Appendix 11 – Legal Authorities

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

Congress enacted CERCLA on December 11, 1980. The Superfund law (as it is commonly known) provided broad federal authority for a government program to identify, investigate and clean up hazardous waste sites. The law also created a tax on the chemical and petroleum industries to fund a trust fund to be used to address abandoned or uncontrolled hazardous waste sites. This tax expired in 1995. On October 17, 1986, Congress enacted the Superfund Amendments and Reauthorization Act (SARA), amending the original law.

When cleaning up sites under the Superfund law, the EPA follows the "polluter pays" principle, looking to the parties responsible for the pollution, rather than the general public, to pay for the cleanup. The EPA identifies potentially responsible parties (PRPs), including individuals, companies, or other entities (i.e., owners or operators of facilities at or from which there has been a release of a hazardous substance), transporters, or generators of hazardous substances) potentially responsible for, or contributing to, the contamination at a Superfund site. The EPA seeks to have PRPs perform work at Superfund sites, and/or to pay the costs that the EPA incurs in performing work. If the EPA is not able to identify financially viable PRPs, the cost of the cleanup may be paid from the Superfund, which is financed through taxpayer dollars.

Superfund Steps

- Preliminary Assessment
- Remedial Investigation
- Feasibility Study
- Proposed Plan

Under Superfund law, the EPA's goal is to reduce unacceptable risks to human health and the environment from exposure to releases of hazardous substances by cleaning up to target concentrations defined in the law and EPA guidance documents or developed specifically for a particular site. An important component of the Superfund program is community involvement in decisions about how to clean up contaminated sites. Superfund law requires specific community involvement activities be undertaken at certain points throughout the cleanup process. The primary steps in Superfund projects are remedial investigations, feasibility studies, proposed plans, records of decision and remedial actions. While the EPA is the lead agency for developing and implementing community relations activities at Superfund sites, other federal, state and local agencies frequently assume a supporting role.

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

On February 11, 1994, President Clinton issued Executive Order 12898. This order directs agencies to address environmental and human health conditions in minority and low-income communities to avoid the disproportionate placement of any adverse effects from federal policies and actions on these populations. Conditions giving rise to environmental justice concerns are specific to individual communities and their histories. Urban communities typically face pollution from multiple sources, including toxic waste sites, industrial plants as well as heavy city and port traffic. Environmental justice populations may also struggle with economic divestment, aging infrastructure, and the presence of underutilized properties that, while not Superfund sites, are also not free of contamination.