

NCP-NRF

The National Contingency Plan (NCP) is an operational supplement to the National Response Framework (NRF).

The NCP is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Federal Water Pollution Control Act (FWPCA) as amended by section 311 of the Clean Water Act and the Oil Pollution Act of 1990 (OPA 90).

It provides more detailed information regarding the roles and responsibilities, organizational structures, and procedures described in ESF #10.

National Response Framework (NRF)

- ❖ High level, “whole community” **all-hazard response**:
 - Government – F/S/T/L
 - Private sector/NGO
 - Community
- ❖ For federal response:
 - Stafford Act
 - NCP
 - Other authorities (e.g., HHS & USDA authorities)

Response FIOP

- ❖ Primarily a **detailed federal ops plan for a generic, catastrophic Stafford Act response led by FEMA**
- ❖ ESFs and Support Annexes can be activated to support ops as needed
- ❖ Also recognizes federal responses may be led by other agencies under other federal authorities (such as NCP) – but no detailed ops plans for other types of responses

Incident Annexes

- ❖ Address **unique details of federal response and recovery for specific types of incidents** (e.g., special teams or procedures) – Stafford and non-Stafford
- ❖ Allow more discussion of how **non-Stafford Act** federal response and recovery ops are conducted

Oil/Hazmat Response

NCP

- ❖ Serves as operational supplement to NRF
- ❖ The **detailed federal ops plan for NCP responses**



ESF #10 – Oil & Hazmat Response

- ❖ Can be activated for:
 - Stafford Act responses
 - ESF support to other agencies
- ❖ ESF #10 addresses environmental cleanup; other ESFs can address other aspects of oil/hazmat incident (e.g., federal support for medical response)

NCP Response

Federal responses to oil and hazardous materials incidents under the authorities of CERCLA and the FWPCA that do not warrant DHS coordination are conducted under the NCP.

Federal OSC's carry out their responsibilities under the NCP to coordinate, integrate, and manage overall oil and hazardous materials response efforts in accordance with existing delegations of authority.

NCP Lead for On-Scene Response

Federal On-Scene Coordinators (OSCs) are the incident commanders for NCP federal responses

EPA	<ul style="list-style-type: none">- Provides OSC for NCP “inland zone”- OSCs located in EPA regional offices
USCG	<ul style="list-style-type: none">- Provides FOSC for NCP “coastal zone”- FOSCs located in USCG Sector Offices
DOD and DOE	Have OSC authority for emergency responses to CERCLA releases from their facilities/vessels/weapons

Key Differences Between Stafford Act and NCP

Stafford Act	NCP
Lead agency: FEMA	Lead agency: EPA or USCG <ul style="list-style-type: none"> • DOE and DOD also have OSC emergency response authority for their CERCLA incidents
Request for federal support must be made by state (Governor) or tribe (Chief Executive) <ul style="list-style-type: none"> • Except for certain emergencies involving primary federal responsibility 	<ul style="list-style-type: none"> • Federal gov't makes independent evaluation of need for federal response . • State/tribal requests for help do not have to come from Governor/Chief Executive level.
Federal role is to support states/tribes	<ul style="list-style-type: none"> • Federal gov't may, and in some cases must, lead the response • Federal gov't has on-scene, tactical command authority
N/A	Federal gov't has enforcement authorities over responsible parties
State cost share may be required	No state cost share for emergency responses
Broad scope of federal assistance	Scope of federal response as defined in CERCLA and CWA/OPA – may not be as broad as Stafford



Oil Spill Liability Trust Fund or Stafford Act Funding

OSLTF

Polluter pays for incident, backed by Oil Spill Liability Trust Fund (OSLTF)

Broad authority to directly fund response and compensation to an oil spill emergency in US waters.

OSLTF is supported by imposition of a per barrel tax on the Oil Industry

A Responsible Party (RP) must pay for all “response” costs or reimburse the OSLTF. There are limits of liability for “damages”. There is no state cost share.

OSLTF Claims process requires claimant to submit to RP who has 90 days to pay – delays reimbursement

OSLTF does not compensate personal injury

Who Pays

Purpose

Source

Cost Share

Claims

Personal Injury

Stafford Act

Federal/States Governments pay for incident

Broad authority to provide federally funded assistance to the State upon request when President Declares Disaster or Emergency

Stafford Act funds are provided by special appropriation from Congress using general tax revenues.

States may be responsible for 25% cost share of Stafford Act expenditures. There is no Responsible Party reimbursement.

Stafford Act allows claimant to submit directly to FEMA – may expedite reimbursement

Stafford Act may compensate personal injury

NCP Response with ESF Support

- Additional potential approach for oil/hazmat response called “**NCP Response with ESF Support**”
- Described in the Oil/Chemical Incident Annex to Response/Recovery FIOPs
- Where extraordinary federal support, beyond normal RRT/NRT, is needed
- Uses FEMA incident support approach also being developed for other federal agencies with independent emergency authorities.
- FRC vs FCO

NCP Response with ESF Support

