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U.S. EPA-REGION 8
RESOURCE CONSERVATION AND RECOVERY PROGRAM

RCRA PROGRAM GUIDANCE FOR FY 2013

(Derived from FY 2013 NPM guidance for the RCRA Program, GPRA, and Region 8 Goals)

I. INTRODUCTION, PURPOSE AND OVERVIEW

This document is EPA-Region 8's guidance for the Resource Conservation and Recovery Act (RCRA) Program for Fiscal Year (FY) 2013. The guidance was designed for use by state, tribal and EPA-Region 8 (R8) RCRA Program management and staff in developing RCRA Program goals, objectives and activities for FY2013. More specifically, the guidance will be used by the states, tribes and Region 8 to develop strategies, work plans, PPAs and other program planning and management tools for FY2013.

This guidance is a combination of national and R8 RCRA program goals and priorities. It is derived chiefly from the national program management (NPM) guidance for FY2013 for the RCRA Program developed by EPA-HQ's Office of Solid Waste and Emergency Response (OSWER) and other guidance documents pertaining to the administration of an adequate RCRA program. Because the NPM guidance is tied to EPA's strategic planning process under the Government Performance and Results Act (GPRA), the R8 guidance incorporates the GPRA goals, objectives and measures. GPRA measures applicable to the RCRA program are tracked through the Annual Commitment System (ACS) and address the resource conservation challenge, permitting, corrective action, and tribal activities discussed below. Finally, the guidance includes R8 goals and perspectives on the program elements and the national guidance.

The guidance addresses several elements of the RCRA Program managed under the R8 Solid Resource Conservation and Recovery Program and the Pollution Prevention, Pesticides and Toxics Program. This includes:

- For Subtitle C (Hazardous Waste), the guidance addresses the regulated and authorized RCRA program elements, including reductions in priority chemicals under the Sustainable Materials Management program (SMM); closure and post-closure; operating permits; corrective action; authorization; and information management.

- For Subtitle D (Solid Waste), the guidance focuses primarily on solid waste and materials management under SMM, pollution prevention and recycling, and support of Tribal waste management activities.

A. NATIONAL MATERIALS AND WASTE MANAGEMENT PROGRAM PRIORITIES

EPA Administrator Lisa P. Jackson and OSWER have identified seven national priorities for waste programs, and these are integrated throughout the discussion of the principal program elements. The RCRA program and other OSWER programs make significant contributions to progress made under each of these themes

- Taking Action on Climate Change
- Improving Air Quality
- Assuring the Safety of Chemicals
- Cleaning Up Our Communities
- Protecting America's Waters
- Expanding the Conversation on Environmentalism and Working for Environmental Justice
- Building Strong State and Tribal Partnerships

Taking Action on Climate Change

Sustainable Materials Management and Energy Recovery Sustainable materials management supports the Administrator's climate change priority by identifying opportunities to reduce environmental impacts, including greenhouse gas reductions (GHG), and social impacts across the life cycle of materials from how they are mined, manufactured, used, reused, recycled, and finally disposed. Efficiencies gained in a life cycle-based materials management approach can result in less energy used, more efficient use of materials, and reduced volume and toxicity of waste. In FY 2012, ORCR will work with regions and states to advance sustainable materials management projects that reduce greenhouse gases, such as implementing the food waste and recovery strategy, pursuing innovative economic approaches for leveraging private sector involvement, promoting the safe reuse of industrial materials, increasing the national recycling rate, and focusing on a national approach to electronic waste.

The Waste Reduction Model (WaRM), a software model, is used by communities, businesses, and EPA to measure greenhouse gas benefits of sustainable materials management (SMM) activities, and will be modified to include additional materials in FY 2012. The WaRM helps solid waste planners and organizations track and voluntarily report greenhouse gas emissions reductions from several different waste management practices, thereby informing local decision-making.

Renewable Energy and Greenhouse Gas Reduction EPA is looking for opportunities to reduce or avoid GHG emissions through improved materials and land management practices. Strategies include the promotion of materials management practices through the SMM and land management practices such as green remediation, compact redevelopment, and the RE-Powering America's Land Initiative: Siting Renewable Energy on Potentially Contaminated Land and Mining Sites. Under REPowering America, OSWER will continue work with our federal partners on the projects selected for feasibility studies with the National Renewable Energy Lab (NREL), leveraging the expertise and resources of multiple agencies, to ensure that renewable

energy development yields economic benefits to communities most in need.

Improving Air Quality

112 / 129 Rulemaking To support efforts to improve air quality, OSWER, in consultation with EPA's Office of Air and Radiation, is identifying, through rulemaking, which non-hazardous secondary materials that are burned as fuels or ingredients in combustion units are solid wastes under the RCRA. Materials determined to be solid wastes under RCRA, when combusted in a combustion unit, would cause the unit to be subject to the requirements promulgated under Clean Air Act §129 for solid waste combustors. If a non-hazardous secondary material is not a "solid waste" under RCRA, and is burned in a combustion unit, then the unit that burns that material would be subject to the applicable CAA §112 requirements.

