

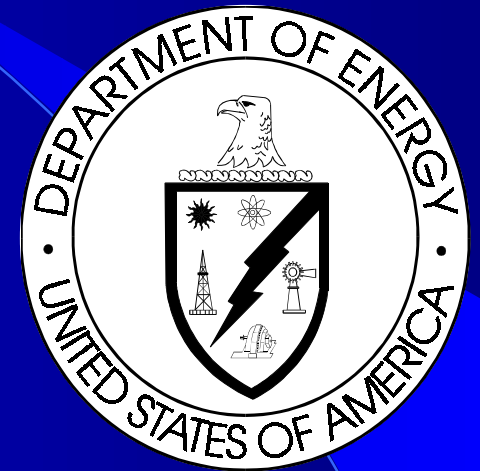
**Resource**

**Conservation and**

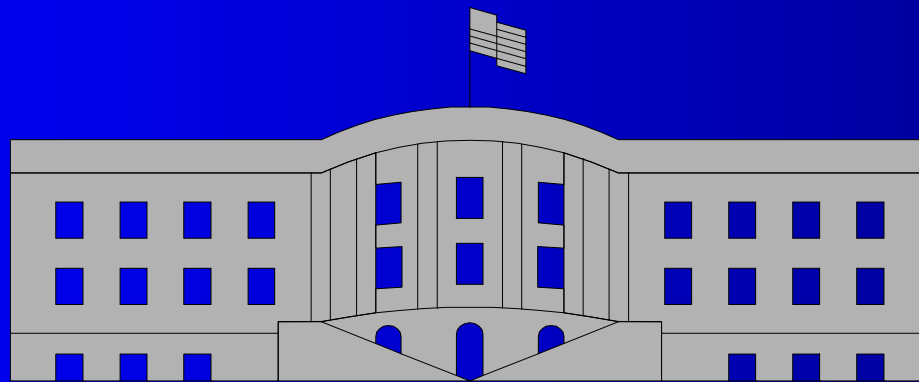
**Recovery**

**Act**

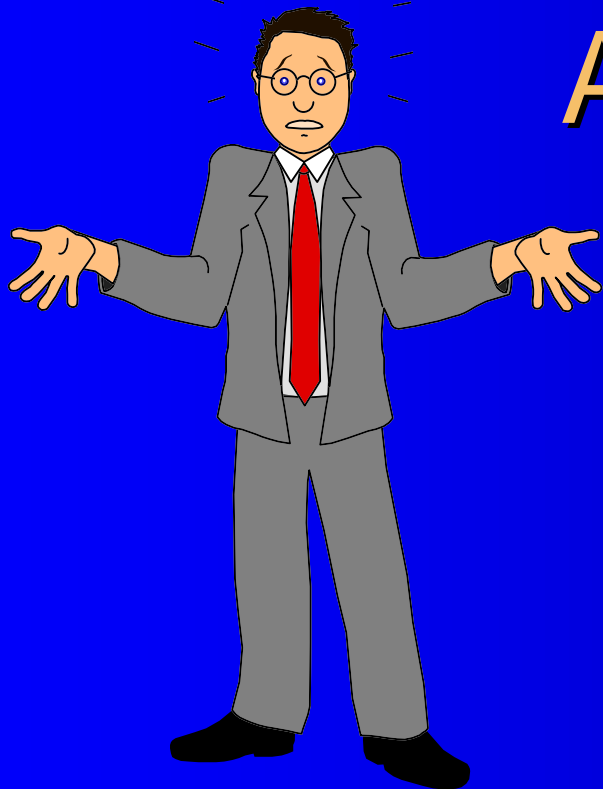
**Orientation**

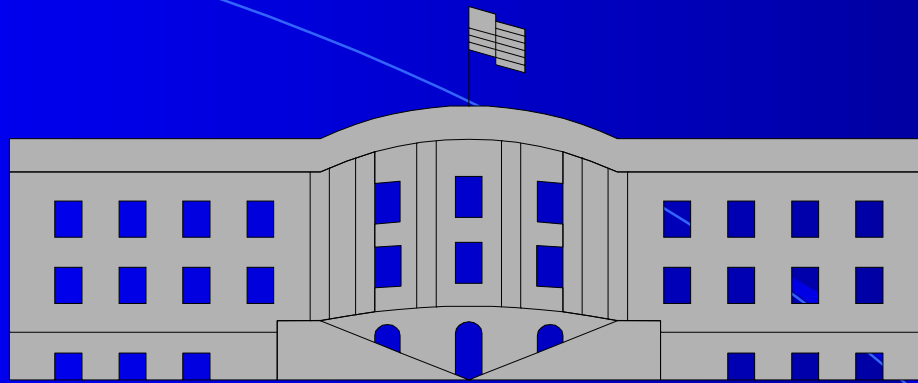


# Introduction to the Regulatory Process

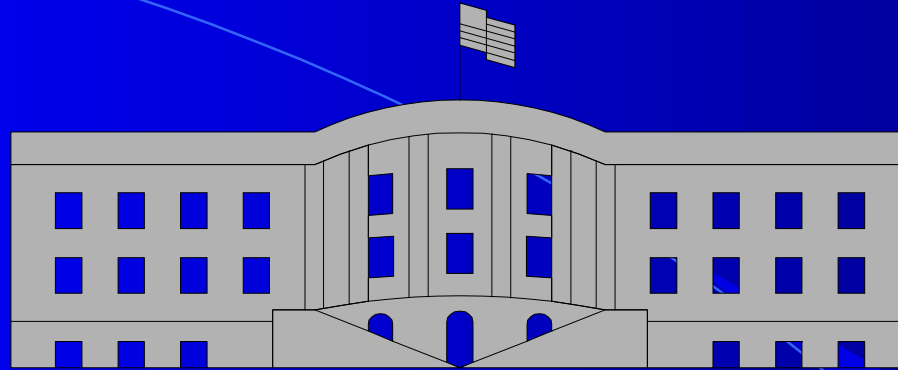


