Environmental Compliance Assistance Program

Simplifying Compliance

Waste Regulations and Development

Presented by Chelsea Durbin

Why Manage Waste?

- In the mid-twentieth century, solid waste management issues rose to new heights of public concern.
  - increasing solid waste generation
  - shrinking disposal capacity
  - rising disposal costs
  - opposition to the siting of new disposal facilities

Love Canal, New York

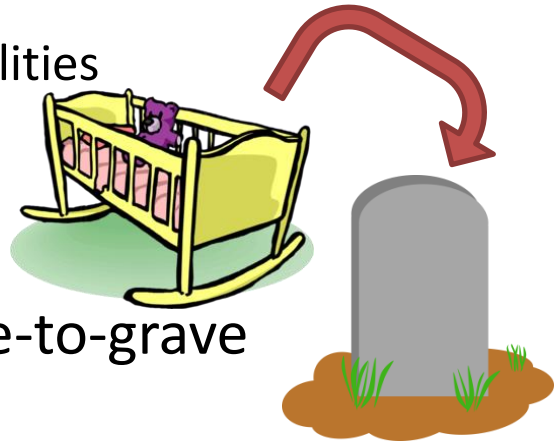
Times Beach, Missouri

Valley of the Drums, Kentucky

Resource Conservation and Recovery Act (RCRA)

- Nation's primary law regulating hazardous waste
- Amended the Solid Waste Disposal Act of 1965 and was passed in 1976
- Set national goals:
  - Protecting human health and the environment from the potential hazards of waste disposal
  - Conserving energy and natural resources
  - Reducing the amount of waste generated
  - Ensuring that wastes are managed in a sound manner

- To achieve these goals, RCRA established three related programs:
  - The <u>solid waste program</u>
    - Management of nonhazardous waste
      - Sets criteria for landfills and disposal facilities
      - Prohibits open dumping
  - The <u>hazardous waste program</u>
    - Controls hazardous waste from cradle-to-grave
      - Generation, transport, use, disposal
  - The <u>underground storage tank program</u>
    - Establishes standards to prevent releases from underground storage tanks (UST) to protect groundwater.



- Two important notes
  - Proactive program – focuses on preventing problems
  - Does not include contamination at inactive or abandoned sites

Toxic Substances Control Act (TSCA)

- Gives the EPA authority to protect public health and the environment through controls on toxic chemicals that pose an unreasonable risk of injury
- Also passed in 1976

- Gives the EPA authority to require reporting, recordkeeping and testing requirements and restrictions relating to chemical substances and/or mixtures
  - Certain substances are generally excluded
    - Foods
    - Drugs
    - Cosmetics
    - Pesticides

- TSCA addresses the production, importation, use and disposal of specific chemicals
  - Polychlorinated biphenyls (PCBs)
  - Asbestos
  - Radon
  - Lead-based paint

