



**US Army Corps
of Engineers.**

FUSRAP *Fact Sheet* **CERCLA**

U.S. Army Corps of Engineers • Buffalo District • December 2000

This is one in a series of fact sheets that provides information about regulatory, technical, and other issues considered in decision-making within the Formerly Utilized Sites Remedial Action Program (FUSRAP). This fact sheet discusses the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Department of Defense's hazardous waste cleanup activity responsibilities are derived from CERCLA; the Resource Conservation and Recovery Act (RCRA); state and local requirements; standards, and guidance documents.

What is CERCLA?

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was passed in December 1980 in response to the discovery in the late 1970s of a large number of abandoned, leaking hazardous waste sites that posed a serious threat to both human health and the environment. CERCLA was designed to impose cleanup and reporting requirements on the private sector, as well as federal facilities, by:

- identifying those sites where releases of hazardous substances had occurred or might occur, and pose a serious threat to human health, welfare, or the environment;
- taking appropriate action to remedy those releases; and
- seeking that the parties responsible for the releases pay for the cleanup activities.

CERCLA is a response and reporting act, not a regulatory act. It does not make conduct unlawful. Instead it provides the framework for addressing hazardous waste sites.

CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986. SARA introduced more stringent cleanup standards and created a new independent regulatory program - the Emergency Planning and the Community Right-to-Know Act.

The primary CERCLA regulation is the National Oil Hazardous Substances Pollution Contingency Plan (NCP). The NCP sets forth the basic criteria that governs response to releases and threatened releases and oversees the development of appropriate remedies.

What does CERCLA do?

CERCLA authorizes cleanup responses when there is a release or threat of a release of a hazardous substance into the environment, and sets a framework for accomplishing those actions. Two types of response actions are authorized: removal and remedial action. Removal actions are undertaken to immediately stop, prevent, minimize, stabilize, mitigate or eliminate the release or threatened release that may pose a threat to public health or welfare or the environment. Such events concern not only listed hazardous substances but also any pollutants or contaminants with the exception of oil and gas. Remedial actions provide a more permanent solution to hazardous substance threats and generally involve a more extensive study and action period.

Pursuant to CERCLA, remedial action must attain applicable or relevant and appropriate requirements (ARARs). ARARs determine the technical standards for cleanup activities at a CERCLA site. The applicable requirements are federal or state environmental or public health laws and regulations or cleanup standards specific to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site. If a requirement is not directly applicable, it may still be relevant and appropriate. Those requirements may address problems or situations sufficiently similar to those encountered at the CERCLA site that their use may be well-suited to the particular site. A relevant requirement, however, may or may not be considered appropriate.

CERCLA also provides a means for insuring that those responsible for causing hazardous substance releases pay the cost of cleanup.

What is Community Right-to-Know?

Contained in the 1986 SARA was the Emergency Planning and Community Right-to-Know Act. The Right-to-Know Act creates emergency planning, reporting, and notification requirements intended to protect the public in the event of a release of a hazardous substance. Facilities are required to report the presence of hazardous chemical substances in addition to those listed as extremely hazardous.

Emergency release notice is only required by the act if the release is of an USEPA-listed substance extending beyond the facility's boundaries. The Right-to-Know Act also includes a system of administrative, civil, and criminal penalties to enforce notification requirements. USEPA may order governments and commercial facilities into compliance. In addition, both USEPA and private citizens may bring a civil action against them and request that a court impose monetary penalties for violations or the USEPA may seek criminal sanctions.

How do I get more information?

To learn more about CERCLA and other aspects of the Formerly Utilized Sites Remedial Action Program, please contact the U.S. Army Corps of Engineers FUSRAP Public Information Center at **(716) 879-4438**. Or you may call the toll-free public access line at: **1-800-833-6390**.

FUSRAP also has a home page on the Internet at <http://www.lrb.usace.army.mil/fusrap>

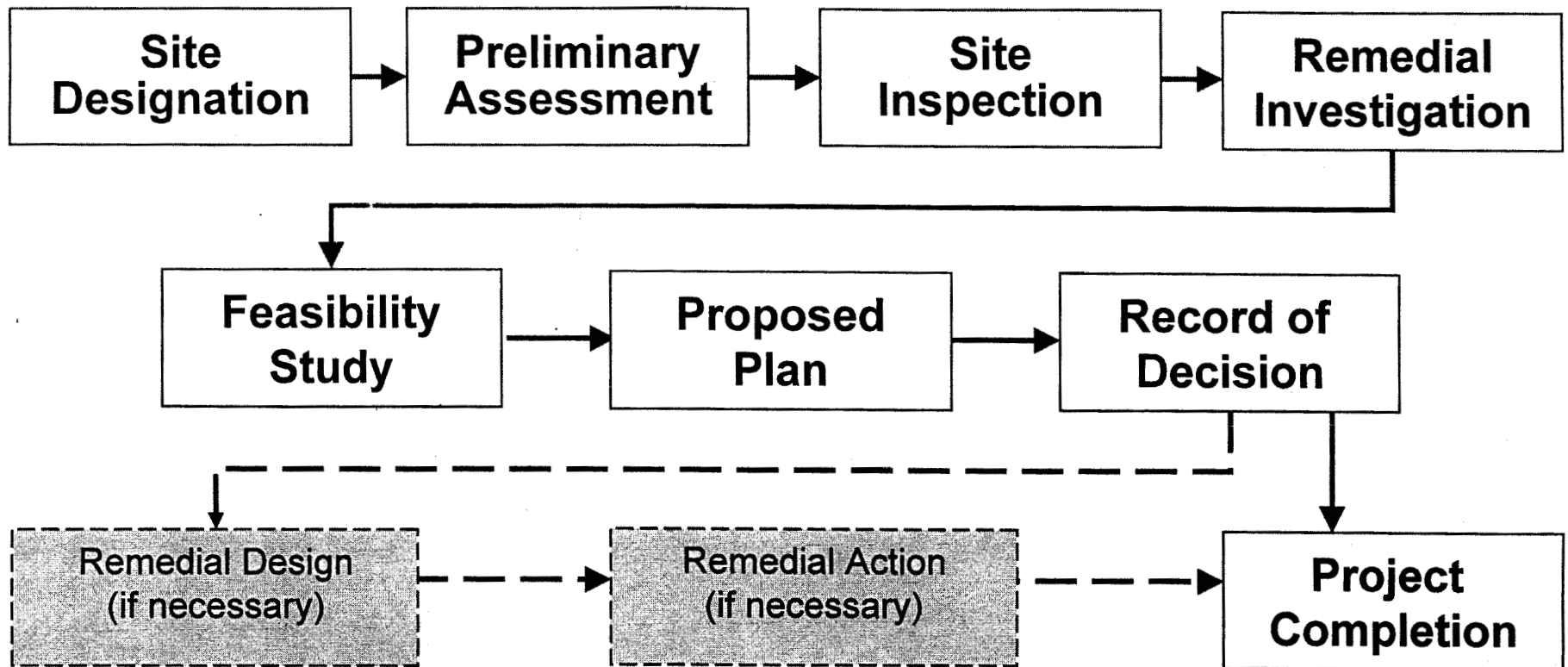
You can also e-mail us at fusrap@usace.army.mil

Or visit the Information Center at: U. S. Army Corps of Engineers
FUSRAP Public Information Center
1776 Niagara Street
Buffalo, NY 14207



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Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Process for FUSRAP



A removal action may be initiated at any time during the process if human health or the environment is in immediate danger.



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The CERCLA Decision-Making Process for FUSRAP

