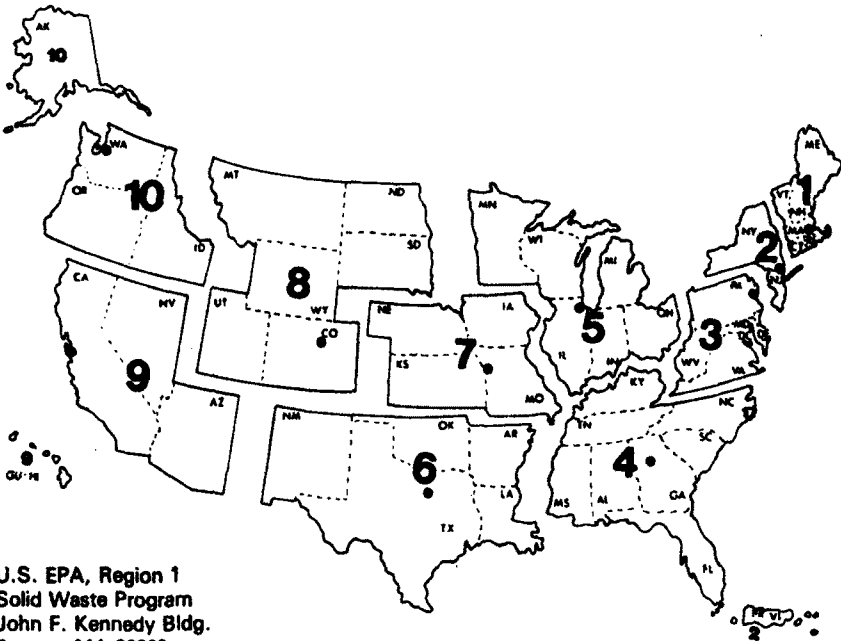


# RCRA

AN UPDATE

# EPA REGIONS

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617-223-5775

**U.S. EPA, Region 2**  
**Solid Waste Section**  
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**U.S. EPA, Region 3**  
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6th and Walnut Sts.  
Philadelphia, PA 19106  
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**Solid Waste Program**  
345 Courtland St., N.E.  
Atlanta, GA 30308  
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**U.S. EPA, Region 5**  
**Solid Waste Program**  
230 South Dearborn St.  
Chicago, IL 60604  
312-353-2197

**U.S. EPA, Region 6**  
**Solid Waste Section**  
1201 Elm St.  
Dallas, TX 75270  
214-767-2734

**U.S. EPA, Region 7**  
**Solid Waste Section**  
1735 Baltimore Ave.  
Kansas City, MO 64108  
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**U.S. EPA, Region 8**  
**Solid Waste Section**  
1860 Lincoln St.  
Denver, CO 80295  
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**U.S. EPA, Region 9**  
**Solid Waste Program**  
215 Fremont St.  
San Francisco, CA 94105  
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RESOURCE CONSERVATION AND RECOVERY ACT  
AN UPDATE

Presented October 16, 1978  
to the American Public Works Association

by  
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Deputy Assistant Administrator for Solid Waste  
U.S. Environmental Protection Agency

The Environmental Protection Agency has experienced both progress and problems in implementing the Resource Conservation and Recovery Act of 1976. As most of you are well aware, the main purpose of RCRA is to assure that solid wastes are managed so as to prevent damage to public health and the environment. In recent months, events at Love Canal and elsewhere have made the necessity for such assurance tragically clear. The objectives of the Act are:

- regulation of hazardous wastes from the point of generation through disposal--from the cradle to the grave,
- improvement of disposal practices for all other wastes to meet environmental and health standards, and
- promotion of resource recovery and conservation as the preferred waste management approaches.

The recent incidents have underlined the critical nature of these objectives and have made us realize how much remains to be done in order to achieve them.

To bring the objectives into reality, EPA must first develop the basic regulatory standards and guidelines called for in the Act. The focus will then fall upon State and local governments, which will have the task of applying the standards with Federal support in the form of financial and technical assistance.

