



RCRA Implementation Plan: Fiscal Year 1994



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EXECUTIVE SUMMARY

The *FY'94 RCRA Implementation Plan (RIP)* defines the national policy and strategic goals and priority activities for the RCRA solid and hazardous waste program. These goals and activities are key elements in EPA and the States' efforts to promote waste minimization, ensure environmentally sound waste management, and reduce risks posed by releases of hazardous waste to the environment. The RIP also defines how we measure our success.

Since FY'92, EPA and the States have initiated a Strategic Management Framework to guide permitting and corrective action implementation. This strategic framework has three components: (1) ranking the environmental priority of each treatment, storage, and disposal facility (TSDF); (2) choosing appropriate prevention and/or cleanup activities to address priority facilities; and (3) accounting for results in meeting goals based on projected activities.

PRIORITY RANKING

By the end of FY'93, Regions and States should have completed initial overall priority ranking for all facilities. Priority ranking should continue to be a primary management tool for new activity and resource commitments.

PERMITTING

Demonstrate progress in all areas of the permitting universe consistent with the priority ranking of facilities. Specifically:

- Address environmental risks at closed and closing land disposal units using the most efficient and timely permitting and corrective action mechanisms.
- Regions and States should develop a strategy to ensure that operating Boilers and Industrial Furnaces (BIFs) meet all applicable requirements for safe operation.

CORRECTIVE ACTION

The Subtitle C corrective action program has three overriding program goals: targeting activities at "worst sites first"; ensuring that the program operates efficiently; and maximizing actual environmental results. The five principal elements of this strategy are:

- Focus program resources and actions at high NCAPS priority facilities;
- Continue to emphasize the stabilization initiative;
- Work toward completing assessments (e.g., RFAs) and NCAPS rankings for all remaining "unassessed" facilities;

CORRECTIVE ACTION (Continued)

- Build the program's capabilities through effective worksharing arrangements with the States; and
- Provide appropriate oversight of facility investigations and cleanup actions, based on owner/operator capabilities and facility conditions.

OTHER PRIORITY ACTIVITIES

- **States as Primary RCRA Implementors:** EPA maintains a strong commitment to the authorization of State programs and to improving the State/Federal relationship. EPA is initiating creative approaches to enhance State capabilities, including worksharing, interim authorization, and authorizing individual regulations that are part of overdue clusters.
- **Waste Minimization:** Waste minimization is an integral component of the Agency's overall commitment to pollution prevention and is eligible for RCRA grant funding. To make pollution prevention successful, it should be incorporated into:
 - Facility permitting
 - Enforcement
 - Outreach and technical assistance activities
 - Section 3011 grant-funded activities.
- **Biennial Reports:** To support the completion of Biennial Reports required of hazardous waste generators and treatment, storage, and disposal facilities (TSDFs), in FY'94 Regions and States should:
 - Distribute the 1993 Biennial Reports to generators and TSDFs;
 - Collect the 1993 Biennial Reports and begin to enter the data into the Biennial Reporting System (BRS);
 - Complete data entry of 1993 Biennial Reports and conduct data quality checks using tools in the BRS.
- **Ground-Water Protection Plans:** The RCRA program can make valuable contributions to this process and benefit from an integrated State plan to protect its ground water.
- **Capacity Assurance Plans:** In FY'94, States will submit Phase I of their CAPs with projected hazardous waste management capacity and demand.

COMPLIANCE MONITORING AND ENFORCEMENT

The goal of the RCRA enforcement program is to attain and maintain a high rate of compliance within the regulated community by establishing a comprehensive compliance monitoring program and taking timely, visible, and effective enforcement actions against violators. To meet this goal in a time of diminishing resources and greater responsibilities, the enforcement program will not set specific levels of compliance monitoring and enforcement activities as in previous years. The core RCRA enforcement program has been identified. The majority of the Regions' and States' compliance monitoring and enforcement efforts will be

COMPLIANCE MONITORING AND ENFORCEMENT (Continued)

expected to occur within the core enforcement program. However, the Regions and States will have greater flexibility to shift resources within the core enforcement program than in previous years. This flexibility will allow the Regions and States to target, verify compliance, and enforce against owners and operators who have done or have the potential to do the greatest harm to the environment and to human health.

ACCOUNTABILITY

EPA and the States have several accountability mechanisms to articulate our program expectations and accomplishments.

- The Beginning of Year Plan (BYP) is a near- and long-term strategic planning document that describes the environmental priorities, planned activities, and management choices that Regions and States are making.
- The Baseline Performance Measures in the End of Year Report (EYR) are quantitative program measures reported from RCRIS that present an accurate and thorough picture of program accomplishments.
- STARS are a subset of the baseline measures that highlight for senior EPA management a limited number of program activities and accomplishments as key indicators of progress toward program goals.

MUNICIPAL AND INDUSTRIAL SOLID WASTE MANAGEMENT

The objectives of the municipal and industrial solid waste program directly support the *OSWER Strategic Plan's* goals of minimizing waste and ensuring that waste is managed in an environmentally sound manner. Priority activities in the municipal solid waste program include:

- Enhance the Federal-State/Tribal partnership and foster implementation of the revised criteria by assisting States/Tribes to develop effective and approvable permit programs.
- Support recycling efforts through market development and procurement implementation activities.
- Encourage source reduction activities among localities, businesses, and households through education, project support, and technical assistance.
- Focus on four industries with large TRI releases -- chemicals, petroleum refining, primary metals, and pulp and paper -- to gather information to determine whether these industries pose any risks.

This year, for the first time, OSWER will produce an addendum to the *FY'94 RIP*. This addendum, scheduled for release in mid-May, will contain detailed guidance on accountability mechanisms and RCRIS changes to support more effective program reporting and measurement.

CHAPTER 1

INTRODUCTION

The *FY'94 RCRA Implementation Plan (RIP)* defines national policy and strategies, goals, and priority activities for the RCRA Subtitle C hazardous waste program, including permitting, compliance monitoring and enforcement, and the RCRA Subtitle D municipal and industrial solid waste program. The RCRA Subtitle I underground storage tank program is addressed in a separate document. The priority activities described in this document will enable EPA to meet the following major objectives for the RCRA program set forth in the *OSWER Strategic Plan for FY'94-97*:

- Minimize the quantity and toxicity of waste created by commercial, domestic, and governmental activities;
- Ensure environmentally sound management of solid and hazardous wastes; and
- Prepare for and respond in a timely and effective manner to releases of hazardous materials into the environment.

AGENCY THEMES

OSWER's goals, objectives, and priorities described in this *RIP* support the following Agency themes:

- **Pollution Prevention:** OSWER is developing, encouraging and promoting technologies and practices that prevent pollution. Many activities described in the FY'94 RIP have a direct link to pollution prevention, including municipal solid waste, recycling, eliminating barriers to source reduction, and using Supplemental Environmental Projects in settlements.
- **Geographic Targeting of Health and Ecological Risk:** In FY'94, we continue our emphasis on minimizing health and ecological risk by working on the highest priority facilities and sites first, and where appropriate, by concentrating those efforts in key geographic areas.
- **Improve Science and Data:** In FY'94, we will enhance our use of environmental indicators to track program progress and to relate program successes to the public. We and the Office of Research and Development (ORD) will also further the development of innovative treatment technologies and risk assessment protocols.

- **Cross-Program Integration and Multi-Media Enforcement:** We continue to focus on integrating OSWER program activities with other Agency environmental programs as well as other Federal agencies. Integrated multi-media targeting, compliance monitoring and enforcement of specific industries, pollutants and geographic areas will continue to be a priority activity. Additionally, we are working with other program offices within the Agency to seek better integration of cross-program issues, e.g., lead, contaminated soils, and groundwater.
- **Education and Outreach:** We will continue our efforts to educate and enable the public and our various constituencies to fully participate in protecting the environment from the effects of improper waste management. Education outreach is an important component of the municipal solid waste and hazardous waste programs.
- **Management and Infrastructure:** Accomplishing our strategic goals and objectives in this time of tight resources demands that we expand our incorporation of Total Quality Management principles within OSWER in FY'94, both in terms of our human resources and improved management of our programs.
- **Strategic Implementation of Statutory Mandates:** Statutory and court-ordered deadlines will continue to drive much of OSWER's agenda in FY'94. We have outlined a strategy for addressing the greatest risks first and for making reforms to our programs that will yield greater efficiencies without compromising environmental protection.
- **More Reliance on Market and Economic Approaches:** We will continue to look for ways to achieve results using market mechanisms and economic incentives, wherever feasible, particularly with regard to fulfilling OSWER's goals of waste minimization and environmentally sound waste management.
- **Building State, Tribal, and Local Capacity:** Our long range goals can only be met through the combined efforts of EPA and State, Tribal, and local governments. Accordingly, a number of our objectives, as well as our planned activities for FY'94, are aimed at enhancing State, Tribal, and local capacity for managing our nation's waste.

In addition, the activities set forth in the *FY'94 RIP* will support a number of other cross-Agency and multi-media initiatives and strategies, such as the ground-water strategy, environmental equity, geographic initiatives, and the Enforcement Management Council initiatives.

OSWER is committed to promoting awareness and sensitivity to environmental equity concerns and to translating that awareness into positive action. In FY'94, OSWER will promote use of the soon to be released *RCRA Public Involvement Manual* which has a section devoted to environmental equity. The Office of Solid Waste (OSW) will coordinate equity efforts with the newly established EPA Environmental Equity Office, specifically regarding pertinent hazardous and solid waste siting, permitting, or other issues, and encourage the Regions to do the same.

THE STRATEGIC MANAGEMENT FRAMEWORK

In FY'92, EPA and the States initiated a Strategic Management Framework for the RCRA Subtitle C hazardous waste program implementation that emphasizes targeting resources to environmental priorities. In FY'93, the transition should be essentially complete to target resources at priority facilities.

The Strategic Management Framework integrates the prevention/permitting and cleanup/corrective action elements of the RCRA Subtitle C program. The three primary components of the Strategic Management Framework are: (1) ranking the environmental priority of each RCRA TSDF; (2) choosing appropriate prevention and/or cleanup activities to address priority facilities; and (3) accounting for results in meeting goals based on projected activities. The environmental goals driving the Strategic Management Framework are to reduce or prevent risks and maximize environmental benefits at high priority facilities. In addition, this Strategic Management Framework allows us to balance progress between prevention and cleanup activities in meeting our environmental goals to: (1) minimize the quantity and toxicity of waste created by commercial, domestic, and governmental activities; (2) ensure environmentally sound management of solid and hazardous wastes; and (3) prepare for and respond in a timely and effective manner to releases of hazardous materials into the environment.

The following principles govern the Strategic Management Framework:

- **State Implementation:** Enhance State capability to implement RCRA, authorize State programs to the fullest extent possible, and optimize the mix of State and Federal resources in each State to achieve the greatest environmental result.
- **National Consistency:** Identify hazardous waste program goals and activities to establish a nationally consistent base of program activity.
- **Flexibility:** Preserve flexibility to address facility specific environmental priorities while ensuring continued progress in maximizing risk reduction and environmental benefits.

- **Accountability and Accomplishments:** Define challenging yet achievable goals and maintain accountability for progress toward those goals.
- **Trade-Offs:** Make informed and defensible decisions about trade-offs among program activities and the resulting environmental and programmatic impacts.
- **Full Range of RCRA Requirements:** Actively implement the full range of RCRA regulatory activities.

In order to reach the goal of full implementation of the Strategic Management Framework, Regions and States must work aggressively in FY'94 to target RCRA activities to high priority facilities and to define and maintain accountability for resulting accomplishments.

CHAPTER 2

FACILITY PRIORITY SETTING AND EVALUATION

Ranking the priority of each facility in the RCRA universe is the foundation of the Strategic Management Framework. This priority ranking system makes a significant shift from an activity-driven RCRA program to a program driven by priorities.

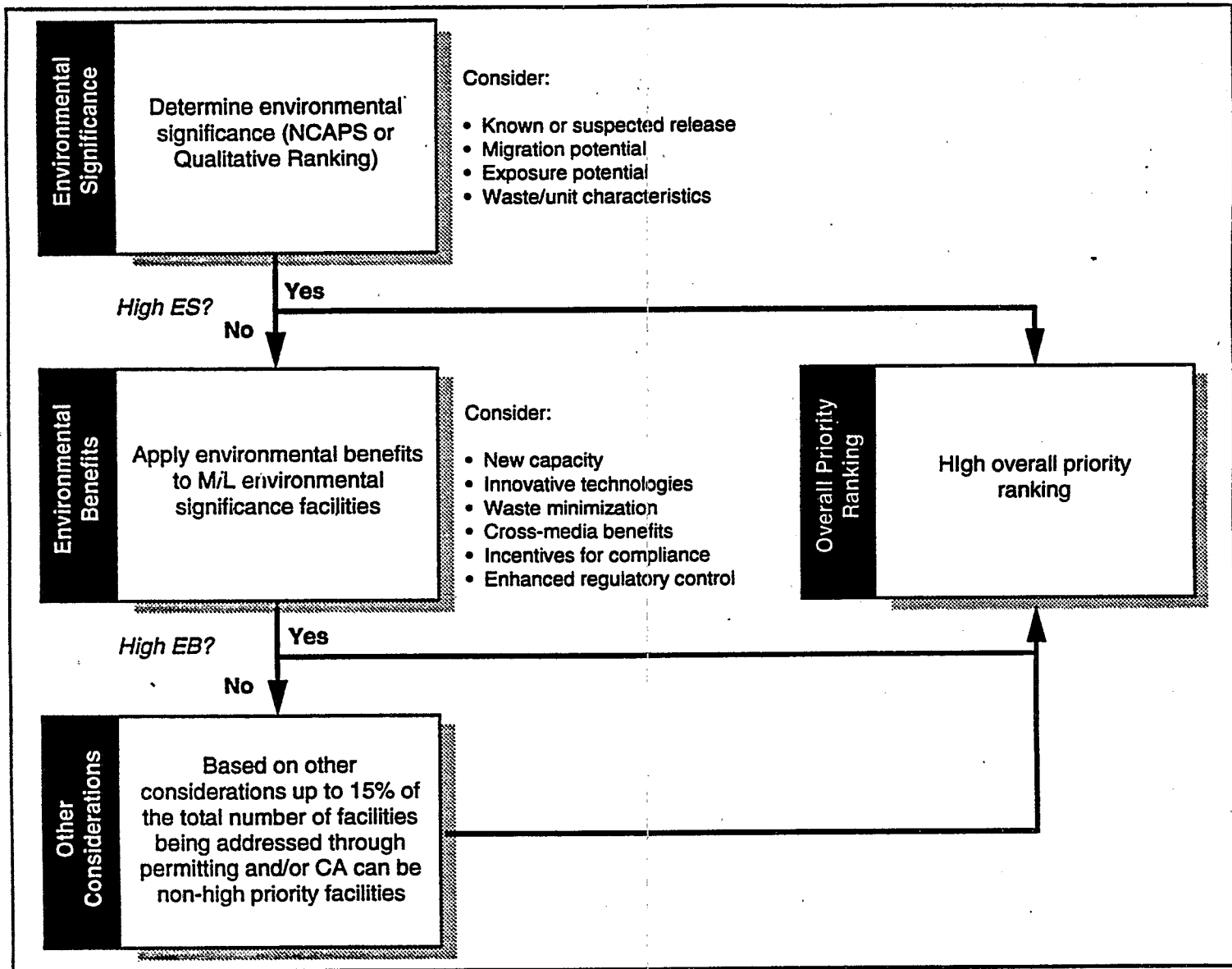
THE PRIORITY RANKING SYSTEM

The two key criteria used to evaluate a facility's overall priority are environmental significance and environmental benefits.

Environmental significance addresses known or potential releases that pose human health and environmental risks, while the environmental benefits criterion addresses opportunities to avoid future problems and make long term environmental improvements. The use of these two criteria are fundamental to achieving a balance between cleanup of contamination and preventive measures aimed at avoiding future problems. Once the overall priority of the facility has been determined, the particular environmental needs at the facility (risk reduction or prevention) should be the basis for the type of activity (corrective action or permitting) undertaken to meet those needs. Exhibit 2-1 depicts the approach to determine the priority ranking of a facility under the Strategic Management Framework.

The environmental significance criterion addresses known or potential releases from a facility's regulated units and other solid waste management units.

Facilities are evaluated first against this criterion because it represents the existing or potential human health and environmental risks posed by a facility. Environmental significance must be determined for all RCRA-regulated units at a whole facility, including land disposal, incinerators and other combustion devices, treatment units, storage areas, and other solid waste management units (SWMUs). This comprehensive approach to environmental significance ensures that facilities that pose potentially significant environmental risks, but without known corrective action needs, are fully considered. Also, factors beyond the National Corrective Action Priority Ranking System (NCAPS) criteria may be considered in determining environmental significance.

EXHIBIT 2-1
Facility Priority Ranking

The evaluation factors for environmental significance are the same for both regulated units and SWMUs:

- Known or suspected release
- Migration potential
- Exposure potential
- Waste/unit characteristics.

When a RCRA Facility Assessment (RFA), Environmental Priorities Initiative Preliminary Assessment (PA), or equivalent is available, the facility should be ranked using the NCAPS. When this data is not available, or when the facility poses potential releases that are not evaluated by NCAPS (e.g., combustion units), the facility should receive a qualitative environmental significance ranking. NCAPS will form the primary basis for determining environmental significance. If the minimum amount of data needed for an NCAPS ranking is not available, a qualitative evaluation will be conducted.

