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TITLE: FY 1989 RCRA Implementation Plan

APPROVAL DATE: April 5, 1988

EFFECTIVE DATE: April 5, 1988

ORIGINATING OFFICE: Office of Solid Waste

☒ **FINAL**

☐ **DRAFT**

STATUS:

[]	A- Pending OMB approval
[]	B- Pending AA-OSWER approval
[]	C- For review &/or comment
[]	D- In development or circulating

REFERENCE (other documents): headquarters

OSWER POLICY DIRECTIVE #9420.00-4

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Name of Contact Person Lillian Bagus	Mail Code WH-563B	Office OSW
		Telephone Code (202) 382-2233
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This Request Meets OSWER Directives System Format Standards.	
9. Signature of Lead Office Directives Coordinator 	Date 4-15-88
10. Name and Title of Approving Official J. Winston Porter, Assistant Administrator, OSWER	Date

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

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

APR 5 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: FY 1989 RCRA Implementation Plan
FROM: *J. Winston Porter*
J. Winston Porter
Assistant Administrator
TO: Regional Administrators
Regions I-X

Attached is the FY 1989 RCRA Implementation Plan (RIP). The RIP provides guidance on implementing the RCRA Subtitle C program and provides a framework for determining priorities based on environmental benefits. I would like to thank all of the Headquarters, Regional, and State staffs who provided comments on the drafts of the RIP. I look forward to working with you to implement the more flexible approach set forth in this document.

The grant guidance document for the Underground Storage Tank Program will be issued today under separate cover by the Office of Underground Storage Tanks. The LUST Trust Fund guidance will follow shortly.

Attachment

cc: Jack McGraw
Thomas Devine
Sylvia Lowrance
Gene Lucero
Henry Longest
Regional Waste Management Division Directors,
Regions I-X
ASTSWMO
NGA
Elizabeth LaPointe

FY 1989

RCRA

IMPLEMENTATION

PLAN

FY 1989 RIP Index	<u>Page</u>
Section 1 - National Priorities	1.1 - 1.4
Section 2 - Permitting/Closure/Post-Closure	2.1 - 2.8
Section 3 - Compliance Monitoring and Enforcement	3.1 - 3.9
Section 4 - Corrective Action	4.1 - 4.4
Section 5 - Federal Facilities	5.1 - 5.5
Section 6 - Cross-Media and Program Issues	6.1 - 6.4
Section 7 - State Authorization and Oversight	7.1 - 7.5
Section 8 - State Grants and Work Programs	8.1 - 8.3
Section 9 - Information Management	9.1 - 9.9
Attachment A - FY 1989 RCRA Grant Allotments	
Attachment B - RCRA SPMS Measures	
Attachment C - Report Forms	

Section 1

NATIONAL PRIORITIES

Program Direction

The goal of the Resource Conservation and Recovery Act (RCRA) program is the protection of human health and the environment. The annual RCRA Implementation Plan (RIP) provides the national direction and framework for establishing priorities for the implementation of RCRA. This direction will be reflected in the State work programs and Regional work plans as appropriate.

In FY 1989, as in FY 1988, the RCRA program will be results oriented. The Regions and States will be issuing permits, inspecting handlers, enforcing to return handlers to compliance, requiring facilities to take corrective action, ensuring environmentally safe closures, and taking other actions to protect human health and reduce the risk to the environment. Priorities for these activities will be based on the environmental benefits expected to be achieved.

Integrated use of all the management, technical, and enforcement resources in a strong Federal and State partnership will be necessary to achieve program progress. Superfund authorities and resources will be used to assist the RCRA program in addressing significant environmental problems at RCRA handlers, including facilities accepting Superfund wastes, closing facilities, and Federal facilities needing corrective action. Regions and States may want to consider using other non-RCRA authorities, both State and Federal, as appropriate.

RIP Framework

The purpose of the RIP is to establish national priorities and address all activities which support a comprehensive model RCRA program. Because of Regional or State circumstances (e.g., no incinerators in a State), the identified national priorities and activities may not be applicable directly in a given Region or State. The Regions are to work with their States and identify Regional RCRA priorities and Regional and State concerns. When identifying these priorities and activities, Regions are to place emphasis on health and environmental benefits expected to be achieved. Although the 1989 incinerator permitting deadline will continue to be an important goal, some reallocation of resources from incinerator permitting to other environmentally significant

handlers and activities may be justified. See FY 1989 Regional Work Plans (below). For FY 1989, trade-offs in the range of 10% to 15% will occur within the RCRA program only.

As we incorporate an even greater emphasis on health and environmental benefits in priority setting, it becomes increasingly important for RCRA program managers to continue to refine and apply their screening and ranking systems to identify those handlers posing the greatest health and environmental risks. Regions may use the Environmental Priorities Initiative (EPI), discussed in Section 4 (Corrective Action); the facility management plan and multi-year strategy process; and/or Region-specific systems to rank handlers and establish priorities for program activities. In FY 1989, Regions will expand their priority setting efforts to include all RCRA treatment, storage, and disposal facilities, whether operating or closing, and other handlers as appropriate. (See J. Winston Porter's memorandum, dated December 14, 1987, "RCRA Program Directions for FY 1989", OSWER Directive #9421.00.) As environmentally significant handlers are identified and selected for action, Regions are to choose the most appropriate mechanism (e.g., permit, post-closure permit, Section 3008(h) order, CERCLA authorities, State authorities, closure plans, post-closure plans) to achieve environmental results.

The activities in the following table are the highest priority activities at the national level.

Highest Priority Activities

- o Ensure that environmentally significant treatment, storage, and disposal facilities, closing land disposal facilities, and other environmentally significant handlers are identified and adequately addressed (through operating permit, post-closure permit, corrective action order, closure, or CERCLA action, as appropriate).
- o Process permits for new and expanded facilities, especially those providing treatment and incineration capacity, RD&D permit applications, off-site commercial treatment facilities and permit modifications.
- o Complete final permit determinations on operating land disposal facilities; make final permit determinations on operating incineration facilities by November 1989.
- o Conduct inspections mandated by HSWA, SARA, and agency policy and pursue enforcement against significant violators.

- o Emphasize the development and implementation of Regional and State programs that reduce or eliminate the generation of hazardous waste utilizing Section 8001 grant funds.
- o Within the constraints of available funding, support RCRIS and other information management activities to ensure comprehensive, quality data to facilitate effective management of the hazardous waste program.
- o Support HSWA authorization by working with States to develop quality RCRA programs so that authorization applications may be expeditiously processed.

FY 1989 Regional Work Plans

In addition to addressing the highest priority activities in Section 1 that are applicable in a given Region, Regions also will need to continue to manage other aspects of the RCRA program (e.g., training and oversight), the RCRA program's contribution to other important activities not specified in this document (e.g., regulatory implementation strategies), and special RCRA initiatives. As previously discussed in this Section, Regions will work with their States to identify RCRA priorities and activities based on the following three considerations:

- Health and environmental benefits expected to be achieved.
- National RCRA priorities and activities identified in this RIP.
- Regional and State RCRA priorities and initiatives.

The Regions then are to consider the identified priorities and activities in relation to allocated resources and work with the States to develop Regional work plans, to the extent that Regions deviate from national priorities (1989 permit deadline and statutorily mandated inspections). These Regional work plans will briefly explain why the national priorities will not be met and identify activities at specific handlers, as appropriate. Commitments for FY 1989 will be based on completing as many of the priority activities as resources allow, taking into account the resources needed for support activities and special RCRA initiatives, as well. These work plans are not intended to be comprehensive, detailed workload analyses, but rather the basis for negotiating FY 1989 commitments and SPMS targets. Regions may want to model their work plans after Region I's pilot planning project for FY 1988 (July 27, 1987) or Region III's MERITS program.

OSWER DIRECTIVE #9420.00-5

Since the work plans will be used as the basis for negotiating Regional commitments and SPMS targets, draft work plans are to be submitted by July 15, 1988. Final work plans and commitments will be negotiated by August 19, 1988. Work plans are to be submitted concurrently to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE.

Section 2

PERMITTING/FACILITY CLOSURE/POST-CLOSUREPROGRAM OBJECTIVE

Decisions and priorities for the permit and closure program, including corrective action, are to be based on environmental benefits expected to be achieved, as discussed in Section 1. The objectives of the FY 1989 permit and closure program are to: 1) address operating, closing, and closed facilities with a high quality, enforceable approach; 2) process permit modifications and support permit schedules of compliance; 3) ensure effective corrective action at operating, closing, and closed facilities; and, 4) follow through on approved closure plans as necessary and minimize the post-closure escape of hazardous constituents into the environment. Sections 3008(a) and (h) and 3004(u) of HSWA and various State authorities provide flexible tools for ensuring the environmental integrity of operating and closing/closed facilities.

Relation to FY 1988 RIPo Greater emphasis on:

- establishing priorities for all facilities based on the environmental significance of the facility and the human health and environmental benefits achieved through operating or post-closure permit determinations or closure plan approval, including corrective action;
- processing and tracking permit modifications and permit schedules of compliance.

o Continued emphasis on:

- the 1989 deadline for incinerator permits as a goal;
- post-closure permits;
- providing alternatives to land disposal of hazardous waste;
- re-examining facilities that closed by removal;
- approving closure plans, including corrective action as necessary, for land disposal facilities that lost interim status; activities necessary to support closure plan schedules;

- making final permit determinations for the remaining operating land disposal facilities, to be completed by November 1988.

o Decreased emphasis on:

- conducting RCRA Facility Assessments (RFAs) at closing facilities (see discussion of Environmental Priorities Initiative, Section 4).

Priority Setting

Section 1 states that addressing environmentally significant handlers is one of the highest priorities for FY 1989. Section 1 also discusses a general framework for determining which handlers are environmentally significant and for selecting an effective mechanism to address environmental concerns.

Facility management plans and multi-year strategies are useful tools for establishing priorities based on environmental significance, as well as supporting resource planning and workload allocation. If these tools are relied on, Regions and States are to continue to expand and update their facility management plans and multi-year strategies to ensure that priority attention is focused on those handlers and activities causing or likely to cause the greatest health and environmental threats. All activities and handlers will be included in this planning process. Priority will be given to those activities expected to result in the greatest health and environmental benefits. Regular discussions between the Regions and States are encouraged to ensure effective planning. These discussions may occur during routine conference calls or meetings, grant negotiations, etc. As noted in Section 1, Regions and States may use the EPI or Region-specific systems to plan and establish priorities.

Statutory Deadlines/Requirements

The November 1989 deadline for incineration permits continues to be an important goal for FY 1989. Regions and States also will process permits for treatment and storage facilities in the following instances: where such permits would produce greater environmental benefits than land disposal or incinerator operating permits; in those States without a heavy workload for issuing land disposal or incinerator operating permits; for facilities providing alternative treatment capacity; and for facilities with high corrective action priority. Regions should note that the Joint Permitting Policy (RCRA Reauthorization Statutory Interpretation #5, July 1, 1985) is applicable to such permit issuance.

In addition to imposing statutory deadlines for permit decisions, HSWA requires permits to address corrective action for releases. At a minimum, an RFA must be completed prior to permit issuance. Also, Regions may issue Section 3008(h) orders prior to permit issuance. Where corrective action activities are not completed prior to issuance, the permit must contain a corrective action schedule of compliance as discussed in Section 4.

Review of Permit Conditions/Permit Schedules of Compliance/Permit Modifications/Approved Closure Plan Activities

FY 1989 will see an increasing workload associated with reviewing documents and other submittals in accordance with permit conditions, permit schedules of compliance, and approved closure plan activities and with processing permit modifications. To achieve the greatest environmental benefits, attention should be focused on permit modifications for ground water (Subpart F), HSWA corrective action, and expansion/new units which result in reduced risk to human health and/or the environment or increased treatment capacity. Permit modifications which support improved facility management also should receive attention. Regions may modify permits without the permittee's agreement when the standards or regulations on which the permit was based have been changed by statute or amended standards or regulations (40 CFR Section 270.41(a)(3), 52 Federal Register 230, December 1, 1987).

For permitted facilities with schedules of compliance, close attention will be paid to ensuring compliance with milestone dates and to planning/scheduling resultant permit modifications. For facilities with approved closure plans, compliance with milestone dates also will be tracked. Coordination with enforcement is essential to effectively support permit schedules of compliance and closure plan activities. Activities to support these efforts should be considered when developing and updating facility management plans and multi-year strategies (or other management systems) and associated workload planning.

Regions and States will use existing management tracking systems, or develop tracking systems if necessary, to track the milestone dates, as well as the permitting agency's review of submittals, to ensure that milestones are achieved within the prescribed timeframes. Regions and States also need to begin tracking selection-of-remedy decisions for HSWA corrective action, as well as the factors that influence those decisions, to support future decisions.

Alternatives to Land Disposal/Additional Capacity

Disposal, storage, and treatment capacity shortage due to the large number of closures, more stringent land disposal facility requirements, and the land disposal bans are having an increasing impact on the capacity used to handle hazardous wastes. This situation requires continued emphasis on the processing of: 1) new storage, treatment, and disposal permit applications; and 2) changes to existing interim status facilities and permit modifications which will expand storage, treatment, and incineration capacity, or which will reduce the production and/or toxicity of hazardous waste.

Processing of RD&D permit applications will aid in the development of safe alternatives to land disposal of hazardous wastes. RD&D permits must be tailored to the scope of the research proposal and include those conditions necessary to protect human health and environment. See Guidance Manual for Research, Development, and Demonstration Permits Under 40 CFR Section 270.65, dated July 1986 (EPA/530-SW-86008; OSWER Policy Directive #9527.00-1A). States are encouraged to adopt equivalent RD&D regulations as soon as possible so that applicants are not precluded from obtaining RD&D permits by State law.

With the promulgation of Subpart X regulations for miscellaneous units (December 10, 1987), further opportunities to permit alternative treatment facilities exist. Until States are authorized for Subpart X, EPA retains implementation responsibilities for Subpart X facilities. It should be noted that all non-land disposal, non-incinerator Subpart X facilities that had interim status as of November 8, 1984, are subject to the November 8, 1988, deadline for submission of Part B permit applications. Additional guidance is being developed. The mobile treatment regulations also should facilitate permitting of alternative treatment. States are encouraged to adopt regulations equivalent to the Federal mobile treatment unit regulations as quickly as possible to provide for additional capacity for corrective action remedies.

Post-Closure Requirements for Closure by Removal

Under the FY 1988 RIP, identification of facilities that closed by removal and that did not meet the 40 CFR Section 264 standards was to have been completed during FY 1988. During FY 1989, the results of this effort will be used to develop a strategy for addressing these identified facilities through a post-closure permit or enforcement order. Once specific activities are identified for a facility, they will be reflected in the

facility management plan, if one has been developed, and the Region's multi-year strategy in accordance with Section 1. See 40 CFR Section 270.1(c)(5) and (c)(6) (52 Federal Register 230, December 1, 1987).

Closure

The FY 1987 RIP and the FY 1988 RIP directed Regions and States to continue approving closure plans for closing or closed LOIS facilities. In addition, Regions and States were to continue conducting RFAs at closing or closed LOIS facilities. In FY 1989, the Regions and States will use the facility management planning process, the EPI, or Region-specific systems to establish priorities for approving closure plans, conducting RFAs, and monitoring approved closure plan activities at the remaining closing and closed LOIS facilities.

Closure activities (review and approval of closure plans, conducting RFAs, monitoring closure plan schedules) for non-LOIS facilities also will be reflected in the management planning process and multi-year strategies. Priorities for these activities will be based on the environmental significance of the facility and the environmental benefits expected to be achieved, as indicated in Section 1.

Post-Closure Permits

Under the FY 1988 RIP, Regions and States were to plan for post-closure permit issuance by updating existing multi-year strategies to indicate when the permitting agency expected to issue the post-closure permits. In FY 1989, Regions and States are encouraged to call in and process post-closure permits where such action would achieve the greatest environmental benefit at an environmentally significant facility.

Public Involvement

Effective implementation of the expanded public involvement program continues to be an integral part of RCRA activities. Public involvement plans developed in previous years for targeted facilities will be implemented during FY 1989. Additional facilities that warrant expanded public involvement should be identified in FY 1989. State grant work programs will contain specific public involvement activities with appropriate grant funds identified. Regions and States may refer to the Guidance on Public Involvement in the RCRA Permitting Program, January 1986, for

additional guidance. Regional RCRA staff should coordinate with CERCLA community relations and enforcement activities to ensure that the mutual objectives of both community involvement programs are met. This is especially important for RCRA sites listed on the NPL.

List of New/Proposed Regulations

- o Codification Rule: Pushes back date of post-closure permitting requirements; facilities receiving waste after July 26, 1982, or closing after January 26, 1983, will need post-closure permits; final December 1987.
- o Standards for Hazardous Waste Miscellaneous Units (Subpart X): Establishes permitting standards for miscellaneous units, such as thermal treatment units and open burning/open detonation; final December 1987.
- o Permit Modifications Rule: Replaces current major/minor permit modification process with a new, three-part classification system and associated approval processes; proposed August 1987; final July 1988*.
- o Revision of Subpart H Liability Regulations; final July 1988*.
- o RCRA Facility Changes Rule: Clarifies facility's obligation to comply with post-closure requirements even when a portion of an operating permit is denied; provides for continued handling of newly identified or listed wastes at facilities; removes the reconstruction limit for certain changes at interim status facilities (closure, corrective action orders, and compliance with new requirements); proposed August 1987; final August 1988*.
- o Mobile Treatment Unit Rule: Establishes a new, two-staged permitting process for MTUs; incorporates delisting procedure for residues into the permitting process; proposed June 1987; final August 1988*.
- o Revisions to Definition of Solid Waste: Per American Mining Congress court case; proposed January 1988; final November 1988*.
- o Procedural and Technical Regulations for Section 3004(u) Corrective Action: Provides standards and procedures for conduct of Section 3004(u) corrective action requirements; proposed FY 1988*; final FY 1989*.

*Scheduled date.

List of New/Proposed Regulations -- Continued

- o Exemption for Samples used in Treatability Studies; proposed October 1987; final April 1988*.
- o Hybrid Closure Rule: Provides hybrid option based on waste-specific and site-specific factors that would allow some waste residues to remain in place with modified post-closure care requirements; proposed March 1987.
- o Deferred Closure Rule: Would allow hazardous waste units to remain open to receive non-hazardous solid waste after final receipt of hazardous waste, if certain conditions were met; proposed May 1988*; final October 1988*.
- o Hazardous Waste Incinerator Amendments: proposed June 1988*; final January 1989*.
- o Regulations Covering Hazardous Waste Burning in Boilers and Industrial Furnaces: proposed May 6, 1987; supplement June 1988*; final January 1989*.
- o Clarification of Section 262.34 Rules for 90-day Generators: Specifies what activities generators may conduct without permits; proposed August 1988*; final March 1989*.

List of Applicable Guidances

- o RCRA Guidance Manual for Subpart G Closure and Post-Closure Care Standards and Subpart H Cost Estimating Requirements; January 1987.
- o Clean Closure Guidance; draft March 1987; final September 1988*.
- o Incinerability Index: preliminary index developed; ongoing over next one to two years.
- o Minimum Technology Guidance on Double Liner Systems -- Design, Construction, and Operation; May 1988*.
- o Guidance on Limiting Metals Emissions from Hazardous Waste Incinerators; final June 1988*.
- o Guidance on Carbon Monoxide Controls for Hazardous Waste Incinerators; final June 1988*.
- o Guidance on Trial Burn Reporting and Setting Permit Conditions; May 1988*.

*Scheduled date.

OSWER DIRECTIVE #9420.00-5

- o Minimum Technology Guidance on Leak Detection Systems for Land Disposal Units; June 1988*.
- o Guidance Manual for Hazardous Waste Incinerator Permits (update of 1983 guidance); June 1988*.
- o Hazardous Waste Incineration Measurement Guidance; July 1988*.
- o Trial Burn Observation Guide; mid - 1988*.
- o Problem POHC Reference Directory; late FY 1988*.
- o Clean Closure of Hazardous Waste Tank Systems and Container Units; draft September 1988*.