At present, seven sets of hazardous waste regulations are in various stages of preparation under Subtitle C of RCRA. They set standards for identifying which wastes are hazardous, for tracking the wastes, and ensuring that hazardous waste management facilities are operated so they will not cause damage to health or the environment. Three of the regulations have been formally proposed in the Federal Register: the transportation standards, regulations on notification of hazardous waste management activities to EPA or authorized States, and guidelines for State programs. The remaining regulations in this series will be proposed around the first of the year.

Although we have made substantial progress, development of the hazardous waste regulations is taking longer than the 18 months specified in the Act. There is a question as to how realistic these deadlines were in the first place. Beyond that, the task assigned to us is extremely complex technically, administratively, and legally. The task is further complicated by the fact that EPA has now begun to integrate its various regulatory programs.

For example, the permit system we are setting up for hazardous waste management facilities will be integrated with the National Pollutant Discharge Elimination System under the Clean Water Act. This is obviously a desirable integration that should significantly reduce the regulatory burden, but it has magnified our task.

A highly encouraging aspect of the hazardous waste program is the anticipated extent of State implementation; 18 States have recently enacted or perfected their own hazardous waste legislation, and we currently expect about 40 States to apply and qualify, at least for interim authorization, to operate the program. Federal grants to States for development of authorized hazardous waste regulatory programs has increased from \$3.4 million in Fiscal year 1978 to \$15 million in fiscal 1979. In States that do not obtain authorization, EPA must administer the Federal regulations.

The criteria for land disposal of wastes not in the "hazardous" category were proposed in February of this year. Because of the very broad definition of "solid waste" in the law, these criteria have wide applicability, covering not only solids but also sludges and liquids. At least 150,000 landfills for municipal solid waste; sludge disposal sites; and pits, ponds, and lagoons will be subject to the criteria.

The proposed criteria, which are required under Subtitle D, cover protection of water and air quality, protection of

environmentally sensitive areas such as wetlands, requirements to be met in applying sludge or other waste to food-chain crop lands, control of disease vectors, and safety measures. We have received many excellent comments on the proposed criteria and are now in the process of analyzing the comments and considering revisions. We expect to issue the criteria in final form by next summer.

The final criteria will be the minimum standards against which States will compare all existing disposal facilities. Those that do not meet the criteria will be included as open dumps in an inventory that EPA must publish. Such facilities are to be either closed or upgraded under State-established compliance schedules that do not exceed 5 years beyond the date of publication of the inventory. The criteria will also serve as standards to be achieved by all new disposal facilities.

The one-year period allowed in the law for evaluating all disposal facilities is now widely acknowledged to be inadequate. Such a time frame is precluded by the number of facilities and the definitive technical determinations that will have to be made if the evaluations are to serve as the basis for possible enforcement actions. The present plan is to have each State phase its evaluations according to priorities based on the potential impacts of facilities on health and the environment, the availability of State regulatory powers,

and availability of Federal and State resources.

Each State's phasing of the inventory process will be an important part of its Solid Waste Management Plan, which must be approved by EPA to qualify the State for Federal financial assistance under Subtitle D. According to that subtitle, the plan must provide for the identification of State, local, and regional responsibilities for solid waste management; the encouragement of resource recovery and conservation; and the application and enforcement of environmentally sound disposal practices. All solid waste must be disposed of in an environmentally sound manner or utilized for resource recovery. State solid waste management planning has been going on at least since 1966, and many States have gone far in the development of their programs, particularly with regard to disposal of municipal solid waste. RCRA, however, assigns a much wider scope and explicit national direction to this activity.

Guidelines establishing the requirements for State plans and recommending methods to meet those requirements were proposed on August 28 under the title, Guidelines for Development and Implementation of State Solid Waste Management Plans. In addition to the main categories of requirements that I have mentioned, the guidelines include requirements for coordination with other Federal programs and requirements for public participation in planning, regulatory development, and the permitting of facilities. I am sure these guidelines

are of direct interest to many of you; we hope you will review the proposed version and comment on it if you have not already done so.