Assuring the Safety of Chemicals

Dioxin / Arsenic and Other Chemicals To remain protective of human health and the environment and to ensure the safety of chemicals over their lifecycle, OSWER's waste and materials management programs must face the challenge of adjusting to the latest scientific understanding of both well-known traditional and newly emerging chemicals. OSWER will ensure that its programs incorporate the latest scientific understanding of the health, ecological and environmental fate properties of high priority chemicals such as lead, dioxin, arsenic, trichloroethylene, tetrachloroethylene, perchlorates, and mineral fibers. We also will support this priority by developing new preliminary cleanup goals, providing technical assistance on emerging technologies, issuing new guidance, developing new methods, designing implementation strategies and, where needed, adjusting our policies and programs.

Cleaning Up Our Communities

Integrated Cleanup Initiative In an effort to improve the accountability, transparency, and effectiveness of EPA's cleanup programs, EPA initiated a multiyear effort in 2010 to better use assessment and cleanup authorities to address a greater number of sites, accelerate cleanups, and put those sites back into productive use while protecting human health and the environment. By bringing to bear the relevant tools available in each of the cleanup programs (Remedial, Removal, Federal Facilities, Enforcement and Brownfields), EPA will better leverage the resources available to address needs at individual sites.

Financial Assurance EPA will undertake activities related to CERCLA 108(b) financial responsibility requirements that support the priority of cleaning up communities by proposing regulations that will reduce the likelihood that Superfund will be used for cleanups and providing incentives for improved management of hazardous substances. In FY 2013, areas of priority emphasis will include maintenance of complete and accurate financial assurance information in RCRAInfo.

Land Revitalization All of EPA's cleanup programs (Superfund Remedial, Superfund Removal, Superfund Federal Facilities Response, RCRA Corrective Action, Brownfields, and Underground Storage Tanks) and their partners are taking positive action to protect human health

and the environment through the cleanup and revitalization of contaminated properties. This action includes using enforcement to hold responsible parties accountable for performing or paying for cleanups. Revitalizing these once productive properties can provide numerous positive benefits for communities such as removing blight, satisfying the growing demand for land, limiting urban sprawl, fostering ecologic habitat enhancements, enabling economic development in a consistent, verifiable manner and maintaining or improving health and the quality of life.

Green Remediation OSWER will work with its partners to use green remediation Practices when addressing contaminated soil, groundwater, surface water, sediments, air, and other environmental media. Cleanup activities use energy, water and material resources to achieve cleanup objectives and these activities can impact surrounding communities, ecosystems, and natural resources. EPA recognizes that the process of cleanup has the unintended consequence of creating its own environmental footprint. We have learned that we can optimize environmental performance and implement protective cleanups that are greener by increasing our understanding of the environmental footprint caused by cleanup activities and avoiding these unintended consequences while ensuring the primary goal of protecting the public health and environment. For more information on green remediation, please see *http://cluin.org/greenremediation/*

Coal Combustion Residual OSWER's assessments of coal combustion residual (CCR) impoundments and our rulemaking activities support the Administrator's priorities of cleaning up communities and protecting America's waters. Many of the CCR management units are located near or on water bodies and near communities. We will continue to make information on the assessments available to all on our website. EPA is working to finalize regulations for disposal of CCRs.

RCRA Corrective Action OSWER's RCRA Corrective Action program also supports this priority by working to clean up the 3,747 operating RCRA facilities to ensure protection of human health and the environment. Achieving our human health and ground water environmental indicator goals is the first step toward building successful long-term remedies that will result in safe, clean properties. Through FY2011, EPA and its state partners have achieved protection from human exposure at 86%, groundwater migration at 75% and constructed final remedies at 47% of the 3,747 facilities in the 2020 corrective action universe. We are using, where possible, greener remedies to facilitate land revitalization for these RCRA sites.

In FY 2013, program goals will include reaching 85% for our human exposure controlled indicator, 73% for our groundwater controlled indicator, and 51% for our remedy constructed target. We will provide technical assistance to states and the regulated community as needed to ensure we reach our national goals for FY 2013.

Protecting America's Waters

CERCLA and RCRA authorities are included in a comprehensive approach to watershed protection and are a critical component of the Administrator's priority to protect America's waters. OSWER's cleanup programs already have a substantial amount of

work underway in the Chesapeake Bay and Great Lakes watersheds. We will continue to use our cleanup programs to address current and historical releases. The Superfund, RCRA Corrective Action, Brownfields, and Removal programs will fill a gap by addressing sources of pollution that are not regulated by Clean Water Act authorities. In FY 2013, these programs will continue efforts to explore expanding site assessment and cleanup efforts targeting the regional focus areas of Elizabeth River, Anacostia River, and Baltimore Harbor. Further, OSWER will be a direct partner with the Office of Water in implementing the Urban Waters Initiative, and in particular in engaging other federal agencies in this effort.

Expanding the Conversation on Environmentalism and Working for Environmental Justice

Community Engagement Initiative Community engagement is an integral part of all of OSWER's work. OSWER will continue to implement its Community Engagement Initiative to ensure transparent and accessible decision-making processes, deliver information that communities can use to meaningfully participate and enhance EPA's culture and management processes to produce outcomes that are responsive to community perspectives. The Integrated Cleanup Initiative is an aggressive management strategy to address community concerns for more accountability, transparency and progress in the cleanup of contaminated sites. For all OSWER programs, specific activities were refined and implemented in FYs 2011 and 2012 with ongoing feedback and input from communities, stakeholders, local governments, tribes and states.

