

US COASTAL STATE & TERRITORY REQUIREMENTS

STATE	STATE LIABILITY LIMITS	RESPONSIBLE / LIABLE PARTY	STATE COFR REQUIREMENTS	STATE PLAN REQUIREMENTS	PENALTIES	STATE REPORTING REQUIREMENTS
ALABAMA	<p>No limitation for cleanup costs or damages, except for damages that result from actions taken in accordance with NCP or FOSC or State orders. *Please see notes.</p> <p>All civil damages when spill is due to wrongful act, negligence, or omission.</p> <p>Liable for restocking fish/wildlife.</p>	Vessel owner, charterer and/or cargo owner.	None	None	<p>Up to \$25,000 per day per release (discharge) plus one year imprisonment for willful or grossly negligent violations.</p> <p>Up to \$50,000 per day and/or 1-2 years imprisonment for a second conviction.</p> <p>Up to \$10,000 and/or 6 months imprisonment for false information or monitor tampering.</p>	Report oil spills into “waters of the State”
ALASKA	No limitation for cleanup costs or damages. *Please see notes.	Cargo owner, vessel owner/operator, any person who arranges transport or accepts cargo for transport.	<p>Tank Vessels: Yes. \$337.50/bbl or \$112,500,000, whichever is greater for crude oil. \$112.50/bbl or \$39,375,000, whichever is greater for non-crude oil.</p> <p>Non-tank Vessels: Yes. \$100.00/bbl of total storage capacity or \$1,000,000, whichever is greater for non-persistent products. \$300/bbl of total storage capacity or \$5,000,000, whichever is greater for persistent products.</p>	<p>All tank vessels and tank barges must maintain onboard an “Oil Discharge Prevention and Contingency Plan” submitted to and approved by the Alaska Department of Environmental Conservation (ADEC) before being allowed to enter Alaskan State waters.</p> <p>All non tank vessels over 400 gross tons must maintain onboard an “Oil Discharge Prevention and Contingency Plan” submitted to and approved by the Alaska Department of Environmental Conservation (ADEC) before being allowed to enter Alaskan State waters. There are also requirements for QI, IMT and an OSRO contracts.</p>	<p>In determining a civil penalty for oil discharges, a formula is used which considers and assigns factors to the designation and sensitivity of the receiving environment, as well as the toxicity, degradability and dispersibility of the product spilled. The formula produces a range of penalties from \$0.65 to \$10.00 per gallon of oil spilled.</p> <p>For gross negligence, civil penalties are multiplied by 5, except for crude oil spills, which are multiplied by 4.</p>	Report any oil discharges into the water “as soon as the person has knowledge of the spill.”

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CALIFORNIA	No limitation for cleanup costs or damages. *Please see notes.	Cargo owner or transporter, vessel owner, operator or lessee.	<p>Tank Vessel: Yes. \$750,000,000 as of February 20, 1998, \$1 billion as of February 20, 2000.</p> <p>Non-tank vessels: Yes. \$300,000,000</p>	<p>All tank vessels and tank barges must maintain onboard an "Oil Spill Contingency Plan" submitted to the Office of Prevention and Response (OSPR) as least five working days prior to the vessel's arrival in California waters. This plan may be separate from the vessel's USCG-approved OPA 90 plan or an addendum to the OPA 90 plan with the additional information required by the State of California.</p> <p>Non-tank Vessel: California requires an Oil Spill Contingency Plan approved by the State for all non-tankers over 300 gross tons. There are also requirements for QI, SMT and an OSRO contract.</p>	<p>Any person who knowingly fails to (i) follow the administrator's order, (ii) notify the Coast Guard within 1 hour of the discharge, (iii) prevent the discharge of oil, or (iv) cleanup, is subject to a penalty of \$5,000 to \$500,000 per day. Intentional or negligent failure of these requirements will result in a penalty of \$25,000 to \$500,000.</p> <p>Any person who knowingly (i) fails to notify Office of Emergency Services or (ii) operates without a contingency plan is subject to a fine of \$2,500 to \$250,000 and/or imprisonment up to one year.</p>	Report oil spills greater than 42 gallons onto land or any amount entering or threatening to enter waters of the State.
CONNECTICUT	No limitation for cleanup costs or damages. *Please see notes.	Any person, firm or corporation which directly or indirectly causes a spill.	None	None	<p>Civil penalty of up to \$25,000 per day per discharge. Civil penalty for failure to report of up to \$10,000.</p> <p>Up to 1 ½ times cleanup cost (plus interest) if negligent and up to 2 ½ times cost if spill willfully caused.</p>	"Immediately" report oil spills onto the land, into the "waters of the State" or gas leaks into the air. A written report form must be submitted within 48 hours of the incident.

