

WASTE MANAGEMENT INDUSTRY

Companies in the waste management industry collect, process, treat and dispose of hazardous and non-hazardous waste materials. These companies also collect and recover reusable waste materials for recycling. In some cases, these companies also generate energy from the waste or from gas emissions from landfills. As the level of waste continues to increase in the United States and around the globe, governments are attempting to develop waste management programs that reduce the adverse impacts of waste materials on people and the environment. Accordingly, the waste management industry is under tremendous pressure to minimize waste products, reduce the amount of space used for landfills and to ensure that effective recycling programs are in place. Waste-to-energy technology is also becoming more predominant in the industry as companies develop new methods to convert non-recyclable waste materials into electricity, heat and fuel.

The U.S. Department of Labor breaks the waste management and remediation sector into three industry groups: waste collection; waste treatment and disposal; and remediation and other waste management services. According to Hoover's Inc., waste collection in the United States accounts for about 50 percent of the industry's revenues with waste treatment and disposal services and remediation services each accounting for about 20 percent.

Laws and Regulations Governing the Waste Management Industry

The management of solid waste is complex, with stringent siting and construction requirements, which can become highly politicized. These requirements regulate nearly all aspects of the waste management industry, from environmental impact reviews to federal, state and local permitting. They also impact how contracts involving facility siting, construction and operation are structured and negotiated. In addition, the solid waste industry requires ongoing compliance with complex rules under the Resource Conservation and Recovery Act (RCRA), the Clean Air Act (CAA), the Clean Water Act (CWA) and state analogs. In particular, municipal waste landfills must manage combustion and gas production facilities under both RCRA and the CAA, and in some cases use the gas production for

power generation. Hazardous waste landfills require specific expertise in federal and state hazardous waste regulations for siting, operations, site cleanup and closure under the RCRA corrective action program.

In addition to the disposal of solid and hazardous waste generated during manufacturing, waste management includes the disposal of recalled consumer products in compliance with hazardous waste requirements, including RCRA and analogous state laws, as well as trans-boundary disposal compliance. Waste management also incorporates complex required programs to collect, recycle, and/or refurbish end-of-life products. Additionally, companies in the waste management industry also handle the recycling of e-waste and batteries, which trigger unique and complex requirements that are layered on top of RCRA and other applicable state and federal statutory schemes.

Support and Guidance to the Waste Management Industry

The environmental attorneys at Bick Law have extensive experience helping facilities navigate and comply with the complex laws and regulations that apply to waste management activities. Our California contamination lawyers have worked with companies to create and implement compliance management programs for solid waste facilities. We have also represented clients in government enforcement actions, including defending criminal actions brought by the U.S. Department of Justice pursuant to the Clean Water Act. Our lawyers understand the difficult challenges facing the waste management industry and provide the support and guidance these companies need to avoid potential legal problems while successfully managing their operations.