

**The Resource Conservation and Recovery Act (RCRA) Subtitle C Program
Brief Summary for the Metachem Task Force
February 12, 2003**

The Resource Conservation and Recovery Act (RCRA) Subtitle C program, for hazardous waste management, is a federal law that covers hazardous waste generation, storage, treatment, and disposal. The RCRA Subtitle C program, while addressing hazardous waste, does not regulate hazardous materials or chemical processes. Thus many of the activities conducted at Metachem, and its predecessor Standard Chlorine of Delaware, were outside the scope of the RCRA Subtitle C program.

While the RCRA Subtitle C program is applicable to hazardous waste, regulatory requirements differ depending upon the activities conducted at a given site. For example, while the RCRA Subtitle C program includes regulations pertaining to the need to obtain a permit for activities defined as hazardous waste storage, treatment or disposal, the majority of sites governed by the RCRA Subtitle C program are not “facilities,” the term used to indicate a permitted hazardous waste site. Rather they are hazardous waste generators who store hazardous waste on-site for periods less than those subject to the RCRA Subtitle C permitting requirements.

While hazardous waste permitted facilities are required to establish financial assurance to cover facility closure, that is, provide a financial mechanism for the removal of materials defined by regulation as being hazardous waste, large quantity hazardous waste generators that store generated hazardous waste on-site for periods of less than ninety days are not required by regulation to establish a financial assurance mechanism. Metachem, as a large quantity generator of hazardous waste, could store its generated hazardous waste on-site for periods of less than ninety days without obtaining a permit and without demonstrating financial assurance.