OSWER's Definition of Solid Waste (DSW) environmental justice (EJ) pilot project supports this priority by engaging communities in a discussion on how to achieve reuse and recycling of hazardous wastes without EJ impacts and how best to analyze potential disproportionate impacts to minority or low-income communities from hazardous secondary material recycling. For FY 2013, emphasis will include fully integrating EJ considerations in the Agency's decision-making process on the DSW rule. Toward these ends, we will produce for public comment a draft analysis of potential environmental justice impacts of the DSW rule as part of EPA's proposed response to an administrative petition on the DSW rule.

Building Strong State and Tribal Partnerships

States play a varied and critical role in all of OSWER's programs, however declining tax revenues and fiscal challenges are pressuring state agencies and tribal governments to do more with fewer resources. Strong partnerships and accountability are more important than ever. States are authorized to operate some programs, while in others they are partners. The chance of success in all programs, including voluntary programs, is dependent on full and active participation of states. Providing grants and funding assistance, developing guidance, tools, and technical assistance, keeping open lines of communications regarding planning and program development, and providing needed tools and analysis to help make the right decisions strengthens EPA's relationship with the states.

OSWER will continue its extensive and carefully planned participation in state organization meetings, such as the Environmental Council of States (ECOS) and the Association of State and

Territorial Solid Waste Management Officials (ASTSWMO). OSWER management is proposing to ECOS to initiate quarterly conference calls with ECOS committee chairs.
In partnership and consultation with the OIA's American Indian Environmental Office, OSWER will continue to participate in tribal organization meetings, and in meetings with individual tribes, to ensure appropriate consultation and communication with tribes for all OSWER programs. We also participate in tribal organization meetings such as the National Tribal Operations Committee (NTOC). OSWER has made it a priority to increase headquarters' participation in EPA regional meetings with tribes, such as annual regional tribal meetings, Tribal Leaders Summits, and Regional Tribal Operations Committee meetings, to enhance understanding of local issues facing tribes. OSWER also has partnered with the Institute of Tribal Environmental Professionals and created the Tribal Waste and Response Assistance Program (TWRAP), which is led by a national tribal steering committee that reflects the broad needs and interests of tribes throughout the country.

OSWER will continue to play an integral, supportive role in strengthening and building the capacity of state and tribal environmental response programs through the funding and technical assistance provided under the Brownfields CERCLA 128(a) program. This program, through cooperative agreements, allocates approximately $50M each year to strengthen and support state and tribal environmental response programs. OSWER has placed a new emphasis on ensuring that, as much as possible, site-specific assessment and cleanup activity supported with these funds are directed to disadvantaged and underserved communities and neighborhoods.

B. REGIONAL PRIORITIES

In late 2005, the Deputy Administrator asked the regions to identify a limited number of Regional and state priorities. These priorities were based upon dividing the nation into geographic groups and establishing performance measures to support the priorities. The geographic areas include the Northeast, Midwest, Great South, Great American West, Tribes, U.S.–Mexico Border and Islands.

Many of the performance measures developed by these regional groups support OSWER national program priorities. The selected regional priorities that align with or support OSWER's national goals include Superfund and Brownfields site assessments; Superfund construction completions; Brownfields acres made ready for reuse; emergency preparedness exercises; and tribal efforts to increase the number of tribes covered by integrated waste management plans, to close, cleanup, or upgrade open dumps, and to assess, cleanup, and redevelop Brownfields properties.

The current Region 8 priorities are Agriculture, Air Quality, State & Tribal Capacity Building and Collaboration, Climate Change, Direct Implementation, Energy, and Homeland Security.

EPA NATIONAL AND REGIONAL STRATEGIC PRIORITIES

Strategic Priorities	National	Regional
Assuring the safety of chemicals	X	
Expanding conversations of environmentalism and working for environmental justice	X	
Restoring imperiled waters	X	X
Improving air quality	X	X
Climate change	X	X
Building stronger state & tribal partnerships	X	X
Sustainable and healthy communities	X	X
Stronger EPA		X
Building Partnerships with the Agricultural Community		X
Energy		X
All hazards response		X
Direct implementation		X
American Reinvestment & Recovery Act (ARRA)		X

C. NATIONAL IMPLEMENTATION STRATEGIES

OSWER has begun implementing the *Community Engagement Initiative* (CEI) designed to enhance headquarters, regional and state program engagement with local communities and stakeholders to participate in a meaningful way in government decisions on land cleanup, emergency response, and the management of hazardous substances and waste. The initiative provides an opportunity for OSWER to refocus and renew its vision for early and effective community engagement, build on existing good practices, and apply them consistently in EPA processes. Proactive, meaningful engagement with communities will enable OSWER and regional programs to obtain better information about the environmental problems and local situations, leading to more informed and effective policies and decisions. Specific activities will be refined and implemented in FY 2013 with ongoing feedback and input from communities, stakeholders, local governments, tribes, and states. The CEI has three goals:

1. Develop transparent and accessible decision-making processes to enable meaningful community stakeholder participation.

2) Present information and provide technical assistance in ways that will enable community stakeholders to better understand environmental issues and participate in an informed way during the decision-making process.

3) Produce outcomes that are responsive to stakeholder concerns and are aligned with community needs and long-term goals to the extent practicable.

