

**U.S. EPA-REGION 8  
SOLID AND HAZARDOUS WASTE PROGRAM**

**RCRA PROGRAM GUIDANCE FOR FY 2009**

(Derived from FY 2009 NPM guidance for the RCRA Program, GPRA, and Region 8 Goals)

**I. INTRODUCTION, PURPOSE AND OVERVIEW**

This document is EPA-Region 8's guidance for the Resource Conservation and Recovery Act (RCRA) Program for Fiscal Year (FY) 2009. The guidance has been designed for use by state, tribal and EPA-Region 8 (R8) RCRA Program management and staff in developing RCRA Program goals, objectives and activities for FY2009. More specifically, the guidance will be used by the states, tribes and Region 8 to develop strategies, work plans, PPAs and other program planning and management tools for FY2009.

This guidance is a combination of national and R8 RCRA program goals and priorities. It is derived chiefly from the national program management (NPM) guidance for FY2009 for the RCRA Program developed by EPA-HQ's Office of Solid Waste and Emergency Response (OSWER) and other guidance documents pertaining to the administration of an adequate RCRA program. Because the NPM guidance is tied closely to EPA's strategic planning process under the Government Performance and Results Act (GPRA), the R8 guidance incorporates the GPRA goals, objectives and measures. GPRA measures applicable to the RCRA program are tracked through the Annual Commitment System and comprise corrective action, permitting, waste minimization and tribal activities. Finally, the guidance includes R8 goals and perspectives on the program elements and the national guidance.

The guidance addresses several elements of the RCRA Program managed under the R8 Solid and Hazardous Waste Program and Pollution Prevention, Pesticides and Toxics Program. This includes:

- For Subtitle C (Hazardous Waste): hazardous waste minimization; closure and post-closure; operating permits; corrective action; authorization; and information management.
- For Subtitle D (Solid Waste): the pollution prevention and recycling functions.

**A. NATIONAL WASTE PROGRAM PRIORITIES**

OSWER has selected five national priorities for waste programs, and these are integrated throughout the discussion of the principal program elements:

**Revitalization** - All of EPA's cleanup programs (Superfund Remedial, Superfund Removal, Superfund Federal Facilities Response, Resource Conservation and Recovery Act (RCRA) Corrective Action, Brownfields, and Underground Storage Tanks) and their partners are taking proactive steps to accommodate and facilitate the cleanup and revitalization of contaminated properties. Revitalizing these once productive properties can provide numerous positive impacts for communities such as removing blight, satisfying the growing demand for land, limiting urban sprawl, fostering ecologic habitat enhancements, enabling economic development, and maintaining or improving quality of life. With the emergence of revitalization as a priority, the need for cleanup programs to measure their performance and report accomplishments in terms related to the availability of land for use or reuse of land is increasingly important.

The revitalization initiative is a means of leveraging lessons learned in development of the Brownfields and Base Realignment and Closure programs, and applying them across all of our cleanup programs. The Land Revitalization Agenda provides an extensive menu of options for integrating the concept of land reuse while selecting cleanup approaches. As part of this initiative, we have been working with the regions to develop regional reuse plans. These plans represent a commitment by EPA managers and staff to make land revitalization a core component of our cleanup programs, and provide an opportunity to showcase the extensive regional activities already under way (<http://www.epa.gov/swerrims/landrevitalization/index.htm>).

**Recycling, Waste Minimization and Energy Recovery** - EPA's strategy for reducing waste generation and increasing recycling is based on (1) establishing and expanding partnerships with businesses, industries, states, communities, and consumers; (2) stimulating infrastructure development, environmentally responsible behavior by product manufacturers, users, and disposers ("product stewardship"), and new technologies; and (3) helping businesses, government, institutions, and consumers through education, outreach, training, and technical assistance. These activities are encompassed within the mantle of the Resource Conservation Challenge, whose programs contribute to the reduction of energy use and greenhouse gas emissions.

**Emergency Preparedness, Response, and Homeland Security** – EPA has a major role in reducing the risk to human health and the environment posed by accidental or intentional releases of hazardous substances and oil. EPA will improve its capability to effectively prepare for and respond to these incidents, working under its statutory authorities and, for major incidents, working closely with other Federal agencies within the National Response Framework (NRF).

**Implementing New Energy and Transportation Legislation** - EPA has a critical role in implementing the provisions of the Energy Policy Act (EPAct) of 2005. The EPAct substantially overhauls the underground storage tank (UST) release prevention program to minimize future releases from USTs and provide additional emphasis on remediation of leaking USTs, with a particular focus on fuel oxygenates such as methyl tertiary butyl ether (MTBE). Implementing the EPAct provisions includes conducting more frequent inspections, prohibiting delivery to noncompliant tanks, and requiring either secondary containment for new tank systems or

financial responsibility for manufacturers and installers. For further information and final EPA grant guidance, see <http://www.epa.gov/swerust1/fedlaws/EPActUST.htm>.

**Clean Energy and Greenhouse Gas Reduction** – To support the Administrator’s Clean Energy and Climate Change Priority, EPA continues to build on the substantial greenhouse gas reductions and energy savings already being realized through the RCC in all of OSWER’s materials management and land cleanup programs.

## **B. TRIBAL PROGRAM DEVELOPMENT**

The national program supports tribal governments through capacity building, technical assistance and outreach. In tandem with existing tribal program support, in FY 2009, OSWER will focus on the following key areas to help improve tribal program development and performance:

- Creating a new OSWER Tribal Council to facilitate dialogue, outreach and information sharing between EPA and tribes.
- Communicating clear tribal program priorities.
- Improving results from tribal training.
- Developing tools for Indian country that focus on: tribal program implementation, compliance, hazard assessment, integrated waste management planning, resource conservation, risk assessment, and revitalization.
- Improving tribal baseline data for better program decision-making.

## **C. INNOVATIONS AND ENVIRONMENTAL JUSTICE**

Environmental justice (EJ) is a priority throughout all of OSWER’s waste programs, promoting healthy and environmentally sound conditions for all people. OSWER’s EJ program is currently updating the biennial *OSWER Environmental Justice Action Plan*, which describes each of OSWER’s program strategies, priority activities and associated measures for EJ and provides cross-program strategies and direction for OSWER’s EJ program. The OSWER EJ Action Plan will align EJ program commitments with EPA’s 2006-2011 Strategic Plan, the Administrator’s Priorities, regional priorities, and the NPM priorities.

EPA’s Community Action for a Renewed Environment (CARE) program supports the Agency’s priorities for protecting children and upholding citizens’ rights to be knowledgeable about the health of their environment. The CARE program is a community-based, multi-media collaborative Agency program designed to help local communities address the cumulative risk of toxics exposure. Through the CARE program, EPA programs work together to provide technical support and funding to communities to help them build partnerships and use collaborative problem solving processes to select and implement actions to improve community health and the environment. Information about CARE can be found at: <http://www.epa.gov/care/>.

## **D. NATIONAL IMPLEMENTATION STRATEGIES**

The RCRA program continues its focus on two primary areas for FY 2009. One is the continued existing statutory obligations to ensure the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The other is our emphasis on resource conservation and materials management through voluntary partnerships. Much of the effort toward solid waste and chemicals reduction and recycling is under the RCC Program.

## **E. SCOPE**

The guidance contains two major chapters:

1. Chapter II of the guidance presents a more detailed discussion of environmental priorities and strategies for implementing the RCRA program and achieving environmental results. For each program element (closure, permits, etc.), the discussion includes both the national and R8 views. This chapter also includes discussion of the OSWER themes of the Revitalization; Recycling, Waste Minimization and Energy Recovery; Emergency Preparedness, Response and Homeland Security; Implementing New Energy Legislation; and Clean Energy and Greenhouse Gas Reductions.
2. Chapter III presents a discussion of guiding principles for program management that address how the various agencies (states, tribes, EPA) will plan, coordinate and track the activities discussed in Chapter II.

The guidance also contains the following 4 appendices:

1. The narrative and table of Performance Standards and Oversight Procedures (PSOP) for the administration of Hazardous Waste Programs under RCRA. The Performance Standards contains program criteria, definitions, measures and standards that define an adequate authorized Subtitle C Hazardous Waste Program. The Oversight Procedures are those used by EPA Region 8 to assure that the administration of state authorized programs meets the standards set forth in law, regulation and authorization documents, and verifying that the annual federal grants to the states are spent responsibly.
2. A 5-page discussion of Fundamental Measures of Success for RCRA Programs and a table of Required Program Measures and RCRAInfo Data Elements for the R8 RCRA Program that focuses on the specific measures that are discussed under each program element in Chapter II. These measures will need to be addressed in the FY 2009 PPAs.
3. The *FY 2009 RCRA Program Commitment Cover Sheet*, an Excel spreadsheet, presents the status of state programs relative to long term goals and records the

annual numerical commitment for each State RCRA program. This document is currently published in report format via the RCRAInfo website, <http://www.epa.gov/rcrainfo>, Reports Module #2, Cross Module Reports, Region 8 Hazardous Waste Commitments Report.

4. A Workplan Projections and Achievements database tool for planning and reporting RCRA permitting and corrective action events is also incorporated into this guidance. Access to this planning and reporting tool is via the RCRAInfo website, <http://www.epa.gov/rcrainfo>, Reports Module #2, Cross Module Reports, Region 8 Workplan Projections and Achievements Report. To use this tool, each state must enter into RCRAInfo the schedule date for targeted events at the Unit/Area level at specific facilities. Running the Workplan report after entering these data will populate the report with all projected RCRA events. Subsequent entry of actual dates into the database and running the Workplan report again will populate the table with achievement information.

This guidance does not address the following elements of the RCRA Program:

1. The enforcement element of the Subtitle C Program. That program function is located in the R8 Office of Enforcement, Compliance and Environmental Justice, and guidance for the program element is contained in the Memorandum of Agreement [MOA] between EPA-HQ/OECA and the Regions.
2. The Subtitle I (UST/LUST) program element of RCRA (that function is located in the R8 Water Program).

## II. ENVIRONMENTAL PRIORITIES AND IMPLEMENTATION STRATEGIES

This chapter of the guidance presents the major goals, objectives and environmental priorities of the RCRA program, and discusses implementation strategies that most directly support those goals, objectives and priorities. This discussion includes translating the goals, objectives and priorities into specific RCRA program activities and measures of success.

### GENERAL NATIONAL PROGRAM MANAGEMENT (NPM) GUIDANCE

The major goals of the national RCRA program are focused in two main areas:

1. Continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste (permitting) and cleaning up hazardous and non-hazardous waste releases (corrective action). The RCRA hazardous waste program is close to completing a major effort to bring corrective action sites under control, and will focus on effectively moving these sites toward final cleanup. Likewise, the program will work to complete its obligations to issue permits or

other approved controls, and will increasingly emphasize permit renewals. (Sections B, C, D of this Chapter)

2. Increased attention to materials management and energy issues, using analytical tools such as the Waste Wheel, and continuing efforts for reductions in the generation of solid and hazardous wastes. The Resource Conservation Challenge (RCC) has been launched and, during the next three years, EPA will build upon the successful efforts of the RCC to meet the objectives of the 2020 Vision Paper (*Beyond RCRA*) to reduce the generation of wastes, increase recycling of industrial materials and municipal solid waste, and look at the sustainable use of all resources.

These program areas are addressed in EPA's Strategic Plan under Goal 3 (Land Preservation and Restoration) and Goal 5 (Compliance and Environmental Stewardship). National performance expectations (targets/objectives) for each element of the RCRA program are established by OSW in cooperation with the lead region in the early spring of each year.

Progress tracking will continue as normal, using established database systems (RCRAInfo) and/or manual reporting requirements as outlined in program-specific guidance.

## **REGION 8 PERSPECTIVE ON BROAD GOALS AND OBJECTIVES**

R8 supports the two highest priorities of continuing programmatic obligations for permits and corrective action and redirecting efforts toward the minimization of solid and hazardous waste via the Resource Conservation Challenge. We have discussed these priorities with the states and tribes in the past and will continue to do so through FY 2009. R8 also supports the other OSWER priorities and will work with state and tribal partners to find opportunities to develop these themes across and within RCRA program elements.

### **A. MATERIALS MANAGEMENT AND HAZARDOUS WASTE MINIMIZATION (THE RESOURCE CONSERVATION CHALLENGE)**

The Materials Management and Hazardous Waste Minimization program under the Resource Conservation Challenge is at the front of Chapter II to reflect its status as the "strategy of first choice" for the RCRA program in Region 8. Since FY 2003, the RCRA Solid and Hazardous Waste Minimization efforts have been addressed together under the umbrella of the Resource Conservation Challenge (RCC). The RCC was launched in September 2002 to find flexible, yet more protective ways to conserve resources through waste reduction and energy recovery. The RCC moves the focus of the RCRA Program from the traditional approach of cradle to grave waste management to one of life cycle materials management. It is a broad challenge for American producers and consumers to make smarter purchasing and disposal decisions. It supports projects to test innovative approaches to waste minimization, energy recovery, recycling and land revitalization.

For 2009, the national attention for the RCC remains on the four (4) National Focus Areas (NFAs). These 4 NFAs are as follows:

- Recycling Municipal Solid Waste
- Electronics
- Industrial Materials Recycling, and
- Priority Chemical Reductions.