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DELAWARE	\$300/GT or \$350,000, whichever is greater, up to a maximum of \$30,000,000 for tankers. \$150/GT for non-tankers over 300 gross tons. No limitation for negligence or willful misconduct.	<u>For removal costs:</u> Any person determined by the Secretary to be responsible for causing the incident. <u>For damages:</u> Owner and operator of vessel or facility.	None	None	Criminal: \$2,500 to \$25,000 per day per release (discharge); Civil: \$1,000 to \$10,000 per day per release (discharge) (Failure to report may result in either criminal or civil penalty depending on discharger's knowledge of spill.)	Report oil spills into "waters of the state" and on land.
FLORIDA	Cleanup costs: Vessels of 3000 GT or more: \$1,200/GT or \$10,000,000, whichever is greater All other damages: unlimited.	Vessel owner, operator or demise charterer. Owner, operator or lessee of an onshore facility. Lessee or permittee of the area in which an offshore facility is located.	None	All vessels capable of carrying 10,000 gallons of oil as cargo and/or fuel must maintain onboard a "Ship-specific Discharge Prevention and Control Plan." Tankers that have a USCG-approved OPA 90 plan and non-tankers that have a flag state-approved SOPEP are in compliance.	Penalties vary based on circumstances of incident. An automatic Natural Resource Damage Assessment is made for all spills: \$50 for gasoline/diesel spills of less than 25 gallons. For other products and gasoline/diesel spills of more than 25 gallons a formula which considers factors is used. Up to \$50,000 per day per violation for failure to report.	Report any oil spill (which creates a sheen, sludge or emulsion) onto the land or into the "waters of the State"
GEORGIA	No limitation for cleanup costs or damages. *Please see notes.	Any person who causes spill.	None	None	Penalties vary based on circumstances of incident. Knowing, personal injury, property damage, failure to comply with court order: \$2,500 to \$25,000 per day and/or 1 year imprisonment; double for second offense.	Report oil spills into "waters of the State," onto land, or into the air within 24 hours.

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HAWAII	No limitation for cleanup costs or damages. *Please see notes.	Any person who violates; owner or operator of a facility or vessel, cargo owner.	None	None	For negligence, \$2,500 to \$25,000 per day and/or up to one year imprisonment. Knowing, \$5,000 to \$50,000 per day and/or up to 3 years imprisonment. Individual knowingly endangering life, up to \$250,000 and/or up to 15 years imprisonment; for an organization, up to \$1 million. False statements or monitor tampering, up to \$10,000 per day and/or 2 years imprisonment. Second convictions double fines and imprisonment.	Report oil spills into "State waters as soon as reasonably possible."
LOUISIANA	Vessels 3,000 GT or more: \$1,200/GT up to maximum of \$10,000,000.	Owner or operator of a vessel or terminal facility or any other person (except those rendering assistance) who causes, allows or permits a spill.	None	All tank vessels must carry onboard and submit to the Oil Spill Coordinator's Office a copy of their USCG-approved OPA 90 plan with approved geographic-specific appendices for the New Orleans and Morgan City USCG COTP Zones.	Up to \$50,000 per day per violation (including failure to report or clean up). Withholding information or false information, up to \$25,000 per day. If human life threatened, up to \$1 million plus \$100,000 per day plus 10 years' hard labor.	Report oil spills of 1 or more barrels into the "air, land or water environment" within 24 hours. If discharge causes an emergency, notify hotline (504-925-6595) immediately with follow-up notifications if there is an adverse change in nature or rate of discharge. A written report shall be submitted within 7 days following the verbal report.

