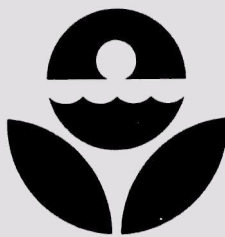


RESOURCE CONSERVATION and RECOVERY ACT (IOWA)

Activities Leading
Into The 1990s



REGION 7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

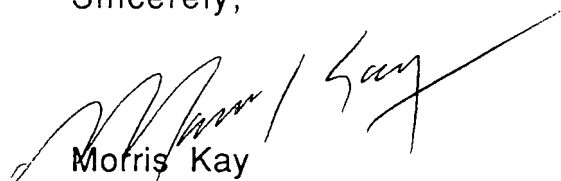
OFFICE OF
THE REGIONAL ADMINISTRATOR

Dear Reader:

The information contained in the following pages is designed to help you understand how Region 7 of the U.S. Environmental Protection Agency regulates hazardous wastes in Iowa. As you may know, Iowa has presented a unique challenge to Region 7 since the State Legislature returned management of hazardous wastes under the Resource Conservation and Recovery Act to EPA in 1985. This report explains how Region 7 is meeting that challenge, introduces the people who are doing it, and takes a look at the program's goals as we enter the 1990s.

In addition to its regulatory responsibilities, EPA also has a vitally important role as an information resource. Most of the people, businesses and institutions of this country want to comply with environmental laws, and we want to help them learn how. This report will help you understand what we do. If you want to know more about hazardous waste management, please contact one of the sources listed at the end of this report.

Sincerely,



Morris Kay
Regional Administrator

REPORT OF IOWA ACTIVITIES

Background

Management of hazardous wastes is regulated by the U.S. Environmental Protection Agency (EPA) under Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). The regulations, which initially became effective in November 1980, were designed so that they could be incorporated into state hazardous waste management programs.

Most states, including Iowa, have received authorization to implement the RCRA regulations. However, Region 7 has been responsible for implementing the hazardous waste program in Iowa since the State Legislature returned the program to EPA July 1, 1985.

This report was prepared to provide an overview of the RCRA program in Iowa. The report describes the organization of the program in EPA and the people who are running the program on a day-to-day basis. The report also identifies the national goals of the RCRA program and relates them to the Iowa hazardous waste program. Highlights and summaries of the accomplishments of the Iowa hazardous waste program during Fiscal Year 1989 (FY89) are presented.

EPA's Implementation of the RCRA Program in Iowa

Subsequent to reversion of the RCRA program from Iowa in 1985, EPA formed a new Iowa Section in the RCRA Branch that combined the functions of the other sections, such as permitting and compliance, into one section that specifically addressed Iowa. There were originally eight full-time employees in the Iowa Section. The Iowa Section has since grown to fifteen.

In addition to the Iowa Section, a number of other people are involved in implementing the hazardous waste program in Iowa. Within the RCRA Branch, other sections provide necessary support. The Hydrogeologic Section assists in reviewing ground-water monitoring systems and other activities related to hydrogeology. The Administrative Section supports the Iowa hazardous waste program by maintaining most of the tracking systems, coordinating contractors and responding to Freedom of Information Act requests.

Others at EPA outside of the RCRA Branch also provide support in a variety of ways. The Environmental Services Division provides support in the form of compliance inspections, complaint investigations, sampling and analysis. Regional Counsel provides legal support for enforcement actions and permits. Public Affairs coordinates public participation in the permitting process and responds to inquiries from the news media and the public. Congressional and Intergovernmental Liaison responds to inquiries from elected governmental officials.

Contractors, when necessary, are used for activities such as inspections, investigations, sampling, analyses and administrative tasks such as data entry and filing.



Luetta Flournoy

The person who has been in charge of the Iowa Section since it was formed is Luetta Flournoy, Professional Engineer (P.E.). She is responsible for overseeing and implementing the hazardous waste program in Iowa. While not all of the people involved with the Iowa hazardous waste program are in the Iowa Section, activities associated with implementing the RCRA program in Iowa are coordinated through the Iowa Section to assure that the work in Iowa is completed.

The Iowa Section is divided into an enforcement unit and a permit unit. The enforcement unit is primarily responsible for scheduling inspections and developing formal and informal enforcement actions in response to violations of the hazardous waste requirements. The permit unit is primarily responsible for reviewing RCRA closure plans and permit applications. Both units are responsible for corrective action activities,

which consist of monitoring and remediating releases of hazardous waste or hazardous constituents from facilities subject to RCRA.



