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Thousands of oil and chemical spills of varying size and magnitude occur in the United States each year. A recent spill of 4-methylcyclohexane methanol into the Elk River in early January 2014 in and near Charleston, WV, illustrates the potential magnitude of such incidents that can have broad impacts on local populations. When a spill occurs, state and local officials located in proximity to the incident generally are the first responders and may elevate an incident for federal attention if greater resources are desired. In the case of the 4-methylcyclohexane methanol spill in West Virginia, President Obama issued a federal emergency declaration on January 10, 2014, to provide alternative water supplies to affected individuals. The Environmental Protection Agency (EPA) also is supporting state efforts to respond to the spill.

The National Oil and Hazardous Substances Pollution Contingency Plan, often referred to as the National Contingency Plan (NCP), establishes the procedures for the federal response to oil and chemical spills. The scope of the NCP encompasses discharges of oil into or upon U.S. waters and adjoining shorelines and releases of hazardous substances into the environment. The NCP was developed in 1968 and has been revised on multiple occasions to implement the federal statutory response authorities that Congress has expanded over time. Three federal environmental statutes authorized the development of the NCP: the Clean Water Act, as amended; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended; and the Oil Pollution Act of 1990.

Several executive orders have delegated the presidential response authorities of these statutes to the federal departments and agencies tasked with implementing the NCP. The lead federal agency serves as the On-Scene Coordinator to direct the federal response. EPA generally is the lead agency responsible for coordinating the federal response within the inland zone, and the U.S. Coast Guard generally serves as the lead agency within the coastal zone. However, a response to an incident occurring on a federal facility is coordinated by the federal department or agency that administers the facility. The NCP established the National Response System (NRS) as a multi- tiered framework for coordinating the roles of 15 federal departments and agencies that serve as standing members of the National Response Team to offer specialized resources and expertise and for integrating the participation of state and local officials and other nonfederal entities.

Although the framework of the NRS is the same for responding to discharges of oil or releases of hazardous substances, the NCP establishes separate operational elements for responding to each type of incident, and these elements differ in some respects. The source of federal funding to carry out a response also differs. The Oil Spill Liability Trust Fund finances the federal response to a discharge of oil, and the Superfund Trust Fund finances the federal response to a release of a hazardous substance. Monies spent from these trust funds may be recouped from the responsible parties under the liability provisions of the Oil Pollution Act and CERCLA, respectively.

For multifaceted incidents, such as major disasters or emergencies, the NCP also could be invoked under the National Response Framework (NRF) to address an aspect of an incident involving a discharge of oil or release of a hazardous substance. The NRF is a broader administrative mechanism for coordinating the array

of federal emergency response plans. However, the NRF itself is not an operational plan that dictates a step-by-step process. The NRF instead merely may apply the NCP as the operational plan to respond to a discharge of oil or release of a hazardous substance.

This report discusses the statutory authorities of the NCP and relevant executive orders; outlines the federal emergency response framework of [...]

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