## **1. Recycling Municipal Solid Waste**

**GPRA goals, measures:** Under EPA's 2006-2011 Strategic Plan, EPA has a goal of recycling 35% of municipal solid waste by 2008. OSW has identified a new long-term GPRA goal of directly influencing the recycling 80 billion pounds of MSW over the 4-year period of 2008-11, or 20 billion pounds per year.

The new 2008-11 measure is designed to reflect more accurately EPA's direct contribution to and influence on national progress for recycling at both the national and regional level. Regional commitments will be tracked in the Annual Commitments System (ACS) under the measure "Billions of pounds of MSW reduced, reused or recycled." EPA is Currently, EPA is working through issues related to information collection activities to support reporting results of the WasteWise program. The outcome of that effort could impact measures used to track the progress of the RCC program.

### **National Guidance**

EPA Regions and OSW will continue to focus their primary MSW recycling efforts on the three targeted materials: paper, organics (food waste and green yard waste), and packaging/containers. EPA's MSW Recycling Implementation Plan includes specific activities each Region will commit to undertake and identifies approaches and tools to support these activities. For FY 2009, OSW is requesting that all Regions identify ACS commitments in the area of MSW recycling that contribute toward our national recycling and energy conservation and greenhouse gas reduction goals.

EPA Regions should base their FY 2009 ACS MSW recycling commitments primarily on what they expect to accomplish through their Full Time Equivalents (FTEs) and extramural dollars. WasteWise partner accomplishments, as outlined in the WasteWise apportionment paper, also may be factored into ACS MSW recycling commitments. Regions should continue general outreach efforts to promote MSW recycling and implement the activities listed in the MSW Recycling Implementation Plan. Regions also should work closely with states to support and complement state and local efforts.

In these key areas, we have identified, or have started to identify, targets and measures that will demonstrate the positive benefits of this program. OSWER will be tracking a new measure in FY 2009 to reflect the energy conservation and greenhouse gas reduction benefits associated with our efforts under the RCC. This new measure is expressed in

terms of British thermal units (BTUs) of energy conserved and metric tons of carbon equivalents (MTCE) of green house gas emissions reduced by RCC. EPA Regions and HQ will continue to work together to determine the best steps to take to conserve resources and divert more materials to reuse and recycling.

### **Region 8 Perspective**

Region is continuing to build its MSW recycling program and increase the materials management focus of the program. The focus for FY 2009 will be primarily in the following areas:

- a. We will continue using Grant funds to promote projects that will advance the goals of MSW recycling rates, particularly in situations most relevant to the Region 8 landscape. In each project, there will be a requirement for measurement of resulting recycling amounts.
- b. We will use Contract funds and staff resources to develop and maintain partnerships with states, counties, cities, non-profits and others to evaluate and promote recycling practices wherever there are opportunities. In particular, we will continue to develop our working relationship with state and tribal Solid Waste Program management and staff to identify and pursue situations that present the greatest opportunity for increases in recycling.
- c. We will also continue to promote EPA's formal and informal partnership programs such as WasteWise and Pay-As-You-Throw as mechanisms to increase recycling. We will provide technical and other support for workshops or other activities that promote recycling for venues, hotels, restaurant, caterers, event planners and other parts of the hospitality sector.
- d. We will continue to work with states and other to develop our abilities to measure reduction and recycling activities more broadly and accurately.
- e. We will attempt to connect MSW activities and results more directly with impacts on Climate Change and coordinate closely with the Region 8 Climate team.

## **2. Electronics**

### **Background, National Goals and Objectives:**

Computers and other electronic products are the fastest-growing (and among the least-recycled) components of America's waste stream. Approximately two million tons of used electronics, including computers and televisions, are discarded each year. An estimated 128 million cell phones are retired from use each year.

The overall goals for the national electronics recycling program are to:

- a. Foster environmentally conscious *design and manufacturing*, including reducing or eliminating higher-risk materials (e.g., priority and toxic chemicals of national concern) in electronics products at the source.
- b. Increase *purchasing and use* of more environmentally sustainable electronics; and
- c. Increase safe, environmentally sound *reuse and recycling* of used electronics.

## National Guidance

The Electronics Priority Area addresses environmental considerations along the entire life cycle of electronic products. Focusing initially on personal computers, televisions, and cell phones, the national program is striving to change the overall design, operation, reuse, recycling, and disposal of electronic equipment. We are committed to maintaining and building markets for recyclable electronics, as well as developing and sustaining innovative methods to recycle, reuse, and reduce waste from these products.

Examples of current national initiatives include the following:

- a. [Electronics Product Environmental Assessment Tool \(EPEAT\)](#)  
EPEAT, developed in partnership with industry and government, is an environmental procurement tool designed to help institutional purchasers in the public and private sectors evaluate, compare, and select desktop computers, laptops, and monitors based on their environmental attributes in the manufacturing and use. (<http://www.epeat.net/>)
- b. [Federal Electronics Challenge](#) This voluntary partnership works with federal departments and agencies to increase the purchase green electronic products, reduce the environmental impacts of electronic products, and manage obsolete electronics in an environmentally safe way. (<http://www.federalelectronicchallenge.net/>)
- c. [Plug-In To eCycling](#) Plug-In provides the public with information about, and increased opportunities for, safely reusing and recycling obsolete electronic products, such as computers, cell phones, and televisions. The partnership also promotes shared responsibility for safe electronics recycling with communities, electronics manufacturers, and retailers. The partnership also operates pilot projects that test innovative approaches to recycle electronics safely. (<http://www.epa.gov/epaoswer/osw/plugin/index.htm>)
- d. Partnering with the Mobile Phone Manufacturers  
The RCC is working with 10 major mobile phone manufacturers to improve the environmentally sound management of unwanted mobile phones.

## Region 8 Perspective

The Electronics activities in Region 8 are managed by the Pollution Prevention Program. For FY 2009, EPA-R8 will continue its work with the states, Federal Agencies and other relevant organizations to identify electronics stewardship opportunities. The areas of focus for FY 2009 will be to use Grant/Contract funds and staff resources to work with our state and Federal partners, non-profits and others to evaluate and promote Electronics Stewardship wherever there are opportunities. We will continue to develop our working relationships with these same partners to identify and pursue situations that present the greatest opportunity for increases in electronics stewardship including reuse, recycling, and environmentally preferable purchasing of such electronics. This includes promoting projects that will advance the Electronics goals, particularly in situations most relevant to the Region 8 landscape. In each project, there will be a requirement for measurement of resulting recycling amounts.

*Specifically our FY 2009 activities will include:*

- a. **Electronics Stewardship Activities:** Leading and monitoring development in state pilot projects, programs, and legislation and serve as a point of contact for information and assistance. Work with a network of regional contacts on electronics to update HQ and other regions on projects, activities, and developments.
- b. **EPEAT:** Reaching out to institutional purchasers (government, academia, large businesses, hospitals, etc.) to promote the use and adoption of the EPEAT criteria.
- c. **Plug-In to eCycling Campaign:** Supporting and promoting national and R8 state partnership activities with the Plug-In Campaign.
- d. **Federal Electronics Challenge:** Serving as R8 FEC Partner and Champion:
  - *Partner Activities:* Working to promote environmentally sound purchasing, use, recycling, or disposal within our office and supporting implementation of the new Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*.
  - *Champion Activities:* Working to promote the FEC program to other federal agencies via conferences and meetings, and working with federal agencies to assist in implementation. Continue to serve on the FEC Champions Steering Committee and help shape the future direction of the national FEC Program.

### **3. Industrial Materials Recycling (IMR)**

**National Goals, Measures:** EPA has established two FY 2011 GPRA goals in its strategic plan: increase the use of coal combustion products to 50%; and, increase the reuse and recycling of C&D materials to 65%.

EPA will track progress for the coal ash goal at the national level with the use of an industry survey. EPA has updated the construction and demolition materials characterization report and has asked several stakeholders for their review. The reviewers identified a number of potential improvements. EPA will finalize this report in 2008 and plans to update it every five years.

#### **National Guidance**

OSW, working with the Regions, developed an industrial materials reuse and recycling implementation plan which is expected to be finalized in 2008. As stated in the plan, the industrial materials reuse and recycling program will continue to focus on coal combustion products (CCPs), construction and demolition (C&D) materials, and foundry sands. Reducing, reusing and recycling these materials can conserve resources, reduce energy use, reduce greenhouse gas emissions, reduce costs, and extend the life of landfills.

During FY 2009, Regions should build on their prior successes by continuing to increase the reuse and recycling of industrial materials in an environmentally sound manner. Regions should focus their efforts on two programs: the Industrial Materials Construction Initiative, which is a comprehensive venue for fostering reuse and recycling of all three of EPA's focus materials; and the Coal Combustion Products Partnership (C2P2).

Regions have developed effective working relationships with their state counterparts and should continue to foster collaborative efforts to share information and data and to coordinate among state programs. EPA will continue to partner with the Industrial Resources Council (IRC), the industrial materials component of the National Recycling Coalition, and the Association of State and Territorial Solid Waste Management Officials' Beneficial Use Task Force.

Measuring and reporting on success is a critical component of any credible program, and EPA is also working to improve construction and demolition materials data and measures. EPA is working with available State data to determine if they are sufficient to set targets and to track progress with efforts to increase C&D materials reuse and recycling. EPA expects to complete a preliminary analysis of these data in 2008. Then, OSW and the Regions will decide on a viable approach to measuring and reporting C&D materials reuse and recycling during FY 2009.

#### *The Industrial Materials Construction Initiative*

In 2006, each Region committed to identifying and working with at least one major construction project in their Region. In FY 2009, Regions should continue their efforts in this area. Regions are asked to identify significant, upcoming construction projects and initiate discussions with developers, builders, and others who influence materials use to encourage the wider use of coal ash, reusable, construction and demolition materials, and foundry sands. OSW provided the Regions with a list of top Regional construction projects and continues to forward new projects as they are identified. OSW also will provide Regions with materials to use as tools to move this effort forward. In addition, OSW is developing a cross marketing construction toolkit which will be available later in 2008.

In FY 2009, OSW will be tracking Regional accomplishments and challenges in the Industrial Materials Construction Initiative through routine calls and other efforts. Regions should document construction project case studies to capture and share the knowledge gained and lessons learned, including challenges to reuse and recycling and how those challenges are overcome. Regions then can apply the case study information in marketing the concept to other projects. Effective case studies should include the amount of material used, reused, and/or recycled, as well as energy savings, greenhouse gas reductions, and cost savings.

#### *Coal Combustion Products Partnership (C2P2)*

Regions should continue to expand the C2P2 and encourage the use of coal combustion products (CCPs). Actions include nurturing the current membership, recruiting new members to the partnership (including generators), creating case studies of CCPs used, and working with state agencies and others to put CCPs to use in transportation and building projects. Concerns have been raised that EPA's air regulations will negatively affect CCP characteristics. OSW and Regions will seek to address such concerns with assistance from experts within the Agency, other agencies, industry, and academia.

#### **Region 8 Perspective**

The Region is continuing to build its IMR program. The focus for FY 2009 will be primarily in the following areas:

- a. We will continue using Grant funds to promote projects that will advance the IMR goals, particularly in situations most relevant to the Region 8 landscape. In each project, there will be a requirement for measurement of resulting recycling amounts.
- b. We will use Contract funds and staff resources to work with our state partners, non-profits, and others to evaluate and promote IMR wherever there are opportunities. We will continue to develop our working relationship with state Solid Waste Program management and staff to identify and pursue situations that present the greatest opportunity for increasing recycling.

- c. Region 8 will recruit additional regional partners for the Coal Combustion Products Partnership (C2P2). Recruitment efforts will begin with utilities identified as potential candidates by the American Coal Ash Association. States will work in partnership with the Region to identify potential new candidates for regional recruitment.
- d. The Region will research specific building or transportation construction projects and promote an existing project that uses industrial materials through the development of a case study, or work in partnership on upcoming projects to encourage the environmentally sound use of industrial materials. States will work in partnership with the Region to identify or promote potential projects for the Construction Initiative.
- e. The Region will share useful information, resources, and data, coordinate among state programs, and foster collaborative efforts where beneficial.
- f. The Region will continue to provide input to OSW and increase states' and others' awareness of industrial materials measurement systems. The Region will look for opportunities for collaboration with states where there are existing or developing measurement systems.

#### **4. Priority Chemicals Reduction (covered under Subobjective 5.2.1)**

##### **Goals, Measures**

As stated in the Agency's 2006 – 2011 Strategic Plan, the national program for reducing RCRA-relevant priority chemicals centers on the strategic goal of a four million pound reduction of priority chemicals by 2011, as measured by National Partnership for Environmental Priorities (NPEP) contributions, Supplemental Environmental Projects (SEPs) and other tools used by EPA to achieve priority chemical reductions.

##### **National Guidance**

###### *Priority Chemical Reductions*

In FY 2009, EPA will achieve Priority Chemical reduction goals by identifying NPEP recruits and enrolling individual facilities, and when possible multiple facilities, in industrial and manufacturing sectors which are responsible for the highest amount of priority chemicals released to the environment. Partners enrolled by regional and state representatives will contribute to the national Priority Chemical reduction goal and may contribute to additional regional or state specific chemical reduction goals. Decisions regarding chemicals (in addition to the 31 priority chemicals) selected for reduction should be based on the chemical waste minimization potential, risk, and generation trends

as well as volume of chemical released to the environment. Information on the specific actions and means by which reductions are achieved is provided in the RCC Priority Chemical Action Plan. At this time there are no specific GPRA goals associated with the identification of other chemicals of national concern.