Facilities should be evaluated for environmental benefits after the environmental significance evaluation.

The environmental benefits criterion addresses opportunities to avoid future risks and to make long-term environmental improvements. Environmental benefits should be evaluated at facilities ranked medium and low for environmental significance to determine whether to elevate them to high priority. Environmental benefits include:

- **New Capacity:** Opportunities to provide additional or improved waste management capacity at new facilities or facility expansions, particularly to fulfill a State's Capacity Assurance Plan.
- **Waste Minimization:** Opportunities to undertake waste minimization initiatives, including any that implement State pollution prevention laws, target specific facility operations, or employ processes that minimize wastes.
- **Innovative Technologies:** Opportunities to employ technologies that may not have an extensive history of performance and cost data but may present more effective or less costly solutions to hazardous waste management problems.
- **Cross-Media Benefits:** Opportunities to implement a geographic multi-media Agency initiative to optimize risk reduction and environmental improvement.

- **Incentives for Compliance:** Opportunities, as a result of well-timed actions against a facility, that may produce incentives for compliance at other similar facilities.
- **Enhanced Regulatory Control:** Opportunities to establish a regulatory presence to improve hazardous waste management or to precipitate closure at a facility that was previously unregulated, has a poor compliance history (or enforcement status of concern), or is in a precarious financial situation. This benefit includes the opportunity to implement permitting activities to prevent or mitigate potential releases.

Any of the above environmental benefits may be realized by taking permitting actions at certain facilities and thus may be the basis for elevating certain facilities to high priority for non-corrective action activities. However, as described in more detail in Chapter 4, only the last four benefits (innovative technologies, cross-media benefits, incentives for compliance, and enhanced regulatory control) would justify elevating a facility to high priority for corrective action.

In addition to environmental significance and environmental benefits, other considerations may be the basis for taking permitting or corrective action at a facility.

Because RCRA is a program with limited resources, those resources must be applied first to facilities that are highest priority for risk reduction and prevention. However, EPA recognizes that there are circumstances when other considerations may warrant taking action at facilities that are not ranked as high priority based on environmental significance and environmental benefits. These "other considerations" include, for example, public concern about a facility (such as for certain commercial facilities) and actions required by State law. The goal of the Strategic Management Framework is to limit the number of "other consideration" facilities, where long-term, resource intensive activities are being conducted, to 15 percent of all facilities that are being actively addressed.

New universe facilities must still be ranked, and as prevention and corrective action activities are completed at high priority facilities, they may be reevaluated against the universe of RCRA facilities to determine their relative status.

Facilities should be re-ranked upon completion of activities which significantly reduce existing or potential risk (e.g., stabilization action). Decisions to re-rank a facility should be guided by the expertise and discretion of the Region or State. Changes in priority, as a result of activities undertaken at high priority facilities, may serve as an indicator of progress as

well as a management tool to determine whether the level of oversight or the time frame for remaining activities at a facility should be reevaluated.

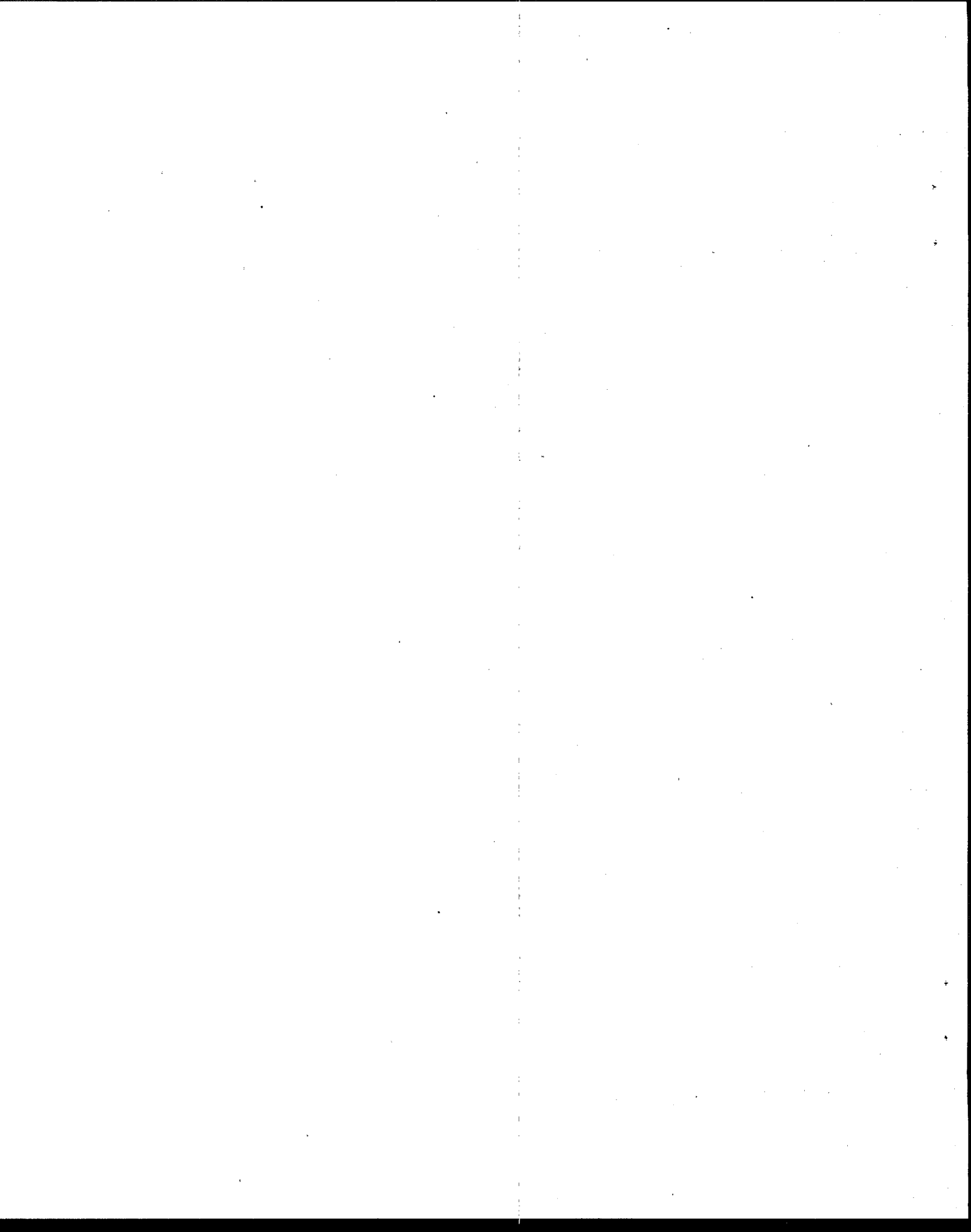
LINKING THE STRATEGIC MANAGEMENT FRAMEWORK TO ACCOUNTABILITY

The focus on high priority facilities prescribed in the Strategic Management Framework must be reflected in the implementation activities tracked through the Strategic Targeted Accomplishments for Results System (STARS) and other accountability measures.

It is important to send a clear and consistent message that the focus of the RCRA program is on addressing high priority facilities first. Therefore, our goal is to focus STARS on actions at high priority facilities.

As in FY'93, the *FY'94 RIP* stresses the need to focus corrective action resources on high NCAPS priority facilities. Consistent with that emphasis, credit for cleanup activities through STARS is focused on activities at high NCAPS facilities. We recognize, however, that in some cases there are valid reasons (based on environmental benefits) for undertaking corrective action at medium or low NCAPS facilities that are high overall priority and have a STARS measure to capture those activities. For permitting activities, the FY'94 STARS are not limited to high priority facilities, but we strongly encourage Regions and States to focus their permitting resources on activities at facilities that rank high for overall priority.

The RCRA program relies on RCRIS for tracking STARS and other accountability measures. RCRIS currently tracks activities at high, medium, and low NCAPS facilities and reports whether a facility has received an overall priority ranking. In FY'93, the national oversight level did not provide information on the specific overall priority ranking of the facility (e.g., whether it has a high, medium, or low overall ranking). This lack of information has limited our ability to track permitting or corrective action activities by facility overall priority through STARS. By the beginning of FY'94, EPA Headquarters hopes to expand the parameters of RCRIS so that we can count both corrective action and permitting activities at high overall priority facilities. By doing so, we can better track our progress in addressing environmental needs.



CHAPTER 3

PERMITTING

The permitting strategic goals for FY'94 are: (1) making progress at high priority facilities; (2) preventing and reducing risks at closed and closing land disposal facilities; and (3) developing a strategy to ensure that operating Boilers and Industrial Furnaces (BIFs) meet all appropriate requirements for safe operation. Final permit determinations, permit modifications, closure plan approvals, and certification of closure are benchmarks for facilities as they meet their environmental obligations under RCRA. These activities are key measures for bringing facilities fully into the RCRA system and for ensuring that they fulfill their obligations throughout the facility life.

DEMONSTRATING PROGRESS AT HIGH PRIORITY FACILITIES

It is important for Regions and States to demonstrate progress in all areas of the permitting universe consistent with the priority ranking of facilities.

Regions and States should implement activities to achieve both timely reduction of existing risk and long-term prevention of future risks at facilities in the permitting universe. Activity at post-closure facilities should be commensurate with their overall priority considering the size of the universe and the likelihood of environmental risk. Thus, where a substantial portion of the high priority facilities in the permitting universe have post-closure needs, the Region or State should emphasize activity in that area.

Regions and States are expected to continue permitting activities underway at high priority facilities. As in FY'93, in FY'94 new permitting activities should be limited to high priority facilities. States and Regions must choose how to handle medium and low priority facilities where activities are underway. If substantial work has been completed toward a permit activity, the most efficient choice may be to complete that activity. However, where substantial work remains, movement through the pipeline may not be justified. Regions and States should expedite action at high priority facilities, even if this means deferring activity at lower priority facilities.

Permitting activities should emphasize the most effective means to achieve timely risk reduction. At some facilities, obtaining timely risk reduction may mean expediting permit issuance. At other facilities, imposing corrective action through Section 3008(h) orders may be the most effective way to accomplish near-term risk reduction while permitting activities are on a longer schedule. The pace of activities at post-closure facilities should be commensurate with their overall priority.

PREVENTION AND RISK REDUCTION AT CLOSED AND CLOSING LAND DISPOSAL FACILITIES

Addressing environmental risks at closed and closing land disposal units is an important goal of the RCRA program.

Permitting activities to address closed and closing land disposal facilities include closure plan approval and post-closure permit issuance (including Part B call in, permit processing, and final determination). All of the corrective action activities (RFAs, stabilization determinations, stabilization measures, and Stages I-III) discussed in Chapter 4 are the mechanisms by which corrective action should be addressed.

Priority ranking should now be completed at closed and closing land disposal facilities (including clean closed facilities and facilities that plan to clean close). Based on the priority ranking of these facilities, by the beginning of FY'94, the Region and State should jointly be implementing a strategy to address timely prevention and risk reduction activities at all high priority facilities in the closure/post-closure universe either through permitting activities or enforcement actions to achieve corrective action. Financial status or corporate viability of the owner/operator may determine timing or appropriate actions to be taken at these facilities. Regions and States should address the following appropriate permitting activities at high priority facilities:

- Approve closure plans at closing facilities where these activities have not been completed, particularly where some time has elapsed since the units ceased operation.
- Complete closure activities at high priority sites (e.g., as evidenced by closure certification) to prevent the escape of hazardous constituents from the closed unit and ensure that the unit will no longer accept solid waste.
- Issue permits for high priority facilities where risks at the facility have not been addressed through another mechanism (such as a Section 3008(h) order).
- Call in Part Bs at high priority facilities. The number of Part B call-ins should reflect the resources the Region or State can commit to issuing permits.
- Incorporate extended schedules for corrective action into the permit for facilities with lower ranking for environmental significance.
- Complete RFAs at closing and closed facilities. In any case, any unassessed facility should receive a qualitative environmental significance ranking.

BOILERS AND INDUSTRIAL FURNACES (BIFs) ARE A SIGNIFICANT CATEGORY OF FACILITIES THAT REMAIN TO BE PERMITTED

Regions and States should develop a strategy to ensure that operating BIFs meet all applicable requirements for safe operation.

The Agency is committed to bringing these facilities into fully regulated status as expeditiously as possible. Because of the nature of these facilities and public concern with their operation, there is an expectation that many of these will be high priority facilities. Regions and States should develop a strategy relying on the most efficient combination of permitting and enforcement tools, including Part B permit call-ins, to ensure that BIFs meet all applicable requirements for safe operation.

★ STARS Measures

- | | |
|----------|--|
| (R/C-1a) | Number of RCRA treatment, storage, and disposal facilities (TSDFs) to receive operating permit final determinations during fiscal year |
| (R/C-2a) | Number of RCRA TSDFs to receive closure plan approval during fiscal year |
| (R/C-3a) | Number of post-closure Part B applications called in |
| (R/C-3c) | Number of post-closure permit final determinations |

CHAPTER 4

CORRECTIVE ACTION

In FY'94, the RCRA Corrective Action program will continue to follow the same general implementation strategy as in FY'93. The five principal elements of this strategy are:

- Focus program resources and actions at high NCAPS priority facilities;
- Continue to emphasize the stabilization initiative;
- Work toward completing assessments (e.g., RFAs) and NCAPS rankings for all remaining "unassessed" facilities;
- Build the program's capabilities through effective worksharing arrangements with the States; and
- Provide appropriate oversight of facility investigations and cleanup actions, based on owner/operator capabilities and facility conditions.

This overall strategy for the program is directed at achieving three overriding program goals: (1) ensuring that program efforts are directed at "worst sites first"; (2) ensuring that the program operates efficiently; and (3) maximizing actual environmental results. The program to date has made substantial progress in realizing these goals. However, as evidenced by the GAO report *Much Work Remains to Accelerate Facility Cleanups*, which was released in March 1993, the success of this program will continue to be measured primarily in terms of achieving actual cleanup results at the thousands of RCRA facilities that pose actual or potential threats to human health and the environment.

In light of these strategies, the Corrective Action program's implementation efforts must continue to be results-oriented. As a general matter, emphasis must be placed on getting cleanups underway. Although this emphasis is in a large part reflected in the implementation strategy outlined above, Regional and State implementors should continue to explore innovative ways to streamline studies and procedures, encourage owner/operator initiative, and take advantage of other opportunities to achieve expeditious cleanup actions at RCRA facilities.

DEVELOPMENT OF STRATEGIC GOALS FOR CORRECTIVE ACTION

Building on the implementation strategy outlined above and the experience gained by the program in the past several years, EPA believes that it is appropriate to establish a set of specific, mid- to long-term implementation goals for the Corrective Action program. A workgroup of representatives from Headquarters, Regions, and the States is developing these program goals. These goals will be oriented toward achieving specific environmental results (e.g., eliminating human exposures to contaminants) rather than process measures (e.g., number of RFIs completed). This effort is expected to build on ongoing work that is being done to define "measures of success" for corrective action. A proposal for defining implementation goals for the program should be available for wider review by Regions and States by the end of FY'93.

FOCUSING RESOURCES ON HIGH NCAPS PRIORITY FACILITIES

In FY'94, the Corrective Action program will continue to focus on high NCAPS priority facilities.

These facilities generally have known releases to two or more environmental pathways; therefore, they pose the greatest relative risk to human health and the environment. The following are some practical guidelines to consider in addressing high priority facilities in FY'94:

- The entry of facilities into the corrective action pipeline should be managed such that RFIs are imposed primarily at high NCAPS priority facilities. When permits are issued to medium or low NCAPS priority facilities, Regions and States should generally structure the schedule of compliance to defer investigations or other work requiring oversight resources (exceptions to this general rule are discussed below). Alternatively, it may be possible in some cases to identify specific environmental goals or performance standards to the owner/operator and to allow investigations and cleanup actions to proceed with minimal oversight.
- Regions and States should continue to reduce corrective action resource commitments for medium or low NCAPS priority facilities that are in the "pipeline". Such disinvestments could involve reducing oversight levels, extending schedules of compliance, deferring further work once a stabilization action has been implemented, or leveraging State activity at the facility.

- Regions and States should continue to move high NCAPS priority pipeline facilities to final cleanup, provided that the facility is not a candidate for near-term risk reduction actions (e.g., stabilization actions).

In a few specific cases, facilities that are medium or low NCAPS priority, but which have high "overall" priority, may warrant investment of corrective action oversight resources.

In some cases, pursuing corrective action at a facility that is not high NCAPS priority may yield significant environmental benefits that are not directly related to cleanup of that facility. In such cases, these environmental benefits could cause the facility to be of high "overall" priority. The situations listed below may warrant continued investment of corrective action oversight resources at medium or low NCAPS priority facilities:

- **Innovative Technologies:** A facility that is a good candidate for innovative technologies. (OSWER Policy Directive 9380.0-17, June 10, 1991, encourages promoting innovative treatment technologies at RCRA corrective action and closure sites.)
- **Enhanced Regulatory Control:** For example, a commercial RCRA TSDF that receives (or has shown interest in receiving) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes under the Off-Site Policy (OSWER Directive 9834.11, November 13, 1987), or a closed land disposal facility (LDF) where the owner/operator is likely to go out of business.
- **Incentives for Compliance:** A facility where action would produce incentives for compliance at other similar facilities.
- **Cross-Media Benefits:** A facility that is part of a geographic or cross-media Agency initiative in which corrective action will further the goals of that initiative.

