

Department of the Interior Departmental Manual

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Series: Emergency Programs

Part 910: Interior Emergency Operations

Chapter 4: National Oil and Hazardous Substances Contingency Plan

Originating Office: Office of Environmental Policy and Compliance

This chapter has been given a new release number.* No text changes were made.

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4.1 Purpose. This chapter prescribes Departmental policy, functions and responsibilities for responding to discharges of oil and releases of hazardous substances (incidents) pursuant to the National Oil and Hazardous Substances Contingency Plan (NCP).

4.2 Authorities.

A. Section 311 of the Clean Water Act, as amended (P.L. 92-500, as amended; 86 Stat. 865; 33 U.S.C. 1321).

B. Title I of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510; 94 Stat. 2767; 42 U.S.C. 9601-9615).

C. Executive Order 11735, Assignment of Functions Under Section 311 of the Federal Water Pollution Control Act, as amended (38 FR 21243).

D. Executive Order 12316, Responses to Environmental Damage (46 FR 42237).

E. National Oil and Hazardous Substances Contingency Plan (40 CFR 300; 47 FR 31180).

4.3 National Contingency Plan (NCP)

A. Scope. The NCP applies to all Federal agencies and is in effect for:

(1) Discharges of oil into the navigable waters of the United States including the adjoining shorelines and the contiguous zone; and into the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act, as amended, the Trans-Alaska Pipeline Authorization Act, or the Deep Water Port Act; or which may affect natural resources belonging to, appertaining to, or under management authority of the United

States.

(2) Releases or substantial threats of releases of hazardous substances into the environment, and releases or substantial threats of releases of pollutants or contaminants which may present an imminent and substantial danger to public health and welfare.

B. Contingency Organizations. The primary NCP organizations are:

(1) National Response Team (NRT), which is responsible for national planning and coordination and, upon activation, advice and coordination in response to an incident.

(2) Regional Response Teams (RRT), which are responsible for regional planning and coordination and, upon activation, advice and coordination in response to an incident.

(3) The On-Scene Coordinators (OSC), who direct Federal fund-financed response efforts and coordinate all other Federal efforts at the scene of a discharge or release. OSC=s are provided by the Environmental Protection Agency for inland areas, the United States Coast Guard for coastal areas, and the Department of Defense for defense vessels and installations.

C. Response Operations. Two types of response operations are covered by the NCP:

(1) ARemoval@ actions involve emergency, immediate, and some planned (within six months) containment and cleanup operations and apply to both oil and hazardous substance incidents (Subparts E and F, NCP).

(2) ARemedial@ actions involve more deliberate and permanent clean-up operations and apply primarily to uncontrolled hazardous waste sites on the National Priorities List (Sections 300.68 and 300.70, Subpart F, NCP).

(a) The Hazard Ranking System (HRS) for measuring threats and the National Priorities List of the 400 sites in the Nation that scored highest on the HRS are included as Appendices A and B to the NCP.

(b) The OSC/lead agency is almost always the Environmental Protection Agency.

(c) Sites now owned by the Federal Government are not included on the National Priorities List. Federal agencies are responsible for conducting their own remedial actions at these sites.

4.4 Policy. In accordance with the NCP or subordinate regional or local contingency plans, the Department of the Interior will:

A. Respond to incidents that affect or may affect its jurisdiction or resources.

B. Respond to requests for assistance from the OSC or other official predesignated by the OSC.

C. Respond to non-reimbursable incidents or requests for assistance only to the extent its mission and resources allow.

D. To the maximum extent allowable and practicable, seek reimbursement for its response costs from the responsible party, the OSC or the appropriate fund manager.

4.5 Responsibilities.

A. The Assistant Secretary - Policy, Budget and Administration will oversee the Department's response management pursuant to the NCP and assigns to the Director, Office of Environmental Project Review, the responsibilities outlined below.

B. The Office of Environmental Project Review will manage the Department's activities under the NCP and the Director will advise and receive policy guidance from the AS/PBA about significant problems and incidents. The Director will represent the Department on the NRT, and the Regional Environmental Officers (REO) on the various RRT's. The Office will also review and approve for the Department all contingency plans, interagency agreements and reimbursement arrangements related to activities covered by the NCP and subordinate plans.

C. Other Assistant Secretaries will ensure that the bureaus under their jurisdiction comply with the NCP and this Chapter.

D. Bureaus will comply with the NCP and this Chapter and keep their supervising Assistant Secretaries advised about significant problems and incidents.

4.6 Communications and Reports.

A. Notifications of incidents are required to be reported to the National Response Center (NRC). These notices are usually relayed to the OSC within 15 minutes. If Interior is involved or its support is required, the OSC will notify the REO or alternate official in accordance with the regional or local contingency plan.

B. All bureaus are responsible for immediately reporting discharges of oil and releases of hazardous substances from vessels or facilities (includes vehicles, structures, wells, impoundments, lands, sites, etc.) which are under their jurisdiction or control to the NRC, (Telephone - FTS: 426-2675 or COMM: 800-424-8802).

C. Copies of any bureau incident response or after action reports will be forwarded to the appropriate REO.

D. Bureaus will record and, upon request of the Office of Environmental Project Review, report relevant incident information, including response costs.

4.7 Training and Safety. Responsibility for the training and safety of employees rests with the heads of bureaus. Accordingly:

A. Bureaus will ensure that their designated response personnel receive training in the relevant responsibilities most likely to be encountered under the NCP. This will depend on the mission and geographic location of the organization and, for example, might range from a single emergency response coordinator in a regional office to an entire section in some field offices.

B. Bureaus should conduct appropriate safety briefings, preferably no less than annually, for all field personnel who might encounter hazardous substances in their normal duties.

4.8 Major Disaster or Emergency. If a situation is beyond the capability of State and local governments and the statutory authority of Federal agencies, the President, acting upon a request by the Governor, may declare a major disaster or emergency and appoint a Federal Coordinating Officer to assume responsibility for direction and control of the Federal response. If this occurs, the Assistant Secretary - Policy, Budget and Administration will be notified immediately and the provisions of 905 DM 1 (Disaster Assistance - Policy, Functions, and Responsibilities) will apply, except that the REO will report to the Departmental Defense Liaison Officer and remain as the focal point for those Department response activities within the scope of the NCP.

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