United States Environmental Protection Agency

Solid Waste and Emergency Response (5305W)

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EPA

RCRA CLEANUP REFORMS

Faster, Focused, More Flexible Cleanups

The U.S. Environmental Protection Agency (EPA) is implementing a set of administrative reforms, known as the RCRA Cleanup Reforms, to the Resource Conservation and Recovery Act (RCRA) Corrective Action program. The reforms are designed to achieve faster, more efficient cleanups at RCRA sites that treat, store, or dispose of hazardous waste and have potential environmental contamination. Although these reforms will emphasize flexibility and trying new approaches to clean up these facilities, EPA and the states will continue to ensure protection of human health and the environment.

Why Is EPA Doing the RCRA Cleanup Reforms?

When the RCRA law and regulations governing proper hazardous waste management went into effect around 1980, thousands of facilities became newly subject to these federal regulations. This RCRA regulatory structure has helped ensure that hazardous waste generated from ongoing industrial operations is properly managed and does not contribute to a future generation of toxic waste sites. However, many of these facilities had existing soil and groundwater contamination resulting from historical waste management practices. The RCRA Corrective Action program addresses cleanup of existing contamination at these operating industrial facilities.

Congress, the general public, EPA, and state agencies all believe the pace and progress of RCRA cleanups must be increased. In reviewing the program, EPA and other stakeholders identified several factors that were impeding timely and cost-effective RCRA cleanups. In some instances, RCRA cleanups have suffered from an emphasis on process steps and a lack of clarity in cleanup objectives. An additional complication is that the application of certain RCRA requirements, such as the land disposal restrictions (LDR), minimum technological requirements, and permitting, can create impediments to cleanup.

What Are the RCRA Cleanup Reforms?

The RCRA Cleanup Reforms are EPA's comprehensive effort to address the key impediments to cleanups, maximize program flexibility, and spur progress toward a set of ambitious national cleanup goals. The national cleanup goals focus on 1,712 RCRA facilities identified by EPA and the states warranting attention over the next several years because of the potential for unacceptable exposure to pollutants and/or for groundwater contamination. The goals, set by EPA under the Government Performance and Results Act (GPRA), are that by 2005, the states and EPA will verify and document that 95 percent of these 1,712 RCRA facilities will have "current human exposures under control," and 70 percent of these facilities will have "migration of contaminated groundwater under control." To ensure that these ambitious goals are achieved, the RCRA Cleanup Reforms outline aggressive national cleanup goals for each of the next several years. Implementation of the proposed reforms will help us achieve the national RCRA cleanup goals. Specifically, the RCRA Cleanup Reforms will:

National Cleanup Goals
(Number of Facilities with Cleanup Measures Verified per Year)

Year	Current Human Exposures Controlled	Groundwater Contamination Controlled
1999	172	84
2000	172	172
2001	172	172
2002	172	172
2003	257	172
2004	257	172
2005	255	172
Total by 2005	1629* (95%)	1200* (70%)

*Includes facilities verified prior to 1999

- Provide new results-oriented cleanup guidance with clear objectives.

- Foster maximum use of program flexibility and practical approaches through training, outreach, and new uses of enforcement tools.

- Enhance community involvement including greater public access to information on cleanup progress.

These reforms are described in more detail at the end of this fact sheet. The reform efforts are intended to build on actions taken by EPA and the states in recent years to accelerate cleanups, such as:

- The May 1, 1996, Advance Notice of Proposed Rulemaking (ANPR, 61 *FR* 19432) which contains the Agency's latest guidance for the corrective action program and identifies a number of flexible cleanup approaches.

- Recent promulgation of the the Hazardous Remediation Waste Management Requirements ("HWIR-Media," 63 *FR* 65874, November 30, 1998) which, among other things, create streamlined RCRA permits for cleanup wastes, release "cleanup only" facilities from requirement to conduct facility-wide corrective action, and allow for temporary "staging piles" that have flexible design and operating requirements.

- Recent promulgation of the Post-Closure Regulation (63 *FR* 56710, October 22, 1998) which provides flexibility to EPA and authorized states by removing the requirement that interim status facilities obtain a permit for the post-closure care of a waste management unit when other enforcement documents are used, and harmonizing the sometimes duplicative closure and corrective action requirements.

- The Land Disposal Restrictions Standards for Contaminated Soils (63 *FR* 28617, May 26, 1998) which better tailor RCRA's LDRs to contaminated soils managed during cleanups.