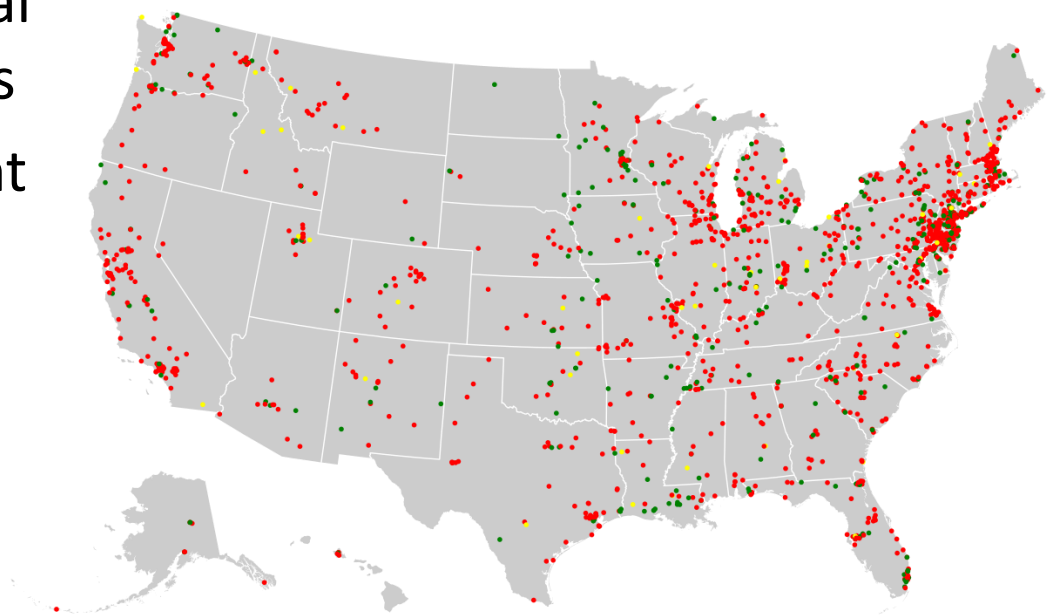
RADON GAS

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- a.k.a. Superfund
- Provides a federal trust fund to clean up uncontrolled or abandoned hazardous-waste sites, as well as accidents, spills and other emergency releases of pollutants and contaminants into the environment.
- Passed in 1980

- Gives the EPA authority to seek out those responsible for any release and assure their cooperation in the cleanup.
  - Will also clean sites when responsible parties cannot be found or when they fail to act
- EPA obtains private party cleanup through orders, consent decrees and settlements.
  - Recovers costs from financially viable individuals and companies once a response action has been completed

- EPA can implement the act in all 50 states and U.S. territories
  - Superfund site identification, monitoring and response activities in states are coordinated.
    - State environmental protection agencies
    - Waste management agencies.



Hazardous and Solid Waste Amendments (HSWA)

- RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments
  - Focused on waste minimization and phasing out land disposal of hazardous waste, as well as corrective action for releases

- Response to concern about hazardous wastes leaking into groundwater
  - Phased out land disposal
  - Increased enforcement authority
  - Created more stringent management standards
  - Expanded the comprehensive underground storage tank program

Superfund Amendments and Reauthorization Act (SARA)

- CERCLA was amended in 1986 by SARA
  - Reflected the EPA's experience in administering the Superfund program during its first six years
  - Required the EPA to revise the Hazard Ranking System
    - Ensure that it accurately assessed the risk to human health and the environment posed by uncontrolled hazardous waste sites

- SARA made several important changes and additions to CERCLA.
  - Stressed permanent remedies and innovative technologies in cleaning up hazardous waste sites
  - Required Superfund to consider other state and federal environmental laws and regulations
  - Provided new enforcement authorities and settlement tools
  - Increased state involvement
  - Increased the focus on human health problems
  - Encouraged greater citizen participation
  - Increased the size of the trust fund to $8.5 billion

Emergency Planning and Community Right-to-Know Act (EPCRA)

- Passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals
  - An accidental release of methylisocyanate in India killed over 2,000 people in 1984.
  - Passed in 1986

- Requires emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals
  - Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at facilities, their uses and releases.
  - Information can be used to improve safety and protect public health and the environment.

- Emergency Planning and Notification
  - Facilities must have emergency response plans and report accidental releases.
- Community Right-to-Know provisions
  - Facilities used for manufacturing, processing or storing designated hazardous chemicals must make Safety Data Sheets available to state and local officials.

KYEM
Hazardous Materials Program

COMMONWEALTH OF KENTUCKY • DIVISION OF EMERGENCY MANAGEMENT •
RESPOND RECOVER PREPARE

The Small Business Liability Relief and Brownfields Revitalization Act

- CERCLA was amended in 2002 by the Brownfields Law
  - Provides funds to assess and clean up Brownfields
    - Used properties that were at risk for contamination by hazardous substances
  - Provides tools and funding for the public and private sectors to promote sustainable cleanup and reuse

The Kentucky Brownfield Redevelopment Program

Recognizing the fact that people were not aware of the benefits, processes and funding involved in land revitalization, the Kentucky Brownfield Redevelopment Program has developed quality educational services and one-on-one support for private and public entities wishing to clean up and reuse properties with an environmental past.

- The KY Brownfield Redevelopment Program can offer the following services:
  - Free Assessments (local govt., nonprofit and quasi-govt. agencies)
  - Liability Management
  - Grant Writing Assistance
  - Funding
  - Information and Education
  - Brownfield Inventory and Property Identification
  - Help Desk

Questions?

Contact Us

Division of Compliance Assistance

300 Sower Blvd
Frankfort, KY 40601
dca.ky.gov

E-mail: envhelp@ky.gov
Phone: 502-782-6189