

Overview of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Environmental Protection Agency (EPA) estimates that one in four Americans lives within three miles of a hazardous waste site. To clean up these highly contaminated sites, the Congress established the Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980. EPA, the principal agency responsible for administering the Superfund program, has since identified more than 47,000 hazardous waste sites potentially requiring cleanup actions and has placed some of the most seriously contaminated sites on its National Priorities List (NPL).

1. The Superfund cleanup process begins with the discovery of a potentially hazardous site or the notification to EPA of possible releases of hazardous substances that may threaten human health or the environment. Citizens, state agencies, EPA regional offices, and others may alert the agency to such threats.
2. EPA regional offices use a screening system to numerically assess the potential of sites to pose a threat to human health and the environment; those sites that score sufficiently high are eligible for proposal to the NPL. EPA publishes a list of proposed sites in the *Federal Register*; the list is subject to a period of public comment.
3. Cleanups at NPL sites progress through several steps: investigation and study, remedy selection and design, and remedial action. When all physical construction at a site is complete, all immediate threats have been addressed, and all long-term threats are under control, EPA generally considers the site to be “construction complete.”
4. EPA may have further responsibilities at a site after construction is completed, such as continuing groundwater restoration efforts or monitoring the sites to ensure that the remedy remains protective of human health and the environment. Eventually, when EPA and the state determine that no further site response is needed, EPA deletes the site from the NPL.
5. Cleanup efforts at NPL sites are typically expensive and can take many years. There are two basic types of cleanup actions, removal and remedial actions.
6. Removal actions: generally short-term or emergency cleanups to mitigate threats
 - a. Assessing the threats of hazardous waste releases to determine whether removal actions are necessary
 - b. Responding to the release of hazardous waste at sites that pose an immediate threat to public health or the environment
 - c. Developing and maintaining the infrastructure necessary to respond effectively to releases, whether they are accidental, intentional, or a result of a natural disaster
 - d. Coordinating with the Department of Homeland Security and other Federal agencies during natural disasters and other major environmental incidents.
7. Remedial actions: generally long-term cleanup activities.
 - a. Collecting and analyzing site data to determine the potential effects of contaminants on human health and the environment
 - b. Conducting or overseeing investigations to select appropriate remedies

- c. Constructing or overseeing the construction of remedies
 - d. Ensuring long-term protectiveness by overseeing maintenance activities and conducting 5-year reviews of sites
8. The parties responsible for contributing to the contamination of a hazardous waste site are also primarily responsible for conducting or paying for the cleanup of the site. Responsible parties include current or former owners or operators of a site or the generators and transporters of the hazardous substances.
 9. CERCLA authorizes EPA to compel the responsible parties to clean up contaminated sites and also allows EPA to conduct cleanups and then seek reimbursement from the responsible parties.
 10. When responsible parties cannot be identified or may be unwilling or financially unable to perform the cleanup; the EPA can assume responsibility for site cleanup and seek reimbursement from any responsible parties that can be identified.
 11. States may also play a significant role in cleaning up hazardous waste sites. Most states have established programs to help address hazardous waste sites, although many states have limited capacity to address costly and complex sites.
 12. CERCLA authorizes EPA to use its Superfund appropriation to conduct cleanup actions, and the agency's Office of Solid Waste and Emergency Response (OSWER) is accountable for achieving Superfund's cleanup goals.

The following chart summarizes the CERCLA cleanup process.