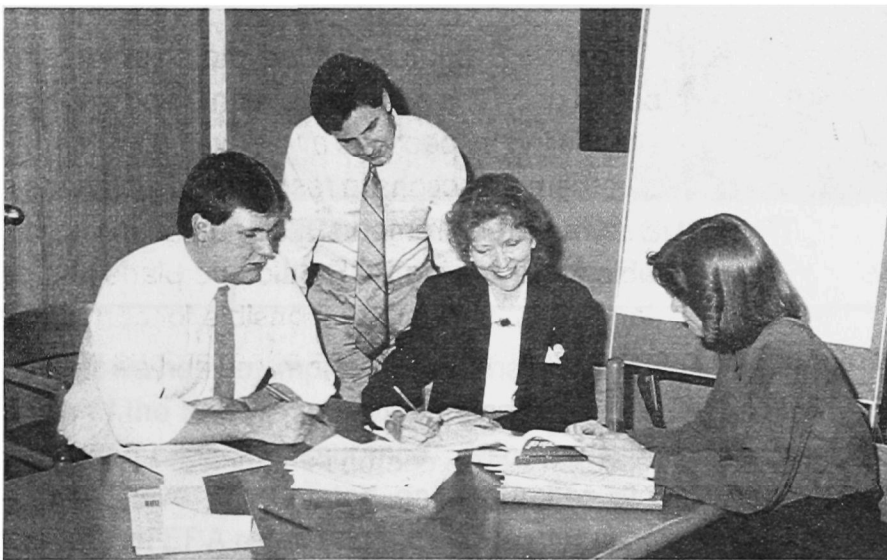
THE ENFORCEMENT UNIT

Standing: Jim Callier, Ruben McCullers, Dick Bowman
Seated: Brian Mitchell, Tony Petruska, Beth Koesterer

The enforcement unit is led by Jim Callier, environmental engineer. The members of the unit are environmental engineers Beth Koesterer, Ruben McCullers, Brian Mitchell, Tony Petruska and Lynn Slugantz and technical assistant Dick Bowman.

The permit unit is led by Harriett Jones, P.E., environmental engineer. The members of the permit unit are environmental engineers Pat Frey, Ken Herstowski, Don Lininger and Tran Tran.

Tran Tran provides assistance in areas such as issuance of provisional identification numbers, biennial report reviews and developing enforcement actions. Clerical and secretarial support are provided by June Armstrong and Becky Peoples.



THE PERMIT UNIT
Don Lininger, Ken Herstowski, Harriett Jones
Pat Frey

Inspections are conducted primarily by EPA's Environmental Services Division (ENSV). ENSV has conducted about 170 inspections in Iowa each of the last several fiscal years. Contractors have conducted about 50 inspections in Iowa during the last several fiscal years.

ENSV has two RCRA inspectors stationed in Des Moines and an additional four RCRA inspectors in the Kansas City Regional Office. The inspectors in Iowa conduct inspections in Iowa. The Kansas City-based inspectors conduct inspections in Iowa and the other three states in the Region. Kansas, Nebraska and Missouri have been delegated authority for RCRA in their respective states and are responsible for conducting most inspections. EPA oversees the programs in these states. The number of facilities inspected in Iowa by EPA compares favorably

with the numbers inspected by Missouri, Kansas and Nebraska. The Iowa hazardous waste program typically meets or exceeds national inspection criteria.



CLERICAL & SECRETARIAL SUPPORT
June Armstrong, Becky Peoples

Although Iowa has not implemented a hazardous waste program, the State is involved in other aspects of the hazardous waste management, such as facility siting, generator and transporter fees and capacity assurance. Also, the Iowa Department of Natural Resources (IDNR) and EPA have coordinated on a number of activities. Copies of all outgoing correspondence from EPA regarding the RCRA status of Iowa facilities are sent to the IDNR. The IDNR refers sites to EPA for review under RCRA, and EPA refers sites to the IDNR for review under Iowa-run programs.