OSWER is pursuing program efficiencies to improve the management of the programs and increase joint efforts among programs. A key effort described above is our Integrated Cleanup Initiative. By bringing to bear the relevant tools available in each of the cleanup programs (Remedial, Removal, Federal Facilities, Enforcement and Brownfields), EPA will better leverage the resources available to address needs at individual sites.

The RCRA program continues its focus on two primary areas. One is the continued existing statutory obligations to ensure the safe management of hazardous and nonhazardous waste and to clean up hazardous and non-hazardous releases. The other is our emphasis on resource conservation and materials management through partnerships. Much of the effort toward solid waste and chemicals reduction and recycling is under the Sustainable Materials Management (SSM) program.

The RCRA program also stresses the importance of incorporating environmental justice (EJ) into all of its regulatory and non-regulatory activities. The program places a strong emphasis on engaging communities in all stages of decision-making processes, working collaboratively to develop solutions that address the concerns of the community to the extent practical and possible. We encourage innovative solutions that look beyond specific programs — solutions that engage situations holistically and utilize elements from a variety of program areas to improve situations in communities that may be disproportionately impacted by waste and materials management activities.

EPA, states, territories, and tribes are working together to develop the National Environmental Information Exchange Network, a secure, Internet- and standards-based way to support electronic data reporting, sharing, and integration of both regulatory and non-regulatory environmental data. Where data exchange using the Exchange Network is available, states, tribes and territories exchanging data with each other or with EPA should make the Exchange Network and EPA's connection to it, the Central Data Exchange (CDX), the standard way they exchange data and should phase out any legacy methods they have been using. More information on the Exchange Network is available at *http://www.exchangenetwork.net/*

D. PERFORMANCE MEASURES

On October 11, 2006, the Deputy Administrator signed a memorandum entitled, *State Reporting Burden and Measures Streamlining Initiatives,* to provide an important opportunity for our state partners and EPA to identify burdensome requirements and measures for potential deletion or modification. Through these initiatives, EPA developed a smaller set of reporting requirements to support measures that are useful for monitoring Agency performance. EPA is working with its state partners to identify and address remaining high-burden, low-value reporting requirements. The October 11, 2006 memorandum can be found at *http://www.epa.gov/cfo/npmguidance/fy07_memo_from_peacock.pdf*.

OSWER continues to emphasize the importance of cross-program revitalization measures to promote and communicate cleanup and revitalization-related accomplishments and associated benefits/values to society. See the following websites for more information on documenting and reporting OSWER's land revitalization performance measures and indicators: *http://www.epa.gov/fedfac/sf_ff_final_cprm_guidance.pdf*, *http://www.epa.gov/epawaste/hazard/correctiveaction/resources/guidance/brfields/lr_guid.pdf* and *http://www.epa.gov/brownfields/pubs/rptforms.htm*. These acres-based measures will enable OSWER to describe the collective scope of sites being addressed by all of its cleanup programs as well as acres-based progress. During FY 2007, OSWER programs began implementing the following three cross-program revitalization measures, which are predominantly based on information the programs already collect:

- *Universe Indicator* - the total number of sites and acres being addressed by all OSWER's cleanup programs.
- *Protective for People Performance Measure* - the number of sites and acres at which there is no complete pathway for human exposures to unacceptable levels of contamination based on current site conditions.
- *Ready for Anticipated Uses (RAU) Performance Measure* - the number of sites and acres at which cleanup goals have been achieved for media that may affect current as well as reasonably expected future land uses, and institutional controls identified as part of the remedy are in place. For more information concerning institutional controls please see *http://www.epa.gov/superfund/policy/ic/index.htm*. The RAU measure is captured by the CA800 data element in RCRAInfo.

OSWER programs are expected to provide updates on these measures in the Cross-Program Revitalization Measures Report.

E. Significant Changes to Priorities or Strategies from FY 2012

The most far-reaching changes to EPA's strategies are defined by the priorities identified the Administrator in her January 12, 2010 memorandum to all EPA employees. These priorities are organized into seven themes to focus the work of the agency. OSWER's contribution to each of these priorities is critical to its success and is described in section III of this executive summary.

In an effort to improve the accountability, transparency, and effectiveness of EPA's cleanup programs, EPA has initiated its Integrated Cleanup Initiative, a multi-year effort to better use assessment and cleanup authorities to address a greater number of sites, accelerate cleanups, and put those sites back into productive use while protecting human health and the environment. By bringing to bear the relevant tools available in each of the cleanup programs (Remedial, Removal, Federal Facilities, Enforcement and Brownfields), EPA will better leverage the resources available to address needs at individual sites. Further, the effort will examine all aspects of the cleanup program, in a more granular fashion, identifying key process improvements, enhanced efficiencies, and associated performance measures to clearly gauge and demonstrate progress from site assessment through site-wide construction completion. EPA's ability to pursue this initiative is due in part to ARRA funding for remedial design or remedial

action projects. This effort will result in more transparency for EPA's cleanup programs, encourage community involvement, and enhance accountability to the public.

OSWER will be implementing its *Community Engagement Initiative* designed to enhance Headquarters, regional and state program engagement with local communities and stakeholders to meaningfully participate in government decisions on land cleanup, emergency response, and the management of hazardous substances and waste. The goals of this initiative are to ensure transparent and accessible decision-making processes, deliver information that communities can use to meaningfully participate and enhance EPA's culture and management processes to produce outcomes that are responsive to community perspectives.

