

RCRA ORIENTATION MANUAL

EXECUTIVE SUMMARY

OVERVIEW

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the Act as it stands today governs the management of solid and hazardous waste and underground storage tanks (USTs).

The U.S. Environmental Protection Agency (EPA) published the *RCRA Orientation Manual* in order to educate and inform the public about the broad requirements of RCRA's regulatory program. This manual has proven to be a popular and valuable resource for anyone working with EPA's solid and hazardous waste management program or UST program.

Since the manual's initial publication in 1990, the RCRA program has evolved dramatically. As a result of changes in the dynamics of solid and hazardous waste management, as well as changes in the regulatory expectations and demands of government, public, and private entities, the RCRA program has been steadily modified through new regulations, policies, Agency-wide initiatives, and Congressional mandates. This revision reflects the progress that has been made in the program and documents the changes in RCRA that have occurred since the last publication in 2000.

FEATURES OF THIS MANUAL

Specifically, this manual outlines RCRA in seven sections:

- Introduction to RCRA
- Managing Solid Waste — RCRA Subtitle D
- Managing Hazardous Waste — RCRA Subtitle C
- Managing Underground Storage Tanks — RCRA Subtitle I
- Miscellaneous Statutory Provisions
- RCRA and Its Relationship to Other Environmental Statutes
- Public Participation in RCRA.

This manual also contains appendices that present important RCRA forms and paperwork requirements, a glossary, a list of acronyms and abbreviations, an organization chart for EPA's Office of Solid Waste, and useful environmental contacts.

MANUAL HIGHLIGHTS

Each of the seven sections of the manual discusses different aspects of the regulatory program.

■ Introduction to the Resource Conservation and Recovery Act

- RCRA's goals are to protect human health and the environment from the hazards posed by waste disposal; to conserve energy and natural resources through waste recycling and recovery; to reduce or eliminate the amount of waste generated, including hazardous waste; and to ensure that wastes are managed in an environmentally safe manner.
- RCRA, enacted in 1976, is an amendment to the Solid Waste Disposal Act of 1965. RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments (HSWA) of 1984.
- Within this manual, the acronym RCRA refers not only to the Statute itself, but also to corresponding regulations codified in the Code of Federal Regulations (CFR), guidance, and policy.
- RCRA addresses three programs — solid waste, hazardous waste, and USTs.
- RCRA involves several organizations and entities, including Congress, EPA's Office of Solid Waste and Emergency Response (OSWER), EPA Regions, states, the regulated community, and the general public.
- Current program initiatives include encouraging waste minimization, streamlining RCRA regulations, fostering federal/state partnerships, and enhancing public access to information.

■ Managing Solid Waste — RCRA Subtitle D

- RCRA's solid waste management program, Subtitle D, encourages environmentally sound solid waste management practices that maximize the reuse of recoverable material and foster resource recovery.
- The term solid waste is very broad, including not only the traditional nonhazardous solid wastes, such as municipal garbage, but also some hazardous wastes. RCRA Subtitle D addresses

solid wastes, including those hazardous wastes that are excluded from the Subtitle C regulations (e.g., household hazardous waste), and hazardous waste generated by conditionally exempt small quantity generators (CESQGs).

- The solid waste management program also addresses municipal solid waste, which is generated by businesses and households and is typically collected and disposed in municipal solid waste landfills (MSWLFs).
- EPA recommends an integrated, hierarchical approach to managing municipal solid waste that includes: source reduction, recycling, combustion, and landfilling. Source reduction and recycling are preferred elements of the system.
- The Subtitle D program includes technical criteria for MSWLFs to ensure that such landfills will be fully protective of human health and the environment.
- EPA has a number of programs to encourage sound waste management — Wastewise, the Jobs Through Recycling program, unit pricing, and full cost accounting for municipal solid waste.



■ Managing Hazardous Waste — RCRA Subtitle C

- The hazardous waste management program, Subtitle C, is intended to ensure that hazardous waste is managed safely from the moment it is generated to the moment it is finally disposed.
- The Subtitle C program includes procedures to facilitate the proper identification and classification of hazardous waste.
- While waste recycling and recovery are major components of RCRA's goals, they must be implemented consistently with proper hazardous waste management. As a result, RCRA contains

provisions to ensure safe hazardous waste recycling, and to facilitate the management of commonly recycled wastestreams.

