



## **HAZARDOUS SUBSTANCES (SUPERFUND LIABILITY)**

During your construction activity, do you excavate soil? If the excavated soils contain a hazardous substance (e.g., pesticides or petroleum), you may be responsible under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as an operator, arranger, or transporter. For example:

- You may be an operator if you spread soil that contains a hazardous substance on the land.
- You may be an arranger if you dispose of a hazardous substance or arrange to have it removed from a construction site. For example, if you excavate and spread soil that contains pollutants buried by a previous owner, you may be liable for disposal of a hazardous substance.
- You may be a transporter if you move a hazardous substance from one location to another. For example, you may be liable if you transport dioxin-contaminated soil even if you did not know the soil contained dioxin.

CERCLA requirements dictate how you handle a material that contains a hazardous substance (e.g., treat the material to remove the substance or remove the material from the site). Be careful to prevent contaminated soil or water from contact with storm water.