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MAINE	No limitation for cleanup costs or damages. *Please see notes.	Any person, vessel, licensee, agent or servant who permits or suffers a spill. Terminal operator liable for carriers destined for operator's facility.	None	All tank vessels and barges must maintain onboard a USCG-approved OPA 90 Vessel Response Plan (VRP)	<p>\$100 to \$10,000 per day per violation. No penalty is assessed if notification is made and spill is cleaned up to the satisfaction of the State.</p> <p>Failure to reimburse State for monies expended within 60 days of demand will result in a penalty of up to twice that amount.</p> <p>Failure to comply with official orders or providing false information, up to \$10,000.</p>	Report oil spill to "waters of the State" as soon as practicable but within 2 hours. Within 10 days following the cleanup of the spill, a written report shall be submitted.
MARYLAND	No limitation for cleanup costs or damages. *Please see notes.	Person responsible for the spill - cargo owner, vessel or facility owner or operator or other person who causes the spill.	None	All tank vessels and barges must maintain onboard a USCG-approved OPA 90 VRP. In addition, any tank vessel that does not have a double hull, or is not escorted by a separate all-weather vessel or is not equipped with a cargo-level monitoring system must submit a "visual inspection plan" providing for a visual or other method of inspection of load line or draft markings that will determine the existence of an oil discharge.	<p>Up to \$25,000 per day per violation, plus to \$10,000 per day, up to \$100,000.</p> <p>Any person responsible for a discharge of over 25,000 gallons is subject to a penalty of up to \$100 per gallon.</p> <p>Failure to comply with official orders, up to \$50,000 and/or 1 year imprisonment.</p> <p>False statements or monitor tampering, up to \$10,000 and/or up to 6 months imprisonment.</p>	Report all oil spills (no minimum quantity) "immediately."

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MASSACHUSETTS	No limitation for cleanup costs or damages. *Please see notes.	Vessel or facility owner or operator, any person who causes or is responsible for the spill.	None	None	Violation may yield a penalty up to \$25,000 and/or imprisonment up to 2 years. Untimely notification yields a fine up to \$100,000, or imprisonment up to 20 years imprisonment.	“Promptly” report oil spills and any imminent or actual emergency to the appropriate Massachusetts Department of Environmental Protection regional office. Within 7 days after the incident, a written report shall be filed with the Department at the appropriate regional office.
MISSISSIPPI	No limitation for cleanup costs or damages. *Please see notes.	Any person who spills.	None	None	Up to \$25,000 for each violation. Each day is a separate violation. Any discharge of pollutants in violation of the state environmental statute is punishable by criminal fine of \$12,500 to \$25,000 per day of violation.	Report all oil spills into “waters of the State” to Mississippi Department of Environmental Quality.
NEW HAMPSHIRE	No limitation for cleanup costs or damages. *Please see notes.	Any person who causes or suffers a spill.	None	None	Penalty of up to \$10,000. Administrative penalty of \$2,000.	Report oil spills into “public waters of the State” or in a land area where the oil will ultimately seep into public water.
NEW JERSEY	\$150/GT or no limit if discharge is a result of gross negligence or willful misconduct within knowledge and privity of owner.	Vessel owner, cargo owner, charterer, terminal.	None	Vessels engaged in lightering in New Jersey State waters are required to submit both a "Discharge Prevention, Control and Countermeasures (DPCC) Plan" and a "Discharge Response, Cleanup and Removal (DCR) Plan" to the New Jersey Department of Environmental Protection (NJ DEP). There are no other plan requirements in New Jersey.	Civil penalty of up to \$50,000 per day of violation. Any person's intentional or unintentional act or omission, which results in a discharge of 100,000 gallons or more of oil, is subject to a civil penalty of up to \$10,000,000. Any person who purposely, knowingly or recklessly violates the Act and causes significant environmental effect may be subject to a fine of up to \$250,000 per day of violation, and/or imprisonment.	Immediately orally report all spills, discharges, or releases of oil that occur into the atmosphere, into “waters of the State” or onto lands from which it might flow or drain into said waters or into waters outside the jurisdiction of the State when damage may result to resources or exposure to the public within the jurisdiction of the State. Within 10 days following the initial oral notification, a written report shall be submitted.

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NEW YORK	\$300/GT or no limit if discharge is a result of gross negligence or willful misconduct within knowledge and privity of owner.	Any person who has discharged.	None	Vessels engaged in the transfer of hazardous cargoes, including petroleum products, between vessels in New York State waters must submit either a "Spill Prevention, Control and Countermeasures (SPCC) Plan" to the New York Department of Environmental Conservation (NY DEC) or "Other Primary and Contingency Cleanup and Removal Plan." Bunkering operations are excluded from this requirement. There are no other plan requirements in New York.	Up to \$25,000 per day per violation, including discharge and failure to report. If a violation is intentional, knowing, reckless or criminally negligent, the responsible party may be fined \$2,500 to \$25,000 per day of violation and/or one year imprisonment. Second offense to \$50,000.	Report immediately, but in no case less than 2 hours, oil spills (discharges) into "waters of the State" or onto lands from which it might flow or drain into said waters, or into waters outside the jurisdiction of the State when damage may result to the lands, waters, or natural resources within the jurisdiction of the State.
NORTH CAROLINA	No limitation for cleanup costs or damages. *Please see notes.	Any person having control over oil or other hazardous substances spilled.	None	None	Up to \$250,000 per day for failure to report a discharge of over 50,000 gallons. A penalty of up to \$5,000 per violation may be imposed upon any person who intentionally or negligently discharges oil. A knowing or willful discharge of oil is a felony and punishable by three years imprisonment and a fine of up to \$100,000 per day of violation, up to \$500,000. If discharge is made knowingly and with knowledge that it poses a threat of serious bodily injury, the person may be fined up to \$250,000 per day of violation up to \$1 million and imprisoned for up to 10 years.	"Immediately" report oil spills onto land or into "waters of the State."

