



At a Glance

Why We Did This Project

We audited the U.S. Environmental Protection Agency's (EPA's) oversight of the implementation of new Resource Conservation and Recovery Act (RCRA) regulations by authorized state hazardous waste programs.

RCRA Subtitle C specifies requirements for the management of hazardous waste. Congress gave the states the option to assume primary responsibility for implementing the hazardous waste rules, with oversight from the federal government. For a state to assume the regulatory lead as the implementing agency, it must be authorized by the EPA to do so. Once a state has received EPA authorization for the base hazardous waste program, the state must continue to revise its program to authorize any additional required rules promulgated by the EPA. All states except Alaska and Iowa have been authorized by the EPA to implement the hazardous waste program.

This report addresses the following:

- *Partnering with states and other stakeholders.*

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Incomplete Oversight of State Hazardous Waste Rule Authorization Creates Regulatory Gaps and Human Health and Environmental Risks

What We Found

Most states are authorized to implement the majority of new required hazardous waste rules promulgated by the EPA. However, states and the EPA have taken many years to authorize rules—from less than 1 year to more than 31 years. No state has been authorized by the EPA for all required rules. For the 173 required rules, the number not authorized ranges from six to 98 per state; eight states have not been authorized for more than 50 rules. Although states may have valid reasons for not seeking authorization for a rule, these rules are nonetheless unauthorized.

The lack of timely authorization of hazardous waste rules by states creates human health and environmental risk.

The EPA lacks internal controls to validate the completeness and accuracy of state authorization information, and does not collect sufficient data to identify reasons for delays or lack of authorization of RCRA rules. Further, the EPA has not defined authorization goals to track program performance.

For Hazardous and Solid Waste Amendments of 1984 (HSWA) rules, EPA regions can administer the requirements if a state has not received authorization. However, for non-HSWA rules, the EPA cannot administer a rule when a state has not yet been authorized for the rule, which creates regulatory gaps. Unauthorized non-HSWA rules create risks to human health and the environment.

Recommendations and Planned Agency Corrective Actions

We recommend that the Office of Land and Emergency Management work with regions to identify and track rules for which states have not sought authorization and then prioritize those rules, collect information to improve the authorization process, improve data collection, and implement performance measures. The recommendations are resolved with agreed-to actions pending.

Noteworthy Achievements

The EPA has taken steps to improve the state authorization process, including conducting a Lean effort to reduce the backlog and time required for authorization, implementing monthly conference calls with regions, and identifying state authorization as a priority in the fiscal years 2018–2019 National Program Managers' Guidance.