

Additional Information

Statutory Authority

Clean Water Act § 311(j)(A)

Requires the President to issue regulations, consistent with the National Contingency Plan (NCP), establishing methods and procedures for removal of discharged oil and hazardous substances.

Statutory Authority for NCP Product Schedule

**Clean Water Act Section 311(d)(2) and
Section 4201 (a)(G) of the Oil Pollution Act of
1990**

**Requires the President to prepare a
“schedule of dispersants, other chemicals,
and other oil spill mitigating devices and
substances, if any that may be authorized for
use on oil discharges...”**

NCP Product Schedule

Categories:

- **Dispersants**
- **Surface Washing Agents**
- **Bioremediation Agents**
- **Miscellaneous Oil Spill Control Agents (MOSCA)**

On-Scene Coordinator Responsibility

40 CFR § 300.135(a)

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

Use of NCP Products

Regional Contingency Plans (RCPs) and Area Contingency Plans (ACPs) shall, as appropriate, include applicable preauthorization plans and address the specific contexts in which such products should and should not be used.

Region 8 Authorization

RCP and ACP specify that the use of such products **must** be approved by Federal On-Scene Coordinators.

Enforcement

Levels the playing field for owners and operators who comply with the rule.

Serves as a deterrent to non compliance.

Achieves compliance.

Expedited Enforcement Program

SPCC Plans

- **Cannot be used if no secondary containment for bulk containers.**
- **NO reportable discharge.**
- **Penalty Range of \$400 - \$5,000**
- **Set \$ amount for each violation;**

Expedited Enforcement Program

Spills

First time spill and had Minor impact

Spill was small < 100 barrels

Penalty Range of \$500 - \$5,000

Traditional Penalty

Up to \$37,500 per day for each day of violation or \$1,100 per barrel.

Class I – up to \$37,500;

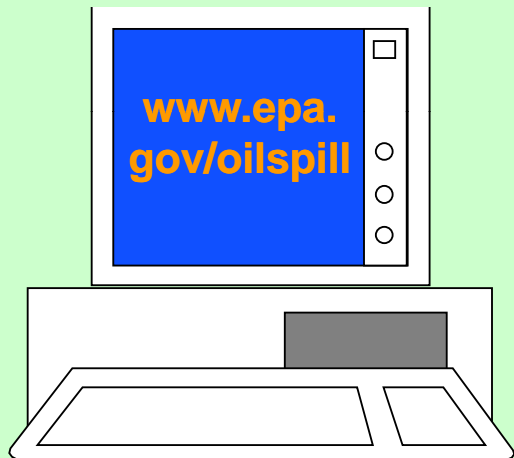
Class II - \$37,501 to \$177,500;

Referral - \$177,501+ (may be used for lesser amounts if injunctive relief is required).



QUESTIONS ????

EPA Web Sites



www.epa.gov/oilspill

www.epa.gov/region8/

EPA Hotlines

- National Response Center (NRC): **800-424-8802**



- For SPCC, FRP, & OPA Information: **800-424-9346**
- NCP Product Schedule Information: **202-260-2342**

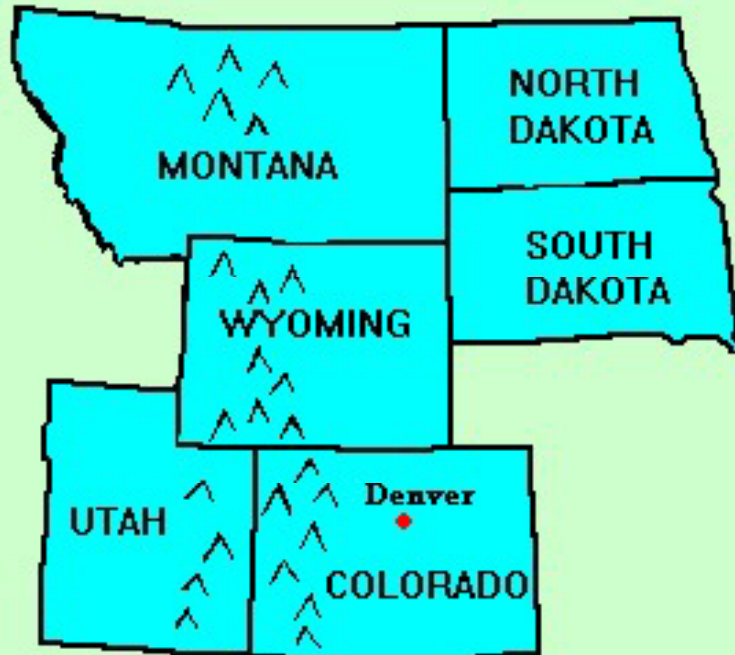


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