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OREGON	No limitation for cleanup costs or damages. *Please see notes.	Cargo and vessel owner, any person having control over any oil or hazardous material spilled or released.	None	All tank vessels, cargo vessels and passenger vessels of 300 GT or more must submit for approval and maintain onboard an approved "Oil Spill Prevention and Emergency Response Plan" from the Oregon Department of Environmental Quality (OR DEQ). Enrollment with Oregon's Marine Safety and Fire Association (MSFA) entitles the vessel to the approved MFSA plan and thus compliance with this regulation.	Any person who willfully or negligently causes the discharge of oil into waters of the State is subject to a penalty in an amount commensurate with the amount of damage incurred. Any responsible party who does not make a good faith effort to clean up a spill is subject to fine three times the amount of all expenses incurred by the Department (Oregon DEQ).	Report oil spills into "waters of the State" or over 1 barrel (42 gallons) on land.
PENNSYLVANIA	No limitation for cleanup costs or damages. *Please see notes.	Vessel owner, cargo owner, charterer, terminal.	None	None	Civil Penalty of up to \$10,000 per day per discharge. Failure to report may result in separate civil penalty of same amount. Willful or negligent violations may result in a fine of \$2,500 to \$25,000.	Report oil spills (discharges) into "waters of the Commonwealth" Within 15 days after the incident, a written report must be submitted to the Operations Chief of the Bureau of Water Quality Management at the appropriate regional office.
RHODE ISLAND	No limitation for cleanup costs or damages. *Please see notes.	Vessel owner, operator, and/or his or her agent.	None	All tank vessels must have onboard a USCG-approved OPA 90 VRP.	Civil penalty of up to \$25,000 for discharge or failure to report. Criminal action may be taken if discharge is intentional. Willful or negligent violations may result in a fine up to \$25,000, 5 years imprisonment, or both.	Report all oil spills that could result in a release to "waters of the State."

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SOUTH CAROLINA	No limitation for cleanup costs or damages. *Please see notes.	Vessel owner, cargo owner, charterer, terminal.	None	None	Up to \$25,000 per day per violation. Criminal action may be taken if discharge is intentional or gross negligence is shown.	Report all oil spills into the "environment" (waters, ambient air, soil, and/or land).
TEXAS	<u>Non-Tankers:</u> 1. Response costs: 0-300 GT: \$1,000,000 300-8,000 GT: \$5,000,000 Over 8,000 GT: \$600/GT 2. Other damages: 0-300 GT: \$1,000,000 300-8,000 GT: \$5,000,000 Over 8,000 GT: \$600/GT 3. Natural Resource Damages: Unlimited 4. Willful misconduct or gross negligence: No limit. <u>Tankers:</u> 1. Response costs: \$5,000,000 2. Other damages: \$50,000,000 3. Natural Resource Damages: No limit 4. Willful misconduct or gross negligence: No limit.	Owner or operator if a vessel or any person responsible for an actual or threatened unauthorized discharge of oil.	None	All tank vessels operating in Texas State waters must verify enrollment under the GLO database. Each owner/operator is provided with a password to enter the database. All non-tank vessels must have onboard a flag-state approved SOPEP, as well as a copy of the Texas Designated Cleanup Organization. All non-tank vessels must ensure that the specific vessel / owner information is included in the GLO database, which is password protected.	\$250 to \$25,000 or three times cleanup cost for discharge or failure to clean. Up to \$500,000 for knowingly failing to notify.	Report any oil spill or release into the "environment" in coastal areas to Texas General Land Office "immediately."