# Who Is the Source of Regulatory Authority?





- **Congress enacts public health, safety, and environmental laws.**
- **Congress identifies a responsible agency to implement the requirements outlined in the law.**
- **The responsible agency develops implementing regulations to provide detailed compliance requirements.**



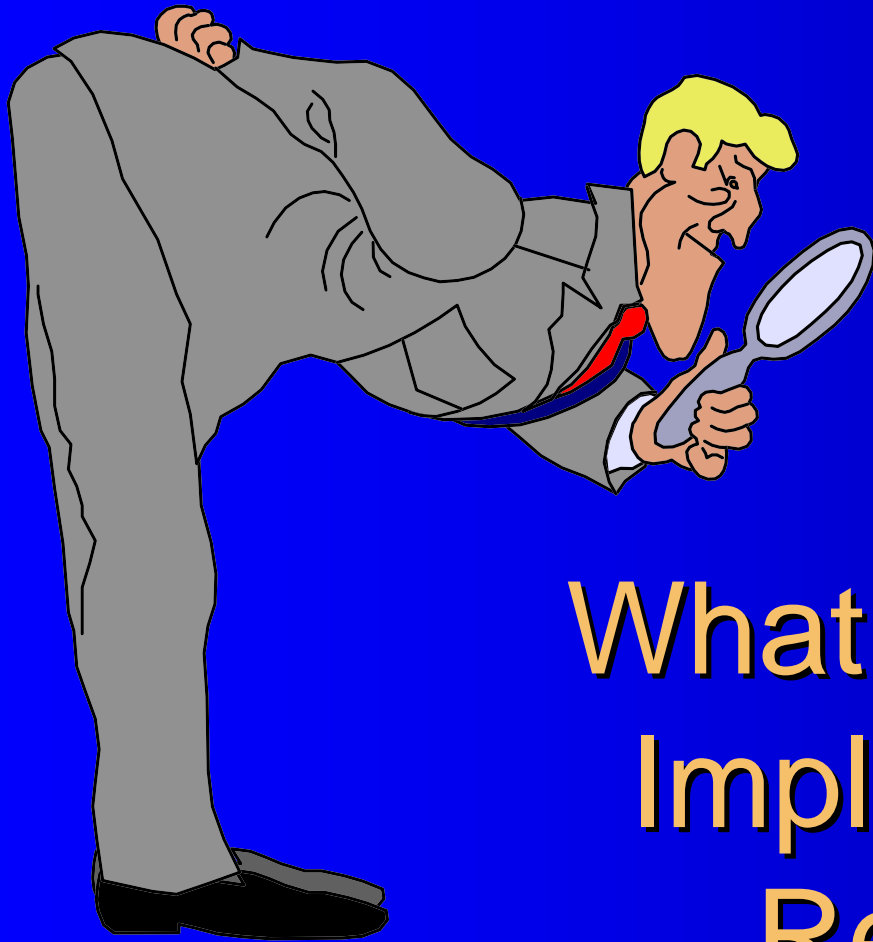
**Congress establishes the outline of requirements.**



