ELI Summer School Series Session 8

The Resource Conservation and Recovery Act

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Agenda

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iii. Who is Regulated?
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    ii. Transporters
    iii. TSDFs
iv. Corrective Action
v. Hazardous Waste Recycling
vi. Regulation of USTs
vii. Enforcement and Penalties

Overview

- Key Programs Under RCRA:
  - Subtitle C: Hazardous Waste
    - Identifies hazardous waste
    - Tracks waste from “cradle to grave”
    - Requires proper treatment, storage, and disposal
    - Corrective action for releases
    - Primarily implemented by states
  - Subtitle D: Non-hazardous Solid Waste
  - Subtitle I: Underground Storage Tanks

Overview

“Cradle to Grave” Waste Management

- Generators
  - The business or facility whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation
- Transporters
  - The party that transports hazardous waste
- Treatment, Storage, and Disposal Facilities (TSDFs)
  - The facility where hazardous waste is treated, stored, or disposed of

What is Hazardous Waste?

- **Solid waste:**
  - Garbage, refuse or sludge qualify as solid waste under RCRA, unless they are:
    - Domestic sewage, solid or dissolved materials in irrigation return flows
    - Clean Water Act-permitted point source discharges, or
    - Certain nuclear material regulated under Atomic Energy Act of 1954.
  - Other solid, semi-solid, liquid, or contained gaseous material may be solid waste under RCRA if it is “discarded,” and if it is not excluded from the definition of solid waste by applicable regulations.

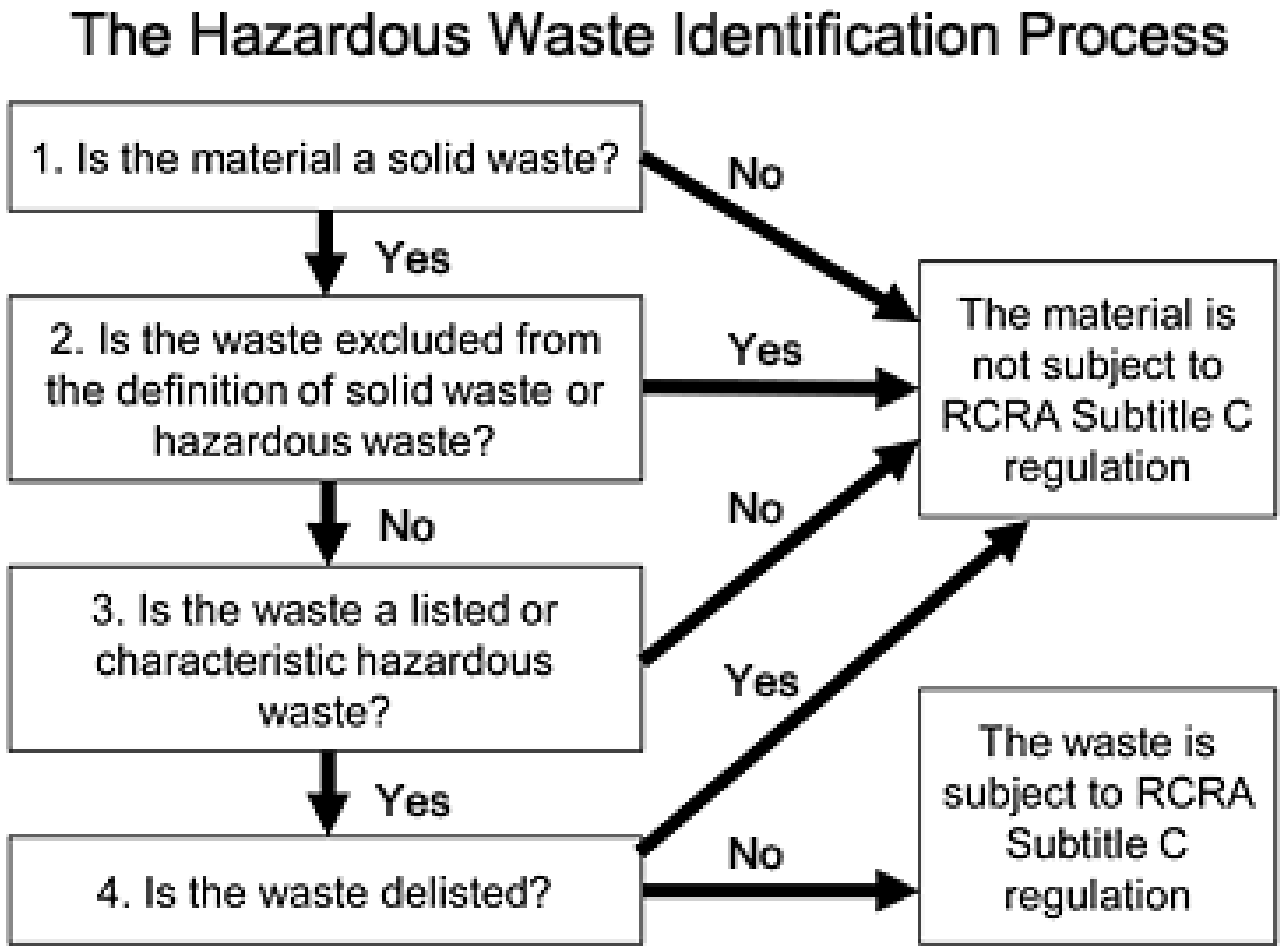
What is Hazardous Waste?