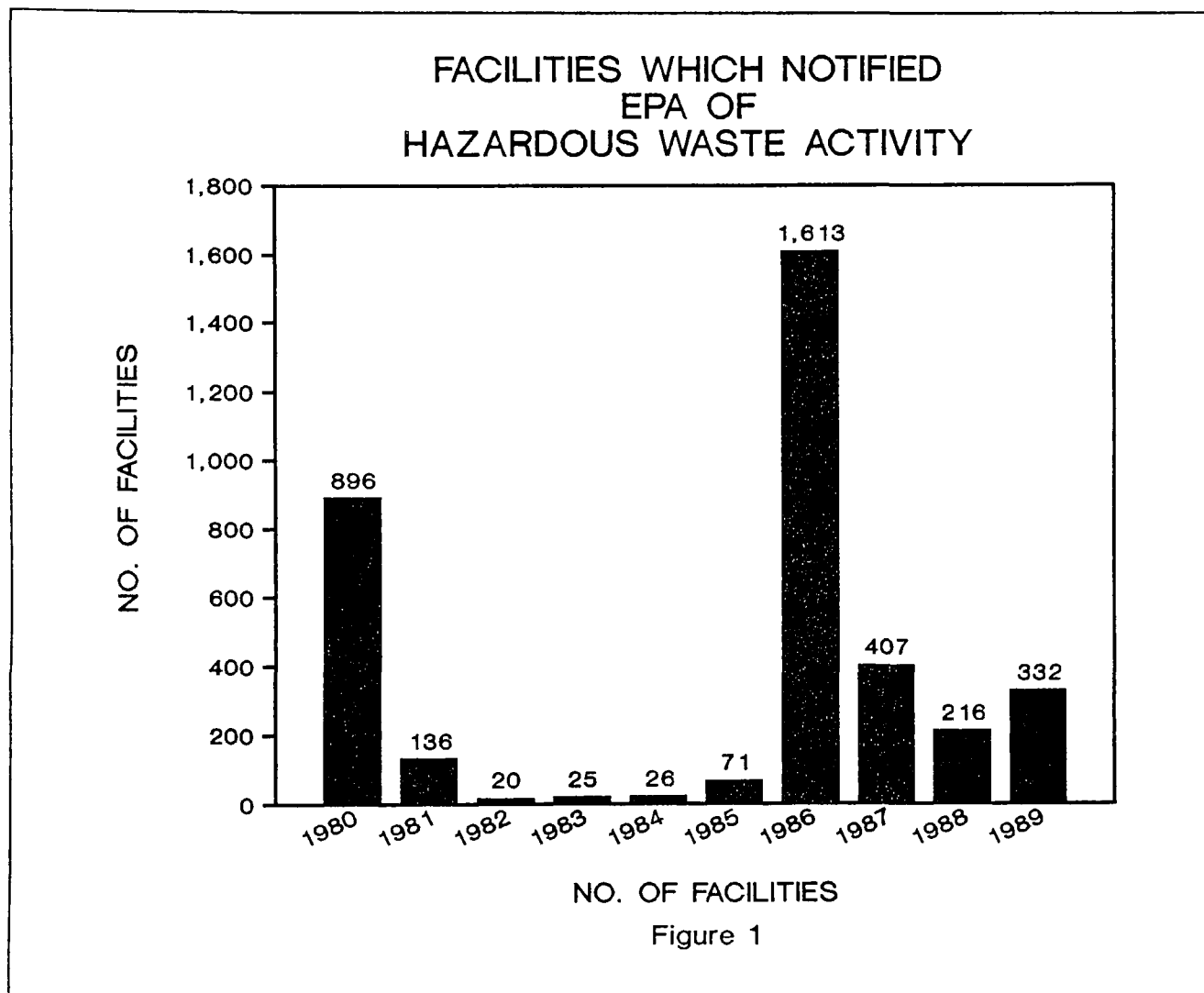
Accomplishments for FY89

The Regulated Community

The number of facilities regulated under RCRA has increased dramatically since the program was implemented in 1980. This increase has occurred nationally, not just in Iowa. The increase can be attributed to at least two major factors.

First, the regulations have changed several times since 1980. Some of the major regulatory changes that contributed to the increase in the number of regulated facilities were: the redefinition of solid waste, effective January 1985; the regulation of small quantity generators of 100 to 1,000 kilograms of hazardous waste per month, September 1986; and the regulation of mixed waste (mixtures of radioactive and hazardous wastes), March 1989.

An upcoming regulation change, tentatively scheduled to be effective in 1990, is a change in the definition of a characteristic hazardous waste. The characteristic of EP toxicity would change to a characteristic based on leachability by the Toxic Characteristic Leaching Procedure (TCLP).