**EPA fills in the outline and explains the specific criteria the regulated community must meet to comply with the law.**

# EPA Is Limited by Law

- **In developing regulations, EPA cannot exceed the scope of authority Congress delegates to it in the law.**
- **When challenged, the courts decide if EPA has acted within its Congressionally imposed limits.**



What Are the Steps in  
Implementing Legal  
Requirements?

# How Does EPA Promulgate Regulations?

**Advance Notice of Proposed Rulemaking  
(ANPRM)**



**Notice of Proposed Rulemaking (NPRM)  
(Proposed Rule)**



**Final Rule and Effective Date**

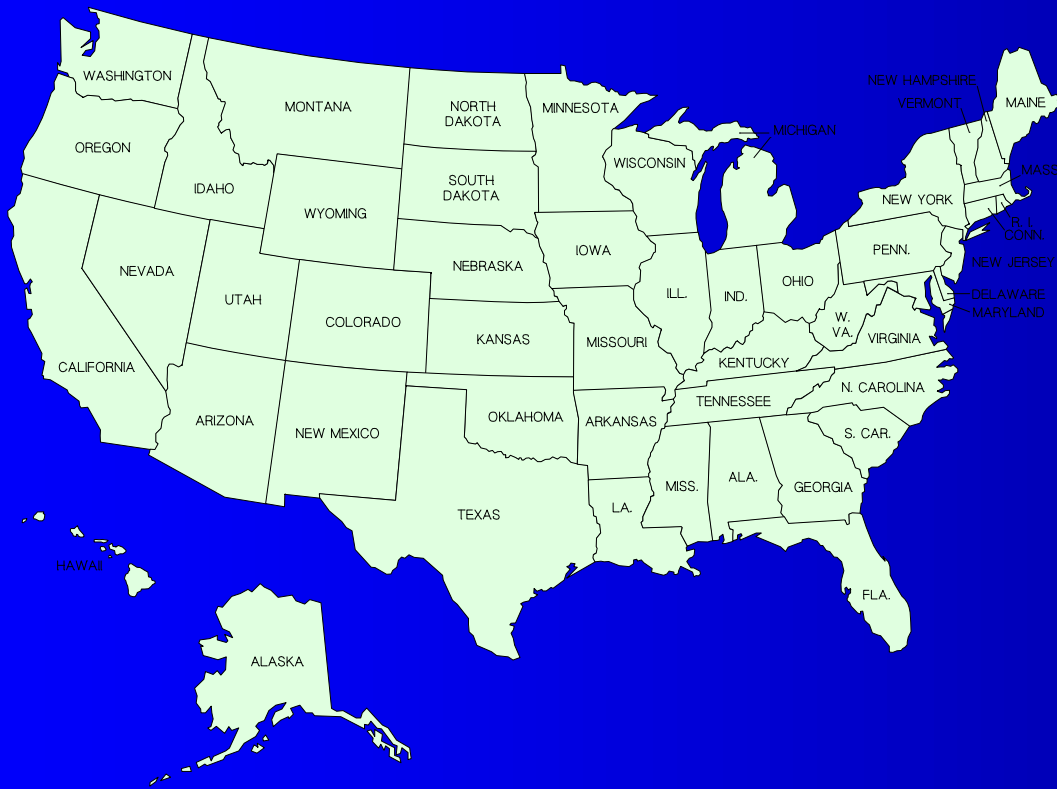


# Who Are the Key Players in Developing and Enforcing Requirements?



1. Congress
2. EPA
3. EPA regions and states

# How Does Enforcement Relate to Regulatory Development?

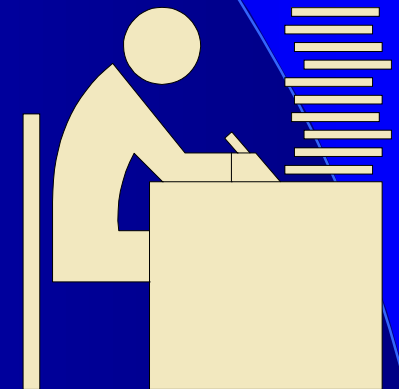
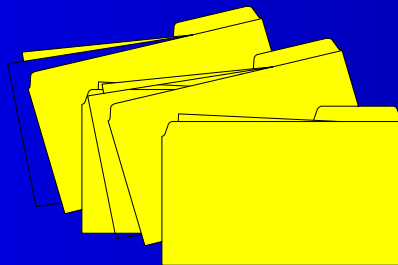


# Summary

- **Congress defines the objectives of RCRA and delegates authority to EPA to establish the regulatory framework to ensure compliance.**
- **EPA implements rules, which define specific requirements that must be met to comply with the law.**
- **EPA regions and authorized states ensure compliance with regulations through enforcement.**

# A Closer Look

# Resource Conservation and Recovery Act



# Overview of RCRA

- **History**
- **Objectives of the Law**
- **Major Subtitles**
- **Focus on cradle-to-grave hazardous waste management**

# **Solid Waste Disposal Act**

## **Origin of RCRA**

- **1965 Solid Waste Disposal Act**
- **1970 Resource Recovery Act**
- **1976 Resource Conservation And Recovery Act (RCRA)**
- **1984 Hazardous And Solid Waste Amendments (HSWA)**
