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Environmental Protection
Agency

Solid Waste
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EPA

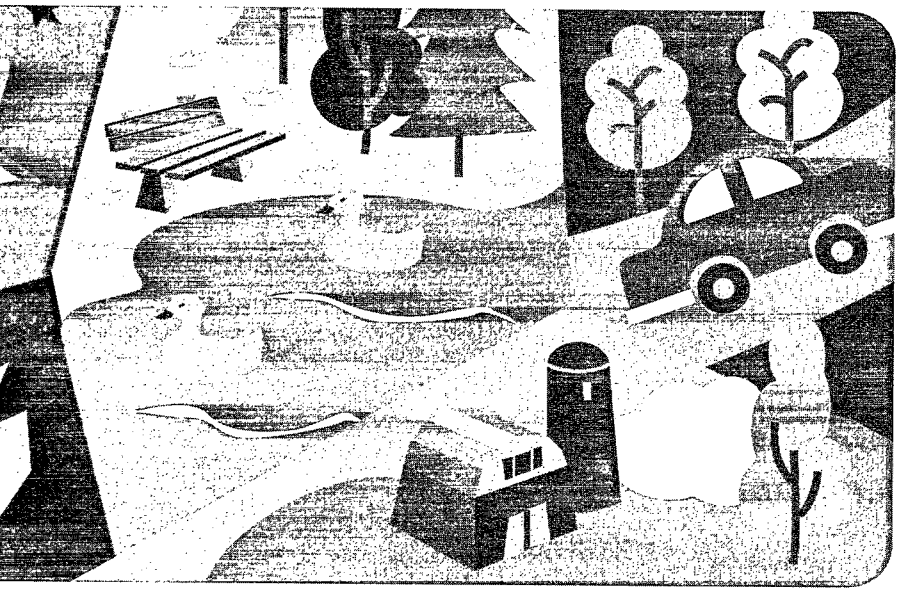
How You Can Make a Difference in Hazardous Waste Management

The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and safeguard the environment. One way EPA helps fulfill its mission is by regulating waste management and disposal of hazardous wastes under the Resource Conservation and Recovery Act (RCRA). RCRA has the following three general goals: to protect human health and the environment, to reduce waste while conserving energy and natural resources, and to eliminate the generation of hazardous waste.

The public is inherently invested in RCRA because of the health and environmental risks that can result from the mismanagement of hazardous waste. Citizens can help protect themselves and their environment from hazardous waste releases by understanding the RCRA regulations and learning how to participate in environmental decision-making.

EPA is committed to involving the public in the development and implementation of hazardous waste regulations, as well as in monitoring the activities of their local hazardous waste management facilities. Under RCRA, public participation activities involve EPA and facility owners by encouraging input and feedback from local communities, conducting dialogues with the public, providing access to decision-makers, assimilating public viewpoints and preferences, and demonstrating that expressed opinions have been considered. EPA regards public participation as an important activity that empowers communities to understand and influence how their own hazardous waste is managed.

To facilitate public participation, EPA conducts extensive outreach activities, including public meetings and informative Internet postings. In addition, EPA publishes guidance documents that describe RCRA's intent and focus. These publications range from general fact sheets to technical guidance documents and are available over the Internet or can be ordered from the RCRA Hotline (see the "Would You Like More Information?" section).



Public Participation in the Rulemaking Process

Public involvement is an integral part of the RCRA rulemaking process. When creating new regulations, EPA must first publish the proposed rules in the *Federal Register*, a daily publication for requirements and notices issued by federal agencies. The public can examine the proposed regulations, attend public hearings to learn about regulatory