* Scheduled date.

Section 3

COMPLIANCE MONITORING AND ENFORCEMENTProgram Objective

The compliance monitoring and enforcement program objectives are to ensure compliance and to take corrective action for releases. Timely and appropriate enforcement action should be taken against violators.

The program continues its transition from enforcement of pre-HSWA interim status requirements to enforcing requirements in permits and closure plans, requiring and enforcing corrective action measures and orders and enforcing other major HSWA requirements, including the land disposal restrictions and closures of surface impoundments which have not met retrofit requirements or obtained exemptions or waivers. An added focus is to prioritize actions by focusing on environmentally significant facilities.

Relation to FY 1988 RIP

- ° Continued emphasis on:
 - meeting statutory inspection requirements;
 - assuring compliance with outstanding orders and finalizing orders;
 - issuing corrective action orders;
 - criminal prosecution of illegal disposal;
 - federal facility compliance;
 - support for existing civil cases;
 - enforcement of land disposal ban requirements;
- ° Increasing emphasis on:
 - assuring compliance with permits and orders, particularly corrective action requirements;
 - assuring proper closure and/or corrective action at land disposal facilities which do not receive operating permits and at surface impoundments which must cease receiving hazardous waste by November 8, 1988, in accordance with minimum technology requirements;
 - Regional enforcement initiatives.
- ° Decreasing emphasis on:
 - enforcement of late and incomplete part B policy related to land disposal permits;
 - Loss of Interim Status.

The revised Enforcement Response Policy (December 21, 1987) (ERP) goes into effect on October 1, 1988. This revised policy reflects the changing RCRA program and universe. The 1984 Amendments mandate greater programmatic attention to problems at treatment and storage facilities as well generators. The operating land disposal universe is smaller in size, and those facilities remaining are,

or soon will be, permitted. In reflecting these changes the revised ERP no longer requires that all Class I violations of the ground water monitoring, closure/post-closure, and financial assurance be classified as high priority violators (HPV). Instead, the Policy emphasizes the importance of addressing those facilities which pose the greatest threat to human health or the environment, or which show disregard for the regulatory program. This will allow the EPA and States to focus enforcement resources on the true environmental priorities. Because of the reduction in "mandatory HPVs" in the land disposal universe the Regions and States will be able to focus more resources on treaters, storers, generators and closing land disposal facilities.

The Regional Enforcement Strategic Planning Proposal offers the opportunity for each Region to give greater attention to some Regional priority, not recognized as a national program priority. This process allows tradeoffs, at the margin (i.e. up to 10-15%), between national enforcement objectives, SPMS targets, and important Regional enforcement problems or initiatives. The Regional initiative might be to correct industry-specific compliance problems; to clean up a nationally significant hazardous waste site, or to focus on other types of environmentally significant facilities as identified through the Environmental Priorities Initiative.

Under the proposal, the Regions will propose adjustments to RIP-directed Regional activities, and present the rationale for the proposed adjustments to the Office of Waste Programs Enforcement by the middle of May. The Regions will then meet with Headquarters for a face-to-face discussion on the proposed adjustments during June. As a result of this discussion, Headquarters and each Region will arrive at a mutually-agreed-upon written plan. If agreement cannot be reached, the discussion would be elevated to the RA/DRA and AA level for resolution. The plan, a short written document outlining the agreement on the adjustments, will be incorporated into the workplans due to Headquarters July 15 (as discussed in Section 1).

Any Region which does not wish to participate in the Regional Enforcement Strategic Planning proposal must notify the Director, RCRA Enforcement Division in writing by May 25. For Regions wishing to choose to participate in this process, all compliance monitoring and enforcement-related activities may be considered for negotiation under this proposal, including "Mandatory Inspections".

Inspections

Inspection priorities are governed by: 1) statutory requirements; 2) the Agency's strong emphasis on groundwater protection; 3) the significance of compliance with permit and closure plan requirements, particularly schedules of compliance; 4) the importance of implementing corrective action; and 5) the importance of enforcing the major HSWA requirements, particularly the land bans and minimum technology requirements.

Inspections in FY 1989 are discussed in two categories: (A) mandatory inspections which fulfill statutory requirements and Agency policy and (B) other inspections recommended to support program goals. Significant aspects of inspections in all categories are discussed under Subpart C, Inspection Requirements.

Case Development Inspections are to be conducted where necessary to file high priority enforcement actions and to support such existing cases.

A. Mandatory Inspections

1. Handlers presenting immediate threat to health or the environment

Inspections should be conducted to provide necessary documentation for enforcement actions where EPA or the State has information that handlers may present an immediate threat to human health or the environment.

2. Government facilities

RCRA §3007(d) requires that EPA conduct annual Compliance Evaluation Inspections (CEI) at all facilities owned or operated by State and local governments. Section 3007(c) requires that all Federal TSDFs be inspected yearly. According to policy, EPA must be present during Federal facility inspections. They may be EPA lead, joint inspections, or oversight inspections. In any case, EPA must show Compliance Monitoring and Enforcement Log (CMEL) entry to indicate involvement. For State and local government facilities, EPA may undertake these jointly with the States or utilize contractors; however they must be reported as EPA inspections. State inspections cannot substitute for EPA inspections at State and local facilities.

3. Commercial TSDFs receiving CERCLA waste

In accordance with the Revised Procedures for Planning Implementing Off-Site Response Actions (November 13, 1987), the following requirements must be met:

a) To make compliance determinations: treatment, storage and disposal facilities (TSDF) which receive CERCLA waste must have been inspected (CEI or equivalent inspection) within six months prior to receiving CERCLA waste. Units receiving CERCLA waste must not have any "relevant" violations of State or Federal requirements.

b) To make release determinations:

1) Land disposal facilities receiving CERCLA waste must have received a Operations and Maintenance Inspection (O&M) or CME within the year prior to their receipt of CERCLA wastes; and

2) RCRA treatment, storage, and disposal facilities must have received a RCRA Facility Assessment or equivalent investigation. requirement does not apply to facilities already under a comprehensive corrective action program.

These inspections should determine whether any unit at the facility is releasing any hazardous waste, hazardous constituent or hazardous substance. Releases must be addressed by a corrective action program according to the criteria set out in Revised Procedures for Planning and Implementing Off-site Response Actions.

CERCLA funds may be utilized for these inspections.

4. Land disposal facilities

a) RCRA Compliance Inspection: Each operating, closed and closing land disposal facility, except certified closures-by-removal and UIC-only facilities (which are inspected by the UIC program), must receive an annual RCRA Compliance Evaluation Inspection (CEI) conducted by the Region or the State. To determine conformance with §3005(i), clean-closed LDFs may eventually have to be revisited (see Section 2). In addition to the general inspection requirements in Subpart C, compliance with ground water monitoring requirements must be evaluated as part of the RCRA CEI.

In addition to assuring compliance with the facility permit, inspections of operating land disposal facilities should focus on documenting compliance with corrective action compliance schedules and assuring compliance with surface impoundment minimum technology requirements. After November 8, 1988 hazardous waste must not be placed in surface impoundments which have not retrofitted or obtained an exemption to the retrofit provisions. Inspections must further verify that these units have closed or are closing in accordance with the approved closure plan. The Regions must collect data on these facilities. The status of this compliance effort will be monitored by Headquarters.

Compliance with land disposal restrictions must also be evaluated. Where land disposal units are closed or closing, inspections must evaluate compliance with closure plans and assure the adequacy of ground water monitoring systems. Particularly at closing facilities, inspectors should be alert to illegal activities, such as continuing receipt of hazardous waste.

b) CME's: In FY 1989, one third of the land disposal universe will receive either a Comprehensive (Ground-Water) Monitoring Evaluation (CME) or an Operations and Maintenance Inspection (O&M). The O&M inspection is designed to confirm that a facility's ground-water monitoring system continues to function as designed. It appropriate where a reliable comprehensive evaluation of the system and site hydrogeology (CME) has previously been performed.

The priorities for conducting CMEs in FY 1989 are as follows:

- 1) Facilities with unreviewed assessment monitoring systems;
- 2) Permitted facilities with complex compliance or corrective action requirements at regulated units;
- 3) Facilities where there is doubt as to the adequacy of the ground water monitoring system (e.g., a closing facility required to re-do site characterization, poor quality prior CME etc.);
- 4) Facilities which have made major changes to their GWM system.

5. Treatment and storage facilities (TSFs)

a) In addition to government facilities, and regardless of whether inspected in FY 1988, in FY 1989 inspections are to be conducted at all permitted incinerators; all treatment and storage facilities with significant corrective action measures required under permits or orders in FY 1989; and all commercial treatment facilities treating F001-F005, California list wastes subject to effective land ban requirements, or any of the first third of the listed wastes.

b) In any case inspections must be conducted at a minimum of 50% of the regulated TSF universe in accordance with RCRA §3007(e), including any facilities not inspected during FY 1988. Standards in effect during FY 1989 for handlers of hazardous waste fuels must be considered where applicable.

6. Generators and transporters

As the program expands generators must receive greater attention; this is especially important to the enforcement of the land disposal restrictions. In addition to current restrictions on untreated disposal of F001-F005 solvents and California list wastes, new requirements governing land disposal of untreated wastes will apply to the first third of the listed wastes during FY 1989. In order to establish an enforcement presence in support of the land ban, generator inspections will be increased. Additionally, requirements governing transporters of hazardous waste must be enforced. Regions and States should perform inspections at large quantity generators, other environmentally significant generators, and transporters. The total number of these inspections will be based upon approximately seven percent of the number of large quantity generators, according to the best available data. Documentation related to requirements governing the export of hazardous waste should be checked where appropriate. State inspection and compliance activities for small quantity generators should reflect the EPA "Implementation Strategy for Generators of 100-1,000 kg/month" (April 1986).

B. Other inspections

While not dictated by statute or specific policy other inspections are also very important to the Program. The Regions and States have discretion in determining which other inspections to conduct, consistent with environmental and programmatic

priorities. The following are among those that are encouraged:

- (1) inspections to support the criminal enforcement program;
- (2) inspections of non-notifiers; (3) inspections of waste oil and hazardous waste fuel burners and blenders, particularly processors, for compliance with applicable standards. The RCRA Lab Audit Inspection (LAI) can be conducted to confirm that owners/operators are accurately analyzing their ground water monitoring samples. The LAI may need to be performed based on the findings of a CME/O&M inspection and will be conducted in accordance with EPA guidance.

C. Inspection Requirements

Quality inspections are essential to an enforcement program. Proper documentation - including use of the appropriate checklists, effective oversight and review of reports - is necessary. In support of continuing efforts to improve inspection quality Headquarters is developing a variety of inspection guidance documents and training programs. Additionally, during FY 1989 EPA will perform oversight inspections at approximately 10% of the TSDF inspections committed to in the State grant agreements and an appropriate number of inspections at generators of land disposal restricted wastes. These oversight inspections should be conducted in accordance with the RCRA State Oversight Inspection Guide (December, 1987).

Evaluation of compliance with the base program, including closure/post-closure and financial responsibility requirements must continue. In addition, inspections must focus on compliance with permits and orders, compliance with corrective action conditions is of particular concern. During FY 1989 facilities with an on-going corrective action should receive one additional inspection which will focus on oversight of corrective action activities. Effective tracking and oversight of owner/operator corrective action activity at hazardous and solid waste management units under orders and permits includes evaluation of corrective actions, RFI/CMSs and interim measures to assure proper scope and adherence to schedules of compliance.

In FY 1989, compliance with applicable land disposal restrictions should be reviewed during all inspections. Land ban requirements for waste identification and analysis, treatment and disposal, operating records, and limitations on storage accumulation all warrant particular attention. The possibility of illegal disposal should also be considered, and appropriate follow-up taken.

Enforcement Response

The program's approach to timely and appropriate enforcement is set forth in the revised Enforcement Response Policy (ERP) (12/21/87). Economic sanctions must be assessed against violators in accordance with the ERP. The RCRA Penalty Policy or the appropriate State penalty policy should be used to determine the appropriate dollar value of the penalty. Sanctions should be selected in accordance with State or Federal law, with the goal being to deter non-compliance. Sanctions are to have a value greater than the economic savings

achieved by the non-compliance. States that do not have any administrative means of taking a formal enforcement action and imposing economic sanctions will need to address high priority violators by taking prompt judicial action. While authorized States are expected to take the enforcement actions, if unable to do so, they may request that EPA take action, where justification can be provided. Where a State enforcement action is not timely or appropriate, EPA should consider Federal action, especially for high priority violators which remain out of compliance.

At the end of FY 1988, many facilities will be subject to enforcement actions. Where complaints have been issued, Regions and States must move to finalize orders. Follow-up inspections to ensure that compliance is achieved are important. Facilities in substantial non-compliance with orders are presumed to be subject to judicial actions and permit denial.

Priorities for enforcement actions are as follows:

1. Handlers with releases and threatened releases which may present an immediate threat to health or environment

A number of enforcement tools are available to the Regions and States (e.g., RCRA §§3013, 3008(a), 3008(h), 7003, or State equivalent), depending on the circumstances. Where specific criteria for use of the authority are met, use of these authorities is encouraged. Consideration should also be given to the use of CERCLA §104 or §106 response authorities, TSCA §7 authority, or any other appropriate EPA or State authority.

2. Commercial facilities receiving CERCLA Wastes

Where necessary, in accordance with the Off-Site Policy, priority attention should be given to compliance and corrective actions needed to assist in maintaining CERCLA-acceptable treatment and disposal capacity.

3. Land disposal facilities

Enforcement actions will be taken to address handlers who continue to place hazardous waste in surface impoundments which do not meet minimum technology requirements, in accordance with the enforcement strategy.

Appropriate actions are to be taken against operating permitted and interim status facilities, as well as closing land disposal facilities to assure proper closures, enforce corrective action schedules, assure compliance with Final Orders and address high priority violators. Continued compliance with ground water monitoring requirements is essential to assure that releases to ground water are detected. Violations of liability requirements are to be addressed in accordance with applicable guidance.

4. Corrective action requirements

Regions, with appropriate assistance from States, must act aggressively to achieve corrective action at TSD facilities. In FY 1989, the emphasis is on the following:

- (1) Substantial violations of corrective action requirements in a permit or order;
- (2) Use of enforcement authorities where necessary to obtain corrective action at environmentally significant facilities, consistent with available resources; and
- (3) Compelling interim measures when warranted.

5. Land ban

Where TSDFs or generators are found to have substantial violations of the land disposal restrictions, enforcement is a high priority. Most of the inspections will be conducted by the States under cooperative arrangement with EPA. States not authorized to enforce the land disposal restrictions may issue letters notifying owners/operators of violations. If formal action is the appropriate response, EPA must enforce by issuing an order or by preparing a referral.

The most substantial violations are:

° For generators (including generating TSDs): shipping waste exceeding treatment standards to land disposal facilities without notifying about need for treatment.

° For treaters (who have inadequately treated wastes): directing waste exceeding treatment requirements to land disposal;

° For disposers: illegally disposing of wastes exceeding treatment standards;

Other serious violations are the falsification of records and the illegal dilution of waste by any handler.

6. Federal facilities

Authorized States will have the lead in enforcement for Federal handlers. However, the Region must take action if a State declines or is unable to take formal action against a high priority violator. (See Section 2 for a complete discussion of enforcement at Federal facilities).

7. Criminal enforcement

The basic goals of an enforcement program are to encourage compliance and to punish incidences of non-compliant behavior. Because of the publicity and stigma attached to a criminal conviction, criminal enforcement is a very effective tool. Increased restrictions on the land disposal of hazardous waste and increasing disposal costs create greater potential for criminal activities. Criminal case development and prosecutions are encouraged.

8. Other important enforcement activities

Other significant violations at handlers should be addressed as resources allow.

° The permit program should be supported by taking actions against handlers submitting late or incomplete part B applications. Discretion should be used in choosing between permit denial and enforcement.

° The waste oil (hazardous waste in fuel) regulations should be enforced, especially at waste oil processing facilities.

° Enforcement support should be provided to biennial reporting data collection efforts.

Relevant Guidance Documents

o Enforcement Response Policy	Revised, 12/87
o Revised Procedures for Planning and Implementing Off-site Response Actions	11/87
o Operation and Maintenance Inspection Guide (RCRA Ground-Water Monitoring Systems)	3/88
o RCRA State Oversight Inspection Guide	12/87
o RCRA Inspection Manual	4/88*
o RCRA Technical Case Development Guidance Document	4/88*
o Inspection Manual for Hazardous Waste Storage and Treatment Tank Systems	4/88*
o RCRA Laboratory Audit Inspection (LAI)	6/88*
o Land Ban Enforcement Strategy/Inspection Checklist	6/88*
o Comprehensive Ground Water Monitoring Evaluation (CME) Guidance Document	12/86
o Waste Oil Guidance	12/86
o Waste Oil Interim Enforcement Guidance	11/86
o Enforcement of Financial Responsibility at Operating TSDF's	10/86

* scheduled date

Section 4

Corrective ActionProgram Objective

The RCRA corrective action program monitors activities of owners and operators initiated through permit actions and enforcement orders to correct releases. More facilities will begin corrective actions in fiscal 1989 through permits and enforcement orders, including unilateral orders. A new initiative is being implemented to facilitate corrective action at RCRA sites which might not otherwise be expeditiously addressed.

Relation to 1988 RIP

- ° Adds discussion on the Environmental Priorities Initiative;
- ° The FY 1989 RIP discusses priorities for applying limited resources to address corrective action needs;

Environmental Priorities Initiative

Section 1 states that addressing environmentally significant facilities is one of the highest RCRA priorities for FY 1989. For many of these facilities, corrective action will be needed, whether through an enforcement action or an operating or post-closure permit. Section 1 also discusses a general approach for determining which facilities are environmentally significant and which mechanism to use in addressing the environmental problems.

Regions and States have already undertaken considerable efforts to set priorities for corrective action, including developing facility management plans, multi-year permit strategies and using other information gathering and ranking schemes. Previous years' RIPs set a goal of completing RCRA Facility Assessments (RFAs) at 60% of closing land disposal facilities; where these have been completed, Regions and States have a firm basis for making corrective action priority decisions. A new initiative is underway that will further assist priority setting for corrective action as well as expand the use of CERCLA authorities at RCRA corrective action sites.

The Environmental Priorities Initiative (EPI) is a new approach to managing environmental problems, particularly at RCRA facilities. As an integrated RCRA/CERCLA management system EPI will enable the Agency and the States to identify, evaluate, prioritize, and clean-up first, those sites which present or may present the greatest threat to human health or the environment. The Initiative will enable the Agency to address facilities, such as storage and treatment facilities and closing land disposal facilities, which would not otherwise soon be addressed under current Agency priorities.

The EPI will:

1. Provide a streamlined, priority-setting mechanism for storage and treatment facilities and closing land disposal facilities to determine at which facilities an assessment should be performed, and in which fiscal year.

2. Enable the Agency to conduct Preliminary Assessments ("PAs"), the CERCLA counterpart to a portion of the RCRA Facility Assessment (RFA), at RCRA storage and treatment and closing land disposal facilities which are not on a near term permitting path. Information from the PA would help estimate the environmental significance of the facility; this would include a preliminary score based on CERCLA's Hazard Ranking System ("HRS"). Sites which receive a high enough preliminary score will receive SI/RFA's. The SI/RFA will comprise key elements of a Superfund SI and a RFA under RCRA. Once performed, the SI/RFA will provide a basis for permitting or enforcement action.

3. Provide a scheme to be used by State and Regional management to determine which sites will be handled by RCRA and which sites should remain with CERCLA.

4. Provide a process by which the Regions and States can determine an appropriate enforcement strategy for a site using authorities available under RCRA and/or CERCLA to assure that a site is cleaned up. Initially authorities under RCRA would be used, but if an owner/operator is unwilling or unable, EPI would allow the flexibility to use CERCLA authorities/procedures to assure cleanup in accordance with the Agency's policy on the NPL listing of RCRA sites.

