



2009 State Summary Data for Resource Conservation and Recovery Act Larger Facilities

June 2010

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<http://www.epa.gov/compliance/data/results/performance/rcra.html>

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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 larger RCRA facilities. 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).¹
- The Subtitle D non-hazardous waste program, which sets standards for solid waste management.²
- The Subtitle I underground storage tank (UST) program.³
- Section 7003 "Imminent and Substantial Endangerment" authority.⁴

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:

- Treatment, storage, and disposal facilities (TSDFs)

¹ 42 U.S.C. §§ 6921-6939e.

² 42 U.S.C. §§ 6941-6949a.

³ 42 U.S.C. §§ 6991-6991m.

⁴ 42 U.S.C. § 6973.

- Hazardous waste generators - large quantity generators (LQGs), small quantity generators (SQGs), and conditionally-exempt small quantity generators (CESQG)
- 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 SQG, CESQG, transporter, and/or potential non-notifier facilities, but there are no minimum coverage requirements.

Universe of Facilities Covered: RCRA Larger Facilities

This report covers all RCRA “larger” facilities – TSDFs and LQGs – operating or active between October 1, 2008, and September 30, 2009, about 25,000 facilities. For purposes of this report, the RCRA larger facilities universe is defined to be operating TSDFs and active LQGs.

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. Few use the active LQG universe in RCRAInfo, since it’s difficult to maintain on a regular basis.

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, and Disposal Facilities (TSDFs):

- Treat, store, or dispose of hazardous 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 Larger Facilities Universe

This column provides the number of operating TSDFs and active LQGs in RCRAInfo. 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. Larger Facilities with Inspections in 2009

This column presents the number of 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:

- Compliance Evaluation Inspection (CEI)
- 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 for TSDFs or LQGs under [State Review Framework](#) reviews. EPA is interested in the “thorough” type inspections in order to meet statutory and program management requirements at these facilities. Therefore, the inspection counts included in the table may not represent all of the compliance monitoring activities conducted by the EPA or states.

F. Larger Facilities Inspection Coverage 2009

This column presents the percent of operating TSDFs and active LQGs in RCRAInfo that were inspected during fiscal year 2009.

G-H. Number of Larger 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 Larger Facilities in 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. Larger 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 Larger 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 TSDFs/LQGs 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 Larger 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 Larger 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.

