

RCRA/CERCLA INTEGRATION AT FEDERAL FACILITIES

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OVERVIEW

- ▶ Background: RCRA and CERCLA
- ▶ Similarities
- ▶ Differences
- ▶ Impediments to RCRA/CERCLA Integration
- ▶ Strategies to Improve RCRA/CERCLA Integration
- ▶ Summary



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BACKGROUND

RCRA and CERCLA



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“What Do RCRA
and
CERCLA
Stand For?”

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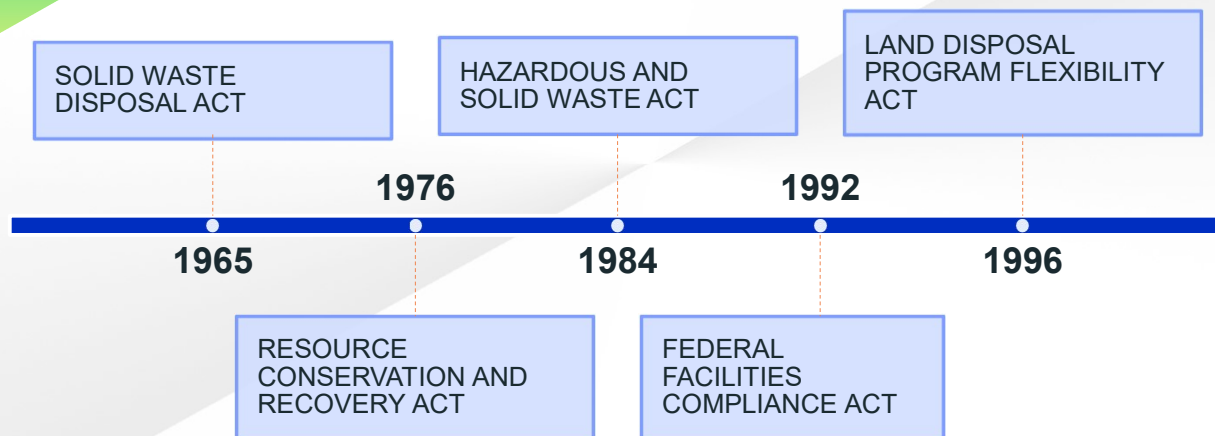
“ **RCRA** – Resource Conservation and Recovery Act

CERCLA – Comprehensive Environmental Response Compensation and Liability Act

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RCRA TIMELINE



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RCRA: KEY THINGS TO NOTE

- RCRA is an amendment/replacement to the Solid Waste Disposal Act of 1965
- It was enacted by Congress in October 1976 as a response to growing environmental incidents and concerns from improper management of waste
- Controls hazardous waste from the "cradle-to-grave." - includes the generation, transportation, treatment, storage, and disposal of hazardous waste.

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HSWA: KEY THINGS TO NOTE

- RCRA § 3004(u) provides that each permit issued after November 8, 1984, "shall require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at an active or inactive treatment, storage, or disposal facility seeking a permit" under Subtitle C of RCRA.
- Addresses on and off-site releases
- Waste minimization
- Increased enforcement authority for EPA
- More stringent hazardous waste management standards

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FFCA: KEY THINGS TO NOTE

- Waives the sovereign immunity of the United States for purposes of enforcing Federal, State, interstate, and local requirements with respect to solid and hazardous waste management.
- Requires Federal agencies that own or operate hazardous waste facilities to reimburse EPA for costs of inspections.
- Subjected Federal agencies to RCRA civil penalties by expanding the waiver of sovereign immunity.