- The program also includes standards for those facilities that generate (i.e., produce), transport, treat, store, or dispose of hazardous waste. These standards include requirements for general facility management and specific hazardous waste management units. The provisions for treatment, storage, and disposal facilities (TSDFs) include additional precautions to protect ground water and air resources.
- The hazardous waste management program includes safeguards to protect human health and the environment from hazardous waste that is disposed of on the land. These safeguards are known as the land disposal restrictions (LDR). RCRA also minimizes the hazards of burning hazardous waste by imposing strict standards on combustion units.
- Because EPA wants to limit hazardous waste treatment, storage, or disposal only to facilities that can adequately protect human health and the environment, RCRA requires these facility owners and operators to obtain a hazardous waste permit from the Agency.
- Since hazardous waste management may result in spills or releases into the environment, RCRA Subtitle C also contains provisions governing corrective action, or the cleanup of contaminated air, ground water, and soil.
- The RCRA statute additionally grants EPA broad enforcement authority to require all hazardous waste management facilities to comply with the regulations.
- The Subtitle C program also contains provisions that allow EPA to authorize state governments to implement and enforce the hazardous waste regulatory program. State programs must be at least as stringent as the federal program.

■ Managing Underground Storage Tanks (UST) — RCRA Subtitle I

- The RCRA Subtitle I UST regulatory program regulates underground tanks storing petroleum or hazardous substances.
- In order to protect human health and the environment from threats posed by releases from such tanks, the program governs tank design, construction, installation, operation, release detection, release response, corrective action, closure, and financial responsibility.
- Many UST owners and operators must secure loans from financial and other institutions to comply with environmental regulations, such as UST upgrading and maintenance requirements. The Subtitle I program contains specific provisions to protect lending institutions from liability that they might incur from extending these loans.
- Similar to RCRA Subtitle C, Subtitle I contains provisions that allow EPA to approve state government implementation and enforcement of the UST regulatory program.
- The expense and threats of contamination from leaking USTs necessitate efficient, effective, and thorough cleanups. To guarantee that such cleanups will be conducted in an efficient and protective manner, Subtitle I also established a Leaking Underground Storage Tank (LUST) Trust Fund. The Fund facilitates cleanup oversight and guarantees cleanups when the responsible owner and operator cannot take action, or when the situation requires emergency response.



■ Miscellaneous Statutory Provisions

- Consistent with RCRA's focus on recycling, the Statute contains provisions for EPA to encourage recycling and promote the development of markets for items with recovered materials content.

- To help achieve this goal, EPA publishes federal procurement guidelines that set minimum recovered materials content standards for certain designated items. RCRA requires federal procuring agencies to purchase items composed of the highest percentage of recovered materials practicable. These requirements are specified in Comprehensive Procurement Guidelines (CPG) and Recovered Materials Advisory Notices (RMAN).
- RCRA's focus is not limited to solid waste, hazardous waste, or USTs. Medical waste can pose similar threats to human health and the environment. As a result, RCRA established a medical waste tracking program to ensure that such waste is properly handled from the moment it is generated to the moment it is disposed. This program was a demonstration program that began June 22, 1989, and ended June 22, 1991. At this time, the program has expired and no federal EPA tracking requirements are currently in effect, although some states have medical waste requirements.

■ RCRA and Its Relationship to Other Environmental Statutes

- RCRA is only one of several regulatory programs in place to protect the environment. The RCRA regulations work closely with other environmental statutes such as the Clean Air Act (CAA); Clean Water Act (CWA); the Emergency Planning and Community Right-to-Know Act (EPCRA); the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Marine Protection, Research, and Sanctuaries Act (MPRSA); the Occupational Safety and Health Act (OSHA); the Safe Drinking Water Act (SDWA); and the Toxic Substances Control Act (TSCA).
- One statute in particular, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund, is closely tied to RCRA: both are designed to protect human health and the environment from the dangers of hazardous waste. While these

programs are similar, they do have different regulatory focuses: RCRA regulates how wastes should be managed to avoid potential threats to human health and the environment; CERCLA focuses on actual releases, or substantial threats of a release in the environment of a hazardous substance, pollutant, or contaminant, that present an imminent and substantial threat to human health.

■ Public Involvement in RCRA

- RCRA contains extensive public participation and involvement provisions to facilitate public participation in the permitting, corrective action, and state authorization processes.
- EPA, consistent with the requirements of the Administrative Procedures Act (APA), proactively involves the public every time the Agency issues a rulemaking that establishes or changes regulatory provisions.
- EPA is committed to equal protection of all socioeconomic and racial groups in the implementation and enforcement of the nation's environmental laws. Consequently, RCRA seeks to ensure that all segments of the population have an equal opportunity to participate in the regulatory process and equal access to regulatory information.
- Because the RCRA program as a whole is a complex regulatory framework, EPA has established several public outreach and assistance mechanisms to foster public involvement. These include access to information through training grants; the Freedom of Information Act (FOIA); EPA's Office of Ombudsman; the EPA Docket Center; the EPA Dockets (EDOCKET) Web site; and the RCRA, Superfund & EPCRA Call Center.