

**US Environmental Protection Agency
2008 State Summary Data for
Resource Conservation and Recovery Act All Facilities (Combined)**

FISCAL YEAR 2008 FINAL REPORT (10/28/09)

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. This report covers October 1, 2007 to September 31, 2008 (FY2008). The data from this report are from the RCRAInfo data system. The data were pulled from RCRAInfo in February 2009. The data provided in this report are similar to the data used by EPA when it performs state enforcement program reviews. Although the data contained in the report reflect 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 (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 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.

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.

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.

The following link provides further information on the hazardous waste regulations and regulated facilities: <http://www.epa.gov/osw/hazard/index.htm>

Universe of Facilities Covered: RCRA All Facilities

This report covers all RCRA Facilities active between October 1, 2007 and September 30, 2008, about 386,000 facilities. For purposes of this report, the RCRA All facilities universe is defined to be active LQGs and active operating TSDFs, active SQGs, CESQGs and transporters. The term “Combined” or “All” has no regulatory meaning in the RCRA program and is simply used as one way of showing the full RCRA universe of regulated facilities to include “major” facilities and “non-major” facilities. “Major” facilities have statutory and policy mandated inspection requirements. For “non-major” facilities, there are no statutorily mandated inspection requirements and EPA has no specified minimum inspection requirements. 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 specifics see the Major and Non-major reports. 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 RCRAInfo 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.

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. It can also include transporting treated hazardous waste to a site for further treatment or disposal.

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 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. 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. Facilities Inspection Coverage - 2008

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

G-H. Number Facilities 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 of Facilities 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. 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 one facility in SNC is counted.

M. Significant Noncompliance Discovery Rate for all 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 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 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 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.

2008 RCRA Total Active Universe Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Database (RCRAInfo) for RCRA Regulated Sites