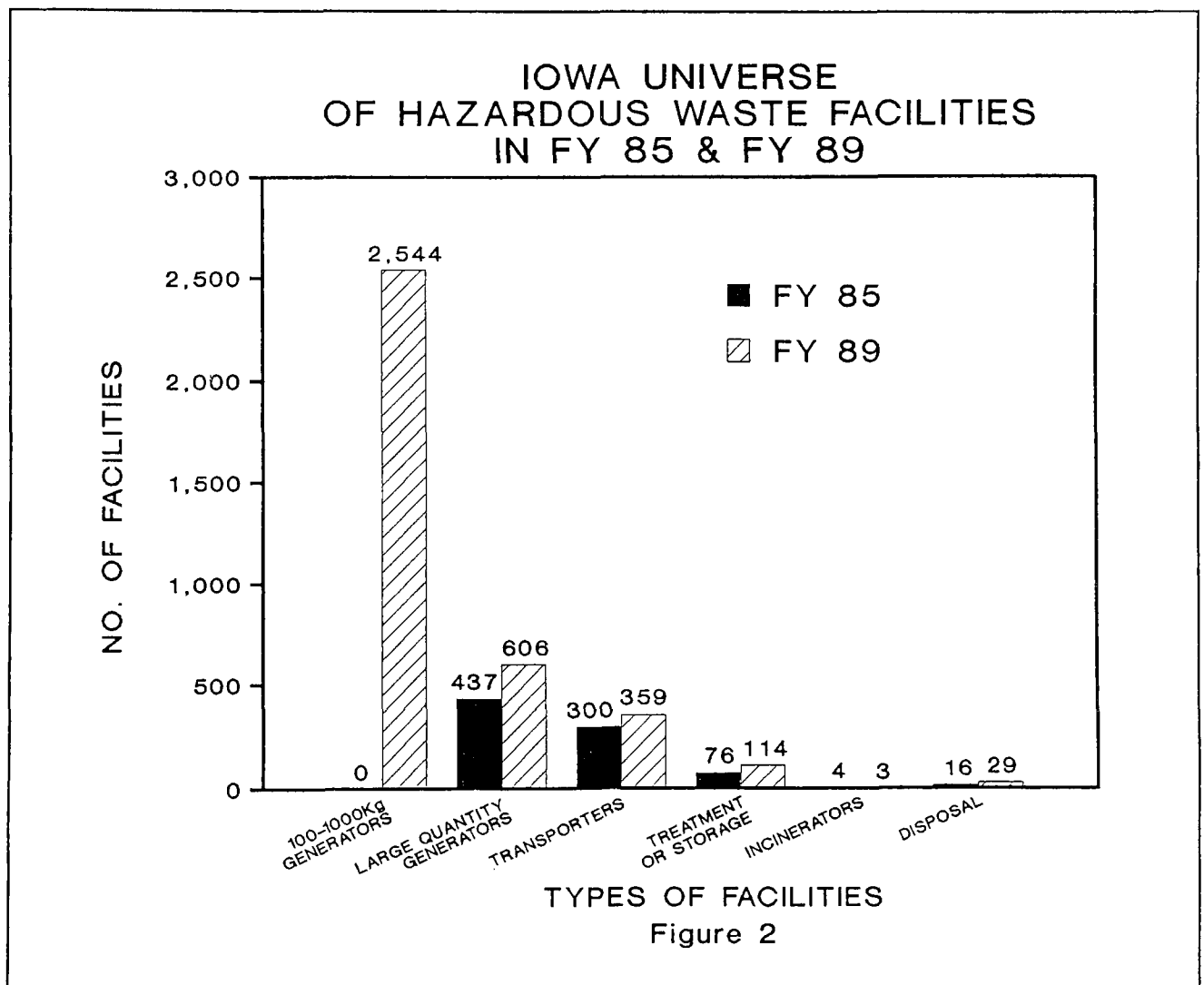


A second factor that increased the number of facilities which notified EPA was Iowa's prohibition on the disposal of any quantity, including small quantities, of hazardous waste at sanitary landfills. These facilities had to locate other facilities to handle these wastes, typically RCRA treatment or disposal facilities. The treatment or disposal facilities often would not accept the waste until the facilities notified EPA of their activity and obtained EPA identification numbers.

Another factor that has contributed to the increase in the regulated community has been increased awareness by the regulated community of environmental issues, including hazardous waste management. This increased awareness of environmental issues has been brought about in part by highly visible environmental enforcement actions and remedial activities, edu-

cational programs such as training courses and seminars and press coverage of environmental topics.

In 1980, there were approximately 900 facilities in Iowa that notified EPA they were involved in the management of hazardous waste. These 900 Iowa facilities included generators, transporters, and treatment, storage and disposal facilities. Until 1986, only about 300 additional Iowa facilities notified EPA of hazardous waste activity. In 1986, more than 1,600 Iowa facilities notified EPA. Most of these were small quantity generators filing as a result of the new regulation of small quantity generators. Since 1986, approximately 300 Iowa facilities per year have notified EPA. Most of these were also small quantity generators.



