

Emergency Response (OSWER)". Next, choose "Office of Solid Waste". Then choose "RCRA General/Notice of Meetings".

2. *Through FTP*: Go to: ftp.epa.gov Login: Anonymous Password: Your Internet Address. Files are located in directories/pub/gopher/OSWRCRA.

3. *MOSAIC*: Go to: http://www.epa.gov Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Next, choose "Office of Solid Waste". Then, choose "RCRA General/Notice of Meetings".

4. *Through dial-up access*: Dial (919)558-0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose "EPA Offices and Regions". Next, choose "Office of Solid Waste and Emergency Response (OSWER)". Next, choose "Office of Solid Waste". Then choose "RCRA General/Notice of Meetings".

#### Background

The Resource Conservation and Recovery Act has been an enormously effective tool in achieving a dramatic transformation in the way that we manage hazardous waste. RCRA has allowed the Agency to develop a cradle-to-grave system to ensure the protection of human health and the environment when generating, transporting, storing, or disposing of hazardous waste. The Agency believes that a successful legislative process to make targeted changes to RCRA, could make the statute an even more effective tool in safely managing our solid and hazardous waste.

Eleven issue descriptions have been developed by EPA to serve as a starting point for discussions to prepare a package of targeted reforms to RCRA. Each of these issues, regarding certain statutory requirements for managing solid and hazardous waste, has been previously identified by one or more stakeholders as an area of concern in which reforms would be helpful.

EPA will consider all comments received in developing the legislative proposal. However, due to the expedited timeframe, EPA will not prepare formal responses to all comments and suggestions placed in the docket.

We caution the reader not to infer any new EPA policy statements from this list of issues. These papers are staff drafts attempting to summarize stakeholder concerns. The eleven issues proposed for discussion are:

#### 1. RCRA Permits

For low-risk hazardous waste management facilities (e.g., storage-only facilities), the requirement to obtain an RCRA permit (and to meet associated management requirements) can in some cases lead to high administrative costs while resulting in little or no increased environmental benefit. Cumbersome permit requirements can also delay the transition from less stringent interim status standards to other, more appropriate, management standards.

#### 2. Management Requirements

Once a waste is identified as hazardous, through a listing or by exhibiting a characteristic, all of the applicable requirements for the generator, transporter, and facility treating, storing, or disposing of the waste apply. Thus, the regulatory implications of a decision about whether a waste is hazardous are "all or nothing"; there is currently no middle ground. However, it may be possible that for certain wastes and scenarios the full hazardous waste management requirements are not needed; the application and enforcement of specific, tailored good management practices could negate the risk posed for that waste, and thus the need for a hazardous waste designation.

#### 3. Listing Determinations

When determining whether to list a waste as hazardous, the Agency considers plausible mismanagement scenarios (e.g., management in an unlined surface impoundment) in order to be protective. However, if the waste in question is currently or can be managed under enforceable, good management practices that protect human health and the environment, then mismanagement may no longer be plausible, and full RCRA hazardous waste requirements may not be necessary.

#### 4. Prescriptive Requirements

The RCRA requirements governing certain hazardous wastes can be prescriptive and may be impractical to implement in certain situations (e.g., radioactive waste mixed with hazardous waste). In addition, certain RCRA requirements may be economically unreasonable to implement, where they have a major impact on the regulated entity without a corresponding environmental benefit (e.g., small businesses that do not meet the technical requirements for the small quantity generator exemption from most RCRA requirements).

#### 5. Untreated Waste Disposal

The RCRA requirements preventing the disposal of untreated waste on the land unless it can be proven that the waste will not migrate from the unit as long as the waste remains hazardous (potentially thousands of years), may prevent the safe disposal of low-risk untreated or partially treated waste in certain land based units (i.e., deep well injection).

#### 6. Indian Tribal Program Approval

EPA has explicit statutory authority to authorize states to implement hazardous and solid waste management programs. RCRA does not explicitly mention Indian Tribes in its discussion of authorization authorities; this omission has led some to challenge EPA's authority to approve qualified Tribal programs.

#### 7. Land Disposal Restrictions

The land disposal restrictions prevent the disposal of hazardous waste on the land until levels of treatment are met which ensure that short-term and long-term threats to human health and the environment are minimized. For some wastes, this provision could be interpreted to require the treatment of the waste's hazardous constituents to levels below those which the Agency would consider necessary to protect human health and the environment.

#### 8. Treatment Requirements

The land disposal restrictions require the treatment of waste to specified levels or with a specified technology before the waste can be disposed on the land. However, under some circumstances, the process of treating certain wastes to meet LDR requirements may itself pose a greater risk to human health and the environment than land disposal or other alternative management practices.

#### 9. Recycling of Hazardous Waste

Facilities treating or storing a hazardous waste need to obtain a permit and comply with all applicable management standards (e.g., land disposal restrictions, facility-wide corrective action, financial assurance). However, some facilities that recycle hazardous waste may not pose significant risks to human health and the environment or may need less than full RCRA hazardous waste regulation to ensure safe handling of waste. The need to comply with the full panoply of hazardous waste requirements may discourage the potential safe recycling of hazardous wastes. To better encourage appropriate recycling, certain of these wastes may not need to be