How Will the Success of the Reforms Be Measured?

While the ultimate goal of RCRA Corrective Action is to achieve completed cleanups, we will measure the near-term success of the program and reforms against the GPRA goals and annual cleanup targets for verifying that current human exposures are under control and migration of contaminated groundwater is under control (see table on preceding page). Measuring and recording our progress toward these goals will be a top priority for EPA and the states over the next several years.

How Will EPA Involve Stakeholders In the Reforms?

We will provide periodic updates on the RCRA Cleanup Reforms and solicit input from stakeholders through several means including focus meetings, *Federal Register* notices, the new RCRA Corrective Action newsletter, Internet postings, and press releases. EPA seeks continuous feedback from all stakeholders on the need for additional reforms beyond those already underway. While the Agency values and appreciates the feedback and interest of all stakeholders, limited resources will not allow us to respond individually to those who provide input on the RCRA Cleanup Reforms. All input will be seriously considered by EPA, however. Based on stakeholder input and our ongoing assessment of the program, we will continue to refine the RCRA Cleanup Reforms, add reforms as needed, and communicate program changes including those resulting from stakeholder input.

For More Information

If you have questions regarding these reforms, please call the RCRA Hotline at 800-424-9346. You may also e-mail your questions via our Web site at <www.epa.gov/epaoswer/hotline/index.htm>.

The RCRA Corrective Action program is run jointly by EPA and the states, with 33 states and territories authorized to implement the program. Corrective action is conducted under RCRA permits, orders and other approaches.

If you would like to provide written feedback on the Reforms, please mail them to the RCRA Information Center (5305W), USEPA, 401 M St., SW, Washington, DC 20460 or, e-mail to <rcra-docket@epa.gov>. Please include the following number on all correspondence, written or e-mailed, to the RCRA Information Center: F-1999-CURA-FFFFF.

RCRA Cleanup Reforms

EPA is Implementing the following reforms to help streamline RCRA cleanups and meet the national cleanup goals

I. Provide new results-oriented cleanup guidance with clear objectives

EPA will issue a *Federal Register* notice concerning the operating guidance for the corrective action program. EPA also will issue several guidance documents to emphasize use of flexibility in the corrective action process, consistent measures for determining when a site has met corrective action goals, and to provide a more consistent basis for groundwater use decisions.

a. Notice Concerning 1990 Subpart S Proposal

In an upcoming *Federal Register* notice, EPA plans to announce its intention not to take final action on most of the provisions of the July 27, 1990, proposed Subpart S rule. Provisions of Subpart S which have been finalized (e.g., Corrective Action Management Units) will remain in effect. This notice is intended to eliminate uncertainty for states and owner/operators created by the potential promulgation of detailed federal regulations, thereby clearing the way for implementation of more flexible corrective action approaches. In the notice, EPA plans to clarify that the Agency does not intend to finalize a process-oriented corrective action approach, and to confirm that the 1996 Advanced Notice of Proposed Rulemaking remains the primary corrective action program guidance.

b. Corrective Action Guidance

1. Environmental Indicators Guidance and Implementation

The two corrective action Environmental Indicators—*Current Human Exposures under Control* and *Migration of Contaminated Groundwater under Control*—are measures of program progress and are being used to meet the goals set under the Government Performance and Results Act. This guidance, issued in February 1999, describes how to determine if these measures have been met.

These Environmental Indicators are designed to aid site decision makers by clearly showing where risk reduction is necessary, thereby helping regulators and facility owner/operators reach agreement earlier on stabilization measures or cleanup remedies that must be implemented. Focusing on the Environmental Indicators should also help reduce delays in the review of cleanup work plans and allow owner/operators and regulators to concentrate on those problems that potentially pose significant risks.

2. Results-Based Approaches for RCRA Corrective Action

This guidance will stress that results-based approaches which emphasize outcomes and eliminate unnecessary process steps, should be a significant part of state/regional corrective action programs in order to meet the GPRA goals and to move facilities toward the longer-term goal of final facility cleanup. Results-based approaches include setting cleanup goals, providing procedural flexibility in how goals are met, inviting innovative technical approaches, focusing data collection, and letting owner/operators undertake cleanup action with reduced Agency oversight, where appropriate. Under such approaches, owner/operators focus on environmental results and the most technologically efficient means of achieving them while still being held fully accountable.