At the close of FY89, regulated facilities in Iowa consisted of about 2,550 small quantity generators, 600 large quantity generators (generators of more than 1000 kilograms per month), 360 transporters, 114 treatment and/or storage facilities, 3 incinerators, and 29 land disposal facilities. For comparison purposes, regulated facilities in Iowa in 1985, when the program was returned to EPA, consisted of about 440 generators, 300 transporters, 76 treatment and

storage facilities, 4 incinerators (one has since closed), and 16 land disposal facilities. In 1985, the regulations for the small quantity generators were less stringent, and not as many were subject to regulation then.

Based upon information provided in biennial reports to EPA, not all of the facilities listed above may actually be managing hazardous waste. Some of these facilities may have filed notifications as a protective measure in case they would generate a hazardous waste at some point in the future.

Another key point regarding the number of Iowa hazardous waste facilities is how many of the facilities are closing their waste management units. Only about 20 of these facilities are seeking operating permits for their treatment or storage units, and no facilities are seeking operating permits for hazardous waste disposal units.

Finally, the universe of regulated facilities is dynamic. The number of facilities subject to RCRA regulation is expected to continue to increase during the upcoming fiscal year as it has in the last several fiscal years.

Permitting Activities

There are currently no authorized hazardous waste land disposal facilities operating in the state of Iowa. To date, 29 land disposal facilities have been identified in Iowa, all of which are either closed or in the process of closing. To close their land disposal units, facilities must submit plans to EPA for approval which will demonstrate that all waste has been removed and the area has been adequately decontaminated, or a facility may close a disposal unit with waste in place, as a landfill. Landfill closure requires the facility to submit, for EPA review and approval, a plan for installing a multi-layered cover that will prevent migration of waste from the unit and for installing a ground-water monitoring well system which will detect any release of hazardous waste should it occur.

Thus far, EPA has approved 23 closure plans for land disposal facilities, and two are expected to be approved in early FY90. Five post-closure permit applications have been received from those land disposal facilities that are anticipating closure as a landfill with wastes in place. Processing and issuance of these permits has begun and will extend through FY90 and FY91. The processing and approval of land disposal facility closure plans is a priority activity for EPA.

All Interim Status land disposal facility permits were required by the regulations to be issued or denied by November 8, 1988. No Iowa land disposal facilities are known to be seeking a permit at this time.

Three incinerator permit applications have been received from facilities that have operated under Interim Status. The regulations required that these permits be approved or denied by November 8, 1989. All three permits were issued by the deadline.

Closure plans for treatment and/or storage facilities also require approval by EPA prior to implementation by the facility. Closure plans from 37 treatment and/or storage facilities have been approved by EPA. Closure plans from numerous other treatment and/or storage facilities are under review.

All treatment and/or storage permit applications had to be submitted to EPA by interim status facilities by November 8, 1988. By that date, EPA had received 15 permit applications. The regulations require that these permits be approved or denied by November 8, 1992. Processing and issuance is under way and it is expected that this goal will be met. In addition, one permit application has been received for a proposed new storage facility. Those applications which provide additional capacity are being given a priority and are being processed first. It is anticipated that 16 permits will be approved or denied by November 8, 1992.

Operating permits have been issued to three treatment and/or storage facilities in Iowa. Five facilities have had their treatment and/or storage permits denied.

