



## **2009 State Summary Data for Resource Conservation and Recovery Act Smaller Facilities**

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Office of Compliance  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
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<http://www.epa.gov/compliance/data/results/performance/rcra.html>

**U.S. Environmental Protection Agency  
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**FISCAL YEAR 2009 FINAL REPORT (May 2010)**

**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 RCRA facilities other than operating TSDFs and active LQGs. This report covers October 1, 2008, to September 30, 2009 (fiscal year 2009), and the data are from EPA's RCRAInfo data system. The data were pulled from RCRAInfo in March 2010. The information is similar to the data used by EPA when it performs state enforcement program reviews.

Although the data reflect what is in RCRAInfo, it is likely that the states have additional information. To gain more knowledge about state, local, and territory programs, we suggest also referring to each environmental agency web site – links can be found at: [More State Data](#), the [Environmental Council of the States \(ECOS\)](#) web site, or the [Association of State and Territorial Solid Waste Management Officials \(ASTSWMO\)](#) web site.

Facility-specific information about regulated facilities can be reviewed on the Enforcement and Compliance History Online (ECHO) web site (<http://www.epa-echo.gov/echo>).

**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 U.S. Code as 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.

The RCRA Subtitle C program encompasses compliance monitoring for several types of hazardous waste operations, including:

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<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.

- Treatment, storage, and disposal facilities (TSDFs)
- Hazardous waste generators - large quantity generators (LQGs), small quantity generators (SQGs), and conditionally-exempt small quantity generators (CESQGs)
- Transporters.

In brief:

- The statute mandates minimum inspection frequencies for TSDFs – 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 – at least 20 percent of the active LQG universe.
- States are expected to inspect SQGs, CESQGs, transporter, and/or potential non-notifier facilities, but there are no minimum coverage requirements.

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

This report covers all RCRA facilities other than operating TSDFs and active LQGs – including SQGs, CESQGs, transporters, and other smaller facilities – active between October 1, 2008, and September 30, 2009, approximately 364,000 facilities. For purposes of this report, the RCRA smaller facilities universe is defined to be active SQGs, CESQGs, transporters, and any other active facilities not designated as operating TSDFs or active LQGs. Note: This universe includes “full enforcement TSDFs” that are not operating – those that have ceased waste handling but are not closed according to RCRA requirements.

Establishing a definitive regulated universe of facilities under the RCRA program is difficult and dependent on a number of factors. No regulatory requirements mandate that facilities other than TSDFs that once handled hazardous waste notify that they have ceased waste management activities, or that the amount of waste they handle has changed. Because the quality of the universe information varies, it is not appropriate to compare one state’s data to another’s without knowing the accuracy of the data for each state and details of the compliance monitoring and enforcement programs in each state.

For program management purposes (such as annual commitments), most regions and states use the LQG universe identified through the [Biennial Report](#). Some regions and states use other sources of information such as a state’s e-manifest data. However, the smaller facilities generally do not have any notification requirements. Due to this, the active SQG, CESQG, and transporter universes in RCRAInfo are very difficult to maintain on a regular basis.

Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms, of hazardous waste per month.

Conditionally Exempt Small Quantity Generators (CESQGs) generate 100 kilograms or less per month of hazardous waste, or 1 kilogram or less per month of acutely hazardous waste, or less than 100 kilograms per month of acute spill residue or soil.

Transporters are individuals or entities that move hazardous waste from one site to another by highway, rail, water, or air (see 40 CFR 260.10). This includes transporting hazardous waste from a generator's site to a facility that can recycle, treat, store, or dispose of the waste.

Most states/territories have been authorized by EPA to implement the compliance and enforcement program for RCRA Subtitle C except for Alaska, Iowa, and the Virgin Islands. 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. 2009 Smaller Facilities Universe**

This column provides the number of active smaller facilities in RCRAInfo (facilities other than operating TSDFs or active LQGs). Please note that because facilities other than TSDFs are not required to report to EPA when they no longer generate hazardous waste (such as when a company goes out of business), the active universe count is not exact. However, the information will provide an overall sense of how many facilities are regulated under the RCRA Subtitle C program.

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

#### **C-E. Smaller Facilities with Inspections in 2009**

This column presents the number of smaller facilities inspected during the fiscal year. This column counts each site with an inspection only once. The following RCRAInfo 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 may be performed by EPA or the state; however, these other activities are not normally counted as inspections under [State Review Framework](#) reviews. Therefore, the inspection counts included in the table may not represent all of the compliance monitoring activities conducted by the EPA or states.

