An introduction to the Resource Conservation and Recovery Act (RCRA)

Sometimes referred to as the Solid Waste Disposal Act (SWDA)

(Not to be confused with the Safe Drinking Water Act, [SDWA])

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Disclaimer:
The views in this presentation are those of the author and do not necessarily reflect the views or policies of the EPA.
The statutory evolution of what is commonly referred to as “RCRA” (RCRA Section 1002, *et seq.*, 42 U.S. Code § 6901)*

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<th>Year</th>
<th>Actítulo</th>
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<tr>
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<td>Rivers and Harbors Act</td>
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<td>1965</td>
<td>Solid Waste Disposal Act</td>
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<td>1976</td>
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<td>1980</td>
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<td>1984</td>
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<td>1986</td>
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<td>1988</td>
<td>Medical Waste Tracking Act</td>
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<td>1992</td>
<td>Federal Facilities Compliance Act</td>
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<td>1996</td>
<td>Land Disposal Program Flexibility Act</td>
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<td>2012</td>
<td>Hazardous Waste Electronic Manifest Establishment Act</td>
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<td>2016</td>
<td>Water Infrastructure Improvements for the Nation (WIIN) Act</td>
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* This list may not be exhaustive.
Key Subtitles of RCRA (aka “Subchapters”)

Subtitle A (aka Subchapter I) General Provisions
Subtitle B (aka Subchapter II) Office of Solid Waste; Authorities of the Administrator
Subtitle C (aka Subchapter III) Hazardous Waste Management - RCRA Sections 3001-3024, 42 U.S.C. §§ 6921-6939g
Subtitle D (aka Subchapter IV) State or Regional Solid Waste Plans – RCRA Sections 4001-4010, 42 U.S.C. §§ 6941-6949a
Subtitle E (aka Subchapter V) Duties of the Secretary of Commerce in Resource and Recovery
Subtitle F (aka Subchapter VI) Federal Responsibilities
Subtitle H (aka Subchapter VIII) Research, Development, Demonstration, and Information
Subtitle I (aka Subchapter IX) Regulation of Underground Storage Tanks – RCRA Sections 9001- 9014, 42 U.S.C. §§ 6991-6991m
Subtitle J (aka Subchapter X) Demonstration Medical Waste Tracking Program
RCRA Subtitle C – Hazardous Waste

Hazardous Waste is a subset of Solid Waste

RCRA Subtitle D – Solid Waste

RCRA Subtitle G – Miscellaneous Provisions

Section 7002, 42 USC § 6972, Citizen suits

Section 7003, 42 USC § 6973, Imminent Hazard

Section 7003 may be used to address solid waste and hazardous waste

RCRA Subtitle I – Underground Storage Tanks (USTs)

Regulates USTs containing petroleum products or hazardous substances (not wastes).
(But, once released, these materials may become “wastes”.)
In *US v. White*, U.S. District Judge Alan A. MacDonald stated,

“. . . After reading and rereading the [RCRA] regulations several times, the court recognizes, as do the defendants, that the regulations are in fact dense, turgid, and a bit circuitous. . . “ 766 F. Supp. 873, (E.D. Wash. 1991).
### Title 40 of the Code of Federal Regulations

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RCRA Subtitle C – Hazardous Waste
Sections 3001-3024, 42 U.S.C. §§ 6921-6939g
RCRA Subtitle D – Solid Waste
Sections 4001-4010, 42 U.S.C. §§ 6941-6949a

Title 40 of the Code of Federal Regulations
Part 239 – Requirements For State Permit Program Determination Of Adequacy
Part 240 – Guidelines For The Thermal Processing Of Solid Wastes
Part 241 – Solid Wastes Used As Fuels Or Ingredients In Combustion Units
Part 242 – [reserved]
Part 243 – Guidelines For The Storage And Collection Of Residential, Commercial, And Institutional Solid Waste
Parts 244-245 – [reserved]
Part 246 – Source Separation For Materials Recovery Guidelines
Part 247 – Comprehensive Procurement Guideline For Products Containing Recovered Materials
Parts 248-253 – [reserved]
Part 254 – Prior Notice Of Citizen Suits
Part 255 – Identification Of Regions And Agencies For Solid Waste Management
Part 256 – Guidelines For Development And Implementation Of State Solid Waste Management Plans
Part 257 – Criteria For Classification Of Solid Waste Disposal Facilities And Practices
Part 258 – Criteria For Municipal Solid Waste Landfills
Part 259 – [reserved]
RCRA Subtitle D – Solid Waste
Sections 4001-4010, 42 U.S.C. §§ 6941-6949a