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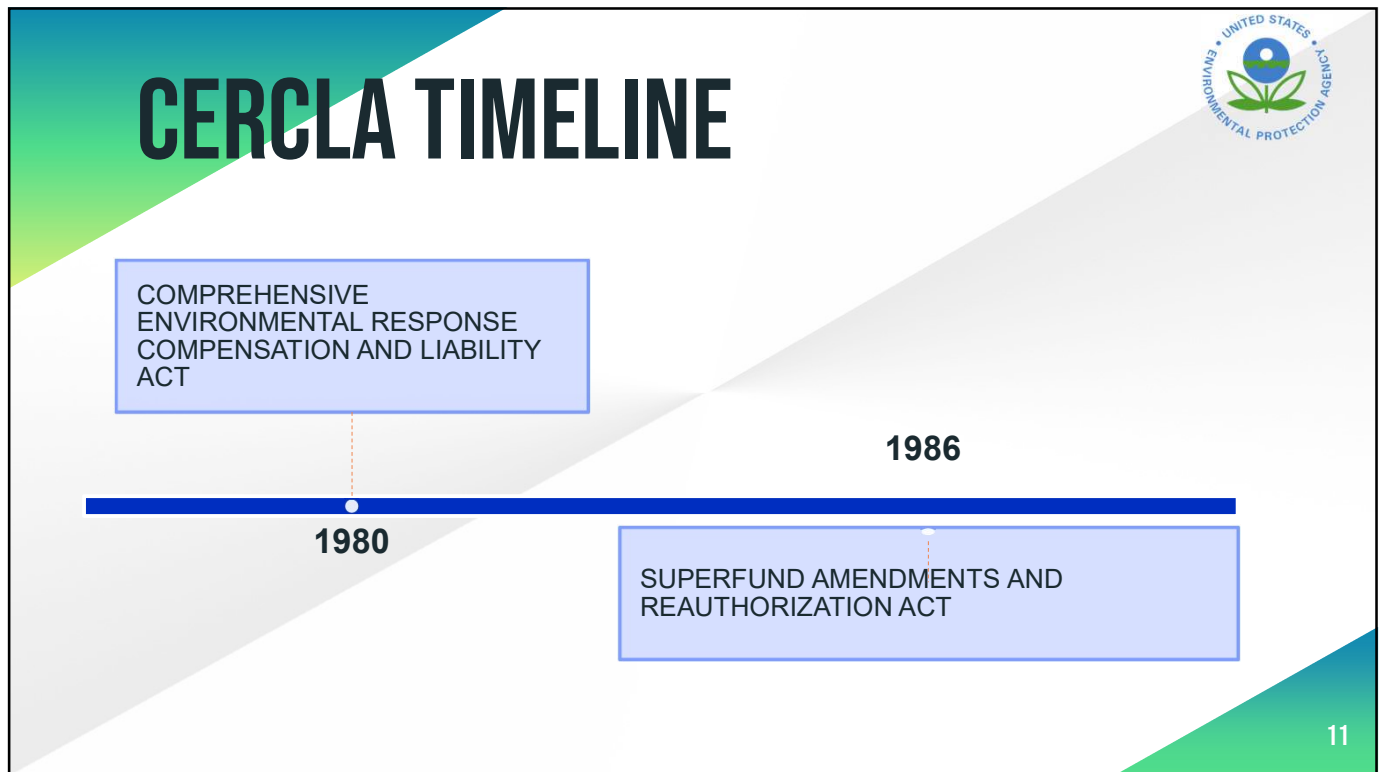
KNOWLEDGE CHECK

Which of the following is **NOT** a key provision of the FFCA



- a. **Affirms** the sovereign immunity of the United States for purposes of enforcing Federal, State, interstate, and local requirements with respect to solid and hazardous waste management.
- b. **Requires** Federal agencies that own or operate hazardous waste facilities to reimburse EPA for costs of inspections.
- c. **Subjected** Federal agencies to RCRA civil penalties by expanding the waiver of sovereign immunity.

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CERCLA: KEY THINGS TO NOTE

The slide lists four key provisions of CERCLA. The background features a green and blue gradient on the left and right sides, and a white central area. The EPA logo is in the top right corner.

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites
- Provided for liability of persons responsible for releases of hazardous waste at these sites
- Established a trust fund* to provide for cleanup when no responsible party could be identified.
- Enabled the revision of the National Contingency Plan (NCP).

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SARA: KEY THINGS TO NOTE

- Stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites;
- Required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- increased the focus on human health problems posed by hazardous waste sites;
- Encouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- Increased the size of the trust fund to \$8.5 billion.

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KNOWLEDGE CHECK

Which of the following is **NOT** a key provision of the SARA



- a. Required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- b. Discouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- c. Increased the size of the trust fund to \$8.5 billion

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SIMILARITIES

RCRA and CERCLA



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BOTH RCRA AND CERCLA

- ▶ Establish cleanup programs
- ▶ Address both past and present releases
- ▶ Have a similar end goal and that is, to protect human health and the environment.



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DIFFERENCES

RCRA and CERCLA



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RCRA	CERCLA
Proactive program that regulates how wastes should be managed to avoid potential threats to human health and the environment	Designed to remedy threats to human health and the environment from unexpected releases and historical mistakes in hazardous waste management
Authorizes a general regulatory program to manage all hazardous wastes from cradle to grave	Authorizes a number of government actions to remedy the conditions that could result in a release or the effects of a release itself
All RCRA hazardous wastes are regulated as CERCLA hazardous substances	CERCLA hazardous substances encompass RCRA hazardous wastes, as well as other toxic pollutants regulated by the CAA, CWA, and TSCA
Financial assurance	Establishes a "Super Fund"
The facility owner or operator implements RCRA corrective action	Different parties can implement a CERCLA remedial action in a number of different ways

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QUESTION

Can RCRA and CERCLA be successfully integrated at Federal Facilities



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IMPEDIMENTS TO INTEGRATION

- ☐ Applicability of both programs can be confusing
- ☐ Historical integration memos and policies are outdated
- ☐ Many States are authorized to implement RCRA Corrective Action, which increases the number of involved parties and can lead to complexities



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STRATEGIES TO IMPROVE RCRA/CERCLA INTEGRATION AT FEDERAL FACILITIES



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SUMMARY

- ☐ RCRA/CERCLA Integration is possible on a case-by-case basis
- ☐ Federal Facilities should continue to comply with all RCRA/CERCLA regulations as applicable
- ☐ When in doubt, consult local, state and federal officials



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THANK YOU

Any questions?

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