

1. Federal Facilities and State Regulations

RCRA Section 271.1(i)(2) explains that state rules, which have a greater scope of coverage than the federal law (i.e., are broader in scope), are not part of the federally approved program. The Solid Waste Disposal Act (SWDA) and the Federal Facility Compliance Act (FFCA) waived all sovereign immunity for federal facilities, making them subject to all federal, state, interstate, and local requirements concerning the disposal and management of solid and hazardous waste. Does the waiver of sovereign immunity mean that federal facilities are subject to all state regulations, including those that are broader in scope than the federal rules?

RCRA Section 6001(a) waives sovereign immunity for federal facilities with respect to federal, state, and local solid and hazardous waste disposal and management requirements, including those solid and hazardous waste requirements that are more stringent or broader in scope than the federal RCRA provisions. The FFCA also amended Section 6001 to clarify that federal facilities are subject to civil and administrative penalties associated with these requirements. Therefore, federal facilities are subject to and must comply with federal, interstate, and local requirements regarding solid and hazardous waste disposal and management, including those that are broader in scope than the federal rules.