Cuts in program resources should be accommodated in ways that minimize impacts on work at high NCAPS priority facilities.

In FY'93, Congressionally mandated budget cuts resulted in large reductions in extramural resources available to the RCRA program, including corrective action. It is possible that the program will have to deal with similar resource reductions in FY'94. In general, when reallocating funds or disinvesting in projects to accommodate these cuts, Regions should seek to minimize impacts on ongoing work at high NCAPS priority facilities. Potential corrective action activity areas that may be candidates for disinvestment in this context may include: (1) oversight at medium/low NCAPS facilities; (2) oversight of State-

lead facility cleanup; or (3) stabilization evaluations, where the Region has already identified a substantial number of high priority facilities for stabilization actions.

Facilities should be re-ranked, when appropriate.

For some facilities, new information may become available which could have a substantial effect on the NCAPS ranking for the facility. It is also possible that a facility's ranking could change due to stabilization actions or the performance of other substantial cleanup actions. Regions and States are encouraged, in these cases, to re-rank the facility using NCAPS, and record the priority change in RCRIS. RCRIS is currently being updated so that multiple rankings may be entered for a facility or an area. Re-ranking of facilities will serve to ensure that rankings in the data base reflect the actual environmental conditions at those facilities.

CONTINUED IMPLEMENTATION OF THE STABILIZATION INITIATIVE

The program will continue to emphasize near-term actions to address actual or imminent exposures and to prevent the further spread of contamination.

In FY'94, the Corrective Action program will continue its focus on stabilization as the primary strategy for cleanup of RCRA facilities. The stabilization initiative consists of two main activities: evaluating facilities for feasibility of implementing stabilization measures; and actual implementation of stabilization measures, including oversight of investigations leading to implementing those measures.

Stabilization evaluations can occur at two points in the corrective action process: after an initial assessment (e.g., an RFA or equivalent), and after sufficient RFI information has been gathered. The goals of this evaluation are to: (1) determine whether there is any actual or imminent human or ecological exposure to releases occurring at the facility; (2) determine whether known releases are likely to significantly spread in the absence of near-term action; and (3) identify priority information that the owner/operator should develop early in the RFI to determine the need for stabilization (e.g., hydrogeological information on ground-water flow rates and hydraulic conductivity or environmental sampling data for SWMUs suspected of having a release that is spreading). The *Stabilization Strategy and Guidance* contains detailed information on both how to conduct the evaluation and on the many types of stabilization measures. The evaluation should follow the Stabilization Evaluation Checklist contained in the guidance or an equivalent level of inquiry.

Stabilization determinations should be made first for facilities for which there is sufficient RFI information to enable a thorough evaluation of near-term cleanup needs. Stabilization determinations at facilities that have received only initial assessments should address near-term cleanup needs as well as opportunities to focus and phase RFIs to more expeditiously gather data for making stabilization decisions. Generally, evaluations should be completed according to NCAPS priority, with high priority facilities evaluated first.

In FY'94, we expect to see a substantial increase in stabilization measures implemented, building on the stabilization evaluations completed in FY'92 and FY'93. As facilities are identified as candidates for stabilization, follow-on efforts should focus on quick actions to address actual or imminent exposure to releases and to control the spread of known releases.

When the stabilization evaluation identifies the need for near-term measures to reduce risks at the facility, the Region or State should act quickly to require the owner/operator to initiate cleanup. Voluntary actions by owner/operators should be encouraged as one means of expediting near-term risk reduction actions. Time frames to complete these near-term measures will vary depending on the scope of the activities required to address actual or imminent exposure to releases and to control the spread of known releases. Facilities should be evaluated at critical junctures in the corrective action process, such as once stabilization measures are underway, to determine an appropriate schedule and oversight approach for completing facility-wide investigations and comprehensive cleanup.

High NCAPS priority facilities should be selectively moved through the pipeline to Stage III comprehensive cleanup.

High NCAPS priority facilities that are not amenable to stabilization measures should be moved toward expeditious, comprehensive cleanup. Such cleanups may be phased over time, or they can be implemented as a complete, one-time remedy selection. For facilities where stabilization measures have been implemented and further stabilization is not required, Regions and States should generally be able to disinvest oversight resources, at least for a period of time. Although in some cases it will be necessary from an environmental standpoint to aggressively follow stabilization with final remediation of the facility, it should be feasible to safely defer further cleanup at many stabilized facilities, thereby allowing oversight resources to be applied to other corrective action work. Consistent with this approach, some Regions have successfully issued "stabilization only" orders or permits, which contain schedules of compliance specifying corrective action requirements only up to and including implementation of stabilization measures.

For any final remedy selected by an EPA Region, the Statement of Basis/Response to Comments (SB/RTC) documentation should be sent to Headquarters for dissemination and entry into the Remedy Decision Database, which will be discussed later in this Chapter.

SB/RTC documentation that has been prepared for large-scale stabilization actions also should be sent to Headquarters, as should analogous information on State or voluntary cleanups at RCRA facilities, when available.

For data entry purposes, cleanup actions initiated at a portion of the facility that is at the RFA stage or Stages I or II should be entered as stabilization actions. Cleanup actions initiated at a portion of the facility that is at Stage III will be considered final remedial actions. This approach should facilitate a smoother transition from addressing the worst SWMUs at a facility to the final cleanup. A stabilization measure may become the final corrective action remedy only when implemented as the final corrective action requirements specified in the permit or order, or when it ultimately meets the cleanup goals specified in the permit or order.

COMPLETE NCAPS PRIORITY RANKINGS FOR ASSESSED FACILITIES AND WORK TOWARD COMPLETING REMAINING RFAS FOR UNASSESSED FACILITIES

Regions and States should complete NCAPS rankings for all facilities which have had an RFA (or equivalent assessment).

By the end of FY'92, the great majority of all assessed facilities had been prioritized according to NCAPS. Regions and States should continue to complete NCAPS rankings as additional initial assessments (e.g., RFAs) are completed for facilities.

Regions and States should work toward completing initial assessments for all unassessed facilities by FY'96.

In early FY'93, several Regions had assessed virtually all facilities in their universe, or were projecting to have assessments completed by the end of FY'93. For some Regions, however, substantial numbers of facilities remain to be assessed. The program's goal is to assess all facilities in the RCRA universe by the end of FY'96.

Based on the plans presented in the FY'93 BYPs, we expect this to be a very realistic goal. Since achieving this goal is expected to require only modest resource expenditures in FY'94, FY'95, and FY'96, it should not significantly impact efforts to pursue actual cleanups at high priority facilities. As before, Regions and States should direct new assessments at facilities on a "worst first" basis, based on available information and applied judgment. It is expected that closed and closing land disposal facilities will generally be priority candidates for receiving new assessments.

For Regions that will have facilities that remain unassessed after FY'93, the FY'94 BYPs should reflect the goal of completing all assessments by the end of FY'96. For purposes of determining which facilities should be counted as "unassessed", the criteria that were presented in the *FY'93 RIP* should continue to be used. These criteria are presented in Exhibit 4-1 of this Chapter.

BUILDING THE PROGRAM'S CAPABILITIES THROUGH EFFECTIVE WORKSHARING ARRANGEMENTS WITH THE STATES

EPA will continue to support and provide incentives for States to become authorized for corrective action.

A critical component of the implementation strategy for the RCRA Corrective Action program is to continue efforts to authorize States for corrective action, and to maintain and build effective and productive worksharing relationships with the States. EPA will continue to provide State grant "bonuses" for corrective action to authorized States in FY'94.

The 16 States that are now authorized for HSWA corrective action represent 34 percent of the facilities in the total RCRA universe. Several States became authorized in FY'92, and several more will have been authorized by the end of FY'93. One of the issues that must be addressed by the Region and a newly authorized (or about to be authorized) State is the transition of facilities that are in the corrective action pipeline from EPA-lead oversight to State-lead oversight. A primary objective of authorizing States for corrective action is for the State to assume the full task of managing the corrective action process and of achieving environmental results at all RCRA facilities in that State. In many cases, however, it is not feasible or productive to abruptly shift oversight roles and responsibilities for all of a State's facilities upon authorization. This is especially the case for facilities where the corrective action process is well advanced, and where EPA staff have developed expertise with the facility such that shifting oversight to the State would cause substantial delays in implementing cleanup action at that facility.

Concurrent with, and following the authorization of a State for corrective action, EPA and the State should work to develop a transition strategy for the facilities in the corrective action pipeline. Such a strategy, which may necessitate spelling out detailed, facility-specific arrangements, should be included as part of the MOU with the State. It is recognized that a full transition may take several years to complete.

EPA Regions should continue to build worksharing arrangements with unauthorized States.

EXHIBIT 4-1**Rules for Determining Unassessed Facilities****DO NOT count as unassessed:**

- Converters and non-notifiers that require an RFA/PA-plus, unless they have been through the Superfund screening process (i.e., PA, SI, HRS, NPL listing decision) and require no further remedial action under CERCLA.

This directive is based on the *Federal Register* notice of October 4, 1989, concerning the NPL/RCRA Listing Policy. In that notice, the Agency added four categories of RCRA sites appropriate for CERCLA listing, including converters and non-notifiers. It is OSWER policy to refer only high priority converters and non-notifiers to CERCLA. Subsequently, if these sites are screened out under Superfund, they would be referred to the RCRA program. Because of this policy, the RCRA program is not considering these facilities a part of the RCRA universe subject to corrective action, until they return to RCRA after a Superfund site evaluation is accomplished.

- Facilities that received a PA-plus in FY'91 or FY'92.
- Facilities that received an adequate PA prior to FY'91. "Adequate" means that the Region found the PA to be equivalent to an RFA, such that no further assessment is necessary and an NCAPS ranking can be performed.

DO count as unassessed:

- TSDs not addressed above that have never received either a PA or RFA (or equivalent initial assessment).
- Facilities that received an inadequate PA prior to FY'91. "Inadequate" means that the PA is not considered to be adequate for purposes of NCAPS ranking or for issuing a permit or an order.
- RCRA facilities covered under the CERCLA NPL listing policy that have been returned to RCRA after a "no further action" determination by the CERCLA program. These facilities should be counted as unassessed only if the Superfund PA is insufficient for the RCRA program's needs.

Many unauthorized States are currently performing substantial corrective action work under §3011 grant agreements. Such arrangements benefit the program by leveraging resources and building State capabilities for eventual authorization. Regions and States should continue to negotiate and implement these mutually beneficial agreements in FY'94.

In some cases, worksharing arrangements with States may involve EPA support of State enforcement actions under State remedial authorities to address corrective action at RCRA facilities. For instance, many States have State Superfund authorities and programs that are capable of remediating historic waste management problems at a wide range of sites, including RCRA regulated facilities. An effective approach for achieving corrective action objectives at some RCRA facilities may be to support State-lead cleanup actions under alternative (e.g., non-RCRA) authorities. This approach could be useful, for example, at facilities that are not yet in the pipeline, but are known to be high priority under NCAPS. Another example could be a facility that has received a permit, but at which the State has made substantial remedial progress using State authorities, and transitioning to RCRA authority would be disruptive. This approach could also be used in authorized States. While EPA does not authorize States for §3008(h), corrective action at interim status facilities in an authorized State could be pursued under a State enforcement authority, as an alternative to taking action under §3008(h).

In situations such as those mentioned above, EPA and/or the State may encounter issues relating to the equivalency of the State's authorities, procedures or cleanup guidelines vis-a-vis RCRA §3004(u) or §3008(h). Regions are encouraged to be flexible in this regard; in making decisions as to whether to support such State efforts, the primary focus should be on whether the State can be expected to achieve cleanup results that are generally consistent with those of the RCRA Corrective Action program. For example, a State Superfund program could have operating guidelines (e.g., specific risk assessment requirements), or procedures (e.g., administrative record requirements), that differ significantly from those of RCRA. Such differences would likely not affect the State's ability to impose stabilization measures, for example, at a RCRA facility. Although States should be encouraged to use RCRA guidance and procedures in these situations, rigid adherence to such guidance or procedures should not be a condition for receiving grant funding.

In a similar vein, EPA intends to explore the concept of authorizing existing, alternative State cleanup programs for RCRA corrective action. For example, a State Superfund program may have legal authorities, as well as administrative capabilities, sufficient to address contamination problems at RCRA facilities. Authorizing such a program for RCRA corrective action would thus avoid having to create a new and separate remedial program in the State. EPA expects to address this issue in guidance or regulations in FY'93 or FY'94.

APPROPRIATE OVERSIGHT OF FACILITY INVESTIGATIONS AND CLEANUP ACTIONS, BASED ON OWNER/OPERATOR CAPABILITIES AND FACILITY CONDITIONS

Regions and States should tailor the level of corrective action oversight, especially at medium or low NCAPS facilities already in the corrective action pipeline.

In FY'94, Regions and States should continue efforts to disinvest at medium/low NCAPS facilities by adopting approaches for those facilities that are less resource intensive than full oversight. We can only successfully target resources on high NCAPS priority facilities if we reduce resource commitments to medium or low NCAPS priority facilities. Although some progress has been made by a number of Regions in this area, one of the general findings of the corrective action Regional reviews conducted in FY'92 and FY'93 was that substantial opportunities remain for disinvestments. This will continue to be a program emphasis. As suggested in the *RCRA Corrective Action Oversight Guidance*, issued January 1992, Regions and States should consider developing oversight plans for selected facilities when making decisions on appropriate levels of oversight.

CORRECTIVE ACTION DATA QUALITY

We will continue efforts to improve RCRIS data quality for corrective action.

It is critical to the success and the credibility of the Corrective Action program that EPA and the States continue the important work of improving the quality of corrective action data in RCRIS. To this end, several important new data elements will be added to RCRIS to enhance our ability to accurately represent the program's progress and results. In addition, definitions of existing data elements have been updated and clarified.

Two specific changes to the corrective action reporting system that will become fully functional in FY'94 are of particular importance. First, changes will be made to allow tracking of cleanups at RCRA facilities that are being implemented under State cleanup authorities. This will allow us to present a more complete picture of the actual progress being made to remediate the facilities in the RCRA universe.

Second, two new data elements will be added to RCRIS to account for actual cleanup results obtained through corrective action. These measures of success were developed by a Headquarters-Regional working group. As discussed in the introduction to this Chapter of the *RIP*, these measures are expected to be integral to developing long-term implementation goals for the Corrective Action program.

FY'94 CORRECTIVE ACTION STARS MEASURES

FY'94 STARS measures for corrective action are unchanged from FY'93. The program will continue to assess the need for changes to these measures, specifically whether actual STARS targets should be reinstituted in FY'95.

★ STARS Measures - FY'94

- | | |
|----------|--|
| (R/J-1a) | Stage I: Information collection and study at high NCAPS priority facilities |
| (R/J-1b) | Stage II: Remedy development and selection at high NCAPS priority facilities |
| (R/J-2) | RCRA TSDFs evaluated for near-term actions to reduce risk and control contaminant releases (e.g., stabilization evaluations) |
| (R/J-3) | Number of TSDFs with actions underway to reduce risk and to control the spread of contaminant releases (Actions are Stage III at high NCAPS priority facilities and near-term risk reduction measures at high, medium, or low NCAPS facilities.) |
| (R/J-4) | Number of Stage I, II, or III actions at high overall priority TSDFs that are a medium or low NCAPS priority |

As discussed in Chapter 3 of the *FY'94 RIP*, there has been particular Congressional interest in corrective action progress at closed and closing land disposal facilities. Accordingly, Headquarters may need to assemble corrective action data (e.g., STARS accomplishments) specifically for those facilities.

PLANNED HEADQUARTERS INITIATIVES FOR FY'94

The following are some of the current Headquarters' efforts in the corrective action area that may impact Regional and State implementation efforts in FY'94:

Corrective Action Management Unit (CAMU)/Temporary Unit (TU) Rule. This final rule, expected to become effective in April 1993, provides greater flexibility for EPA and States to select sensible, protective remedies. This rule has generated considerable

interest, and owner/operators are likely to approach implementors with CAMU-based cleanup proposals beginning in FY'93. It is critical that CAMU decisions are made carefully, with particular attention to the limitations and decision criteria specified in the final rule. Regions and States can expect CAMU decisions to receive considerable scrutiny, from both within and outside the Agency. It is essential that CAMUs be used as a means of enhancing the protectiveness and effectiveness of remedies.

Suspension of the Toxicity Characteristic for Non-UST Petroleum Contaminated Media. It is likely that this rule (proposed on December 24, 1992) will be finalized in late FY'93 or early FY'94. Although the rule is not expected to create large implementation responsibilities for EPA Regions, it is likely that Regions will be required to process certifications (or similar requirements) from States that wish to pursue this suspension.

Remedy Decision Database. Beginning in FY'94, a joint RCRA/Superfund Remedy Decision Database will be put on-line. This new database will contain information on RCRA remedies and stabilizations, as extracted from the Statements of Basis submitted to Headquarters from the Regions and States. This database is expected to assist implementors by providing relevant information on remedies that have been selected and implemented at a wide range of sites.

Corrective Action Regional Reviews. As of March 1993, corrective action reviews had been conducted in Regions I, II, III, V, and X. Reviews of the remaining Regions should be completed by the end of FY'94.