Based on targeting information provided by OSW, and other available information, Regions will establish specific annual regional reduction goals, identifying the number of pounds of reductions the Region will seek to achieve each year to reach the 2011 Priority Chemical GPRA goal. Note that overall program success is measured by reduction in the volume of priority chemicals, rather than the number of facilities enrolled in the partnership program. Additionally, source reduction is the preferred means of chemical reduction, but recycling is an acceptable alternative when viable source reductions options have been eliminated.

For further information, see <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>.

### *Schools Chemical Cleanout Campaign (SC3)*

The Schools Chemical Cleanout Campaign (SC3) is a part of RCC. The Campaign strives to facilitate: (1) removal of legacy accumulations of dangerous chemicals from K-12 schools; (2) implementation of strong, sustainable chemical management in schools to prevent the development of accumulations of chemicals in the future; and, (3) raising awareness of the problem.

During FY 2006, EPA established a multi-Agency Steering Committee in collaboration with the Department of Education, Agency for Toxic Substances and Disease Registry, Bureau of Indian Affairs, Consumer Product Safety Commission, and Centers for Disease Control and Prevention and developed a multi-Agency strategy to address the issue. In FY 2007, EPA will make progress on building a national campaign that includes a public/private network to make responsible chemical management available to all schools across the nation. The network partnerships will help us to create sustainable chemical management programs in schools that ultimately decrease the number of injuries and school days lost due to poor chemical management and chemical spills, which is likely to improve the learning environment in K-12 schools across the nation.

While continuing to build these partnerships in FY 2009, EPA and its Federal partners will place their effort on the following goals and objectives:

- a. Gather baseline data and raising national awareness of the potential dangers of chemical accumulations in K-12 schools; better characterize the scope of the problem; communicate with stakeholders and engage them in addressing the problem; and coordinate Federal agency programs to provide a clear, unified SC3 message.

- b. Facilitate Chemical Cleanout and prevention of future chemical management problems: improve access to information resources (tools, manuals, and criteria) and provide technical assistance; institutionalize good chemical management practices, including training, purchasing, and planning; and recognize successes through SC3 awards.

In FY 2009, EPA headquarters and the Regions will continue to analyze the state of chemical management in K-12 schools and develop tools to raise awareness and educate school and industry partners about the issues surrounding chemical management. To bring this information, expertise, and resources to as many school districts as possible across the country, EPA headquarters and Regions will focus their efforts on developing and strengthening partnerships to build this national network. Regions will be the key to making this vision a reality. As we sign on partners who want to help schools, it will be the regional knowledge of the local landscape that will help match partners with school districts lending their expertise to grow the campaign and assure that it complements and embraces other Agency Healthy School Environments Initiatives. Regions will also take the lead in identifying and targeting local industries that have the ability to assist with the Campaign. Success in FY 2009 will be measured by the number of partnership agreements established, schools affected, pounds of chemicals removed from K-12 schools, and sustainable practices established.

### **Region 8 Perspective**

Reduction of RCRA Relevant Priority Chemicals is the R8 strategy of first choice for addressing Hazardous Wastes. For FY 2009, EPA-R8 will continue its work with the states to identify waste reduction opportunities for Priority Chemicals. Where possible, EPA and the states will work within the context of the RCC to broaden and capture R8 waste reduction efforts. Among the areas of interest in Hazardous Waste Minimization efforts that should be considered when planning activities for FY 2009 are:

- a. We will use Contract funds and staff resources to work with our state partners, non-profits, and others to evaluate and promote PCR wherever there are opportunities. We will continue to develop our working relationship with state Solid Waste Program management and staff to identify and pursue situations that present the greatest opportunity for Priority Chemical reduction.
- b. The Region will work with States to pursue the recruitment of facilities reporting top Priority Chemical generation amounts; and explore priority chemical reduction strategies. This objective will depend upon the identification of existing and technically feasible opportunities to minimize the priority chemicals. If NPEP enrollment is not an option for these facilities, document explanations of waste management on-site and all current waste reduction activities.

- c. Work with the States to assure that current Waste Min efforts are reflected in PPAs/SEAs, especially those that support reductions in priority chemicals and other RCC goals.
- d. EPA will continue work with the states to make better use of the Hazardous Waste Minimization Profile reports that were jointly developed by EPA and the states, including any updating that occurs as a result of recently released TRI or BRS data. Region 8 will work with the states to review and revise the profiles to ensure their usefulness and accuracy, and will also consider further refinements and/or customizing each state's profile to meet specific state needs.
- e. Look for incentives for new/additional State activities that would focus on priority chemicals, including grants, training, technical assistance, voluntary partnerships, recognition programs, and other incentives.
- f. Facilitate communication on hazardous waste minimization and priority chemical reductions through the development of tools and resources, and the dissemination of information through the R8 Hazardous Waste Minimization Program web page and other appropriate means.

**Key Hazardous Waste Minimization Measures for FY 2009:** achieving a 40,000 pound reduction of Priority Chemicals by 2011, as measured by National Partnership for Environmental Priorities (NPEP) contributions, Supplemental Environmental Projects (SEPs) and other tools used by EPA to achieve priority chemical reductions. These reductions will be measured by EPA-HQ from NPEP enrollment forms and other facility commitments, at the national level. Because there are no statutory or regulatory requirements for waste reduction, there will be no state-specific targets for such reductions.

## **5. Coordinating Across Partnership Programs**

EPA strongly supports region and state programs to coordinate their efforts across the many partnership program that address activities under the RCC. More specifically:

- a. OSWER also continues to support activities under Performance Track (<http://www.epa.gov/performancetrack>), an Agency-wide priority innovation program that recognizes and rewards private and public facilities that demonstrate top environmental performance. OSWER and OPEI have developed RCRA incentives (<http://www.epa.gov/performancetrack/benefits/regadmin/waste.htm>) for member facilities. RCRA programs are encouraged to promote adoption of these incentives by the states and assist in their implementation. In FY 2006, OSWER collaborated with Performance Track to promote voluntary priority chemical reductions as an important commitment to continuous environmental improvement.

Specifically, OSWER's National Partnership for Environmental Priorities (NPEP), a partnership program that targets priority chemical reduction has worked with Performance Track to form the National Challenge Commitment for Priority Chemicals. Under this challenge, Performance Track members declaring a 10% reduction goal for one or more priority chemicals can use that single goal to count as two of four goals needed to demonstrate continuous environmental improvement over a three year period.

- b. We will continue our efforts to "bundle" partnership programs that address several EPA program for industry sectors. This includes such programs as Performance Track,

## **B. SAFE WASTE MANAGEMENT**

The overall goal for the safe waste management or permitting program element is to assure that operating and post-closure treatment, storage and disposal facilities (TSDFs) have approved controls (permit conditions or other enforceable requirements) in place to prevent dangerous releases, to reduce risks, and to protect human health and the environment. This program element remains one of the top priorities of the RCRA Program.

The **GPRA measure** that most directly relates to Safe Waste Management is:

**Establish and Maintain Approved Controls:** Establish and maintain approved controls for the post-closure and operating facilities on the GPRA permitting baseline universe such that, in the 2009-11 time period, 500 TSDFs will have initial or updated controls in place to prevent dangerous releases to air, soils and ground water. This should result in 98% of existing hazardous waste management facilities having approved controls in place for all regulated units.

This goal now combines both initial permits and renewals at TSDFs in a single measure of permit activity.

### **National Guidance**

#### *Initial and Renewed Controls*

Regions are expected to meet the cumulative goal of at least 98% of the consolidated (post-closure and operating) Permit Universe by the end of FY 2011, including an annual goal of 100 initial or renewed controls during FY 2009. To reach this goal, Region 8 will work with states to:

- a. Develop, update and implement multi-year strategies to meet the 2011 goal.

- b. Identify what is needed for each facility to achieve and maintain approved controls, and determine when each facility is projected to achieve approved or renewed controls.
- c. Consider risk in determining the prioritization of facilities to be addressed in the multi-year strategies.

The “baseline universe” for safe waste management (initiated in 1997 and modified in 2005) consists of post-closure and operating treatment, storage and disposal facilities (TSDFs) that need or needed a permit or other control. For TSDFs in the baseline universe, there is a variety of mechanisms (post-closure permits, extended operating permits with post-closure care, approved post-closure plans, corrective action orders and referral to CERCLA authority) that are acceptable for having “approved controls in place.” States and regions may consider a variety of site-specific factors (financial status, recalcitrance, availability of suitable state mechanisms) when selecting the appropriate mechanism.

#### *Environmental Justice*

The national guidance also encourages regions to work closely with states to ensure that environmental regulations, applicable Federal environmental justice policies, strategies, tools and training programs are used to adequately address environmental justice concerns. Progress towards RCRA GPPA goals in potential environmental justice communities should advance at least at the same pace as in other communities.

#### *Financial Assurance*

The national guidance also notes newly developed capability within RCRAInfo for entering and tracking data on financial assurance at TSDFs. This information (1) will allow states to coordinate their review of these instruments better, (2) will provide state and national information on the types of instruments used and their providers, and (3) fulfills commitments the Agency has made to the Inspector General and the Government Accountability Office.

Details on the mandatory data elements and data entry were provided to the RCRAInfo users’ community in the Consolidated High Level Design Document. These data elements will require states to input information on the financial assurance instruments that are being used by treatment, storage and disposal facilities. The modifications to the data system are expected to be complete in the first quarter of FY 2009. We are requesting that by the end of FY 2009 states will have input information on 75% of the covered facilities. Our current expectation is that data for the remaining facilities will be input by the end of the second quarter of FY 2010.

#### **Region 8 perspective**

The R8 baseline universe for SWM consists of 83 post-closure and operating TSDFs. At the end of FY2007, initial approved controls were in place at 75 of these facilities, or 90% of the universe. The remaining 8 facilities still needing initial controls are among the most challenging, and seven of them will need to be accomplished over the next few years if the region is to meet the FY 2011 goal of 98%.

The Region will also need to include projections for renewed controls in order to help meet the strategic goal of 500 controls by 2011, and the

For FY 2009, R8 will:

- a. Continue to work closely with the states on the to refine the R8 facility-specific strategies that lay out when each TSDF is expected to have all post-closure or operating controls in place, what mechanisms are to be used, and what steps need to be taken to achieve the goal. R8 will focus its efforts in those states with remaining the greatest number of facilities without approved controls. States should also work with EPA to update these facility-specific strategies annually. For example, the FY 2009 PPAs/SEAs should include an updating of these strategies as part of the FY 2009 planning process that would begin in the spring of 2008.
  - b. Use the R8 RCRAInfo Closure and Post-Closure Reports and work with the States to schedule closure and post-closure events (submittals, approvals, verifications, and issuances/other controls) for all closing units, particularly disposal units in the Baseline Universe.
  - c. Promote/assure issuance of PC permits or other appropriate mechanisms, per the Post-Closure Rule.
2. **Permit Renewals.** Begun in FY2005 and continuing through FY209, there is also an increased emphasis on renewal of post-closure and operating permits.

## National Guidance

A Permit Renewals baseline and Universe was added for FY 2006 and is updated each year. A new permitting event code for permit renewals (OP/PC020RN) has been added to RCRAInfo and Regions and States have been entering the data. Permit Part B Received (OP/PC020RN), Permit Effective Date (OP/PC205) and the Permit Expiration Date (OP/PC270) are used to determine which facilities already have administratively continued permits or will exceed the permit term before FY 2008. These facilities/units constitute the renewals baseline.

To meet the strategic target of updating controls for preventing releases at the approximately 150 facilities that are due for permit renewal by the end of FY 2009, Regions should:

- a. Ensure that by the beginning of FY 2009 all permit expirations (OP/PC270) have been entered into RCRAInfo so that the renewals data can be tested, baselines established, and annual goals created.
- b. Develop multi-year strategies to implement updated controls.

### **Region 8 perspective**

Region 8 will work with the states to plan for the permit renewal workload by ensuring that scheduled operating permit expiration dates (OP270) for all permitted units are entered into the RCRAInfo database by the start of FY2009.

#### **Key Measures for FY 2009 for the Combined (Operating and Post Closure)**

**Permitting baseline:** The cumulative goal for FY 2009 is to have 95% of permitted facilities with approved controls in place, and R8 and the states will target and monitor the activities that achieve the goal, including: (a) **Closure Verifications (CL380)**; (b) **Post-Closure Plan Approval (PC360)**; (c) **Post-Closure Permit final determination (PC200) with Post-Closure Permit Effective Date (PC205) or modification (PC240) or issuance of Post-Closure order (Operating Status Code = CA)**; **Operating Permit final determinations (OP200 with Operating Permit Effective Date (OP205), including modifications OP240) and renewals.**

More information on approved controls for the permitting program is at <http://www.epa.gov/epaoswer/hazwaste/permit/pgprarpt.htm>

## **C. Corrective Action Clean Up Program**

### **National Guidance**

Corrective Action (CA) is one of the highest priorities of the RCRA Program. Beginning in FY 2009, EPA will use an expanded “2020 Corrective Action universe” that includes all high-ranked facilities, additional discretionary facilities, and any facilities that have or need post-closure or operating permits as of 9/30/08. Facilities that have been referred to Superfund or other, non-RCRA authorities have been excluded from the 2020 universe.

