



Proposed Changes to the National Contingency Plan

The U.S. Environmental Protection Agency (EPA) is proposing to amend the National Oil and Hazardous Substances Pollution Contingency Plan, also known as the National Contingency Plan (NCP), and is soliciting comments on the amendments. The proposed amendments address the alignment of the NCP with the National Response Framework (NRF) and National Incident Management System (NIMS). The proposed amendments also update the descriptions, capabilities, and operations of the federal agencies on the NCP National Response Team (NRT). The public has the opportunity to comment on this proposed rule during a 60-day period following its publication in the *Federal Register*.

History

The Department of Homeland Security (DHS) issued the NRF and NIMS under the authority of:

- Homeland Security Act of 2002;
- Post-Katrina Emergency Management Reform Act of 2006;
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act); and
- Homeland Security Presidential Directive-5, *Management of Domestic Incidents* (HSPD-5) (February 28, 2003).

Federal agencies follow the NRF and NIMS pursuant to those authorities. This includes EPA and the 14 other federal agencies represented on the NRT under the NCP. The NRF establishes a comprehensive, national, all-hazards approach to domestic incident management. NIMS provides a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, including natural disasters, accidents, and terrorist attacks. The NRF is built on the incident management concepts in NIMS. HSPD-5 also directed federal agencies to modify existing interagency response plans to align with the NRF.

DHS issued the most recent version of the NIMS in December, 2008, and the most recent version of the NRF in May, 2013. Now EPA is proposing to modify the NCP to align it with the NRF and NIMS.

Proposed Rule Amendments

The proposed amendments include:

- Deleting existing NCP references to federal interagency response plans that have been superseded by the NRF;
- Adding regulatory “notes” and definitions to the NCP which explain that federal agencies are to follow the NRF and NIMS. The added “notes” state:
 - When NRF procedures are activated for an NCP response, the response will be conducted concurrently under the appropriate NCP and NRF procedures;
 - The NRF does not alter NCP authorities;
 - The NRF and supporting documents, including Emergency Response Function #10 – Oil and Hazardous Materials Response Annex, provide more information on how NCP response structures and activities integrate with FEMA structures and activities for Stafford Act responses;
 - NRF procedures for public affairs and external communications, including in the Emergency Support Function #15 – External Affairs Annex, may be activated in addition to NCP procedures;

- The EPA Administrator and U.S. Coast Guard (USCG) Commandant maintain the authority to designate an incident as a Spill of National Significance (SONS) under the NCP and this authority is separate from other federal authorities that may be exercised by other federal officials under the NRF; and
- Federal agencies follow NIMS and have adopted it for appropriate use in NCP emergency removal actions;
- Updating descriptions of the 15 federal agencies on the NRT;
- Updating descriptions of the federal “special teams” that can assist On-Scene Coordinators/Remedial Program Managers, including the addition of two EPA special teams:
 - Chemical, Biological, Radiological, Nuclear Consequence Management Advisory Team, and
 - National Criminal Enforcement Response Team;
- Revising an NCP diagram to provide a better overview of how the NCP national response system works;
- Adding a new table to better highlight the various types of facility and vessel response plans currently required by EPA, USCG, Department of Transportation, and Department of Interior (DOI) under Clean Water Act section 311(j)(5); and
- Making other minor changes:
 - To clarify the type of information the National Response Center (NRC) requests from callers who report releases to the NRC; and
 - To better represent existing tribal participation in NCP activities.

Comments

EPA must receive comments on or before 60 days after publication of the proposed rule in the Federal Register. Comments must be identified by Docket ID No. EPA-HQ-SFUND-2014-0050, and commenters must follow the instructions for submitting comments on the Federal eRulemaking Portal: <http://www.regulations.gov>.

For More Information

Read the Proposed NCP Rule Amendment:

<http://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview>

Visit the EPA Emergency Response Website:

<http://www.epa.gov/emergency-response>