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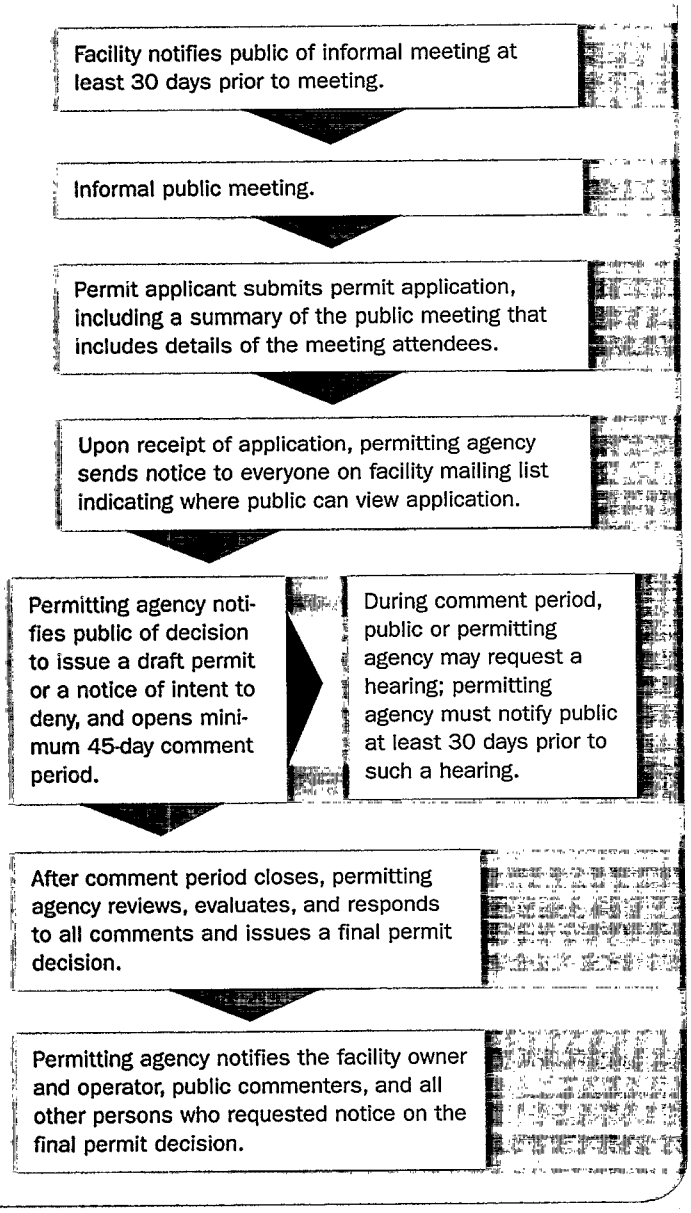
Steps for Public Participation in Permitting



options that EPA is considering, and express their opinions by submitting written comments to the Agency. EPA is required to consider and respond to all public comments before issuing a final rule. After EPA publishes the final rule in the *Federal Register*, the public has the right to petition for its amendment or repeal.

Public Participation in Permitting

Owners and operators of treatment, storage, and disposal facilities (TSDFs) are required to inform the public of their intent to begin operating and continue to keep the public informed of facility decisions that may affect the community. Since TSDFs handle large amounts of hazardous waste, they are stringently regulated by EPA. For example, a landfill or an incinerator receiving hazardous waste would be considered a TSDF and subject to hazardous waste permit provisions. TSDFs can operate legally only under the conditions prescribed in their permits.

EPA has established public participation requirements that must be satisfied during the TSDF permitting process. The first step in this process is the pre-application meeting. This meeting must be advertised by the facility owner and held at a convenient location. At this meeting, the public learns about proposed facility operations and their potential impacts on human health and the environment and has the opportunity to express opinions and concerns. Citizens who attend the pre-application meeting can subscribe to a mailing list and receive new information about the facility as it becomes available.

After the pre-application meeting, the facility owner submits the permit application for EPA's review. Before making a final decision to issue or deny the permit, EPA again allows the public an opportunity to comment and considers all opinions and concerns. In special cases where a significant amount of public concern has been displayed, EPA may require the TSDF to establish an information repository containing certain documents and data that EPA specifies must be available for public viewing. Once a facility's permit is approved, the owner must notify the public and receive authorization from EPA if it intends to operate under different conditions than those specified in the permit.

Facilities that generate wastes incidental to their primary business operations do not have public notification requirements. These facilities are called hazardous waste generators, and can range from local dry cleaners or service stations to laboratories or manufacturing facilities. Hazardous waste generators are not regulated as stringently as TSDFs because they handle smaller volumes of waste for short periods of time.

RCRA Databases Maintained by EPA

EPA maintains two main databases with information collected from hazardous waste facilities: the Biennial Reporting System (BRS), a database used to collect and report biennial data on hazardous waste generation and management, and the Resource Conservation and Recovery Information System (RCRIS), a database used to track facilities regulated under the RCRA hazardous waste program. RCRIS includes general information on hazardous waste facilities, (all handlers with permits to treat, store, or dispose of hazardous waste), compliance with federal and state regulations, and any RCRA facility cleanup activities.

Access these databases at the Envirofacts Warehouse Web site at <www.epa.gov/enviro/index_java.html>. State hazardous waste contacts also can provide information about hazardous waste handlers.