Federal financial assistance for State planning and implementation, including the inventory process, is expected to total approximately \$11.2 million in fiscal 1979.

Major technical assistance to State and local governments is now conducted through the Technical Assistance Panels Program. Each EPA Regional Office has available a panel of Federal, State, and local government employees and contractors capable of assisting in all areas of solid waste management. As of July 31 of this year, 195 requests for assistance were handled through the Panels. Since the program reached its full capability only in the last couple of months, we expect its activities in 1979 to be far more extensive.

An important feature of the Panels program is the "peer-matching" component. The APWA, as well as five other associations of State and local officials, is assisting in this aspect of the program. Through peer-matching, officials experienced in handling particular problems advise their peers facing similar problems in other cities or States.

For example, this past summer, when Wyoming County, West Virginia, requested consultation for land disposal



problems, APWA and the National Association of Counties arranged for solid waste officials from Lane County, Oregon, and the State of Virginia to visit Wyoming County for two days to review the problems and offer advice. The consulting officials were particularly knowledgeable about land disposal in areas with similar conditions. They offered a series of recommendations that should be helpful to the county in developing a sound solid waste disposal plan. Another example is a match arranged by the National League of Cities for officials of Helena, Montana. Helena was interested in establishing a program for separate collection of newspapers. Since Madison, Wisconsin, has a successful separate collection program, a visit to Madison was arranged and paid for. The visitors from Helena spent two days observing operations and discussing their own situation with Madison program managers. Subsequently, Helena established its own highly successful program. So far this year, 70 peer matches have been arranged, and interest is growing in this mechanism for sharing know-how among States and communities.

In both the TA Panels Program and guidance on State planning, resource recovery and conservation constitute an important focus. As I noted at the start, the aim is to establish these approaches as the preferred means of solid waste management. The major new initiative in this area is the program of financial assistance for the development of

urban resource recovery projects, as announced in the President's Urban Policy Message of March 27, 1978. Urban areas will be eligible for assistance for all "front-end" steps leading to the establishment of resource recovery plants, source separation programs, and projects involving co-disposal of sludge and municipal solid waste. Inadequate planning and development have led to numerous failures in resource recovery implementation. By enabling cities to do thorough feasibility studies and obtain enough expert consultants and capable staff, we believe the success rate will be much improved.

We expect that funds for this program will be available at the rate of \$15 million a year, beginning in fiscal year 1979. Forty to fifty grants will probably be awarded this fiscal year. The solicitation for proposals is scheduled for October, and we would encourage all urban areas with a commitment to resource recovery to consider applying. The criteria for selection of grantees will emphasize: the potential value of resource recovery in reducing the area's land disposal problems; factors conducive to success, such as control of the waste supply of the area and the backing of key officials; the potential for aiding economic distress in the urban area; and the amount of prior progress toward resource recovery.

Eligibility for funding is not limited to large cities, but under the selection criteria the major portion of the funds will probably go to jurisdictions of at least 50,000

population. Under present plans the aid will go primarily to agencies with clear responsibility for implementation, as designated in the State planning process under Subtitle D.

To maximize the chances for success of the projects selected for assistance, EPA will closely monitor them and provide guidance. The TA Panels will be utilized. The States will be encouraged to provide additional support. I should note that Federal assistance involving such a high level of interaction with the recipient has recently been officially labeled "cooperative agreements" in preference to "grants." We will be using the new term in referring to resource recovery development assistance from now on.

A related activity that some of you may already be familiar with is the Resource Recovery Implementation Seminar which we have been giving around the country. This past year we presented the two-day seminar in six cities to approximately 1,000 people. The seminar has been very well-received, and I believe it provides an excellent orientation to implementation of resource recovery, both through mixed-waste processing and source separation. It is regularly updated to reflect the current state of technology. In case any of you are interested in attending, the next three seminars will be in Cherry Hill, New Jersey, on December 12 and 13; in San Antonio on January 23 and 24; and in Nashville on February 27 and 28. There will be one in Los Angeles in

the late spring, but the date has not yet been set.