RCRA Corrective Action/Superfund Remedial Action Inspection Guidance. Guidance on corrective action inspections will be developed by OWPE for program managers and project officers. The guidance will address pre-inspection, inspection, and post-inspection procedures specific to corrective action.

Revised Corrective Action Plan. The 1986 RCRA Corrective Action Plan (CAP) revisions will be completed in FY'93.

CHAPTER 5

OTHER PRIORITY ACTIVITIES

This chapter identifies other RCRA hazardous waste implementation priority areas and describes key activities within each area. Other national priority implementation activities include State implementation, waste minimization, the Biennial Reporting System, and comprehensive State ground-water planning.

STATES AS THE PRIMARY IMPLEMENTORS OF RCRA

EPA maintains a strong commitment to authorization of State programs and to enhancing the State/Federal relationship.

Congress envisioned RCRA Subtitle C as a "delegated" program in which States are the primary implementors of the national hazardous waste management program. As the national program manager, EPA's major responsibilities include supporting and sustaining States in the performance of their environmental management responsibilities. As the States succeed in implementing an effective RCRA program, EPA succeeds.

We continue to strive to enhance the State/Federal relationship. During FY'94, EPA will reconvene the RCRA State Implementation workgroup and continue exploring the authorization process and management structure changes that will improve the pace of Subtitle C authorization. The workgroup will focus on data collected during FY'93 on the root causes that impede greater participation by the States in the RCRA program.

In FY'94, there will be additional emphasis on identifying impediments to State authorization for key elements of the HSWA program (e.g., the Toxicity Characteristic and Land Disposal Restrictions). State regulatory development efforts should focus also on gaps in the pre-HSWA program that cannot currently be covered either by the State or by EPA in a worksharing arrangement (discussed below).

Historically, EPA and the States have viewed authorization as the ultimate measure of success in the transition to State implementation of RCRA. While authorization progress remains a primary measure of State implementation success, it does not alone present a complete picture of RCRA implementation nationally.

FY'92 data in the State Authorization Tracking System (StATS) suggest a significant improvement in authorization and adoption of RCRA rules. Between March 1991 (when EPA delegated revision program reviews to the Regions on a pilot basis) and October 1992, overall authorization progress improved from 23% of the program's authorizable rules to 44%. This represents nearly a doubling of the authorization success rate during this 18 month period.

When States' rule adoption progress is also assessed, the States in FY'92 have been either authorized for or have adopted over 75% of the RCRA program rules that were due during FY'92. The StATS data indicates particularly promising developments in the HSWA program. Over half the States have adopted or have been authorized for Corrective Action, the Toxicity Characteristic, and major components of the Land Disposal Restriction (LDR) program. Indeed, the States' adoption of State law counterparts to the RCRA regulations (as a precursor to authorization) demonstrates commitment to full participation in the RCRA program. Now that StATS gives us a reliable tool to track State rule adoption, we will look at both adoption and authorization to track success.

As EPA and the States work together to build long-term State capacity to implement RCRA, Regions and States should explore shared implementation arrangements. EPA encourages worksharing arrangements, both to build State capability and to ensure the efficient use of State and Federal resources for environmental results.

EPA recognizes that both EPA and the States will continue to experience serious resource constraints in fully implementing RCRA during FY'94. The statutorily mandated program has continued to add new implementation responsibilities (e.g., the Federal Facilities Compliance Act of 1992), with little parallel growth of Federal and State funding to match. Thus, as the States increasingly bear the burden of managing the RCRA program, EPA and the States are redefining their roles and responsibilities.

Due to the continuing expansion of RCRA and the complexity of the program, there will be a continuing need for joint Federal/State implementation in the foreseeable future. The program must promote optimal use of limited program resources and sharing of program implementation responsibilities.

In FY'94, EPA Headquarters continues to encourage the Regions and States to identify worksharing opportunities that will fill gaps in current RCRA program coverage and that afford the most cost-effective allocation of technical expertise. Worksharing may extend to both authorized and unauthorized elements of a State's program, as long as the activities address RCRA priorities agreed to by the Region and State. While authorization status may define lead roles for specific areas, it alone should not encumber the identification of worksharing opportunities.

An additional tool to facilitate State authorization and ensure effective program implementation is authorizing individual regulations that are part of incomplete or "overdue" clusters.

In a November 1992 memo, EPA Headquarters issued additional authorization program guidance on the "Cluster Rule," further amplifying EPA's discretion to authorize State authorities in cases where a "cluster" of required material is overdue for review or incomplete in some respects (memo dated November 6, 1992, signed by Sylvia Lowrance, titled "Classification of EPA Policy on Authorizing Incomplete or Late 'Clusters' under 40 CFR 271.21 and Availability of Public Information Under RCRA §3006(f)"). This policy encourages progress in authorizing as many RCRA provisions as possible, since the Regions may now approve application material from the States without having to await the resolution of all issues associated with any component of a cluster application. Individual regulations that meet authorization standards may be approved, even if other regulations in the cluster are held back while issues are resolved.

During FY'94, EPA and States are strongly encouraged to identify components from various clusters and pending applications that are candidates for accelerated authorization under the November 1992 Cluster Rule interpretation. Priority should be placed on authorizable rules that are free from any capability issues, that have particular strategic importance to a State's needs and resources, and that were adopted under pre-HSWA statutory authority that cannot take effect as RCRA requirements until approved by EPA.

Another means to enhance joint State and Federal implementation is through interim authorization.

In December 1992, EPA published an immediate final rule to extend (barring adverse public comment) the availability of HSWA interim authorization for 10 additional years -- until January 1, 2003. HSWA interim authorization was recently used for the State of Idaho to demonstrate capability over a 2-year period, which ended in a determination that the State had the corrective action expertise and infrastructure to warrant receiving final authorization in FY'92. Also during FY'92, two additional States were granted corrective action interim authorization as an intermediate step toward full authorization. The extension of interim authorization authority for 10 more years will ensure that these and other States retain the greater flexibility afforded by interim authorization in taking on implementation responsibilities for the complex HSWA program.

In FY'94, EPA Headquarters encourages Regions and States to be more innovative in using HSWA interim authorization as both a vehicle for building full State capability for HSWA and as a means for implementing HSWA worksharing leading to full State implementation. The emphasis will also be placed on identifying approaches that will make interim authorization a more attractive option for States, particularly approaches that will

minimize the paperwork necessary to perfect HSWA interim authorization to final authorization status.

Enhancing Tribal Capacity in RCRA

In the last three years, EPA has made a significant commitment to attaining its Native American program objectives: assisting tribes in safely managing hazardous and solid waste and implementing the requirements of RCRA; promoting tribal capacity in managing these wastes and regulating waste-related activities; and expanding and enhancing EPA's RCRA presence on tribal lands by leveraging the Agency's resources with other Agencies (the Bureau of Indian Affairs, Indian Health Service and Housing and Urban Development) that also have jurisdiction.

Using limited resources, EPA Headquarters and the Regional offices assisted in developing waste codes and ordinances, provided training on waste management and, through extramural funds, provided technical assistance to supplement tribal expertise on waste issues of particular concern.

For FY'94, EPA Headquarters suggests that the Regions continue these efforts to enhance tribal solid and hazardous waste management capabilities by using circuit riders to provide on-site, hands-on assistance to the tribes; supporting the development of tribal infrastructures; implementing multi-media approaches to reservation environmental issues; and fostering innovative waste management programs which provide an opportunity for tribal, State, local and Federal collaboration on waste issues through the sharing of resources and expertise.

WASTE MINIMIZATION

Pollution prevention is the Agency's preferred approach to environmental management where it is technically and economically feasible. The minimization of RCRA wastes is an integral component of this Agency's commitment to pollution prevention. To make pollution prevention successful, it must be incorporated into every facet of the RCRA program, including Regional and State implementation activities such as enforcement actions and permits. The Regions are encouraged to support State pollution prevention efforts through the RCRA grant in accord with the Deputy Administrator's guidance dated November 12, 1992.

Throughout the stated goals of the Agency, OSWER, and RCRA program, there is an emphasis on prevention of pollution. The environmental goals stated in this document are to

reduce or *prevent* risks and maximize environmental benefits at high priority facilities. The challenge is to balance progress between prevention and cleanup activities. Prevention and reduction of risks in the RCRA program have historically been thought of as proper management of treatment, storage, or disposal of hazardous wastes or effective, expedient corrective actions; at the same time, waste minimization (i.e., source reduction and recycling) could have an equally important role to play. Waste minimization results in preventing generation of the waste and subsequent releases, and therefore, in some instances, eliminates rather than reduces risks.

Many States and Regions are taking on the challenge of implementing waste minimization into the RCRA program in varying ways. However, there is a need to ensure that we maximize our efforts to infuse waste minimization into the RCRA program. Waste minimization activities under RCRA are eligible for funding through 3011 grants. In doing so, we need to ensure that our efforts are reasonable and nationally consistent, yet allow for flexibility in State implementation, fit into the prioritization scheme laid out in this *RIP*, and consider the competing demands on resources to carry out the full range of RCRA requirements given the common goals stated in the *OSWER Strategic Plan*, the National Policy, and the *RIP*.

RCRA's objectives are defined in Section 1003, and include minimizing "the generation of hazardous waste by encouraging process substitution, materials recovery, properly conducted recycling and reuse, and treatment." RCRA Sections 3002(b) and 3005(h) require hazardous waste generators and TSDFs to certify that they have waste minimization programs in place at their facilities (through the manifest and permit conditions, respectively). A generator must certify on every manifest and a TSDF must, as a permit condition, certify no less than annually that they have a program to minimize hazardous waste and that their proposed management method is the most protective method that is also practicable.

Although HSWA does not give specific authority to assess the adequacy of these programs, the certification requirement provides the facility an opportunity to begin to identify ways to reduce hazardous waste generation. In addition, review of these facility programs by State and Regional staff can play a major role in promoting waste minimization by providing a knowledge base of the broad range of facility-specific programs and waste minimization opportunities. This knowledge base enables EPA and the States to foster waste minimization at similar facilities or for similar types of industries and/or processes. EPA encourages discussion of waste reduction through the permit and enforcement processes, as well as the use of State authorities to require reduction where applicable.

EPA developed guidance for reviewing such programs and to assist the regulated community in complying with the requirement to have a waste minimization program in place. This document has recently been revised and reissued as the *Facility Pollution Prevention Guide* (EPA/600/R-92/088, May 1992).

EPA's authority for hazardous waste generators includes requirements for generators to submit biennial reports as specified in §3002(a)(6)(C) and (D).

EPA encourages Regions and States to use the information submitted by facilities in the Biennial Reporting System (BRS) to prioritize which facilities may have waste minimization opportunities, to verify that waste minimization efforts are being undertaken at facilities, and to ensure that the efforts result in the reduction of hazardous waste generation.

This information can be used to gain an understanding of the kinds of information that would be useful to industries within the Regions or States, and to have a more focused discussion with the facility at the time of permitting or enforcement. For example, the BRS can be used to look at the largest volume generators of specific wastes. Using this information in conjunction with an understanding of process changes that can lead to waste minimization, or which wastes may be recyclable, can help prioritize the information that is developed to distribute to various facilities.

Information is also available in the BRS on the source of the waste being generated, as well as how that waste is managed (including on- and off-site recycling). The Regions and States can use this information to prioritize the generators of those wastes which are creating shortfalls and to discuss waste minimization opportunities at those facilities. Where feasible, if these facilities are also TSDFs, many of the mechanisms discussed above can also be used to discuss waste minimization opportunities.

One way to implement waste minimization activities without creating excessive burdens on resources and competing priorities is to evaluate whether waste minimization opportunities exist at facilities that are already identified as high priority facilities. Opportunities include using enforcement actions where appropriate to negotiate waste minimization (as discussed in Chapter 6), and using State authorities, where feasible, in the permitting process to require Hazardous Waste Reduction Plans. When not feasible, opportunities include using the permitting process to discuss waste minimization alternatives at the facility, particularly for the wastes that are specified in a permit; assisting the facility in understanding regulatory requirements for any changes that result when initiating and following through on waste minimization opportunities; and, with an understanding of the facility, giving technical assistance or information (such as fact sheets, names, and locations of technical assistance centers, etc.).

In addition, the Region or State is free to prioritize a facility based on, among the other factors listed in Chapter 2, its waste minimization potential if appropriate.

The Waste Minimization STARS measure allows Regions to report Regional and State waste minimization initiatives as an effective gauge of movement in this priority area of the RCRA program.

Descriptions of individual initiatives and activities that support these initiatives will serve as the mechanism for evaluating progress in merging waste minimization goals with other aspects of the RCRA program. This narrative measure will allow Regions to share unique and specific initiatives, such as cross-media permit projects, special projects or waste minimization case studies, new outreach or technical assistance programs, facility waste minimization program review implementation plans, targeting strategies, or grant programs.

★ STARS Measure

(R/PM-3) Describe waste minimization activities undertaken as part of waste minimization strategy.

BIENNIAL REPORTING SYSTEM

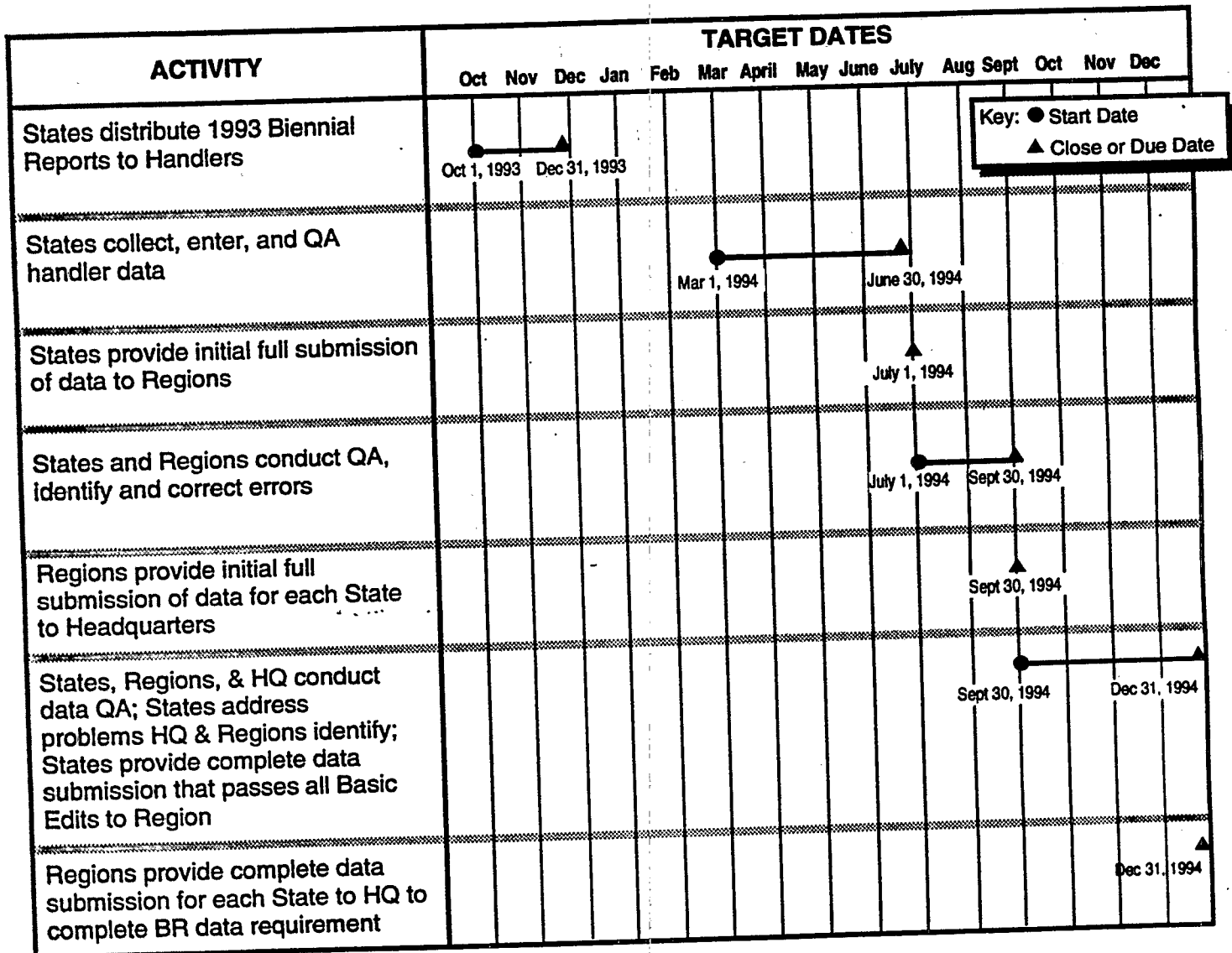
The Biennial Reports required of hazardous waste generators and TSDFs provide information which supports several important RCRA objectives.

Many key decisions and activities in the RCRA program rely on Biennial Report data.

- Understanding the full hazardous waste management system including trends in generation, treatment, storage, disposal, and waste minimization.
- Providing baseline and trend data for environmental indicators.
- Providing information to assist States in preparing Capacity Assurance Plan (CAP) submissions.

