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Interoffice Communication

To Distribution

From J. E. Cearley - Houston

Date June 20, 1978

Subject Resource Conservation and Recovery Act - Recommended Short-Term Actions for Minimizing Impact of Upcoming Regulations

The Resource Conservation and Recovery Act (RCRA) was enacted in October, 1976 to deal with the environmental problems posed by "solid wastes" and to promote resource recovery and other resource conservation measures as waste management alternatives. Solid waste is broadly defined in the Act to include waste sludges, liquids, and contained gases. To achieve these goals RCRA seeks to bring about development of comprehensive state and local solid waste programs that include regulation of hazardous wastes from point of generation through disposal, environmental controls on land disposal of all other solid wastes, and resource conservation activities.

The necessary regulations were to be promulgated within 18 months of the law's enactment (by April, 1978); however, because of the extensive evaluations, discussions, and reviews that have been necessary, the promulgations have been delayed. Proposed standards for transporters of hazardous waste and guidelines for development of state hazardous waste programs have been issued for comment. The remaining guidelines and standards are to be proposed by the end of the year. Some key aspects of the act are attached for your information.

EPA RCRA draft documents are now being reviewed and commented upon before publication in the Federal Register. If the drafts pertaining to hazardous wastes are promulgated without major changes, a significant impact on industry will result. A real crunch is sure to come from there just not being many approvable disposal facilities operating at the deadline of compliance. The costs are going to be a great deal-multiples-of what we are used to. We are going to have to put a great deal of effort into compliance details, paperwork, and testing, or risk hugh fines or even jail terms.

There are a number of short-term actions that we can take to minimize the impact of these rules on our plants (see attached). Some facilities have already been requested by the states for submission of this type of data. The Lake Charles complex, for example, has completed an inventory and analytical workup of the waste materials generated onsite. Several states have already proposed or promulgated hazardous waste programs, but we need to make sure their requirements are equivalent to the upcoming regulations under RCRA.

The proposed EPA requirements for information gathering, testing, site evaluation, etc., alluded to in the recommended actions are too lengthy and complex to present now. When you are ready to act on any of the recommendations affecting your facility, notify me and I will help set up your program and provide the forms, information requirements, and actions required.

I would like to reemphasize that the regulations to be promulgated under RCRA are not final--they won't be probably until sometime this fall. However, that doesn't mean we have to sit around and wait. The intent and direction of the rules is already apparent and actions we take now will reduce the impact of upcoming regulations.

JEC

JEC/vm

Distribution: All Plant Managers

ATTACHMENT 1

RECOMMENDED ACTIONS FOR MINIMIZING IMPACT OF UPCOMING RCRA REGULATIONS

A. INVENTORY ALL WASTES (kinds you are generating, storing, treating, disposing)

Where does waste come from? -- What process? Which unit operations? Which piece of equipment? Go through your processes unit-by-unit.

What is the volume? -- How many pounds, tons, gallons per year? Or how many cubic yards or how many dumpster loads?

Where is it disposed of? On-site or off-site? By whom? Who hauls it? Where is it stored?

Don't forget to include pits, ponds, and lagoons even though they are part of an NPDES treatment facility.

You may want to include the information called for in the draft preliminary notification form. Once promulgated, you have only 90 days to submit this data; so, it would be wise to start gathering the information now.

B. ANALYZE WASTES

Aside from the general description used for your inventory, summarize the existing analytical information and get some additional data composition ranges for major components and other components of concern. If it's a large volume waste, you may want to get detailed analytical data to provide a base for decisions on storage, treatment, disposal, and regulatory requirements. Depending on the nature of the waste, you may want to get data on such things as viscosity, flash point, heating valve, screen size, etc.

C. TRACK YOUR WASTES

A number of states such as New Jersey, Texas, California, Wisconsin, and others already require a manifest system for off-site disposal. Even if you don't use a manifest, you should use a log book in which are entered at least the date, waste nature, source, volume shipped, name of hauler, and destination. Or you can track the wastes using shipping documents or purchase orders. You may want to use the EPA draft manifest form.

D. EVALUATE GROUNDWATER

Groundwater quality is one of the main concerns of the act. If you know or suspect that you have a groundwater problem, it would be wise to start defining your problem.

E. COLLECT PERMIT APPLICATION DATA

You may want to get a head start on your permit applications for operation of hazardous waste management facilities by gathering data that will be required, particularly data that is already available. For example, site geology, site hydrology, climate, qualifications of personnel, listing of nearby residences and commercial buildings, etc. This will be a particularly burdensome task for land-based disposal techniques. Remember, waste stored onsite for more than 90 days prior to off-site disposal will be subject to all requirements and the storage pit will need a permit.

F. GET RID OF ACCUMULATED WASTES

With the implementation of regulations under RCRA the cost of waste disposal will increase appreciably, plus there will be limited off-site capacity for hazardous waste disposal. The cost to dispose of a drum of hazardous waste at a suitable landfill today runs about $30.00. It would be advantageous to consider getting rid of any large accumulations of wastes by disposal methods acceptable to the state in the immediate future.