Of course, the status of resource recovery and conservation is affected by a lot more than planning and technology. Economic conditions, various national policies, and other aspects of our society can encourage or deter these practices. As mandated by RCRA, the interagency Resource Conservation Committee has been reviewing a number of Federal policies, existing and proposed, that may affect the rates at which we utilize, recover, and dispose of materials. The Committee has published reports on beverage container deposits and the concept of the solid waste disposal charge--a tax on products contributing to the post-consumer waste stream. Recommendations on these and other issues will be included in the Committee's final report to Congress and the President next spring. EPA's work in research, development, and demonstrations is being expanded to fill in the gaps in knowledge about damage mechanisms of hazardous and other wastes and to improve technology for treatment, disposal, and resource recovery. This work gives essential support to development of regulations and to technical assistance. Some examples of projects underway are: studies of water and air around disposal facilities to determine the effectiveness of the technology; evaluations of materials that may be used for lining land disposal sites; studies of methods for recovering, recycling, and detoxifying hazardous wastes; demonstrations of sludge composting in Bangor, Maine, and of methane recovery

from landfills in Mountain View, California; and detailed evaluations of commercial-scale resource recovery systems. Economic analysis is an integral part of all these projects.

Finally I would like to comment on a less traditional but equally vital part of the program , the public participation and education activities. EPA and the States are required to provide for, encourage, and assist participation by the public in the development of all regulations and programs under RCRA. I think we have been quite successful in doing so. About 125 public meetings have been held across the country on every major aspect of the program, and we have distributed successive drafts of the regulations to all interested persons. The information and views thus elicited are adding greatly to the quality of the regulations. In addition, the widespread participation has helped to focus public attention on solid waste problems and what can be done about them.

The requirements for public participation in State and local programs assisted under RCRA are being specified in guidelines applicable to those programs.

We see public education as an extremely important associated activity. It is the basis for informed, constructive participation and for the public support we must have to achieve successful implementation of the RCRA programs at the State and local levels. Over the next three years, our

educational program will include a series of regional conferences followed by a national conference on the implementation of RCRA, with main emphasis on the crucial need for establishing new sites for waste processing and disposal. Several organizations representing environmental interests, public health, and the public at large will assist in conducting these forums.

In summary, I believe substantial progress has been made in fulfilling the objectives of RCRA:

- we are well along in regulations development, although we have not kept pace with the statutory schedule;
- apparently the great majority of States will assume responsibility for operating authorized hazardous waste programs;
- we think we have found a feasible approach to the formidable inventory process under Subtitle D;
- financial assistance to State and local governments is increasing, from \$14.3 million in fiscal 1978 to a total of \$41.2 million in 1979;
- The Technical Assistance Panels Program is now fully operational;
- resource recovery implementation should be given a strong boost by the new financial assistance program, as well as by the indirect pressure of land disposal regulations; and
- intensive public participation in RCRA implementation at the Federal level is a reality.

That is the brighter side, but, of course, many problems remain. A major issue facing us at the moment is what to do about inactive disposal sites, like the one at Love Canal, that pose risks to health and the environment. The resources needed to adequately deal with this problem were hardly contemplated in RCRA.

The most critical problem is that of finding sites for waste processing and disposal facilities that are acceptable to the local citizens. There is a real dilemma in the fact that cases of damage from waste disposal both demonstrate the need for improved disposal practices and, at the same time, increase resistance to siting of new facilities. The long-range hope is that the RCRA program will lead to consistently acceptable disposal practices which will reassure the public and reduce opposition to proposed facilities. Unfortunately, the crunch is already with us. In addition to the public education activity I have referred to, we are exploring various approaches that might be taken to ease the situation, and we would welcome ideas and recommendations from those with experience with this problem.

In all our efforts, we rely heavily on interchange with organizations such as APWA for the access it gives us to the knowledge, experience, and opinions of State and local officials. It is clear that nothing is more essential to successful implementation of RCRA than concerted action and cooperation at the State and local levels.



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