There are many issues to be worked out regarding the EPI. The EPI Task Force, composed of Regional and Headquarters staff from both the RCRA and CERCLA programs, has been established to facilitate resolving the difficulties of making the RCRA and CERCLA clean-up programs more compatible so that the most effective use of available resources and authorities may occur. During FY 1989 CERCLA Preliminary Assessments will be conducted at approximately 1,000 RCRA land disposal, treatment and storage facilities which have not yet received RFA's, to assist in further defining the priority list of facilities for CERCLA and RCRA corrective action.

Corrective Action Regulations

During FY 1989, final regulations for the RCRA corrective action program will be promulgated. When proposed, these regulations should be considered to be the latest guidance for implementing corrective actions under RCRA and utilized in developing corrective actions in permits and enforcement orders. The corrective action regulations will define EPA's overall approach to the cleanup of environmental contamination resulting from the mismanagement of hazardous and solid waste. The regulations will establish a regulatory framework for corrective action under §3004(u) of RCRA and provide guidelines for corrective action orders imposed through administrative orders under §3008(h) of RCRA. One of the Agency's primary objectives in developing the RCRA corrective action program will be to maintain consistency with CERCLA, while meeting the specific needs and objectives of RCRA.

As noted above these regulations will implement §3004(u), which addresses corrective action at facilities seeking permits. Typically, before a permit is issued, EPA or an authorized State conducts an RFA at the facility to determine whether a potential problem exists. Where a likely release is found, the permit will contain a schedule of compliance requiring a remedial investigation focusing on the specifics of the likely release. This schedule of compliance will be a part of the permit, and would be successively modified, as necessary, as corrective action at the facility proceeds.

The Agency's first priority will be to require interim measures to address sites posing an immediate threat to human health or the environment, and to pursue engineering remedies to control and eliminate significant sources of releases. In addition, prompt remediation of all significant off-site contamination will be required.

Corrective action activities may be conducted during interim status, permitting, and closure stages. Numerous Federal authorities may be employed to initiate corrective action activities, including RCRA §§3004(u) and (v), and 3008(h), 3013, 7003 and 3008(a), and CERCLA authorities consistent with Agency guidance. Use of equivalent State authorities is also encouraged where applicable.

Section 3004(u) should be used to incorporate corrective action for releases from SWMUs and regulated units into the permit when the permit issuance is to be accomplished in the near future. In some situations §§3008(h), 7003 or CERCLA §106 may be more appropriate to initiate corrective action. For instance, 3008(h) should be used where the permit issuance will not occur expeditiously. When a permit is subsequently issued at the facility the response activities may be continued under the permit, using §3005(c)(3) authority. RCRA §7003 and CERCLA §106 may be used whenever a hazardous or solid waste or hazardous substance (such as a product release) presents an imminent and substantial endangerment.

Corrective Action Oversight

Many RCRA facilities are already carrying out various phases of corrective action. Oversight of owner/operator activities stipulated in permits and enforcement orders must continue. The Regions will continue to work with facilities to move them forward in completing RCRA Facility Investigations and Corrective Measures Studies so that Corrective Measures may be implemented.

The monitoring of corrective action activities must be included as part of all compliance evaluations. During FY 1989 each facility with an on-going corrective action should receive one additional inspection, notwithstanding other inspection requirements at the facility. This inspection will focus on the oversight of owner/operator corrective action activities. Compliance with schedules of compliance for corrective action in permits and with the terms of corrective action orders will be evaluated. This inspection will supplement other corrective action oversight activities.

Corrective Action at Federal Facilities

See Federal Facilities Section 5 - "SARA §120/RCRA Corrective Action".

Relevant Guidance Documents

- o RCRA §3008(h) Model Order; January 1988.
- o Guidance on the Use of Stipulated Penalties in Hazardous Waste Consent Decrees; September 1987.
- o Administrative Hearing Procedures for §3008(h) Orders; February 1987.
- o Guidance for Public Involvement in RCRA §3008(h) Orders; May 1987.
- o National Corrective Action Strategy; October 1986.
- o RCRA Corrective Action Plan (CAP) Guidance Document; Interim Final, November 1986.
- o RCRA §3008(h) Corrective Action Interim Measures Guidance; November 1986.
- o Guidance on Public involvement in Permitting; January 1986.
- o RFA Guidance; October 1986.
- o §3008 (h) Guidance; December 1985.

Section 5

FEDERAL FACILITY/ISSUES

Program Objective

The objective of EPA's RCRA work with Federal facilities is to ensure that they afford the same degree of environmental protection as is required of other hazardous waste handlers. In FY 1989, we will concentrate on: 1) ensuring that timely and appropriate enforcement actions are taken to achieve compliance and expeditious cleanup at Federal facilities; 2) integrating the RCRA and CERCLA corrective/remedial action programs at Federal facilities; and, 3) incorporating the DOE-NRC mixed waste facilities into the RCRA program.

Relation to FY 1988 RIP

- o Adds discussion on the Federal Facilities Task Force;
- o Retains other discussion items of FY 1988 RIP.

Federal Facility Compliance Task Force

In 1987, the Assistant Administrator of OSWER established the Federal Facility Compliance Task Force in the Office of Waste Programs Enforcement. The Task Force is dedicated to resolving the complex issues that are posed by the integration of the RCRA and CERCLA cleanup programs at Federal facilities and the implementation of CERCLA Section 120 at Federal facilities.

In FY 1989, the Task Force will focus on three main areas of implementation: 1) the update of the Federal Agency Hazardous Waste Compliance Docket as mandated by CERCLA Section 120; 2) the development of procedures, policies, and guidance under RCRA and CERCLA to support the implementation of a nationally consistent enforcement program at Federal facilities; and, 3) case-specific support of interagency agreements under CERCLA Section 120, RCRA corrective action orders, and RCRA compliance agreements.

Section 120 of CERCLA/RCRA Corrective Action

In accordance with Section 120(c) of CERCLA, as amended by SARA, the initial list of those facilities included on the Federal Agency Hazardous Waste Compliance Docket was published in the Federal Register on February 12, 1988. This listing will be updated every six months as new facilities are reported to EPA by Federal agencies.

Section 120 established the docket as a means of identifying Federal facilities for potential NPL listing. Since many of the Federal facilities on the docket were identified by RCRA reporting mechanisms, most of the Federal facilities that become final NPL sites also will have RCRA jurisdiction. When developing a comprehensive strategy for addressing both RCRA and CERCLA issues at a Federal facility, EPA and the States are to consider the following options, alone or in combination, as possible mechanisms for getting enforceable requirements in place: 1) a RCRA permit containing corrective action provisions; 2) a RCRA corrective action order under Section 3008(h); 3) a CERCLA Section 106 order; or, 4) a CERCLA Section 120 interagency agreement. The decision on which of the above mechanisms to use at a Federal facility will be made on a facility-specific basis. However, if the Federal facility is on the NPL, or is likely to be placed on the NPL, Headquarters is encouraging the use of a CERCLA Section 120 interagency agreement to incorporate both RCRA and CERCLA activities under one enforceable agreement. Guidance on the integration of CERCLA Section 120 interagency agreements and RCRA permits incorporating HSWA corrective action will be developed by the Task Force during FY 1989.

The enforcement/permitting mechanisms listed above are described in greater detail in a memorandum from Dr. J. Winston Porter to the Regional Administrators, dated January 25, 1988, "Enforcement Actions Under RCRA and CERCLA At Federal Facilities". Further guidance on agreements under CERCLA Section 120 is being developed and will be made available to the Regions as soon as possible. In the interim, the Regions should consult with the Federal Facility Compliance Task Force on any interagency agreement issues they encounter.

DOD Chemical Demilitarization Facilities

Cooperation with the Army to issue permits for incineration of chemical agent munition stockpiles is expected to continue in FY 1989. The RCRA permit for the Tooele, Utah, chemical agent incinerator, scheduled to be issued by early FY 1989, will be a model for later permits issued for other sites.

DOD Installation Restoration Program (IRP)

DOD developed the IRP to identify and clean up hazardous waste sites. Under the IRP, DOD prepares studies and generates data that can assist the permitting agency in drafting RCRA permits. The Regions and States should incorporate the IRP

process into the permit development process by reviewing the results of each phase of the IRP process. When necessary, the scope of the IRP should be expanded to include all solid waste management units at a facility. For further information, see memorandum from Marcia E. Williams to Regional Division Directors, dated December 8, 1986, "The Department of Defense Installation Restoration Program".

DOE-NRC Mixed Waste

Regions and States are to continue to address mixed waste handlers under the RCRA hazardous waste program based on the environmental benefits expected be achieved. Under the Federal program, all RCRA requirements are applicable to mixed waste handlers. Until a State with final authorization is authorized for radioactive mixed waste, handlers of such waste are not subject to pre-HSWA regulation. Therefore, those authorized States that have DOE facilities or NRC licensees are urged to apply for mixed waste authorization as soon as possible. See memorandum from J. Winston Porter dated October 20, 1986 "State Authorization to Regulate Hazardous Components of Radioactive Mixed Wastes".

EPA will publish a notice which clarifies the availability of interim status for owners and operators of TSDF's in unauthorized States. The notice will indicate that owners and operators first subject to Subtitle C permitting requirements because of their handling of mixed waste have six months from the date of publication of the notice to submit Part A permit applications in order to qualify for interim status. Conversely, facilities treating, storing, or disposing of radioactive mixed waste in authorized States are not subject to RCRA until the State revises its existing hazardous waste program to include authority to regulate mixed waste.

However, it should be noted that prior to authorization, States may have State regulatory authority over radioactive mixed waste. States are encouraged to apply existing authorities, including enforcement authorities, prior to authorization.

Regions and States should be cognizant of the magnitude of the potential universe of mixed waste handlers as they implement the RCRA program. For example, there are 26,000 Nuclear Regulatory Commission licensees, each of which could be subject to various aspects of the RCRA program. This situation is underscored when one considers the implications of the absence of a permitted mixed waste disposal facility. Each generator that

might ordinarily be exempt from RCRA permitting requirements will need to obtain a permit for mixed waste stored in excess of 90 days. States and Regions should work with the appropriate nuclear regulatory agency (i.e., Federal or State) to ensure that compliance with RCRA regulations does not create a bottleneck for radioactive waste management. To this end, each Region and State should make a concerted effort to permit at least one mixed waste storage facility in FY 1989, with attention focussed on commercial facilities.

A-106 Process

Every year Federal agencies develop draft A-106 reports which show the requested funding levels for the agencies' proposed pollution abatement projects. EPA Headquarters distributes these draft reports to the Regional Offices in January for comment on whether the identified funding levels are sufficient to support required activities. If possible, State review and comment also is appropriate. EPA Headquarters uses these comments in preparing a report to OMB, a draft of which is distributed to the Regional Offices in July for comment. OMB uses EPA's comments when recommending funding levels for pollution abatement projects. The Regions' comments are to be based on information available from permit and inspection files, inspection reports, RFA's, etc.

Compliance Monitoring and Enforcement

The enforcement priorities in Section 3 apply to Federal facilities. Authorized States have the lead on enforcement for hazardous waste handlers, including Federal handlers. However, the Region must take enforcement action where the State fails to do so, especially for High Priority Violators. As described in the Enforcement Response Policy, EPA will issue a Notice of Noncompliance which is similar to a RCRA Section 3008(a) complaint in format and content as the initial action at a Federal facility that is in significant noncompliance. EPA then will negotiate a Federal Facility Compliance Agreement with the Federal agency to formalize a schedule for returning the facility to compliance. Each Federal Facility Compliance Agreement should contain a clause stating that the provisions of the agreement are enforceable through the citizen suit provision of RCRA Section 7002.

The Regions also should consider the issuance of a formal action with penalties to the contract operator of a government-owned facility (GOCOs) as a means for returning the facility to

compliance. GOCOs are not shielded from enforcement actions for noncompliance with environmental laws. Issuance of a press statement regarding non-compliance at Federal facilities and the associated enforcement response is encouraged where appropriate.

Certain information contained in inspection reports may not be subject to release due to national security requirements. These reports should be reviewed prior to release by the appropriate security officials of the Federal agency involved. This review should not delay enforcement action.

List of Applicable Guidances

- o Joint EPA/NRC Guidance on the Definition and Identification of Commercial Mixed Low-Level Radioactive and Hazardous Waste, OSWER Directive #9432.00-2, January 8, 1987; will be updated during FY 1988 based on comments received.
- o Joint EPA/NRC Siting Guidance for Disposal of Mixed Low-Level Radioactive and Hazardous Waste, March 13, 1987.
- o State Program Advisory No. 2, RCRA Authorization to Regulate Mixed Wastes, July 30, 1987.
- o Joint EPA/NRC Guidance on a Conceptual Design Approach for Commercial Mixed Low-Level Radioactive and Hazardous Waste Disposal Facilities, OSWER Directive #9487.00-8, August 3, 1987.
- o Enforcement Response Policy, December 21, 1987.
- o Enforcement Actions Under RCRA and CERCLA at Federal Facilities, signed by J. Winston Porter on January 25, 1988.
- o Preamble to the Federal Agency Hazardous Waste Compliance Docket and Listing, 53 Federal Register 4280, February 12, 1988.
- o EPA/NRC Joint Permitting/Licensing Guidance, August 1988*.

* Scheduled date.

Section 6

CROSS-MEDIA AND PROGRAM ISSUES/PRIORITIES/COORDINATIONObjective

The RCRA Program acknowledges that environmental programs should not shift risks from one environmental media to another. We must ensure that RCRA activities use all available tools to focus on overall reduction of environmental risks. RCRA activities particularly have an impact on, and need to be coordinated with, EPA's air, water, and CERCLA programs.

Relation to FY 1988 RIP

- o Adds discussion on Subtitle D;
- o Adds discussion on waste minimization;
- o Adds discussion on Toxic Chemical Release Inventory;
- o Adds discussion on RCRA programs on Indian lands.

Subtitle D

New Subtitle D criteria for municipal solid waste landfills will be proposed on during FY 1988. The proposed criteria are expected to be finalized during FY 1989. Not later than eighteen months after the final promulgation date of the revised criteria, States are to have in place a permit program or other system of prior approval and conditions to implement these criteria. The Regions are to support the State's efforts to meet this deadline through technical assistance. EPA is to determine the adequacy of each State's program. A Subtitle D Interim Implementation Strategy, based on the proposed criteria, will be distributed by October 1988 and will include specific activities for Regions and States to complete during FY 1989.

CERCLA/RCRA Integration

With the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Superfund Amendments and Re-Authorization Act of 1986 (SARA), the objectives, authorities, and responsibilities of the RCRA and CERCLA programs are drawing closer together. There will be a greater emphasis on activities to integrate and coordinate the two programs to ensure effective, non-duplicative, and coordinated implementation. Some activities

that reflect mutual program needs include inspection and enforcement activities at RCRA facilities that receive CERCLA wastes and permitting activities at facilities that offer an alternative to land disposal, helping ensure adequate capacity for wastes generated by CERCLA actions. Specific coordination activities, including the Environmental Priorities Initiative, are discussed in the national priorities, permitting/closure, corrective action, compliance monitoring and enforcement, and Federal facilities sections of this document.

In addition, effective integration will include sharing expertise and experience as the programs' work increasingly overlaps. One area where support is needed is in applying RCRA requirements to CERCLA cleanups. SARA requires that final remedies comply with applicable or relevant and appropriate requirements (ARARs); RCRA often will provide ARARs for CERCLA sites. The RCRA program will need to provide assistance to the CERCLA program in identifying and determining compliance with RCRA requirements at Superfund sites.

Section 104(k) SARA requires States to provide satisfactory assurances to EPA that they have sufficient treatment and disposal capacity for all hazardous waste expected to be generated within their borders for the next twenty years. States must provide appropriate assurances by October 1989. EPA has issued a grant to the National Governors' Association to develop State recommendations, which are due the fall of 1988, as the basis for issuing Agency guidance. EPA Regions currently are devising strategies for aiding States in providing assurances in response to EPA guidance. Specific activities in this area are listed in the Agency's Operating Guidances for FY 1989.

Water Discharges at TSDF'S

Continued attention should be paid to coordinating RCRA permitting, corrective action, and enforcement activities with water program activities, especially for POTW's treating hazardous wastes. To the extent possible, RCRA ground water and corrective action activities should be consistent with both Federal and State water program requirements and aquifer classification systems.

Waste Minimization

The 1984 HSWA amendments to RCRA support waste minimization as a national goal by stating: "wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible". To implement this national policy on waste minimization, EPA is developing a policy and implementation plan that:

- o defines waste minimization as source reduction and recycling; and,
- o includes a multi-media strategy which begins with hazardous waste and identifies opportunities to incorporate source reduction, recycling, and other pollution prevention concepts.

Regional and State waste management programs, and facility-wide management programs for generators, should address pollution reduction across all environmental media, including air, water, land, and ground-water resources. Source reduction and recycling efforts also should focus on the transfer of toxic substances across environmental media.

In FY 1989, Regions are to actively promote the national waste minimization policy and program by:

- o helping States to develop and implement waste minimization programs (see Section 8 on State grants for waste minimization);
- o assisting, as necessary, in the collection of needed data on hazardous waste generation and management trends to monitor and evaluate national progress;
- o developing a network among the appropriate Regional and State program offices to promote a multi-media, integrated approach to waste minimization;
- o providing outreach and education to, and communicating with, industry, States, and the general public;
- o committing resources to waste minimization activities in budgeting and planning processes; and,
- o processing permit modifications which support waste minimization.

Toxic Chemical Release Inventory

Under Title III of SARA, annual Toxic Chemical Release Reports (TCRR) must be submitted on or before July 1 (e.g., the report for calendar year 1987 must be submitted on or before July 1, 1988). A complete TCRR must be submitted for each toxic chemical manufactured, processed, or otherwise used at each covered facility (see 40 CFR Part 372). Data from the TCRR include releases to air, water and land; transfers to off-site facilities; treatment methods and efficiencies; uses of chemicals; quantities stored; and facility identification elements. The data from the TCRR will be computerized, and EPA Headquarters will complete initial data screens and reviews. Processed information will be provided to Regions for follow-up (i.e., TCRR information may assist in identifying non-notifiers and illegal disposers). Specific guidance will be developed and distributed during FY 1989. Information from the TCRR may be helpful to Regions and States in establishing priorities.

Indian Lands

In accordance with the 1984 EPA Indian Policy and the revised Strategy for Implementation of the EPA Indian Policy (1987), the Regions are expected to undertake active outreach and liaison with tribes. Relationships with States and tribal governments, similar to those established by Region V with the Menominee tribe and by Region VIII with three affiliated tribes at Fort Berthold, are strongly encouraged. In FY 1989, EPA will be working with the Bureau of Indian Affairs and the Indian Health Service to develop a Memorandum of Understanding that will identify the respective Agencies' roles in implementing all media programs on Indian lands.

Section 7

STATE AUTHORIZATION AND OVERSIGHT

Program Objectives

The goals of State authorization and oversight are twofold: (1) to strengthen the Federal/State partnership; and, (2) to enhance implementation of RCRA programs to ensure effective protection of human health and the environment.

Relationship to FY 1988 RIP

- o Continued emphasis on codifying changes to approved State programs;
- o Continued emphasis on assessing and enhancing State capability to ensure expeditious processing of HSWA authorization applications;
- o Continued emphasis on maintaining State program consistency with the Federal standards, including HSWA.

Maintaining Equivalency/Consistency

Under Section 271.21(a), any proposed modifications to an authorized State's basic statutory or regulatory authority, or its forms, procedures, or priorities, are to be sent to EPA. Whenever the proposed revisions raise questions about the equivalency and consistency of the State program, the Region must work with the State and Headquarters to address the identified issues. Of particular concern are State restrictions on siting of new facilities and on interstate movement of waste. These restrictions raise concerns about whether the State program meets the consistency requirements of Section 271.4.