Making progress on the 2020 GPRA goals for Corrective Action is the highest priority of the program for FY 2009. The 2011 goals, which build on the successes achieved through FY 2008, are as follows:

- a. Control all identified, unacceptable human exposures from site contamination to health-based levels for current land and/or groundwater use conditions at 65 % percent of 2020 Corrective Action universe facilities ;
- b. Control migration of contaminated groundwater at 55 % of 2020 Corrective Action universe facilities, and
- c. Complete construction of remedies at 32% of RCRA 2020 Corrective Action universe facilities.

These three GPRA measures are often referred to as the Human Health Environmental Indicator (HH EI), Groundwater Environmental Indicator (GW EI), and the Remedy Construct measure.

## 1. Control Risks at Contaminated Sites (Environmental Indicators)

Beginning in FY2009, the expanded 2020 Corrective Action universe will be used to measure progress for the currently applicable GPRA measures:

**GPRA Goal 3, Objective 2, Subobjective 2:** By 2009, 88% of high priority RCRA facilities will have human exposure to toxins controlled and 80% of high priority RCRA facilities will have migration of contaminated groundwater under control (using the 2020 universe).

### Region 8 Perspective

In 2007, EPA and the Region 8 states finalized a 2020 Corrective Action Universe. The 2020 universe added 38 low- and medium-priority facilities to the previous universe of 60 facilities, resulting in a Region 8 2020 Corrective Action universe of 98 facilities.

As of the end of FY 2007, 92% of the 2008 baseline facilities had achieved the Human Health EI, and 88% had achieved the Groundwater EI. These levels of accomplishment met or exceeded the national cumulative targets for FY 2007 (92 % and 77%, respectively).

Achievement of the Human Health EI and Groundwater EI for the expanded universe of 98 facilities will remain a priority of the program for FY 2009. The FY 2009 national goals for these indicators will be established during the spring of 2008.

### In FY2009, R8 and the States will:

Update facility-specific strategies that project when each 2020 Corrective Action universe facility is projected to meet the Human Health EI and Groundwater EI, and develop plans to achieve all projected EIs. States should commit to update these

facility-specific strategies annually. For example, the FY 2009 PPAs/SEAs should include updated strategies as part of the FY 2009 planning process that will begin in the spring of 2008. Additionally, States should include a list of the facilities that are not expected to achieve one or both of the EIs by the end of FY 2009, and an explanation as to why (what are the barriers).

Take the steps necessary to overcome barriers that are identified, including requesting and/or providing technical and regulatory assistance.

Work to keep current and complete the documentation for the accomplishment of the EIs. This effort includes posting information electronically, including facility fact sheets and EI forms on the **state** websites.

States should submit completed EI determination to EPA by August 15<sup>th</sup> for all facilities that:

Have not met the EI (status = NO or IN), with a narrative explanation of the barriers and strategies for overcoming them; and

Have changed the Status Code for the EI, e.g., NO YES or IN, YES IN or NO. Include narrative statement (as in 1. above) for facilities that have gone from YES to either NO or IN.

Work to identify cases where it may be appropriate to use RCRA §3013, §3008(h) or §7003 to compel progress toward meeting EI goals at universe facilities. The Region is reviewing the EPA HQ guidance on this approach and will work with States to further investigate or implement these options.

Work with OSW and the regional Superfund program to address vapor intrusion, institutional controls, and chemical reassessment issues.

**Key Measures for FY 2009: The measures that most directly support the GPRA Sub-objective are: (a) Current Human Exposures under Control (CA725); and (b) Migration of Contaminated Ground Water under Control (CA750). Supporting information to show incremental progress toward these results will also be measured: (c) Stabilization Measures Evaluated (CA225); (d) Stabilization Measures Imposed (CA600); and (e) Stabilization Construction Complete (CA650).**

## **2. Long-Term Goal: Final Clean Up**

## National Guidance

The ultimate goal of the of the Corrective Action Program is to have final remedies constructed at **95% of all 2020 Corrective Action universe** facilities by the end of FY 2020. Nationwide, there are 3,746 facilities on the Corrective Action universe. Program goals from 2009 onward will track human exposures, the migration of contaminated groundwater, and final remedy construction at all 3,746 facilities.

Regional goals for 2009 will be developed once the 2011 goals have been finalized.

## Region 8 Perspective

As discussed above, the Region 8 2020 Corrective Action universe includes 98 facilities. In 2007, Region 8 and the States collaboratively developed a “2020 Corrective Action Strategy.” During FY 2009, the Region and States will begin to implement this strategy. More specifically, the Region and States will:

- a. Develop plans to address the obstacles identified in the regional 2020 Corrective Action Strategy, and actively seek solutions to the challenges identified by the States.
- b. Discuss data during regularly scheduled meetings in order to ensure that all 2020 universe facility data is timely, accurate, and complete. Monitor and track progress on the Human Health EI, Groundwater EI, and Remedy Construct goals.
- c. Look for opportunities to share information and successes between the States and Region. EPA can provide technical support as needed.
- d. Promote revitalization of RCRA Brownfields as an incentive to facility owners to complete cleanup, while also providing numerous other economic and environmental benefits.

Implementation of the regional *2020 Corrective Action Strategy* will better position the Region and States to meet the ambitious goal of having remedies constructed at 95% of universe facilities by the end of FY 2020. Regional data indicate an average rate of just over two (2) remedy constructions per year, since 1996. However, over the course of the next 12 years (FY 2009 through FY 2020), an additional 60 remedy constructions are needed in order to reach the 2020 goal. This equates to an average rate of 5 remedy constructions per year.

In the near term, annual goals for FY 2009 will be derived using the nationwide 2011 Corrective Action goals as a starting point. The 2011 goals will be finalized during the spring of 2008.

**During the development of the PPAs for FY 2009, EPA and the States should consider the following:**

- a. Focusing attention/resources on implementing the 2020 Corrective Action Strategy (as discussed above).
- b. Identifying specific areas where technical assistance and training may be needed during FY 2009.
- c. Developing the idea of consistency in the “One Cleanup Program” approach for vapor intrusion, institutional controls and chemical reassessments.
- d. Continuing to participate in the OSW monthly Corrective Action conference calls. These conference calls present an excellent opportunity to get feedback from other states, regional offices and EPA HQ on various issues.

**Key Measures for FY 2009: The measure that most directly supports the long-term goal of final cleanup is Remedy Construction Complete (CA550), at the facility level. Supporting measures include: (a) RFA Complete (CA050) ; (b) CA Prioritization (CA075) ; (c) RFI Imposed (CA100) ; (d) RFI Approved (CA200) ; (e) Remedy Selected (CA400) ; and (g) Corrective Action or Stabilization Process Complete (CA999) .**

### **3 Revitalization/Brownfields**

#### **National Guidance**

An essential element of the assessment and cleanup of contaminated property, whether brownfields, superfund, RCRA corrective action, BRAC, Federal facilities or underground storage tank sites, is the ultimate goal of revitalizing and reusing that property. The RCRA redevelopment initiative encourages the cleanup and redevelopment of properties that are vacant or underutilized due to contamination or the potential for contamination with hazardous waste. This section addresses the process of cleaning up abandoned, inactive and contaminated waste sites, active and closing federal facilities, and other properties.

OSWER encourages Regions to continue working in partnership with States, Tribes, other federal agencies, local governments, communities, the regulated community,

developers and NGOs to recognize shared responsibilities, and identify and resolve impediments to reuse and redevelopment of sites. Continued emphasis must be placed on innovation and full use of flexibility within programs.

### **Region 8 perspective**

Region 8 supports the OSWER revitalization initiative. This program element is developing and will have an increased impact on corrective action work over the year.

During the development of the PPAs for FY 2009, EPA and the States should consider the following:

- a. Adopting changed priorities, including GPRA milestones that recognize the value of site redevelopment.
- b. Participating and sponsoring educational programs for regulatory staff to help them recognize opportunities and to equip them to undertake action to assist site redevelopment.
- c. Focusing the corrective action process on site outcomes: the ultimate property use.
- d. Providing outreach from EPA and States to facility owners and local governments to encourage redevelopment focus in corrective action work.
- e. Building effective working relationships between the State and EPA RCRA regulators and the facility owners, developers, local governments, and communities to implement the redevelopment of RCRA Brownfield sites.
- f. Developing RCRA Brownfields strategy consistent with new legislation and One Cleanup Program.
- g. Review all GPRA sites for Brownfields potential and discuss with states and tribes.
- h. Establish an inventory of potential Brownfields sites, capturing TSDf and non-TSDf work.
- i. Identify at least one additional RCRA Brownfields site (beyond Milt Adams, Inc., in Colorado).
- j. Conducting RCRA Brownfields training workshops or seminars.
- k. Participating in national Brownfields grant review and ranking process.

1. As appropriate, apply innovative approaches and RCRA Brownfields tools to accommodate efforts of owners and communities to put corrective action sites into reuse. RCRA Brownfields tools include parceling, comfort letters, phased approaches, and ready for reuse determinations.

#### **D. IMPLEMENTATION OF SOLID AND HAZARDOUS WASTE PROGRAM IN INDIAN COUNTRY**

EPA has important responsibilities relating to safe waste management in Indian country. Regions with Federally-recognized tribes will devote resources to assisting tribes, consistent with the 2006-2011 EPA Strategic Plan. EPA is developing baseline data and tools to assist tribal governments and Regions will be expected to achieve the following during FY 2009:

1. Assist tribal governments to ensure that 26 tribes are covered by an integrated waste management plan approved by an appropriate governing body;
2. Assist tribal governments to ensure that 30 open dumps in Indian Country and on other tribal lands are closed, cleaned up, or upgraded.

#### **Region 8 perspective**

During FY 2004, R8 formulated and began to implement the Tribal Integrated Waste Management System (TIWMS). By integrating certain aspects of multiple EPA programs, this system features more efficient and effective use of appropriate regional, headquarters, other federal and tribal resources to bear in a coordinated way on the waste and contaminated site issues in Indian country. The addresses elements of the following six (6) EPA programs:

1. hazardous waste,
2. solid waste,
3. underground storage tanks,
4. brownfields,
5. compliance assurance/enforcement, and
6. waste minimization/pollution prevention.

The foundation of the TIWMS effort is coordination with five common goals for the six programs involved. Each program has committed their resources to these common goals and will be actively implementing them this coming year. The common goals are:

1. building tribal capacity and capability,
2. inventory waste sites and issues,
3. assess sites and issues,
4. prioritize sites and issues, and
5. site and issues resolution.

Results from implementing this integrated approach this year and in the coming years include better utilization of training resources, better coordination of grants and resources, much more in-the-field assistance through pooling resources for circuit riders and contract assistance, better site visit coordination, and being more strategic on integrating our funding strategies, internally and with other federal agencies. There have also been benefits realized in tribal utility building and the need for sustainability to maintain new and existing infrastructure. Lastly, funding and hiring of Tribal EPA positions for waste management and contaminated site issues has occurred this last year through use of Brownfield programs and pooling resources from other programs.

A group of federal agencies that deal with tribal waste issues will gather together with one of our tribes that has a significant waste problem, and we will work to address their problem in an integrated way. The target tribe is Three Affiliated Tribes and in June EPA is facilitating a meeting with other federal agencies on the Fort Berthold reservation. There are an estimated 300+ open dumps in Region 8 Indian Country. While we have a need to inventory these dumps and we will begin this process in fy2005, we also believe that there are dumps of known significance to environmental and public health that we should begin to address these immediately. While we revive, update and prioritize our baseline inventory data for waste management, we will pilot an accelerated integrated waste program at Rosebud as a model for success. Then, over the next 2 to 3 years, we will work to close the highest priority open dumps in R8.

As with past recipients, R8 will work closely with tribes who are recipients of the FY02 Open Dump Cleanup Project. We will continue our effort to coordinate with the Tribal Assistance Program office on GAP requests for solid waste projects.

### III. GUIDING PRINCIPLES

In this chapter, R8 presents and discusses Guiding Principles for managing the RCRA program, and addresses those activities that support and cut across the environmental priorities and implementation strategies of the program (as discussed in Chapter II). This chapter addresses four key principles:

- Building Partnerships with States
- Encouraging State Authorization
- Enhancing Tribal Programs
- Managing Information

#### A. BUILDING PARTNERSHIPS WITH STATES

The R8 S&HWP, consistent with Congress' intent that RCRA should be a state-run program, views its primary mission as ***“building capability within the R8 RCRA Program, particularly through partnerships with the authorized states.”*** In FY 2009, R8 will strengthen its partnerships with the states by:

1. Working with States and Tribes to continue an effective and responsive system for providing them with program and technical assistance and training.
2. Promoting frequent and open communication between the States and EPA on routine matters, changes in program capability, legislation, resource levels, emergency situations, "hot issues", and other key activities.
3. Emphasizing accountability, including:
  - a) Program accountability, or using the oversight process to assure that state programs are being performed according to legal, regulatory and authorization-based requirements, are addressing agreed-upon environmental priorities (via self-assessments/reporting, RCRAInfo reports and midyear and end-of-year reviews), and are making progress towards the program's environmental goals; and
  - b) Fiscal accountability, or assuring that federal tax dollars awarded to states via annual grants are spent effectively (particularly via State fiscal systems).
4. Working with states on key capability issues, including financial and staff resources, program management tools, workforce development, training, etc.

## **B. ENCOURAGING AUTHORIZATION**

Under this principle, the EPA emphasizes the states' role as the primary implementers of the RCRA program.

