United States
Environmental Protection
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Solid Waste and
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Office of Solid Waste

EPA

Environmental Fact Sheet

Agency Reopens Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities

The Environmental Protection Agency (EPA) is opening a dialogue on the RCRA corrective action program in an effort to identify and develop improvements to the protectiveness, responsiveness, speed, and efficiency of corrective action cleanups and to focus the corrective action program on environmental results. This notice introduces EPA's strategy for development of corrective action regulations and guidance, requests comments on a broad range of corrective action issues, provides a status report on the corrective action program, and emphasizes areas of flexibility within current corrective action implementation.

Background

In the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA), Congress directed EPA to require corrective action (cleanup) for all releases of hazardous waste and hazardous constituents from solid waste management units at facilities seeking RCRA permits. Solid waste management units include any unit in which solid wastes have been managed at any time. Facilities seeking RCRA permits include facilities at which hazardous wastes are treated, stored, or disposed.

Since 1984, EPA and authorized states have made considerable progress in implementing the corrective action requirements, but, despite this progress, the overall implementation of the program has been subject to considerable criticism. States, environmental groups, and the regulated community have raised many concerns, including: slow progress in achieving cleanup or other environmental results; an emphasis on process and reports over actual work in the field; unrealistic, impractical or overly conservative cleanup goals; and, lack of meaningful public participation. While EPA believes many of these concerns have been overstated, it recognizes that the time has come for a fundamental re-evaluation of the corrective action program.

In 1990, EPA proposed detailed corrective action regulations. Although very little of the 1990 proposal was finalized, it is often used as guidance.

Action

The Agency is requesting comments on a broad range of corrective action issues including: general implementation of the corrective action program and suggestions for improvement, consistency with the Superfund program, voluntary cleanup, future land use, points of compliance, expanding opportunities for public participation, measuring and enforcing corrective action performance standards, and state authorization. Comments also are solicited on the 1990 proposal, especially concerning which, if any, portions of the 1990 proposal should be finalized, which

should be modified and reproposed, and which should be addressed in guidance rather than regulation.

This notice also contains a general status report on the corrective action program (and other developments since 1990), highlights of some successful corrective action approaches pioneered by states and EPA regions, and a description of existing program flexibility.

EPA has the benefit of more than 10 years experience in corrective action implementation. The Agency is committed to using this experience to develop, and implement program improvements. EPA's objectives in improving the corrective action program include: creating a consistent, holistic approach to cleanup at RCRA facilities; establishing protective, practical cleanup expectations; shifting more of the responsibilities for achieving cleanup to those responsible for the contamination; streamlining corrective action and reducing costs; and, enhancing opportunities for timely, meaningful public participation.

Comments submitted in response to this notice will be used to help EPA identify and prioritize program development activities, including development of corrective action guidance, policy and regulations. The action is the first step in EPA's effort to improve the corrective action program. EPA hopes to continue its dialogue with interested stakeholders throughout this effort.

EPA is interested in comments and suggestions for improvements to the corrective action program from all stakeholders and interested parties. The Agency is especially interested in comments based on actual corrective action implementation experiences.

For More Information

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet through the EPA public Access Server. Additional information and paper copies of this notice can be obtained by calling the RCRA Hotline at 800-424-9346 outside the Washington, D.C. area, or 703-412-9810 in the Washington, D.C. area or TDD 800-553-7672 (for the hearing impaired). A list of supporting documents for the ANPR and copies of these documents may be obtained by writing the RCRA Information center (RIC), U.S. Environmental Protection Agency, Office of Solid waste (5305W), 401 M Street SW, Washington, DC 20460.