An EPA Task Force on National Review of Hazardous Waste Consistency and Capacity Issues is examining the issues surrounding these types of State restrictions. The Task Force plans to recommend policy options to the Administrator later this spring. Once a decision is made on how the Agency will address State authorization and consistency, we will inform the Regions.

Developing State Authorities

Authorized States should develop the legal authorities necessary to revise their programs consistent with the deadlines in the final State authorization Codification Rule (51 FR 33712, September 22, 1986). Upcoming deadlines are:

<u>Cluster</u>	<u>Cluster Period</u>	<u>State Modification Deadline</u>	<u>Application Submittal Deadlines</u>
HSWA Cluster I	11/8/84 - 6/30/87	7/1/89	9/1/89
HSWA Cluster II	7/1/87 - 6/30/90	7/1/91	9/1/91
Non-HSWA rules	7/1/87 - 6/30/88	7/1/89	9/1/89

States are not precluded from applying for authorization before cluster deadlines. Extensions are available if a State demonstrates that it has made a good faith effort and that its legislative or rulemaking procedures render the State unable to meet the deadlines. The schedules for review and decisions on State applications are found on pages 1.4-8 (draft applications) and 1.4-10 - 1.4-11 (official applications) of the State Consolidated RCRA Authorization Manual (SCRAM).

Each grant work program should include development of necessary statutory and regulatory authorities, development of the State's authorization applications, and the State's schedule for submitting program revision applications. It will be the Region's responsibility during the year to: track the States' progress in meeting the deadlines, grant extensions to the deadlines if appropriate, and negotiate compliance schedules for those States who are unable to meet the deadlines. After grant negotiations are completed, the Regions are to submit to the Chief, State Programs Branch, OSW, each State's schedule for modifying its program to maintain equivalency. This schedule will aid the Regions and Headquarters in planning resource needs for timely application review and approval.

States also are encouraged to develop State regulations consistent with new Federal regulations designed to provide capacity, promote innovative techniques, and generally streamline the program. This includes regulations addressing mobile treatment units, RD&D permits, and the proposed revisions to the permit modification process. States are not precluded from developing regulations that are more stringent than Federal regulations.

Codifying Approved State Programs

Codifying changes in approved State programs in Part 272 is a continuing effort for FY 1989. Codification clarifies for the public and regulated community those State hazardous waste program requirements EPA has approved and will enforce in lieu of the Federal requirements. The Regions must codify revisions to State programs at the same time such revisions are approved. The Part 272 process is discussed in detail in Chapter 1.6 (pp.1-4) of the SCRAM.

Developing and Assessing State Programs

EPA must review the States' progress in implementing quality RCRA programs and work with the States to enhance their capability to implement additional program elements prior to making authorization decisions for HSWA requirements. To complete this review, the Regions should consider grant commitments, as well as the RCRA Quality Criteria, and should follow the guidelines established in a memorandum from J. Winston Porter to the Regional Administrators, dated April 8, 1987, OSWER Directive #9540.00-8, "Capability Assessments for RCRA Authorization Program Revisions".

Ongoing, comprehensive evaluations of State RCRA programs are an integral component of the Regions' oversight responsibilities. These reviews are to determine where a State may need additional assistance, such as training, and to identify highlights of a State's program that may be useful to other States. The Regions are strongly encouraged to use the following documents in reviewing State programs and their progress against grant work programs and Memoranda of Agreement commitments:

- o RCRA quality criteria (revised July 1986);
- o Protocols for evaluating permit quality and closure/post-closure plans (August 1986); and
- o Enforcement Response Policy (December 21, 1987).

The Region should determine the frequency and method of review based on the State's capability and need for assistance. States should receive at least one comprehensive, on-site review during each fiscal year.

Oversight inspections provide opportunities to evaluate State inspection programs and can include joint inspections and/or independent EPA inspections. During FY 1989, EPA will perform oversight inspections at approximately 10% of the TSDI inspections committed to in State grant agreements and an appropriate number of inspections at generators of land disposal restricted waste. In addition, regular reviews of inspection reports should be conducted as part of the grant oversight process.

A copy of each final review report should be sent to the Chief, State Programs Branch, OSW.

Training

State training activities are eligible for funding under RCRA Section 3011 grants. States are strongly encouraged to use their grant funds to provide management and staff training in permitting, enforcement, and corrective action activities. It is recommended that up to 5 percent of each State grant be earmarked for training activities. The RCRA Implementation Contract and TES III and IV also may be used to provide training, either with Regional contract resources or with reprogrammed State grant funds. If a State plans to use grant funds for training, the grant work program must provide a training plan specifying the subject area, source, recipients (a general number, not name-specific), and cost.

In 1986, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) initiated a Technology Transfer and Training Program as part of the State Program Enhancement efforts of the Office of Solid Waste (OSW) and ASTSWMO. The goal of this program is to assist the States to develop a self-sufficient training capability by building a cadre of State staff to assist in training new personnel. To further this goal, in FY 1989, OSW and OWPE again will provide funding to ASTSWMO for the development of an entry-level RCRA permit writers training course. ASTSWMO will work with the University of Michigan to ensure effective course presentation. The course is scheduled for February 1989.

In FY 1989, a special Congressional appropriation will fund the development and implementation of State training programs through the RCRA Integrated Training and Technical Assistance project (RITTA). The goal of this program is to improve hazardous waste management by building a highly skilled work force at the State agency level and ultimately extending that knowledge and expertise to the industrial sector and the general public through outreach and technical assistance programs. Grants will be awarded to States to plan, develop, and institutionalize an integrated training and technical assistance program under RCRA.

Streamlining the Authorization Process

EPA has received several suggestions on how to streamline the authorization process to make it more efficient and to strengthen the Federal/State relationship. These suggestions include more liberal use of interim authorization, partial authorization, providing incentive for verbatim adoption of Federal rules, and changes to the review process, among others.

While any changes made must continue to support the statutory mandates of health and environmental protection, as well as equivalency and consistency, we intend to pursue these suggestions and develop options for implementing feasible alternatives to the present system. This effort will succeed only with substantial Regional and State input.

Section 8

STATE GRANTS AND WORK PROGRAMS

This section specifies the formula for determining FY 1989 grant allocations and addresses how the money will be disbursed by Regional Administrators and how it may be used to implement State RCRA programs.

Relation to FY 1988 RIP

- o Continues Regional allotments;
- o Grant formula remains unchanged for FY 1989.

Grant Formula

For FY 1989, the grant formula remains unchanged. However, the number of treatment, storage, and disposal facilities has been updated, using HWDMS data as of March 14, 1988. Population figures have been updated using the latest census data.

Grant Allotments

Regional grant allotments are provided in Attachment A. This Regional allotment disbursement procedure is meant to provide maximum flexibility to the Regional Administrators to fund activities which reflect national goals, individual State workloads, and special Regional and State RCRA initiatives. While Regional Administrators have the discretion to set grant amounts, it is suggested that a State grant not be decreased by more than 5% or increased by more than 12% from the FY 1988 State grant amount. It also is recommended that the Region negotiate proposed grant activities with each State before State-specific allotments are determined to ensure adequate and fair funding levels. State grants will continue to require a 25 percent match.

Grant Work Programs

FY 1989 grants must be performance based. (For a detailed discussion on performance-based grants, see EPA's "Policy on Performance-Based Assistance", May 31, 1985.) This approach provides for a consistent nation-wide method for managing and evaluating State RCRA programs. All grant work programs must:

- o contain quarterly commitments;
- o provide for adjustment in activities, commitments and funding (a "reopener" clause) if certain situations (e.g., reversion of program, significant decrease in State funds, additional commitments) arise.

This work program also should address, when appropriate:

- o instances where a State did not meet its FY 1988 commitments or was administering its program in a deficient manner and where the remedies that will be undertaken to improve performance/correct deficiencies extend into FY 1989;
- o special grant conditions (e.g., disbursement of funds other than annually).

If a State relies heavily on the State Attorney General or other law offices in order to take enforcement actions, funding should be provided. The Attorney General should participate in the grant process through the lead Agency but would not be made a party to the grant. However, in order to receive funding, both parties should be signatory to a Memorandum of Understanding or other subsidiary agreement to the grant. As a signatory to this agreement, the Attorney General is expected to meet the "timely and appropriate" criteria for filing referred RCRA cases within the 60-day period. EPA will take into consideration unusual circumstances that may affect the Attorney General's ability to file within 60 days (Enforcement Response Policy, December 21, 1987). As required by EPA grant regulations, the lead State agency is considered responsible for grant management, even though funds have been passed through to the Attorney General's office.

The Regional Administrator may reprogram funds not awarded to any State into the RCRA Implementation Contract, the Technical Enforcement Support (TES) contract, or other programs which support activities consistent with national priorities (e.g., public participation and the Senior Environmental Employment (SEE)

program). Note, however, that State monies only can be used to support the implementation of State hazardous waste programs. Section 3011 grant funds cannot be used to implement CERCLA or UST program activities.

Copies of each State's grant work program should be sent to the Chief, State Programs Branch, OSW, upon execution of the grant award document by the Region.

Waste Minimization

While Section 3011 grants focus on hazardous waste management, there also should be an effort to promote reduction and recycling activities. Increased emphasis on reducing or eliminating the generation of hazardous waste is needed to implement national policy on waste minimization established in HSWA. For example, specific waste minimization activities, such as technology transfer, are fundable under Section 3011 grants.

In addition, in FY 1987 and FY 1988, Congress appropriated grant funds specifically for waste minimization activities. These grants are in addition to Section 3011 grant funds. In FY 1987, \$3 million was appropriated to provide funding to a limited number of States to develop hazardous waste training projects targeted to waste minimization in support of the State's RCRA program. In FY 1988, additional funds were appropriated to provide incentive grants to States to establish and expand waste reduction technical assistance programs. EPA will make \$3 million available for this purpose. Specific guidance (including statutory authority, management approach, and eligible activities) for each of these grants will be distributed to the Regions.

Section 9

INFORMATION MANAGEMENTReporting Objectives

The objectives of the RCRA reporting requirements are to obtain information necessary to: 1) effectively manage the RCRA program at the State, Regional and national levels; and, 2) to demonstrate the effectiveness of the RCRA program in protecting human health and the environment.

Relation to FY 1988 RIP

- o Gives greater detail on RCRIS implementation;
- o Adds a discussion of the 1989 Biennial Report;
- o Adds a discussion on the Risk - Based SPMS Project;
- o Adds targetting and reporting requirements for OWPE corrective action SPMS measures;
- o Adds new reporting requirements for tracking enforcement and compliance monitoring actions at environmentally significant facilities under the Environmental Priorities Initiative system;
- o Redefines Significant Non-Compliance to be equivalent to High Priority Violator TSDFs; generator HPVs due to land ban violations are reported in SPMS.

Reporting Requirements

EPA Regions and States will use two information systems in FY 1989 as we move from HWDMS to RCRIS. Regions and States will enter all required reporting data into HWDMS until they have converted to RCRIS. Upon the implementation of RCRIS, Regions and States will use RCRIS forms for data collection and the RCRIS system for all data entry. The scope of RCRIS reporting requirements will be no greater than their HWDMS counterparts. The RCRIS reporting forms will be finalized before the beginning of FY 1989. Parallel operation of HWDMS and RCRIS is expected to continue for approximately two months in each Region and its associated States. While HWDMS is still operational, States that enter data directly into the HWDMS should comply with their State/Regional agreement regarding submittal of hard copy reports.

States that do not enter data directly into HWDMS or RCRIS must submit required reporting information to EPA by the 20th calendar day of the month following the reporting period (e.g., reporting information for April is submitted by May 20). The Regions then have until the seventh working day of the next month to enter this State-submitted data (e.g., reporting information for April is submitted by May 20 and entered by the Region by June 9). Data for direct entry States and Regions must be entered by the seventh working day of the month following the reporting period (e.g., data for April must be entered by May 10).

To ensure that progress is made in attaining compliance goals, States must submit to the Regions copies of all land disposal facility inspection reports (CMES, CEIs) and other reports deemed necessary by the Region. State administrative complaints and orders taken against HPVs, as well as judgments, must be submitted. This requirement will help ensure that Regional files are sufficient to determine a facility's compliance status and to track related State actions. To ensure complete State files, the Region also should provide the State with similar information.

Similarly, to enable EPA to enforce HSWA requirements where States have done the inspections, States must submit reports of inspections resulting in determination of significant violations of corrective action requirements in permits or orders, significant violations of land ban requirements, and reports on surface impoundment retrofits.

Regions must submit copies of Regional administrative complaints, initial orders, and final orders to the Director, RCRA Enforcement Division, OWPE.

Biennial Report Requirements

Biennial reporting implementation requirements for Regions and States span a two-year cycle. Throughout this two-year cycle, authorized States are responsible for program implementer activities. EPA Regional Offices are responsible for program implementer activities in unauthorized States, unless such responsibilities are delegated to States through Cooperative Agreements. EPA Regions also are responsible for program oversight activities where States are program implementers.

During FY 1988, program implementers obtained 1987 calendar year data from regulated generators and treatment, storage, and disposal (TSD) facilities through biennial or annual reports or other data collection mechanisms. As specified in the FY 1988 RIP, implementers are responsible for ensuring that reported data are accurate and complete, for ensuring that required reports are submitted on a timely basis, and for submitting State Biennial Program Reports to oversight by September 30, 1988.

Deadlines for generators and TSD facilities to submit 1987 biennial reports were extended at OMB's request from March 1, 1988, to May 1, 1988, with case-by-case extensions to July 1, 1988, granted upon written request. Accordingly, OSW is extending the deadline for submission of 1987 State Biennial Program Reports from September 30, 1988, to November 30, 1988.

During FY 1989, program implementers are responsible for completing their validation of data reported by generators and TSD facilities and submitting 1987 State Biennial Program Reports to oversight by November 30, 1988. OSW will provide guidance for preparing 1987 State Biennial Program Reports by April 30, 1988. The guidance will identify the specific data to be transmitted from implementers to oversight and will provide specifications for both automated and hard copy data transfers. OSW also will provide software for implementers to use in processing EPA's revised 1987 reporting forms. This PC-based Biennial Report Data System (BIRDS) will be distributed in three phases: Data Entry (June 16, 1988); Data Validation (August 15, 1988); and Retrieval/Reporting (September 15, 1988). OSW will provide training for implementers in using BIRDS during June and July 1988.

Oversight responsibilities during FY 1989 include loading data transmitted by implementers in 1987 State Biennial Program Report into the BIRDS National Data Base, auditing transmitted data to assess compliance with OSW's specifications for such data, and directing implementers to follow-up on errors and incomplete data identified through the oversight audit process. Oversight responsibilities for the 1987 reporting cycle also include implementing waste minimization reporting requirements, unless these are being implemented for oversight by States.

Implementer and oversight activities for the two-year 1987 reporting cycle are summarized in the following table.

Summary of Biennial Report Activities

<u>Activity</u>	<u>Responsible Party (1)</u>	<u>FY</u>	<u>Completion Date</u>
Print and Mail Reporting Forms	I (HQ)	1988	3/88
Provide Telephone Assistance	I (HQ)	1988	1/88 - 6/88
Track Dead Mail	I (HQ)	1988	4/88
Receive Reported Data	I	1988	3/88 - 7/88
Process (Enter/QA/QC) Reported Data			
- Biennial Report	I	1988/1989	6/88 - 11/88
- Waste Minimization Package	O (HQ)	1988/1989	6/88 - 11/88
Follow Up on Non-Response/ Incomplete Data/Data Errors			
- Biennial Report	I	1988/1989	6/88 - 11/88
- Waste Minimization Report	O (HQ)	1988/1989	6/88 - 11/88
Transmit Data to Oversight	I	1989	11/88
Load Transmitted Data into National Data Base			
- Load automated files	O	1989	12/88
- Automate hardcopy data	O (HQ)	1989	1/89
Audit Transmitted Data	O	1989	1/89
Follow Up on Errors Identified Through Audit Procedure	I	1989	1/89 - 3/89
Release BIRDS National Data Base	HQ	1989	3/89
Release 1987 National Summary Report	HQ	1989	6/89

1 Notations in parentheses indicate oversight activities normally performed by EPA Regional Offices that will be performed by EPA Headquarters for the 1987 reporting cycle only, unless EPA Regional Office or States choose to perform them.

Key: I = Implementers (States or EPA Regional Offices)
O = Oversight (EPA Regional Offices)
HQ = EPA Headquarters

Strategic Planning and Management System

The Strategic Planning and Management System (SPMS) provides a way to plan and report major program goals and accomplishments. See Attachment B for FY 1989 measures and definitions. Data in HWDMS and CARS will be counted for RCRA permitting, enforcement, and corrective action SPMS achievements until a Region and its States have converted to RCRIS. If it is determined that RCRIS accurately reflects the information reported in HWDMS, subsequent SPMS reporting will be taken from RCRIS. Otherwise, SPMS will be taken from HWDMS until the information is accurate and obtainable from RCRIS.

SPMS reporting will be quarterly (e.g., October-December, etc.). However, for each quarter, there will be a one-month lag in reporting for all non-direct entry States. For example, the first quarter will include all data entered into HWDMS by the date of the SPMS retrieval (January 11, 1989). Because some State data will not be entered into HWDMS until February if the timeframes in the "Reporting Requirements" Section are followed, first quarter data will not include actions occurring in December in these States. However, SPMS data is reported cumulatively; therefore, State December data will be reported in the second quarter report, unless such data is in HWDMS by January 11. At the end of FY 1989, the Office of Management and Systems Evaluations will delay issuing the FY 1989 SPMS report so that data from the full fiscal year for the State and Regions will be included. This one-month lag must be kept in mind when negotiating SPMS commitments.

(Please note that draft report forms for the SPAR and CAR and a final report form for the CMEL are included in Attachment C.)

Schedule for SPMS Commitments

In order to provide a review and negotiation period among OSW, OWPE, and the Regions, draft FY 1989 SPMS commitments must be submitted by July 15, 1988. These commitments must be signed by the Regional RCRA Division Director and sent to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE. The only exception to these dates is for commitments related to beginning-of-year SNC's. Instructions for these commitments will be sent later.

Risk-Based SPMS Project

OSW is considering the feasibility of developing a SPMS targeting methodology that would take into account environmental benefits expected to be achieved by an activity, national priorities, and Regional/State RCRA initiatives. If feasible, the project is expected to be implemented for the FY 1990 cycle, with potential for a pilot project first. Regional and State input will be solicited to determine the feasibility of such a project.

RCRIS Conversion/Implementation

Implementation of the Resource Conservation and Recovery Information System (RCRIS), the newly developed information system to support the reporting requirements of States, Regions, and EPA Headquarters, is scheduled to begin the second quarter of FY 1989. HWDMS will continue to operate for each Region and its associated States until it is determined that RCRIS is operating reliably in that Region and its States, and the users in that Region understand the use and reporting of RCRIS data (estimated at approximately two months). SPMS counts for a Region and its' States will be taken from HWDMS until that determination is made.

A number of activities must take place, both prior to conversion to RCRIS and following its implementation. Detailed guidance is (or will be) available for each required activity, as indicated under "List of Applicable Guidances" at the end of this Section.

All Regions are expected to begin RCRIS operation during FY 1989. Although EPA Headquarters will provide the technical and planning lead for RCRIS, specific implementation plans must be developed by each Region and State. The purpose of each plan is to document the strategies and planned activities involved in the preparation for and completion of system implementation within that Region/State. It includes a schedule for the performance of all activities (data base initialization, reporting schedules, data collection/cleanup, etc.), a description of the architecture proposed for the system (hardware/software/tele-communications), data administration/coordination organization, and training needs. Regions and States must include schedules and plans for RCRIS implementation in their FY 1989 grant negotiations. Regions will set aside 5% of the total Regional grant allocation to support RCRIS activities in States. Regions need not allocate 5% to each State or include each State in this funding activity but should negotiate commitments and funding based on the status of a State's program and the State's needs.