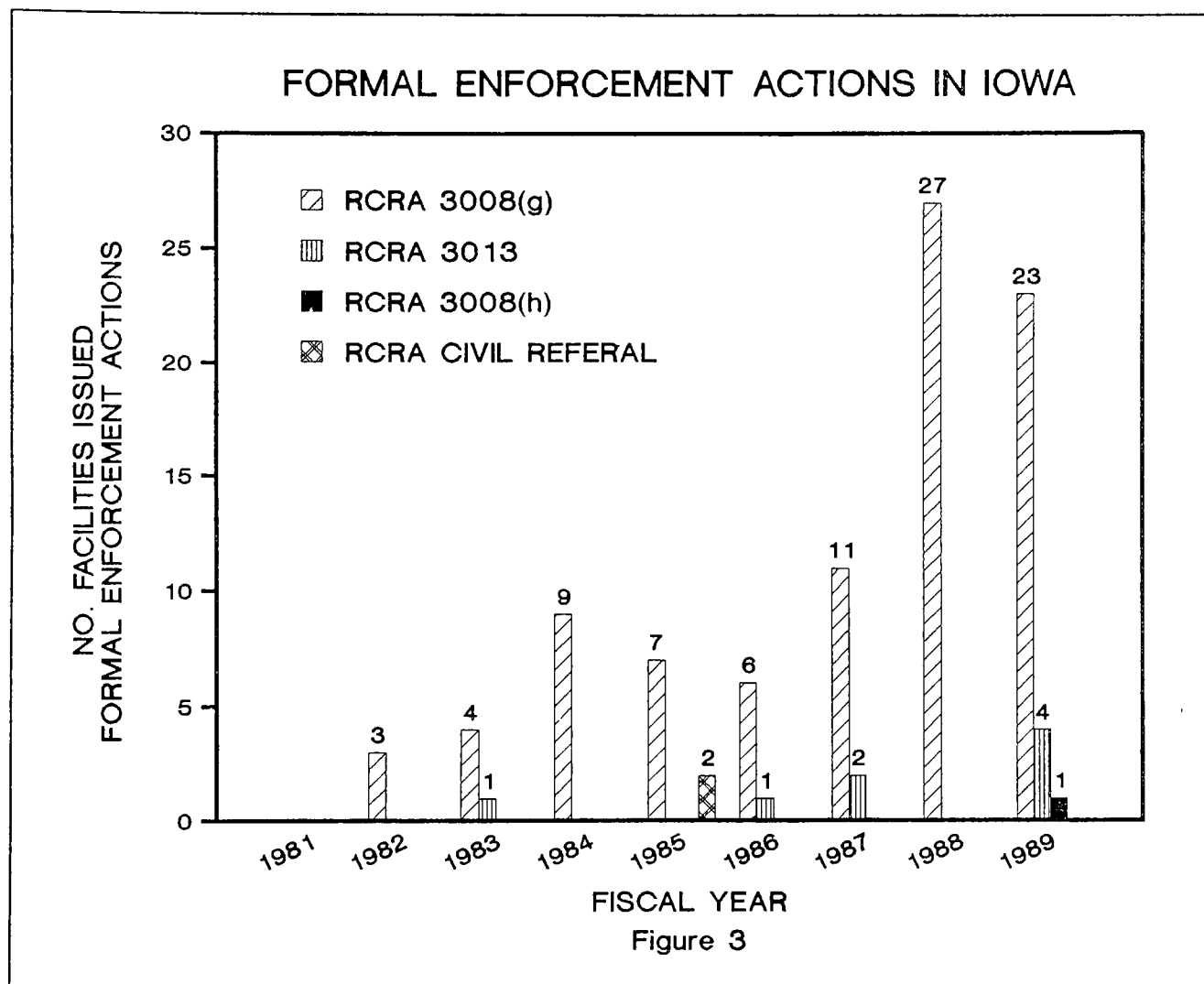
The 1984 RCRA amendments require that all hazardous waste treatment, storage and disposal facilities take corrective action for any release of hazardous waste or constituents into the environment. As part of this provision, the Agency requires a RCRA Facility Assessment (RFA) at each treatment, storage or disposal facility (TSDF) to determine if any such releases are likely to have occurred and, if so, what further investigation and action might be warranted. The TSDFs have been prioritized based on factors such as the quantity of waste managed, the relative hazardous nature of the waste, the type of unit in which the waste is managed and any known information regarding releases to the environment.

Compliance and Enforcement Activities

At the beginning of FY89, there were approximately 39 facilities with significant RCRA violations, and another 15 were tentatively identified during the year. EPA's national Enforcement Response Policy states that EPA should issue formal enforcement actions with appropriate civil penalties for significant RCRA violations. EPA's primary authority to issue formal enforcement actions is found at Section 3008 of RCRA. Such formal actions will require the facility to comply with the appropriate regulations and can include a civil penalty of up to \$25,000 per day of violation.

Formal enforcement actions are issued for a variety of violations. Some of the types of