40 CFR Part 257 – Criteria For Classification Of Solid Waste Disposal Facilities And Practices
Subpart A — Classification Of Solid Waste Disposal Facilities And Practices
Subpart B — Disposal Standards For The Receipt Of Very Small Quantity Generator (VSQG) Wastes At Non-municipal Non-hazardous Waste Disposal Units
Subpart C — [Reserved]
Subpart D — Standards For The Disposal Of Coal Combustion Residuals In Landfills And Surface Impoundments

40 CFR Part 258 – Criteria For Municipal Solid Waste Landfills
Subpart A — General
Subpart B — Location Restrictions
Subpart C — Operating Criteria
Subpart D — Design Criteria
Subpart E — Ground-water Monitoring And Corrective Action
Subpart F — Closure And Post-closure Care
Subpart G — Financial Assurance Criteria

Source: Tennessee Valley Authority
“... any person may commence a civil action on his own behalf —

(1)(A) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this chapter; or

(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator . . . “
RCRA Section 7003, 42 USC § 6973, Imminent Hazard

(a) Authority of Administrator

Notwithstanding any other provision of this chapter, upon receipt of evidence that the past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment, the Administrator may bring suit on behalf of the United States in the appropriate district court against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is contributing to such handling, storage, treatment, transportation or disposal to restrain such person from such handling, storage, treatment, transportation, or disposal, to order such person to take such other action as may be necessary, or both. A transporter shall not be deemed to have contributed or to be contributing to such handling, storage, treatment, or disposal taking place after such solid waste or hazardous waste has left the possession or control of such transporter if the transportation of such waste was under a sole [contractual] arrangement arising from a published tariff and acceptance for carriage by common carrier by rail and such transporter has exercised due care in the past or present handling, storage, treatment, transportation and disposal of such waste. The Administrator shall provide notice to the affected State of any such suit. The Administrator may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and the environment.

(b) . . .
RCRA Subtitle I – Underground Storage Tanks (USTs)
Sections 9001-9014, 42 U.S.C. §§ 6991-6991m

Title 40 of the Code of Federal Regulations
Part 280 - Technical Standards And Corrective Action Requirements For Owners And Operators Of Underground Storage Tanks (UST)
Subpart A - Program Scope And Installation Requirements For Partially Excluded UST Systems
Subpart B - UST Systems: Design, Construction, Installation And Notification
Subpart C - General Operating Requirements
Subpart D - Release Detection
Subpart E - Release Reporting, Investigation, And Confirmation
Subpart F - Release Response And Corrective Action For UST Systems Containing Petroleum Or Hazardous Substances
Subpart G - Out-of-service UST Systems And Closure
Subpart H - Financial Responsibility
Subpart I - Lender Liability
Subpart J - Operator Training
Subpart K - UST Systems With Field-constructed Tanks And Airport Hydrant Fuel Distribution Systems

Part 281 - APPROVAL OF STATE UNDERGROUND STORAGE TANK PROGRAMS
Part 282 - APPROVED UNDERGROUND STORAGE TANK PROGRAMS
Parts 283-289 – [Reserved]
Some interesting sites:


RCRA-related and other handy government resources:

EPA’s RCRA website:  
https://www.epa.gov/rcra

RCRA Online Guidance and Policy Documents:  
https://rcrapublic.epa.gov/rcraonline/

Searchable Decisions by EPA’s Administrative Law Judges:  
https://yosemite.epa.gov/oarm/alj/alj_web_docket.nsf/search?OpenForm&View=All+Content+-+Web

Searchable EPA Environmental Appeals Board Decisions:  

Federal Registers by year:  
https://www.govinfo.gov/app/collection/FR/

Regulations.gov (dockets, public comments, etc.):  
https://www.regulations.gov/

FOIA Online:  
https://foiaonline.gov/foiaonline/action/public/home