In FY 2013, EPA will advance the transition from exclusively waste management under the Resource Conservation Challenge (RCC) Program to a sustainable materials management (SMM) program. SMM looks at more materials, and the products and services they are used for, and analyzes them from all life cycle stages, not limited to "end of life" as was the focus for much of the RCC. Because of this transition, EPA will discontinue its support of many RCC partnership programs, including Recycling on the Go, GreenScapes, Carpet America Recovery Effort, and the National Partnership for Environmental Priorities (NPEP). Instead, the RCRA program will focus on an approach that:

- Enables the federal government to lead by example, with emphasis on federal procurement practices and standards;
- Works with states and local governments with improved support for updated solid waste management plans;
- Considers specific sectors of potential promise (electronics, food waste, construction and demolition, and packaging); and
- Evaluates EPA's permitting and regulatory work for impacts on sustainable materials use.

Efficiencies gained through SMM approaches will become increasingly important under current resource constraints.

F. Scope of This Guidance

The guidance contains two major chapters following this introduction:

1. Chapter II of the guidance presents a more detailed discussion of environmental priorities and strategies for implementing the RCRA program and achieving environmental results. For each program element (closure, permits, etc.), the discussion includes both the national and R8 views. This chapter also includes discussion of the OSWER themes of the Revitalization; Recycling, Waste Minimization and Energy Recovery; Emergency Preparedness, Response and Homeland Security; Implementing New Energy Legislation; and Clean Energy and Greenhouse Gas Reductions.

2. Chapter III presents a discussion of guiding principles for program management that address how the various agencies (states, tribes, EPA) will plan, coordinate and track the activities discussed in Chapter II.

The guidance also contains the following 4 appendices:

1. The narrative and table of Performance Standards and Oversight Procedures (PSOP) for the administration of Hazardous Waste Programs under RCRA. The Performance Standards contains program criteria, definitions, measures and standards that define an adequate authorized Subtitle C Hazardous Waste Program. The Oversight Procedures are those used by EPA Region 8 to assure that the administration of state authorized programs meets the standards set forth in law, regulation and authorization documents, and verifying that the annual federal grants to the states are spent responsibly.
2. A 5-page discussion of Fundamental Measures of Success for RCRA Programs and a table of Required Program Measures and RCRAInfo Data Elements for the R8 RCRA Program that focuses on the specific measures that are discussed under each program element in Chapter II. These measures will need to be addressed in the FY 2013 PPAs.
3. The *FY 2013 RCRA Program Commitment Cover Sheet*, an Excel spreadsheet, presents the status of state programs relative to long term goals and records the annual numerical commitment for each State RCRA program. This document is currently published in report format via the RCRAInfo website, http://www.epa.gov/rcrainfo, Reports Module #2, Cross Module Reports, Region 8 Hazardous Waste Commitments Report.
4. A Workplan Projections and Achievements database tool for planning and reporting RCRA permitting and corrective action events is also incorporated into this guidance. Access to this planning and reporting tool is via the RCRAInfo website, http://www.epa.gov/rcrainfo, Reports Module #2, Cross Module Reports, Region 8 Workplan Projections and Achievements Report. To use this tool, each state must enter into RCRAInfo the <u>schedule</u> date for targeted events at the Unit/Area level at specific facilities. Running the Workplan report after entering these data will populate the report with all projected RCRA events. Subsequent entry of <u>actual</u> dates into the database and running the Workplan report again will populate the table with achievement information.

This guidance does <u>not</u> address the following elements of the RCRA Program:

1. The enforcement element of the Subtitle C Program. That program function is located in the R8 Office of Enforcement, Compliance and Environmental Justice, and guidance for the program element is contained in the Memorandum of Agreement [MOA] between EPA-HQ/OECA and the Regions.
2. The Subtitle I (UST/LUST) program element of RCRA (that function is has recently relocated to the RCR Program, however UST/LUST guidance is being delivered separately to underground storage programs in the various states.

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II. ENVIRONMENTAL PRIORITIES AND IMPLEMENTATION STRATEGIES

This chapter of the guidance presents the major goals, objectives and environmental priorities of the RCRA program, and discusses implementation strategies that most directly support those goals, objectives and priorities. This discussion includes translating the goals, objectives and priorities into specific RCRA program activities and measures of success.

GENERAL NATIONAL PROGRAM MANAGEMENT (NPM) GUIDANCE

The major goals of the national RCRA program focus on two main areas:

1. Continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste (permitting) and cleaning up hazardous and non-hazardous waste releases (corrective action). The RCRA hazardous waste program is close to completing a major effort to bring corrective action sites under control, and will focus on effectively moving these sites toward final cleanup. Likewise, the program will work to complete its obligations to issue permits or other approved controls, and will increasingly emphasize permit renewals. (Sections B, C, D of this Chapter)
2. Advance the transition from exclusively waste management to sustainable materials management to continue efforts to reduce the generation of solid wastes. SMM is structured to look at more materials, and the products and services that they are used for, and to analyze them from all life cycle stages. Systems thinking for SMM is essential for making informed materials management decisions and reducing the environmental impacts of materials, including energy use and GHG emissions.

EPA's Strategic Plan addresses these program areas under Goal 3 (Land Preservation and Restoration) and Goal 5 (Compliance and Environmental Stewardship). National performance expectations (targets/objectives) for each element of the RCRA program are established by ORCR in cooperation with the lead region in the early spring of each year.

