

**US Environmental Protection Agency  
2008 State Summary Data for  
Resource Conservation and Recovery Act Active Major Facilities**

**FISCAL YEAR 2008 FINAL REPORT(8/25/2009)**

**Overview**

This report provides summary, state level information on the universe, compliance status, and enforcement by Resource Conservation and Recovery Act (RCRA Subtitle C) regulatory authorities for active Major RCRA facilities. This report covers October 1, 2007 to September 31, 2008 (FY2008). The data from this report are from the RCRAInfo data system. The data was pulled from RCRAInfo in February 2009. The data provided in this report is similar to the data used by EPA when it performs state enforcement program reviews. Although the data contained in the report reflects what is in the national database; it is likely that the states have additional information. Facility-specific information about permittees can be reviewed at the Enforcement and Compliance History Online (ECHO) web site (<http://www.epa-echo.gov/echo>). Establishing a definitive regulated universe of facilities under the RCRA program is difficult at best and is dependent on a number of factors (see discussion below). Because the quality of the universe information varies, it is not appropriate to compare one state's data with another without knowing the accuracy of the data for each state and details of the compliance monitoring and enforcement programs in each state. To assist the general public in gaining more knowledge about state, local and territory programs we suggest also referring to each agency web site which can be found at: [More State Data](#) in ECHO; the [ECOS](#) web site or the [Association of State and Territorial Solid Waste Management Officials](#) (ASTSWMO)

**Background on RCRA Subtitle C Program**

RCRA was enacted to ensure that solid waste and hazardous waste are managed in a manner that is protective of human health and the environment. EPA's RCRA authorities encompass the following which may be viewed in detail at <http://www.epa.gov/osw/hazard/index.htm> or US Code citations footnoted below:

- The Subtitle C Hazardous Waste program, which regulates hazardous waste Generators; Transporters; and Treatment, Storage, and Disposal Facilities (TSDFs).<sup>1</sup>
- The Subtitle D non-hazardous waste program, which sets standards for solid waste management.<sup>2</sup>
- The Subtitle I Underground Storage Tank (UST) program.<sup>3</sup>
- Section 7003 "Imminent and Substantial Endangerment" authority.<sup>4</sup>

This report covers the Subtitle C Hazardous Waste universe.

---

<sup>1</sup> 42 U.S.C. §§ 6921-6939e.

<sup>2</sup> 42 U.S.C. §§ 6941-6949a.

<sup>3</sup> 42 U.S.C. §§ 6991-6991m.

<sup>4</sup> 42 U.S.C. § 6973.

## **Scope of the Subtitle C Compliance Monitoring Program**

The RCRA Subtitle C program encompasses compliance monitoring for three types of hazardous waste operations:

- Treatment, Storage, and Disposal Facilities (TSDFs);
- Generators -- Large Quantity Generators (LQGs), Small Quantity Generators (SQGs), and Conditionally-Exempt Small Quantity Generators (CESQG); and
- Transporters.

In brief:

- The statute mandates minimum inspection frequencies for TSDFs, i.e.: annually for government-owned or operated TSDFs, and biennially for non-government TSDFs. EPA has established annual commitments accordingly.
- EPA has established minimum annual inspection requirements for LQGs, i.e.: at least 20 percent of the universe.
- States are expected to inspect SQG, CESQG, Transporter, and/or Non-notifier facilities, but there are no minimum universe coverage requirements.

### **Universe of Facilities Covered: RCRA Major Facilities**

This report covers all RCRA Major Facilities active between October 1, 2007 and September 30, 2008, about 23,198 facilities. For purposes of this report, RCRA major facilities universe is defined to be active LQGs and active operating TSDFs. The term “majors” has no regulatory meaning in the RCRA program and is simply used as one way of dividing the RCRA universe of regulated facilities to match the facilities we have minimum inspection requirements for. Due to the nature of the RCRA program, the universe of facilities is an approximation and the quality of the universe information will vary from state to state and depending on notifications by the facilities. For example, TSDFs include sites that are under clean-up orders, and these sites may exist for a few months to years. Additionally, there is only a biennial reporting requirement for LQGs whereas it is possible for a facility to change its generator status on a monthly basis without notification to the authorized agency unless the authorized agency has a more stringent reporting requirement than the Federal reporting requirement. Given the significant variability that exists in the universe numbers, the reader should not directly compare the data from one state with another state without understanding the data quality, the types of facilities in the universe and the types of inspections conducted.

Please note that for program management purposes (i.e., annual commitments), most Regions and states use the universes identified through the biennial reports. Some Regions and states use other sources of information such as a state’s e-manifest data. Few if any use the universes as identified in RCRA info because of the time and effort it would take to keep that universe completely accurate (again generators can change their status on a monthly basis without notification to the authorized agency).

Large Quantity Generators (LQGs):

- Generate 1,000 kg or more of hazardous waste during any calendar month; or
- Generate more than 1 kg of acutely hazardous waste during any calendar month; or

- Generate more than 100 kg of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month; or
- Generate 1 kg or less of acutely hazardous waste during any calendar month, and accumulate more than 1 kg of acutely hazardous waste at any time; or
- Generate 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulated more than 100 kg of that material at any time.

Treatment, Storage, or Disposal Facilities (TSDFs):

- Treat, store, or dispose of hazardous waste.

Most states have been authorized by EPA to implement the compliance and enforcement program for RCRA Subtitle C except for AK, IA and VI. The programs in these states/territory are implemented by the appropriate EPA Region.