G. EVALUATE INCREASED DISPOSAL COSTS

It would be advantageous to see that future operating budgets and capital plans include added costs for waste disposal even if it's on your own property. Costs will go up significantly unless you are able to find a taker for your discarded materials.

RESOURCE CONSERVATION AND RECOVERY ACT REGULATIONS ISSUED OR IN IMPLEMENTATION

SECTION OF ACT	DESCRIPTION	PROPOSED GUIDELINES ISSUED	IN IMPLEMENTATION
1008	Solid waste management guidelines		X
3001	Identification and listing of hazardous waste		X
3002	Standards for generators of hazardous waste		X
3003	Standards for transporters of hazardous waste	X	
3004	Standards for owners and operators of hazardous waste treatment, storage, and disposal facilities		X
3005	Permits for treatment, storage, or disposal of hazardous waste		X
3006	Guidelines for development of development of state hazardous waste programs	X	
3010	Notification system regulations		X
4002 (a)	Guidelines for identification of regions and agencies for solid waste management	X (Interim Guidelines)	
4002 (b)	Guidelines for state plans		X
4004	Criteria for classification of disposal facilities	X	
6002	Guidelines for procurement practices		X
7002	Prior notice of citizen suits	X (Final)	
7004	Public participation guidelines	X (Interim Guidelines)	

KEY ASPECTS OF RESOURCE CONSERVATION AND RECOVERY ACT

Some key aspects of parts of the regulatory program that will have the most significant impact on our operations are as follows:

SECTION 3001 - DEFINING A HAZARDOUS WASTE

Section 3001 of RCRA mandates the promulgation of regulations identifying and listing hazardous wastes. The definition of hazardous waste determines the scope of the program and is therefore the key element. The Agency has tentatively identified a set of criteria for the definition of hazardous wastes. These criteria include flammability, reactivity, corrosiveness, toxicity, genetic change potential, tendency for bioaccumulation, infectiousness, radioactivity. Each of these areas is being investigated to determine how each criterion should be defined and the means to measure or identify the particular characteristic. In most cases, the latter will be specified in terms of a particular test method and a quantitative measure. For example, flammability may be defined as a flash point of 140° F or lower using a specific test.

SECTION 3002 - STANDARDS FOR GENERATORS OF HAZARDOUS WASTE

Section 3002 requires standards for generators of hazardous waste respecting: recordkeeping, labeling of containers, use of appropriate containers, furnishing of information on waste composition, and submission of reports to EPA or authorized State agency. Since many of the standards impact on transportation (labeling, containers, manifests, furnishing or information), EPA is coordinating the development of Section 3002 regulations with the Office of Hazardous Materials Operation, Department of Transportation.

SECTION 3003 - STANDARDS FOR TRANSPORTERS OF HAZARDOUS WASTE

Section 3003 requires standards for transporters covering as a minimum recordkeeping, labeling, compliance with the manifest system, and transportation of all hazardous wastes only to the waste management facility which the shipper declares on the manifest form to be a permitted facility. EPA is working closely with the Department of Transportation in the development of these standards. EPA intends to adopt the DOT hazardous materials regulations for interstate and intrastate transportation. DOT plans to include hazardous wastes in their list of regulated materials and incorporate most, if not all, EPA standards for generators and transporters.

SECTION 3004 - REGULATIONS FOR TREATMENT, STORAGE, AND DISPOSAL

Section 3004 mandates the development of performance regulations for hazardous waste treatment, storage, and disposal facilities; such regulations shall include requirements respecting recordkeeping, reporting, monitoring, design, construction, training, and ownership. The subjects being investigated in the development effort include, for example, emission control criteria, location criteria and protective requirements for ground and sur-

face waters, emergency alarm systems, and compatibility of wastes during treatment, storage, and disposal.

SECTION 3005 - PERMIT SYSTEM DEVELOPMENT

Under Section 3005 regulations are to be developed requiring each person owning or operating a facility for the treatment, storage, or disposal of hazardous waste to obtain and comply with a permit. The permit system must provide a mechanism to assure uniform control by States or EPA over hazardous waste management facilities, including maintenance of data for compliance monitoring and enforcement. Development of these regulations has included detailed review of five ongoing State permitting programs.

SECTION 3010 - NOTIFICATION

Section 3010(a) requires that all persons generating or transporting hazardous wastes or operating facilities for treatment, storage, or disposal of hazardous wastes notify the EPA Administrator (or authorized State programs) within 90 days of promulgation of the definition of hazardous wastes under Section 3001. Notification must consist of the name and location of the person conducting hazardous waste activities, the type(s) of activities, and a description of the waste handled.

SECTION 3006 - STATE IMPLEMENTATION

Section 3006 allows EPA to authorize States to conduct hazardous waste regulatory programs in lieu of the Federal program. The Act recognizes that few of the States will be prepared to administer and enforce a program as comprehensive as that mandated under the Act by October 1978; consequently it provides for "interim authorization" from October 1978 to October 1980. The only criterion for "interim authorization" is that the proposed State program be "substantially equivalent" to the Federal program. The intent of this provision is clearly that as many States as possible be authorized, and that EPA administer and enforce the Act in the fewest possible States. The Act requires EPA to promulgate guidelines for State programs under Section 3006(a).