Exhibit 5-1, 1993 Biennial Report Cycle, demonstrates State and Regional activities and timeframes related to the Biennial Report. During the first quarter of FY'94, States and Regions should distribute the 1993 Biennial Reports to Generators and TSDFs. Headquarters will distribute Biennial Reporting System (BRS) software V.3.0. to States and Regions. BRS

EXHIBIT 5-1
1993 Biennial Report Cycle



software will allow States and Regions to enter the 1993 Biennial Report data, perform the necessary data quality checks, and transfer the data to Headquarters for the National Oversight Database.

States and Regions should collect the 1993 Biennial Reports and begin to enter the Biennial Report data into BRS during the second quarter of FY'94.

During the third quarter of FY'94, States and Regions should complete data entry of 1993 Biennial Reports and begin the data quality checks using the tools provided in BRS.

States and Regions should continue to perform data quality checks to identify and correct errors during the fourth quarter of FY'94. *Each State should provide an initial full submission of 1993 Biennial Report data to the Region by July 1, 1994.* Upon receipt of each State's data submission, Regions should perform additional data quality checks and work with each State to correct identified errors. *Regions should provide an initial full submission of 1993 Biennial Report data for each State to Headquarters by September 30, 1994.*

★ STARS Measure

(R/PM-2) Number of States for which the Region receives an initial full Biennial Report data submission by July 1, 1994.

CAPACITY ASSURANCE PLANS

EPA will use 1993 State Capacity Assurance Plans (CAPs) to assess whether there is adequate hazardous waste management capacity on a national level. States must have approved CAPs to be eligible for remedial funding. If any national shortfalls are identified, States will be required to target their efforts to address those specific shortfalls.

EPA expects to issue final policy and technical guidance on the capacity assurance planning process for the 1993 CAP submission in the second quarter of FY'93.

Based on this schedule, States will be developing Phase I CAPs during FY'93 for submission in the first quarter of FY'94. In Phase I, States will submit base year and projection data on hazardous waste demand on Subtitle C management capacity. Although States can use equivalent data, the CAPs have been developed to rely on data collected in the

1991 Biennial Reports and contained in the BRS. The Agency will conduct the national aggregation of the States' data to determine if any shortfalls exist on a national level.

During the third quarter of FY'94, States participating in Phase II will be developing Phase II CAPs for submission in the first quarter of FY'95. In Phase II, States will submit plans to address shortfalls, mainly through increased waste minimization efforts.

During the third quarter of FY'95, States identified by EPA as participating in Phase III will be developing Phase III CAPs. In Phase III, States may assure capacity through increased waste minimization efforts, interstate agreements, or development of new capacity. EPA will have six months between each phase to assess CAP submissions.

EPA Headquarters and Regions will continue to work with States to facilitate preparation of the 1993 CAPs and to clarify issues that may arise related to EPA policy and technical guidance.

COMPREHENSIVE STATE GROUND-WATER PLANNING

EPA has responsibility under a number of environmental statutes to protect and clean up ground water. Ground-water protection and cleanup is a strong mandate of RCRA. EPA recognized in the Agency's 1991 *Ground-Water Protection Strategy* that the primary responsibility for coordinating and implementing ground-water protection programs has always been and continues to be vested with the States. Currently, EPA is working with States to develop a framework for comprehensive State ground-water protection plans. These plans will assist States in developing ground-water protection programs and ensure, through shared EPA/State efforts, effective protection of ground-water resources.

The RCRA Subtitle C program can make valuable contributions to this planning process and can benefit from an integrated State plan to protect its ground-water resources. In addition, as States begin to submit their comprehensive ground-water protection programs for EPA's review and discussion, RCRA program managers may participate with the Regional ground-water coordinators in that evaluation and negotiation phase.

Examples of relevant RCRA Subtitle C program outputs that could contribute to comprehensive State plans include hazardous waste permit application information (e.g., hydrogeology); permit based ground-water protection standards; monitoring and reporting requirements for ground-water wells (e.g., construction, location data analysis, and detection monitoring compliance); and coordination of State RCRA permits with underground injection control, National Pollutant Discharge Elimination System, and 404 permits (whether they are controlled by the State, EPA, or the Corps of Engineers).

State comprehensive ground-water planning may support the RCRA Subtitle C program in several ways. Identified valuable and vulnerable ground waters (e.g., well head protection areas) may be the basis for targeted geographic initiatives and for identifying high environmental benefits facilities. Ground-water classification may provide valuable inputs to EPA and State corrective action programs in determining appropriate cleanup options and levels. Application of ground-water data from comprehensive resource assessments can supplement the RCRA Subtitle C assessment and remedy selection process as part of an overall plan for ground-water protection and can be used to identify high-resource ground waters over which construction of new facilities may be banned.

CHAPTER 6

COMPLIANCE MONITORING AND ENFORCEMENT

GOAL OF THE RCRA ENFORCEMENT PROGRAM

The goal of the national RCRA enforcement program is to attain and maintain a high rate of compliance within the regulated community by establishing a comprehensive compliance monitoring program and taking timely, visible, and appropriate enforcement actions against violators. As a program, we must focus our limited resources on the most environmentally significant handlers, further the Agency's goal of preventing pollution, and encourage a holistic view of compliance through support of multi-media enforcement.

This goal is consistent with OSWER's *FY'94 - '97 Strategic Plan* and the risk-based- and targeted approach of the Office of Enforcement's *Four-Year Strategic Plan*. The OSWER *Strategic Plan* recognizes that a successful State/EPA partnership needs to be tailored to each State's capability and needs. With this in mind, OSWER is committed to providing technical and administrative assistance and training to States and Tribes in a variety of areas that will enhance the States' and Tribes' capability to enforce State and/or Federal requirements. The Office of Enforcement's *Four-Year Strategic Plan* maintains an integrated, multi-media focus designed to identify violations involving the most significant risks to the public health and the environment and also to serve as the foundation for aggressive cross-media enforcement.

The Agency's concept of environmental protection continues to focus on targeted multi-media (e.g., requirement-specific, pollutant-specific, and geographic) compliance and enforcement activities. This type of targeting, compliance, and enforcement activity will continue in FY'94. The Regions should provide cooperation and support to States initiating targeted and multi-media activities. The Regions and States are encouraged to support the FY'94 Office of Enforcement's multi-media initiatives and case cluster efforts endorsed by the Agency's Enforcement Management Council.

The RCRA enforcement program encourages the regulated community to implement pollution prevention/waste minimization within their normal business practices. In his memo of November 12, 1992, "State Grants Guidance: Integration of Pollution Prevention," the Deputy Administrator encouraged the Agency's environmental programs to incorporate pollution prevention/waste minimization activities into State grants. The RCRA enforcement program encourages and supports these activities. The program also encourages the Regions and States to undertake the following pollution prevention/waste minimization activities in

support of the RCRA enforcement program: (1) assisting in educating the regulated community about pollution prevention; (2) incorporating pollution prevention/waste minimization outreach into inspections; (3) determining compliance with waste minimization requirements; and (4) incorporating pollution prevention/waste minimization projects into enforcement settlement agreements.

Environmental equity is also a special concern to the Agency, as inequity is counter to the Agency's mission to protect human health and the environment. The RCRA enforcement program is committed to ensuring equitable enforcement of environmental regulations regardless of race, ethnicity, economic status, or community. A few Regions have established Environmental Equity Policies, including enforcement policies. The RCRA enforcement program endorses these efforts and supports the consideration of environmental equity in establishing enforcement priorities, targeting enforcement actions, and encouraging the regulated community to address environmental equity in the settlement of enforcement cases.

SETTING LEVELS OF ACTIVITY FOR FY'94

In the past, Regions and States attempted to strike a balance between competing national and Regional/State program priorities based on specific levels of program performance established annually in the RIP. However, to meet today's challenge of tailoring Regional and State enforcement programs to deal with an expanding universe while achieving the greatest environmental benefit with ever more limited resources, the RIP will no longer mandate specific levels of inspection/enforcement program activity. Instead, the RIP will define a core compliance monitoring and enforcement program and establish criteria and guidelines for the Regions and States to use in their annual planning of program activities. These criteria and guidelines were developed to ensure that the core national RCRA enforcement program remains intact and that uniformity exists across the Regions and States. The Regions and States shall use these criteria when establishing their compliance monitoring and enforcement program activities, explain these projected activity levels in the Beginning of Year Plans (BYP), and report on accomplishments in the End of Year Reports (EYR). (Additional guidance on the substance and timing of the BYP and EYR reports will be released in an addendum to the *FY'94 RIP* around May 15, 1993.)

The Agency recognizes that the ever-increasing inspection and enforcement workloads associated with the core program will continue to tax RCRA enforcement resources and further limit Regional and State abilities to address priority activities outside of the core compliance monitoring and enforcement program. To address these concerns, the Agency will use the RIP-Flex concept to allow the Regions and States to focus on Regional and State-

specific environmental priorities by disinvesting from certain core activities and reinvesting those resources into "other"¹ enforcement program activities.

Under the new approach for setting program activity levels, Regions and States will not have to use RIP-Flex to shift resources among core program activities. As a result, we are not setting any limits on disinvestment/investment under RIP-Flex. Since the new approach will give Regions and States even greater flexibility in applying their core enforcement resources, it is envisioned that the need to use RIP-Flex will be reduced.

Beginning in FY'94, the Regions should only use RIP-Flex for two categories of disinvestment and investment activity. First, if at any time a Region or State invests in activities outside of the core compliance monitoring and enforcement activities set out in the RIP ("other" activities as characterized above), the Region must describe those investments in their BYP. Second, in light of our responsibility and accountability for meeting statutory obligations, the Regions must describe any disinvestment from a statutorily mandated core program activity in the BYP. The Region must then describe specifically where those disinvested resources are to be reinvested - in core program activities or in "other" enforcement program activities - and explain why this reinvestment provides greater environmental benefit.

CRITERIA TO DETERMINE THE LEVEL OF ACTIVITY IN THE RCRA ENFORCEMENT PROGRAM

Beginning in FY'94, the Regions and States will establish activity levels for each of the core program components based on three criteria. While Regions and States may have different program priorities, these three criteria have been developed to ensure the core national RCRA program remains intact and there is consistency across the Regions and States.

- **Maintenance of a Visible Enforcement/Compliance Presence**

It is very important that a visible enforcement presence be maintained across the RCRA program. Recognizing that priorities must be established, we have indicated a recommended level of "significance" to be associated with each core program component. These "significance"

¹ "Other" activities are those that fall outside the identified core compliance monitoring and enforcement program. Such "other" activities could be outreach and technical assistance, pollution prevention, State enforcement initiatives, etc.

guidelines are to be considered as each Region and State constructs their unique set of programmatic activities for FY'94.

- **Environmental Significance of Facilities**

The environmental significance of a facility may be based on a High Priority ranking as determined, Chapter 2, Facility Priority Setting and Evaluation, of this *RIP*. Other considerations contributing to a high environmental significance could be technology complexity, proximity to population centers and to environmentally sensitive areas, and public perception of the facility.

- **Statutory and Other Program Commitments**

This includes facilities which are subject to statutory requirements (e.g., §3007(c), (d), and (e) of the Solid Waste Disposal Act, CERCLA §121(d)(3), and the Federal Facility Compliance Act, and other commitments (e.g., in response to an IG or GAO audit, congressional hearing, in litigation, *RCRA Implementation Study*, etc.).

THE RCRA COMPLIANCE MONITORING AND ENFORCEMENT CORE PROGRAM COMPONENTS

There are three major core program components that are essential to the goals of the RCRA enforcement program. They are:

- I. Conducting Compliance Monitoring Activities;
- II. Bringing Enforcement Actions; and
- III. Returning Facilities to Compliance.

I. CONDUCTING COMPLIANCE MONITORING ACTIVITIES

The first core program component, compliance monitoring, is divided into four general categories: TSDFs; generators; transporters/brokers; and general compliance monitoring activities. These categories are further divided into subcategories. Guidance is provided on the appropriate level of compliance monitoring in each subcategory as follows:

- **Very Significant:** means the level of resources and effort applied to this activity are high and the program's presence in this activity must be sufficient to create a highly visible profile in the regulated community or at the site.
- **Significant:** means the level of resources and effort applied to this activity are sufficient to ensure the program's presence in the activity and create a visible profile.
- **Lower Significance:** means the level of resources and effort applied to this activity may be reduced, but some level of activity should occur.

Treatment, Storage, and Disposal Facilities (TSDFs)

- **Statutory Inspections**
 - **Federal TSDFs:**
Inspections of TSDFs owned or operated by a Federal agency, as identified in §3007(c) of the Solid Waste Disposal Act, as amended by the Federal Facilities Compliance Act (FFCA). For Federal facilities falling under the FFCA, EPA must conduct inspections at highly visible, environmentally significant facilities in accordance with guidance, which Headquarters will issue for FY'94, on implementing the FFCA. The new mandates of the FFCA are a very high priority for FY'94.
GUIDELINE: VERY SIGNIFICANT
 - **LDFs Not Inspected in FY'93, Including New LDFs:**
GUIDELINE - VERY SIGNIFICANT
 - **Commercial TSDFs:**
These facilities must receive a Compliance Monitoring Inspection (CEI) within the 6 months prior to receiving CERCLA waste. In addition, a Comprehensive Ground-Water Monitoring Evaluation (CME) or Operation and Maintenance Inspection (O&M) must be conducted within 1 year prior to the receipt of CERCLA off-site waste.
GUIDELINES: COMMERCIAL TSDFs RECEIVING CERCLA WASTE - VERY SIGNIFICANT

- **Non-Combustion TSFs Not Inspected in FY'93, Including New TSFs:²**
GUIDELINE - SIGNIFICANT
- **State and Local TSDFs:**
Annual inspections of a TSDF operated by a State or local government agency, as identified in §3007(d) of the Solid Waste Disposal Act.
GUIDELINE - SIGNIFICANT
- **Other TSDF Inspections**
 - **Ground-Water Monitoring Inspections (CME or O&M):**
A CME should be conducted at all new or newly regulated land disposal facilities (LDFs). Once it is determined that the facility's ground-water monitoring system is adequately designed and installed, the O&M becomes the appropriate ground-water monitoring inspection. A CME or O&M should be conducted at every LDF at least once every three years. Inspectors should conduct CMEs more frequently under any of the following circumstances:
 - .. Complex compliance or corrective action requirements exist at regulated units;
 - .. The ground-water monitoring system is determined to be substantially inadequate;
 - .. Significant changes to the ground-water monitoring system have been made; or
 - .. Significant changes to the local ground-water (hydrological or hydrogeological) regime have occurred or are suspected.**GUIDELINE - VERY SIGNIFICANT**
 - **Combustion Facilities:**
 - .. Combustion TSFs that did not receive an in-depth inspection in FY'93, including Boilers and Industrial Furnaces, RCRA hazardous waste incinerators, and incinerators burning hazardous

²Combustion TSFs are addressed on pages 6-6 and 6-7 under Combustion Facilities.

wastes at Superfund sites. In-depth inspections are defined in the *Hazardous Waste Incinerator Inspection Manual*, OSWER Directive No. 9938.6. These facilities should receive an in-depth inspection in FY'94.

GUIDELINE - VERY SIGNIFICANT

- .. Combustion TSDFs that received an in-depth inspection in FY'93 and were classified as High Priority Violators. This includes all Boilers and Industrial Furnaces, RCRA hazardous waste incinerators and incinerators burning hazardous wastes at Superfund sites. These facilities should receive an in-depth inspection in FY'94.

GUIDELINE - VERY SIGNIFICANT

- .. Combustion TSFs that did receive an in-depth inspection in FY'93. This includes all Boilers and Industrial Furnaces, RCRA hazardous waste incinerators, and incinerators burning hazardous wastes at Superfund sites. These facilities should receive a walk-through inspection in FY'94. Walk-through inspections are defined in the *Hazardous Waste Incinerator Inspection Manual*, OSWER Directive No. 9938.6. These facilities should receive a walk-through inspection in FY'94.

GUIDELINE - SIGNIFICANT

Generators

- **LQG Facilities Never Inspected:**
Regions and States should continue their progress towards inspecting every LQG that has never received a CEI.
GUIDELINE - SIGNIFICANT
- **Other LQG and SQG Inspections:**
GUIDELINE - LOWER SIGNIFICANCE
- **Delisting Inspections:**
Generators that have petitioned successfully for delisting and have received standard and conditional exclusions should be inspected for compliance of their standard exclusions.
GUIDELINE - LOWER SIGNIFICANCE

Hazardous Waste Transporters/Brokers

Regions and States should determine hazardous waste transporter compliance with 40 CFR Part 263. Regional and State RCRA inspectors should consider joint inspections and other compliance monitoring activities (e.g., sharing information with their respective Regional or State DOT counterparts). Improvement in intra-Agency communications can provide an early warning of potential transporter problems.