## **F. Smaller Facilities Inspection Coverage 2009**

This column presents the percent of active smaller facilities in RCRAInfo that were inspected during fiscal year 2009.

## **G-H. Number of Smaller Facilities with Violations Determined 2009**

This column tallies the number of facilities with new non-compliance identified by the state/local agency during the 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 of Smaller Facilities with Noncompliance in 2009**

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

## **K-L. Facilities with Significant Noncompliance Discovered 2009**

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](#). When these types of violations are detected, a formal enforcement action normally is expected. Non-SNC violations may be escalated to SNC if they are not corrected in a timely manner. This column counts the number of facilities with new SNC identified during 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 Smaller 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 non-compliance, a user can interpret the SNC data in several ways. A state with a high SNC rate may be actively identifying significant problems that need formal enforcement attention to achieve the desired result of returning a facility to compliance. A low SNC rate may mean the facilities within the state do a good job complying with the RCRA regulations so violations are not widespread, or it is possible that SNC is not properly identified or reported by the state. Information about EPA's evaluation of SNC discovery rates at states is available in individual [State Review Framework reports](#).

**N-P. Number of Smaller Facilities with Informal Enforcement Actions Issued in 2009**

This column includes the total number of facilities with informal actions issued in the fiscal year. Informal enforcement actions include verbal and written enforcement actions. These activities may precede a formal enforcement action. In many cases, an informal action causes a facility to correct problems and return to compliance. Each facility with an informal action is counted only once, even if there are multiple informal actions for that facility during the year. In general, informal actions are an appropriate way to address violations that do not rise to the SNC level.

**Q-S. Number of Smaller Facilities with Formal Enforcement Actions Issued in 2009**

This column includes the total number of facilities with formal enforcement actions issued in the fiscal year. Formal enforcement actions include civil administrative and judicial actions. Each facility with a formal action is counted only once, even if there are multiple formal actions for that facility during the year. Formal actions normally are used to address SNC-level violations, but may also address other violations.

**R-V. Total Assessed Penalties for Smaller Facilities in 2009**

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

2009 RCRA Smaller Facilities Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Database (RCRAInfo) for RCRA Regulated Sites

