

# Unit 9

## CERCLA: Inactive Hazardous Waste Sites

# Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- Mandatory components:
  - Mandatory reporting of releases to the National Response Center
  - Response and remediation
    - Superfund
  - National Priorities List (NPL)

# History of CERCLA

- 1980 enactment
- Response to Love Canal, Times Beach, Stringfellow Acid Pits, and others
- Harmfulness of many wastes not known at time of disposal
- SDWA definition of hazardous waste with petroleum excluded

# Liability under CERCLA

- Strict
- Joint and several
- Retroactive
- Potentially responsible party
  - Covered person

# CERCLA defenses

- Act of god
- Act of war
- Act of third party
- Due diligence
  - residential property
  - commercial property
  - agricultural property

# CERCLA defenses

- Lender exemption
- Fiduciary/heirs/forced sales
- *de minimus* settlements

# CERCLA citizen suits

- 60 day notice to:
  - EPA
  - State
  - Alleged violator(s)
- No suit if EPA/state suit
- Costs, including attorney & expert witness fees

# Brownfields initiative

- Federal
- <http://www.epa.gov/superfund/>
- <http://www.epa.gov/brownfields/>
- State
- <http://wastenot.ehnr.state.nc.us/>