GUIDELINE - LOWER SIGNIFICANCE

General Compliance Monitoring Activities

- **Oversight of State Inspections:**
Oversight of State inspections continues to be a critical concern of the enforcement program. However, we recognize that the level of oversight of State inspections may vary based on the status of an individual State program. As part of the BYP, each Region will provide a State-specific narrative, describing its plan for State oversight, including inspections, to be conducted in FY'94. (Additional guidance on the substance and timing of the BYP and EYR reports will be released in an addendum to the *FY'94 RIP* on May 15, 1993.)
- **Non-Notifiers:**
GUIDELINE - VERY SIGNIFICANT
- **Used Oil Facilities:**
The Used Oil regulation should have a limited impact on used oil generators unless the oil fails as a TC waste. Processors and re-refiners of used oil will be enforcement's main concern. Regions should determine if these processors and re-refiners of used oil are complying with the new management standards in their unauthorized States.
GUIDELINES-PROCESSORS AND RE-REFINERS - SIGNIFICANT
OTHERS - LOWER SIGNIFICANCE

When conducting inspections in FY'94, several key areas merit attention. Regions and States are encouraged to target inspections at generators and facilities with a significant potential for pollution prevention. Inspectors are encouraged to follow the guidance as outlined in the "The Role of the RCRA Inspector in Promoting Waste Minimization" (memo dated September 12, 1991; OSWER Policy Directive 9938.10.). Inspectors should determine if the facility is involved in importing or exporting hazardous wastes. For TSDFs, compliance activities should focus on notification requirements and spot checking hazardous waste manifests for compliance as identified under 40 CFR Part 264. For generators,

compliance activities should focus on export notifications and spot checking hazardous waste manifests for compliance as identified in 40 CFR Part 262.

It is also important that inspectors become familiar with **recent or new regulations** and determine compliance with these during the facility's inspection. Such recent regulations are: the Toxicity Characteristic Rule; Air Emissions Rule; Wood Preserving Rule in 40 CFR 264 and 265, Subpart W; and the recent (FY'93) technical corrections. New regulations that may impact the compliance program are: the Third-Third rule; Phase I - Land Disposal Restrictions, Hazardous Debris, which identifies and defines a "containment building", which must be inspected for compliance; and Waste Code F033, which deals with handlers of chemicals used as a surface wood preservative. Finally, special emphasis should be given to conducting inspections to support **Agency enforcement initiatives (RCRA-specific or multi-media)**. See the following Enforcement Addendum for planned FY'94 Agency Enforcement Initiatives.

II. BRINGING ENFORCEMENT ACTIONS

The second core component of an aggressive compliance monitoring and enforcement program is the initiation of appropriate enforcement actions when non-compliance is discovered. The Enforcement Response Policy (ERP) was developed to strengthen the RCRA enforcement program, especially against High Priority Violators, by establishing a scheme of classifying RCRA violations and violators, providing guidance on timely and appropriate response, and delineating conditions for EPA enforcement action in authorized States. Of particular significance in FY'94 is targeting to monitor and enforce RCRA permits and closure plans, and aggressively enforcing corrective action requirements in permits and orders.

To maximize the impact of our enforcement actions, several key concepts must be considered when actions are developed.

- **Maintain High Civil Penalties**

Since implementing the Revised RCRA Civil Penalty Policy (RCPP, December 1987), the Agency has realized a significant increase in assessed and collected dollar amounts for civil penalties. The Regions should continue to implement the RCPP and its related guidance, and document clearly and completely penalty calculations. The Regions should continue to submit penalty calculations to Headquarters and to perform self-assessments of their efforts to implement the revised policy. Headquarters will continue to review Regional penalty calculations and issue additional penalty policy guidance, where

required or requested by the Regions. Although not required, the Regions should continue to encourage the States to utilize the RCPP.

- **Timely and Appropriate Enforcement Response**

The *RCRA Enforcement Response Policy (ERP, October 1990)* sets forth the enforcement program's priorities by classifying violations, mandating appropriate actions, and establishing timeframes for enforcement actions. To maintain our credibility with the regulated community, any enforcement response must be timely and appropriate. The majority of cases should strive to meet the *ERP* timeframes. In general, extensions to the *ERP* timeframes are justified only for those reasons specifically permitted by the *ERP* or for cases that are held to be part of a multi-case enforcement initiative (national, Regional, geographic, or State). As always, the Regions and States should continue to identify and address problems and issues that affect enforcement response.

- **Publicize Enforcement Actions**

The *RCRA Implementation Study* identified the need to publicize the nature and environmental significance of RCRA enforcement actions. Over the past two years, the Land Disposal Restrictions and Illegal Operators' Initiatives, all of the Agency's Multi-Media Initiatives and major RCRA cases received significant press attention. The RCRA enforcement program should continue to seek media coverage for initiatives and significant individual cases. The Federal and State enforcement programs are encouraged to identify additional avenues to disseminate information to the public and specific audiences about our activities.

- **Utilize Full Panoply of Available Actions/Authorities**

Regions and States must give careful consideration to the full array of available enforcement tools when tailoring an action to a given site. Each case should be judged so the most effective means of addressing violations and returning the facilities to compliance is achieved.

Administrative actions will continue to be the most utilized, but judicial action should be considered for egregious or repeat violators or violators of previous administrative agreements or where court supervision of

injunctive relief, multi-media enforcement, or establishing legal precedent are important.

Regions and States are also encouraged to screen for RCRA cases that may warrant criminal investigation. The enormous deterrent effect of well-targeted criminal cases will enhance the RCRA enforcement program's compliance goals and advance the credibility of the Agency's enforcement program. The publicity and stigma attached to a criminal conviction make criminal enforcement a very effective tool.

- **Use Innovative Enforcement Tools**

Economic sanctions, model orders, Supplemental Environmental Projects (SEPs), field citations, and Alternative Dispute Resolution (ADR) are some innovative enforcement tools which the Regions and States are encouraged to use. Regions and States should identify appropriate cases for economic sanctions such as suspension and debarment and refer the cases to the Grant Administration Division. Prior to referring the cases, Regions and States should refer to the *Suspension and Debarment Guidance*, finalized in FY'92.

Model orders are available to the Regions and States. In the newly revised §3008(h) order, Alternative Dispute Resolution (ADR) has been incorporated as an alternative mechanism for supporting compliance. Headquarters encourages all Regions to pilot ADR in FY'94, if they have not already done so, and continue its use in appropriate cases.

Some States are using field citations. This creative enforcement tool allows inspectors to issue small fines and orders immediately, when they identify relatively minor violations. Headquarters encourages other States to consider using field citations as a part of their State RCRA enforcement programs.

Supplemental Environmental Projects support the enforcement program by gaining additional environmental benefits from defendants, beyond injunctive relief. Headquarters encourages the Regions, and where possible the States, to incorporate SEPs into settlements.

III. RETURNING FACILITIES TO COMPLIANCE

The third core component of the RCRA enforcement program focuses on the need to return violating facilities to compliance. Over the years, EPA and the States have taken numerous enforcement actions in an effort to return regulated facilities to compliance. Land disposal facilities, in particular, have been the subject of great scrutiny by both EPA and the States. Congressional oversight of our activities at LDFs has been high. This increased attention results from the belief that ground-water contamination from LDFs poses the greatest threat to human health and the environment. It is essential that Regions and States commit to follow-up on Significant Non-Compilers that fail to comply with past enforcement actions. Follow-up inspections and related activities (e.g., §3007 letters), coupled with escalated enforcement actions are essential components of an effective enforcement program. Each Region has developed a Compliance Actions/Final Orders (CAFO) tracking system to monitor compliance with CAFO provisions. If violations continue under the CAFO, the Region should quickly refer the facility for appropriate criminal or civil judicial action, as necessary.

The October 1991 *Return to Compliance (RTC) Study* examined the compliance histories of 259 LDFs that had been out of compliance for three or more years. The study highlighted the important deterrent effect and program credibility associated with returning facilities to compliance. The Regions and States should continue to address those facilities that have remained in significant non-compliance for extended periods of time, particularly where there are significant environmental benefits from returning the facility to compliance that should be weighed against the enforcement costs of being able to return the facility to compliance. If necessary, Regions should use their State-EPA Agreements and other oversight mechanisms to commit States to review closure plans at sites where closure would achieve environmental benefits.

ENHANCING ENFORCEMENT CAPABILITY

The *OSWER Strategic Plan* recognizes that a successful State/EPA partnership needs to be tailored to each State's capability and needs. With this in mind, the plan commits to providing technical and administrative assistance and training to States and Tribes in a variety of areas that will enhance the States' and Tribes' capability to enforce State and/or Federal requirements.

Headquarters' Training Efforts

Headquarters remains strongly committed to providing the opportunity and resources to ensure that adequate training is made available to Regional and State enforcement personnel. Headquarters will continue to offer the RCRA and Advanced Inspector Institutes

as well as developing innovative techniques to deliver training and increase its efforts to institutionalize training. Some of the innovative techniques involve satellite technology, computer-based training programs, and video training courses. Regions and States are strongly encouraged to procure the necessary hardware, (e.g., computers, CD-ROM, laser disk player) to take advantage of these new training opportunities. Though Headquarters will continue to develop training materials, there are training materials from other Federal, State, and private sources that take advantage of computer-based hardware. The Regions and States are encouraged to develop in-house training courses to promote a better understanding of the RCRA program. Headquarters will support these efforts by sending knowledgeable personnel from RED to assist in presenting enforcement information at these courses.

It is anticipated that the following training will be developed and delivered in FY'94:

- RCRA Inspector Institute (Denver, Colorado);
- Advanced RCRA Inspector Institute (Different Locations);
- BIF Computer-Based Enforcement Training;
- Corrective Action Inspection Training; and
- CME and O&M Interactive Computer-Based Training using CD-ROM.

Strategies, Policies, and Guidance

Headquarters will continue to develop or update enforcement guidance and enforcement strategies, as needed. Every effort will be made to issue enforcement strategies prior to the effective date of the new rules. RCRA enforcement guidance documents and strategies anticipated to be available in FY'94 include:

- Revision of the Enforcement Response Policy;
- Used Oil;
- Phase II Air Emissions;
- LDR Phase II Soils/TC; and
- Special Collection Systems.

ENFORCEMENT ADDENDUM³**AGENCY MULTI-MEDIA INITIATIVES - FY'94 - '95****Data Quality Initiative**

The Data Quality Initiative is a national, cross-program enforcement initiative that will focus on vigorous enforcement of reporting, recordkeeping, self-monitoring, and other data requirements which are fundamental to the success of EPA's programs. Data quality is an important cross-program priority in view of the concern that environmental compliance data submitted to the Agency is inaccurate, and in some cases, false. This initiative will be a phased two-year initiative (FY'93 and FY'94) with clustered enforcement activity occurring at various times over the two-year period.

Federal Facilities Initiative

In addition to their environmental significance, Federal facilities are an enforcement priority due to their traditionally lower compliance rates in comparison to private sector facilities. The initiative will involve the targeting of 20 high priority facilities for inspection in each of the next two years (FY'93 and FY'94), from the standpoint of non-compliance, risk, overlap with other Regional initiatives, environmental equity, and pollution prevention opportunity. Follow-up enforcement activity is also expected in both fiscal years.

International Initiatives

An international initiative on the Gulf of Mexico is scheduled for spring or summer of FY'93. Regions IV and VI are the players primarily involved with this initiative. Follow-up on this initiative will be necessary in FY'94.

Transportation Maintenance Facilities Initiative

This initiative will focus on rail, air, ship and other transportation maintenance facilities. Traditionally, these facilities have not been priorities with EPA's regulatory programs. Nevertheless, they may cause significant environmental harm. In FY'93, the initiative involved a number of NEIC multi-media inspections at various transportation

³ Following review by new Agency leadership and the Enforcement Management Council, it is possible that some of these initiatives will be amended, amplified, or dropped.

maintenance facilities with the goal of determining the nature and extent of environmental damage. Depending upon the results of these investigations as well as a comprehensive review of prior investigations from other sites, the initiative may involve clustered enforcement activity in FY'93 or FY'94.

Prevalent Bioaccumulation Substances

Over the past few years, the Agency has expressed a concern over persistent substances that persist and damage the environment and human health over a long period of time. Many of these substances are known to cause human cancer and cause adverse effects on human development. Many substances (e.g., organic compounds, heavy metals, etc.) are known to bioaccumulate. This initiative will focus on those generally perceived to be among the most prevalent and dangerous. These substances are: Polychlorinated biphenyls (PCBs), Mercury, and Hexachlorobenzene (HCBs). This initiative is scheduled for FY'94.

The objectives of this initiative are to: (1) reduce risks to human health and ecosystems caused by these substances; (2) improve public awareness about health risks posed by these substances and their biological pathways of exposure; and (3) provide support to the Great Lakes Initiative and other Agency initiatives, including the Sediments Strategy.

Dichloromethane Initiative

A halogenated organic compound, Dichloromethane can cause acute and chronic health effects from occupational and environmental exposure. Dichloromethane is the number one TRI carcinogen and as reported from 1989 TRI information, 500 million pounds were produced and 130 million pounds were released to the environment. The industries most likely to use Dichloromethane are: Chemical, Plastics, Measuring/Photographic, Multiple SIC codes, Electrical, and Transportation. These six industries accounted for 89% of total releases and transfers in 1989. This initiative is scheduled for FY'94.

The objectives of this initiative are to: (1) significantly reduce total emissions; (2) promote pollution prevention and product substitution; and (3) improve compliance rates of associated industries.

Critical Habitat Enforcement Initiative

This initiative is designed to direct enforcement efforts to address recognized threats to critical habitats. This initiative will complement the Agency's ongoing efforts to address habitat issues, including the Agency's Habitat Strategy. Increasing recognition is being given to habitat health and vitality as a measure of success. This initiative is scheduled for FY'94.

Critical habitats will be defined based upon the priorities of Federal, State, and local environmental authorities. Assistance can be provided in correlating threats to critical habitats with incidences of non-compliance that are contributing to those threats. Success, in part, will be measured by the achievement of enforceable agreements for habitat restoration, pollution prevention, and overall reduction of risk to critical habitats.

Industry-Specific Initiative

The details of this initiative are undetermined at this time.

CHAPTER 7

ACCOUNTABILITY

EPA Headquarters, Regions, and States are accountable to our constituents for our progress and accomplishments. Traditionally, EPA has relied on STARS to track progress in key activities. In FY'92 and '93, we broadened RCRA accountability mechanisms to include the Beginning of Year Plan (BYP) and the End of Year Report (EYR). For FY'94, the purpose of these mechanisms as well as their places in the accountability cycle are being revisited by a Headquarters/Regional workgroup. The results of the workgroup are expected to be released in an Addendum to the *FY'94 RIP* around May 15, 1993. Our goal continues to be to make these documents more effective tools for articulating program expectations and accomplishments.

The public spotlight on the RCRA program, and corrective action in particular, is only expected to grow more intense as we enter the second decade of program implementation. As significant Federal resources are dedicated to this program, Headquarters is asked to supply statistics and information on what environmental improvements these resources are supporting. Even in a program that will ultimately be delegated entirely to the States, there will always remain a role for Headquarters in monitoring the progress and quality of implementation efforts nation-wide. Information on what is occurring in the field is essential to our ability to represent these aspects of the program accurately.

Effective accounting will enhance our management of the RCRA program by providing a reliable gauge of progress and environmental success as the basis for defining future program needs and direction. Accounting mechanisms must allow OSWER to provide a national picture of the progress we are making in meeting EPA's public commitment to manage the RCRA program effectively and to implement key Government Accounting Office and *RCRA Implementation Study (RIS)* recommendations for improvement. They must also be well structured so that they do not become needlessly burdensome and time consuming. For FY'94, we will carefully define the purpose and content of each accountability mechanism and the manner in which we will use these tools in a yearly RCRA management cycle.

The accountability mechanisms that the RCRA program relies on are STARS, the BYP, and the EYR. Ultimately, our goal is to rely more heavily on environmental indicators as well. OSWER will use this information to present status reports on our program to EPA's senior managers and to respond to inquiries regarding our accomplishments and goals from interested parties. The information in the BYP and the EYR collectively will indicate how the Regions are balancing the many RCRA program activities to address competing environmental priorities.

These accountability mechanisms are designed to accomplish the following goals:

- Articulate environmental priorities in the RCRA program, as identified by Regions and States;
- Portray our management choices to balance activities to meet these diverse and competing environmental needs with available resources;
- Provide reporting flexibility for Regions and States to define their environmental priorities through a combination of qualitative and quantitative reporting mechanisms; and
- Provide sufficient detail to critically evaluate program accomplishments and direction and make timely corrections when necessary.

BEGINNING OF YEAR PLAN (BYP)

The Beginning of Year Plan (BYP) is a near- and long-term strategic planning document that describes the environmental priorities, planned activities, and management choices that the Regions and States are making.

Regions should develop the BYP in coordination with States and describe specific implementation priorities and the balance of activities to meet environmental needs and maintain progress across the RCRA universe. OSWER will use the BYPs to understand environmental priorities in the RCRA program, from Region to Region, and aggregated at the national level. The BYP will also highlight the Regional/State strategy for addressing different types of facilities, initiatives, and priority activities that may not be reflected in STARS.

Details about the FY'94 BYP, including the date it is due to Headquarters and the content to be included, will be sent as an Addendum to the *FY'94 RIP* around May 15, 1993.

END OF YEAR REPORT (EYR) AND BASELINE PERFORMANCE MEASURES

Baseline performance measures presented in an End of Year Report (EYR) is a quantitative report from RCRIS that presents an accurate and thorough picture of program accomplishments.

As in FY'93, the primary content of the EYR will be a quantitative report of baseline performance measures (provided in Appendix C-1) prepared by Headquarters. Beyond the baseline performance measures, the content of the EYR and its timing will be provided in the

FY'94 RIP Addendum. The baseline performance measures (including STARS) are management reports organized by specific activity areas -- operating permit issuance, closure/post-closure activities, facility priority ranking, corrective action, compliance monitoring and enforcement, and State authorization. All measures except State authorization are in RCRIS, and authorization data is available from the State Authorization Tracking System (StATS). RCRIS contains baseline performance measure software that is available to produce management reports throughout the year at the implementor and oversight levels.

