

January 27, 2003

MEMORANDUM

SUBJECT: Implementation of the Express Authorization Process

FROM: Marianne L. Horinko /S/
Assistant Administrator

TO: RCRA Senior Policy Advisors
Regions I-X

Since the inception of the RCRA program, States and EPA Regions have expressed concerns regarding the substantial level of effort and length of time required to prepare, review and approve State applications for RCRA authorization. Although changes to the State authorization process have been made over the years, there remains room for improvement. Therefore, we have developed an initiative, called Express Authorization, to make the authorization process more efficient.

The primary element of Express Authorization is a streamlined approach to the Attorney General's Statement (AGS), which is a major component of States' authorization applications. This new approach will reduce the time and cost to prepare the application. States will now be able to prepare and submit a one page AGS instead of a lengthy and complex AGS which details State statutory authority for every rule in the application. The regulatory requirement that States document their statutory authority is addressed by a Statutory Checklist that is referenced in the attached new model AGS. The Statutory Checklist model is much shorter than the current AGS model, and would generally not be amended by every subsequent State revision application. This change will significantly reduce the amount of time and effort State Attorneys General expend to complete the AGS, as well as making the EPA review easier and shorter. While States are not required to use the Statutory Checklist models that are attached to this memorandum, we strongly urge States to carefully consider them.

These Express Authorization reforms will result in a speedier authorization process because there are fewer documents to prepare and review. Thus, Regions should establish a goal for granting authorization within **60** days after receipt of a final application from a State that incorporates the Federal rules by reference and has established its statutory checklists. Similarly, States that rewrite the Federal regulations should receive authorization within **90** days of

submitting a final application, if the Region has previously reviewed draft or proposed State regulations. Regions should expedite their reviews of draft or proposed State regulations in a similar manner.

Attached to this memorandum are the new AGS model, two model Statutory Checklists, and other documents intended to provide implementation background and guidance. We appreciate the input and suggestions you have made during the development of these models and will continue to work with you to further improve the authorization process. If you have any questions regarding these documents, please contact Steve Heare, Director of the Permits and State Programs Division at (703) 308-8404.

Attachments

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