

# **Data Metric Dictionary for the State Review Framework Resource Conservation and Recovery Act (RCRA)**

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## **Purpose of the Dictionary**

The purpose of this Data Element Dictionary (the “Dictionary”) is to provide users with additional description and context for each of the data metrics used in the State Review Framework (SRF) reviews of Resource Conservation and Recovery Act (RCRA) programs. The individual data metrics are organized within the following twelve SRF elements:

1. Data Completeness,
2. Data Accuracy,
3. Timeliness of Data Entry,
4. Completion of Commitments,
5. Inspection Coverage,
6. Quality of Inspection or Compliance Evaluation Reports,
7. Identification of Alleged Violations,
8. Identification of Significant Noncompliance (SNC) and HPV,
9. Enforcement Actions Promote Return to Compliance,
10. Timely and Appropriate Action,
11. Penalty Calculation Method, and
12. Final Penalty Assessment and Collections.

(Appendix 1 provides a list of acronyms)

The Resource Conservation and Recovery Act (RCRA) authorizes EPA to regulate the generation, treatment, storage, transportation, and disposal of hazardous waste as set out in Subtitle C of RCRA. Under Section 3006 of Subtitle C, the states may be authorized to administer and enforce a state hazardous waste program in lieu of the federal Subtitle C program. Currently, 48 states are authorized to administer and enforce Subtitle C.

State RCRA programs determine compliance, and ensure adequate coverage of the regulated universe. Regions conduct program oversight and capacity-building and undertake federal intervention is needed to address complex and multi-state compliance issues

The following is a discussion of the Data Element Dictionary which contains a description of the File Review Metrics and Data Metrics used in the State Review Framework (SRF) review to assess a RCRA program when measured against the requirements of EPA or state policies and guidance and other operating principals.

The File Review Metrics confirm or verify that data in RCRAInfo are complete, accurate and were entered into the national data base in a timely manner. The Data Metrics are designed to be used for one following evaluative purposes: data quality, meeting a goal, review indicator, or

simply informational. The specific program guidance or policy which describes the program requirements which are evaluated using the File or Data Metric are listed below:

Elements 1 - 3: National Program Managers' (NPM) Guidance,  
Element 4: Relevant agreements between EPA and authorized States/Tribes  
Element 5: RCRA Statute, NPM Guidance  
Element 6: 1998 Revised RCRA Inspection Manual, NPM Guidance  
Elements 7 – 12: RCRA ERP, RCRA Penalty Policy, NPM Guidance

## **Description of the Data Elements**

**1. Data Completeness.** Data completeness metrics measure the degree to which data required be in EPA's national hazardous waste database, RCRAInfo, has been reported. This information helps EPA maintain a comprehensive inventory of all active sources covered by RCRA. Accurate universes are a key component to efficient implementation of the compliance monitoring responsibilities of the implementing agency. However, RCRA universes change significantly, even within one year, therefore, other reports and tracking data are used, e.g., biennial report from facility self-reporting requirements, etc.

### *Metric 1a – Site universe counts complete*

This metric presents the number of current active

- treatment, storage, and disposal facilities (TSDFs) (1a1);
- large quantity generators (LQGs) (1a2);
- small quantity generators (SQGs) (1a3);
- all other active sites not listed above (1a4);
- LQGs according to the latest Biennial Report (BR)<sup>1</sup> within a select fiscal year (1a5)

### *Metric 1b – Inspection counts complete*

This metric presents the number of

- on-site inspections performed during the fiscal year under consideration. This metric can include multiple inspections at the same site (1b1);
- sites inspected during the fiscal year. This metric counts each site with an inspection only once (1b2).

Inspections are required to be reported to RCRAInfo. 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)

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<sup>1</sup> The EPA, in partnership with the States, biennially collects information regarding the generation, management, and final disposition of hazardous wastes regulated under the Resource Conservation and Recovery Act of 1976 (RCRA), as amended.

- Groundwater Monitoring Evaluation (GME), and
- Operation and Maintenance Inspection (OAM).

*Metric 1c – Violation counts complete*

This metric provides the number of sites

- with open violations (those without return-to-compliance dates in RCRAInfo) during a given fiscal year, regardless of when the violation was determined (1c1);
- with violation(s) determined during the fiscal year (1c2).

*Metric 1d – Informal action counts complete*

This metric presents

- the number sites that received one or more informal enforcement actions during a given fiscal year. This metric can include multiple informal enforcement actions at the same site (1d1);
- the number of informal enforcement actions that were issued during a given fiscal year. This metric counts each site with an informal enforcement action only once (1d2).

Informal actions included in these counts are RCRAInfo event/action types 100-199.