A "template" or blank implementation plan, is available to assist implementers in understanding the format and content of this plan, as well as samples of how these plans were completed for the pilot. In addition, EPA HQ will provide assistance to each Region and State as needed to develop implementation plans. Some of the more important issues to be resolved in developing these plans include: how parallel operations will be conducted (roles and responsibilities); a schedule for collection of new data and cleanup of existing data; appropriate application of the two domain concept in data management (including control of changes to data); coordination of the installation and operation of State hardware with EPA equipment; and issues regarding translation of data from internal State systems (where applicable).

The choice of "how" and "when" each State/Region will be ready to start automated operations will need to be estimated during the State/Region grant negotiations. States may choose to continue "manual" reporting until they are in a position to undertake responsibility for automated data processing (or may elect to continue long-term manual processing). The Regions will institute RCRIS reporting to these States, however, and the States will be asked to provide quality assurance reviews of the RCRIS data.

Regardless of whether a State will conduct manual operations initially or not, the Regions and States must negotiate the schedule for automation. This includes equipment upgrades, personnel for data review/collection, personnel for system administration, etc. The most critical factor will be a clear understanding of the respective roles in ensuring data accuracy and integrity. It is expected that most data cleanup will occur in the RCRIS environment (data from HWDMS will be converted followed by cleanup by the Region or State using RCRIS automated tools). The completion of these "cleanup" activities will be defined by the negotiations.

Headquarters will provide support in a number of areas including the guidelines listed below and through the RCRIS User Support Group, the RCRIS Resource Group (consisting of representatives from Regions, States, and EPA Headquarters), and the RCRIS project management staff. Headquarters also will provide:

- a full set of software and system administration procedures, that have been fully tested by a third party testing group and in Region IV and four of its associated States (January, 1989);

- policy on determining when parallel operations of HWDMS and RCRIS can be stopped; i.e., when reconciliation of the systems has shown RCRIS to carry accurate and complete data;
- technical support in needs assessment and resolution, at an oversight level; Headquarters will not be involved in detailed State-by-State negotiation, but will provide consultation to the Regional Coordinator;
- baseline documentation (as detailed in Applicable Guidances below), training, and centralized user support.

States will be expected to include RCRIS implementation needs as part of the State grant package.

List of Applicable Guidances

- o DATA Base Initialization Handbook, March 1988: includes pre-conversion data cleanup and post-conversion data cleanup/collection of new data.
- o Pilot Evaluation: Cost Models, October 1988; implementation strategy/plans, Headquarters also plans to provide technical implementation teams to assist in developing an implementation plan and schedule.
- o Configuration Specifications, December 1987, Assessment and Evaluation: Architecture Review, December 1987: hardware/software/telecommunications requirement.
- o System Administration Handbook, March 1988, procedures, roles, and responsibilities.
- o Translator Feasibility Study, March 1988, RCRIS Specifications for Translators, January 1988, Florida Implementation Plan, January 1988; Pilot Evaluation: Translator Review, October 1988; Pilot Evaluation: Cost Models, October 1988: development of translator software, for ~~those~~ States choosing to use a State system rather than RCRIS software.
- o Functional Specifications for the Parallel Operation of RCRIS and HWDMS, January 1988: procedures for parallel operation of RCRIS and HWDMS.

- o National Implementation Plan: Training Schedule, July 1988; RCRIS User Manuals, July 1988; RCRIS Training Plan: Course Available, June 1988: Training.
- o National Implementation Strategy: Details on approach, Regional "phase-in", preliminary cost estimates/models, March 1988.

Note: The listed documents may be revised based on the pilot project results.

OSWER DIRECTIVE #9420.00-5

ATTACHMENT A: FY 1989 RCRA GRANT ALLOTMENTS

Attachment A

FY 1989 Grant Allotments *
(\$ in thousands)

<u>Region</u>	<u>Regional Ratio</u>	<u>FY 1989 Base Allotment</u>
Region I	.06814	4,323.3
Region II	.11535	7,213.1
Region III	.11952	7,491.7
Region IV	.16449	10,260.6
Region V	.21237	13,246.8
Region VI	.14259	8,912.2
Region VII	.05041	3,162.9
Region VIII	.03507	2,278.1
Region IX	.11253	7,109.9
Region X	.03150	2,001.4

* The allotments reflect the FY 1989 budget request to Congress (\$66 million). The allotments could change based on the actual appropriation or subsequent budget adjustments (e.g., Gramm-Rudman-Hollings cuts).

NOTE: A workgroup consisting of Headquarters, Regional and State representatives will be convened to decide what, if any, changes will be made to the grant formula for FY 1990.

OSWER DIRECTIVE #9420.00-5

ATTACHMENT B: RCRA SPMS MEASURES

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Permitting

OBJECTIVE	MEASURES	SPMS CODE	FREQUENCY
Make final RCRA permit determination by the statutory deadlines.	<u>Permitting Measures</u> (Report on the following information for land disposal, incineration, and storage and treatment.)		
	Public notice of draft RCRA permit issued.	R/C-1(a)	Q 1,2,3,4 By Region
	Notice of intent to deny RCRA permit issued.	R/C-1(b)	Q 1,2,3,4 By Region
	Notice of availability of closure plan issued.	R/C-1(c)	Q 1,2,3,4 By Region
	RCRA permit issued. *†	R/C-1(d)	Q 1,2,3,4 By Region
	RCRA permit denied. *†	R/C-1(e)	Q 1,2,3,4 By Region
	Closure plan approved. *	R/C-1(f)	Q 1,2,3,4 By Region
	<p>* This measure requires Regional target for <u>land disposal and incinerator facilities</u>. Distinguish between land disposal facilities with incinerators and land disposal facilities without incinerators.</p> <p>† Permits issued and permits denied are combined for one target. They will, however, be reported separately toward the combined target.</p>		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Permitting

OBJECTIVE	MEASURES	SPMS CODE	FREQUENCY
Modify permits to maximize expanded capacity and protection of ground water and other environmental media.	<u>Permit Modification Measures</u> 1/ (Report the following information for all facilities.)		
	Number of significant permit modifications issued year to date.	R/C-2(a)	Q 1,2,3,4 By Region
	Number of significant permit modifications denied year to date.	R/C-2(b)	Q 1,2,3,4 By Region
Make decisions on requests for waivers from regulations.	<u>Waiver Requests</u> 1/		
	Number of waiver requests granted year to date.	R/C-3(a)	Q 1,2,3,4 By Region
	Number of waiver requests denied year to date.	R/C-3(b)	Q 1,2,3,4 By Region

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Permitting

OBJECTIVE	MEASURES	SPMS CODE	FREQUENCY
Assess and implement actions to correct releases of hazardous wastes and hazardous waste constituents to the environment.	<u>Corrective Action Measures 1/ (applies to facilities seeking operating permits and closing facilities)</u>	R/C-4	Q 1,2,3,4 By Region
	RCRA Facility Assessment (RFA) completed for entire facility; remedial investigation decision made.	R/C-4(a)	
	RCRA Facility Investigation (RFI) imposed. (Separate by entire facility or partial facility.)	R/C-4(b)(1) R/C-4(b)(2)	
	RCRA corrective action remedy selected. (Separate by entire facility and partial facility.)	R/C-4(c)(1) R/C-4(c)(2)	
	Corrective action design approved. (Separate by entire facility and partial facility.)	R/C-4(d)(1) R/C-4(d)(2)	

RCRA Permitting Definitions

Public notice of draft permit issued: The date the public notice of draft permit is issued.

Notice of intent to deny RCRA permit issued: The date the public notice of intent to deny a RCRA permit issued.

Notice of availability of closure plan issued: The date the public notice is issued.

RCRA permit issued: The date the RCRA permit is issued.

RCRA permit denied: The date the RCRA permit is denied.

Closure plan approved: The date the closure plan is approved following an inspection of the facility and public notice of the plan.

Number of significant permit modifications issued year to date: Number of significant permit modifications issued by EPA or authorized State year to date. Significant permit modifications include those that address one or more of the following: ground water (Subpart F), HSWA corrective action, and expansion/new units.

Number of significant permit modifications denied year to date: Number of significant permit modifications denied by EPA or authorized State year to date. Significant permit modifications include those that address one or more of the following: ground water (Subpart F), HSWA corrective action, and expansion/new units.

Number of waiver requests granted year to date: Number of waiver requests granted by EPA or authorized State year to date. Include waivers granted for the following: ACLs, double liner waivers, and/or tank secondary containment waivers.

Number of waiver requests denied year to date: Number of waiver requests denied by EPA or authorized State year to date. Include waivers denied for the following: ACLs, double liner waivers, and/or tank secondary containment waivers.

RCRA Permitting Definitions
(continued)

RCRA facility assessment (RFA) completed for entire facility: When a decision is made to initiate a remedial investigation or that a remedial investigation is not necessary.

RCRA facility investigation (RFI) imposed: When a permit or permit modification is issued which incorporates a requirement for an RFI; or EPA or authorized State takes formal enforcement action to require an RFI. Where a complete RFI is required for an entire facility, report as an entire facility. Where the RFI is phased to address different parts of the facility or different environmental media, "imposed" means to legally obligate the owner/operator to initiate the first phase of the RFI; report as partial facility.

RCRA corrective action remedy selected: When the RCRA corrective action remedy has been selected or when a decision has been made that corrective action is not necessary. Where corrective action remedy has been selected, permit or permit modification is issued incorporating corrective action remedy selected; or, owner/operator is notified in writing by EPA or authorized State that the corrective action remedy has been selected pursuant to an existing permit condition; or, enforcement order is issued or modified incorporating corrective action remedy selected; or, owner/operator is notified in writing by EPA or authorized State that the corrective action remedy has been selected pursuant to an existing enforcement order. When a decision has been made that corrective action is not necessary, EPA or authorized State notifies the owner/operator in writing that corrective action is not necessary as a result of the RFI. Report the entire facility if the permit/order addresses the entire facility; report partial facility if the permit/order addresses less than the entire facility.

Corrective action design approved: Date EPA/State approves the corrective action design. Report entire facility if the permit/order addresses the entire facility; report partial facility if the permit/order addresses less than the entire facility.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Improved compliance of hazardous waste handling with RCRA requirements.	<u>Inspections</u>		
	Target and report, year-to-date, the number of land disposal facilities that have received an inspection in FY89. (Combined EPA/State target). <input type="checkbox"/>	R/E-1(a)*	Q 1,2,3,4 by Region
	Target and report, year-to-date, the number of Treatment Storage Disposal (TSDs) facilities, other than land disposal, that have received an inspection in FY89. (Combined EPA/State target). <input type="checkbox"/>	R/E-1(b)*	Q 1,2,3,4 By Region
Return significant non-compliers to compliance.	Target and report, year-to-date, the number of Federal, State, and local government TSDs (including land disposal) that received an EPA inspection in FY89. (EPA target). <input type="checkbox"/>	R/E-1(c)*	Q 1,2,3,4, By Region
	<u>Significant Noncompliance - Fixed Universe</u>		
	Report the number of TSDs in significant non-compliance as of the beginning of the year (EPA and State combined report). <input type="checkbox"/>	R/E-2(a)	Q 1,2,3,4 By Region
	Specify the number of TSDs that received formal enforcement action prior to FY 89 addressing all R/E 2(a) SNC violations.	R/E-2(b)	Q 1,2,3,4 By Region
	Report the number of these facilities that have had a referral for filing of a judicial action that addresses all outstanding R/E-2(a) SNC violations (Report EPA and State separately.)	R/E-2(c)	Q 1,2,3,4 By Region
<input type="checkbox"/> Definition at end of program measures. * SPMS Target			

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Enforcement

OBJECTIVE	MEASURE	SFMS CODE	FREQUENCY
	Report the number of these facilities that have received an initial filed formal enforcement action that addresses all outstanding R/E-2(a) SNC violations (Report EPA and State separately.)	R/E-2(d)	Q 1,2,3,4 By Region
	Report the number of these facilities that are under a final formal enforcement order that addresses all outstanding R/E-2(a) SNC violations (Report EPA and State separately).	R/E-2(e)	Q 1,2,3,4 By Region
	Report the number of facilities returned to physical compliance for all R/E-2(a) SNC violations - regardless of how accomplished. (Report EPA and State combined.)	R/E-2(f)	Q 1,2,3,4 By Region
	Target the number of facilities in R/E-2(a) that have not had a formal enforcement action taken against them by the beginning of FY 89 to resolve all R/E-2(a) SNC violations. (Separate EPA and State targets.) _/	R/E-2(g) *	Q 1,2,3,4 By Region
	This measure will be reported cumulatively. All facilities must be addressed prior to the end of the fiscal year through formal enforcement.		
	_/ Definition at end of program measures. * SFMS Target		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Enforcement

<p>Ensure that timely and appropriate enforcement action is taken against SNC's.</p>	<p><u>Significant Noncompliance - Snapshot</u></p> <p> </p> <p>Report the number of TSD facilities in SNC <u>at this point in time.</u> _/</p> <p>Report the number of TSD facilities in SNC <u>at this point in time</u> that have not had a formal enforcement action initiated to resolve all violations causing the facility to be in SNC. Report by time lapse from inspection:</p> <ul style="list-style-type: none"> - 135 days or less - 136-180 days. - 181 days or more 	<p>R/E-3(a)</p> <p>R/E-3(b)</p> <p>R/E-3(b) (1)</p> <p>R/E-3(b) (2)</p> <p>R/E-3(b) (3)</p>	<p>Q 1,2,3,4 By Region</p> <p>Q 1,2,3,4 By Region</p>
<p>Ensure compliance by Federal facilities.</p>	<p><u>Federal Facilities - Snapshot</u></p> <p>Report the number of Federally owned or operated TSD facilities that are in SNC, at this point-in-time. _/</p> <p>Report the number of these facilities against which there is one or more appropriate enforcement action(s) addressing all SNC violations. _/</p> <p>_/ Definition at end of program measures. * SPMS Target</p>	<p>R/E-4(a)</p> <p>R/E-4(b)</p>	<p>Q 1,2,3,4</p> <p>Q 1,2,3,4 By Region</p>

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1989

Program: RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure that violators of the Land Disposal Restrictions are returned to compliance.	<p><u>Land Disposal Restrictions Noncompliance - Snapshot</u></p> <p>Report the number of generators generating over 1000kg of waste that receive a Land Ban inspection in FY89. _/</p> <p>Report the number of generators that are classified as HPVs due to Land Ban violations. _/</p>	<p>R/E-5(a)</p> <p>R/E-5(b)</p>	<p>Q 1,2,3,4 By Region</p> <p>Q 1,2,3,4 By Region</p>
Ensure that TSD facilities with releases take appropriate Corrective Action	<p><u>Corrective Action</u></p> <p>Target environmentally significant facilities for issuance of formal enforcement orders or permits requiring RFI's. _/</p> <p>(Targets are subject to negotiation between Regions and HQ.)</p> <p>Establish the number of facilities which have an ongoing RCRA Facility Investigation(RFI), Corrective Measures Study(CMS) or Corrective Measures Implementation(CMI) at the beginning of FY 89. Report corrective action oversight inspections at these facilities during FY89.</p>	<p>R/E-6(a)*</p> <p>R/E-6(b)</p>	<p>Q 1,2,3,4 By Region</p> <p>Q 1,2,3,4 By Region</p>
<p>_/ Definition at end of program measures.</p> <p>* SPMS Target</p>			

RCRA ENFORCEMENT DEFINITIONS

FY 1989

- R/E-1(a) Inspections: All operating, closed and closing land disposal facilities (except Class I UIC wells, certified clean closed facilities and delisted facilities) must be inspected in FY 1989. Once inspected in FY 1989, a facility should not be recounted in this category. This measure is intended to evaluate whether every facility has been addressed with a full compliance inspection under RCRA Sections 3007(c), (d) and (e). (Includes Federal, State and local facilities.) Inspections to be counted are Compliance Evaluation Inspections (CEIs).
- R/E-1(b) Inspections: All treatment and storage facilities owned/operated by federal/state/local entities, all commercial treatment facilities known to be subject to effective (not extended) land ban requirements, all permitted incinerators, and all treatment and storage facilities with substantial corrective action activities such as studies, investigations, interim measures or remedial measures required in FY 89 under permits or orders must be inspected. In addition, at least one half of the remaining treatment and storage facilities must be inspected. Once inspected in FY 89, a facility should not be recounted in this category. This measure is intended in part to assure that every facility has been addressed with a full compliance inspection under RCRA Sections 3007 (c), (d), and (e). (Includes Federal, State and local facilities.) Inspections to be counted are CEIs.
- R/E-1(c) Federal, State and local TSDs: These numbers are a subset of the numbers targeted and reported in (a) and (b). Thus, Federal, State and local facilities are counted both in (c) and in (a) or (b)
- R/E-2(a) Number of "TSDs" in significant noncompliance consists of (1) those land disposal facilities in significant non-compliance at the Beginning Of Year (BOY) with Class I violations of ground-water monitoring, closure/post closure or financial responsibility requirements and (2) all TSDs in significant noncompliance with Class I corrective action compliance schedules. An owner/operator is in substantial violation if he is not meeting those conditions in a timely manner and/or the quality of work is substantially unacceptable.

If a closing facility is not in compliance with liability requirements at BOY but is in compliance with all other SNC violation requirements at BOY, it is exempt from BOY-SNC status. A "closing facility" for this purpose is defined as any land disposal facility which lost interim status on November 8, 1985 and has submitted (or should have submitted) a closure plan for at least all of its land disposal units and is not putting any waste (neither hazardous nor non-hazardous) into any of its land disposal units.

BOY SNCs are calculated officially during the first Quarter of FY89 to reflect status as of the beginning of the year and are not allowed to vary for the remainder of the year.

- R/E-2(g) Formal enforcement actions include Section 3008(a) complaints or State equivalent orders as well as Referrals for judicial action (including criminal) made to DOJ, State AG or other appropriate official. For Federal facilities an appropriate enforcement action for a State is a formal enforcement response, while for EPA the response is a notification of noncompliance. Both Administrative Orders and Judicial Referrals will count as a formal enforcement action addressing a SNC.
- R/E-3(a) SNCs identified during FY89 will be those TSD facilities (including Federal Facilities) that are classified High Priority Violators (HPVs) according to the revised Enforcement Response Policy (ERP). These facilities are indicated on the Compliance Monitoring and Enforcement Log. Note: Included are those TSD facilities that are designated HPVs because of Land Disposal Restriction violations.
- R/E-4(a) These facilities are a subset of those in R/E-3(a).
- R/E-4(b) Appropriate enforcement action for a State is a formal enforcement response, while for EPA the response is a notification of noncompliance.
- R/E-5(a) Applies only to generators generating over 1000KG of waste. The types of inspections that are to be reported under this measure are: Compliance Evaluation Inspections (CEI), Comprehensive Monitoring Evaluation (CME), sampling inspections, and follow-up evaluations.
- R/E-5(b) Refer to the ERP guidelines for designating generators as HPVs.
- R/E-6(a) Formal enforcement orders include 3008(h) orders, State equivalent orders, Section 3013 orders, Section 7003 orders, CERCLA Sections 104 and 106, or Judicial decrees or court orders that require RFIs at RCRA facilities. Permits include operating and post-closure. In some cases Permit Modifications of earlier State issued permits will count if the modification requires an RFI. Through negotiations, targets will be set.
- R/E-6(b) In addition to the regulatory inspections which look at Corrective Action compliance schedules, one additional inspection should be scheduled at facilities with ongoing Corrective Action. The inspection types that count are: CEI, CME, sampling inspections, and follow-up evaluations with corrective action compliance schedule reviews.

