

CHAPTER VI

OTHER ENVIRONMENTAL STATUTES

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OVERVIEW

Congress has passed many environmental laws to address releases, or threats of releases, of hazardous constituents. An understanding of these laws is necessary to understand how RCRA fits into the national environmental protection system. Each environmental statute has its own particular focus, whether it is controlling the levels of pollutants introduced into a single environmental medium (i.e., air, soil, or water) or addressing a specific area of concern, such as pesticides or waste cleanup.

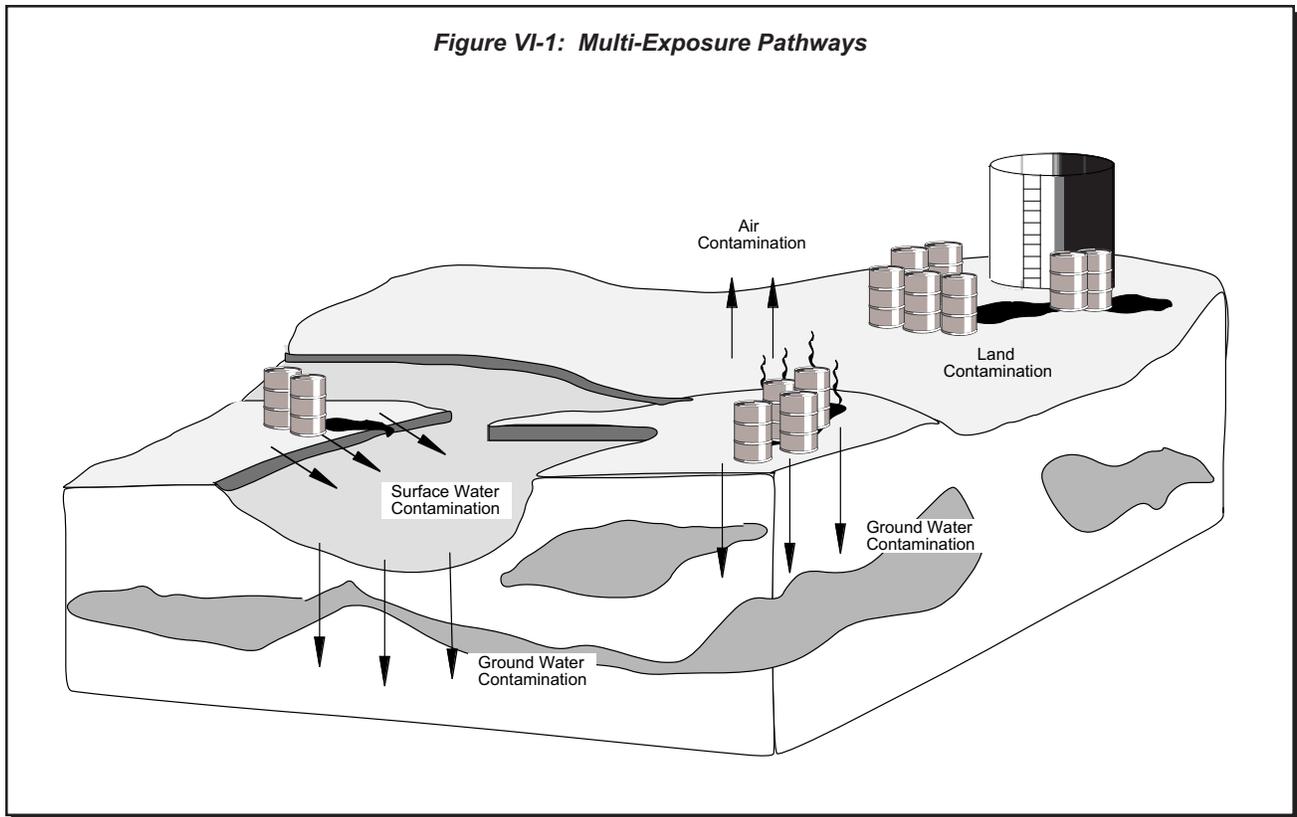
The media-, practice-, and chemical-specific boundaries established in the nation's environmental statutes are often arbitrary. Many different types of practices may be responsible for the release into the environment of the same contaminant. Moreover, individual contaminants are not confined to specific media (see Figure VI-1). Volatile organic compounds, such as benzene or toluene, can be released into and contaminate the air, soil, and water. Additionally, uncontrolled pollutants may travel long distances by natural means, and they may change physically, affecting multiple media. Therefore, a media- or contaminant-specific approach cannot

fully address the magnitude and complexities of the waste management problem. This section introduces each of these environmental protection statutes and highlights their differences from RCRA.

Many of these statutes interact closely and even overlap with RCRA. In order to avoid overregulation of industry and coordinate environmental protection laws, Congress required that EPA, when promulgating environmental regulations, ensure consistency with and avoid duplication of regulatory provisions promulgated under other environmental statutes.

One statute in particular, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Superfund, is closely aligned with RCRA. Both programs are similar in that their primary purpose is to protect human health and the environment from the dangers of hazardous waste. However, these statutes address the hazardous waste problem from two fundamentally different approaches:

- RCRA has a pollution prevention regulatory focus which encourages waste reduction and controls waste from the moment of generation until final disposal
- CERCLA has a response focus. Whenever there has been a breakdown in the waste management system (e.g., a release or a potential threat of a release of a hazardous substance, pollutant, or contaminant), CERCLA authorizes cleanup actions.



Considering the close relationship and similarities between RCRA and CERCLA, this chapter examines the CERCLA regulatory program and its interaction with RCRA.

This chapter consists of two parts:

- Legislative Framework for Addressing Hazardous Waste Problems — Outlines the environmental statutes designed to protect human health and the environment from exposure to hazardous waste and contaminants and highlights their major interactions with RCRA
- Superfund: The Hazardous Waste Cleanup Program — Focuses on one crucial aspect of this legislative framework, the CERCLA hazardous waste cleanup program and its interactions with RCRA.