

## HAZARDOUS WASTE (RCRA)

### OVERVIEW

BCLP lawyers have been advising clients on hazardous waste management from the inception of the federal hazardous waste program under the Resource Conservation and Recovery Act ("RCRA"). Our lawyers advise clients on all aspects of federal and state regulation of waste management activities, from generation to transportation, treatment, storage, recycling, and disposal of hazardous municipal, commercial, and industrial waste. BCLP lawyers help generators make waste and generator status determinations in order to help clients comply with waste accumulation, storage, shipping, source reduction, and recycling requirements.

## MEET THE TEAM



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## **RELATED PRACTICE AREAS**

- Energy Transition

## **EXPERIENCE**

- Representing generators in evaluating whether and when their byproducts and spent materials are subject to recycling requirements versus more stringent waste treatment and disposal obligations.
- Advising generators and transportation companies in meeting waste shipping, hazmat, and MSDS requirements and in proper response and reporting when accidents result in spills.
- Negotiating an Administrative Order on Consent involving a multi-million dollar remediation of TCE impacted soil and groundwater and advising our client through the resulting 10+ year RCRA Corrective Action at the client's manufacturing facility.
- Advising a chemical manufacturing client regarding the beneficial reuse of several solvent waste stream, allowing the company to capture value from the streams rather than disposing of them as waste.
- Advising a client and assisting in the preparation of an application for a TSD permit for a solvent recovery facility.

- Advising a client and preparing detailed guidance documents regarding RCRA issues with chemical and pharmaceutical return programs, including preparing a 50-state summary of the laws.
- Preparing 50 state green guides covering state and federal hazardous waste spill reporting and petroleum storage tank requirements for inclusion on an international rental car company's Intranet site for access by site managers across the United States.
- Representing several companies under criminal investigation for potential RCRA violations relating to the classification and management of its wastes and other provisions, and helping clients avoid any criminal prosecution.
- Establishing with the EPA a determination process that led EPA and the state to confirm that one significant category of waste for one of our clients was nonhazardous.
- Representing a client that was the target of a federal criminal investigation regarding allegations of illegal discharge of hazardous waste into an unlined impoundment by developing a strategy to convince the Texas Natural Resource Conservation Commission that the discharges were not hazardous waste based on a little-known exception to the mixture rule for de minimis losses at zero-discharge facility.
- Defending a hazardous waste disposal company in an Illinois state court injunction action seeking removal of forty acre land disposal facility.
- Representing a hazardous waste disposal company in a declaratory judgment action seeking recovery from insurers for costs of defense and remediation at site.
- Representing a Fortune 100 company in a successful administrative appeal of a RCRA closure plan and Part B permit pending before the Missouri Hazardous Waste Commission.
- Representing a company in response to a notice of violation under RCRA, which is one of the largest RCRA enforcement actions in the state in which it is being brought. The matter involves the reuse/recycling of pesticides and other products which were sent by the company to a third party for reuse/recycling.