- Listed Wastes are wastes from identified generic industrial processes, waste from certain industry sectors, and unused commercial chemical products and formulations.
- Criteria
  - Toxic Listed Waste – waste that typically contains toxic chemicals at levels that could pose a threat to human health and the environment if improperly managed
  - Acute Hazardous Waste – waste contains such dangerous chemicals that it could pose a threat to human health and the environment even when properly managed
  - Typically exhibits one of the four characteristics of hazardous waste: ignitability, corrosivity, reactivity, or toxicity

What is Hazardous Waste?

- Characteristic Wastes
  - Ignitability
  - Corrosivity
  - Reactivity
  - Toxicity

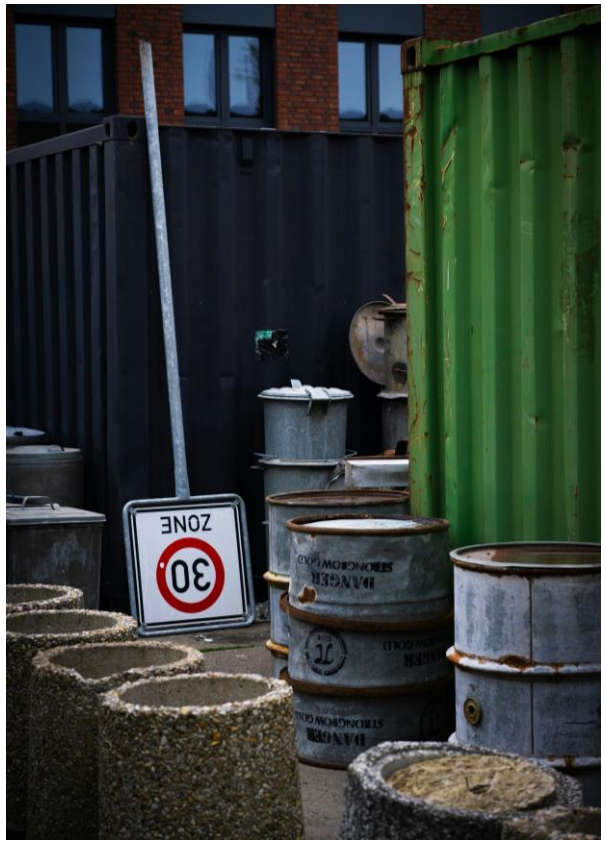
What is Hazardous Waste?



Generators

- Very Small Quantity Generators
  - 100 kg or less per month of non-acute hazardous waste or 1 kg or less per month of acute hazardous waste
- Small Quantity Generators
  - More than 100 kg and less than 1,000 kg of non-acute hazardous waste per month
- Large Quantity Generators
  - 1,000 kg or more of non-acute hazardous waste per month or over 1 kg per month of acute hazardous waste

Generator Requirements



1. Waste Determination
2. Manifest Requirements
3. Storage Requirements
4. Recordkeeping
5. Exports

Transporters

- Must have an EPA ID number
- Use hazardous waste manifest tracking system to document movement of hazardous waste from location to location
- Must comply with DOT regulations regarding vehicles, packaging, and labeling

Treatment, Storage, and Disposal Facilities (TSDF)

- Heavily regulated under RCRA because they handle hazardous waste at its most critical stage — the point of treatment or final disposal

- Two general types:
  - On-site generators who temporarily store waste they generate before shipping it off-site
  - Commercial or independent TSDFs who treat or dispose of hazardous waste that is transported to them

Treatment, Storage, and Disposal Facilities (TSDF)

- Must have RCRA permits (unlike generators or transporters)
- Permit Status
- Requirements
  - Recordkeeping
  - Contingency planning
  - Groundwater monitoring
  - Financial assurance
  - Closure plans

Corrective Action

- RCRA requires owners and operators to take “corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility.”

Basic Principles

- Identify releases from Solid Waste Management Units
- Characterize the site
- Identify possible solutions or remedies
- Select and perform a remedy

Recycling

- A material is not a solid waste under RCRA when:
  - It is used as an ingredient in a production process
  - It is being directly used as an effective substitute for a commercial product
  - It is returned directly to the production process as feedstock or raw material

  ...without reclamation

Legitimate Recycling

- For recycling of hazardous secondary material to be legitimate under RCRA, all four of these factors must be met:
  - The material must provide a **useful contribution** to the recycling process or product.
  - The recycling process must yield a **valuable product** or intermediate.
  - The material must be **managed as a valuable commodity**.
  - The product of the recycling process is analogous to a **legitimate product** or intermediate.

Regulation of Underground Storage Tanks

- UST: “Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground.”
- RCRA defines “regulated substance” as either petroleum or as a “hazardous substance” within the meaning of CERCLA, but excluding “any substance regulated as a hazardous waste” under RCRA.

Enforcement and Penalties

Four basic factors go into the calculation of a RCRA penalty:

1. The gravity of the violation
2. Whether there were multiple violations or “multi-day” violations
3. Adjustments for special circumstances
4. The economic benefit of noncompliance

Questions

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