of Mr. Richard Sims, Chairman of the Alaska Water Resources Board. Since April 12, when Mr. Sims wrote you concerning oil pollution penalty assessments and reporting requirements, the Seventeenth Coast Guard District hearing officer and marine environmental protection staff have spoken with him. This dialogue is an appropriate "first step" toward improving State-wide reporting procedures and discussing issues such as the mandatory assessment of penalties.

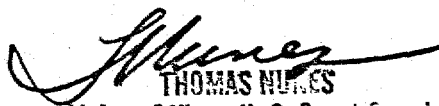
The mandatory penalty is not regulation; it is a statutory requirement of the Federal Water Pollution Control Act, as amended, Section 311(b)(6)(A), (33 USC 1321). An excerpt reads:

"Any owner or operator of any vessel, operator, or person in charge of any onshore facility or offshore facility from which oil or hazardous substance is discharged in violation of paragraph (3) of this section shall be assessed a civil penalty..."

Although a penalty is mandatory, Section 311 (j)(2) requires that the Coast Guard hearing officer consider mitigating circumstances, such as the "demonstrated good faith" of the discharger, in determining the amount of the penalty.

The requirement to report discharges to the United States Government is also a statutory mandate found in Section 311(b)(5) of the same Act. No matter where in Alaska a spill occurs, the Federal reporting requirement is satisfied by immediately notifying any Coast Guard unit. This unit will relay the report to the responsible Federal official (either EPA or USCG). In Alaska, the toll-free number for the Coast Guard is Zenith 5555. Specific details on coordinating local, State, and Federal reporting requirements would be best addressed through continuing dialogue between the Water Resources Board, other pertinent agencies, and the Seventeenth Coast Guard District. I am, therefore, forwarding copies of our correspondence to Rear Admiral R. J. Knapp, Commander, Seventeenth Coast Guard District.

Sincerely,


THOMAS NUNES
Liaison Officer, U. S. Coast Guard
By direction of the Commandant