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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

June 1, 1982

Mr. Richard G. Sims  
Chairman  
Water Resources Board  
323 E. 4th Avenue  
Anchorage, Alaska 99501

Dear Mr. Sims:

Senator Stevens is in Alaska during this Memorial Day recess. Therefore, I am taking the liberty of forwarding you a copy of a letter the Senator received from the Coast Guard in response to his inquiry on your behalf.

Senator Stevens also contacted the Environmental Protection Agency about the issues you raised, and he will get in touch with you again when he receives the EPA's response.

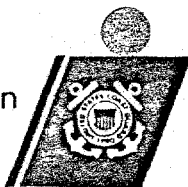
Sincerely yours,

*Carol M. White*

Carol M. White  
Staff Assistant to  
TED STEVENS

Enclosure

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

5860  
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,

A handwritten signature in dark ink, appearing to read "Thomas Nunes".  
THOMAS NUNES  
Liaison Officer, U. S. Coast Guard  
By direction of the Commandant