CLEAN WATER ACT

2-89. Removal of Discharge or Threat of Discharge

1. **AUTHORITY.** Pursuant to Section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990:

   a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge.

   b. To direct or monitor all federal, state, and private actions, including the issuance of orders.

   c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge.

   d. To consult with affected trustees.

   e. To determine when the removal is complete.

2. **TO WHOM DELEGATED.** On-Scene Coordinators.

3. **LIMITATIONS.**

   a. Section 1011 of the OPA limits the authority in l.e. to cases that involve the discharge of oil.

   b. The authority in section l.a. to l.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan and appropriate Area Contingency Plans, in order to ensure immediate and effective response.

4. **REDELEGATION AUTHORITY.**

   a. This authority may not be redelegated.

   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

   a. 33 U.S.C. § 1321(b)(7)(B)(i).

   b. 40 C.F.R. Part 300 – National Oil and Hazardous Substances Pollution Contingency Plan.

   c. Delegation 2-85. Administrative Orders Under Section 311(e) of the Clean Water Act.

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d. Executive Order 12777, as amended.

Laura Williams, Chief
Emergency Response Section

9/26/19
Date