



DERP FORUM

Achieving Greater Success Through Strong Partnerships

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RCRA/CERCLA Integration Past, Present, & Future

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CERCLA & DERP

- **1980 – Comprehensive Environmental Compensation and Liability Act (CERCLA)**
- **1986 – Superfund Amendments and Reauthorization Act.**
 - Established the Defense Environmental Restoration Program!
 - Added sections on federal facilities
- **1987 – E.O. 12580 Superfund Implementation**



RCRA Corrective Action

- **1976 – Resource Conservation & Recovery Act (RCRA)**
- **1980 – first implementing RCRA regulations**
 - includes requirements to address releases of hazardous wastes (HW) and hazardous constituents (HC) to ground water from regulated units
 - 40 CFR 264.90 – 264.100
- **1984 – Hazardous & Solid Waste Amendments includes:**
 - 3004(u) – corrective action for all releases of HW or HC from a SWMU
 - 3004(v) – corrective action for HW releases beyond the facility boundary
 - 3008(h) – corrective action for HW releases at interim status facilities



Upcoming EPA Proposed or Final Rules on Cleanup

- **PFOS & PFOA as a CERCLA Hazardous Substance**
- **Applying statutory definition of HW to RCRA Corrective Action**
- **Identifying certain PFAS as HC subject to RCRA corrective action**



Existing CERCLA & RCRA Authorities Versus Proposed Rules

1. CERCLA

Hazardous Substances inc all Hazardous Wastes (~800)

P/C*

2. RCRA Corrective Action

Hazardous Waste (~500?)

Hazardous Constituents (~100 that are not HW)

3. RCRA Regulated Units

Hazardous Constituents

4. RCRA Proposed Rules

???

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5. Other RCRA (§7003, Omnibus)

?

* P/C – Pollutants or Contaminants



Thoughts for the Future

- **What if the scope of RCRA Corrective Action matched CERCLA?**
- **If we have parity of cleanup results between the two, does it matter?**
- **Shouldn't Emerging Constituents be addressed the same nationwide?**
- **How can we have better RCRA/CERCLA integration?**



Questions