The baseline performance measures have several purposes:

- **Provide a More Complete Picture of Accomplishments:** Different regulatory mechanisms may be appropriate at different facilities to achieve timely environmental results. Because RCRA is such a complex program, a single measure may flag a key activity, but it does not provide an accurate picture of environmental results or program accomplishments. For example, in order to understand environmental progress at post-closure facilities, we need to look at the status of corrective actions, enforcement, and permitting activities at those facilities.
- **Compare Progress Across the RCRA Universe:** Once we have defined the most effective set of baseline performance measures to track progress toward environmental results and program accomplishments, we can compare progress across the RCRA universe. We can then compare our activities to facility priority rankings to judge our progress relative to environmental needs. In addition, we can make mid-course corrections to more effectively carry out strategic goals or to modify those goals to reflect real world constraints.
- **Provide Common Ground for Measuring Accomplishments:** These baseline performance measures are a powerful program management tool for State and Regional implementors and national oversight. By using the same measures, making the same comparisons, and tracking results in the same way, we are making significant progress toward a common definition of our expectations for success and accountability for accomplishments.

In Headquarters, we will use the baseline performance measures in two ways: for periodic RCRA baseline performance reports and for the RCRA EYR. Within OSWER, these measures will support national program oversight activities, such as tracking program accomplishments and progress toward the strategic management and policy goals in the RIP. OSWER may also use this management information to supplement STARS in the Deputy Administrator's quarterly management briefings. Regions and States are encouraged to use the baseline performance reports on a regular basis.

The timing and the content of the Regional component of the EYR will be specified in the FY'94 RIP Addendum.

STARS

STARS highlight a limited number of program activities and accomplishments that are key indicators of progress for the highest levels of EPA management.

RCRA permitting, corrective action, and enforcement STARS measures are benchmarks for facilities meeting their regulatory obligations and surrogate measures for progress toward environmental results. They also emphasize strategic management goals for the program (i.e., emphasis on activities that are likely to get the most timely and efficient environmental results for our program resources). A compilation of FY'94 STARS measures is presented in Appendix A.

In FY'93, consistent with direction throughout EPA, we redefined STARS in three key aspects. First, recognizing that STARS cannot adequately portray the complex environmental priorities and range of activities in the RCRA program, we substantially reduced the number of STARS measures to capture only the highlights of program progress. As indicated in Chapter 2, consistent with the Strategic Management Framework, corrective action STARS are focused on measuring progress at high priority facilities. In addition to limiting STARS measures, we developed the baseline performance measures for our own program management purposes.

Second, in FY'93 we eliminated targeted measures. This approach highlights the full set of STARS performance measures and the importance of all these activities. Further, measurement of accomplishments across these highlighted activities may provide stronger encouragement for continual improvement than targets set in advance. FY'93 was a pilot year to test this approach to STARS. EPA will continue without STARS targets in FY'94.

We are asking Regions to provide projections and a list of candidate facilities for the STARS measures, which we will negotiate with each Region at the beginning of the fiscal year. The projections may be provided as a range of actions (for example, 15-20 operating permits). We will not enter projections into the STARS system. Instead, we will use them to indicate relative emphasis on activities and to project time frames to complete activities at particular categories of facilities.

RCRA ANNUAL ACCOUNTABILITY CYCLE

A well defined yearly RCRA accountability cycle will help all RCRA implementors develop and use these management and accountability tools most effectively.

The schedule of accountability events will be included in the FY'94 RIP Addendum, scheduled for release around May 15, 1993.

ENVIRONMENTAL INDICATORS

Environmental indicators are measures of environmental quality that provide information on program progress in terms of the environmental results achieved.

While activity measures such as STARS are important tools for indicating the progress of key program activities, an ideal accountability system would also measure the environmental results of those activities. Environmental indicators are being developed at the State, Regional, and national levels to provide information on environmental status and trends, and to eventually link this information to RCRA program activities.

At the national level, RCRA environmental indicators are being developed to begin monitoring the environmental results of three RCRA program activities: corrective action, safe management, and waste minimization. Because of the difficulties in collecting and compiling environmental data at the national level, as well as the challenges of linking that data to program activities, national environmental indicators are being developed in stages.

The first stage is limited to using readily available data in RCRIS and BRS to report *indirect* indicators of environmental quality. For example, OSWER is reporting the number of high, medium, and low corrective action priority facilities taking action to control contaminant releases (actions include both near-term risk reduction and long-term cleanup actions). This indicator is indirect because it does not report the actual environmental effects of the actions, yet it is nonetheless valuable because it does report the number of sites where progress is being made and the portion of "worst sites" that are being addressed.

The next stage of environmental indicator development includes more sophisticated analyses of indirect environmental indicators, linking them more closely with possible environmental effects. For example, OSWER is developing an indicator that links the number of outstanding class I violations (as of the last inspection) at a facility to the amount of waste handled at that facility. This indicator, which involves a cross-walk of BRS and RCRIS, reports (in aggregate) the compliance status of the facilities that handle the majority of

hazardous waste. Although this is still an indirect indicator, it is more closely tied to possible environmental effects than a simple report of the number of facilities with class I violations, since it also incorporates the volume of waste handled.

The final stage of environmental indicator development is to measure the actual environmental effects of EPA and State actions to protect human health and the environment. Achievement of this goal involves a multi-year process of continually improving the current indirect measures through data analysis and improvement of current data sources, use of case studies, and possibly additional limited data collection efforts in order to better measure the environmental progress of the RCRA program.

DATA MANAGEMENT

Beginning in FY'93, Headquarters will rely on RCRIS and BRS for information to support all official reporting on the RCRA universe, program activity, and environmental results.

Effective data management through RCRIS and BRS is central to EPA's ability to ensure accountability for actions undertaken to implement the RCRA program. In the past, STARS measures have been the focus of reports generated from RCRIS. However, beginning in FY'93, OSWER will rely on the broader baseline performance measures reported from RCRIS as well. We encourage program implementors at the Regional and State level to use this same set of performance measures as a tool to manage and oversee the program.

Headquarters, Regions, and States strongly agree on the importance of relying exclusively on RCRIS and BRS as the common basis for RCRA data management and reporting. This will require a focused effort to ensure that these systems are fully operational and reliable. Regions and States must be responsible for routine maintenance of the data base to ensure completeness and accuracy of the data. Quality assurance/quality control at the data entry level is essential to guarantee that Regions and States get proper credit for their activities and accomplishments. Headquarters is responsible for ensuring the adequacy of system software, providing guidance, and maintaining operations.

We are fully aware of current mainframe capacity problems and have committed resources to expand the platform to guarantee timely access to all users. Finally, there are a number of issues related to standardization of RCRIS data entry and retrieval procedures. The Data Quality Focus Team was formed to examine the difficulties experienced by EPA Headquarters, Regions, and States in collecting and reporting consistent quality information.

The Team is currently addressing the data quality problems which stem from the lack of standard definitions for common terms frequently used throughout the RCRA program. The Focus Team's immediate objective is to develop clear definitions for key terms, obtain

concurrence from users and management, and standardize use of the terms. To date, the Team has proposed definitions for major programmatic universes, as well as for several status and handler type terms, and has received comments from a majority of the Regions. The definitions are being finalized and will be part of the *FY'94 RIP* Addendum to be sent out around May 15, 1993.

Successful data management depends on our shared commitment to our respective responsibilities. We must work together to ensure that our major information systems operate reliably and efficiently and that the data they maintain accurately and completely reflects critical program accomplishments.

CHAPTER 8

MUNICIPAL AND INDUSTRIAL SOLID WASTE MANAGEMENT

PROGRAM OBJECTIVES

The objectives of EPA's municipal solid waste (MSW) program are to: (1) ensure protection of health and the environment; (2) comply with the mandates of Subtitle D of RCRA; (3) facilitate market development initiatives in support of the national recycling goal and economic development; (4) foster source reduction efforts; (5) support an Agency team approach to promote and implement integrated waste management; and (6) provide national leadership presence through technical assistance and information development and dissemination. The objectives for EPA's industrial solid waste program are to: (1) characterize the universe of industrial (non-hazardous) solid waste and management practices; and (2) set priorities for detailed risk assessment.

These municipal and industrial solid waste objectives directly support OSWER's strategic planning goals of minimizing waste and ensuring that wastes are managed in an environmentally sound manner. While States, Tribes, and local governments remain the primary implementors of the national municipal and industrial solid waste program, EPA's role is to facilitate effective implementation. Facilitation activities include regulation, policy, and guidance development; training; technical assistance; and information development and dissemination. The priorities and activities set forth below will help achieve the strategies in the OSWER plan for meeting our goals.

MUNICIPAL SOLID WASTE NATIONAL PRIORITIES

Enhance the Federal-State/Tribal partnership and foster implementation of the revised criteria by assisting States/Tribes to develop effective and approvable permit programs.

The primary focus of our activities in FY'94 will be to continue to assist States/Tribes in implementing the revised municipal solid waste landfill criteria through the development of permit programs that meet the requirements. The draft State/Tribal Implementation Rule (STIR) will be used by EPA as our interpretation of the statutory requirements. The revised criteria were promulgated in final form on October 9, 1991 (40 CFR 258). The draft STIR is scheduled for proposal in 1993.

States are required to adopt and implement a permit program to ensure compliance with the revised criteria. RCRA requires the Administrator to determine whether State permit programs are "adequate" for purposes of RCRA. Authority to approve State permit programs

as adequate was delegated to the Regional Administrators in April 1992. Additionally, EPA is providing the opportunity for Native American Tribes to seek program approval. Our goal is to have all approvable programs deemed adequate by October 1993. States/Tribal permit programs that have not received approval by October 1993 will be unable to offer owner/operators the flexibility that the criteria makes available to approved States/Tribes.

In addition to developing permit programs that meet the adequacy determination criteria, States/Tribes need to prepare for implementation of the revised criteria. Efforts should be focused on ensuring that closing facilities comply with the revised criteria, including developing permitting and enforcement strategies, and addressing the need for continued capacity as facilities close. As throughout the RCRA program, environmentally significant facilities should be addressed first.

Support recycling efforts through market development and procurement implementation activities.

EPA will continue to support recycling efforts through market development activities. These activities include development and implementation of procurement guidelines, procurement workshops and follow-up activities, and outreach and education efforts. EPA also will continue to facilitate State and local market development initiatives, which foster economic development.

Recycling outreach and development efforts will continue. Regions are encouraged to work with States, local governments, and businesses to conduct waste audits to find opportunities to reduce and recycle waste. In general, EPA will continue to provide technical assistance, including training, speeches, and guidance, to States, Native American Tribes, and local governments.

Encourage source reduction activities among localities, businesses, and households through education, project support, and technical assistance.

Outreach and education efforts in source reduction will continue. Voluntary reductions of toxic releases by industry will be fostered through workshops and other information initiatives. Regions are encouraged to facilitate State/Tribal and local source reduction efforts by providing technical assistance.

INDUSTRIAL SOLID WASTE NATIONAL PRIORITIES*Complete data collection and analysis activities.*

Relatively little is known about the large and diverse universe of industrial non-hazardous waste. However, it is clear that these wastes range from relatively benign to potentially hazardous. EPA recently formulated a plan for characterizing industrial non-hazardous wastes. The Agency decided to focus on industries which release the greatest volumes of industrial non-hazardous waste and the largest releases of toxic chemicals released to land and surface waters as reported under the Toxic Release Inventory requirements of SARA/Community Right to Know Act. EPA has identified four industries -- chemicals, primary metals, petroleum refining, and pulp and paper -- where it will focus its efforts on gathering information to determine whether any risks are posed by these industries.

Work closely with a select group of States in which the bulk of these industries' wastes are disposed.

EPA plans to work closely with States to gather and analyze State information on waste characteristics, management requirements and residual risks, if any. The Agency will also include input from other interested States and parties.

APPENDIX A

STARS MEASURES

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Permitting and Closure

GOAL: Ensure the environmentally sound management of solid and hazardous waste.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C program.

ACTIVITY: Track operating permit final determinations and permit modifications at RCRA TSDFs.

MEASURE: Number of RCRA TSDFs to receive operating permit final determinations during fiscal year.

STARS CODE: R/C-1a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

ACTIVITY: Track progress of closure activity at RCRA TSDFs

MEASURE: Number of RCRA TSDFs to receive closure plan approval during fiscal year.

STARS CODE: R/C-2a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

ACTIVITY: Track progress of Post-Closure permitting activity at closing Land Land Disposal units at RCRA TSDFs

MEASURE: Number of Post-Closure Part B applications called in.

STARS CODE: R/C-3a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/94

MEASURE: Number of Post-Closure final determinations

STARS CODE:	R/C-3c
TARGETED:	NO
REPORT ONLY:	YES
SUNSET:	2/94

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Permitting And Closure Definitions

R/C-1a

Number of RCRA TSDFs to receive operating permit final determinations during fiscal year. Count only one permit per facility per date. A single permit covering multiple processes (e.g., Land Disposal and Storage and Treatment) at a single facility will be counted only once. Facilities receiving two permits will be counted twice.

R/C-2a

Number of RCRA TSDFs to receive closure plan approval during fiscal year. Count only one closure plan approval per facility per date. A single closure plan covering multiple processes (e.g., Land Disposal and Storage and Treatment) at a single facility will be counted only once. Facilities receiving two closure plan approvals will be counted twice.

R/C-3a

Number of RCRA TSDFs Post-Closure applications called-in during fiscal year. Count only one Post-Closure application called-in per facility per date. Facilities with two separate Post-Closure applications called-in will be counted twice.

R/C-3c

Number of RCRA TSDFs Post-Closure final determinations made during fiscal year. Count only one Post-Closure final determination during fiscal year per facility per date. Facilities with two separate Post-Closure final determinations during the fiscal year will be counted twice.

OFFICE OF SOLID WASTE
FY 1994
Program Area: Municipal Solid Waste Program

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Ensure the proper management on municipal solid wastes in all States/Tribes.

ACTIVITY: Submittal of State/Tribal final application for determination of adequacy of State/Tribal MSWLF permit program.

MEASURE: Number of States/Tribes submitting final applications for determination of adequacy under Section 3.

STARS CODE: R/D-1a
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/94

ACTIVITY: Regional final determination of adequacy of State/Tribal permit programs.

MEASURE: Number of Regional final determinations of adequacy completed (include both determinations of adequacy and determinations of inadequacy).

STARS CODE: R/D-1b
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/94

OFFICE OF SOLID WASTE
FY 1994
Municipal Solid Waste Program Definitions

R/D-1a

Number of States/Tribes submitting final complete applications for determination of adequacy; report by State/Tribe.

R/D-1b

Number of determinations Region publishes in the Federal Register; report number of determinations by adequate and inadequate, State/Tribe and Partial vs. Full.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1994

Program Area: RCRA Enforcement

GOAL: Ensure the environmentally sound management of solid and hazardous waste.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C Program.

MEASURE: Report the number of formal administrative actions issued year-to-date (including 3008(a), 3008(h), 3013, and 7003).

*STARS CODE: R/E-1a
TARGETED: NO
REPORT ONLY: YES

MEASURE: Report the number of civil judicial actions issued year-to date.

*STARS CODE: R/E-1b
TARGETED: NO
REPORT ONLY: YES

MEASURE: Report the number of criminal referrals, year-to-date.

*STARS CODE: R/E-1c
TARGETED: NO
REPORT ONLY: YES

MEASURE: Report the total number of facilities currently in significant non-compliance.

