

CHAPTER 10
NATIONAL OIL AND HAZARDOUS SUBSTANCE POLLUTION CONTINGENCY PLAN
(NCP)

10-1. General. Planning and procedures to respond to releases requiring remedial action under the NCP are not governed by ER 500-1-1, and are not funded by the FCCE appropriation. See ER 500-1-1, Chapter 10, for pertinent policy.

10-2. Authority. USACE has authority to remove sunken vessels or similar obstructions under Sections 15, 19, & 20 of the River and Harbors Act of 1899, as amended by the Water Resources Act of 1986.

10-3. Background.

a. NCP. The NCP provides for an efficient, coordinated and effective response to discharges of oil and releases of hazardous substances, pollutants and contaminants in accordance with the authorities of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Clean Water Act (CWA).

b. National Response Team (NRT). The NRT is responsible for national response and preparedness, planning, coordinating regional planning, and providing policy guidance and support to the RRT's. There are 15 federal agencies on the NRT, including DOD. The Federal agencies may be requested to provide assistance during preparedness planning, or in an actual response. CECW-OE, in conjunction with CECS-OPS, provides USACE representation to the NRT.

c. Regional Response Team (RRT). The RRT serves as the regional organization for planning and coordination of preparedness and response actions. The RRT is composed of representatives from the same agencies that make up the NRT, along with representatives from tribal, state, and local governments.

d. On Scene Coordinator and Remedial Project Manager (OSC/RPM). The OSC/RPM directs the response efforts at the scene of a discharge or release. In general, the OSC/RPM is predesignated by the regional or district head of the lead agency. The Environmental Protection Agency (EPA) or the US Coast Guard (USCG) normally provides the OSC. However, for releases from vessels or facilities under the jurisdiction, custody or control of DOD, DOE, or other federal agency, the OSC/RPM will be provided by the federal agency responsible for the release, except for the special conditions stated in the NCP. The USCG will provide the OSC for oil discharges, including those from a Federal agency facility or vessel, within or threatening the coastal zone and inland waterways. Other conditions on designation of the OSC/RPM are included in the NCP.

e. Activation.

(1) The NRT may be activated as a response team when: (a) the response capability of the region where the incident occurs is exceeded; or (b) the incident crosses regional boundaries; or (c) the incident involves a significant threat to public health, welfare, or the environment, substantial amounts of property, or substantial threats to natural resources; or (d) if requested by any NRT member.

(2) The RRT will be activated as an incident response team upon request from the OSC/RPM or from any RRT member. The RRT may also be activated when: (a) the response capability of the OSC/RPM is exceeded; or (b) the incident crosses state boundaries; or (c) the incident poses a substantial threat to public health, welfare or the environment, or to regionally significant amounts of property.

10-4. USACE Participation. USACE is included in the NCP as a branch of DOD that has "relevant expertise" that can be used in response to discharges or releases. USACE MSC's provide members for the RRT.

10-5. Procedures.

a. USACE Projects. Planning, prevention, control and reporting of discharges and releases for project offices that operate and maintain completed USACE projects are subject to the applicable provisions of AR 200-1 and ER 1130-2-434.

b. Non-USACE Activities. Planning, preparedness and response assistance to discharges and releases from non-USACE activities are subject to the applicable provisions of AR 500-60. USACE facilities and resources available outside the region should be considered in the development of regional and on-scene coordinator contingency plans. For discharges, USACE hopper dredges and USACE reserve fleet of contractor owned hopper dredges should be included, when appropriate, in the regional and on-scene coordinator contingency plans.

c. Notification. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately to the National Response Center, HQ USCG, Washington, D.C. telephone (800) 424-8802 or (202) 267-2675. Notification procedures for USACE projects shall be similar to those identified in Chapter 8 of AR 200-1. Information on reportable quantities for oil and hazardous substances is referenced in AR 200-1. Requirements for submitting situation reports are included in Chapter 4, Section V.

d. Funding.

(1) The responsible USACE element will fund the cleanup of USACE-caused discharges and releases.

(2) Oil and hazardous material spill response plans required on USACE operated and maintained projects will be funded from appropriate project funds.

(3) Preparedness planning activities in support of the NCP, including participation on the RRT, are funded under Class 110.

(4) USACE participation in discharge and release response and cleanup operations under the NCP is done on a reimbursable basis. Funding is the responsibility of the agency requesting USACE assistance.

(5) Activation/operation and related command and control activities in the EOC will be funded under Class 210.

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