

# How Does EPA Clean Up Contaminated Properties? Comparing RCRA and Superfund Programs



The Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) are two environmental laws. They guide the federal government's response to managing and cleaning up hazardous waste sites and facilities. Both laws share an overarching focus on protecting human health and the environment. The U.S. Environmental Protection Agency (EPA) oversees the programs.

The RCRA cleanup program regulates land-based disposal of waste, including hazardous waste. It has the goal of reducing waste and encouraging recycling. The Superfund cleanup program addresses abandoned and uncontrolled hazardous waste sites. To do so, it uses two kinds of responses. Short-term removal actions address releases or threatened releases requiring prompt responses. Long-term remedial actions permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. EPA may use both RCRA and Superfund cleanup authorities at a hazardous waste site.

This fact sheet highlights the key characteristics of both programs.



## Where can I find more information?

### **EPA's basic information about cleanups:**

[www.epa.gov/cleanups/basic-information-about-cleanups](http://www.epa.gov/cleanups/basic-information-about-cleanups)

**EPA's RCRA program:** [www.epa.gov/rcra](http://www.epa.gov/rcra)

### **EPA's RCRA state authorization:**

[www.epa.gov/rcra/state-authorization-under-resource-conservation-and-recovery-act-rcra](http://www.epa.gov/rcra/state-authorization-under-resource-conservation-and-recovery-act-rcra)

### **EPA's Superfund program:**

[www.epa.gov/superfund](http://www.epa.gov/superfund)

### **EPA's Superfund cleanup process:**

[www.epa.gov/superfund/about-superfund-cleanup-process#npl](http://www.epa.gov/superfund/about-superfund-cleanup-process#npl)

### **EPA's Community Guide to the Superfund Program:**

[semspub.epa.gov/src/document/HQ/175197](http://semspub.epa.gov/src/document/HQ/175197)

### **EPA's Superfund Technical Assistance for Communities:**

[www.epa.gov/superfund/superfund-technical-assistance-communities](http://www.epa.gov/superfund/superfund-technical-assistance-communities)

### **EPA's Superfund Community Advisory Groups (CAGs):**

[www.epa.gov/superfund/superfund-community-advisory-groups](http://www.epa.gov/superfund/superfund-community-advisory-groups)



# RCRA

## What does the acronym stand for?

RCRA stands for the Resource Conservation and Recovery Act. This federal law regulates the management of hazardous waste, non-hazardous wastes, medical wastes and underground storage tanks.



## What is the program's purpose?

The RCRA program gives EPA the authority to regulate hazardous waste from “the cradle to the grave.” This includes the generation, transportation, treatment, storage and disposal of hazardous waste. It also requires that facilities that treat, store or dispose of hazardous wastes investigate and clean up contamination.

## How is the cleanup program chosen?

The RCRA program typically applies to active and recently active facilities. It is a company's responsibility to manage wastes, complete closure and appropriately address contamination from its operations.

## Who manages it?

EPA gives RCRA program authority to qualifying states. EPA maintains an oversight role.



## What does a cleanup look like?

Facilities apply for a permit to operate or ensure proper closure of a non-operating facility or they must respond to an order. The person or entity subject to the RCRA permit or order conducts the cleanup.

Assessment and interim cleanup take place under the oversight of EPA and/or the state. Final cleanup plans become part of the facility's permit or order after public comment and prior to implementation. A public process is also in place for changes in remedies or corrective action accomplishments.

The person or entity subject to the permit or order must implement the plan and conduct long-term maintenance and monitoring activities, if needed.

## What cleanup standards are used?

State and federal laws guide the selection of final cleanup standards.

## Who pays for the cleanup?

The facility operator or owner pays for the cleanup.



## Does the program allow relocation of impacted residents?

No. The RCRA program does not have relocation authority.

## What about public outreach and information?

Public outreach includes making documents available to the public in an information repository, such as a library or courthouse, holding a public notice and comment period, responding to submitted comments, and hosting public meetings when there is substantial public interest.



Public participation information is available at: [www.epa.gov/hwpermitting/rcra-public-participation-tools-and-resources](http://www.epa.gov/hwpermitting/rcra-public-participation-tools-and-resources).

## How can the community engage in the cleanup process?

Technical assistance is available through EPA's Technical Assistance Services for Communities (TASC) program.

# Superfund (CERCLA) Removal

## What does the acronym stand for?

CERCLA stands for the Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund). This federal law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Removal actions include immediate and short-term response actions. Remedial actions are long-term, more complex response actions.



## What is the program's purpose?

The Superfund program's removal action response authorizes EPA to respond to releases or threats of releases of hazardous substances by starting a short-term removal action to stabilize or clean up an incident or site that poses a threat to public health or welfare.

Because removal actions are short-term responses to immediate threats, they generally do not deal with more complex problems such as areawide cleanup of groundwater. These issues require long-term corrective actions.

## How is the cleanup program chosen?

Removal action responses are common at sites where contamination potentially poses an immediate threat to human health and the environment. EPA provides support when requested or when a situation exceeds local and state first responder capabilities.

## Who manages it?

EPA oversees the Superfund program's removal actions.

## What does a cleanup look like?

Short-term removal actions include assessment, removal and post-removal assessment phases.