OSWER DIRECTIVE #9420.00-5

ATTACHMENT C: REPORT FORMS

ENTRY INSTRUCTIONS:

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STATUS OF PERMIT AND CLOSURE ACTIVITIES REPORT

NOTE: The number and title refer to the Action Event.
"Source" refers to the source of the information for the Action Event.
"Action Date" refers to the date when the Action Event took place.
"Status Code" refers to the codes applying to the Action Event.
"Director" refers to the State or EPA official with the authority to sign the document referred to in the Action Event.

HWDMs allows a facility to have multiple "header records" (or headers) because different permitting actions can be taking place for different groups of units at the facility. A facility might have headers established for a group of units seeking a permit, other group(s) units seeking approval of interim status closure plans, and other units seeking a post-closure permit. A large facility can easily have a dozen or more headers. When this occurs, permit writers and other State and EPA staff responsible for submitting or quality controlling SPAR forms must ensure that the forms relate the Action Event information to the right grouping of units at the facility. Each facility header will have a sequence number. For facilities with multiple headers, check the sequence number to ensure that the SPAR information is applied to the right header covering the right grouping of units.

PART ONE: BASIC INFORMATION

The following information is required for all facilities seeking an operating, post-closure permit or RD&D permit, or a modification to an operating, post-closure or RD&D permit, or approval of an interim status closure or post-closure plan. Part One information must be on all SPAR forms. Process information (see Action Event Three) must correspond with the Action Event being reported. Information in Part One is integral to all information retrievals.

1. EPA I.D. NUMBER

Source: Notification form (EPA Form 8700-12).

Action Date: assigned when the notification is received.

Status Codes: none.

2. FACILITY NAME

Source: notification form (EPA Form 8700-12).

3, 4, and 5: FACILITY WASTE HANDLING PROCESSES

Source: Part A form (EPA Form 3510)
Part B
Facility Permit, Permit Denial, or Approved
Closure Plan

This item defines the type of facility by storage, disposal and treatment activities at the facility. It can change depending on which processes at the facility are called in (requested) for permitting, which processes are submitted for permitting and closure, and which processes are covered on the final permit or approved closure or post-closure plan. This item also lists the total waste capacity for each process and the unit of measure for that capacity.

INDICATOR CODES:

The processes on the Part B call-in have an "R" (for "requested") in the "IND" column.

The processes submitted with the Part B, permit modification request, or an interim status closure plan (and post-closure plan if applicable) have an "S" (for "submitted") in the "IND" column.

The processes covered by the permit issuance, permit denial, permit modification request final determination, or approved interim status closure plan (and post-closure plan) have a "C" (for "covered") in the "IND" column.

PROCESS CODES AND UNITS OF MEASURE:

Enter capacity amounts and units of measure with the first process codes and change as necessary.

Processes and units of measure are as follows:

STORAGE:

Containers (S01)	G = gallons L = liters
Tanks (S02)	G = gallons L = liters
Waste Piles (S03)	Y = cubic yards C = cubic meters
Surface Impoundments (S04)	G = gallons L = liters

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DISPOSAL:

Injection Wells--(D79)

G = gallons
U = gallons per day
L = liters
V = liters per day

Landfills (D80)

A = acre feet
F = hectare feet

Land Treatment (D81)

B = acres
Q = hectares

Ocean (D82)

U = gallons per day
V = liters per day

Surface Impoundments (D83)

G = gallons
L = liters

TREATMENT:

Tanks (TO1)

U = gallons per day
V = liters per day

Surface Impoundments (TO2)

U = gallons per day
V = liters per day

Incinerators (TO3)

D = tons (short) per hour
W = metric tons per hour
E = gallons per hour
H = liters per hour
K = BTUs per hour

Other (TO4)

U = gallons per day
V = liters per day
D = tons (short) per day
W = metric tons per hour
J = pounds per hour
S = metric tons per day
R = kilograms per hour
N = other

Accurate indicator and processes codes are crucial to any retrieval that gathers information for a group of units that cover less than the entire facility. A facility Part B call in may cover disposal, treatment, and storage units. The facility may submit a Part B for its disposal and storage units and a closure plan for its treatment units. The permit issued to the facility may only cover the storage units and the facility will be subject to interim status closure and post-closure and post-closure permitting at its disposal units, along with interim status closure at its treatment units. Failure to keep the indicator and process codes accurate as the units go through different actions, will lead to inaccurate information. For

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Status Codes: none.

9. PUBLIC NOTICE- ISSUED:

Source: draft permit or intent to deny a permit.

Action Date: in an authorized State, the date establishing legal notice to the public under State law. For EPA-issued public notices, the date the notice was mailed to the applicant.

Status Codes: DP = Draft permit
ID = Intent to deny the permit

10. FINAL PERMIT DETERMINATION:

Source: permit or letter officially denying the permit application.

Action Date: date the Director signs the permit or denial letter.

Status Codes: PI = RCRA permit issued, HSWA requirements do not apply to this facility
PP = Permit issued, by the State, HSWA requirements apply to this facility, EPA permit covering HSWA has not been issued
PJ = RCRA permit issued with HSWA requirements including a schedule of compliance for corrective action
PG = RCRA permit issued with HSWA requirements, corrective action schedule of compliance not included
PD = Permit denied.

These status codes delineate HSWA corrective action status of the facility in regard to additional permitting action. PI, PJ and PG indicate that no additional corrective action permitting work is necessary. PP indicates that additional corrective action permitting work is necessary.

11. ~~PERMIT~~ MODIFICATION FINAL DETERMINATION:

Source: permit modification or letter officially denying the application for a permit modification.

Action Date: date the Director signs the permit modification or denial letter.

Status Codes: AC = Additional capacity
CA = HSWA corrective action
GW = Groundwater monitoring
OH = Modifications other than groundwater monitoring, HSWA corrective action or

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instance, the selection criteria for land disposal permits issued will search for facilities with the permits issued action event, and land disposal process codes with a "C" indicator.

PART TWO: PERMITTING INFORMATION

TYPE OF PERMIT:

Check the box indicating which type of permitting action the SPAR covers. The three options include a RCRA operating permit, a RCRA post-closure permit, and a RCRA RD&D permit. All three types of permits have information entered into different headers within HWDMS. All three have identical action event numbers for all items on the SPAR.

6. PART B CALL IN:

Source: letter to facility owner/operator requesting the facility Part B permit application.

Action Date: date the Director signs the Part B call in letter.

Status Codes: none.

7. PART B RECEIVED:

Source: Part B

Action Date: date the State or EPA receives the Part B.

Status Codes: CR = Confidentiality requested
CS = Confidentiality substantiated
CU = Confidentiality unsubstantiated

These codes show if the facility has made a request for confidentiality for the Part B application and the response to that request. They are only used when retrieving data concerning facilities that requested confidential business information status.

Status Code Source: Part B for "CR" and letter to applicant with the determination on the request for confidentiality for "CS" and "CU". The "CR" code should be changed to "CS" or "CU" when the letter with the confidentiality request is signed by the Director.

8. APPLICATION DETERMINED TO BE COMPLETE:

Source: letter from the Director to facility applicant stating that the Part B permit application is complete.

Action Date: date the Director signs the letter.

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additional capacity.
MD = Modification denied.
RW = Modification request withdrawn.

NOTE: The first four status codes (AC, CA, GW and OH) are hierarchical. If a permit modification covers more than one type, the highest value must be applied. AC is the highest value, followed in order by CA, GW and OH. MD and RW apply when the entire modification request is denied or withdrawn. Additional capacity includes additional waste processes.

12. PART B WITHDRAWAL REQUEST:

Source: letter from owner/operator of a RCRA facility requesting the withdrawal of their permit application.

Action Date: date the State or EPA receives the letter.

Status Codes: LN = Applicant has gone or will go to less than 90 day storage
NW = Applicant now handles or will handle only non-regulated wastes
FC = Applicant has closed or intends to close all waste handling activities
SQ = Applicant has become or will become a small quantity generator with on-site storage.
FE = Applicant is a protective filer (i.e., the facility was not conducting activities requiring a permit on November 19, 1980, and therefore never qualified for interim status)
OT = Other reason for withdrawal.

A facility can request withdrawal of all the Part B for all of its units or some of its units. The facility may send a withdrawal request after the State or Region calls in its Part B or after it submits its Part B. SPAR entries should be made in all Action Events applying to the facility if the withdrawal request was sent after the Part B was received. If the withdrawal request is denied, entries should be made for all subsequent Action Events applying to the facility.

If a facility has units that withdraw for differing reasons, individual headers should be established for the units covered by each status code. If the facility also has units proceeding to permitting, those units should remain in a separate header.

13. WITHDRAWAL REQUEST DETERMINATION:

Source: letter to facility approving or denying the withdrawal request.

Action Date: date the Director signs the letter.

Status Codes: AR = Approved request (facility has an approved closure plan)
DR = Denied request (facility requires a Part B)
FE = Filed in error, withdrawal request approved, facility was non-regulated and is not required to go through closure.

14. DOUBLE WAIVER LINER REQUEST:

Source: letter to the State or EPA requesting a waiver from the double liner requirement in accordance with the provisions of §3004(o)(2) of RCRA.

Action Date: date the State or EPA receives the letter.

Status Codes: none.

15. DOUBLE LINER WAIVER REQUEST DETERMINATION:

Source: letter from Director to applicant approving or denying the request for a waiver from the double liner requirement.

Action Date: date the Director signs the letter.

Status Codes: AR = Approved request
DR = Denied request.
RW = Request withdrawn by facility

16. FACILITY MANAGEMENT PLAN SCREEN:

Source: facility management plan.

Action Date: date the State or EPA screens the facility's file to determine if the facility is or is not environmentally significant.

Status Codes: ES = Environmentally significant
NS = Not environmentally significant.

17. FACILITY MANAGEMENT PLAN APPROVED:

Source: facility management plan.

Action Date: date the State and EPA approve the plan.

Status Codes: none.

18. EXPOSURE INFORMATION RECEIVED:

Source: exposure information submitted by all landfills and surface impoundments receiving permits after August 8, 1985. A RCRA permit cannot be issued if this information has not been received.

Action Date: date the State or EPA receives the assessment.

Status Codes: CO = Complete
IN = Incomplete.

(These status codes are optional.)

19. EXPOSURE INFORMATION REFERRED:

Source: letter referring the exposure information to the Agency for Toxic Substances and Disease Registry for a health assessment.

Action Date: date the Director signs the letter.

Status Codes: none.

20. COMPLIANCE WITH {270.14(c) (4) DETERMINED:

Source: letter from the Director notifying the facility whether it will remain in detection monitoring or go into compliance monitoring or corrective action.

Action Date: date the Director signs the letter.

Status Codes: none.

A land disposal facility subject to Subpart F must have a groundwater monitoring plan in its permit application. Before the permit writer can notify the facility which type of plan it must submit, the facility must successfully complete Appendix VIII sampling and plume characterization as required by {270.14(c) (4)}. This is a waystation on the path to receiving a draft permit. Enter this information before the draft permit is issued.

21. GROUNDWATER MONITORING PROGRAM DEVELOPED:

Source: draft permit with a groundwater monitoring program or a letter to the facility notifying it that a groundwater monitoring program submitted in response to an enforcement order satisfies the requirements of that order.

Action date: date the Director signs the draft permit or the letter.

Status Codes: DM = Detection monitoring through a draft permit or draft permit modification
DO = Detection monitoring through an enforcement order
PC = Compliance monitoring through a draft permit or draft permit modification

DRAFT

OC = Compliance monitoring thorough an enforcement order
XA = Corrective action through a draft permit or draft permit modification
OA = Corrective action through an enforcement order.

22. SURFACE IMPOUNDMENT RETROFITTING WAIVER REQUEST:

Source: waiver request submitted by surface impoundments in response to {3005(j) (5) of RCRA.

Action Date: date the State or EPA receives the waiver request.

Status Codes: none

HSWA requires all surface impoundments desiring a waiver from the retrofitting requirement of HSWA to make that request no later than November 8, 1986.

23. SURFACE IMPOUNDMENT RETROFITTING WAIVER REQUEST DETERMINATION:

Source: letter to facility approving or denying the facility's surface impoundment retrofitting waiver request.

Action Date: date the Director signs the letter.

Status Codes: AR = Approved request
DR = Denied request
WR = Request withdrawn by the facility.

This action must take place by November 8, 1987.

24. LAND DISPOSAL BAN PETITION RECEIVED:

Source: petition from a land disposal facility to exclude a waste or wastes from the land disposal ban.

Action Date: date the State or EPA receives the petition.

Status Codes: none.

25. LAND DISPOSAL BAN PETITION DETERMINATION:

Source: letter to the facility approving or denying its land disposal ban petition.

Action Date: date the Director signs the letter.

DRAFT

30. PERMIT EXPIRATION DATE:

Source: permit.

Action Date: date on which the permit expires.

Status Codes: none.

31. PERMIT TERMINATED:

Source: letter signed by the Director terminating the permit.

Action Date: date the Director signs the letter.

Status Codes: none.

PART THREE: INTERIM STATUS CLOSURE/POST-CLOSURE

(32,36) CLOSURE PLAN SUBMITTED:

Source: closure plan.

Action Date: date the State or EPA receives the closure plan.

Status Codes: CL = Closure (this code is used ONLY for land disposal facilities closing in interim status and subject to interim status post-closure).

(33,37) CLOSURE PLAN PUBLIC NOTICE

Source: notice to public of intent to approve a closure plan.

Action Date: in an authorized State, the date establishing legal notice to the public under that State's law. For EPA-funded public notices, the date the public notice was mailed to the applicant.

Status Codes: CL = Closure (this code is used ONLY for land disposal facilities closing in interim status and subject to interim status post-closure).

(34,38) CLOSURE PLAN APPROVED:

Source: letter to the facility approving the closure plan.

Status Codes: AR = Approved request.
DR = Denied request.
RW = Request withdrawn by the facility.

26. ACL STANDARD REQUEST RECEIVED:

Source: Part B submission from a facility proposing an Alternative Concentration Limit (ACL) Standard for hazardous constituent concentration in the groundwater in lieu of background levels or maximum concentration levels.

Action Date: the date the State or EPA receives a Part B or a revised Part B with an ACL Standard request.

Status Codes: none.

27. ACL STANDARD REQUEST DETERMINATION:

Source: letter to the facility approving or denying the ACL Standard request.

Action Date: date the Director signs the letter.

Status Codes: AR = Approved request
DR = Denied request
RW = Request withdrawn by the facility.

28. TANK SECONDARY CONTAINMENT WAIVER REQUEST RECEIVED:

Source: request submitted by a facility for a waiver from the tank secondary containment retrofitting requirement in accordance with 40 CFR 264.193(g) or 265.193(g).

Action Date: date the State or EPA receives the request.

Status Codes: none.

29. TANK SECONDARY CONTAINMENT WAIVER REQUEST DETERMINATION:

Source: letter to the facility approving or denying its tank secondary containment waiver request.

Action Date: date the Director signs the letter.

Status Codes: AR = Approved request
DR = Denied request
RW = Request withdrawn by the facility.

DRAFT

Action Date: date the Director signs the letter.

Status Codes: ME = Final closure
MO = Partial closure

Final closure means that the entire facility is now closed and no RCRA regulated units are operating under either interim status or an operating permit. Partial closure means that the plan covers part of the facility with additional units subject to subsequent closure or permitting action. Use the partial closure status code in all header records until final closure is achieved. Enter final closure in the header record for those units subject to final closure.

(35,39) CLOSURE CERTIFICATION:

Source: letter signed by a registered professional engineer certifying that the facility has closed in accordance with its closure plan.

Action Date: date the State or EPA receives the letter.

Status Code: YE = Yes
NO = No

NOTE: the use of "NO" for will occur either when the registered professional engineer sends a letter to EPA stating that the facility failed to close in accordance with its closure plan OR when EPA, upon inspecting the facility, discovers that the facility failed to successfully clean close.

"YE" is used when both the facility and a registered professional engineer send letters to EPA stating that the facility has closed in accordance with its approved closure plan.

40. POST-CLOSURE PLAN SUBMITTED:

Source: interim status post-closure plan.

Action Date: date the State or EPA receives the plan.

Status Code: PC = Post-closure.

41. POST-CLOSURE PLAN PUBLIC NOTICE:

Source: notice to public of intent to approve an interim status post-closure plan.

Action Date: in an authorized State, the date establishing legal notice to the public under that State's law. For EPA-issued public notices, the date the public notice was

DRAFT

mailed to the applicant.

Status Code: PC = Post-closure.

42. POST-CLOSURE PLAN APPROVED:

Source: letter to the facility approving its interim status post-closure plan.

Action Date: date the Director signs the letter.

Status Codes: MF = Final post-closure
MP = Partial post-closure.

Final post-closure means that all units at the facility are subject to an interim status post-closure plan.
Partial post-closure means that additional units will be subject to interim status post-closure.

STATUS OF PERMIT AND CLOSURE APPLICATIONS

Form Submitted By: _____

Date: / /
M D Y

1. EPA ID [] [] [] [] [] [] [] [] [] [] []

2. Facility Name _____

I. For each appropriate process, fill in the R, S, C or Code, Process Amount and circle the Unit Code

	IND*	PROCESS AMOUNT	UNIT (Circle One)
3. STORAGE			
3A. Containers (S01)	_____	_____ - _____	G L
3B. Tanks (S02)	_____	_____ - _____	G L
3C. Waste Piles (S03)	_____	_____ - _____	Y C
3D. Surface Impoundments (S04)	_____	_____ - _____	G L
4. DISPOSAL			
4A. Injection Well (D79)	_____	_____ - _____	G L U V
4B. Landfills (D80)	_____	_____ - _____	A F
4C. Land Treatment (D81)	_____	_____ - _____	B Q
4D. Ocean (D82)	_____	_____ - _____	U V
4E. Surface Impoundments (D83)	_____	_____ - _____	G L
5. TREATMENT			
5A. Tanks (T01)	_____	_____ - _____	U V
5B. Surface Impoundments (T02)	_____	_____ - _____	U V
5C. Incinerators (T03)	_____	_____ - _____	D W E H K
5D. Other (T04)	_____	_____ - _____	U V D W N S J R

*Must be an "R", "S", or "C"

[illegible]

REPORTING EVENTS RELATED TO PERMITTING: CHECK BOX TO INDICATE TYPE OF PERMIT: ☐ OPERATING (P) ☐ RD&D (R)

(Note: in all cases, the P Action Event will be the same as the R, W and M Action Event.)