State	2008 Active (1,2) Universe	Facilities with Inspections in 2008(3)			Facilities Inspection Coverage 2008	Number Facilities with Violations Determined 2008(4)		Number Facilities with Noncompliance in 2008(5)		Facilities with Significant Noncompliance Discovered(6) 2008			Significant Noncompliance Discovery Rate(6) for Non-majors	Number of Facilities with Informal Enforcement Actions Issued in 2008			Number of Facilities with Formal Enforcement Actions Issued in 2008			Total Assessed Penalties for Facilities in 2008		
	Total	State	EPA	Total	Total	State	EPA	State	EPA	State	EPA	Total	Total	State	EPA	Total	State	EPA	Total	State	EPA	Total
AK	1,166	0	19	19	1.6%	0	3	0	10	0	1	1	5.3%	0	4	4	0	0	0	\$0	\$0	\$0
AL	5,310	323	13	325	6.1%	192	1	261	3	14	0	14	4.3%	180	0	180	17	0	17	\$771,524	\$0	\$771,524
AR	1,838	63	11	71	3.9%	39	1	75	8	15	0	15	21.1%	41	0	41	15	0	15	\$203,214	\$0	\$203,214
AZ	3,235	109	14	113	3.5%	77	12	105	17	6	1	7	5.7%	121	10	131	10	3	13	\$375,000	\$25,146	\$400,146
CA	52,117	454	56	502	1.0%	255	52	439	80	36	4	40	8.0%	201	28	226	31	8	39	\$758,884	\$287,500	\$1,046,384
CO	4,259	290	12	290	6.8%	67	0	96	2	6	0	6	2.1%	66	1	67	20	0	20	\$322,401	\$0	\$322,401
CT	3,243	119	17	134	4.1%	84	1	456	8	10	0	10	7.5%	64	0	64	18	3	21	\$1,053,499	\$362,249	\$1,415,748
DC	485	31	6	36	7.4%	2	2	11	10	0	1	1	2.8%	0	3	3	0	0	0	\$0	\$0	\$0
DE	1,354	76	5	81	6.0%	31	2	41	15	1	2	3	3.8%	36	1	37	0	4	4	\$0	\$164,243	\$164,243
FL	26,829	725	19	735	2.7%	377	8	549	16	36	2	38	5.2%	370	0	370	139	3	142	\$2,446,878	\$3,607	\$2,450,485
GA	4,713	916	31	937	19.9%	341	6	391	12	22	0	22	2.3%	325	1	326	28	2	30	\$55,475	\$55,508	\$110,983
HI	1,192	54	2	56	4.7%	23	1	63	2	0	0	0	0.0%	21	4	25	10	1	11	\$153,000	\$190,000	\$343,000
IA	4,081	0	128	128	3.1%	0	83	0	112	0	3	3	2.3%	0	103	103	0	3	3	\$0	\$252,029	\$252,029
ID	1,268	56	16	69	5.4%	30	0	44	5	5	1	6	8.7%	27	1	28	15	3	17	\$95,990	\$18,500	\$114,490
IL	26,919	462	55	516	1.9%	121	27	328	162	7	9	16	3.1%	107	35	142	7	8	15	\$0	\$410,793	\$410,793
IN	7,954	357	16	369	4.6%	170	6	389	82	11	0	11	3.0%	174	2	176	49	2	51	\$290,977	\$71,156	\$362,133
KS	5,832	318	27	340	5.8%	177	18	210	38	17	4	21	6.2%	214	22	231	16	4	20	\$134,750	\$94,382	\$229,132
KY	2,828	785	19	795	28.1%	171	11	203	24	9	3	12	1.4%	174	8	179	18	4	22	\$166,950	\$83,000	\$249,950
LA	14,208	377	20	382	2.7%	53	1	135	34	3	0	3	0.8%	43	0	43	32	0	32	\$0	\$0	\$0
MA	9,496	279	16	295	3.1%	154	0	414	11	18	0	18	6.1%	158	1	158	43	5	48	\$215,837	\$9,600	\$225,437
MD	8,245	81	16	91	1.1%	22	9	40	24	4	6	10	10.5%	6	2	8	6	1	7	\$3,750	\$95,000	\$98,750
ME	1,239	45	3	47	3.8%	34	0	55	6	2	1	3	6.4%	33	1	34	0	1	1	\$0	\$0	\$0
MI	18,368	654	40	672	3.7%	332	18	568	51	7	1	8	1.2%	1	22	23	0	4	4	\$0	\$318,935	\$318,935
MN	19,819	107	22	127	0.6%	71	11	530	41	2	0	2	1.6%	64	6	69	15	0	15	\$0	\$0	\$0
MO	5,445	406	38	437	8.0%	280	16	411	62	2	7	9	2.0%	127	29	151	4	3	7	\$12,950	\$124,052	\$137,002
MS	2,653	90	9	90	3.4%	7	2	21	13	3	1	4	4.4%	14	0	14	7	1	8	\$189,182	\$0	\$189,182
MT	864	92	2	93	10.8%	14	0	25	7	1	0	1	1.1%	17	0	17	9	0	9	\$161,469	\$0	\$161,469
NC	7,095	801	14	803	11.3%	140	7	171	9	16	1	17	2.0%	119	0	119	29	0	29	\$423,697	\$0	\$423,697
ND	716	40	4	40	5.6%	21	0	22	0	0	0	0	0.0%	18	0	18	0	0	0	\$0	\$0	\$0
NE	1,665	42	24	65	3.9%	24	12	37	22	4	2	5	7.7%	24	13	37	2	5	7	\$0	\$211,107	\$211,107