### **Region 8 perspective**

R8 strongly encourages the states to seek and obtain full authorization. In FY 2009, the R8 S&HWP and states will address the following activities relating to authorization:

1. R8 will continue to review authorization packages in a timely manner and, where feasible, reduce the backlog. R8 will focus its efforts, whenever possible, during the State's initial rulemaking process. To facilitate this new focus, R8 will encourage the States to provide copies of their proposed rules as early as possible in their rulemaking process. Every attempt will be made to discuss and resolve issues promptly. This will eliminate the submission of both Draft and Final applications, which results in extensive delays.
2. R8 will encourage the States to adopt and apply for authorization for all mandatory rules that have not been adopted or applied for that will provide them with the tools to meet national program goals.
3. R8 also strongly encourages states to adopt "optional" rules, particularly those that will provide them with the tools to achieve national program goals.
4. R8 will continue to provide for codification of authorized State programs.
5. R8 and the States will maintain authorization files and status reports.
6. R8 has designed a regional model MOA and intends to negotiate new MOA's with all of our States during FY 2005. R8 and the States will also review and revise (as appropriate) all authorization documents, i.e., Program Descriptions, and Enforcement Agreements.

## **C. WORKING WITH TRIBAL PROGRAMS**

The NPM guidance notes EPA's legal responsibility regarding implementation of the RCRA program in Indian Country, and recognizes tribal sovereignty over waste management issues. Additionally, the following Annual Performance Goals derive from the goal of Safe Waste Management and apply to implementation the RCRA Program on tribal lands:

- EPA will evaluate RCRA Subtitle C management needs for 36 federally recognized tribes. 143 Tribes have been identified with potential RCRA Subtitle C management needs.
- EPA will provide support and funding to selected tribes participating in the multi-agency Tribal Open Dump Cleanup Program, which will ultimately result in closing or upgrading existing high threat open dumps on Indian Lands.

Other EPA activities discussed in the NPM guidance include:

- Help verify/validate the accuracy of RCRAInfo data by comparing the results of OSW data queries against existing regional data or by sharing the results with tribes.
- Provide progress reports on any grants awarded through the Tribal Solid Waste Interagency Workgroup and the Hazardous Waste Management Grants for Tribes programs.
- Identify, quantify, and close open dumps in Indian Country and help to develop tribal Integrated Solid Waste Management Plans and tribal waste codes/regulations; provide assistance with the development of any other tribal solid waste management activities (transfer stations, collection services, recycling and waste minimization programs, HHW programs, car abatement programs, etc.). Provide training in all aspects of waste management. Describe how tribe manages solid and hazardous wastes that are generated on their lands.
- Work with Indian Program Office to provide support for the solid and hazardous waste activities conducted under GAP grants.
- Coordinate with other federal/state/local agencies to improve waste management programs and activities in Indian Country.
- List planned site-specific flexibility activities for owners/operators of MSWLF's in Indian Country. Specify name of MSWLF and site specific flexibility requested by tribe.
- Regions will assist in communicating the hazards of backyard burning in Indian Country.
- Work on an inter-regional basis to develop an effective direct implementation strategy for working with tribes.
- Participate in corrective action and revitalization efforts on tribal lands.

## **Region 8 perspective**

For FY 2009, the R8 S&HWP will, under:

### RCRA Subtitle C and D

- Complete a general survey of waste management activities on tribal lands including the number and type of dumps, contaminated sites, and hazardous waste management activities.
- Continue working with our federal partners (e.g., BIA, HIS, RUD) to leverage resources to high-priority waste management needs.
- Continue working on capacity building activities, including funding tribal / EPA waste management positions, training, and technical assistance.
- Continue supporting the EPA-funded professionals out in the field, including an IHS engineers and MAP Circuit Riders.
- Continue working with the Tribal Assistance Program to provide support for waste management activities under the GAP grants.
- Continue working on the closure of certain high-threat open dump sites on Indian Lands.

## **D. RCRA INFORMATION MANAGEMENT**

### **National Guidance**

EPA stresses that national reporting of RCRAInfo core elements is essential to the agency's ability to manage the program and report GPRA success. The NPM guidance also presents a vision of RCRA information being accessible through the Internet. Timely, accurate and complete entry of universe, activity and results data into RCRAInfo and BRS remains a top priority for the regions and states.

This section also addresses the OSWER theme of homeland security and counter-terrorism. This initiative enhances regional counter-terrorism and Emergency Response capabilities. Counter-terrorism readiness should be a priority for all regions.

### **Region 8 perspective**

For FY 2009, R8 expects to focus on the following:

1. R8 will rely almost exclusively on RCRAInfo for most program measures of success, particularly those that relate to GPRA goals and objectives. Consequently, timely, accurate and complete entry of data is a top priority for the States and R8.
2. R8 will build on the progress achieved through FY 2008, and will work with the states to assure that the data in the detailed and summary RCRAInfo reports are complete and accurate. This includes data on defining Universes, and the status of facilities, units and areas in Closure, Permits and Corrective Action. The Management Reports will serve as a key tool for planning FY 2009 PPAs.
3. R8 will continue to use a hierarchy of program measures and data requirements to track progress in the RCRA Program (see further explanation in attached description and table of R8 Fundamental Measures). The “Key Measures” at the end of each program element discussed below are those highest priority measures that will likely be needed for the FY2009 NPM guidance, and that we and the states will make projections for inclusion in the future PPAs.
4. R8 will continue to provide database technical assistance and training to the states, as needed, with an emphasis on using the RCRAInfo II database system. R8 will continue to work with the states to refine the reports or develop new ones, as needed.
5. R8 will work with the states on homeland security/counter-terrorism activities, developing increased awareness of vulnerabilities within the RCRA program at TSDFs and other key hazardous waste handlers.

## APPENDIX 1

### U.S. EPA-REGION 8 – SOLID AND HAZARDOUS WASTE AND RCRA TECHNICAL ENFORCEMENT PROGRAMS PROGRAM PERFORMANCE STANDARDS AND OVERSIGHT OF STATE HAZARDOUS WASTE PROGRAMS

#### INTRODUCTION

This document and the accompanying table present Performance Standards for EPA Region 8 states in the administration of Hazardous Waste Programs under the Resource Conservation and Recovery Act (RCRA), and Oversight procedures generally used by EPA Region 8. In its oversight role, EPA is responsible for assuring that the administration of authorized programs meets the standards set forth in law, regulation and authorization documents, and verifying that the annual federal grants to the states are spent responsibly. This narrative and the attached table were developed by the Region 8 Solid and Hazardous Waste Program in consultation with the six Region 8 states (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming), the Office of Regional Counsel, the RCRA Technical Enforcement Program, and the Legal Enforcement Program.

#### Purpose of Oversight of State Hazardous Waste Programs

EPA conducts oversight (OS) of state hazardous waste programs for two primary reasons:

1. to document to Congress or other oversight authorities that state administration of authorized programs meets the standards set forth in law, regulation and authorization documents; and
2. to verify that the annual Federal grants to the states are spent responsibly.

EPA's oversight responsibilities are documented in the statute and regulations for the RCRA program.

#### Definition and scope of oversight for the RCRA program

Region 8 oversight of state hazardous waste programs is defined narrowly as EPA's evaluation of state performance, i.e., how well the state is meeting its statutory responsibilities to develop and implement an authorized program under RCRA.

1. What OS Includes: Oversight includes a range of techniques, by or through which EPA evaluates state performance, such as review of state program plans and strategies, review of targets and accomplishments in data bases, review of facility files, and discussions or meetings with states on the results of those reviews. The focus of these Oversight activities is on state performance and the results that the state achieves.
2. What OS does not include: Because of its emphasis on state performance, OS does not include the following EPA activities: Program Development, Direction, Planning and Management activities (e.g. annual joint planning, new initiatives that are not part of the authorized program); Program Implementation; or Program and Technical Assistance. A more comprehensive discussion of these activities and their relationship to OS is presented in the document titled “State-EPA Roles & Relationships.”

## **PRINCIPLES, ATTRIBUTES OF OVERSIGHT**

EPA-Region 8 has established several principles or attributes to guide OS of state hazardous waste programs. Among these principles are:

1. Oversight responsibility and authority. While the states are the primary implementers of the RCRA program pursuant to the statute, both the states and EPA recognize that EPA has a statutory, regulatory and fiduciary responsibility to monitor state performance.
2. Differential Oversight. EPA believes the OS function should generally be based on differential principles, i.e., the level of OS is inversely proportionate to the level of performance. States that meet or exceed program performance standards should generally be subject to a minimal or base level of OS that is expected to be sufficient to detect significant problems in a state’s performance. Greater (elevated) levels of OS may then be reserved for situations where program standards are not being met or where performance levels are decreasing significantly. Allocating OS resources in this manner may allow EPA resources to be directed toward other functions such as program and technical assistance and may relieve states with good performance records of unnecessary oversight.
3. Consistent Performance Standards. Oversight is based on a consistently applied set of performance standards. Those standards are derived from statute, regulation and policy for the national RCRA program.
4. Flexibility. EPA expects to exercise flexibility in applying performance standards and OS levels when addressing unique issues or universes in the R8 states.

5. Oversight for mature programs is generally representative, not comprehensive. In Region 8, most state programs have many years of experience administering the RCRA program. EPA's oversight of these programs is generally designed to determine the adequacy of state performance by sampling activities representatively in order to detect and correct patterns of performance problems. EPA believes oversight generally should focus greater emphasis on the program as a whole and its results than on the individual activities and details that may or may not produce those results.

EPA's oversight is not designed to comprehensively review all or most state actions to correct all specific problems in all situations. EPA believes this would be a duplicative and inefficient use of limited resources.

6. Efficiency, Workload. EPA will generally conduct oversight of the states in a manner that designed to minimize the impact on resources and workload for the states. EPA generally will use the following order for reviewing state performance:
  - a. Review of data from RCRAInfo and other national data bases.
  - b. Review of documents contained within state files, particularly the administrative record for individual facilities.
  - c. Interviews or meetings with staff generally should be used only when the first two approaches are not sufficient or appropriate to obtain the needed information.
7. EPA's understanding of state performance levels is often supplemented by EPA's participation in non-OS activities, such as Program Development or PTAT. However, these activities are not part of Region 8's OS of state hazardous waste programs.

## **OVERSIGHT APPROACHES, TECHNIQUES**

OS will usually consist of a variety of evaluation techniques including the following:

1. Review of state program plans and strategies;
2. Tracking targets and accomplishments in RCRAInfo, StATS or other data systems;
3. Review of facility files and documents (generally at the state office);
4. Facility oversight inspections and other "field" reviews;
5. Reviews of environmental and program data quality;

6. Discussions/meetings with states;
7. Review of state self-assessment; and
8. Conduct of Capability Assessment process defined in EPA policy guidance.

Most of these oversight techniques are exercised after-the-fact, while some can be exercised in real-time (while or shortly after the activity being monitored occurs):

1. After-the-fact approaches such as review of data bases or facility related documents are most applicable for review of discrete actions such as inspection reports, final permits, closure plans, and corrective action assessments. These reviews are also usually less obtrusive than real-time reviews.
2. Real-time oversight may be more appropriate in situations where long-term activities such as corrective action or issuance of permits may not have major milestones that can be reviewed after-the-fact during that year.

These oversight procedures and techniques are listed in the attached table (Program Standards and Oversight) with the criteria for which they will generally be used by EPA. More specifically, Column 2 of the table presents the measurement procedures and technique(s) that may be used for each of the program criteria being evaluated, while Column 3 present the frequency, timing, and/or sample size for the base and elevated levels of oversight discussed above.

## **STATE ROLE IN OVERSIGHT**

The state participates in the oversight process primarily by the following:

1. Work with EPA to develop and review annual targets that are included in the Performance Partnership Agreements (PPA).
2. Maintaining all required data in the national data base (RCRAInfo), and providing other mandatory data (StATS, etc.).
3. Periodically reporting to EPA on progress achieving toward agreed upon activities and results, particularly in the annual EOY self-assessment.
4. Providing EPA with access to all files and any other documents needed to evaluate state performance.
5. If necessary, meeting with EPA to provide additional insight into state actions and decisions, and to develop follow up plans to address any identified deficiencies.
6. Reviewing and providing input on EPA's Annual Oversight Plan.

## ANNUAL OVERSIGHT PLAN

Prior to the start of each state-federal planning year, and in concert with the development of the State-EPA Performance Partnership Agreement (PPA), EPA, in consultation with each state, will develop an Oversight Plan for each state. In that plan, EPA will identify the specific oversight approaches and techniques that it intends to use to conduct oversight in each state, and the schedule for those activities. When appropriate (particularly if real-time oversight is a selected technique), the plan may address the specific facilities that will be subject to oversight. This plan will be incorporated into the state's Performance Partnership Agreement with EPA.

The basic elements of EPA's oversight that will be incorporated into the annual oversight plan are listed above, and in columns 2 and 3 of the attached table (Program Standards and Oversight). The plan will incorporate oversight findings and any recommendations for oversight and corrective action that might be different from the previous year's EOY review and report.

When developing the plan, EPA and each state would discuss which procedures are most appropriate for the state, its facilities, and the various program areas. This could include both after-the-fact and real-time oversight procedures.