State	2009 Smaller Facilities Universe <sup>(1,2)</sup>		Smaller Facilities with Inspections in 2009			Smaller Facilities Inspection Coverage 2009		Number of Smaller Facilities with Violations Determined 2009			Number of Smaller Facilities with Noncompliance in 2009			Smaller Facilities with Significant Noncompliance Discovered <sup>(3)</sup> 2009			Significant Noncompliance <sup>(3)</sup> Discovery Rate for Smaller Facilities			Number of Smaller Facilities with Informal Enforcement Actions Issued in 2009			Number of Smaller Facilities with Formal Enforcement Actions Issued in 2009			Total Assessed Penalties for Smaller Facilities in 2009		
	Total	State	EPA	Total	Total	State	EPA	State	EPA	State	EPA	Total	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total			
AK	1,113	0	9	9	0.8%	0	6	0	12	0	0	0	0.0%	0	6	6	0	0	0	\$0	\$0	\$0						
AL	4,771	199	5	201	4.2%	103	3	134	4	3	0	3	1.5%	104	0	104	5	0	5	\$141,000	\$0	\$141,000						
AR	1,740	17	3	20	1.1%	8	0	38	0	5	0	5	25.0%	11	0	11	8	0	8	\$201,066	\$0	\$201,066						
AS	4	0	0	0	0.0%	0	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0						
AZ	2,888	50	1	51	1.8%	20	1	44	4	0	0	0	0.0%	64	4	68	6	0	6	\$120,000	\$0	\$120,000						
CA	47,475	84	12	96	0.2%	35	9	105	13	7	5	12	12.5%	33	11	44	17	4	21	\$375,170	\$10,000	\$385,170						
CO	4,100	290	5	293	7.1%	80	0	93	0	4	0	4	1.4%	79	0	79	2	0	2	\$67,662	\$0	\$67,662						
CT	2,934	86	0	86	2.9%	34	0	284	5	16	0	16	18.6%	30	1	31	20	1	21	\$631,931	\$80,013	\$711,944						
DC	598	15	8	23	3.8%	9	7	18	7	0	0	0	0.0%	1	5	6	1	1	2	\$0	\$0	\$0						
DE	1,259	17	0	17	1.4%	11	0	15	0	0	0	0	0.0%	13	0	13	1	0	1	\$0	\$0	\$0						
FL	26,302	1,082	10	1,084	4.1%	483	1	675	8	59	0	59	5.4%	80	0	80	102	5	107	\$31,596	\$325,600	\$357,196						
GA	4,228	718	16	733	17.3%	220	5	243	6	10	1	11	1.5%	208	1	209	14	1	15	\$32,200	\$3,000	\$35,200						
GU	97	0	0	0	0.0%	0	0	1	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0						
HI	1,153	37	1	38	3.3%	10	1	43	1	1	0	1	2.6%	12	1	13	4	1	5	\$154,000	\$0	\$154,000						
IA	4,040	0	141	141	3.5%	0	61	0	80	0	1	1	0.7%	0	42	42	0	1	1	\$0	\$0	\$0						
ID	1,238	77	0	77	6.2%	46	7	58	9	2	0	2	2.6%	46	7	53	9	2	11	\$33,316	\$32,882	\$66,198						
IL	25,694	452	24	476	1.9%	99	1	259	80	2	3	5	1.1%	79	9	87	3	4	7	\$15,000	\$2,206	\$17,206						
IN	7,494	215	6	221	2.9%	85	1	214	44	8	0	8	3.6%	75	2	77	21	0	21	\$37,650	\$0	\$37,650						
KS	5,625	236	19	254	4.5%	140	14	161	18	22	2	24	9.4%	149	15	164	28	5	33	\$357,970	\$131,577	\$489,547						
KY	2,548	588	7	589	23.1%	115	2	135	4	10	0	10	1.7%	114	0	114	8	0	8	\$24,000	\$0	\$24,000						
LA	13,236	303	5	307	2.3%	53	1	111	14	0	0	0	0.0%	32	0	32	19	0	19	\$50,000	\$0	\$50,000						
MA	9,086	281	9	288	3.2%	168	0	403	2	31	0	31	10.8%	114	1	115	57	1	58	\$534,585	\$0	\$534,585						
MD	7,979	68	3	71	0.9%	18	0	22	3	3	0	3	4.2%	9	0	9	10	1	11	\$90,000	\$43,000	\$133,000						
ME	1,174	37	0	37	3.2%	31	0	44	5	2	0	2	5.4%	35	0	35	3	0	3	\$117,149	\$0	\$117,149						
MI	18,312	612	5	615	3.4%	321	4	552	17	0	0	0	0.0%	323	2	324	5	3	8	\$27,405	\$146,800	\$174,005						
MN	19,239	61	11	71	0.4%	38	7	242	21	0	0	0	0.0%	34	6	40	5	0	5	\$0	\$0	\$0						
MO	4,919	390	18	406	8.3%	312	14	445	39	1	3	4	1.0%	197	15	212	9	5	14	\$47,043	\$0	\$47,043						
MS	2,629	37	6	37	1.4%	6	0	9	1	2	0	2	5.4%	6	0	6	2	0	2	\$62,500	\$0	\$62,500						
MT	1,511	71	3	71	4.7%	10	0	12	5	0	0	0	0.0%	12	0	12	2	0	2	\$4,000	\$0	\$4,000						
NC	6,729	932	5	932	13.9%	60	2	87	3	11	0	11	1.2%	51	0	51	19	0	19	\$47,450	\$0	\$47,450						
ND	703	27	1	27	3.8%	8	0	10	0	0	0	0	0.0%	6	0	6	0	0	0	\$0	\$0	\$0						
