

US EPA ARCHIVE DOCUMENT



# Environmental Fact Sheet

## EPA Discontinues Action on 1990 Subpart S Proposal

*The Environmental Protection Agency (EPA) is resolving uncertainties associated with the Agency's 1990 proposed regulations for the corrective action program by partially withdrawing the proposed rule provisions. Instead of pursuing the 1990 proposal, the Agency intends to promote a results-based approach to the corrective action program, thereby improving the efficiency of cleanups at hazardous waste facilities.*

### Background

In 1990, EPA proposed detailed regulations to govern the technical and procedural aspects of corrective action implementation under the Resource Conservation and Recovery Act (RCRA). EPA and the authorized States used the proposed rule as the primary guidance for the corrective action program for several years.

In 1996, the Agency published an Advance Notice of Proposed Rulemaking (ANPRM), which provided guidance on areas of the program not addressed by the 1990 proposal, and replaced the 1990 proposal as the primary guidance for much of the corrective action program. In the ANPRM, the Agency also announced its new "Subpart S Initiative," which was designed to identify and implement improvements to the protectiveness, responsiveness, speed, and efficiency of the corrective action program. As part of the Subpart S Initiative, the Agency assessed the issue of whether to promulgate a final Subpart S rule.

In July, 1999, the Agency announced the RCRA Cleanup Reforms, which are a comprehensive effort to address the key impediments to cleanups, maximize program flexibility, and spur progress toward a set of ambitious national cleanup goals. As part of the RCRA Cleanup Reforms, the Agency announced its intention to withdraw most provisions of the 1990 proposed rule, thereby paving the way for implementation of more flexible corrective action approaches.

## Action

The Agency is withdrawing most provisions of the 1990 proposed regulations on corrective action (55 FR 30798). The only exceptions to this decision relate to two jurisdictional issues and those elements of the proposed rule that were promulgated in 1993.

EPA is taking this action because it has determined that the existing regulations and guidance allow the Agency and states to implement a corrective action program that is protective of human health and the environment. Additionally, attempting to promulgate a comprehensive set of RCRA regulations at this time could unnecessarily disrupt the 33 state programs already authorized for corrective action.

## For More Information

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet at <<http://www.epa.gov/epaoswer/hazwaste/ca/index.htm>>. For additional information or to order paper copies of any documents, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Address written requests to the RCRA Information Center (RIC) (5305W), USEPA, 401 M Street, SW, Washington, DC 20460. The e-mail address is RCRA-Docket@epa.gov.