

## SUBCHAPTER M—MARINE POLLUTION FINANCIAL RESPONSIBILITY AND COMPENSATION

### PART 133—OIL SPILL LIABILITY TRUST FUND; STATE ACCESS

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AUTHORITY: 33 U.S.C. 2712(a)(1)(B), 2712(d) and 2712(e); Sec. 1512 of the Homeland Security Act of 2002, Pub. L. 107-296, Title XV, Nov. 25, 2002, 116 Stat. 2310 (6 U.S.C. 552(d)); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, 68 FR 10619, 3 CFR, 2004 Comp., p. 166; Department of Homeland Security Delegation No. 0170.1., para. 2(80).

SOURCE: CGD 92-014, 57 FR 53969, Nov. 13, 1992, unless otherwise noted.

#### § 133.1 Purpose.

This part prescribes procedures for the Governor of a State to request payments from the Oil Spill Liability trust Fund (the Fund) for oil pollution removal costs under section 1012(d)(1) of the Oil Pollution Act of 1990 (the Act) (33 U.S.C. 2712(d)(1)).

#### § 133.3 Definitions.

(a) As used in this part, the following terms have the same meaning as set forth in section 1001 of the Act (33 U.S.C. 2701): “discharge”, “exclusive economic zone”, “Fund”, “incident”, “National Contingency Plan”, “navigable waters”, “oil”, “remove”, “removal”, “removal costs”, “responsible party”, “State”, and “United States”.

(b) As used in this part—

*Act* means Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 through 2719).

*Director*, *NPFC*, means the person in charge of the U.S. Coast Guard Na-

tional Pollution Funds Center or that person's authorized representative.

*NPFC* means the Director National Pollution Funds Center, NPFC MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100.

*On-Scene Coordinator* or *OSC* means the Federal official predesignated by the Environmental Protection Agency or the U.S. Coast Guard to direct and coordinate all efforts for removal of a discharge, or the mitigation or the prevention of a substantial threat of a discharge, of oil.

*Removal action* means an incident-specific activity taken under this part to contain or remove a discharge, or to mitigate or prevent a substantial threat of a discharge, of oil.

[CGD 92-014, 57 FR 53969, Nov. 13, 1992, as amended by USCG-2009-0416, 74 FR 27440, June 10, 2009]

#### § 133.5 Requests: General.

(a) Upon a request submitted in accordance with this part by the Governor of a State or his or her designated State official, the OSC may obtain a Federal Project Number (FPN) and a ceiling not to exceed \$250,000 per incident for removal costs. The removal costs must be for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.

(b) Before a request under this part is made, the State official shall ensure that the procedures in the National Contingency Plan (40 CFR part 300) for notifying Federal authorities of the discharge or threat of discharge have been met.

(c) The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308) and 49 CFR parts 18, 20, 29, and 90 apply to Fund monies obligated for payment under this part.

#### § 133.7 Requests: Amount.

(a) The amount of funds that may be requested under this part—

(1) Is limited to the amount anticipated for immediate removal action for a single oil pollution incident, but, in