1. EPA generally should select both after-the-fact and real-time activities for OS in a manner that is representative and random.
2. The plan may address any needed interviews with state staff or management.
3. For certain measures in the attached standards and oversight table, the numbers of activities and facilities to be reviewed during a given year may be at either the base level (10%), or an elevated level if performance indicates. At the base level, EPA will generally review 10% of the completed activities for GPRA facilities for the year. The universe of activities subject to review will include both projected and unplanned accomplishments. EPA will select the activities for review and the scope of the review will include the entire course of work to achieve the activity.
4. If real-time oversight is selected for some activities or facilities:
  - EPA and the State would (with the exception of the review of enforcement actions) make every effort to agree upon the specific facilities and activities that would be subject to real-time OS for the year.
  - EPA and the State would make every effort to agree upon the EPA staff that would perform the OS.
  - Once the selections are made, EPA's real-time OS for that year would be limited to the designated facilities unless a significant short-term further need for EPA staff to monitor activities at other facilities for the purpose of OS is identified during the course of that year and communicated to the state.

- While nothing may restrict EPA's OS authority, it is generally EPA's intention that EPA real-time oversight at other facilities would generally be subject to invitation by the states under PTAT, or for other programmatic reasons such as citizen request or environmental justice concerns.
- EPA may identify its real-time OS information needs in the annual plan for the facility and activity to be reviewed, including timing for the information, form and frequency of communication, and whether or not EPA needs to become involved in more routine activities during the course of the year (e.g., meetings, conference calls, site visits, etc...)

## **OVERSIGHT SCHEDULE, COORDINATION**

EPA may conduct OS at any time of year, but most oversight occurs during the End-of-Year (EOY) program review at the end of the state/federal fiscal year. The end of year (EOY) review process is conducted by the Solid & Hazardous Waste Program in concert with the annual review conducted by Technical Enforcement Program. The EOY review is conducted both to assure that the administration of authorized programs meets the standards set forth in law, regulation and authorization documents, and to verify that the annual federal grants to the states are spent responsibly. In conducting OS of state hazardous waste programs, Region 8 OS will usually analyze whether the state has met the commitments in its PPA.

## **ANNUAL END OF YEAR OVERSIGHT REPORT**

The key document in the EOY oversight process is the annual EOY report prepared by EPA. This report is prepared jointly by the Solid & Hazardous Waste Program and the Technical Enforcement Program. This report includes key findings, conclusions and recommendations from all elements of the RCRA program, and consolidates the results of oversight activities throughout the year. The report is organized around the key elements of the RCRA program: Waste Minimization-Pollution Prevention, Safe Waste Management, Corrective Action, Compliance Monitoring and Enforcement, and Program Management.

In most cases, the state either prepares its own self-assessment prior to the EPA EOY report or participates in the drafting of the EPA EOY report. All states have an opportunity to review a draft of the EPA or joint report. There is often a meeting between EPA and state to present and discuss the draft EOY report.

Once finalized by EPA staff (and state staff when appropriate), the EOY report will be elevated through the EPA management chain to be signed by the Directors of the Solid & Hazardous Waste Program and the Technical Enforcement Program. In the case of a report developed jointly with a state, the state program director will also sign the report.

In some cases, the Technical Enforcement Program may provide additional detail to the findings and conclusions in the EOY report through their Uniform Enforcement Oversight System (UEOS) process. The full UEOS report would likely be produced after completion of the annual EOY report described above. However, when possible, the UEOS report will be incorporated into the EOY report.

## **DISPUTE RESOLUTION**

EPA and the states are developing a process to resolve differences of opinion that may arise on oversight findings and conclusions, particularly when the statute and regulations do not address a subject directly and there is a difference in professional judgment. EPA expects to focus OS analysis on outcomes more often than on approaches or processes taken to achieve the results.

## **KEY ELEMENTS OF OVERSIGHT**

Pursuant to the EPA-Region 8 order on Oversight of State and Tribal Performance, these procedures address the following key elements:

1. Coordination of program assessment schedules and reviews between the various elements of a program: see Oversight Schedule, Coordination.
2. End-of-year grant reviews, including incorporation of assessment findings: see Oversight Schedule, Coordination.
3. Frequency of reviews and assessments: see attached Table, Column 3.
4. Notification of organization being reviewed: see Annual Oversight Plan.
5. Review of files and documents: see attached Table, Column 3.
6. When and how interviews of state and tribal staff and managers will occur: see Annual Oversight Plan.
7. Bases for determining whether an action is a required or recommended action: see attached Table, Columns 2 and 3.
8. Unified EPA presentation of findings, both verbal and written: see Annual Oversight Report.
9. Follow up with the organization reviewed: see Annual Oversight Plan.
10. Required chain-of-command concurrences for various reports, required actions, and oversight decisions: see Annual Oversight Report.

11. The method for incorporating long-term required actions into grant work plans or other Agreements: see Annual Oversight Plan.

## REFERENCES

1. National Criteria for a Quality Hazardous Waste Management Program under RCRA (OSWER Policy Directive 9545.00-1), revised June 1986.
2. RCRA Program Evaluation Guide (OSWER Directive 9545.00-6), July 1988.
3. RCRA State Authorization Capability Assessment Guidance, October, 1991.
4. Memorandum Of Agreement – The MOA is the document that presents the respective roles and responsibilities of EPA and the authorized state in implementing and overseeing the HWP, and the procedures for coordination and information sharing. The MOA is developed as part of the authorization process, and is reviewed annually for potential revision.
5. Policy, Guidance, and Standard Operating Procedure for Oversight of Region VIII State Hazardous Waste Compliance Monitoring and Enforcement Programs – 1993 – This document is a Standard Operating Procedure on how EPA and the six Region 8 states operate in the area of oversight of state authorized hazardous waste programs. The focus is on the compliance monitoring and enforcement components of the hazardous waste program. It includes policy statements, selects program criteria subject to oversight, defines performance levels for those criteria and designates corresponding oversight levels and procedures.
6. RCRA Corrective Action Oversight Procedures – 2004 – This document provides an outline for a thorough review and evaluation of state regulatory and policy issues, programmatic issues, personnel issues, and technical and site specific issues. It also provides an outline and questionnaire for a facility by facility performance evaluation looking at all aspects of the program.
7. EPA Region 8 Uniform Enforcement Oversight System (UEOS) Evaluation Criteria and Interpretive Legend for the Resource Conservation and Recovery Act (RCRA Compliance and Enforcement Program, March 16, 2004.)