### **Definitions for Report Columns**

*Letters correspond to table columns.*

#### **A. State**

Two character state abbreviation.

#### **B. 2008 Major (TSDFs/LQGs) Active Universe**

This column provides the number of active facilities in RCRAInfo. Please note that because facilities are not required to report to EPA when they no longer generate hazardous waste (for example, when the company goes out of business), the universe count is not exact. However, the information will provide an overall sense of how many facilities are regulated under the RCRA program.

Given the significant variability that exists in the universe numbers, the reader should not directly compare the data from one state with another state without understanding the data quality, the types of facilities in the universe and the types of inspections conducted.

#### **C-E. Major Facilities with Inspections in 2008**

This column presents the number of facilities inspected during the fiscal year. This column counts each site with an inspection only once. The following RCRA evaluation types are included when counting on-site inspections:

- Corrective Action Compliance Evaluation (CAC)
- Case Development Inspection (CDI)
- Compliance Evaluation Inspection (CEI)

- Compliance Schedule Evaluation (CSE)
- Focused Compliance Inspection (FCI)
- Groundwater Monitoring Evaluation (GME), and
- Operation and Maintenance Inspection (OAM).

Please note that other compliance monitoring activities are performed by EPA or the state; however, these other activities are not normally counted as inspections under the SRF reviews. There are other activities that can be counted as inspections but are not included in the SRF reviews because EPA is interested in the “thorough” type inspections in order to meet statutory and program management requirements. Therefore, the inspection counts included in the table do not represent all of the compliance monitoring activities conducted by the EPA or states at all of the regulated facilities and inspection coverage indicated in the table is likely to be less than actual inspection or compliance monitoring coverage.

#### **F. Major Facilities Inspection Coverage - 2008**

This column presents the percent of active TSDFs and LQGs that were inspected during Fiscal Year 2008 to the total number of active TSDFs and LQGs facilities in RCRAInfo.

#### **G-H. Number Majors with Violations Determined 2008**

This column tallies the number of facilities with new non-compliance identified by the State/local agency during this fiscal year. Included in the data are facilities with a non-compliance event starting in the fiscal year. When a facility has more than one new non-compliance event in the fiscal year, only the first non-compliance event is counted.

#### **I-J. Number Majors with Noncompliance in 2008**

This metric indicates the number of facilities that were listed in non-compliance for any reason during the fiscal year. When a facility has more than one non-compliance event in the fiscal year, only the first non-compliance event is counted. A user can interpret the data in several ways. For example, a state with a high noncompliance rate may have more stringent requirements than the Federal program or the state is actively identifying problems that need enforcement attention. A state with a low noncompliance rate may mean either: a) the facilities within the state do a good job complying with the RCRA regulations so violations are not widespread; or b) it is possible that noncompliance is not properly identified or reported by the state to EPA.

#### **K-L. Major Facilities with Significant Noncompliance Discovered 2008**

In order to prioritize enforcement resources and responses, EPA and the states use a set of criteria to determine when violations are considered serious as defined as Significant Noncompliance (SNC) in the [RCRA Enforcement Response Policy](#) dated December, 2003. When these types of violations are detected, a formal enforcement action is normally expected. Non-SNC violations should be escalated by the state to SNC if they are not corrected in a timely manner. This column counts the number of facilities with new Significant

Noncompliance (SNC) identified during the last fiscal year. Included are facilities with a SNC with Day Zero in the fiscal year. When a facility has more than one new SNC in the fiscal year, only the first SNC is counted.

### **M. Significant Noncompliance Discovery Rate for Major Facilities**

To help analyze whether SNCs are being identified appropriately, this measure gives the percent of the facilities evaluated by the state during a given fiscal year that received a state SNC designation in that fiscal year. As with noncompliance, a user can interpret the SNC data in several ways. A state with a high SNC rate is actively identifying significant problems that need formal enforcement attention to achieve the desired result of returning a facility to compliance. A state with a low SNC rate may mean either: a) the facilities within the state do a good job complying with the RCRA regulations so violations are not widespread; or b) it is possible that SNC is not properly identified or reported by the state to EPA. More information about EPA's evaluation of SNC discovery rates is available within the [State Review Framework reports](#) associated with each state.

### **N-P. Number of Major Facilities with Informal Enforcement Actions Issued in 2008**

For the fiscal year presented, this column includes the total number of facilities with informal actions completed. Informal enforcement actions include both verbal and written informal enforcement actions. These are activities taken by EPA or the state that often precede a formal administrative or civil/judicial enforcement action. In many cases, an informal action causes a facility to correct problems and return to compliance. Many informal actions are not escalated to formal enforcement action because the facility quickly corrects the problem(s) indicated in the notice. Each facility with an informal action is counted only once, even if there are multiple informal actions for that facility during a given fiscal year. In general, informal actions are an appropriate way to address violations that do not rise to the SNC level.

### **Q-S. Number of Major Facilities with Formal Enforcement Actions Issued in 2008**

For the fiscal year presented, this column includes the total number of facilities with formal enforcement actions completed. Formal enforcement actions include Orders, Judicial Actions, and Civil Actions. Each facility with a formal action is counted only once, even if there are multiple formal actions for that facility during a given fiscal year. Formal actions are normally used to address SNC-level violations, and can also address other violations.

### **R-V. Total Assessed Penalties for Major Facilities in 2008**

Enforcement actions often include a penalty, which serves as a deterrent to future violations and should recover economic benefit. This metric provides the total amount of penalties assessed during a given fiscal year.