NH	3,218	37	7	43	1.3%	32	0	59	4	0	0	0	0.0%	30	2	32	18	1	19	\$457,027	\$0	\$457,027
NJ	6,688	753	150	876	13.1%	109	26	220	37	51	1	52	5.7%	107	20	127	67	6	72	\$444,479	\$47,740	\$492,219
NM	1,833	114	8	119	6.5%	60	0	95	6	2	0	2	1.7%	63	0	63	12	0	12	\$712,634	\$0	\$712,634
NV	1,848	713	4	713	38.6%	227	3	262	8	2	0	2	0.3%	217	5	221	12	0	12	\$26,540	\$0	\$26,540
NY	15,614	983	159	1,131	7.2%	447	20	578	37	24	1	25	2.2%	426	18	443	42	3	44	\$846,250	\$93,875	\$940,125
OH	20,740	649	38	661	3.2%	436	23	976	114	44	5	49	7.3%	509	29	535	53	4	57	\$942,280	\$810,000	\$1,752,280
OK	2,762	164	8	165	6.0%	79	0	95	2	3	0	3	1.8%	79	0	79	2	0	2	\$103,750	\$0	\$103,750
OR	3,640	214	11	217	6.0%	99	0	153	1	3	0	3	1.4%	102	0	102	22	0	22	\$98,520	\$0	\$98,520
PA	22,281	866	30	884	4.0%	238	21	555	88	13	5	17	2.0%	48	19	66	25	17	41	\$156,769	\$1,600,984	\$1,757,753
PR	1,245	167	49	202	16.2%	65	9	111	40	24	3	27	13.4%	44	4	48	43	5	47	\$170,900	\$30,122,000	\$30,292,900
RI	2,877	85	2	87	3.0%	53	0	73	5	2	0	2	2.3%	51	0	51	10	0	10	\$41,950	\$0	\$41,950
SC	3,880	272	14	272	7.0%	155	6	202	9	24	0	24	8.8%	163	0	163	14	1	15	\$181,620	\$22,000	\$203,620
SD	1,316	63	2	63	4.8%	1	0	3	3	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0
TN	3,397	432	8	432	12.7%	223	3	257	8	32	0	32	7.4%	201	0	201	30	2	32	\$56,400	\$8,500	\$64,900
TX	10,742	753	44	773	7.2%	372	4	1,852	80	5	0	5	0.6%	404	2	404	106	6	112	\$1,186,811	\$0	\$1,186,811
UT	1,891	95	15	107	5.7%	25	5	31	11	6	0	6	5.6%	15	0	15	11	0	11	\$189,976	\$0	\$189,976
VA	9,275	276	9	276	3.0%	78	4	166	29	10	1	10	4.0%	82	4	83	11	5	16	\$305,370	\$375,857	\$681,227
VI	34	0	9	9	26.5%	0	2	0	11	0	0	0	0.0%	0	0	0	0	4	4	\$0	\$2,746,195	\$2,746,195
VT	3,162	63	2	65	2.1%	36	1	141	4	1	0	1	1.5%	38	2	40	6	0	6	\$35,000	\$0	\$35,000
WA	7,261	272	16	278	3.8%	165	4	229	9	3	0	3	1.1%	171	6	177	5	2	7	\$50,000	\$304,500	\$354,500
WI	14,237	262	50	291	2.0%	102	32	157	64	2	5	7	2.4%	105	29	134	1	1	2	\$265,000	\$50,000	\$315,000
WV	3,090	356	5	356	11.5%	122	4	179	9	10	0	10	2.8%	120	2	121	16	2	17	\$22,731	\$0	\$22,731
WY	913	189	38	225	24.6%	95	2	145	68	8	0	8	3.6%	6	0	6	9	0	9	\$366,281	\$0	\$366,281
National	386,380	15,930	1,352	16,903	4.4%	6,528	479	12,629	1,533	526	71	594	3.5%	5,726	439	6,135	1,055	127	1,176	\$14,495,715	\$38,958,458	\$53,454,173

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 FY2008 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 (see report Background for more details).

2 Active refers to "active-operating" TSDFs and "active" LQGs, SQGs, CESQGs.

3 Inspections, as well as other activities in this table, are counted once for each facility, therefore, represent facility counts where activity occurred at least once in FY 2008.

4 Number of facilities with "new" non-compliance identified by the State/local agency during the fiscal year

5 This metric indicates the number of facilities that were listed in non-compliance for any reason during the fiscal year

6 SNC is "Significant Noncompliance" per RCRA Enforcement Response Policy dated December, 2003. Column represents the 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 corrections page](#) to access files or links provided by states that discuss data discrepancies for the 2008 information.