- **1992 Federal Facility Compliance Act**
- **1996 Land Disposal Program Flexibility Act**

# Objectives of RCRA

**“To promote the protection of health and the environment and conserve valuable material and energy resources . . .” 42 USC 6902**

# National Policy

**“ . . . Wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.” 42 USC 6902**



## How Does RCRA Achieve Its Objective?

**RCRA's ten subtitles (1) create a legal framework that establishes EPA's authority to administer RCRA and (2) define the scope of that authority.**

# RCRA's Ten Subtitles Are:

- **A: General Provisions**
- **B: Authority of the Administrator**
- **C: Hazardous Waste Management**
- **D: State or Regional Solid Waste Plans**
- **E: Duties of the Secretary of Commerce in Resource Recovery**

# RCRA's Ten Subtitles Are:

- **F: Federal Responsibilities**
- **G: Miscellaneous**
- **H: Research, Demonstration and Development**
- **I: Underground Storage Tanks**
- **J: Demonstration Medical Waste Tracking Program**

# Federal Responsibilities

## Subtitle F

**Federal agencies “shall be subject to and comply with, all federal, state, interstate, and local requirements, both substantive and procedural . . . including the payment of reasonable service charges.” Federal agencies are not “immune or exempt from any process or sanction of any state or federal court with respect to the enforcement of any such injunctive relief.” 42 USC 6962**

# RCRA Orientation Focus: Subtitles Associated with RCRA Regulatory Programs

- **C: The “cradle-to-grave” hazardous waste management provisions,**
- **D: Solid waste management, and**
- **I: Underground Storage Tanks.**