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# National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Overview

## National Contingency Plan Proposed Rule

EPA has [proposed revisions](#) to the National Contingency Plan in order to align with the National Response Framework. The comment period closed on March 25, 2016.

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The NCP is the result of efforts to develop a national response capability and promote coordination among the hierarchy of responders and contingency plans.

The first NCP was developed and published in 1968 in response to a massive oil spill from the oil tanker *Torrey Canyon* off the coast of England. More than 37 million gallons of crude oil spilled into the water, causing massive environmental damage. To avoid the problems faced by response officials involved in this incident, U.S. officials developed a coordinated approach to cope with potential spills in U.S. waters. The 1968 plan provided the first comprehensive system of accident reporting, spill containment and cleanup. The plan also established a response headquarters, a national reaction team and regional reaction teams (precursors to the current [National Response Team](#) and [Regional Response Teams](#)).

Congress has broadened the scope of the NCP over the years. As required by the [Clean Water Act of 1972](#), the NCP was revised to include a framework for responding to hazardous substance releases, as well as oil spills. Following the passage of [Superfund legislation](#) in 1980, the NCP was broadened to cover releases at hazardous waste sites requiring emergency removal actions. Over the years, additional revisions have been made to the NCP to keep pace with the enactment of legislation. The [latest revisions to the NCP were finalized in 1994](#) to reflect the oil spill provisions of the [Oil Pollution Act of 1990](#).

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- [Full Text](#) of the National Contingency Plan is available through the U.S. Government Publishing Office

## Key Provisions of National Contingency Plan

### §300.110

Establishes the National Response Team and its roles and responsibilities in the National Response system. This includes planning and coordinating responses, providing guidance to Regional Response Teams, coordinating a national program of preparedness planning and response, and facilitating research to improve response activities. EPA serves as the lead agency within the National Response Team (NRT).

### §300.115

Establishes the Regional Response Teams and their roles and responsibilities in the National Response System, including coordinating preparedness, planning, and response at the regional level. The RRT consists of a standing team made up of representatives of each federal agency that is a member of the NRT, as well as state and local government representatives. It also consists of an incident-specific team made up of members of the standing team that are activated for a response. The RRT also provides oversight and consistency review for area plans within a given region.

### §300.120

Establishes general responsibilities of federal On-Scene Coordinators.

### §300.125(a)

Requires notification of any discharge or release to the National Response Center through a toll-free telephone number. The National Response Center (NRC) acts as the central clearinghouse for all pollution incident reporting.

### §300.135(a)

Authorizes the predesignated On-Scene Coordinator to direct all federal, state, and private response activities at the site of a discharge.

### §300.135(d)

Establishes the unified command structure for managing responses to discharges through coordinated personnel and resources of the federal government, the state government, and the responsible party.

### §300.165

Requires the On-Scene Coordinator to submit to the RRT or NRT a report on all removal actions taken at a site.

**§300.170**

Identifies the responsibilities for federal agencies that may be called upon during response planning and implementation to provide assistance in their respective areas of expertise consistent with the agencies' capabilities and authorities.

**§300.175**

Lists the federal agencies that have duties associated with responding to releases.

**§300.210**

Defines the objectives, authority, and scope of Federal Contingency Plans, including the National Contingency Plan (NCP), Regional Contingency Plans (RCPs), and Area Contingency Plans (ACPs).

**Oil Removals****§300.317**

Establishes national priorities for responding to a release.

**§300.320**

Establishes the general pattern of response to be executed by the On-Scene Coordinator (OSC), including determination of threat, classification of the size and type of the release, notification of the RRT and the NRC, and supervision of thorough removal actions.

**§300.322,**

Authorizes the OSC to determine whether a release poses a substantial threat to the public health based on the size and character of the discharge, and its proximity to human populations and sensitive environments. In such cases, the OSC is authorized to direct all federal, state, or private response and recovery actions. The OSC may enlist the support of other federal agencies or special teams.

**§300.323**

Provides special consideration to discharges which have been classified as a spill of national significance. In such cases, senior federal officials direct nationally-coordinated response efforts.

**§300.324**

Requires the OSC to notify the National Strike Force Coordination Center (NSFCC) in the event of a worst case discharges. The NSFCC coordinates the acquisition of needed response personnel and equipment. The OSC also must require implementation of the worst case portion of the tank vessel and Facility Response Plans and the Area Contingency Plan.

**§300.355**

Provides funding for responses to oil releases under the Oil Spill Liability Trust Fund, provided certain criteria are met. The responsible party is liable for federal removal costs and damages as detailed in section 1002 of the Oil Pollution Act. Federal agencies assisting in a response action may be reimbursed. Other federal agencies may provide financial support for removal actions.

Subpart J establishes the NCP Product Schedule, which contains dispersants and other chemical or biological products that may be used in carrying out the NCP. Authorization for the use of these products is conducted by Regional Response Teams and Area Committees, or by the OSC in consultation with EPA representatives.

## Hazardous Substance Removals

### §300.415(b)

Authorizes the lead agency to initiate appropriate removal action in the event of a hazardous substance release. Decisions of action will be based on:

- Threats to human or animal populations;
- Contamination of drinking water supplies or sensitive ecosystems;
- High levels of hazardous substances in soils;
- Weather conditions that may cause migration or release of hazardous substances;
- Threat of fire or explosion; or
- Other significant factors effecting public health or the environment.

### §300.415(c)

Authorizes the OSC to direct appropriate actions to mitigate or remove the release of hazardous substances.

## Related Federal Register Notices and Documents

- *September 15, 1994*: National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule. 59 FR 47384
- Electronic NCP and the NCP Index - This document contains the text of the NCP including the NCP proposed rule preamble (53 FR 51394 (1988)) and NCP final rule preamble (55 FR 8666 (1990)), and the NCP Index. The Index contains key terms and references. **Note:** this document is provided for reference purposes only. Please refer to 40 CFR pt. 300 for the current version of the NCP.

## Additional Information: Criteria for State, Local, and Regional Oil Removal Contingency Plans

The criteria for state, local and regional oil removal contingency plans are provided to assist state, local and regional agencies in the development of oil removal contingency plans for the inland navigable waters of the United States. The regulation establishes minimum criteria for the

development and implementation of state, local, and regional contingency plans by state and local governments in consultation with private interests to insure timely, efficient, coordinated and effective action to minimize damage resulting from oil discharges.

Such plans are directed toward the protection of the public health or welfare of the United States, including, but not limited to:

- fish,
- shellfish,
- wildlife,
- public and private property,
- shorelines, and
- beaches.

The development and implementation of such plans shall be consistent with the National Oil and Hazardous Materials Pollution Contingency Plan, and shall provide for coordination of the total response to an oil discharge.

The criteria also:

- define the relationship between non-federal and federal response actions,
- establishes the development and implementation of state, local and regional oil contingency plans, and
- requires contingency plans be developed and implemented in consultation with private interests.

For more information, see:

- [Area Contingency Planning](#)
- [November 25, 1971: Criteria for State, Local and Regional Oil Removal Contingency Plans. 36 FR 22485](#)
- [40 CFR 109 \(3 pp, 189 K, About PDF\)](#)

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