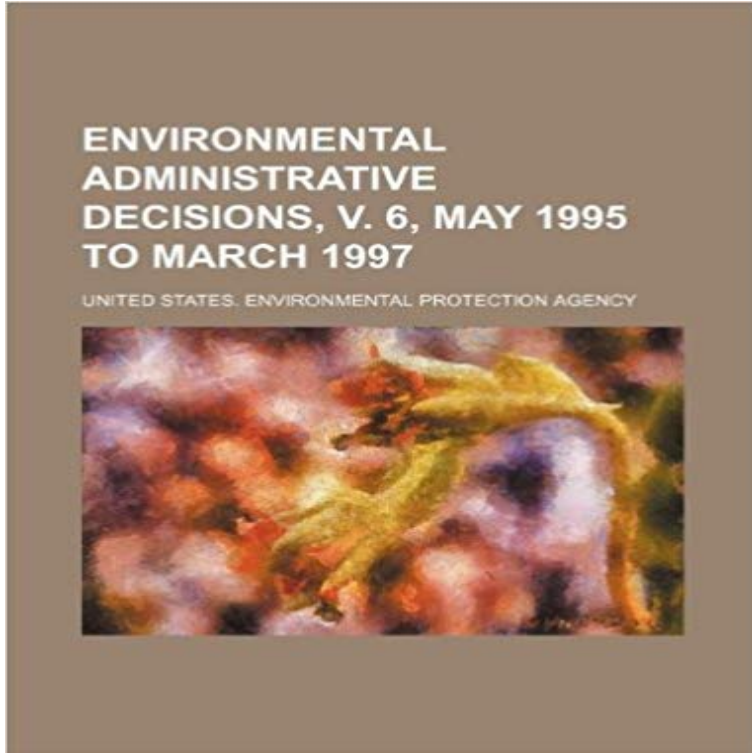


Environmental Administrative Decisions, V. 6, May 1995 to March 1997



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1998-03-03 Excerpt: ...distinguish between removal actions 5 This request is discussed at length infra in Section II.D. These regulations appear in the National Oil and Hazardous Substances Pollution Contingency Plan at 40 C.F.R. Part 300. FEDERATED METALS CORPORATION and remedial actions and establish requirements for both types of response actions. The statute defines remove or removal broadly to include the cleanup or removal of released hazardous substances from the environment and further as: Such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. CERCLA 101(23), 42 U.S.C. 9601(23). Removal authority is mainly used to respond to emergency and time-critical situations where long deliberation prior to response is not feasible. Final Rule, National Oil and Hazardous Substances Pollution Contingency Plan, 55 Fed. Reg. 8666 (March 8, 1994). By contrast, remedy or remedial action refers to those actions consistent with permanent remedy taken instead of or in addition to removal actions. CERCLA 101(24), 42 U.S.C. 9601(24). Pursuant to CERCLA 106(b)(2)(A), 42 U.S.C. 9606(b)(2)(A), any person who has received and complied with an order issued under 106(a), whether for a removal or rem...

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