3. Corrective Action Completion Guidance

This guidance will discuss how to document completion of corrective action at facilities. It will address: termination of permits and interim status where corrective action is complete; how to determine that corrective action is complete at part of a facility; and the importance of public involvement in corrective action. This guidance will provide for a more predictable completion process and provide facility owner/operators with reasonable assurance that regulatory activities can be completed at their facility.

4. The Role of Groundwater Use in RCRA Corrective Action

This guidance is intended to provide more certainty about cleanup objectives and expectations with respect to groundwater remediation. It will include recommendations on how to account for current and reasonably expected uses of groundwater when implementing interim and final RCRA corrective action remedies.

II. Foster Maximum Use of Program Flexibility and Practical Approaches through Training, Outreach, And New Uses of Enforcement Tools

Through outreach and training, EPA will encourage maximum appropriate use of the existing flexibility in the corrective action program and prompt implementation of recent rules offering regulatory flexibility.

a. Prompt Implementation of the HWIR-Media and Post-Closure Rules

EPA will strongly encourage states to expeditiously incorporate the Hazardous Remediation Waste Management Requirements (HWIR-Media) and Post-

Closure regulations into their programs. As more states adopt and implement the flexibility in the HWIR Media rule, Post Closure rule, and the alternative soil treatment standards promulgated under LDR Phase IV, impediments to cleanup will be reduced. This is because these rules limit the applicability in certain cleanup situations of some RCRA requirements such as land disposal restrictions, minimum technological requirements, and permitting, or provide alternative requirements more tailored to cleanup situations.

b. Maximize Practical Approaches and Use All Appropriate Authorities to Expedite Cleanup

The national EPA program office will reach out to the EPA regions, states, and external stakeholders to emphasize the importance of environmental results in the corrective action program. EPA will place a priority on authorizing additional states to implement corrective action or enhancing work sharing arrangements with states that are not authorized for the program. With the RCRA Cleanup Reforms we hope to develop a new atmosphere of partnership and cooperation among regulatory authorities, industry, and stakeholders

We will encourage regulators to use a broad spectrum of approaches to expedite corrective action and achieve GPRA goals. These approaches include new uses of enforcement tools to create incentives for cleanup at facilities with cooperative owners as well as to compel cleanups at facilities where collaborative approaches have not yielded results.

c. Provide Comprehensive Training on Successful Cleanup Approaches

EPA has launched a comprehensive training effort on Results-Based Correctiye Action, which features a three-day workshop offered to EPA Regions and states in 1999 and 2000. An Internet version of this training is also being developed for release. The training will emphasize to corrective action regulators the flexibility in existing policies and regulations. EPA and State regulators will learn from their peers about innovative, successful approaches that are speeding cleanups now at corrective action sites. The training emphasizes using a Conceptual Site Model and Environmental Indicators to help focus corrective action activity at sites. This comprehensive training effort will help EPA and State regulators make maximum use of the flexibility inherent in the corrective action program and to adopt more streamlined approaches for accelerating cleanups.

III. Enhance Community Involvement Including, Greater Public Access to Information on Cleanup Progress

a. Emphasize Public Involvement in RCRA Cleanups

Some of the clear benefits of meaningful public involvement include: letting the public know from the onset that their opinions are valued and can influence decision making; learning from the public about past environmental problems associated with the facility; gaining an understanding of current as well as future land use plans; and avoiding delays which can arise late in the remedy selection process when the public has not been adequately engaged.

EPA will continue to emphasize the importance of meaningful public involvement throughout RCRA cleanups. EPA's commitment to meaningful public involvement was described in the 1996 Advance Notice of Proposed Rulemaking and is part of the central theme of effective communication that is interwoven throughout the corrective action training effort. In addition, public involvement is the focus of the RCRA Public Participation Training which is now under development and will be offered to regions and states. EPA will also convene workshops with stakeholders later this year. Through these workshops we hope to better understand the public's concerns as well as gather suggestions for further improvements to the corrective action program.

b. Provide Detailed Information on Cleanup Progress

EPA will post information on cleanup progress for individual facilities on the Internet. With this information, we hope to generate greater public interest and awareness in corrective action at individual facilities, thereby enhancing the ability of the community to become more involved in decisions about the cleanup. This information will allow stakeholders to monitor progress at facilities in their area as well as overall progress in the corrective action program. Information is available at: <www.epa.gov/epaoswer/osw/cleanup.htm>.