## Hazardous Waste Program Performance Standards

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 1A: Program Management – Adoption, Authorization, MOA</b>		
<p><b>1.1 Criterion:</b> <i>Adoption of federal rules by the state</i> – Measures whether the state adopts all mandatory rules in a timely fashion and maintains an equivalent program.</p> <p><b>Source:</b> 40 CFR 271.21, especially a, e, g</p>	<p><b>Program Standard:</b> By June 30 of each year, the state must adopt all mandatory federal rules promulgated by July 1 of the previous year. The Regional Administrator may grant an extension to January 1, if the state demonstrates a good faith effort to adopt, and requests an extension. An additional year may be granted if a state statutory change is required. The state shall keep EPA fully informed of proposed modifications to its basic statutory or regulatory authority, its forms, procedures and priorities for rulemaking.</p> <p><b>Measured by:</b> Review of applications received, data (adoption effective date) in StATS, or documentation (e.g., emails, letters) with more current information. Meetings, discussions with state staff, management.</p> <p><b>Note:</b> Most EPA effort goes into Program Assistance and Training to states in developing regulatory language that is consistent with and equivalent to the federal program. Such assistance is distributed throughout the year as the workload requires. Review of state rules before and/or during the state rule-making process is strongly encouraged to prevent unnecessary delays in approving authorization applications.</p>	<p><b>Base Level:</b> Review of StATS data twice per year. Discussions with states at Mid-Year and EOY.</p> <p><b>Elevated:</b> Increased frequency for review of StATS data, increased discussions with state staff and management on impact of lack of rule-making on program. Follow-up will focus on correcting noted deficiencies, and continued failure to meet the standard may result in putting a state on a schedule of compliance [per 40 CFR 271.21(g)], or initiation of program withdrawal by the Regional Administrator.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.2 Criterion:</b> <i>Authorization</i> – Measures state progress in maintaining a fully authorized program.</p> <p><b>Source:</b> 40 CFR 271.21(e); 40 CFR 271.21(e)(3); 40 CFR 271.21(g); 40 CFR 271.22 and 23, SAM</p>	<p><b>Program Standard:</b> Each year, the state submits a complete application for program revision within 60 days of completion of those revisions. This is typically by August 30, but may be later if a rule-making extension has been granted. A complete application includes: a modified program description, an AG statement (including a detailed explanation of how the state program is equivalent to the federal requirements), an MOA (revised as necessary), and any other documents EPA determines to be necessary.</p> <p><b>Measured by:</b> Review of applications received or documentation (e.g., emails, letters) with more current information.</p> <p><b>Note:</b> Most EPA effort goes into assistance to states in developing approvable authorization packages. Such assistance is distributed throughout the year as the workload requires.</p>	<p><b>Base Level:</b> Review of StATS data and state authorization packages.</p> <p><b>Elevated:</b> Increased frequency for review of StATS data, increased discussions with state staff and management on the impact of the lack of an updated, authorized program. Follow-up will focus on correcting noted deficiencies.</p>
<p><b>1.3 Criterion:</b> <i>Memorandum of Agreement</i>. State and EPA review and maintain complete and accurate Memorandum of Agreement (MOA).</p> <p><b>Source:</b> 40 CFR 271.8; 40 CFR 271.21(e)</p>	<p><b>Program Standard:</b> MOA is reviewed and revised (if necessary) in conjunction with yearly authorization application (dependent on EPA promulgation of new regulations).</p> <p><b>Measured by:</b> Review of last signed/recertified MOA. EOY report should address how MOA was reviewed and note what changes needed to be made.</p>	<p><b>Base Level:</b> EPA and state jointly review MOA yearly.</p> <p><b>Elevated:</b> Increased level of discussions with state. Follow-up will focus on resolving issues, and further authorization may be withheld while issues are resolved.</p>
<p><b>Program Element 1B: Program Management - Program Resources</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.4 Criterion:</b> <i>Resources and Skill Mix.</i> Measures whether state resources and technical skill mix are sufficient to effectively administer the authorized program.</p> <p><b>Source:</b> 1991 RCRA State Authorization Capability Assessment Guidance.</p>	<p><b>Standard:</b> The state has consistently devoted sufficient fiscal resources necessary to match the Federal Section 3011 grant funds and maintain the authorized program in a manner that meets program standards. The state has consistently maintained a staff that is large enough and has the technical skills and experience necessary to effectively manage the existing program and any additional program responsibilities that the state may be seeking.</p> <p><b>Measured by:</b> Budget and resource file reviews, review of program description in the current authorization package, meetings with State personnel, Capability Assessment when necessary.</p>	<p><b>Base Level:</b> EPA verifies program resource data in program description through the yearly authorization process.</p> <p><b>Elevated:</b> If performance problems indicate lack of resources, EPA reviews resources and skills mix more frequently and in greater detail through file reviews, meetings, and discussions with senior management regarding potential improvements; persistent problems may require Capability Assessment.</p>
<p><b>Program Element 1C: Program Management - Staff Capabilities, Training</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.5 Criterion:</b> <i>State training program.</i> Measures whether the state maintains and operates an adequate training program.</p> <p><b>Source:</b> 1991 RCRA State Authorization Capability Assessment Guidance.</p>	<p><b>Standard:</b> The State maintains an adequate training program for its staff. The state identifies training needs for staff and obtains necessary training to meet those needs.</p> <p><b>Measured by:</b> Review of state training program; discussions, meetings with state.</p>	<p><b>Base Level:</b> EPA reviews training program every 2 years during program performance evaluation.</p> <p><b>Elevated:</b> If program performance indicates problems, EPA reviews state training program more frequently, with more detailed evaluation of needs, plans, budget through on site reviews, analysis and recommendations of EPA and other training resources available to the states.</p>
<p><b>Program Element 1D: Program Management – Information Management</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.6 Criterion:</b> <i>Timeliness, Accuracy and Completeness of Data</i> – Measures whether the state’s entry of data into the national RCRAInfo database meets the standards for timely, accurate and complete data.</p> <p><b>Source:</b> State MOAs, NPM Guidance, RCRA Program Guidance for 2004-05 (FY2005 Version)</p>	<p><b>Program Standard:</b> The state enters all required program data into the RCRAInfo national database by the 20<sup>th</sup> of the month following the actual event. RCRAInfo data are complete and accurately reflect the status of facilities, regulated units and corrective action areas.</p> <p><b>Measured by:</b> Monthly review of RCRAInfo data to monitor for timeliness; staff review of files, comparisons with RCRAInfo data; review of state self-assessment; meetings, discussions with state, file reviews.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, with focus on key program measures; discusses data standards for timeliness, accuracy and completeness with state during MY, EOY meetings.</p> <p><b>Elevated:</b> EPA increases frequency and depth of reviews and discussions with state.</p>
<b>Program Element 1E: Program Management – Records Management</b>		
<p><b>1.7 Criterion:</b> <i>Records Management</i> – Measure whether the state’s records disposition program meets federal standards.</p> <p><b>Source:</b> MOA</p>	<p><b>Program Standard:</b> The state uses records retention policies and schedules that are consistent with federal standards (based on statute of limitations). Records for land disposal units are kept permanently.</p> <p><b>Measured by:</b> Review of state records management documents; meetings, discussions with State; file reviews.</p>	<p><b>Base Level:</b> EPA reviews state records disposition program every 2 years during program performance evaluation.</p> <p><b>Elevated:</b> If program performance indicates record-keeping problems, EPA reviews state records program more frequently, and with more detailed evaluation of needs, plans, budget and tracking.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>PROGRAM ELEMENT 2: POLLUTION PREVENTION, HAZARDOUS WASTE MINIMIZATION</b>		
<p><b>2.1 Criterion:</b> <i>Hazardous Waste Minimization and Pollution Prevention (P2) Activities</i> – Measures the state’s Participation in the Resource Conservation Challenge and other Waste Minimization or P2 activities as documented in the Performance Partnership Agreement (PPA).</p> <p><b>Source:</b> EPA NPM Guidance</p>	<p><b>Program Standard:</b> The state meets or exceeds HW Minimization targets in the PPA and demonstrates a commitment to waste minimization and P2 goals.</p> <p><b>Measured by:</b> Review of state waste minimization/P2 activities; review of state self-assessment; meetings, discussions with state.</p>	<p><b>Base Level:</b> Review of PPA targets, accomplishments.</p> <p><b>Elevated:</b> NA</p>
<b>PROGRAM ELEMENT 3A: SAFE WASTE MANAGEMENT – CLOSURE</b>		
<p><b>3.1 Criterion:</b> <i>Progress toward Closure Plan Approvals and Closure Verifications.</i> Measures whether the state is achieving adequate progress in approving closure plans, closing hazardous waste management units, and verifying closure.</p> <p><b>Source:</b> 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> The state has a multi-year closure strategy. The strategy accounts for all subject facilities and units, with a focus on work to be accomplished and a schedule for accomplishing major activities (plan approvals, closure verification). Actual closure activities are consistent with that strategy. The state takes all actions needed to assure continued progress. The state meets or exceeds closure targets in the PPA, and progresses toward closure completion at all units.</p> <p><b>Measured by:</b> Review of RCRAInfo data; review of state closure strategy and program; review of state self-assessment; meetings, discussions with state; file reviews.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses closure targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>3.2 Criterion:</b> <i>Quality of Closure Plans and Verifications.</i> Measures whether the state successfully incorporates adequate standards and requirements in closure plans and verifications of closure.</p> <p><b>Source:</b> 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> Closure plans and verifications adequately address: clarity of owner/operator requirements to ensure enforceability and compliance schedules; detailed cleanup levels and mechanisms for measuring achievement of closure performance standards; soil and ground-water monitoring requirements; cost estimates and financial assurance instruments to assure they accurately reflect closure costs and are sufficient to cover cost estimates; public participation requirements; coordination with corrective action; oversight of the closure process. State demonstrates actions to enforce compliance.</p> <p><b>Measured by:</b> Review of closure files, documents; review of state self-assessment; meetings and discussions with state.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of closure plans approved and closures verified in the FY.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>PROGRAM ELEMENT 3B: SAFE WASTE MANAGEMENT – CONTROLS FOR POST CLOSURE AND OPERATING FACILITIES</b>		
<p><b>3.3 Criterion:</b> <i>Progress toward Controls for Post-Closure and Operating Facilities.</i> Measures whether the state is achieving adequate progress in having permits or other approved controls in place for Post-Closure and Operating Units and Facilities.</p> <p><b>Source:</b> 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> The state has a strategy to address controls for PC and OP units and facilities. The strategy accounts for all subject facilities and units, with a focus on work to be accomplished and a schedule for accomplishing major activities (post-closure and operating controls in place, permit renewals). Actual PC and OP controls are consistent with that strategy. The state takes all actions needed and uses full range of regulatory powers (e.g., 60-day limit after NODs) to assure placement of PC and OP controls. The state establishes and tracks key permit steps (receipt of application; public notice of draft permit; and final decision on the permit). Permits expirations are tracked and permits are renewed in a timely manner. The state routinely meets or exceeds PC and OP targets in the PPA and demonstrates steady progress towards having controls in place for all units and facilities in Baseline Universe.</p> <p><b>Measured by:</b> Review of state Post-Closure and Operating Permit strategies; review of RCRAInfo data; review of state self-assessment; meetings, discussions with state and file reviews.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses PC and OP targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>3.4 Criterion:</b> <i>Quality of Permits or other controls for Post-Closure and Operating Units and Facilities.</i> Measures whether the state successfully incorporates adequate standards and requirements in permits or other controls for post-closure and/or operating units and facilities.</p> <p><b>Source:</b> 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> Post-closure and operating controls (permits, orders, etc.) are consistent with the authorized state program and the intent of the regulations regarding level of control, containment, cleanup and protection. Permit conditions are clear, understandable and enforceable. Proper documentation and an administrative record are maintained. Controls address: owner/operator requirements for monitoring, reporting, inspections and analyses after permit issuance; enforceability and compliance schedules; cleanup levels in adequate detail and mechanisms for measuring achievement of post-closure and operating performance standards; soil and ground-water monitoring requirements; review of cost estimates and financial assurance instruments to assure they accurately reflect closure and post-closure costs and are sufficient to cover cost estimates. Public participation requirements are met.</p> <p><b>Measured by:</b> Review of post-closure files, documents. Review of state self-assessment; discussions with state.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of post-closure and/or operating controls placed in the Fiscal Year (FY).</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>
<p><b>Program Element 4A: Corrective Action – RCRA Facility Assessments</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.1 Criterion:</b> <i>Completion of RCRA Facility Assessments (RFAs).</i> Measures the state's progress in approving RFAs.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> The state meets or exceeds the targets established in current PPA work plan and has approved RFAs for all sites. RFAs for newly identified sites are completed in a timely manner. RFAs have been completed. Additional RFAs will only be needed under exceptional cases such as the discovery of an illegally operating facility.</p> <p><b>Measured by:</b> Review of RCRAInfo data, and file reviews.</p> <p><b>Note:</b> RFAs have been completed for all high-priority Corrective Action facilities.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Assessment targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<p><b>4.2 Criterion:</b> <i>Quality of Corrective Action Assessments (RFAs).</i> Measures whether state-approved RFAs meet the requirements in relevant guidance.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> The state-approved RFAs examine all relevant information. RFAs identify and evaluate all SWMUs and all known/likely release areas. RFAs are conducted in accordance with relevant guidance.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, public meeting attendance, meetings with facility owners and stakeholders.</p> <p><b>Note:</b> RFAs have been completed for all high-priority Corrective Action facilities in R8.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of assessments completed in accordance with current year PPA work plan.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>
<p><b>Program Element 4B: Corrective Action – Investigations</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.3 Criterion:</b> <i>Completion of Investigations</i> – Measures the state’s progress in moving sites towards completion of investigation.</p> <p><b>Source:</b> National Policy documents, including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> The state meets the targets established in current year PPA work plan. The state takes all actions needed to assure continued progress. The state completes timely reviews, and directs the regulated facilities to provide timely work on priority projects.</p> <p><b>Measured by:</b> Review of RCRAInfo data; file reviews; meetings with state personnel; discussions with state project managers.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Investigation targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.4 Criterion:</b> <i>Quality of Investigations</i> – The degree to which the state reviews, comments on, and approves investigative work plans and reports, and gives direction to regulated facilities to ensure that investigations are adequate.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> Investigations meet or exceed the following:</p> <ul style="list-style-type: none"> <li>• Define the full nature and extent of contaminant migration</li> <li>• Utilize effective QA/QC elements for all environmental data</li> <li>• Adequately support any subsequent cleanup decisions</li> <li>• Support risk assessments which address all exposure pathways</li> <li>• Support EI determinations</li> <li>• Include relevant information from Interim Measures to guide future activities.</li> </ul> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, attendance at public meetings and meetings with facility owners and/or other stakeholders, most often as scheduled by the state, or as requested by the stakeholder(s).</p>	<p><b>Base Level:</b> EPA oversights 10% (or one, whichever is greater) of investigations completed in accordance with current year PPA work plan</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>
<p><b>Program Element 4C: Corrective Action – Remediation/Cleanup</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.5 Criterion:</b> <i>Completion of Cleanup.</i> Measures the state’s progress in completing interim measures, remediation and cleanup activities.</p> <p><b>Source:</b> May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> The state meets or exceeds the targets identified in the current year PPA work plan. State achieves progress toward completion of remedy selection, design, and implementation of remedies, including interim measure. The state completes timely reviews, and directs regulated facilities to provide timely work on priority projects.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, interviews with state staff.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Cleanup targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<p><b>4.6 Criterion:</b> <i>Quality of Cleanup and Remediation.</i> State reviews, comments on, and approves interim measures and cleanup activities, and gives direction to regulated facilities to ensure that cleanup is adequate.</p> <p><b>Source:</b> May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> The state completes technical reviews with specialized experience in all relevant areas. State gives direction to regulated facilities to ensure that the selected remedy is technically sound, and addresses all exposure pathways. State remedy decisions provide a realistic evaluation of all selection factors. The state applies innovative approaches where appropriate.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, attendance at public meetings and meetings with facility owners and/or other stakeholders, most often as scheduled by the state, or as requested by the stakeholder(s).</p>	<p><b>Base Level:</b> EPA oversights 10% (or one, whichever is greater) of cleanup activities completed in accordance with current year PPA work plan.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>
<p><b>Program Element 4D: Corrective Action – Environmental Indicators/National Program Measures</b></p>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.7 Criterion:</b> <i>Progress in Achieving Environmental Indicators</i> - The degree to which the state has met or is on track to meet the national Corrective Action program goals, including the current Environmental Indicator Goals and performance measures.</p> <p><b>Source:</b> Interim Final Guidance on Environmental Indicators, EPA's Strategic Plan</p>	<p><b>Program Standard:</b> The state is on track to meet the national goals or has already met those goals. The state is keeping pace with the annual (incremental) targets for national goals, including the current 2020 Environmental Indicator goals and performance measures. The state meets or exceeds the targets identified in annual work plans.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, review of the EI instruments, meetings with state personnel</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses targets and accomplishments with state during MY, EOY meetings and periodic phone calls.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<p><b>PROGRAM ELEMENT 5: COMPLIANCE MONITORING &amp; ENFORCEMENT – INSPECTIONS</b></p>		
<p>Criteria and Standards for the Compliance Monitoring and Enforcement Program elements are addressed separately in the State Review Framework.</p>		

## APPENDIX 2

### FUNDAMENTAL MEASURES OF SUCCESS FOR RCRA PROGRAMS FOR FY 2009

(Does not include compliance monitoring and enforcement activities)

#### INTRODUCTION

This document supplements the narrative RCRA program guidance. It defines and lists the Measures of Success used by the EPA-Region 8 (R8) RCRA Solid & Hazardous Waste Program (S&HWP) to track progress in the RCRA Program in FY 2009.

**Program Implementation Measures** are quantitative in nature and address what is being accomplished to promote environmental goals. These measures address the three major areas of the program: Waste Minimization; Closure/Post-Closure and Operating Permits; Corrective Action. Attached to this document is a table of specific RCRA program measures of success and RCRAInfo data elements for the 2<sup>nd</sup> and 3<sup>rd</sup> of these program areas.

#### PROGRAM IMPLEMENTATION MEASURES

***R8 Approach to Implementation Measures*** - The R8 S&HWP uses a four-level hierarchy of measures and data for assessing progress in the RCRA Program. This hierarchy is discussed below, and the specific RCRAInfo data elements for the measures contained in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> levels are presented in the attached Table.

1. The first or "base" level consists of all the RCRAInfo events and other codes available to implementers. These are listed in the Data Element Dictionary, but not in the Table.
2. The second level consists of the approximately 56 events that form the set of "RCRAInfo core data elements" that are required to be maintained by implementers. This set of data elements is listed in the Table.
3. The third level is called "Region 8 Fundamental Measures of Success." This list of 31 measures is a subset of the 56 core data elements. These events are tracked in the R8 RCRAInfo Management Reports, and are noted in the Table under their own column.
4. The fourth or highest level is called the "GPRA Measures." This list of 20 measures is a subset of the R8 Fundamental Measures and consists of only those most important measures required for the national program guidance. These are measures on which EPA and the States will jointly plan projections for the PPAs and the NPM guidance. These measures are presented in bold below and in the Guidance for FY 2009 RCRA Programs.

***Closure/Post-Closure and Operating Permits*** - These are the measures that support the goal of safe waste management. More specifically:

1. **Closure Activities** - Demonstrate progress toward achieving closure program goals, objectives, and activities that reflect State and EPA closure priorities. Key measures of program success are **closure plan approvals (CL360) and closure verifications (CL380)**, supported by closure plan receipts (CL310) and closure certifications (CL370). *Source:* FY2009 NPM guidance.
2. **Post-Closure Activities** - Demonstrate progress toward achieving post-closure (PC) program goals, objectives, and activities that reflect State and EPA PC priorities. Key measures of program success are **final post-closure permit determinations/ issuances (PC200) and modifications (PC240)**, supported by PC permit call-ins (PC010); **PC permit applications received (PC020, PC020RN for renewals)**; draft Permits (PC160); **Permit Effective date (PC205)**; and **Permit Expiration (PC270)**. *Source:* FY2009 NPM guidance.
3. **Operating Permit Activities** - Demonstrate progress toward achieving operating permit (OP) program goals, objectives and activities that reflects State and EPA OP priorities. Key measures of program success are **OP final determinations (OP200) and modifications (OP240), including renewals**. Supporting measures include OP review activities leading to either a final determination or a notice of deficiency; Part B Call-ins (OP010); **Part B Applications Received (OP020, OP020RN for renewals)**; draft Permits (OP160); **Permit Effective date (OP205)**; and **Permit Expiration (OP270)**. *Source:* FY2009 NPM guidance.

