


Hazardous Waste
Collection

 United States Environmental Protection Agency Washington, DC 20460		Interim Directive Number 9502.00-5
OSWER Directive Initiation Request		
Originator Information		
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Lead Office <input type="checkbox"/> OERR <input type="checkbox"/> OUST <input checked="" type="checkbox"/> OSW <input type="checkbox"/> OWPE <input type="checkbox"/> AA-OSWER	Approved for Review	
Signature of Office Director		Date
Title RCRA Facility Assessment Guidance		
Summary of Directive Transmits RCRA Facility Assessment Guidance to Regions and discusses definition of a solid waste management unit		
Key Words: RCRA Facility Assessment, RFA, Solid Waste Management Unit		
Type of Directive (Manual, Policy Directive, Announcement, etc.) Guidance Manual Transmission Memo		Status <input type="checkbox"/> Draft <input type="checkbox"/> New <input checked="" type="checkbox"/> Final <input type="checkbox"/> Revision
Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does It Supplement Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" to Either Question, What Directive (number, title)		
Review Plan <input type="checkbox"/> AA-OSWER <input type="checkbox"/> OUST <input type="checkbox"/> OECM <input type="checkbox"/> Other (Specify) <input type="checkbox"/> OERR <input type="checkbox"/> OWPE <input type="checkbox"/> OGC <input type="checkbox"/> OSW <input type="checkbox"/> Regions <input type="checkbox"/> OPPE		
This Request Meets OSWER Directives System Format		
Signature of Lead Office Directives Officer		
Signature of OSWER Directives Officer		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 9 1986

OSWER Policy Directive
9502.00-5

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

SUBJECT: RCRA Facility Assessment Guidance
FROM: *J. Winston Porter*
J. Winston Porter, Assistant Administrator
Office of Solid Waste and Emergency Response
TO: Addressees

Attached you will find guidance on conducting RCRA Facility Assessments (RFAs). This document replaces the draft guidance (then called "PA/SI" guidance) which was distributed in August, 1985. The guidance in this final document does not fundamentally alter the scope or approach to conducting RFAs that was outlined in the draft document. Most revisions have been made to clarify or strengthen certain features of the guidance to reflect what has been learned from experience with conducting RFAs over the past year. Some revisions have also been made to reflect new policy developments associated with implementing the RCRA corrective action program.

I wish to make clear several important points which have been raised by Regions and others regarding RFAs. The RFA is meant to provide the basis for decisions regarding the necessary follow-on steps in implementing corrective action at facilities. While it is important to do a thorough RFA, the approach and scope of an RFA will vary according to site specific conditions. Many of the suggested steps or investigations outlined in the guidance will be unnecessary at a given facility. RFA decisions will often require applying professional judgment to the information collected during the RFA.

It should be understood that it will often be necessary to prioritize the releases and/or units which will be examined as part of an RFA. Certain releases or units at a facility which are of relatively lower priority may be addressed, as appropriate, as part of a compliance schedule in the order or permit, by requiring owner/operators to perform preliminary, RFA-type investigations.

In terms of the scope of RFA investigations, highest priority should be on assessing the discernible solid waste management units at the facility. It may be appropriate in some cases to assign a relatively lower priority to certain solid waste management units at a facility, such as a solid waste management unit which

cannot be located without substantial sampling or other investigations. Likewise, releases or areas of facilities which are not solid waste management units, but which are nevertheless potentially subject to corrective action under RCRA [e.g., §3008(h)] or other authorities, should also be considered to be of relatively lower priority in conducting RFAs. A discussion of these other types of releases, and how they may be addressed, is presented below.

Some questions have been raised regarding the definition of the term "solid waste management unit", which is relevant to determining which units at a facility should be assessed in an RFA. The Final Codification Rule (July 15, 1985) identified the types of discernible units which are considered solid waste management units to include landfills, surface impoundments, waste piles, land treatment units, incinerators, tanks, container storage units, injection wells and other physical, chemical and biological treatment units. In addition, the Agency has interpreted the term to apply to areas associated with production processes at facilities which have become contaminated as a result of routine, systematic and deliberate releases of wastes or constituents (a product may become a waste if it is discarded or abandoned). An example of this type of solid waste management unit would be a wood preservative "kickback" area, where drippage of preservative fluids onto soils from pressure-treated wood is allowed to occur over time.

Several Regions have requested clarification regarding the application of the concept of "solid waste management unit" to other contaminated areas at facilities, such as one-time spills, leakage from product storage, and releases from production areas that are not routine, systematic and deliberate. Such releases are not considered to be solid waste management units. As explained in the Final Codification Rule, spills of wastes or constituents are considered subject to §3004(u) corrective action only if the spill occurred from a solid waste management unit. A spill which did not occur from a discernible solid waste management unit is not of itself a solid waste management unit. Likewise, leakage from product storage and other types of releases associated with production processes would not be considered solid waste management units, unless those releases were routine, systematic and deliberate.

Although of relatively lower priority in conducting RFAs, certain releases at facilities which are not related to solid waste management units can be addressed using §3008(h) or other enforcement authorities. In situations where an enforcement action has been initiated at a facility to address releases that are not related to solid waste management units, and where a permit is subsequently issued to the facility, those actions can be continued under the permit, under the authority of RCRA §3005(c)(3). Likewise, at some facilities, investigators may have reason to believe that an area that is not a solid waste management unit is likely to be causing or have caused serious environmental problems. In such cases, compliance schedules may be written in permits (under §3005(c)(3) authority) or orders to provide for

preliminary RFA-type investigations by owner/operators to address such areas. If releases are subsequently identified which require further investigation or action, the permit or order can be modified to provide for necessary owner/operator actions.

If you have any questions or comments regarding the RFA guidance, or other RFA-related issues, please contact Dave Fagan at FTS 382-4740.

Addressees:

Hazardous Waste Division Directors, Regions I-X
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RCRA Permit Section Chiefs, Regions I-X
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