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**Fact Sheet for
Civil Works
RCRA 3016 Reporting**

Purpose: The purpose of this fact sheet is to remind readers of the Resource Conservation and Recovery Act (RCRA) 3016 requirement to report Federal hazardous waste sites to EPA and that this is a mechanism that can be used to initiate assessment of a site under CERCLA. This fact sheet includes copies of the 2004 reporting forms and explains the implications of identifying a site via RCRA 3016 reporting.

Discussion: Section 3016(a) of RCRA requires Federal agencies to undertake a continuing program to compile, publish, and submit to EPA and to RCRA authorized States an inventory of sites which the Federal agency owns or operates or has owned or operated at which hazardous waste is stored, treated, or disposed of or has been disposed at any time. This is known as the "RCRA 3016 Report". Reporting a site under RCRA 3016 leads to placement of the site on the Federal Agency Hazardous Waste Compliance Docket. This is also known as the "Federal Facilities Docket" or simply "the Docket". Once placed on the Docket, CERCLA 120(d) requires a preliminary assessment (PA) to be conducted and a site inspection (SI), if warranted. The PA typically involves review of existing information such as historical records, and photographs. It also involves interview of persons who may have first hand knowledge of site activities such as current or former employees. The SI involves site sampling to confirm whether contamination is in fact present. So even though the reporting requirement is based in RCRA, it leads to conducting an assessment under CERCLA to determine if contamination is present.

For Civil Works, the RCRA 3016 report is an effective means of starting the CERCLA assessment process. Unlike the military side of the Army, which has a clear mechanism via the Installation Restoration Program (IRP) for initiating and funding CERCLA response actions, the Civil Works community does not have a similar program. This fact sheet serves to remind readers that the 3016 reporting mechanism is one way to initiate action under CERCLA. By submitting a RCRA 3016 report, a site is not only placed on the Docket such that the CERCLA process begins, but it also places USACE in a lead agency position. This is



because CERCLA designates DoD as "lead agency" for facilities under DoD jurisdiction, custody, or control. As such, USACE is responsible for planning and implementing any necessary response action.

EPA periodically sends Headquarters Civil Works (CECW) RCRA 3016 reporting forms for updating the USACE RCRA 3016 inventory. The RCRA statute requires this every two years, but CERCLA 120(c) requires EPA to publish an update of the Docket every six months in the Federal Register. So EPA is continually compiling information for the next Docket, and it is not necessary to wait for the next two year cycle to report a newly discovered site. The RCRA 3016 report can be submitted at any point in time there is a need to commence a CERCLA PA and/or SI. However, when submitting these initial reports, they should be coordinated with CECW since they submit subsequent updates.

When preparing an initial RCRA 3016 report for a site, be aware of the following:

(1) Clearly identify the specific area of concern to avoid the entire site being listed on the Docket. Since information from the 3016 report is transferred to the Docket listing, the goal is to have only the suspected area of contamination placed on the Docket, not some broader area. It is recommended that the site description be placed in parenthesis after the facility name to make clear the Docket listing should be limited to that portion of the property. For example, if hazardous waste is suspected in a small storage yard, enter "(storage yard)" after the facility name to note that only the storage yard should be listed on the Docket, not the entire facility.

(2) Since the RCRA 3016 report identifies sites where hazardous wastes have come to be located on Federal property and which require assessment, logically sites should not be reported which do not require assessment. The RCRA 3016 reporting requirement is to identify "each site which the Federal agency owns or operates or has owned or operated at which hazardous waste is *stored, treated, or disposed* or has been disposed of at any time." This should not be interpreted to require reporting of short-term temporary accumulation of waste. RCRA distinguishes between "storage" and "temporary accumulation" activities and it would be inappropriate to include temporary accumulation areas in the RCRA 3016 report unless there is a reason to suspect contamination.

(3) Do not re-report facilities that have already been evaluated unless something new justifies reconsideration. According to the Docket published in the Federal Register on December 20, 2004, (69 FR 75951), 2291 sites have already been listed on the Docket and many have already been designated as "no further response action planned (NFRAP)". This means for these sites EPA has found that National Priority Listing (NPL) is unlikely and no further assessment is appropriate. Since the outcome of RCRA 3016 reporting is placement of the site on the Docket and a requirement to conduct a PA, it would be inappropriate to re-



report activities already designated as NFRAP. All Federal facilities that are large quantity, small quantity, or episodic generators should have already been placed on the Docket at the time an EPA ID number was issued. For conditionally exempt small quantity generators without EPA ID numbers, it would not be appropriate to be placed on the Docket simply because of generation or accumulation activities. These facilities should not be included in subsequent reports unless there is newly discovered contamination requiring assessment.

(4) Be aware that the statutory reporting requirement under RCRA 3016 is limited to "hazardous waste" activities, but EPA's reporting form instructions expand beyond hazardous waste by stating "... that information must be submitted on all solid waste management units (SWMUs), RCRA regulated units, and other areas where hazardous substances have come to be located." Just because it has been added to the instructions, does NOT mean hazardous substances which are not RCRA hazardous wastes must be reported. However, it provides an avenue for, at USACE discretion, to report hazardous substances as a means to initiate the CERCLA process.

(5) Remember to coordinate all submissions with CECW. Because they periodically update the inventory for the agency, it is important to ensure they are aware of any additions.

References:

(1) An example of the Docket can be located in the Federal Register located at: <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-27770.pdf>

(2) 2004 RCRA 3016 Reporting Forms and instructions for currently owned or operated facilities

(3) 2004 RCRA 3016 Reporting Forms for formerly owned or operated facilities

Contacts:

Submission of RCRA 3016 Reports should be coordinated via HQ USACE, Janice Smith, CECW, 202 761-4690

For questions/comments regarding this fact sheet, contact Beverly VanCleaf, HTRW CX, (402) 697-2559.

The EPA contact for RCRA 3016 reporting is Josh Barber, Federal Facilities Restoration and Reuse Office, (703) 603-0265.