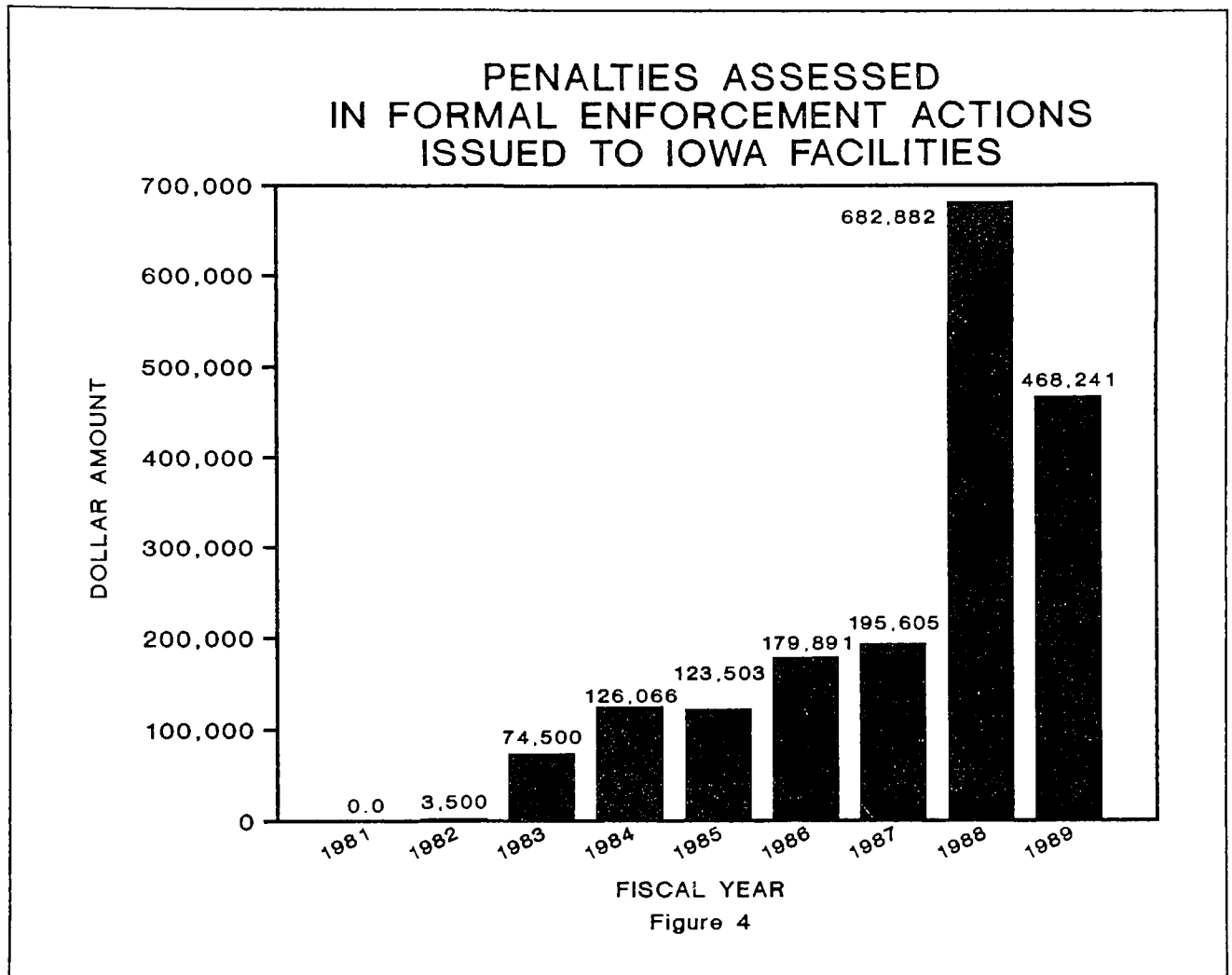
violations that warrant formal enforcement and penalties include treatment, storage or disposal of hazardous waste without a permit; failure to manifest hazardous waste shipments to a designated facility; failure to notify EPA of hazardous waste activity; failure to comply with the terms of an approved closure plan, permit or order; failure to comply with major operating requirements such as ground-water monitoring, financial assurances, record-keeping or reporting requirements; and failure to provide information requested by EPA.



For FY89, approximately 23 formal enforcement actions assessing a total of \$468,241 in penalties were issued under the authority of Sections 3008(a) and (g) of RCRA. Also, approximately 22 consent orders resolved previous formal actions. EPA assessed or collected penalties totaling \$219,004 in these final orders.

Besides formal enforcement actions, EPA has issued numerous informal actions during FY89. Informal actions can include letters of warning, letters of compliance and requests for information letters. More than 200 of these kinds of letters were issued to facilities in Iowa in FY89. Request-for-information letters are used to clarify issues or gather information

necessary to determine a facility's compliance with RCRA. Other informal actions, such as letters of warning, are primarily used to address minor violations, such as paperwork-type violations.



