

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

**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 Non-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 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](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 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.

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

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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.

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 (“commercial”) 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 Non-Major Facilities**

This report covers all RCRA Non-Major Facilities active between October 1, 2007 and September 30, 2008, about 363,000 facilities. For purposes of this report, the RCRA Non-major facilities universe is defined to be active SQGs, CESQGs and transporters. The term “Non-major” 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 for which there are no statutorily mandated inspection requirements and EPA has no-minimum inspection requirements specified. 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. LQGs, shown in the Major report, have biennial notification requirements but the non-majors (SQGs, CESQGs and transporters) generally do not have federal permits or notification requirements. 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).

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.

## **Definitions for Report Columns**

*Letters correspond to table columns.*

### **A. State**

Two character state abbreviation.

### **B. 2008 Non-Major 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. Non-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. Non-Major Facilities Inspection Coverage - 2008**

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

#### **G-H. Number Non-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 of Non-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. Non-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 one facility in SNC is counted.

#### **M. Significant Noncompliance Discovery Rate for Non-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 Non-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 Non-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 Non-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.

2008 RCRA Non-Majors (Active Sites Not TSDFs or LQGs) Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Database (RCRAInfo) for RCRA Regulated Sites

State	2008 Non-Major Active Universe	Non-Major Facilities with Inspections in 2008 <sup>(3)</sup>			Non-Major Facilities Inspection Coverage 2008	Number Non-Majors with Violations Determined 2008 <sup>(4)</sup>		Number Non-Majors with Noncompliance in 2008 <sup>(5)</sup>		Non-Major Facilities with Significant Noncompliance Discovered <sup>(6)</sup> 2008			Significant Noncompliance <sup>(6)</sup> Discovery Rate for Non-Major Facilities	Number of Non-Major Facilities with Informal Enforcement Actions Issued in 2008			Number of Non-Major Facilities with Formal Enforcement Actions Issued in 2008			Total Assessed Penalties for Non-Major Facilities in 2008		
		Total	State	EPA		Total	State	EPA	State	EPA	State	EPA		Total	State	EPA	Total	State	EPA	Total	State	EPA
AK	1,105	0	12	12	1.1%	0	1	0	8	0	0	0	0.0%	0	1	1	0	0	0	\$0	\$0	\$0
AL	5,016	258	5	258	5.1%	150	0	202	0	8	0	8	3.1%	140	0	140	7	0	7	\$164,500	\$0	\$164,500
AR	1,667	19	1	20	1.2%	12	0	38	0	7	0	7	35.0%	12	0	12	5	0	5	\$69,515	\$0	\$69,515
AZ	2,929	44	8	51	1.7%	26	6	43	8	3	1	4	7.8%	58	3	61	4	1	5	\$130,000	\$0	\$130,000
CA	49,018	148	5	153	0.3%	70	5	142	9	12	0	12	7.8%	62	4	66	9	0	9	\$128,904	\$0	\$128,904
CO	4,148	236	4	236	5.7%	50	0	74	1	5	0	5	2.1%	49	1	50	16	0	16	\$233,441	\$0	\$233,441
CT	2,867	72	9	79	2.8%	44	1	341	5	5	0	5	6.3%	33	0	33	8	0	8	\$240,921	\$0	\$240,921
DC	465	26	3	28	6.0%	0	2	9	7	0	1	1	3.6%	0	1	1	0	0	0	\$0	\$0	\$0
DE	1,295	61	0	61	4.7%	20	0	24	3	1	0	1	1.6%	22	0	22	0	1	1	\$0	\$6,380	\$6,380
FL	26,424	651	8	658	2.5%	333	2	481	8	28	1	29	4.4%	331	0	331	113	3	116	\$1,914,335	\$3,607	\$1,917,942
