

US EPA ARCHIVE DOCUMENT

**Statement of Robert Springer
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U.S. Environmental Protection Agency
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House Committee on Energy and Commerce
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Good Afternoon, Mr. Chairman and members of the Subcommittee. I am Robert Springer, Director of EPA's Office of Solid Waste. I am pleased to be here today to discuss municipal solid waste issues both within the U.S. and internationally. I will provide an overview of three aspects of our national waste management program that are relevant to today's discussion. First, I will provide a broad summary of EPA's authority to control wastes under the Resource Conservation and Recovery Act (RCRA) within the United States. Second, I will describe the current system of oversight for international hazardous waste shipments between the U.S. and Canada. Last, I will discuss how EPA is working to obtain the necessary authorities to appropriately monitor the municipal solid waste shipments between the U.S. and Canada.

HAZARDOUS WASTE CONTROL

Regarding the first matter – RCRA establishes separate statutory frameworks for the regulation of hazardous solid waste under Subtitle C, and nonhazardous waste, including municipal solid waste, under Subtitle D. Pursuant to the very specific statutory mandate of Subtitle C, EPA has constructed a comprehensive and rather prescriptive regulatory system for “cradle-to-grave” controls on the generation, storage, transportation, and disposal of hazardous waste. This program includes a permitting system for all waste management facilities. It specifies facility design, operation, closure and post-closure standards, treatment standards prior to land disposal, and extensive corrective action provisions (including clean up) to address

releases of hazardous constituents from facilities that manage hazardous waste. EPA is responsible for setting protective national standards and retains a strong oversight role in implementation of state programs.

NONHAZARDOUS WASTE

Subtitle D establishes a very different framework for the various nonhazardous wastes, including municipal waste, covered by this Subtitle. EPA is responsible for setting national standards applicable to disposal of nonhazardous waste, but the states retain the primary responsibility for implementation and enforcement of the national disposal regulations and for all other aspects of nonhazardous waste management. This is an appropriate framework given that domestic management of nonhazardous waste has historically been a state and local responsibility. In the 1980's, states were required by RCRA to develop solid waste plans to specify the state approach for environmentally sound solid waste management. Those plans continue to serve as a base for solid waste operations in each state. In 1991, EPA established comprehensive national standards applicable to municipal solid waste landfills. RCRA provides only a limited "back up" role for EPA in the implementation and enforcement of the regulations applicable to municipal solid waste landfills. It does so by granting EPA the authority to approve the adequacy of state permitting programs, and, in the event a program is found to be inadequate, provides EPA with enforcement authority only.

RECYCLING

In addition to establishing national standards applicable to the disposal of nonhazardous waste, EPA has historically played a leadership role in the area of recycling of municipal solid waste and other nonhazardous wastes. We have done so by supporting the development of

markets for recyclable materials through procurement policies and by establishing recycled content guidelines. We have also provided information and technical assistance to states and localities to assist them in establishing recycling and resource conservation programs.

Additionally, we have provided recycling information to the public so that individuals can incorporate a reuse and recycling ethic into their daily lives. EPA has recently renewed our efforts in this area by establishing the Resource Conservation Challenge (RCC). The goal of the RCC is to cultivate innovative and cost-effective recycling and waste minimization efforts and realize the potential of using waste as a safe and viable energy source. At the same time, we intend to raise consumer environmental awareness so that the public can become better environmental stewards.

WASTE TRANSPORTATION

With that as background, I would now like turn to the second topic area, and share with you how our current regulatory system addresses the risks posed by wastes that are transported in interstate and international commerce.

Within the U.S., there is significant movement of both hazardous wastes and municipal solid wastes across state borders. It is EPA's position that the most effective way to control risks posed by interstate management of wastes is through a strong domestic regulatory program. The U.S. has a regulatory framework in place designed to protect human health and the environment from any risks posed by the disposal of hazardous or municipal solid waste whether those wastes are generated within or outside the U.S.

