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Quick Reference: Resource Conservation and Recovery Act (RCRA)

Codified: 42 U.S.C. §§ 6901-6991I

Regulations: 40 C.F.R. pts. 260-265

Date Enacted: 1976

Amendments: Hazardous and Solid Waste Amendments of 1984

Implementing Agency: EPA

Purpose: To provide a comprehensive “cradle to grave” framework for the management of solid and hazardous wastes – managing waste from generation to final disposal.

Scope of Application: RCRA regulates any party that generates, transports, stores or disposes of solid and hazardous waste.

Required Permit: Any party regulated by RCRA must obtain a permit from the EPA to handle solid or hazardous waste.

State Implementation: Some states implement and manage their own solid and hazardous waste management programs in lieu of the federal RCRA program if they have received proper approval from the EPA. A state program does not have to be identical to the federal program in order to be approved, but it must be at least as stringent as the federal program.

Enforcement: The EPA or state agency may initiate administrative and civil judicial actions to compel compliance. In the case of a “knowing” violation, the government may take criminal enforcement action against the alleged violator. In addition, under appropriate circumstances, private parties may bring a citizen suit to enforce RCRA in cases where the governmental authorities have failed to act. Criminal penalties can be assessed up to \$250,000 for individuals and up to 15 years imprisonment. In a civil proceeding, in addition to seeking penalties of up to \$25,000 per day of violation, the EPA may seek injunctive relief, which is a court order compelling the party to cease all noncompliant activity.

Summary of the major provisions: Subtitle C sets forth requirements for generators, transporters, and treatment/storage/disposal facilities. All of these parties are required to obtain permits and identification numbers from the EPA or state agency before handling solid or hazardous waste. In addition, all of these parties must prepare and maintain Uniform Hazardous Waste Manifests, which is a shipping form that must accompany the waste at all times. Waste Manifests help to track where waste comes from, who is responsible for transporting the waste, and where the waste is disposed of. Subtitle D addresses the management of nonhazardous waste and exempt hazardous solid waste. Most of the requirements under this section pertain to the design and monitoring of wastes that are disposed of in sanitary landfills. Subtitle I, which Congress enacted as a part of the Hazardous and Solid Waste Amendments of 1984 (HSWA), addresses problems associated with regulated substances entering the soil and groundwater due to leaking underground storage tanks.

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