GA	4,365	711	22	728	16.7%	245	5	280	8	10	0	10	1.4%	237	1	238	14	1	15	\$20,200	\$38,000	\$58,200
HI	1,126	43	2	45	4.0%	17	1	51	1	0	0	0	0.0%	14	3	17	8	0	8	\$120,500	\$0	\$120,500
IA	3,940	0	99	99	2.5%	1	56	1	74	0	2	2	2.0%	1	70	71	0	2	2	\$0	\$0	\$0
ID	1,239	46	13	59	4.8%	23	0	37	4	1	1	2	3.4%	21	1	22	13	3	15	\$66,790	\$18,500	\$85,290
IL	26,121	275	18	293	1.1%	72	6	239	81	3	4	7	2.4%	57	10	67	3	3	6	\$0	\$141,748	\$141,748
IN	7,430	214	1	215	2.9%	77	0	247	43	7	0	7	3.3%	85	0	85	28	0	28	\$105,338	\$0	\$105,338
KS	5,629	259	15	272	4.8%	139	10	163	17	11	1	12	4.4%	154	13	164	8	1	9	\$57,460	\$25,033	\$82,493
KY	2,540	624	2	624	24.6%	115	1	140	6	7	1	8	1.3%	118	1	118	11	2	13	\$64,450	\$35,000	\$99,450
LA	13,166	240	7	243	1.8%	22	0	73	15	1	0	1	0.4%	20	0	20	12	0	12	\$0	\$0	\$0
MA	8,901	206	10	215	2.4%	103	0	308	3	12	0	12	5.6%	108	0	108	29	1	30	\$118,846	\$9,600	\$128,446
MD	7,867	32	6	38	0.5%	7	3	18	12	2	1	3	7.9%	3	1	4	3	0	3	\$3,750	\$0	\$3,750
ME	1,143	26	0	26	2.3%	21	0	36	5	2	0	2	7.7%	22	1	23	0	0	0	\$0	\$0	\$0
MI	17,713	520	6	526	3.0%	264	3	459	11	5	0	5	1.0%	1	3	4	0	0	0	\$0	\$0	\$0
MN	19,561	87	3	90	0.5%	59	1	468	13	2	0	2	2.2%	60	0	60	13	0	13	\$0	\$0	\$0
MO	4,958	314	9	323	6.5%	208	3	310	28	1	0	1	0.3%	89	9	98	2	1	3	\$7,750	\$38,009	\$45,759
MS	2,466	33	2	33	1.3%	2	0	6	2	1	0	1	3.0%	4	0	4	3	0	3	\$114,330	\$0	\$114,330
MT	821	77	1	78	9.5%	10	0	20	6	0	0	0	0.0%	13	0	13	6	0	6	\$67,500	\$0	\$67,500
NC	6,637	569	3	569	8.6%	67	3	91	5	10	0	10	1.8%	52	0	52	21	0	21	\$367,197	\$0	\$367,197
ND	701	26	1	26	3.7%	14	0	15	0	0	0	0	0.0%	12	0	12	0	0	0	\$0	\$0	\$0
NE	1,602	27	19	46	2.9%	10	8	21	12	2	1	3	6.5%	10	8	18	2	4	6	\$0	\$165,755	\$165,755
NH	3,103	15	3	18	0.6%	11	0	33	2	0	0	0	0.0%	12	0	12	8	1	9	\$167,402	\$0	\$167,402
NJ	5,707	528	120	641	11.2%	56	20	130	25	26	0	26	4.1%	55	15	70	35	2	37	\$204,604	\$31,740	\$236,344
NM	1,780	98	4	102	5.7%	53	0	79	4	1	0	1	1.0%	54	0	54	5	0	5	\$13,821	\$0	\$13,821
NV	1,757	467	1	468	26.6%	71	1	101	2	0	0	0	0.0%	196	0	196	7	0	7	\$5,215	\$0	\$5,215
NY	13,553	767	132	895	6.6%	351	16	447	30	14	0	14	1.6%	341	14	355	24	1	25	\$199,950	\$0	\$199,950
OH	19,088	415	8	419	2.2%	268	5	680	48	24	1	25	6.0%	322	4	326	28	2	30	\$485,050	\$0	\$485,050
OK	2,631	142	3	143	5.4%	68	0	80	2	1	0	1	0.7%	66	0	66	1	0	1	\$103,750	\$0	\$103,750
OR	3,456	172	8	175	5.1%	68	0	116	0	2	0	2	1.1%	70	0	70	13	0	13	\$41,128	\$0	\$41,128
PA	20,994	551	7	555	2.6%	130	4	364	36	5	1	6	1.1%	27	5	32	10	9	19	\$48,591	\$1,201,089	\$1,249,680
PR	1,087	107	34	136	12.5%	50	5	86	29	16	2	18	13.2%	33	2	35	35	3	38	\$58,300	\$30,070,000	\$30,128,300
RI	2,796	71	1	72	2.6%	44	0	59	4	2	0	2	2.8%	46	0	46	4	0	4	\$20,400	\$0	\$20,400
SC	3,612	152	5	152	4.2%	74	1	101	3	7	0	7	4.6%	77	0	77	2	1	3	\$9,000	\$22,000	\$31,000
SD	1,292	59	2	59	4.6%	1	0	3	3	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0
TN	2,825	272	1	272	9.6%	133	0	157	0	15	0	15	5.5%	118	0	118	17	0	17	\$30,400	\$0	\$30,400
TX	8,966	466	26	491	5.5%	234	2	1,511	43	4	0	4	0.8%	269	0	269	87	3	90	\$349,561	\$0	\$349,561
UT	1,779	59	8	67	3.8%	10	3	15	4	0	0	0	0.0%	6	0	6	2	0	2	\$0	\$0	\$0
VA	8,990	192	2	193	2.1%	46	1	115	13	2	0	2	1.0%	45	1	46	4	2	6	\$23,950	\$197,500	\$221,450
VI	29	0	8	8	27.6%	0	2	0	11	0	0	0	0.0%	0	0	0	0	4	4	\$0	\$2,746,195	\$2,746,195
VT	3,124	50	2	52	1.7%	30	1	131	3	0	0	0	0.0%	31	2	33	6	0	6	\$35,000	\$0	\$35,000
WA	6,296	171	5	176	2.8%	96	4	135	7	2	0	2	1.1%	100	4	104	1	0	1	\$10,000	\$0	\$10,000
WI	13,615	168	3	171	1.3%	60	1	95	17	1	1	2	1.2%	66	5	71	0	1	1	\$0	\$50,000	\$50,000
WV	2,980	286	1	287	9.6%	95	1	143	3	2	0	2	0.7%	101	1	102	6	1	7	\$1,830	\$0	\$1,830
WY	887	176	37	212	23.9%	90	1	138	64	4	0	4	1.9%	6	0	6	5	0	5	\$34,231	\$0	\$34,231
National	363,207	11,228	715	11,868	3.3%	4,220	185	9,056	748	274	19	293	2.5%	3,829	184	4,009	638	53	690	\$5,837,910	\$34,800,156	\$40,638,066

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" SOGs and CESOGs.

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 this 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 Noncomplier" 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.