

HW-5

2020

Federal and State Regulations: Hazardous Materials and Waste

Resource Conservation and Recovery Act: (RCRA/1976)

RCRA was the second amendment to the 1965 Solid Waste Disposal Act – the first amendment was the 1970 Resource Recovery Act. The primary goals are to: 1) protect human health and the environment from potential hazards of waste disposal; 2) conserve energy and national resources; 3) reduce the amount of waste generated; and 4) ensure that wastes are managed in an environmentally sound manner. RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments (HSWA). RCRA is divided into subtitles. Subtitles C, D, and I set forth the framework for the U.S. Environmental Protection Agency’s comprehensive waste management programs.

Subtitle C establishes a system for controlling hazardous waste from “cradle to grave,” or generation to ultimate disposal.

Subtitle D establishes a system for controlling solid waste, such as household waste.

Subtitle I (established by HSWA) regulates toxic substances and petroleum products stored in underground tanks.

In New Hampshire, RCRA Subtitle C is implemented through RSA 147-A and the New Hampshire Hazardous Waste Rules Env-Hw 100-1200. This law and these rules provide criteria for determining whether a waste is hazardous, setting standards, procedures and reporting requirements for waste generators, and establishing a permit process for treatment, storage, disposal and transfer facilities. It also establishes a registration system for transporters of hazardous waste.

The transportation of hazardous materials (virgin and waste materials) in New Hampshire is regulated by the Department of Safety.

Comprehensive Environmental Response, Compensation and Liability Act: CERCLA/1980)

In 1980, the U.S. Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). That legislation created the US Environmental Protection Agency’s (USEPA) Superfund Program and a \$1.6 million trust fund for cleaning up

abandoned and uncontrolled hazardous waste sites. In 1986, the Superfund Amendments and Reauthorization Act (SARA) was signed into law, increasing the fund by \$8.5 billion and strengthening USEPA's authority to conduct cleanup and enforcement activities. That authority and money may be passed on to the states through cooperative agreements that allow state agencies to coordinate the cleanup activities. In New Hampshire, the state agency responsible for Superfund activities is the New Hampshire Department of Environmental Services (NHDES). All activities conducted under CERCLA and SARA are described in the National Oil and Hazardous Substances Pollution Consistency Plan (NCP).

USEPA has identified over 11,500 sites across the country, 90 of them in New Hampshire, which may qualify for Superfund monies and remedial actions. For a site to undergo remedial actions financed by the trust fund, it must be included on the National Priority List (NPL). The NPL is a list of over 1,200 hazardous waste sites across the country that present the greatest risk to public health and welfare or to the environment. To date, 21 sites in New Hampshire have qualified and have been listed on the NPL.

Title III of SARA created the Emergency Planning and Community Right-to-Know Act. The law requires facilities to provide information on the presence of hazardous chemicals (not only waste) to local officials. It also assigns responsibility for preparation for and response to emergencies to the Local Emergency Planning Committee. The New Hampshire Emergency Management and Homeland Security Office oversees and assists these local committees.

For more information

Questions regarding this fact sheet should be directed to the NHDES Hazardous Waste Management Bureau at (603) 271-2942 or toll-free within New Hampshire at 866-HAZWAST (M-F 8 a.m.-4 p.m.) or email hwcomp@des.nh.gov. For a complete description of the requirements, refer to the New Hampshire Hazardous Waste Rules, Env-Hw 100-1200, available from [NHDES' website](#).