

EPA Revamps RCRA Rules Allowing Recycling as an Alternative to Waste Regulation

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The United States Environmental Protection Agency (EPA) and authorized state agencies regulate the management and disposal of hazardous wastes under the Resource Conservation and Recovery Act (RCRA). Recognizing that it is better for waste materials to be reclaimed, recycled and reused than disposed in landfills or incinerators, EPA incorporated provisions in RCRA to allow generators to avoid the cost and burden of waste management regulations by arranging for legitimate reclamation and/or recycling instead of disposal.

In December 2014, EPA announced an amendment to its RCRA regulations that revamp some of its reclamation and recycling provisions. The amendment becomes effective on a federal level in July 2015, but the effective date could vary in states with authorized RCRA programs because those states will have to adopt the EPA amendments before it becomes effective in their jurisdictions.

In general, EPA increased its oversight of reclamation and recycling activities to protect the environment and ensure that companies reclaiming and recycling materials are prepared to deal with environmental or safety emergencies. One reclamation-related exclusion was eliminated and others were made more difficult to obtain. A new exclusion was added for the remanufacture of certain high-value used solvents.

Anyone relying on reclamation or recycling to manage waste or off-spec materials should become familiar with the new amendment.

For more information on the new amendment and RCRA options for using legitimate reclamation or recycling to avoid waste management regulations, please contact the authors of this Alert, **Daniel Flynn** or **David A. Roth**.