*Metric 1e – Significant Non-Compliance counts complete*

This metric presents

- the number of sites in new Significant Non-Compliance (SNC) designated during a given fiscal year (1e1);
- the number of sites in SNC status during a given fiscal year (regardless of when the SNC was determined) (1e2).

*Metric 1f – Formal action counts complete*

This metric presents

- the number sites that received one or more formal enforcement actions during a given fiscal year. This metric can include multiple formal enforcement actions at the same site (1f1);
- the number of formal enforcement actions that were issued during the fiscal year. This metric counts each site with a formal enforcement action only once (1f2).

Informal actions included in these counts are RCRAInfo event/action types 200-239, 250-339, and 350-799.

*Metric 1g – Assessed penalties complete*

This metric presents the total amount of penalties assessed during a given fiscal year (1g).

**2. Data Accuracy.** Data accuracy metrics measure the degree to which data required to be in AFS are accurate. For example, metrics in this element can be used to determine if the correct codes are used and if entered dates are correct.

*Metric 2a – Accuracy of SNC determination date data*

Some states appear to date their SNC determination days on the same day or slightly before the enforcement action is taken. To help ensure SNC data is of good quality, this metric compares the date of the SNC determination with the date of the first formal action that came after the SNC. This method assumes that the action taken doesn't address a previous SNC.

*Metric 2b – Longstanding secondary violators not "returned to compliance" or re-designated as SNC*

This metric counts the number of sites with violations that have been open for more than 240 days and not linked to a formal enforcement action, and are not SNC. The December 2003 Hazardous Waste Civil Enforcement Response Policy states that sites designated as secondary violators should be re-designated as SNC if the violator does not return to compliance in 240 days.

**3. Timeliness of Data Entry.** Timeliness of data entry metrics measure the degree to which the required data are entered in a timely manner.

*Metric 3a – Timely entry of SNC data*

This metric helps assess whether SNC designations are entered in a timely manner by measuring the time lag between SNC determination and entry into RCRAInfo. This metric gives the percentage of SNCs that are entered more than 60 days after determination, allowing for time lags due to translator and data updates.

*Metric 3b – Comparison of frozen data set for Element 1 metrics*

A frozen data set is created annually near the end of each calendar year. This data set represents the data in RCRAInfo at a time when most required data entry for the fiscal year would be expected to be complete. The data in the current data set can be compared to the frozen data to assess whether any of the data changed appreciably from that in the frozen data set. Changes are an indication of the timeliness with which data in the national system were entered. (Note: According to the December 2003 Hazardous Waste Civil Enforcement Response Policy, violation and SNC determinations are required to be entered upon designation and no later than 150 days after Day Zero (first day of inspection); therefore, in limited cases, these data may be entered after the frozen data set is saved.

**4. Completion of Commitments.** This Element measures the degree to which all enforcement/compliance commitments in relevant agreements are met and any products or projects are completed. Relevant agreements might include Performance Partnership

Agreements (PPAs), Performance Partnership Grants (PPGs), categorical grants, Compliance Monitoring Strategy (CMS) plans, or authorization agreements.

There are no data metrics for Element 4.

**5. Inspection Coverage.** Inspection coverage metrics measure the degree to which each state completed the universe of planned inspections/compliance evaluations (addressing core requirements and federal, state and regional priorities).

*Metric 5a – Inspection coverage for operating TSDFs*

This metric presents the percentage of the current operating TSDF universe that had a comprehensive inspection during a two-year period. RCRA evaluation types counted are CEI, GME, and OAM.

*Metric 5b – Annual inspection coverage for operating LQGs*

This metric presents the percentage of the BR LQG universe that had a comprehensive inspection during a given fiscal year. RCRA evaluation type CEI is counted.

*Metric 5c – Five-year inspection coverage for LQGs*

This metric gives the percentage of the BR LQG universe that had a comprehensive inspection during a given five-year period. RCRA evaluation type CEI is counted.

*Metric 5d – Five-year inspection coverage for active SQGs*

This metric gives the percentage of current active SQGs that had an on-site inspection during a given five-year period. RCRA evaluation types CAC, CDI, CEI, CSE, FCI, GME, and OAM are counted. Inspection coverage of all RCRA-regulated facilities is a requirement of the regulations regarding authorization of state hazardous waste programs (40 Code of Federal Regulations (CFR) 271.15 - B2).

*Metric 5e – Inspections performed at sites other than those listed in 5a-d in last five years*

This metric provides a count of on-site inspections that occurred at current active sites other than TSDFs, LQGs, and SQGs during a given five-year period. This includes on-site inspections at

- CESQGs (5e1);
- transporters (5e2);
- non-notifiers (5e3);
- all other sites not included above (5e4).