**Corrective Action** - These are the measures that support the RCRA program's cleanup goals. More specifically:

1. **Assessment, Ranking and Identification** - Complete the assessment, ranking and identification process for all TSDFs. Key measures of program success are: **Assessment Completed (CA050); Determination of Need for RFI (CA070), CA Ranking (CA075); and Stabilization Measures Evaluation (CA225)**. *Source:* FY2009 NPM guidance.
2. **Corrective Action Pipeline** - Demonstrate progress towards achieving corrective action "pipeline" program goals, objectives and activities that reflect State and EPA priorities. Emphasis should be on high-ranked facilities in the GPRA baseline universe. Key measures of program success are: **RFI Imposed (CA100), RFI Approved (CA200), Remedy Selection (CA400), CAI Construction Completed (CA550), and Corrective Action Process Completed (CA999/RM)**, supported by other RFI, CMS, and CAI activities. *Source:* FY2009 NPM guidance.
3. **Stabilization (Interim Measure) Activities** - Demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis should be on facilities ranked high. Key measures of program success are: **Stabilization Imposed (CA600), Stabilization Construction Completed (CA650), and Stabilization Process Complete**. *Source:* FY2009 NPM guidance.
4. **Environmental Indicators** - Document results of stabilization efforts at high-ranked facilities through the two Environmental Indicators: (1) **number and percentage of high-**

**ranked facilities in the GPRA baseline universe that have current human exposures under control (CA725); and (2) number and percentage of high-ranked facilities in the GPRA baseline universe with migration of contaminated ground water under control (CA750).** *Source:* FY2009 NPM guidance.

**EPA-Region 8 Solid & Hazardous Waste Program  
Required Program Measures with their RCRAInfo Data Elements**

RCRA Info code	Activity, Event	Type of Measure			Comment
		RCRAInfo Core Element	Region 8 Fundamental	NPM GUIDANCE/ GPRA	
<b>Closure, 17 events reduced to 4:</b>					
CL310	Closure Plan Received	X	R		
CL360	Closure Plan Approved	X	T		
CL370	Closure Certification	X	R		
CL380	Closure Verification	X	T		
<b>Post-Closure, 48 events reduced to 11:</b>					
PC010	Post-Closure Part B Application Call-in	X	R		
PC020	Post-Closure Part B Application Received	X	T	T	
PC160	Public Notice of Draft Post-Closure Permit	X			
PC200	Post-Closure Permit Final Determination	X	T	T	
PC205	Post-Closure Permit Effective Date	X	T	T	
PC240	Post-Closure Permit Modification	X	T	T	
PC270	Post-Closure Permit Expires	X	T	T	
PC310	Post-Closure Plan Received	X			
PC360	Post-Closure Plan Approved	X			
PC370	Post-Closure Plan Certification	X			
PC380	Post-Closure Plan Verification	X			
<b>Operating Permits, 54 events reduced to 21:</b>					
OP001	Receipt of Part A Notification	X			
OP002	Part A Determination	X			
OP003	Process Determination	X			
OP010	Part B Call-in	X	R		
OP011	Pre-Compliance Certification Submitted	X			
OP012	Pre-Compliance Certification Review Completed	X			
OP013	Notification of Compliance Testing	X			
OP014	Case-by-case Compliance Extension Requested	X			
OP015	Loss of Interim Status	X			
OP016	Case-by-case Compliance Extension Granted	X			
OP020	Part B Application Received	X	T	T	
OP021	Notification of Automatic Extension	X			
OP022	Compliance Certification Submitted	X			
OP023	Compliance Certification Review Completed	X			
OP024	Compliance Extension Expires	X			
OP080	Trial Burn Completed	X	R	R	
OP160	Public Notice of Draft Operating Permit	X			
OP200	Operating Permit Final Determination	X	T	T	
OP205	Operating Permit Effective Date	X	T	T	

RCRA Info code	Activity, Event	Type of Measure			Comment
		RCRAInfo Core Element	Region 8 Fundamental	NPM GUIDANCE/ GPRA	
OP240	Operating Permit Modification (in place of permit issuance event)	X	T	T	
OP270	Permit Expires	X	R		
<b>Corrective Action, 46 events reduced to 23:</b>					
CA050	RFA Completed	X	T	T	or PA+
CA060	Notice of Contamination	X			
CA075	Overall Corrective Action Rank	X	T	T	
CA076	EBOCs CA Rank		R		
CA077	Original NCAPS Rank		R	R	
CA070	Determination of Need for RFI	X	R	R	
CA100	RFI Imposition	X	T	T	
CA150	RFI Workplan Approved	X			
CA200	RFI Approved	X	T	T	
CA210	CA Referred to non-RCRA Federal Authority	X	R		
CA300	CMS Workplan Approved	X			
CA350	CMS Approved	X			
CA375	Decision on Petition for No Further Action	X			
CA380	Public Notice of Proposed Remedy	X			
CA400	Remedy Selected/CMI Imposed	X	T	T	
CA450	Corrective Measures Design Approved	X			
CA500	CMI Workplan Approved	X			
CA510	Determination of Technical Impracticability	X	R		
CA550	CMI Construction Complete	X	T	T	
CA225	Stabilization Measures Evaluated	X	T	T	
CA600	Stabilization Measures Imposed	X	T	T	
CA650	Stabilization Construction Completed	X	T	T	
CA725	Current Human Exposures Under Control Environmental Indicator	X	T	T	
CA750	Migration of Contaminated Ground Water Under Control Environmental Indicator	X	T	T	
CA999	CA Process Terminated	X	R		

Key: **X** refers to RCRAInfo Core Data Elements; **R** refers to Report only measures; **T** refers to measures for which annual Targets are needed in the PPAs.

**This page intentionally left blank**

**APPENDIX 3**

**FY2009 RCRA Program Commitments**

<b>FY 2009 Hazardous Waste Program Commitments for [STATE]</b>					
<b>Event</b>	<b># of Facilities or Units</b>	<b>Achieved by EOY FY2007</b>	<b>FY 2009</b>		
			<b>Committed</b>	<b>Achieved</b>	<b>EOY</b>
<b>Closure Activities (all at unit level)</b>					
Closure Plan Approval (CL360) for LDUs	83	82		0	82
Closure Verification (CL380) for LDUs	83	75		0	75

Closure Plan Approval (CL360) for TSUs	699	678		0	678
Closure Verification (CL380) for TSUs	699	649		0	649
Closure Plan Approval (CL360) for CUs	7	7		0	7
Closure Verification (CL380) for CUs	7	7		0	7
<b>Permit Activities at GPRA Universe Facilities (all at facility level)</b>					
Permitted Facilities under Approved Controls	26	23		0	23
Permit Renewal due this FY	4	2		0	2
<b>Permit Activities for GPRA Universe Facilities (at unit level)</b>					
Controls in Place for LDUs on Closure Track	25	24		0	24
Controls in Place for LDUs on Operating Track	8	8		0	8
Controls in Place for TSUs on Operating Track	42	41		0	41
Controls in Place for CUs on Operating Track	0	0		0	0
<b>Corrective Action Activities at GPRA Universe Facilities (activities are at facility level, unless specified at area level)</b>					
RCRA Facility Assessments (CA050)	33	33		0	33
Overall Facility NCAPS Ranking (CA075)	33	33		0	33
Facility Stabilization Assessment (CA225)	33	33		0	33
Facility Remedy Selection (CA400) (GPRA measure)	33	23		0	23
Facility Construction Completion (CA550) (GPRA measure)	33	19		0	19
Human Health Exposures Controlled Determination (CA725) (GPRA measure)	33	31		0	31
Groundwater Migration Controlled Determination (CA750) (GPRA measure)	33	31		0	31
RFI Imposed (CA100) (area level)	1062	989		0	989
RFI Approved (CA200) (area level)	1062	807		0	807
Remedy Selection (CA400) (area level)	1062	658		0	658
Construction Completion (CA550) (area level)	1062	589		0	589
Stabilization Measures Implemented (CA600) (area level)	835	125		0	125
Stabilization Construction Completed (CA650) (area level)	835	69		0	69
<i>Areas at least to Investigation stage (CA100+)</i>	1062	989		0	989
<i>Areas at least to Remediation stage (CA400+)</i>	1062	658		0	658
Corrective Action Completed (CA999) (area level)	1062	533		0	533

**The Commitments Report is posted in the Cross-Module Section of RCRAInfo Reports as an Oracle report.**

**This page intentionally left blank**

**FY2008 Workplan Projections & Achievements For COLORADO**

Report run on: May 1, 2007 - 9:55 AM

Version: 2.0

**User Selection Criteria**

<b>Location:</b> COLORADO
<b>Fiscal Year:</b> 2008
<b>Status Date:</b> 09/30/2008

**Results**

No data found for the selection criteria you have chosen.

Total Pages: 4

**Report Description**

This report shows target and accomplishments for the selected fiscal year, for select Permitting/Closure/Post-Closure activities and Corrective Action activities. Events are selected based on the schedule date falling within the fiscal year, or alternately if there is no schedule date, based on the actual date of the event. User may specify a date to show the status up to that date for the selected fiscal year. Activities included in the report are: Closure Plan Approvals (CL360), Closure Verification (CL380), PC Permit (PC200) not denied, PC Permit Modifications for additional capacity (PC240AC), additional process status codes (PC240AC), or proposed status code (PC240AU), Operating Permit/Renewals for LDUs, TSUs, and CUs (OP200) that were not denied, Operating Permit Modifications for LDUs, TSUs, and CUs (OP240), CA Assessments (CA050), Overall NCAPS Ranking (CA075), Stabilization Assessment (CA225), RFI Imposition (CA100), Remedy Selection (CA400), Construction Completion (CA550), Stabilization Measures Implemented (CA600), Human Health Exposures Controlled (CA725YE) excluding reaffirmations, Migration of Contaminated Groundwater Controlled (CA750YE) excluding reaffirmations, and Remedy Complete (CA999).

GPRA activities for each Permitting/Closure/Post-Closure facility/unit pair are highlighted by bold and italics for CL380 and OP200 in the OP baseline, and for CL380 and PC200 in the PC baseline. GPRA activities for Corrective Action are highlighted by bold and italics if the area is marked as facility-wide for CA400, CA550, CA725, and CA750.

**Report Information**

Name: 08\_target\_accomp.rdf  
Developed by: DPRA Inc.  
Deployed: (in development)  
Last Revised:  
Contact: mason.jill@epa.gov  
Tables Used: gpra\_ca, gpra\_permit, pevent, punit, pln\_event\_unit, parea, punit\_detail, aevent, aln\_area\_event, aarea  
Libraries: none

**FY2008 Workplan Projections & Achievements for COLORADO**

Report run on:  
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008  
Status as of: 09/30/2008

Page 2

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments
-------	---------------	---------------	----------------	----------	--------	----------

No records matching selection criteria were found.

<b>A. CLOSURE AND POST-CLOSURE ACTIVITIES</b>						
<b>1. Closure Activities</b>						
a. Closure Plan Approvals (CL360); potential targets:						
b. Closure Verification (CL380); potential targets:						
<b>2. Post Closure Activities</b>						
a. PC Permit (PC200); potential targets:						
b. PC Permit Modifications (PC240); potential targets:						
<b>B. OPERATING PERMIT ACTIVITIES</b>						
1a. Operating Permits/Renewals for LDUs (OP200); potential targets:						
1b. Operating Permit Modifications for LDUs (OP240); potential targets:						
2a. Operating Permits/Renewals for TSUs (OP200); potential targets:						
2b. Operating Permit Modifications for TSUs (OP240); potential targets:						
3a. Operating Permits/Renewals for CUs (OP200); potential targets:						

**FY2008 Workplan Projections & Achievements for COLORADO**

Report run on:  
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008  
Status as of: 09/30/2008

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments
-------	---------------	---------------	----------------	----------	--------	----------

No records matching selection criteria were found.

<b>3b. Operating Permit Modifications for CUs (OP240); potential targets:</b>						
<b>C. CORRECTIVE ACTION ACTIVITIES</b>						
<b>1. Corrective Action Assessments (CA050); potential targets:</b>						
<b>2. Overall NCAPS Ranking (CA075); potential targets:</b>						
<b>3. Stabilization Assessments (CA225); potential targets:</b>						
<b>4. RFI Imposition (CA100); potential targets:</b>						
<b>5. RFI Approval (CA200); potential targets:</b>						
<b>6. Remedy Selection (CA400); potential targets:</b>						
<b>7. Construction Completion (CA550); potential targets:</b>						
<b>8. Stabilization Measures Implemented (CA600); potential targets:</b>						
<b>9. Stabilization Construction Completed (CA650); potential targets:</b>						

**FY2008 Workplan Projections & Achievements for COLORADO**

Report run on:  
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008

Status as of: 09/30/2008

Page 4

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments
-------	---------------	---------------	----------------	----------	--------	----------

No records matching selection criteria were found.

<b>10. Human Health Exposures Controlled (CA725YE); potential targets:</b>						
<b>11. Groundwater Releases Controlled (CA750YE); potential targets:</b>						
<b>12. Remedy Complete (CA999); potential targets:</b>						

\* End of Report \*