

CHAPTER 16

Cleanup Standards at Petroleum Sites

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§ 16.01. Introduction.

In 1980, the Comprehensive Environmental Response, Compensation, and Liability Act⁽¹⁾ (CERCLA) was enacted in response to the dangers posed by the sudden or otherwise uncontrolled release of hazardous substances, pollution, or contaminants into the environment.⁽²⁾ CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986⁽³⁾ (SARA), and the Oil Pollution Act of 1990⁽⁴⁾ (OPA) have created the statutory framework for identifying, evaluating, and remediating petroleum contaminated sites.

On September 23, 1988, the United States Environmental Protection Agency (EPA) issued a Final Rule asserting that the standard for the cleanup of petroleum products from underground storage tanks (UST) "would be established on a site-by-site basis as approved by the implementing agency."⁽⁵⁾

This Chapter will identify EPA's process for establishing cleanup standards, analyze the range of site and contaminant-specific factors that must be considered in that process, evaluate the application of that process to petroleum contaminated sites, and advise the practitioner on actions that may be taken to influence the establishment of the applicable standards.

§ 16.02. Authority for Establishing Standards.

Section 121 of CERCLA⁽⁶⁾ provides the authority to EPA to establish cleanup standards at Superfund sites. More detailed guidance is set forth in the National Oil and Hazardous Substances Pollution Contingency Plan⁽⁷⁾ (NCP).

§ 16.03. Overall Response Action Process.

A site generally enters the CERCLA response action process as a result of a report to the National Response Center⁽⁸⁾ or directly to EPA or the Coast Guard.⁽⁹⁾ The site is then entered into the CERCLA Information System⁽¹⁰⁾ (CERCLIS), a data base containing information on reported hazardous waste sites. CERCLIS includes information on the response action status of the site as well as the ultimate disposition of the site