INTERNATIONAL WASTE

With respect to wastes that are generated outside the U.S. it is important to note that more than 90% of international waste movements involving the U.S. and Canada is with each other. That is why the *Agreement Between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste* is critical to both countries. This agreement was established by the two federal governments in 1986 to ensure that human health and the environment are protected through government oversight of hazardous waste shipments between the two countries. The agreement was based on the mutual knowledge that the two countries have very advanced, effective regulatory programs in place to address waste management so that human health and the environment are protected. I'll offer an example of how the system works.

Any person who intends to export a hazardous waste must first inform their Federal government and provide specific information, including the types and quantities of waste involved, the location where the waste will cross the border, and the name of the facility where the waste is destined. The environmental agency of the exporting country then provides this information to the environmental agency in the importing country and requests consent for the proposed shipment. Only after consent is granted by the importing country may the exporter proceed with the waste shipment. Typically the consent for waste export covers multiple shipments for a one year period.

The primary role for the environmental agencies in the notice and consent process is to ensure that the waste will be properly managed. For example, when Canada exports hazardous waste to the U.S., EPA will either consult directly with the appropriate state agency or will

review previously-submitted state information to confirm that the receiving facility is permitted to manage all of the specific wastes identified in the notice, and that the state believes the wastes will be handled consistent with federal and state requirements. If this is not the case, we would deny entry of the waste into the U.S. It is this same notice and consent scheme that the U.S. and Canada intend to use for municipal solid waste shipments once both countries have the necessary legal authorities.

CANADIAN MUNICIPAL SOLID WASTE

The last area I want to discuss is how EPA is working to obtain the necessary authorities to appropriately monitor the municipal solid waste shipments between the U.S. and Canada.

In 1992, the U.S. and Canada amended the bilateral agreement to include municipal solid waste, pending enactment of necessary legislation. Past administrations took the position that the legislative vehicle for obtaining the statutory authority under RCRA to implement the municipal solid waste provisions would be Basel Convention implementing legislation. EPA is now working with other federal agencies to draft Basel Convention implementing legislation that would provide us with the necessary authority for municipal solid waste imports and exports.

Canada is developing regulations based on recent amendments to the Canadian Environmental Protection Act that will enable them to provide notice and consent for municipal solid waste. Environment Canada informs us that its regulatory process should be complete in about a year.

TORONTO'S MUNICIPAL SOLID WASTE

Let me now briefly address the current situation concerning Toronto's municipal solid waste that is being sent to Michigan landfills for disposal. This Administration has endeavored

as a priority to respond to and closely engage members of Congress and their staff, the State of Michigan (including the Governor), concerned citizens in Michigan, Canadian counterparts, and others regarding the municipal solid waste shipments coming from Toronto. Due to the concerns expressed by the citizens and elected officials in the State, the Michigan Department of Environmental Quality has examined the waste arriving from Canada, and has inspected the operations at the receiving landfills. The State agency has repeated this scrutiny on a number of occasions. Preliminary results from recent Michigan Department of Environmental Quality inspections indicate that the shipments from Toronto are managed as well as similar shipments originating within the State. The landfill inspections have confirmed that the composition of the waste received from Toronto is typical of municipal solid waste, and the waste is suitable for disposal in Michigan landfills.

HOMELAND SECURITY

There is one other aspect of international waste movements I wish to share with you. After the terrorist attacks of September 11, 2001, EPA initiated a comprehensive analysis of oversight provided by Customs' operations at the border regarding chemicals, wastes, and other materials subject to RCRA, Toxic Substances Control Act, and Federal Insecticide, Fungicide, Rodenticide Act. This cooperative effort continues today with the Department of Homeland Security as we strive to ensure that the US remains vigilant in protecting our people and our environment.

CONCLUSION

In summary, EPA is continuing to address these important waste management issues, and we look forward to working with Congress in the future on legislation to implement the Basel

Convention. I would like to thank the Chairman and Subcommittee members for inviting me to speak here today.