*STARS CODE: R/E-2a
TARGETED: NO
REPORT ONLY: YES

These measures support the required enforcement core information as outlined in the Deputy Administrator's memo of January 14, 1993.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1994

Program Area: RCRA Enforcement

<u>GOAL:</u>	<u>Ensure the environmentally sound management of solid and hazardous waste.</u>		
<u>OBJECTIVE:</u>	Create a more effective and rational RCRA Subtitle C Program.		
<u>MEASURE:</u>	Report the number of SNCs that have had formal actions and have not returned to compliance with any violations which caused them to be in SNC.	*STARS CODE:	R/E-2b
		TARGETED:	NO
		REPORT ONLY:	YES
<u>MEASURE:</u>	Report, year-to-date, the number of enforcement settlements which incorporate pollution prevention or pollution reduction activities (administrative and judicial orders).	STARS CODE:	R/E-3
		TARGETED:	NO
		REPORT ONLY:	YES
<u>MEASURE:</u>	Report, year-to-date, the number of TSDFs in full physical compliance (no outstanding Class I violations)	*STARS CODE:	R/E-4a
		TARGETED:	NO
		REPORT ONLY:	YES
<u>MEASURE:</u>	Report, year-to-date, the number of TSDFs where there are no violations of the compliance schedules for Class I violations.	*STARS CODE:	R/E-4b
		TARGETED:	NO
		REPORT ONLY:	YES
<u>MEASURE:</u>	Report the ratio of TSDs with subsequent violations of the same type after a FY'91 final enforcement action to TSDFs without subsequent violations of the same type after a FY'91 final enforcement action.	STARS CODE:	R/E-5a
		TARGETED:	NO
		REPORT ONLY:	YES

*These measures support the required enforcement core information as outlined in the Deputy Administrator's memo of January 14, 1993.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1994

Program Area: RCRA Enforcement

<u>GOAL:</u>	<u>Ensure the environmentally sound management of solid and hazardous waste.</u>		
<u>OBJECTIVE:</u>	Create a more effective and rational RCRA Subtitle C Program.		
<u>MEASURE:</u>	Report the ratio of TSDs with subsequent violations of the same type after a FY'92 final enforcement action to TSDs without subsequent violations of the same type after a FY'92 final enforcement action.	STARS CODE: TARGETED: REPORT ONLY:	R/E-5b NO YES
<u>MEASURE:</u>	Report, year-to-date, the number of Land Disposal facilities that received an FY'94. (State and Region combined.)	*STARS CODE: TARGETED: REPORT ONLY:	R/E-6a NO YES
<u>MEASURE:</u>	Report, year-to-date, the number of Treatment, Storage facilities that receive an inspection in FY '94. (State and Region combined.)	*STARS CODE: TARGETED: REPORT ONLY:	R/E-6b NO YES
<u>MEASURE:</u>	Report, year-to-date, the number of Generators (SQG and LQG) that received an inspection in FY '94. (State and Region combined.)	*STARS CODE: TARGETED: REPORT ONLY:	R/E-6c NO YES
<u>MEASURE:</u>	Report, year-to-date, the number of Hazardous Waste Transporters that received an inspection in FY '94. (State and Region combined.)	*STARS CODE: TARGETED: REPORT ONLY:	R/E-6d NO YES

*These measures support the required enforcement core information as outlined in the Deputy Administrator's memo of January 14, 1993.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1994

RCRA Enforcement Definitions

R/E-1a

This measure reports the number of formal administrative actions issued year-to-date including 3008(a), 3009(h), 3013 and 7003.

R/E-1b

This measure reports the number of civil judicial actions referred to the Department of Justice or State Attorney General.

R/E-1c

This measure reports the number of cases referred for possible criminal action.

R/E-2a

This measure reports the number of SNCs in existence as of October 1, 1993. In this measure SNCs are defined as: (1) For the period prior to 1988**, LDFs with Class I violations for GW, FR and C/PC; (2) For FY '88-'89, LDFs with Class I violations for GW, FR and C/PC or corrective action compliance schedules at all TSDFs; (3) For FY '90, TSDFs that are classified as High Priority Violators (HPVs) according to the revised Enforcement Response Policy (ERP). Included are those TSD facilities that are designated HPVs because of land disposal restriction violations; or (4) For FY '91 and beyond, any TSDF, Generator or Transporter identified as a High Priority Violator according to the Enforcement Response Policy.

** Pre-fiscal 1988 data will not be pulled

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1993

RCRA Enforcement Definitions (continued)

R/E-2b

From the universe of SNCs in existence as of October 1, 1993 which have been out-of-compliance for three or more years, this measure reports the number of SNCs that have had formal actions and have not returned to compliance with all violations which caused them to be in SNC. In this measure SNCs are defined as: (1) For the period prior to 1988, LDFs with Class I violations for GW, FR and C/PC; (2) For FY '88-'89, LDFs with Class I violations for GW, FR and C/PC or corrective action compliance schedules at all TSDFs; or (3) For FY '90, TSDFs that are classified as High Priority Violators (HPVs) according to the revised Enforcement Response Policy (ERP). Included are those TSD facilities that are designated HPVs because of land disposal restriction violations; or (4) For FY '91 and beyond, any TSDF, Generator or Transporter identified as a High Priority Violator according to the Enforcement Response Policy.

R/E-3

This measure reports the number of EPA enforcement settlements which require the performance of a specific pollution prevention or waste minimization projects (administrative and judicial orders). It only includes the following projects: pollution prevention, pollution reduction, environmental restoration, environmental auditing, and enforcement-related environmental public awareness.

R/E-4a

This measure reports, year-to-date, the number of TSDFs in full physical compliance with no outstanding Class I violations.

R/E-4b

This measure reports, year to date, the number of TSDFs where every outstanding Class I violation is on a compliance schedule as a result of a formal enforcement action and there are no violations of any of the compliance schedules.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1993

RCRA Enforcement Definitions (continued)

R/E-5a

The purpose of this measure is to determine whether formal (initial or final) enforcement actions deter non-compliance. The universe of facilities for this measure is all TSDFs that had at least one formal enforcement action issued against them in FY '91 (October 1, 1990 - September 30, 1991). From this universe, the measure compares the number of TSDFs that had a subsequent violation of any type addressed in any of the FY '91 actions against the number of TSDFs that did not have a subsequent violation of any type.

R/E-5b

The purpose of this measure is to determine whether formal (initial or final) enforcement actions deter non-compliance. The universe of facilities for this measure is all TSDFs that had at least one formal enforcement action issued against them in FY '92 (October 1, 1991 - September 30, 1992). From this universe, the measure compares the number of TSDFs that had a subsequent violation of any type addressed in any of the FY '92 actions against the number of TSDFs that did not have a subsequent violation of any type.

R/E-6a

This measure reports, year-to-date, the number of LDFs including operating, permitted or closing land disposal facilities (except Underground Injection Control (UIC) facilities) inspected in FY '94. This would include Federal/State/Local/Commercial LDFs as identified under §3007 (c), (d) and (e) of the Solid Waste Disposal Act. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-6b

This measure reports, year-to-date, the number of TSFs including operating or permitted treatment and storage facilities inspected in FY '94. This would include Federal/State/Local/Commercial TSFs as identified under §3007 (c), (d) and (e) of the Solid Waste Disposal Act. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1993

RCRA Enforcement Definitions (continued)

R/E-6c

This measure reports, year-to-date, the number of Generators, LQGs and SQGs, inspected in FY '94. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-6d

This measure reports, year-to-date, the number of Transporters inspected in FY '94. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Corrective Action

GOAL: Prepare for and respond to in a timely and effective manner to releases of hazardous substances into the environment.

OBJECTIVE: Develop an integrated cleanup program

ACTIVITY: Track progress of facilities through two of the three corrective action pipeline stages.

<u>MEASURE:</u>	STAGE I: Information Collection and Study at High NCAPS Priority Facilities.	STARS CODE:	R/J-1a
		TARGETED:	NO
		REPORT ONLY:	YES
		SUNSET:	2/94

<u>MEASURE:</u>	STAGE II: Remedy Development and Selection at High NACPS Priority Facilities. High NCAPS Priority Facilities.	STARS CODE:	R/J-1b
		TARGETED:	NO
		REPORT ONLY:	YES
		SUNSET:	2/94

ACTIVITY: Track progress toward completing key activities in the corrective action program.

<u>MEASURE:</u>	Number of TSDFs evaluated for near term actions to reduce risk and control containment releases (i.e., stabilization evaluations).	STARS CODE:	R/J-2
		TARGETED:	NO
		REPORT ONLY:	YES
		SUNSET:	2/94

<u>MEASURE:</u>	Number of TSDFs with actions initiated to reduce and control the spread of containment releases. (Actions are Stage III at High NCAPS priority facilities and near term risk reduction (i.e., stabilization measures underway) at H/M/L NACPS facilities).	STARS CODE:	R/J-3
		TARGETED:	NO
		REPORT ONLY:	YES
		SUNSET:	2/94

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Corrective Action Definitions

R/J-1a

Stage I: Information Collection and Study at NCAPS high priority facilities. Consider the following activities to be part of this Stage of the corrective action process: RFI Workplan Approved (CA150), RFI Approved (CA200). This measure will count the number of facilities which have moved into this stage for the first time. The facility must also have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority OR stabilization is underway, but the facility must continue through to final remedy for other acceptable reasons.

R/J-1b

Stage II: Remedy Development and Selection at NCAPS high priority facilities. Consider the following activities to be part of this Stage of the corrective action process: CMS Workplan Approved (CA300), CMS Approved (CA350), Remedy Selected (CA400), Corrective Measures Design Approved (CA450). Count facilities which have moved into this stage of process for the first time. The facility must also have received at least one stabilization measures evaluation (CA225) to count for this measure. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority OR stabilization is underway, but the facility must continue through to final remedy for other acceptable reasons.

R/J-2

This measure will count the number of facilities which have received at least one stabilization measures evaluation (CA225).

R/J-3

This measure will count the sum of: (1) the number of H/M/L corrective action (NCAPS) priority facilities with stabilization measures implemented (CA600) at one or more areas, and (2) the number of high corrective action (NCAPS) priority facilities which have moved into Stage III for the first time. Stage III -- Remedy Implementation, incorporates the following activities: CMI Workplan Approved (CA500), CMI Completed (CA550). Facilities should only move into Stage III if they are not feasible candidates for stabilization and are still of high corrective action (NCAPS) priority OR stabilization is underway, but the facility must continue through to final remedy for other acceptable reasons. Stabilization measures implemented at an area (as defined in RCRIS) of a facility while that area is in Stage III, should be considered Stage III remedy implementation activities.

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Biennial Report

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: States actively plan for adequate capacity to ensure the safe management of their wastes.

ACTIVITY: Track progress of States Submission of the 1991 Biennial Report.

MEASURE: Number of States for which the Region receives an initial full Biennial Report
data submission by July 1, 1994.

STARS CODE:	R/PM-2
TARGETED:	NO
REPORT ONLY:	YES
SUNSET:	2/94

OFFICE OF SOLID WASTE
FY 1994
RCRA Subtitle C: Waste Minimization

GOAL: Minimize the quantity and toxicity of waste created by commercial, industrial and governmental activity.

ACTIVITY: Track Regional and State waste minimization initiatives as an effective gauge of movement in this priority area of the RCRA program.

MEASURE: Describe waste minimization activities undertaken as part of the waste minimization strategy.

STARS CODE:	R/PM-3
TARGETED:	NO
REPORT ONLY:	YES
SUNSET:	2/94

APPENDIX B

BEGINNING OF YEAR PLAN GUIDANCE

**[Note: This appendix will be released in an addendum to the FY'94 RIP
on May 15, 1993.]**

APPENDIX C

END OF YEAR REPORT GUIDANCE

**[Note: This appendix will be released in an addendum to the FY'94 RIP
on May 15, 1993.]**

APPENDIX C-1

BASELINE PERFORMANCE MEASURES

**[Note: This appendix will be released in an addendum to the FY'94 RIP
on May 15, 1993.]**

APPENDIX D

LIST OF ACRONYMS AND GLOSSARY OF KEY TERMS

APPENDIX D

LIST OF ACRONYMS

AOG	Agency Operating Guidance
BIF	Boiler and Industrial Furnace
BRS	Biennial Reporting System
BYP	Beginning of Year Plan
CAMU	Corrective Action Management Unit
CAP	Capacity Assurance Plan
CEI	Compliance Evaluation Inspection
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CME	Comprehensive Ground-Water Monitoring Evaluation
EMC	Enforcement Management Council
EPI	Environmental Priorities Initiative
ERP	Enforcement Response Policy
EYR	End of Year Report
GAO	General Accounting Office
HRS	Hazard Ranking System
HSWA	Hazardous and Solid Waste Amendments
LDR	Land Disposal Restrictions
MCL	Maximum Contaminant Level

MSW	Municipal Solid Waste
NCAPS	National Corrective Action Priority Ranking System
NEIC	National Enforcement Investigations Center
NPL	National Priorities List
O&M	Operation and Maintenance Inspection
OERR	Office of Emergency and Remedial Response
OSW	Office of Solid Waste
OSWER	Office of Solid Waste and Emergency Response
PA	Preliminary Assessment
RCPP	RCRA Civil Penalty Policy
RCRIS	Resource Conservation and Recovery Information System
RFA	RCRA Facility Assessment
RIP	RCRA Implementation Plan
RIS	RCRA Implementation Study
RTC	Return to Compliance
SEAP	State Authorization and Enhancement Plan
SI	Site Investigation
STARS	Strategic Targeted Accomplishments for Results System
STIR	State/Tribal Implementation Rule
SWMU	Solid Waste Management Unit
TCLP	Toxicity Characteristic Leaching Procedure
TSDF	Treatment, Storage, and Disposal Facility

TU Temporary Unit

UIC Underground Injection Control

GLOSSARY OF KEY TERMS

Beginning of Year Plan (BYP)

A BYP is a management document prepared by each Region, in coordination with the States, to outline environmental ranking of all TSD facilities in the Region; the strategic approach to balance activities to meet these needs; projected accomplishments in the coming year; and Regional/State priorities and initiatives. This planning and management tool must be submitted to Headquarters by October 15, 1992.

End of Year Report (EYR)

An EYR is a document prepared by each Region to summarize Regional and State accomplishments and progress, priority shifts, and emerging issues/events. This accountability tool must be submitted to Headquarters by November 15, 1992.

Environmental Benefits

This is one of two criteria used to evaluate a facility's priority; this addresses the opportunities to avoid future risks and make long-term environmental improvements. Factors that support this evaluation include: new capacity; innovative technologies; waste minimization; cross-media benefits; incentives for compliance; and enhanced regulatory control. The environmental benefits criterion should be evaluated at facilities ranked medium and low for environmental significance to determine whether to elevate them to high priority.

Environmental Indicators

Direct measures of the health and environmental effects resulting from RCRA activities. Since these data are not readily available, OSW currently reports surrogate or intermediate measures that indirectly indicate environmental effects of the RCRA program. These measures include trends in the amount of hazardous waste generated by industry group, as well as a baseline to track the effectiveness of future waste minimization efforts, and the number of facilities with actions underway to control contaminant releases.

GLOSSARY OF KEY TERMS (CONTINUED)

Environmental Priorities Initiative (EPI)

The EPI is a program led by the Office of Emergency and Remedial Response which utilizes Superfund resources to complete PAs at RCRA facilities. These initial assessments are called PA-pluses because they should provide the level of SWMU information necessary to support a RCRA permit or order. The PA-plus's should also provide sufficient information for both NCAPS in RCRA and the HRS in Superfund.

Environmental Significance

Environmental significance is one of two criteria used to evaluate a facility's priority. This term addresses known and potential releases from TSDF regulated units and other SWMUs. Factors that support this evaluation include known or suspected release, migration potential, exposure potential, and waste/unit characteristics. If RFA, EPI/PA or equivalent data are available, the facility should be ranked using NCAPS; if not, a qualitative ranking should be assigned.

Facility Priority

The Strategic Management Framework uses two criteria to evaluate a facility's priority: environmental significance and environmental benefits to be gained from Regional or State actions.

Initial or Preliminary Assessment

This activity is completed when a facility has received an RFA or PA-plus. The data obtained from the initial assessment is used to complete a priority ranking under NCAPS.

National Corrective Action Prioritization System (NCAPS)

A nationally uniform facility ranking tool that is used to evaluate the overall environmental significance of the facility and rank it for corrective action purposes. The evaluation is based upon RFA or equivalent data.

GLOSSARY OF KEY TERMS (CONTINUED)**Other Considerations**

While the Strategic Management Framework uses environmental significance and environmental benefits as the criteria for determining a facility's priority ranking, EPA recognizes that there are circumstances when facilities that are not ranked as high priority must be addressed. In these cases, other considerations (such as public concern and State law provisions) may be the basis for taking permitting or corrective action at a facility. The goal is to limit the number of "other consideration" facilities where long term, resource intensive activities are being conducted to 15 percent of total facilities being actively addressed.

RIP-Flex

Regions and States may disinvest up to 25 percent of Regional or State enforcement resources allocated for national priority enforcement activities and reinvest in Regional or State-specific enforcement priorities.

Stabilization

Any near term actions taken to reduce risk and prevent or minimize the further spread of contamination. For data entry purposes, cleanup actions initiated while a facility is at the RFA Stage or Stages I and II will be considered stabilization actions. Cleanup actions initiated during Stage III will be considered final remedial action.

Stages I, II, and III

A means of categorizing the facilities in the corrective action pipeline. Stage I includes information collection and study; Stage II includes remedy development and selection; and Stage III includes remedy implementation.

STARS

The Strategic Targeted Accomplishments for Results System (STARS) is an Agency-wide mechanism to highlight a limited number of program activities and accomplishments that are key indicators of progress for the highest levels of EPA management. In addition to this quantitative accountability mechanism, the RCRA

GLOSSARY OF KEY TERMS (CONTINUED)

program also relies on the BYP and EYR to articulate environmental priorities, portray management choices, provide reporting flexibility, and evaluate program accomplishments and direction.

State Authorization and Enhancement Plan

Regions will submit these plans as part of the BYPs. They will outline Regional activities to build State capability and encourage authorization. The plans will include the work currently shared and should present a schedule of milestones for improving a State's capability.

Strategic Management Framework

A national management tool in the RCRA Subtitle C permitting and corrective action programs to target resources to environmental priorities. The components are: (1) ranking a facility's environmental priority, (2) choosing appropriate prevention and/or cleanup activities to address priority facilities, and (3) providing accountability for projected activities and measures for these choices. The Strategic Management Framework does not apply to the non-facility aspects of Subtitle C, the Subtitle C enforcement program, or the Subtitle D municipal and industrial solid waste program.

Worksharing

A cooperative approach to maximize the opportunity for productive sharing of the RCRA program between States and EPA Regions. It serves to build State capability as a basis for authorization and ensures efficient and complementary use of State and Federal resources to achieve environmental results. Worksharing can include both authorized and unauthorized elements of a State program.

