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Civil Service Commission
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1949–1963

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Title 3—THE PRESIDENT

Executive Order 11548

DELEGATING FUNCTIONS OF THE PRESIDENT UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

By virtue of the authority vested in me by the Federal Water Pollution Control Act (62 Stat. 1155, as amended, 33 U.S.C. 466 et seq.) as amended by the Water Quality Improvement Act of 1970 (Public Law 91-224, approved Apr. 3, 1970), hereinafter referred to as the Act, by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Delegations to the Secretary of the Interior.* There is hereby delegated to the Secretary of the Interior responsibility and authority

(a) to carry out the provisions of subsection (l)(2) of section 5 of the Act, relating to the study and investigation of methods to control the release of pesticides into the environment, including the preparation of a report on such investigation for submission by the President to the Congress;

(b) in consultation with the Secretary of Transportation, to carry out the provisions of subsections (b)(2) and (b)(3) of section 11 of the Act, relating to the determination of those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States and those which will not be harmful;

(c) to carry out the provisions of subsection (c)(2)(G) of section 11 of the Act, relating to identification of dispersants and other chemicals to be used;

(d) to carry out the provisions of subsection (e) of section 11 of the Act, relating to determinations of imminent and substantial threat because of actual or threatened discharge of oil, and relating to securing relief necessary to abte such actual or threatened discharges through court action;

(e) in consultation with the Secretary of Transportation, to carry out the provisions of subsections (j)(1)(C) of section 11 of the Act, relating to procedures, methods, and requirements for equipment to prevent discharges of oil from non-transportation-related onshore and offshore facilities;

(f) to carry out the provisions of subsection (a)(1) of section 12 of the Act, relating to the designation of hazardous substances, other than oil, which when discharged into or upon the navigable waters of the United States or adjoining shorelines or waters of the continguous zone, present an imminent and substantial danger to public health or welfare;

(g) in consultation with the Secretary of Transportation, to carry out the provisions of subsection (a)(2) of section 12 of the Act, relating to the establishment of recommended methods for the removal of hazardous substances within the meaning of subsection (a)(1) of section 12 of the Act.

SEC. 2. *Delegations to the Secretary of Transportation.* There is hereby delegated to the Secretary of Transportation responsibility and authority

(a) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act, relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities;

(b) to carry out the provisions of subsection (j) (1) (D) of section 11 of the Act, relating to the inspection of vessels carrying cargoes of oil and the inspection of such cargoes;

(c) to administer the revolving fund established pursuant to subsection (k) of section 11 of the Act;

(d) to carry out the provisions of subsection (m) of section 11 of the Act, relating to the boarding and inspection of vessels, the arrest of persons violating the said section 11, and the execution of warrants or other process;

(e) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (g) of section 12 of the Act, including the preparation of a report for submission by the President to the Congress.

SEC. 3. *Delegations to the Federal Maritime Commission.* (a) There is hereby delegated to the Federal Maritime Commission responsibility and authority

(1) to carry out the provisions of subsection (p) (1) of section 11 of the Act, relating to the issuance of regulations governing evidence of financial responsibility for vessels to meet liability to the United States;

(2) to carry out the provisions of subsection (p) (2) of section 11 of the Act, relating to the administration of the said subsection (p).

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Federal Maritime Commission dated June 2, 1970 (35 F.R. 8631), is hereby superseded.

SEC. 4. *Delegation to the Council on Environmental Quality.* (a) There is hereby delegated to the Council on Environmental Quality the responsibility and authority to carry out the provisions of subsection (c) (2) of section 11 of the Act, providing for the preparation, publication, revision or amendment of a National Contingency Plan for the removal of oil (hereinafter referred to as the National Contingency Plan).

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Council on Environmental Quality dated May 26, 1970 (35 F.R. 8423), is hereby superseded.

SEC. 5. *Other delegations.* (a) There is hereby delegated to the Secretary of the Interior and to the Secretary of Transportation, respectively, in and for the waters and areas assigned to each in section 306.2 of the National Contingency Plan (35 F.R. 8511) responsibility and authority

(1) to carry out the provisions of subsection (c) (1) of section 11 of the Act, relating to the removal of oil discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the United States;

(2) to carry out the provisions of subsection (d) of section 11 of the Act, relating to the coordination and direction of removal or elimination of the threat of oil discharges, and the removal and destruction of vessels;

(3) to carry out the provisions of subsection (j) (1) (A) of section 11 of the Act, relating to methods and procedures for the removal of discharged oil;

(4) to carry out the provisions of subsection (j) (1) (B) of section 11 of the Act, relating to criteria for the development and implementation of local and regional oil removal contingency plans;

(5) to carry out the provisions of subsection (d) of section 12 of the Act, relating to the removal of discharged hazardous substances.

(b) The civil penalty authority of section 11(j)(2) of the Act shall be exercised by the Secretary of the Interior and the Secretary of Transportation for the enforcement of the respective regulations issued by each pursuant to delegations in this order.

SEC. 6. *Agency To Receive Notices of Discharges of Oil or Hazardous Substances.* The Coast Guard is hereby designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil required by subsection (b)(4) of section 11 of the Act and for the purpose of receiving the notice of discharge of any hazardous substance required by subsection (c) of section 12 of the Act. The Commandant of the Coast Guard shall issue regulations implementing this designation.

SEC. 7. *Redelegation authority.* Secretaries of Departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the responsibilities and authority delegated to them by this order, subject to the requirements of 3 U.S.C. 301.

SEC. 8. *Regulations.* Authority to carry out any of the foregoing responsibilities includes the authority to issue necessary implementing regulations.

SEC. 9. *Reorganization Plan No. 3 of 1970.* Upon the taking effect of Reorganization Plan No. 3 of 1970, the responsibility and authority conferred upon the Secretary of Interior by this order, including the authority conferred by reason of his designation in the National Contingency Plan, and including the responsibility to consult with other officers, shall vest in the Administrator of the Environmental Protection Agency: *Provided*, that the Administrator shall thereafter consult with the Secretary of the Interior regarding the responsibility and authority delegated by section 1(a) of this order and officers who by this order are required to consult with the Secretary of Interior shall consult with the Administrator of the Environmental Protection Agency.

Richard Nixon

THE WHITE HOUSE,
July 20, 1970.

[F.R. Doc. 70-9493; Filed, July 20, 1970; 2:13 p.m.]