The public, however, can still obtain information about hazardous waste generators, as well as TSDFs, by searching EPA-maintained databases that contain specific information about each facility or by reading reports that are published based on the same information. Additionally, state hazardous waste contacts can provide facility-specific information.

EPA recognizes that valuable public participation can take place outside of the formal regulatory procedures. EPA supports communities in their efforts to carry out informal means of public participation, including communicating with other citizens, public interest groups, regulated facilities, and EPA.

Public Participation in Corrective Action

Corrective action is the cleanup of hazardous waste releases that have occurred at TSDFs. Since contamination can directly impact communities, public interest in corrective action is usually strong. Under RCRA, the public can obtain information related to current or potential releases, including levels of contamination, the extent of health and environmental risks, and the potential for future risks. The public also can seek additional opportunities to provide input to the overseeing agency or the facility about contamination cleanup.

At permitted RCRA facilities, corrective action activities can be incorporated by modifying the facility permit. As mentioned earlier, modifications to a facility's permit might require some type of public notice and participation. Nonpermitted facilities conducting corrective action must satisfy similar public participation requirements, even though they do not have a permit to modify. EPA and facilities should make all reasonable efforts to seek public participation early in the corrective action process because important cleanup decisions are made during the investigation and assessment of the site. At a minimum, information regarding corrective action activities should be available, and the public should be given an opportunity to review and comment on proposed cleanup remedies. EPA's corrective action publications and guidance are available on the Internet at <www.epa.gov/correctiveaction>.

Understanding Risk

Exposure to hazardous waste contamination can pose serious risks to human health. EPA calculates contamination risk by using a complex scientific process called risk assessment. In its risk assessment process, EPA examines two main factors: the likelihood of human or environmental exposure to the contamination and the adverse health effects that the substances can cause. The likelihood of exposure is dependent on environmental factors and chemical properties including the mobility, persistence, and potential of the chemical to accumulate in plants or animals. The degree of harm the substance can cause is dependent on its toxicity.

The level of risk calculated by EPA for a particular situation might not necessarily correspond to the risk perceived by the public. The public generally evaluates risk based not just on scientific data, but also on personal

perceptions. For example, a lot of public concern might be generated by the presence of a toxic contaminant, while EPA might scientifically assess the same contaminant as a low risk because the probability for exposure is minimal, or because the contaminant is relatively immobile and would not travel far from the facility. A community might also become concerned about negative publicity, which can sometimes be associated with local waste management operations such as hazardous waste combustion facilities. It is important for EPA and the public to work together to consider all of the available information and make informed risk evaluations. Although risk assessment is technically complex and requires scientific expertise, there are important ways for citizens to contribute.

Environmental Justice

For EPA, environmental justice is the "fair treatment for people of all races, cultures, and incomes regarding the development of environmental laws, regulations, and policies." By making environmental justice an integral part of its regulation development, EPA ensures the equal distribution of environmental risks across socio-economic and racial groups. All federal agencies are required to identify and address environmental concerns and issues of minority and low-income communities.

EPA encourages hazardous waste facilities to use all reasonable means to guarantee that all segments of the population have an equal opportunity to participate in the permitting process and have equal access to information. For example, EPA may need to publish multilingual notices and fact sheets, as well as provide translators, in areas where the affected community contains significant numbers of people who do not speak English as a first language. Environmental justice current events, publications, and contacts are available on EPA's Web site at <www.epa.gov/swerosps/ej>.

Would You Like More Information?

RCRA, Superfund, and EPCRA Hotline

Call 800 424-9346 or 703 412-9810 in the Washington, DC area. For the hearing impaired, the number is TDD 800 553-7672.

You also can access information via the hotline's Internet site at <www.epa.gov/epaoswer/hotline>.

Additional Documents

These additional documents can help you learn more about the requirements for hazardous waste handlers. These documents are free and can be ordered from the RCRA Hotline. Reference the EPA document number *(EPA530...)* when ordering.

RCRA Public Participation Manual: 1996 Edition, (EPA530-R-96-007).

The Hazardous Waste Facility Permitting Process, (EPA530-F-96-007).

RCRA Expanded Public Participation Rule, (EPA530-F-95-030).

RCRA Orientation Manual: 1998 Edition, (EPA530-R-98-004).

Contact Your State

Although EPA's federal regulations set the national standard for compliance, individual states often have regulations that are more stringent than the federal regulations. You should contact your state about its specific regulations. State environmental contacts are available from the RCRA, Superfund, and EPCRA Hotline.