RCRA evaluation types counted are CAC, CDI, CEI, CSE, FCI, GME, and OAM. Inspection coverage of all RCRA-regulated facilities is a requirement of the regulations regarding authorization of state hazardous waste programs (40CFR271.15 - B2).

**6. Quality of Inspection or Compliance Evaluation Reports.** This data element measures the degree to which inspection or compliance evaluation reports properly document observations, are completed in a timely manner, and include accurate description of observations.

There are no data metrics for Element 6.

**7. Identification of Alleged Violations.** This data element measures the degree to which compliance determinations are accurately made and promptly reported in the national database upon compliance monitoring report observations and other compliance monitoring information.

There are no data metrics 7a and 7b for Element 7.

*Metric 7c – Violations found during inspections*

This metric gives the percentage of on-site inspections in which a violation was found at non-SNC sites. The intent is to provide more information about the identification of violations at non-SNC sites.

**8. Identification of SNC.** This data element measures the degree to which the state accurately identifies significant noncompliance/high priority violations and enters information in the national system in a timely manner.

*Metric 8a – SNC identification rate*

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.

*Metric 8b – Timely SNC determinations*

This metric gives the percentage of SNC determinations that were made within 150 days of Day Zero (first day of the inspection).

*Metric 8c – SNC reporting indicator (actions receiving SNC listing)*

To help analyze whether SNCs are being designated appropriately, this measure gives the percentage of state formal enforcement actions taken during a given fiscal year at facilities that were in SNC in the fiscal year or in the six months prior. SNC normally requires a formal action, but some formal actions are taken at non-SNCs, so it is not expected that 100% of facilities with actions had SNC designation.

**9. Enforcement Actions Promote Return to Compliance.** This data element measures the degree to which state enforcement actions include required corrective action (i.e., injunctive relief or other complying actions) that will return the facilities to compliance in a specified time frame.

There are no data metrics for Element 9.

**10. Timely and Appropriate Action.** This data element measures the degree to which a state takes timely and appropriate enforcement actions in accordance with policy relating to specific media.

*Metric 10a – Timely action taken to address SNC*

The metric gives the percent of SNCs determined during a given fiscal year that were addressed with a formal enforcement action or referral within 360 days. When a site with violations is determined to be a significant non-complier, it is important to resolve the SNC status in a timely manner so the problems do not continue.

*Metric 10b – No activity indicator - formal actions*

This metric provides the number of formal enforcement actions taken during a given fiscal year. This metric can be used to determine whether a problem exists with enforcement in general or with reporting of actions.

**11. Penalty Calculation Method.** This data element measures the degree to which a state documents, in its files, that the initial penalty calculation includes both gravity and economic benefit calculations consistent with national policy.

There are no data metrics for Element 11.

**12. Final Penalty Assessment and Collection.** This data element measures the degree to which differences between initial and final penalties are documented in the file along with a demonstration in the file that the final penalty was collected.

*Metric 12a – No activity indicator – penalties*

This metric provides the total amount of penalties assessed during a given fiscal year (the same information as metric 1g. assessed penalties complete).

*Metric 12b – Penalties normally included with formal enforcement actions*

This metric gives the percentage of final enforcement actions that included an assessed penalty. Although not all actions require a penalty, this information is important to determine the health of the enforcement program.

## **Appendix 1: List of Acronyms**

<b>BR</b>	Biennial Report
<b>CAC</b>	Corrective Action Compliance Evaluation
<b>CDI</b>	Case Development Inspection
<b>CEI</b>	Compliance Evaluation Inspection
<b>CESQG</b>	Conditionally Exempt Small Quantity Generator
<b>CFR</b>	Code of Federal Regulations
<b>CMS</b>	Compliance Monitoring Strategy
<b>CSE</b>	Compliance Schedule Evaluation
<b>DZ</b>	Day Zero
<b>EPA</b>	U.S. Environmental Protection Agency
<b>FCI</b>	Focused Compliance Inspection
<b>FY</b>	Fiscal Year (The federal FY is October 1 through September 30)
<b>GME</b>	Groundwater Monitoring Evaluation
<b>LQG</b>	Large Quantity Generator
<b>OAM</b>	Operation and Maintenance Inspection
<b>PPA</b>	Performance Partnership Agreements
<b>PPG</b>	Performance Partnership Grants
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RCRAInfo</b>	RCRA Information System
<b>SNC</b>	Significant Non-Compliance
<b>SQG</b>	Small Quantity Generator
<b>SRF</b>	State Review Framework
<b>TSDF</b>	Treatment, Storage, and Disposal Facility