Progress tracking will continue as normal, using established database systems (RCRAInfo) and/or manual reporting requirements as outlined in program-specific guidance.

REGION 8 PERSPECTIVE ON BROAD GOALS AND OBJECTIVES

R8 supports the two highest priorities of continuing programmatic obligations for permits and corrective action, and redirecting efforts toward sustainable materials management. We have discussed these priorities with the states and tribes in the past and will continue to do so through FY 2013. R8 also supports the other OSWER priorities and will work with state and tribal partners to find opportunities to develop these themes across and within RCRA program elements.

A. SUSTAINABLE MATERIALS MANAGEMENT

Goal 3: *Cleaning Up Communities and Advancing Sustainable Development*

The RCRA program will emphasize its strategy to conserve resources and reduce waste, energy, and greenhouse gas (GHG) emissions through effective lifecycle-based sustainable materials management (SMM). The overarching goals for SMM efforts are:

- Minimize the generation of waste materials through source reduction and waste prevention,
- Increase diversion from landfill/incineration including waste prevention, recycling, and composting,
- Increase economic benefits generated from reducing the generation and/or disposal of waste,
- Increase greenhouse gas reductions through reduced generation and/or disposal of waste

SMM is an approach to reduce environmental and societal impacts across the life cycle of materials from how they are extracted, manufactured, used, reused, recycled, and disposed. Efficiencies gained in SMM approaches can result in less energy used, more efficient use of materials, more efficient movement of goods and services, conservation of water and reduced volume and toxicity of waste. Regions will be expected to champion and support sustainable materials management strategies and national level projects.

For 2013, SMM activities, in the Region, will focus on strategic action areas as well as activities supporting the following SMM focus areas:

- State and Local Governments Aiming for Zero Waste
- Federal Green Challenge
- Electronics Challenge
- Food Recovery Challenge

B. REGION 8 PERSPECTIVE ON SMM

Region 8 recognizes that sustainable materials management activities are a voluntary element of the Solid and Hazardous Waste programs in our various states. Neither the Midyear nor the End-of-Year program reviews will evaluate SMM issues. ORCR and Region 8 perspectives on sustainable materials management are presented here in order to provide context for discussions that occur during monthly conference calls between R8 and the states, and to show opportunities where states may seek added assistance from EPA. Region 8 is changing its focus to align with the new national priorities, yet focused assistance will be maintained in areas that are critical to state programs.

State and Local Governments Aiming for Zero Waste

a) Driving the incorporation of sustainable materials management best practices into state solid waste management (SWM) plans,
b) Developing a nationally consistent measurement methodology,

i. Region 8 will continue to define measurement methodology and terminology with ORCR while coordinating with state programs.

c) Helping Local Governments Advance Zero Waste Principles

i. Region 8 will assist a local government pilot participant (City of Ft. Collins) to make measurable progress towards sustainable materials management zero waste objectives to achieve higher rates of source reduction, materials reuse, and recycling.

Federal Green Challenge

Reduce the environmental footprint of federal agencies through the use of effective practices, tools, and partnerships. Regular communication and interaction will occur in order to maintain focus and provide value that increases the adoption and implementation of strategies to reduce the federal materials and GHG footprint.

Electronics Challenge

In July 2011, an interagency task force on electronic stewardship published the National Strategy for Electronics Stewardship to lay the groundwork to improve the design of electronics and management of used or discarded electronics. EPA continues to support safer and more protective recycling by encouraging the use of accredited, third-party electronic recycling certification standards. Adherence by recyclers to these standards can help to protect human health and the environment, minimize worker exposure to chemicals, maximize reuse and recovery, and provide other benefits. Consistent with the actions identified in the National Strategy for Electronics Stewardship, EPA is currently developing an *Electronics Challenge* that will:

- Increase responsible recycling through commitments to use third-party certified recyclers
- Increase transparency and accountability through public posting of data
- Incentivize outstanding performance through awards and recognition

The *Electronics Challenge* will focus on original equipment manufacturers (OEMs) and retailers as participants because these entities have the capacity to significantly influence the safe reuse and recovery of used electronics. Current and future activities include:

- Launched in July 2011 as part of the release of the National Strategy (NSES). Sony, Dell and Sprint committed to sending 100% of the used electronics that they collect for reuse and recycling to 3rd party certified refurbishers and recyclers in the U.S. They also committed to working towards increasing the total amount of electronics collected and to publically report information and recycling data.
- EPA is scheduled to host a Roundtable conversation with approximately 15 electronics manufacturers and retailers in April 2012 to obtain input and garner support for a national roll-out of the Electronics Challenge. It is anticipated that a few other manufacturers and retailers will join the Electronics Challenge and EPA is scheduled to host a signing event at a 3rd party recycler facility in April.

- During the national roll-out with OEMs and Retailers, Regional participation is not being requested. Regional expertise will be requested for future efforts.

Food Recovery Challenge

To advance sustainable food management practices throughout the nation by preventing and diverting food waste from landfills through a sector-based recruitment strategy. EPA is targeting recruitment in three sectors for a three-year period. EPA initiated two phases of recruitment: Phase 1 (August 2011 – December 2011) leveraged on-going relationships. Phase 2 (January 2012 – December 2014) focuses on the largest grocery stores, universities and venues.

