RCRA/CERCLA Integration
Past, Present, & Future

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CERCLA & DERP

- 1980 – Comprehensive Environmental Compensation and Liability Act (CERCLA)
  - 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

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