Corrective Action

During FY89, EPA issued the first corrective action order in Iowa under the authority of Section 3008(h) of RCRA. Section 3008(h) of RCRA, added to RCRA by the Hazardous and Solid Waste Amendments (HSWA) in 1984, authorizes EPA to require remedial activities at TSDFs. Remedial activities have been and will continue to be conducted under other authorities available to EPA, including RCRA closure activities, RCRA permitting and Superfund authorities.

In addition, approximately four final orders under the authority of Section 3013 of RCRA were issued during FY89. Section 3013 allows EPA to require monitoring, testing or analysis where the presence of hazardous waste or constituents may present a substantial threat to

human health or the environment. These activities will determine the need for further action at the facility.

Reorganization

During FY89, the Waste Management Division of Region 7 was reorganized. This reorganization had an impact on the Iowa Section. The reorganization created two new sections within the RCRA Branch, the Hydrogeology Section and the Administrative Section. The reorganization also created the two units in the Iowa Section, the permit unit and the enforcement unit.

In the reorganization, the Iowa Section's geologist and administrative assistant were placed into the new sections. As a result of the reorganization, the overall number of resources available to work on Iowa projects increased because other geologists and administrative personnel will work on Iowa projects.

Future Plans and Goals for FY90

In FY90, the following activities have been identified as the four highest national priority activities for the RCRA program:

1. Identify and prioritize environmentally significant treatment, storage and disposal facilities. Address other environmentally significant handlers on a priority basis and initiate corrective action and closure activities at these facilities on a worst-first basis through an operating permit, post-closure permit, corrective action order, approved closure plan or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) action, as appropriate.
2. Process permits for new and expanded facilities, especially those providing treatment and incineration capacity; research, development and demonstration (RD&D); commercial treatment capacity; and pollution prevention techniques.
3. Work toward ensuring that final permit determinations on environmentally significant storage and/or treatment facilities are made by November 1992.

4. Encourage facility compliance; conduct inspections mandated by HSWA, the Superfund Amendments and Reauthorization Act of 1986 (SARA) and Agency policy; and pursue enforcement against significant violators.

In FY90, the Iowa Section intends to use available resources to the maximum extent possible in order to meet these priorities. High priorities will be placed on the most environmentally significant facilities.

WHERE TO GO FOR INFORMATION

A variety of sources are available to answer your questions regarding waste management practices and requirements. The EPA, the Iowa Department of Natural Resources and the Iowa Waste Reduction Center are a few. EPA and the Iowa Department of Natural Resources provide information to the public regarding the regulations and requirements each agency administers. The emergence of the Iowa Waste Reduction Center has added another valuable source of information to help you understand the requirements for sound hazardous waste and solid waste management.

If you have any questions about whether or not your wastes are hazardous, if you want to obtain an EPA hazardous waste identification number or you just want to know which hazardous waste requirements may apply to you, contact:

U.S. Environmental Protection Agency
RCRA Branch, Iowa Section
726 Minnesota Avenue
Kansas City, Kansas 66101
913-551-7058

-or-

RCRA/CERCLA Hotline (Washington, D.C.)
800-424-9346
202-382-3000

EPA Region 7 also has a toll-free hot line (800-223-0425) for all EPA programs. The hot line will take messages and relay them to the appropriate program for response.

Under the Freedom of Information Act, you may obtain a copy of most of the information EPA has on file. A written request specifying the information requested may be sent to the Freedom of Information Office:

Rowena Michaels
Freedom of Information Officer
U.S. Environmental Protection Agency
726 Minnesota Avenue
Kansas City, Kansas 66101
800-223-0425

If you have any information or observe illegal or suspicious activities being conducted concerning any hazardous wastes, contact the EPA at 913-551-7058 or 800-223-0425. If desired, you may request that your name be held confidential. If confidentiality has been requested, such information will be protected to the legal extent possible.

The Iowa Department of Natural Resources (IDNR) has several requirements that apply to people who handle solid and hazardous wastes. These requirements include Special Waste Authorizations, hazardous waste generation, transport, treatment, and disposal fees, and regulations developed under the 1987 Ground Water Protection Act. Questions regarding IDNR's waste requirements should be directed to:

Iowa Department of Natural Resources
900 East Grand
Wallace State Office Building
515-281-5145

The Iowa Waste Reduction Center (formerly the Small Business Assistance Center) assists Iowa businesses in the management of solid waste and hazardous substances. You may contact the Iowa Waste Reduction Center at:

Iowa Waste Reduction Center
75 Biology Research Center
University of Northern Iowa
Cedar Falls, Iowa 50614-0185
800-422-3109

Persons at each of the above agencies are available to assist you in achieving or maintaining compliance with all applicable regulations.