During emergency removal actions, EPA may address immediate threats to human health within days or even hours. The derailment of a train carrying hazardous materials and a fire in a building storing hazardous materials are examples of these types of immediate threats.

For time-critical removal actions, EPA does a site evaluation and determines that less than six months is available before site activities must begin. For non-time-critical removal actions, EPA does a site evaluation and determines that more than six months is available before on-site activities must begin.

## What cleanup standards are used?

State and federal laws guide the selection of cleanup standards

## Who pays for the cleanup?

The entities commonly referred to as potentially responsible parties (PRPs) are any people or organizations potentially responsible for, or contributing to, a spill or other contamination at a Superfund site. Types of PRPs include owners, operators, transporters and generators. If EPA determines those entities are responsible for the contamination, the PRPs must conduct a cleanup with EPA oversight, pay for the cleanup or reimburse EPA. If there are no financially viable parties to do the work, EPA pays for it.

## Does the program allow relocation of impacted residents?



Yes, in certain limited instances. The Superfund program authorizes temporary or permanent relocations by EPA if there is no other alternative to protecting human health. EPA prefers to address risks posed by contamination using methods that enable businesses to stay open and allow people to remain safely in their homes. EPA does not routinely consider relocation as a component of a removal or remedial response.

## What about public outreach and information?

The type and frequency of public outreach activities varies, depending on the urgency and type of removal action. Activities may include designating a spokesperson, establishing an Administrative Record and information repository, hosting a public comment period, and preparing a Community Involvement Plan.

Community involvement is important throughout EPA's Superfund removal action responses. Information is available at: [www.epa.gov/superfund/superfund-community-involvement](http://www.epa.gov/superfund/superfund-community-involvement).

## How can the community engage in the cleanup process?



Technical assistance is available through EPA's TASC program.



# Superfund (CERCLA) Remedial

## What does the acronym stand for?

CERCLA stands for the Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund). This federal law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Removal actions include immediate and short-term response actions. Remedial actions are long-term, more complex response actions.



## What is the program's purpose?

The Superfund program's remedial action response authorizes EPA to permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening.

Remedial actions address complex, highly contaminated sites. It often requires several years to study the problem, develop permanent solutions and clean up the hazardous waste at these sites.

## How is the cleanup program chosen?

Remedial actions take place if a site qualifies for listing on the National Priorities List (NPL). The NPL is a list of the most serious sites across the country identified for long-term cleanup. The Hazard Ranking system (HRS) is the primary method EPA uses to place sites on the NPL. EPA proposes sites that score at or above an established level for listing on the NPL.

To list a site on the NPL, EPA publishes a public notice about its intention in the Federal Register and notifies the community, so interested members of the community can comment on the proposal. EPA then responds to the comments received. If, after the formal comment period, the site still qualifies for cleanup under Superfund, EPA finalizes the site's listing on the NPL.



## Who manages it?

EPA oversees the Superfund program's remedial actions.

## What does a cleanup look like?

Long-term cleanup activities of sites on the NPL involve investigations, evaluation of site risks, studying of cleanup options, selection of a long-term cleanup, implementation of the cleanup and long-term monitoring, as needed. EPA's remedial response actions at a site take several years to

investigate the contamination followed by years of cleanup due to the complex nature of the site.

## What cleanup standards are used?

State and federal laws guide the selection of cleanup standards.

## Who pays for the cleanup?



The entities commonly referred to as potentially responsible parties (PRPs) are any people or organizations potentially responsible for, or contributing to, a spill or other contamination at a Superfund site. Types of PRPs include owners, operators, transporters and generators. If EPA determines those entities are responsible for the contamination, the PRPs must conduct a cleanup with EPA oversight, pay for the cleanup or reimburse EPA. If there are no financially viable parties to do the work, EPA pays for it.

## Does the program allow relocation of impacted residents?

Yes, in certain limited instances. The Superfund program authorizes temporary or permanent relocations by EPA if there is no other alternative to protecting human health. EPA prefers to address risks posed by contamination using methods that enable businesses to stay open and allow people to remain safely in their homes. EPA does not routinely consider relocation as a component of a removal or remedial response.

## What about public outreach and information?



Public outreach activities include developing a Community Involvement Plan, making documents available to the public at an information repository, holding a public notice and comment period, and hosting public meetings. EPA may also help with the formation of a Community Advisory Group (CAG).

Community involvement is important throughout EPA's Superfund remedial actions. Information is available at: [www.epa.gov/superfund/superfund-community-involvement](http://www.epa.gov/superfund/superfund-community-involvement).

## How can the community engage in the cleanup process?

Technical assistance is available through EPA's TASC program. EPA Technical Assistance Grants (TAG) are available to eligible community groups at sites on the NPL.

# Comparing RCRA and Superfund Cleanup Steps

The graphic below compares the RCRA and Superfund cleanup processes. Both have similar steps to identify contamination, develop cleanup plans and implement the plans. The RCRA program focuses on permitting, or orders, and corrective cleanup actions by the facility operator or owner, with state supervision and EPA oversight. The Superfund program follows removal action or remedial cleanup steps performed by potentially responsible parties, under EPA oversight, or performed by EPA. EPA may approach cleanup of a hazardous waste site using both RCRA and Superfund cleanup authorities.