C. ADDITIONAL REGIONAL FOCUS AREAS

Electronics Stewardship

Region 8 supports stewardship for the entire lifecycle of electronic products. The region is committed to sharing innovative methods and tools to foster green design, increase the purchase and use of more environmentally sustainable electronics, and increase safe and environmentally sound reuse and recycling of used electronics.

Industrial Materials Reuse and Recycling Program

In FY 2013, the Office of Resource Conservation and Recovery (ORCR) will continue its work on evaluating the human health and environmental safety of the beneficial use of industrial materials. Following the acceptance of its methodology, EPA has been assessing the safety of encapsulated uses of coal combustion residuals (CCRs) in FY 2012 and FY 2013. ORCR will follow with the evaluation of unencapsulated uses.
Region 8 will continue to support ongoing successes and other beneficial activities to increase the reuse and recycling of industrial materials in an environmentally sound manner. The focus for FY 2013 will be primarily in the following areas:

- mapping regional industrial materials flow
- working on market infrastructure development to increase safe asphalt shingles recycling
- completing and publishing a life cycle assessment study on the use of recycled asphalt shingles that compares various pavement mixes
- working with the Office of Research and Development to evaluate the beneficial use of hard rock mine waste tailings in poured concrete applications
- developing sustainable materials management practices for greener cleanups to support EPA's Green Remediation Initiative
- participating on the Agency's workgroup for the proposed Coal Combustion Residuals Rule, and
- addressing technical assistance requests.

Hazardous Waste Minimization

EPA-R8 will continue its work with the states to identify waste reduction opportunities for Priority Chemicals, and facilitate communication on hazardous waste minimization through the development of tools and resources

Schools Chemical Cleanout Campaign (SC3)

The Schools Chemical Cleanout Campaign (SC3), strives to facilitate: (1) removal of legacy accumulations of dangerous chemicals from K-12 schools; (2) implementation of strong, sustainable chemical management in schools to prevent chemical accidents in the future; and, (3) understanding and awareness of the problem.

EPA has made progress on building a national campaign that includes a public/private partner network to make responsible chemical management available to all schools across the nation. These partnerships will help us to create sustainable chemical management programs in schools that ultimately decrease the number of injuries and school days lost due to poor chemical management and chemical spills, which is likely to improve the learning environment in K-12 schools across the nation.

This partnership network will be available to bring this information, expertise, and resources to as many school districts as possible across the country. Regions will be the key to making this vision a reality. It will be the regional knowledge of the local landscape that will help match partners with school districts lending their expertise to grow the campaign and ensure that it complements and embraces other Agency Healthy School Environments Initiatives. Regions will also take the lead in identifying and targeting local industries that have the ability to assist with the Campaign and schools that are in need of assistance. Success in FY 2012 will be measured by schools affected, students and school staff protected, and sustainable practices established.

Coordinating Across Partnership Programs

EPA-Region 8 will continue its efforts to "bundle" partnership programs that address several EPA program for industry sectors. This will occur through such efforts as the Rocky Mountain Greener Venues and similar programs.

B. SAFE WASTE MANAGEMENT

Goal 3: Land Preservation and Restoration
Subobjective 3.1.2: Manage Hazardous Wastes and Petroleum Products Properly

In FY 2013, the permitting program has a national goal to collectively achieve 100 additional hazardous waste facilities under initial or updated approved controls (about 20% of the GPRA facilities needing initial and updated controls). Since all Region 8 states are authorized to issue permits, and because states receive grant funds to implement the RCRA hazardous waste program, the Region will work with states to:

- Update and implement multi-year strategies to meet the FY 2013 annual goal and

the FY 2011-2015 strategic goals.

- Update assessments of what is needed for each facility to achieve approved controls and update when each facility is projected to achieve approved controls.
- Ensure that the programs are making progress on cleaning up permit renewals data in RCRAInfo and decreasing the backlog of renewals.

Regions should work with the states toward achieving the FY 2015 national strategic target of preventing releases at 500 RCRA hazardous waste management facilities by implementing initial approved controls or updated controls. This should result in getting at least 98 percent of the facilities on the permitting baseline under approved controls (removing facilities from interim status by issuing an initial RCRA Part B permit), and updating controls at additional facilities, for a total of 500 facilities between FY 2011 and FY 2015. During FY 2013, the regions should also work toward the FY 2015 strategic goal of achieving 500 initial approved or updated controls which comprises FY 2012 through FY 2015 annual accomplishments.

Region 8 perspective

The R8 baseline universe for SWM comprises 84 post-closure and operating TSDFs. At the end of FY2011, initial approved controls were in place at 81 of these facilities, or 96% of the universe. The remaining three (3) facilities still needing initial controls are among the most challenging and one of the three must be accomplished during the upcoming fiscal year if the region is to meet the current goal of 98%.

The Region will also include projections for renewed controls in order to help meet the strategic goal of 500 controls by 2015, and the states will need to assure that permit effective and expiration dates are current and accurate.

