

## **Major Provisions of the Resource Conservation and Recovery Act (RCRA) (1976)**

1. **Purpose:** To establish a lifecycle perspective for the management of solid and hazardous wastes. RCRA also established the principle that land disposal should be the least favored method for managing hazardous wastes
2. **Definitions:**
  - a. **Solid waste** is any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or any pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining, and agricultural operation, and from community activities.”
  - b. **Hazardous Waste** is a) solid waste that causes, or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or b) solid waste that poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
3. **Approach: Subtitle C: Haz. Waste Management – Cradle-to-Grave Provisions**
  - a. **Identification and Listing of Hazardous Waste:** Requires EPA to develop criteria for determination of hazardous wastes.
  - b. **Regulation of Generators of Hazardous Waste:** Requires EPA to establish recordkeeping requirements and a manifest system to be used to track shipments of hazardous waste from point of generation to the end point.
  - c. **Regulation of Transporters of Hazardous Waste:** Requires transporters of hazardous waste to use the manifest system and adhere to Department of Transportation regulations regarding Hazardous Waste transportation.
  - d. **Regulation of Facilities that Treat, Store, or Dispose of Hazardous Waste (TSDs):** Requires EPA to set standards for TSDs to ensure safe handling of hazardous waste, sets minimum requirements for such standards, prohibits the land disposal of untreated wastes unless EPA specifically determines that such disposal is protective of human health and the environment, establishes minimum technology requirements for certain facilities, and requires corrective action for all releases of hazardous wastes or constituents.
4. **Approach: Subtitle D: State Solid Waste Plans for Nonhazardous Solid Waste**
  - a. Requires the EPA to establish guidelines for state solid waste management plans and to set minimum requirements for state plans including a ban on new open dumps, require EPA to establish criteria for classifying facilities as sanitary landfills, prohibit open dumping of solid waste except in sanitary landfills, and require EPA to establish minimum regulatory standards for municipal landfills to be implemented by the states.
5. **Administrating Agencies include:**
  - a. **EPA:** Establishes definitions and criteria for generators, transporters, and TSDs
  - b. **Department of Transportation, CHP:** Regulates and Monitors transporters
  - c. **California Department of Toxic Substances Control:** Regulates and Monitors generators, transporters, and TSDs.

## **Major Provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)(1980)**

1. **Purpose:** To provide a mechanism and the means to locate, assess, and cleanup contaminated sites.
2. **Approach:**
  - a. **Response:**
    - i) **Notification Requirements.** Requires the reporting of releases of hazardous substances to the National Response Center
    - ii) **National Priorities List.** Requires the establishment of a National Priorities List (NPL) of facilities presenting the greatest danger to health, welfare, or the environment based on a hazard ranking system.
    - iii) **Response Authorities.** Authorizes the EPA to undertake Removal Actions or Remedial Response to respond to actual or potential releases of hazardous substances.
      - a) **Removal Action -** The EPA can order a Removal Action when there is an immediate threat to human life or the environment as a result of a hazardous substance release
      - b) **Remedial Response –** NPL sites are eligible for Remedial Response. This includes remedial investigation, remedial alternative evaluation, and site remediation
  - b. **Compensation**
    - i) **Superfund.** Creates a fund that can be used to finance governmental response actions and to reimburse private parties for costs incurred in carrying out Removal Actions and Remedial Response actions.
  - c. **Liability.**
    - i) Imposes strict, joint, several, and/or retroactive liability on: (1) current owners and operators of contaminated facilities; (2) owners and operators of facilities at the time substances were disposed; (3) persons who arranged for disposal or treatment of such substances; and (4) persons who accepted such substances for transport for disposal or treatment.
    - ii) These parties are responsible for: (a) all costs of Removal Action or Remedial Response incurred by the federal government; (b) any other necessary costs of response incurred by any person, (c) damages for injury to natural resources, and (d) costs of health assessments.
3. **Administering agencies:**
  - a. **EPA:** This is a federal program, so the EPA sets nationwide provisions and the EPA regions implement. State cleanup agencies cooperate and supplement.
  - b. **California State Superfund Program:** California has its own State Superfund Program administered by the DTSC.