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VIRGINIA	\$500/GT or \$10,000,000, whichever is greater; No limit if discharge is caused by gross negligence, willful misconduct, violation of applicable safety, construction or operating regulations or if there is failure to report or failure to clean.	Vessel owner, discharger or operator.	Yes. Applicable to all tank vessels with 15,000 gallons or more of bulk cargo capacity transporting or transferring oil upon Virginia waters. A copy of the vessel's USCG COFR may be submitted for certification of Tank Vessel Financial Responsibility (TVFR).	Yes. Applicable to all tank vessels with 15,000 gallons or more of bulk cargo capacity transporting or transferring oil upon Virginia waters. A copy of the vessel's OPA 90 VRP Approval Letter from the USCG including Hampton Roads as an approved COTP Zone, may be submitted as evidence of a satisfactory Oil Discharge Contingency Plan (ODCP).	Civil penalty of up to \$100 per gallon of oil discharged and \$1,000 to \$50,000, plus to \$10,000 per day for failing to cooperate in containment and cleanup or failure to report. Knowingly violating regulation or order, up to \$100,000 and/or 1 year imprisonment. Knowing or willful discharge felony, \$100,000 and 1 to 10 years imprisonment.	Report spills (discharges) into "State waters" or those that may reasonably be expected to enter "State waters" "immediately."
WASHINGTON	No limitation for cleanup costs or damages. *Please see notes.	Cargo and vessel owner or any person who spills.	None	Tank vessels may choose to participate in the Washington Voluntary BAP Program. All vessels in excess of 300GT must also submit for approval, a contingency plan for the containment and cleanup of oil spills. Membership in the Washington Maritime Cooperative (WSMC) entitles the vessel to the pre-approved WSMC contingency plan and thus compliance with this requirement.	Up to \$20,000 penalty for each negligent violation and each day the spill "poses a risk to the environment." Additional penalties of up to \$10,000 per day for unpermitted discharges may be possible. Intentional or reckless discharge yields up to \$100,000 fine for every violation and each day the spill "poses a risk to the environment." Willful violation is a crime, yielding a fine up to \$10,000 and costs of prosecution, or imprisonment up to one year, or both.	Report oil spills into or which have the potential to enter "waters of the State."

U.S. TERRITORY	LIABILITY LIMITS	RESPONSIBLE / LIABLE PARTY	COFR REQUIREMENTS	PLAN REQUIREMENTS	PENALTIES	REPORTING REQUIREMENTS
U.S. VIRGIN ISLANDS	Up to OPA '90 COFR limits.	Any individual, firm, corporation, partnership or other association who is in charge when the discharge occurs.	OPA '90 COFR.	OPA '90 VRP, if applicable.	Up to \$50,000/day. Failure to report or negligence, up to \$50,000.	Report all oil spills into the waters of the Territory immediately.
PUERTO RICO	Up to OPA '90 COFR limits.	Any person who owns or operates or has leased a vessel.	OPA '90 COFR.	OPA '90 VRP, if applicable.	Up to \$25,000 per violation.	Report all oil spills into the waters of the Territory immediately.
GUAM	Up to OPA '90 COFR limits.	Vessel owner, operator, demise charterer, facility owner, operator.	OPA '90 COFR.	OPA '90 VRP, if applicable.	As per OPA '90.	As per OPA '90.
PAGO PAGO, AMERICAN SAMOA	Up to OPA '90 COFR limits.	Vessel owner, operator, demise charterer, facility owner, operator.	OPA '90 COFR.	OPA '90 VRP, if applicable.	As per OPA '90.	As per OPA '90.

***NOTES:**

- 1) Please note that this state/territory does not have any limitation for damages arising out of a spill incident. One could argue then that although under Federal law, a vessel owner's liability is limited by the amount of the vessel's OPA 90 limit, under this state/territory's laws, no such limit is applicable.
- 2) However, there has never been an instance where the state/territory's damages have exceeded the vessel's OPA 90 limits and so there is no case law determining whether the state/territory is entitled to recover in excess of those limits. There are grounds to argue then that either the vessel owner's OPA 90 limits and/or the Limitation of Liability Act will apply despite the state/territory's claim for no limitation of damages.
- 3) Of course there will be no limit for damages under Federal or State law if a) no response is mounted or b) spill is resultant from violation of applicable vessel construction statute or c) spill response does not comply with plan.
- 4) In compliance means: a) doing all required notifications, b) having a contingency plan/team in place, c) taking responsibility and d) act as the responsible party.
- 5) One final note, if there ever were an instance where clean-up costs or damages were expended in excess of OPA 90 limit in order to satisfy State/Territory regulations, in theory, the vessel owner could make a claim over and against the National Pollution Funds Center under the Oil Spill Liability Trust Fund for recovery of those costs expended in excess of OPA '90 limits.