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# **Module 3: CERCLA and Other Laws**

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## Objectives

- ❑ Identify the source of CERCLA clean-up standards
- ❑ Explain the relationship between CERCLA, RCRA and Federal Facility Agreements.

### **Main Framework**

- ❑ **CERCLA does not establish specific cleanup levels or standards**
- ❑ **Nor does it supersede other laws**
- ❑ **Rather, it works in conjunction with them**
- ❑ **CERCLA does require that response actions meet applicable or relevant and appropriate requirements (ARARs) of other environmental laws**
- ❑ **At Federal Facilities, CERCLA often “shares” authority with RCRA in directing what must be done**

## **CERCLA and cleanup levels**

- ❑ **CERCLA requires “protection of human health and the environment”**
- ❑ **It also mandates “treatment to the maximum extent practicable”**
- ❑ **CERCLA does not mandate any specific approach to remediation (e.g., excavation vs. final in-place management)**

## **CERCLA Does Not Supersede Other Laws - ARARs**

- ❑ Requirements of other laws must be met during and after CERCLA actions under certain circumstances
- ❑ Example: Generating RCRA hazardous waste during a CERCLA action triggers appropriate RCRA requirements
- ❑ Challenge is to identify and understand implications of these other laws for CERCLA
- ❑ Substantial effort to manage/reduce impact of other laws where they are a disincentive for cleanup

## **“Shared” authorities for cleanup**

- ❑ CERCLA is not a program delegated to the States or Indian tribes
- ❑ RCRA corrective action is, in many cases, delegated to States
- ❑ Both provide authority to compel cleanup for many of the wastes/substances found at Federal facilities
- ❑ There is no clear boundary when one applies over the other
- ❑ Federal Facility Agreements (or the equivalent) have become basis for sorting this out

## Module Summary

- ❑ CERCLA requires “protection of human health and environment” and mandates “treatment to the maximum extent practicable”
- ❑ CERCLA does not supersede other laws, rather, it works in conjunction with them
- ❑ At federal facilities, CERCLA and RCRA share responsibility of what must be done

## **Exercise 3: Pre-Scoping Exercise**

- ❑ **Immediately Following Lunch, the Pre-Scoping exercise will begin. As students return from lunch, they should begin working individually to complete the scoping exercise worksheet.**
- ❑ **Exercise Objective:**
  - **Familiarize students with the range of decisions that must be made when planning a CERCLA action**