☐ PERMIT MOD. (M) ☐ POST-CLOSURE (W)

<u>ACTION EVENT</u>	<u>ACTION DATE</u>	<u>STATUS</u>	<u>APPLICABLE VALUES</u>
6. PART B CALL IN (P-01)	/ /	N/A	
7. PART B RECEIVED (P-02)	/ /		CR, CS, CU
8. APPLICATION DETERMINED TO BE COMPLETE (P-06)	/ /	N/A	
9. PUBLIC NOTICE ISSUED (P-13)	/ /		DP, ID
10. FINAL PERMIT DETERMINATION (P-16)	/ /		PI, PD, PP, PJ, PG
11. PERMIT MODIFICATION FINAL DETERMINATION (P-20)	/ /		AC, CA, GW, OH, MD, RW
12. PART B WITHDRAWAL REQUEST (P-33)	/ /		LN, NW, SQ, FC, OT, FE
13. WITHDRAWAL REQUEST DETERMINATION (P-32)	/ /		AR, DR, FE
14. DOUBLE LINER WAIVER REQUEST RECEIVED (P-37)	/ /	N/A	
15. DOUBLE LINER WAIVER REQUEST DETERMINATION (P-38)	/ /		AR, DR, RW
16. FACILITY MANAGEMENT PLAN SCREEN (P-39)	/ /		ES, NS
17. FACILITY MANAGEMENT PLAN APPROVED (P-40)	/ /	N/A	
18. EXPOSURE INFORMATION RECEIVED (P-43)	/ /		OO, IN (Optional codes)
19. EXPOSURE INFORMATION REFERRED (P-45)	/ /	N/A	

DRAFT

Form Submitted By:

Date: M / D / Y

Facility Name _____

<u>ACTION EVENT</u>	<u>ACTION DATE</u>	<u>STATUS</u>	<u>APPLICABLE VALUES</u>
20. COMPLIANCE WITH 270.14 (c) (4) DETERMINED (P-62)	/ /	N/A	-----
21. GMM PROGRAM DEVELOPED (P-63)	/ /		DM, DO, PC, OC, XA, OA
22. SURFACE IMPOUNDMENT RETROFITTING WAIVER REQUEST RECEIVED (P-68)	/ /	N/A	-----
23. SURFACE IMPOUNDMENT RETROFITTING WAIVER REQUEST DETERMINATION (P-69)	/ /		AR, DR, RW
24. LAND DISPOSAL BAN PETITION RECEIVED (P-70)	/ /	N/A	-----
25. LAND DISPOSAL BAN PETITION DETERMINATION (P-71)	/ /		AR, DR, RW
26. ACL STANDARD REQUEST RECEIVED (P-72)	/ /	N/A	-----
27. ACL STANDARD REQUEST DETERMINATION (P-73)	/ /		AR, DR, RW
28. TANK SECONDARY CONTAINMENT WAIVER REQUEST RECEIVED (P-74)	/ /	N/A	-----
29. TANK SECONDARY CONTAINMENT WAIVER DETERMINATION (P-75)	/ /		AR, DR, RW
30. PERMIT EXPIRATION DATE (P-36)	/ /	N/A	-----
31. PERMIT TERMINATED (P-22)	/ /	N/A	-----

Date: / /
M D Y

DRAFT

REPORTING EVENTS RELATED TO INTERIM STATUS CLOSURE/POST-CLOSURE:

NOTE: C Header Action Items cover interim status closure actions for all storage and incineration facilities and for land disposal facilities that are clean closing (closure by removal) and will not undergo interim status post-closure or post-closure permitting.

<u>ACTION EVENT</u>	<u>ACTION DATE</u>	<u>STATUS</u>	<u>APPLICABLE VALUES</u>
32. CLOSURE PLAN SUBMITTED (C-03)	/ /	N/A	-----
33. PUBLIC NOTICE OF CLOSURE PLAN (C-06)	/ /	N/A	-----
34. CLOSURE PLAN APPROVED (C-10)	/ /		ME, MO
35. CLOSURE CERTIFICATION (C-12)	/ /		YE, NO

NOTE: L Header Action Items cover land disposal facility interim status closure and post-closure actions. Facilities in the L Header will also be subject to post-closure permits.

36. CLOSURE PLAN SUBMITTED (L-03)	/ /	CL	
37. PUBLIC NOTICE OF CLOSURE PLAN (L-06)	/ /	CL	
38. CLOSURE PLAN APPROVED (L-10)	/ /		ME, MO
39. CLOSURE CERTIFICATION (L-14)	/ /		YE, NO
40. POST-CLOSURE PLAN SUBMITTED (L-03)	/ /	PC	
41. PUBLIC NOTICE OF POST-CLOSURE PLAN (L-06)	/ /	PC	
42. POST-CLOSURE PLAN APPROVED (L-10)	/ /		MF, MP

Form Submitted By: _____

Date: / /
M D Y

PAGE 4

NEW ☐
UPDATE ☐

CORRECTIVE ACTION RECORD

Submitted by: _____
date: ____/____/____

EPA ID: _____

FACILITY NAME: _____

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RFA DUE DATE: ____/____/____ COMPLETE DATE: ____/____/____

RFA Result: ____ (Y - RFI is Necessary; N - RFI is not Necessary)

Presence of SVPMUs at a Facility: ____ (Y - Yes; N - No)

ENV. SIG.: ____
(Y=YES; N=NO)

Instrument of the Corrective Action: ____ (O - Order; P - Permit)

NEW ☐
UPDATE ☐

Responsible Agency: ____ (E - EPA; S - State; J - Joint)

Instrument Sequence Number: ____ (01-99) Responsible Person: _____

Date of order or Permit: ____/____/____ Permit Effective Date: ____/____/____

Statutory Authority (i.e. 3004(u), 3008(h), 3013, ...): _____

Type of Release: ____ Ground water ____ Surface water ____ Air

____ Soil Sediment ____ Sub-surface Gas

NEW ☐
UPDATE ☐

AREA NAME: _____

DESCRIPTION: _____

ACTION TYPE (N = New U = Update)	Event Ref. No.	Event Seq. No.	Event Name	Schedule Date (MM/DD/YY)	Actual Date (MM/DD/YY)	Status
—	100	—	RFI IMPOSED	—/—/—	—/—/—	—
—	150	—	RFI WORKPLAN APPROVED	—/—/—	—/—/—	—
—	200	—	RFI COMPLETE	—/—/—	—/—/—	—
—	250	—	CMS IMPOSED	—/—/—	—/—/—	—
—	300	—	CMS WORKPLAN APPROVED	—/—/—	—/—/—	—
—	350	—	CMS COMPLETE	—/—/—	—/—/—	—
—	400	—	REMEDY SELECTED	—/—/—	—/—/—	—
—	450	—	CM DESIGN APPROVED	—/—/—	—/—/—	—
—	500	—	CM WORKPLAN APPROVED	—/—/—	—/—/—	—
—	550	—	CM COMPLETE	—/—/—	—/—/—	—
—	600	—	INTERIM MEASURES REQUIRED	—/—/—	—/—/—	—
—	650	—	INTERIM MEASURES COMPLETED	—/—/—	—/—/—	—
—	999	—	CORRECTIVE ACTION SUPERCEDED/TERMINATED	—/—/—	—/—/—	—
—	—	—	—	—/—/—	—/—/—	—

DRAFT

PREVIOUSLY UNREGULATED SWMUS:

Source: letter from facility in response to a request from the State or EPA concerning the existence of solid waste management units (swmu's) not previously subject to RCRA but now subject to HSWA corrective action; results of inspection discovering existence of swmu's at facility; determination by permit writer based on examination of Part B that facility has swmu's; exposure assessment identifying the existence of swmu's, etc.

Action Date: date of first determination of existence of swmu's.

Status Codes: YE = Yes
NO = No
UN = Unknown.

This Action Event determines the universe of facilities with "previously unregulated" solid waste management units that are now subject to the corrective action authorities of {3004(u) of RCRA. The term "previously unregulated" was originally applied to those swmu's subject to HSWA corrective action. HQ terminology no longer uses the term "previously unregulated" in regard to swmu's. Facilities with swmu's should have all applicable corrective action entries starting with the RCRA Facility Assessment.

RCRA FACILITY ASSESSMENT:

Source: document(s) with results of the RCRA Facility Assessment (RFA) for the entire facility. These results must include a determination as to whether or not to proceed with a RCRA Facility Investigation (RFI) at the facility.

Action Date: date the Director approves the results of the RFA. This can be the date the Director signs a letter notifying the facility whether an RFI will or will not be necessary.

Status Codes: RX = Remedial investigation necessary
RN = Remedial investigation not necessary.

The RFI was originally called a "Preliminary Assessment/ Site Investigation".

DRAFT

100. RCRA FACILITY INVESTIGATION IMPOSED:

Source: enforcement order, permit or permit modification with a schedule of compliance imposing a legal obligation upon the facility to conduct a RCRA Facility Investigation (RFI). The legal obligation can be limited to initiating the first phase of the RFI.

Action Date: date the Director signs the enforcement order, permit or permit modification imposing the RFI requirement.

The RFI was originally called the "Remedial Facility investigation".

150. RCRA FACILITY INVESTIGATION PLAN APPROVED:

Source: letter from State or EPA approving the RFI plan prepared by a facility in response to an order, permit or permit modification with a schedule of compliance imposing an RFI obligation upon the facility.

Action Date: date the Director signs the letter.

Status Codes: RP = RFI plan approved through the issuance of a permit or permit modification
RO = RFI plan approved pursuant to an enforcement order.

400. CORRECTIVE MEASURES REMEDY SELECTED:

Source: permit, permit modification, or enforcement order specifying the corrective measures remedy for a facility or a letter from the Director to the facility owner/operator approving the corrective measures remedy selected by the facility in response to a permit, permit modification, or enforcement order requiring the facility to select a remedy or a decision based on the results of an RFI that further corrective measures are not necessary.

Action Date: the date the permit, permit modification, or enforcement order is issued specifying the corrective measures remedy or the date a letter to the facility is signed by the Director approving the corrective measures remedy selected in response to a permit, permit modification or enforcement order, or the date a letter is signed by the Director to the facility owner/operator indicating that further corrective measures are not necessary.

Status Codes: CX = Further corrective measures
 necessary
 CN = Further corrective measures not
 necessary

300. CORRECTIVE MEASURES WORKPLAN APPROVED:

Status Codes: none.

Action Date: date the permit, permit modification or enforcement order containing the corrective measures design is issued or the date the Director signs a letter to the facility owner/operator approving the corrective measures design prepared in response to schedule of compliance in a permit, permit modification or enforcement order.

Interim measures can take place during the RFA, or during or after the RFI.

DRAFT

157. INTERIM MEASURES COMPLETED:

Source: letter from the Director confirming that interim measures required by an enforcement order, permit or permit modification have been successfully completed.

Action Date: date the Director signs the letter.

Status Codes: none

FY89 Compliance Monitoring and Enforcement Log (CMEL)

Reporting Requirements

1. EPA ID:

4. Data Entry

2. HANDLER NAME: New ☐Update ☐ADDRESS: 5. DATE OF INITIAL EVALUATION WHICH IS
THE BASIS FOR THIS REPORT:

5a. AGENCY RESPONSIBLE FOR

E = EPA

O = Other

EVALUATION:

S = State

B = Contractor/State

Put code in box

C = Contractor/EPA X = Oversight

6. TYPE OF EVALUATION COVERED

BY THIS REPORT:

1 = Compliance Eval. Inspection(CEI) 4 = Comp GMM Eval(CME)

2 = Sampling Inspection

5 = Compliance Sched. Eval

Select Evaluation Type and insert in box:

3 = Record Review

11 = Case Dev. Inspection

12 = O&M Inspection

7. DATE OF EVALUATION COVERED BY THIS REPORT (enter only if different from 5): 7a. Eval. Comments:

8. CLASS and VIOLATIONS

Key.	Class of Violation	Violations							
		GMM	C/PC	Fin. Res	Pt. B	Compl. Sch	Manifest	Land-Ban	Other
'X'=Violations, no Specialties									
'B'=Violations & Specialty	I								
'S'=Same Viol./Specialty									
'Z'=Pending determination	II								
'O'=No Viol or Specialty found									
Acceptable Codes									
		X	X	X	X	X	X	X	X
<u>Specialties</u>		S	S	S	S	S	S	S	S
'I' = No-insurance only		Z	Z	Z	Z	Z	Z	Z	Z
'C' = CA Schedule Violation		O	O	O	O	O	O	O	O
'H' = HPV		H	H	I*	H	C	H	H	H
				B*		B			
				H		H			

* = Class I only

8a Viol. Comment:

9. ENFORCEMENT ACTIONS:

Class	Area of Viol./rel.	Type (use code)	Date Action Taken	Compliance Dates			Penalty		Resp. Ag. (use code)
				Scheduled	Actual		Assessed	Collected	

Codes for 03 = Warning Letter 11 = Filed Civil Action 15 = CA Init. Admin Order Resp Agcy Codes
 Types of 04 = Admin. Complaint 12 = Filed Criminal Action 16 = CA Final Admin Order E = EPA
 Enforcement 05 = Final Admin. Order 18 = Civil Referral to AG/DOJ 21 = Notice of Non-comp. S = State
 Actions: 10 = Informal 19 = Final Judicial Order 22 = FFCA X = EPA Oversight
 23 = Fed. Fac. Referral to HQ

10. Enforc. Comment:

INSTRUCTIONS
FY 1989 RCRA COMPLIANCE
MONITORING AND ENFORCEMENT LOG

BLOCK

DIRECTIONS

1. EPA ID #: Enter the Handler's EPA ID number.
2. HANDLER NAME: Enter the Handler's Name.
3. ADDRESS: Enter the Handler's Address (street, city, state)
4. DATA ENTRY TYPE: Check 'NEW' if new initial evaluation is being reported; check 'UPDATE' if a subsequent evaluation, or violation or enforcement data is being provided.
5. DATE OF INITIAL EVALUATION: Enter the DATE the Initial Evaluation started. This date is essential to enter information into and retrieve it from HWDMS. The date of the initial evaluation must be included on the form when reporting a Compliance Schedule Evaluation, an enforcement action, or any subsequent information related to the initial evaluation conducted on the date in Block 5.

The DATE entered should be the date the evaluation actually began. For inspections it is the date the inspection of the handler actually started onsite; for record reviews it should reflect the date the review, which included a particular document, began.

EXCEPTION: When conducting a "record review" of a Part B, the evaluation date should be the end date of the review, since these evaluations are typically lengthy.

5a. RESPONSIBLE
AGENCY

Write the appropriate code in the box to indicate whether the evaluation was conducted by the State, by EPA (EPA-lead ((Code E)) or oversight ((Code X)), or by a State

or EPA contractor. Any evaluation conducted by EPA for oversight purposes, i.e. to evaluate the quality of a State's compliance and enforcement program, is considered to be an oversight inspection. EPA-lead evaluations include those inspections of federal, State, and local facilities as well as any other non-oversight evaluation EPA conducts. When both EPA and the State participate in (attend) an inspection, each must complete a CMEL.

6. TYPE OF
EVALUATION Write the appropriate code (1,3,4,5,11,and 12)
COVERED BY in the box to indicate the type of evaluation.
THIS REPORT: States and Regions MUST report the following
types of evaluations at a minimum:

<u>Type</u>	<u>Description</u>
(1)	Compliance Evaluation Inspections(CEI)
(3)	Record Reviews
(4)	Comprehensive Groundwater Monitoring Evaluations(CME)
(5)	Compliance Schedule Evaluation(CSE)
(11)	Case Development Inspections
(12)	Operation and Maintenance Evaluation

Regions and States have the option of indicating "Other" types of evaluations (Codes 6-10).

Only one type of evaluation can be selected per form. When multiple evaluations occur during a single visit to a facility, additional logs must be used to enter each type of evaluation. A description of each type of evaluation is provided below.

To be considered as evaluation type 1,3,4,or 12, all applicable checklists must be filled out. For example, if a handler is a generator and a TSD, all activities at the handler must be evaluated and the checklists for generators and TSDs must be filled out.

Compliance Evaluation Inspection (CEI)

(Type 1) is an on-site evaluation of a handler's compliance with RCRA regulations, closure plans and permits to gather information necessary to determine compliance and support enforcement actions. The inspection includes a characterization of the handler's activities, identifying types of hazardous wastes on site including all appropriate wastes subject to effective land disposal restrictions and the identification of any units which generate, treat, store or dispose of hazardous solid wastes. The inspector examines RCRA required records and reports including, but not limited to, manifests, waste analysis plans, sampling and analysis plans, land disposal restriction regulation requirements, well system sampling data to determine whether assessment monitoring should have been triggered, assessment monitoring plans, incinerator operating and emission records, contingency plans, and closure/post closure plans. Corrective Action schedules of compliance may also be reviewed. This inspection can result in the identification of the need for a more intensive inspection such as a Case Development Inspection.

A CEI may be conducted at permitted TSD facilities. In this case violations are reported in Block 8 in the same manner they are reported for non-permitted facilities. Also, CEIs can be conducted at generator-only facilities using checklists appropriate for generator inspections. All generator-only CEIs must include the Land-Ban checklist.

A typical CEI for a non-commercial TSD is expected to require about 7 work-days of effort; commercial sites, permitted land-disposal, and permitted incinerators about 15, and permitted treatment-storage about 10 workdays.

Sampling Inspection (Type 2) is an inspection in which samples are collected for laboratory analysis. A sampling inspection may be conducted in conjunction with a Compliance Evaluation Inspection (or any other inspection except CDI's or CME's). This type of inspection may be used to evaluate a handler's compliance with waste analysis plans, land disposal restrictions, etc. If both a CEI and a sampling inspection are performed, a log must be completed for each inspection to reflect that both were done.

Record Review (Type 3) is a detailed review of reports, documents, and site-plans required for compliance with RCRA regulations including: closure/postclosure plans and cost estimates, financial assurance documents, ground-water monitoring waivers, assessment monitoring plans, Part B applications, contingency plans, waste analysis plans, and preparedness and prevention plans. These are conducted in the Agency office; they do not occur on-site. The type of document reviewed can be indicated by noting violations or compliance in the appropriate cell in Block 8. Review of any ground water monitoring documents may be indicated by noting "X" "Z", "S", or "0" in the GWM cell of Block 8. Review of closure/post-closure plans and cost estimates may be indicated by noting "X", "Z", "S", or "0" in the C/PC cell of Block 8. The average Record Review is expected to take about 3 work-days of effort.

Comprehensive (Groundwater) Monitoring Evaluation (CME) (Type 4) is a detailed evaluation of the adequacy of the design and operation of a facility's ground-water monitoring system. Evaluation of the ground-water monitoring system design should be conducted by a hydrogeologist and includes the review of the owner/operator's (o/o's) characterization of the hydrogeology beneath hazardous waste management units; monitoring well placement/depth/spacing; and well design and construction. It is essential that the CME ensure that the o/o has designed an adequate ground-water monitoring system. In addition, an integral part of the CME is the review of the operation of the ground-water monitoring system through an evaluation of the o/o's sampling and analysis plan and its implementation. CME's should be scheduled, to the maximum extent possible, to coincide with o/o sampling events to permit the field evaluation of sampling techniques. Inspectors should collect splits or conduct EPA/State sampling as a random check of groundwater quality data and at any wells which may indicate releases to support enforcement for corrective action. A comparison of EPA/State and o/o analytical results can be used to assess laboratory accuracy and establish the reliability of o/o submitted data. The CME must evaluate whether a facility operating under detection monitoring should be in assessment/compliance monitoring. If determined necessary, the

inspector should develop the scope of a (follow-up) case development inspection which could include additional sampling. CME's at assessment/compliance monitoring facilities include, in addition to the aforementioned evaluations, a detailed examination of the owner/operator's assessment monitoring plan and field implementation of the plan. A typical CME is expected to take about 40 work-days of effort.

Compliance Schedule Evaluation (Type 5)
(Formerly a "Follow-Up Evaluation") is an on-site inspection or other re-evaluation conducted to verify compliance with enforcement actions resulting from a previous evaluation, to verify compliance with a Corrective Action schedule in an order or permit, or to review deficiencies noted in a previous inspection. It may be a re-review of the adequacy of documents such as closure plans or financial instruments previously found to be incomplete or deficient for which no enforcement action had been taken. Only verification of compliance with a prior (informal or formal) enforcement action's compliance dates (interim or final, regulatory or Corrective Action) is reported (using a Compliance Schedule Violation area block) on a Compliance Schedule Evaluation log. If new, i.e. additional, violations (other than compliance schedule violations) are found during a CSE, an additional log needs to be submitted for those new violations. The additional log would usually indicate one or two possible types of evaluations:

- An Compliance Evaluation Inspection (CEI) if the full checklists are covered in addition to the CSE.
- An "Other-General" Evaluation (Code 10) would be indicated if the new violations are found but a full set of checklists are not completed.

Note in particular that for reviews of corrective action compliance schedules, the Compliance Schedule Evaluation should be used.

Case Development Inspection (Type 11) The objective of this intensive investigation is to gather sufficient information to support an enforcement action. It should be emphasized that this is a resource intensive investigation (typically 25 person-days of effort). Limited document searches and grab samples will not be extensive enough to be reported as this type of evaluation. The scope of the investigation will depend upon the enforcement needs. It may include sampling (all media), extensive documentation of recordkeeping violations, or the initiation of exploratory techniques such as geophysical investigations and bore hole installation. This inspection can be used to supplement or strengthen the necessary enforcement action identified through CEI's, CME's or Record Reviews.

