DERP FORUM

Achieving Greater Success Through Strong Partnerships

November 14-17, 2023 • Kansas City, MO

RCRA/CERCLA Integration Past, Present, & Future

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- 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





- 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

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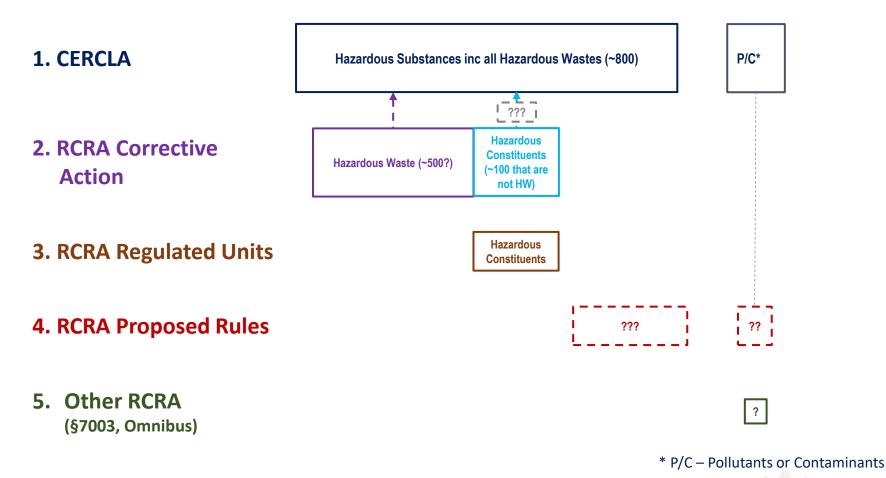
Upcoming EPA Proposed or Final Rules on Cleanup

- 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







- 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

