

## Environment Alert

February 11, 2014

### Who Knew? Hazardous Waste Management by Retail Stores

The U.S. Environmental Protection Agency (EPA) released a “pre-publication” Notice of Data Availability for Hazardous Waste Management in the Retail Sector (the “Notice”), to be published in the *Federal Register*. The Notice represents EPA’s next step in increasing its scrutiny of the extent to which retail establishments are in compliance with regulations developed for larger-scale, waste-handling entities. Owners and operators of retail stores caught unaware of these requirements face the prospect of significant fines. At the same time, the Notice affords retail establishments struggling to comply with “one-size-fits-all” regulations an opportunity to seek changes to the requirements.

The Notice solicits information regarding the hazardous waste management practices of retail establishments and invites comment on the “challenges” the retail industry faces in complying with the Resource Conservation and Recovery Act (RCRA). President Obama’s January 18, 2011, Executive Order 13563 required federal agencies to develop plans to periodically review and update existing regulations. Accordingly, EPA seeks to better understand retail-based operations and to “identify options” for possible modification of the RCRA regulations applicable to the retail sector. The Notice seeks information on the sector generally and on the amount and nature of the hazardous waste it generates, as well as other specified topics:

- Episodic generation (the frequency and regulatory status of waste generation)
- Industry programs for handling hazardous waste
- Hazardous waste training for employees
- Practices regarding aerosol cans
- Transportation and reverse logistics
- Reverse logistics centers
- Sustainability efforts undertaken by retail facilities

The Notice invites commenters to provide information on these topics and to offer any suggestions for improvement of the hazardous waste regulations.

Retailers should actively watch the rulemaking and consider participating, as it provides the industry with an opportunity to potentially reduce the burdens of RCRA compliance. Written comments will be due to EPA 60 days after the Notice is published in the *Federal Register*.

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### Contact Information

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