Operation and Maintenance Inspection (O&M - Type 12) The Operation and Maintenance Inspection (O&M) is a periodic inspection of how well a groundwater monitoring system continues to function once it is considered well designed. The inspection focuses on the condition of wells and sampling devices. Evolution of well recovery notes, turbidity of water, total depth, depth to water, etc. should be made and compared to historic data. Sampling devices should be tested and if necessary pulled and visually inspected. The findings of an O&M inspection will indicate whether case development is warranted and/or will serve to focus future CMEs. The inspector should be experienced in evaluation of groundwater monitoring systems e.g. hydrogeologist. This inspection can include sampling. However, if a great deal of sampling is conducted, a separate log should be filled out as well for Sampling Inspection (See Evaluation Type 2). The average level of effort allocated for O&M inspections is 25 work-days.

'Other' Evaluation is an on-site inspection of a handler which does not meet any other definition. If Regions or States choose to track evaluations in greater detail, they may indicate more specific types of other evaluations as follows:

- Type 06: Inspection done in response to a citizen complaint,
- Type 07: Part B Call-In Inspection within 90 days of call-in
- Type 08: Part A Withdrawal (Confirm request via

the inspection)

Type 09: Inspection of closed facility or units.

Type 10: Other - General inspection. If an 'Other' evaluation results in the discovery of Class I violations, violations and related enforcement actions must be noted on the log in the appropriate sections.

Use Type 10 when reporting a Land-Ban-only inspection at a generator-only facility.

In this case, be sure to indicate a '0' under Land-Ban Violation area if no Land-ban violations are discovered.

7. DATE OF
EVALUATION
COVERED BY
THIS REPORT:

Enter a date in this block only when the log is being used to report a subsequent evaluation. In addition, the date of the initial evaluation MUST be reported in Block 5.

When a facility is re-visited after the initial evaluation has occurred (e.g., to check on compliance with enforcement actions taken as a result of a violation discovered during the initial evaluation), enter the date of the subsequent visit in Block 7. The date of the initial evaluation must also be entered in Block 5 to serve as a reference for data entry.

7a. EVAL. COMMENTS: Enter comments in this section regarding any of the above evaluation information. Limit to 80 characters per comment-line. Up to 99 comment-lines possible.

8. CLASS and
VIOLATION

This section includes information on compliance violation areas.

Class I and II violations are defined in OSWER's "Enforcement Response Policy", October 1, 1988 as:

Class I - "Deviations from regulations, or provisions of compliance orders, consent agreements, consent decrees, or permit conditions which could result in a failure to:

- (a) Assure that hazardous waste is destined for and delivered to authorized treatment, storage, or disposal facilities (TSDFs); or

- (b) Prevent releases of hazardous waste or constituents, both during the active and any applicable post-closure periods of the facility operation where appropriate; or
- (c) Assure early detection of such releases; or
- (d) Perform emergency clean-up operation or other corrective action for releases.

Class II - Any violation of a RCRA requirement that does not meet the criteria above for Class I violations".

The log divides violations into two CLASSES and seven AREAS. The following briefly describes the areas:

Ground-water Monitoring - For compliance evaluation purposes, this involves requirements analogous to Subpart F of the federal Part 264, 270, or 265 regulations. GW violations are signified by an 'X'. (See below for details on codes).

Closure/Post-Closure - Plans and related requirements analogous to Subpart G of the federal Part 264 and 265 regulations, other process-specific Subparts on closure and closure/post-closure cost estimates. C/PC violations are signified by an 'X'. (See below for details on codes).

Financial Responsibility - Requirements for financial assurance and insurance analogous to Subpart H of the federal Part 264 or 265 regulations. Inability to procure insurance for closed and closing facilities is signified by an 'I', other financial violations by an 'X', and inability to procure insurance (closed and closing) and other financial violations is signified by a 'B'. (See below for details on codes).

Part B Process - Requirements related to permit processing, i.e., Part 270 permit process requirements. Violations in this area are signified by an 'X'. (See below for details on codes).

Compliance Schedule - Compliance with date(s) set out in enforcement actions or permits. Note specific compliance schedule violations in comment field 8a. Corrective Action compliance schedule violations are signified by a 'C', other compliance schedule violations by an 'X', and both Corrective Action and other compliance schedule violations by a 'B'. (see below for details on codes).

Manifest - Requirements for the manifest system analogous to federal Part 262 and 263 including those violations discovered from exception/discrepancy reports. Violations in this area are signified by an 'X'. (See below for details on codes).

Land-Ban - Requirements for the land disposal restrictions. (Part 268 requirements and related Part 264/265 requirements). Violations in this area are signified by an 'X'. (See below for details on codes).

Other - This includes violations not specifically cited in the preceeding categories. For Class I violations only, note area of violation by its general features (e.g., generator accumulation, contingency plan, incompatible wastes, etc.) in comment field 8a. Violations in this area are signified by an 'X'. (See below for details on codes).

For permitted facilities, the appropriate violation areas should be noted as discussed in more detail below. In addition, permitted facilities may be cited for Compliance Schedule violations (ie schedules in the permit).

For all other facilities, violation areas should be noted as explained below.

Where a violation may not have occurred but the Region or State takes an enforcement action such as a Section 3013 or 7003 order (formerly called "problem-area"), enter a zero on the Class I line under the "Other" area and enter the particulars of the Order in Block 9 as usual.

The following values are acceptable for all eight Violation areas in Block 8:

- 'X'- Indicates that RCRA violations and no specialty violations were discovered during the evaluation. (See below for a description of 'specialty' violations). If no Class I violations were discovered, but Class II violations were discovered, indicate '0' in the appropriate cell on the 'Class I' row and 'X' in the appropriate cell on the 'Class II' row.
- 'B'- Indicates that both a violation and a 'specialty' (see below for details) were reported during the evaluation.
- 'S'- Indicates that all violations and specialties detected in the current evaluation had been detected in a prior evaluation and are therefore recorded in another CMEL ('S' = 'same violation'). Since 'S' means that the violation/specialty has been noted in a prior Log, and that therefore it will be addressed by an enforcement action, no enforcement action is needed to "close out" the violation/specialty as currently reported.

[Note that if both violations/specialties-
detected-in -a-prior-inspection and
new-violations/specialties are detected
in the current evaluation, then 'X'
or a specialty code (see below) must
be used]. For oversight inspections,
'S' may be used by EPA to refer to
violations recorded as 'X' by the
state.

'S' should be used only if no other letter
('X', 'B', 'Z', or '0') is appropriate.

- 'Z'- If there is a delay between the time an evaluation is conducted and the time a determination is made that violations are or are not present, use 'Z' in the appropriate cell in Block 8 to provide information on the area evaluated until a determination is made. Upon determination of a violation

or compliance, an updated log should be submitted wherein the "Z" is changed to another value as appropriate.

"0"- Indicates that the area was evaluated and no violations or specialties were discovered during the evaluation. Note that a blank indicates that an area was not evaluated during the evaluation. A blank, therefore, does not equal a zero.

Note in particular that when conducting inspections involving Land-Ban, be sure to enter '0' when the facility was inspected for Land-Ban and no Land-Ban violations were discovered.

Likewise, when conducting inspections involving Corrective Action compliance schedules, be sure to enter '0' when no C/A compliance schedule violations or non-C/A compliance schedules violations were found.

In addition to the above general codes, some violation areas have additional 'specialty' violation that are subsets of the area. In the 'Acceptable codes' section of Block 8 all violations/re allowed in each area are listed. The following describes the specialty codes:

"I"- It has been determined that the closing facility is not in compliance with liability requirements but is in compliance with all other financial responsibility requirements. Note that before 'I' can be used, all financial responsibility requirements must have been evaluated.

A "closing facility" is defined for the purposes here as a land disposal facility which lost interm status on November 8, 1985 and has submitted (or should have submitted) a closure plan for at least all of its land disposal units and is not putting any waste (neither hazardous nor non-hazardous) into any of its land disposal units.

"C"- It is determined that the handler is not on schedule with a Corrective Action Compliance Schedule in an order or permit.

"H"- When used in a violation area of Box 8, "H" means that the handler is considered a High Priority Violator (HPV) because of violations detected at the evaluation and possibly because of other violations discovered in prior evaluations.

The Enforcement Response Policy (effective October, 1988) provides guidance on HPVs. It is acknowledged that the start of HPV status is not triggered by any particular type of violation. Moreover, a pattern of 'bad actorship' may be the primary cause for HPV designation. In this case, it is recognized that some violation (even if relatively insignificant) may have prompted the classification. The Timely and Appropriate time-frame begins with the date this decision is made. "H" can be entered on the Class I or Class II line.

The Timely and Appropriate time-frame ends with issuance of a formal action. It is assumed that all formal actions addressing violations designated with an "H" contain adequate measures to address all problems which caused the facility to be designated an HPV.

Special attention should be given to ensuring that "H" is used in the 'Land-Ban' area of Box 8 in cases where inspections are conducted at generator-only handlers and a decision is made to label the generator an HPV as a result of a Land-Ban inspection.

As a guide to deciding what value is appropriate in each violation box, the following questions, if answered in the order listed, may be helpful:

- (1) If the area was not evaluated, leave the box blank and continue to the next area of violation.
- (2) If the area was evaluated and no violations were discovered, code the box with a zero ('0') and continue to the next area of violation.
- (3) If the area was evaluated but a complete determination of violation status cannot be made until further information (eg sample reports, legal clarification, etc)

continue to the next area of violation.

- (4) If the area was evaluated but only the same violation as discovered in a prior evaluation are reported, (or where an oversight inspection is conducted and the State is expected to conduct the enforcement), code the box with an 'S' and continue to the next area of violation.
- (5) If the area was evaluated and only an applicable 'specialty' was reported, then code the box with the code for the specialty and continue to the next area of violation.
- (6) If the area was evaluated and only non-specialty violations were reported, then code the box with an 'X' and continue to the next area of violation.
- (7) If the area was evaluated and both specialty and non-specialty violations were reported, then code the box with a 'B' and continue to the next area of violation.

VIOL. COMMENT:

Enter a comment in this section regarding violations only. Limit to 80 characters. Included in this comment field should be any specifics on Class I 'Other' violations reported and any Compliance Schedule violations noted on the log.

**ENFORCEMENT
ACTIONS:**

The data in Block 9 are required for enforcement actions taken related to Class I violations. Regions and States track enforcement actions taken in response to Class I violations by indicating the appropriate Class in the column under 'Class'. Class II reporting is optional for the Regions and States.

Make one entry for each enforcement action taken. The action may address more than one class or area of violation. If an enforcement action must be escalated to a higher level before compliance occurs, make a separate entry for each enforcement action taken until the handler is returned to compliance. Each report must include the date of the initial evaluation at Block 5. Use of this reference date allows the related events to be tied together in the database.

CLASS: Indicate '1' or '2' appropriately. If the action covers Class I or both Class I and II violations, use a '1'. If the action covers Class II violations only, and the Region or State tracks them, use a '2'.

AREA: Indicate the Area of the violation addressed by the enforcement action. The areas are the categories appearing in Block 8. Where High Priority Violator (HPV) status is indicated in one or more violation areas in Box 8, one of those areas must be used. (This is necessary in order to enable SPMS to accurately reflect when all "dynamic" SNCs have been addressed. In FY89 dynamic TSD SNCs are equivalent to HPVs). Otherwise, if there are any GWM, Financial Responsibility, or Closure/Post-Closure violations addressed by the action and the facility is a BOY SNC, at least one of these areas must be entered here. (This is necessary in order to allow SPMS to accurately reflect where all significant non-compliance has been addressed for BOY SNCs. In FY89 BOY SNCs are defined as they were in FY88. The differing definitions for BOY and dynamic SNCs is necessary to make a smooth transition from the old FY88 SNC definition to the new FY89 SNC definition).

The areas are abbreviated as follows:

GW = Groundwater or Releases to any media
giving rise to corrective action
CP = Closure/Post-Closure
FR = Financial Responsibility
PB = Part B
CS = Compliance Schedule
MA = Manifest
LB = Land-Ban
OT = Other
AA = "All the above"

If the action covers all areas indicated in Block 8, use code 'AA' ("all of the above").

Types of
actions:

Enter the code of the type of enforcement action taken. At a minimum, enforcement actions of the following types must be reported:

<u>Type</u>	<u>Description</u>
(10)	Informals
(03)	Warning Letters/Notices of Violation
(04)	Administrative Complaint (initial order) or State Unilateral Order
(05)	Final Administrative Order or Effective Order
(18)	Civil Referral
(11)	Filed Civil Action
(19)	Final Judicial Order
(12)	Filed Criminal Action
(15)	Corrective Action Initial Admin Order
(16)	Corrective Action Final Admin Order
(21)	Notice of Non-compliance (NON)
(22)	Federal Facility Compliance Agreement (FFCA)
(23)	Fed. Fac. Referral to HQ

Codes for additional types of actions are provided for those Regions and States that wish to keep specific, detailed information on other enforcement actions. States may use different terms than EPA uses to identify various enforcement actions. The definitions outlined below serve as a guide to classify the required types of enforcement actions for entry on this form regardless of the formal terms used by the State. Any questions should be addressed to EPA Regional Office staff.

Informal (Type 10) A response to a violation by written or verbal means which does not meet the criteria of a warning letter or notice of violation set forth below. Informal actions include meetings with the handler or owner, telephone calls, or other informal exchanges of information regarding violations and compliance requirements.

WL/NOV (Warning Letter/Notice of Violation)
(Type 03) The action must be a written document which notifies the handler that he/she is in violation and specifies a date when the violator must return to compliance. Warning Letters and Notices of Violation may precede a formal administrative enforcement action. These actions may be required in the State's statutory enforcement provisions, or may constitute actions which are used to resolve minor violations without issuing an administrative order.

Administrative Compliance Complaint (Type 04)

This is a RCRA 3008(a) administrative complaint or an equivalent State unilateral order which may propose a penalty or threaten the imposition of a penalty for non-compliance. The complaint cites violations and seeks compliance. The complaint may also provide opportunity for a hearing to discuss the violation, the proposed remedy and possibly the proposed penalty.

AO (Final Administrative Order) (Type 05) These are legally binding orders equivalent to the RCRA 3008(a) Final Compliance Order. These orders, which may be issued "on consent", are issued under statutory enforcement provisions which require compliance with EPA/State statute or regulations. They may or may not assess penalties. They are final actions issued by EPA/State agency without going to court. They are enforceable documents which, if violated, can be enforced through further administrative or judicial action.

Civil Referral (Type 18) EPA/State hazardous waste agency officially requests the filing of a civil action in court by the U.S. Department of Justice/ State Attorney General or other legal entity with authority to file the court action.

Filed Civil Action (Type 11) These are cases filed by the U.S. Department of Justice or State Attorney General (or other legal entity with authority to file the action) in which the State seeks correction of a violation through the judicial system. The State may or may not seek penalties through this action. EPA/State hazardous waste agency need not be the agency actually filing the action, e.g., the State Attorney General's Office or other legal entity may actually file the case on behalf of the State hazardous waste agency.

Final Judicial Order (Type 19) The judicial order includes judicial approval of a settlement agreement between the defendant and the Federal or State agency (consent decree) or a judicially imposed judgment.

Filed Criminal Action (Type 12) These enforcement cases normally involve the knowing violation of an EPA/State statute or regulation. As with filed Civil Actions, this enforcement action is indicated when the State's legal entity

brings a criminal action, e.g. indictment, on behalf of the State hazardous waste agency.

Corrective Action Initial Administrative Order (Type 15) This is a RCRA section 3008(h) initial administrative order or state equivalent where the initial order addresses both compliance and Corrective Action (3008(h) or state equivalent).

Note: C/A 3008(h) orders addressing only C/A should be entered into CARS, not HWDMS.

Corrective Action Final Administrative Order (Type 16) This is a RCRA section 3008(h) final order or state equivalent where a final order addresses both compliance and Corrective Action (3008(h) or state equivalent).

Note: C/A 3008(h) orders addressing only C/A should be entered into CARS, not HWDMS.

Notice of Non-Compliance (type 21) The Notice of Non-Compliance ("NON") is the initial written notification to a Federal Facility of the existence of RCRA High Priority violations at that facility. The issuance of an NON at a Federal Facility is parallel to the issuance of a RCRA Section 3008(a) administrative complaint to a private facility, and must conform with the 3008(a) complaint in content and format.

Federal Facility Compliance Agreement (Type 22) The Federal Facility Compliance Agreement ("FFCA") is the final negotiated document between EPA and a Federal Agency resolving compliance violations at that facility. This agreement is parallel to the issuance of a 3008(a) final administrative order to a private facility. It should contain those provisions described in the memorandum entitled "Enforcement Actions Under RCRA/CERCLA at Federal Facilities" (Winston Porter to Regional Administrators, January 25, 1988).

Fed. Fac. Referral To HQ (Type 23) This referral occurs when the Region determines that the joint EPA/Federal Facility negotiations will not result in the settlement of a Federal Facility Compliance Agreement within the 120 day prescribed timeframe, and submits a referral package to EPA Headquarters. Referral procedures are outlined in the memorandum entitled "Elevation Process for Achieving Federal Facility Compliance Under RCRA." (Winston Porter to Regional Administrators, March 24, 1988).

Other enforcement action codes available for use are:

- Type 01: Interim Status Compliance Letter
Type 02: 3007 Information Request
Type 06: 3013 Administrative Order (initial) or State equivalent
Type 07: 3013 Administrative Order (final) or State equivalent
Type 08: 7003 Administrative Order or State equivalent

Type 13: NOV to State (Violations referred by EPA to a State for action as a result of an EPA evaluation.)
Type 14: NOV to EPA (Violations referred by a State to EPA for action as a result of a State evaluation).
Type 17: CERCLA 106 administrative order (EPA only)
Type 20: CERCLA 104 fund-financed activity (Although this is not an enforcement action, it is reported to indicate an alternative to enforcement to address the hazard at the facility.)

DATE ACTION
TAKEN:

States should consult with EPA regional staff before using any additional codes. Enter the date of the enforcement action. For all actions involving written documents, this date should be the date the document is executed (signed). States should determine how to assign a date to informal actions which do not involve signed written documents, e.g., date of telephone call. For filed civil and criminal actions, the date the case is filed is the Date Action Taken.

SCHEDULED
COMPLIANCE
DATE:

Enter the date the handler is scheduled to come into compliance with all provisions of the enforcement action. If a number of activities are to be performed according to a compliance schedule with more than one date, enter the date of the last known action to be taken by the handler to return to compliance. For civil referrals (Type 18), filed civil actions (Type 11), filed criminal actions (Type 12) or other actions without specified compliance dates, no scheduled compliance date is to be entered.

ACTUAL
COMPLIANCE
DATE:

Enter the date the handler actually comes into compliance with all requirements addressed in the enforcement action. This is the date the State/EPA determines that the handler came into

physical compliance (the date compliance was verified). The handler will continue to be considered out of compliance until the actual compliance date is provided. Actual (physical) compliance does not necessarily mean that any final penalty assessed has been satisfactorily paid.

Handlers that are issued Final Administrative Orders (Type 05) only for the purpose of assessing penalties, however, are not returned to compliance until all penalties have been paid.

PENALTY
ASSESSED:

When reporting a 3008(a) Administrative Compliance Complaint (04) or its equivalent, enter the dollar amount of the proposed assessment. When reporting a 3008(a) Final Administrative Order (05), final judicial order (19), or other final order with penalties enter the dollar amount of the final assessment.

PENALTY
COLLECTED:

Enter the dollar amount of penalty actually collected from the handler. Enter cumulative partial payments as they occur for a handler who is subject to a payment schedule in the enforcement action.

RESPONSIBLE
AGENCY:

Enter the code for the agency taking the enforcement action. Any enforcement action taken by EPA in an authorized State is an 'X'. (Guidance on the use of 'X' will be forthcoming).

ENFORCE.
COMMENT:

Use this block to clarify data for the enforcement action only. Use up to 80 characters.