NE	1,609	27	15	41	2.5%	16	11	21	13	0	1	1	2.4%	15	11	25	1	0	1	\$1,000	\$0	\$1,000						
NH	2,700	10	1	11	0.4%	5	1	17	3	0	0	0	0.0%	6	0	6	5	1	6	\$24,411	\$89,500	\$113,911						
NJ	5,805	532	74	598	10.3%	52	8	123	18	22	0	22	3.7%	52	9	60	33	3	35	\$326,179	\$19,500	\$345,679						
NM	1,637	101	6	103	6.3%	53	0	68	4	0	0	0	0.0%	49	0	49	0	0	0	\$0	\$0	\$0						
NN	141	0	4	4	2.8%	0	4	0	4	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0						
NV	1,717	832	2	832	48.5%	97	2	184	3	0	1	1	0.1%	96	1	97	3	0	3	\$0	\$0	\$0						
NY	15,462	724	89	807	5.2%	346	10	441	26	16	1	17	2.1%	326	8	334	20	8	28	\$48,200	\$180,000	\$228,200						
OH	19,315	582	5	584	3.0%	288	2	639	51	8	0	8	1.4%	317	3	320	23	0	23	\$309,042	\$0	\$309,042						
OK	2,625	229	8	231	8.8%	101	0	117	2	2	0	2	0.9%	99	0	99	4	0	4	\$40,000	\$0	\$40,000						
OR	3,353	229	3	232	6.9%	97	3	119	3	2	0	2	0.9%	98	3	101	10	0	10	\$56,765	\$0	\$56,765						
PA	20,873	660	13	672	3.2%	124	8	375	13	2	1	3	0.4%	24	9	33	5	0	5	\$0	\$0	\$0						
PR	983	154	46	200	20.3%	69	5	93	33	21	0	21	10.5%	69	1	70	24	3	27	\$66,216	\$109,250	\$175,466						
RI	2,833	69	4	73	2.6%	57	0	70	1	3	0	3	4.1%	49	0	49	5	0	5	\$10,000	\$0	\$10,000						
SC	3,626	104	11	105	2.9%	50	4	77	5	11	0	11	10.5%	56	0	56	15	1	16	\$121,635	\$0	\$121,635						
SD	1,323	44	5	44	3.3%	0	0	2	0	0	0	0	0.0%	1	0	1	1	0	1	\$8,195	\$0	\$8,195						
TN	2,954	286	7	287	9.7%	140	2	167	2	16	0	16	5.6%	120	0	120	9	1	10	\$0	\$23,000	\$23,000						
TT	32	0	0	0	0.0%	0	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0						
TX	8,920	372	11	383	4.3%	226	1	1,511	46	1	0	1	0.3%	205	2	207	56	2	58	\$1,086,689	\$0	\$1,086,689						
UT	1,723	60	12	71	4.1%	3	0	8	3	0	0	0	0.0%	5	0	5	4	0	4	\$56,380	\$0	\$56,380						
VA	9,046	211	7	211	2.3%	57	5	98	6	5	0	5	2.4%	59	2	61	5	0	5	\$71,946	\$0	\$71,946						
VI	39	0	6	6	15.4%	0	0	0	5	0	0	0	0.0%	0	0	0	0	1	1	\$0	\$2,330	\$2,330						
VT	3,180	60	0	60	1.9%	42	0	102	2	3	0	3	5.0%	29	0	29	2	0	2	\$215,000	\$0	\$215,000						
WA	6,306	179	26	204	3.2%	120	1	148	5	2	0	2	1.0%	125	1	126	2	0	2	\$39,000	\$0	\$39,000						
WI	13,411	165	8	170	1.3%	65	6	94	24	2	0	2	1.2%	62	7	69	4	0	4	\$45,500	\$0	\$45,500						
WV	2,904	448	7	453	15.6%	275	7	328	9	5	1	6	1.3%	279	2	280	14	0	14	\$65,200	\$0	\$65,200						
WY	887	189	40	225	25.4%	88	0	131	50	2	0	2	0.9%	6	0	6	3	0	3	\$0	\$0	\$0						
National	364,222	13,249	743	13,878	3.8%	4,894	227	9,390	736	322	20	342	2.5%	4,064	187	4,246	628	55	682	\$5,794,051	\$1,198,458	\$6,992,509						

NOTES: Bold indicates compliance and enforcement program is implemented by EPA (e.g., state or territory is not authorized -AK, IA and VI)

Totals for facilities with inspections and actions/events may not be additive because EPA and states can take an activity against the same facility

Facility counts and other data are from FY2009 Frozen Data used under the State Review Framework -Information may differ from updated data pulled from ECHO or other sources

- 1 The quality of the universe data in RCRAInfo may vary significantly for each state (for more details see "Definitions for Report Columns" section).
- 2 Includes all active RCRAInfo facilities other than operating TSDFs and active LQGs (such as SQGs, CESQGs)
- 3 Percent of the facilities evaluated by the state, EPA or Total during a given fiscal year that received a state SNC designation in that fiscal year.

Please visit [EPA's state data comments page](#) to access files or links provided by states that discuss data discrepancies for the 2009 information.