

Off-Site Rule

What is the Off-Site Rule?

Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) applies to any CERCLA response action involving the off-site transfer of any hazardous substance, pollutant or contaminant (CERCLA wastes). That section requires that CERCLA wastes may only be placed in a facility operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable Federal or State requirements. That section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment, and requires that any releases from other waste management units must be controlled. These principles are interpreted in the Off-Site Rule (OSR), set forth in the National Contingency Plan (NCP), at 40 CFR 300.440. The purpose of the OSR is to avoid having CERCLA wastes from response actions authorized or funded under CERCLA contribute to present or future environmental problems by directing these wastes to management units determined to be environmentally sound (preamble to final OSR, 58 FR 49200, 49201, Sept. 22, 1993).

The OSR establishes the criteria and procedures for determining whether facilities are acceptable for the receipt of CERCLA wastes from response actions authorized or funded under CERCLA. The OSR establishes compliance criteria and release criteria, and establishes a process for determining whether facilities are acceptable based on those criteria. The OSR also establishes procedures for notification of unacceptability, reconsideration of unacceptability determinations, and re-evaluation of unacceptability determinations