For FY 2013, R8 will:

- Continue to work closely with the states on the R8 facility-specific strategies that lay out when we expect each TSDF to have all post-closure or operating controls in place, what mechanisms will be used, and what steps will be taken to achieve the goal. R8 will focus its efforts in those states with the greatest number of facilities without approved controls. States should also work with EPA to update these facility-specific strategies annually. For example, the FY 2013 PPAs should include an updating of these strategies as part of the FY 2013 planning process that would begin around the time of the 2012 Midyear review.
- Use the R8 RCRAInfo Closure, Post-Closure and Operating Permit Reports and work with the States to schedule closure and post-closure events (submittals, approvals, verifications, and issuances/other controls) for all closing units, particularly disposal units in the Baseline Universe.
- Promote/assure issuance of PC permits or other appropriate mechanisms, per the Post-Closure Rule.
- Integrate measurement of renewing controls into the tracking and management process.

Tribal Programs

EPA has significant responsibilities related to the safe management of solid and hazardous waste in Indian country. Regions with federally-recognized tribes should devote resources to assisting tribes, consistent with EPA's 2012-2015 Strategic Plan. Regions are expected to achieve the following targets during FY 2013:

- Assist tribal governments to ensure that an additional 3 tribes are covered by an integrated waste management plan approved by an appropriate governing body;
- Assist tribal governments to ensure that an additional 45 open dumps in Indian country and on other tribal lands are closed, cleaned up, or upgraded.

The Indian Health Service (IHS), in collaboration with EPA, customized the HIS Operation and Maintenance Data System (OMDS) database, a subset of the web Sanitation Tracking and Reporting System (w/STARS). The w/STARS database is the official repository for EPA to hold all data on open dumps on tribal lands. With the culmination of efforts to largely populate the database, Regions should continue in FY2013 to conduct any necessary site assessments, enter data for each open dump, and perform any necessary data clean up.

Furthermore, EPA has provided information regarding the elements of an integrated waste management plan which Regions should use when evaluating what plans should be reflected in the ACS for this performance measure.

Region 8 Perspective

R8 currently has four main focus areas: 1) open dumps, 2) Integrated Solid Waste Management Plans (ISWMPs), 3) Sustainable Materials Management (SMM), and 4) Tribal solid waste training.

- For open dumps, R8 has completed the open dump inventory and is now helping Tribes to come up with plans to close or clean up the open dumps. R8 funded circuit riders are available to assist Tribes in writing plans. R8 also provides oversight for Tribes with open dump cleanup grants, and works with GAP to fund cleanups.

- For ISWMPs, some Tribes have current plans, some Tribes have outdated plans, and some Tribes do not have plans. Again, R8 funded circuit riders are available to assist Tribes in writing plans.

- For SMM, R8 has four priorities: 1) green casinos, 2) recycling, 3) composting, and 4) scrap tires. For green casinos, R8 has completed a green casino assessment at Ute Mountain Casino, has presented and sponsored a booth at the National Indian Gaming Association annual conference, and will present at the Great Plains Indian Gaming Association annual conference. R8 may also provide a combination of a workshop, webinars and an additional assessment in FY 10 and FY11. To encourage recycling and composting, R8 is considering offering a combination of meetings, a workshop, webinars, and tribal grants in FY11 and FY12. For scrap tires, R8 is considering hosting

a meeting with the Rubber Manufacturing Association, States and Tribes, and offering webinars in FY11 or FY12.

- For Tribal solid waste training, R8 serves as the national lead working with IHS to develop and fund appropriate Tribal solid and hazardous waste training.

Environmental Justice

The ORCR embraces the Administrator's environmental justice priority and is committed to promoting healthy and environmentally sound conditions for all people through its RCRA waste management programs. To ensure that the goals of EJ are accomplished, RCRA program staff should continue to incorporate EJ considerations into ongoing day-to-day RCRA regulatory and non-regulatory activities under each of the sub-objectives included in this section, promoting healthy and environmentally sound conditions for all people. Moreover, RCRA regulatory and non-regulatory activities addressing EJ should continue to be included in the EJ Action Plans that have measurable EJ components.

To facilitate continued integration of EJ considerations into RCRA programs, policies, and activities, Regions should support and work closely with the states to ensure that:

- Environmental regulations, applicable federal EJ policies, strategies, tools and training programs are used to adequately address EJ concerns;
- The public continues to have access to RCRA regulatory and non-regulatory documents and data, particularly in high risk communities (e.g., multimedia data integration projects, other studies, and communication/outreach activities);
- Public input is solicited and considered (e.g., through periodic listening sessions, outreach efforts, etc…), as appropriate, and during all phases of the RCRA permitting, corrective action, and PCB decision-making processes;
- RCRA policies, programs, and activities continue to address the concerns of the potentially affected populations, including those living in minority and/or low-income areas and on tribal lands;
- Environmental and human health improvements are achieved through effective waste and materials management, particularly in minority and/or low income communities who frequently may be exposed disproportionately to environmental harms and risk;
- Workload priorities for progressing towards permitting and corrective action GPRA goals include EJ areas of concern;
- There is continued emphasis on participation in collaborative problem solving with other federal, state, tribal, and/or local agencies to address EJ concerns; in EJ training efforts; and in national, state, tribal, or local dialogue around the issue of EJ (i.e., NEJAC, Community Involvement Conference, Brownfields Conference, Regional Listening Sessions, public meetings, etc.);
- Innovative approaches that will empower disadvantaged communities to ensure successful voluntary cleanups are developed or offered;
- Issues such as cumulative risk, health disparities, and appropriate demographic issues in the context of permit decisions, corrective action cleanups, PCB cleanup activities are considered when feasible;

- EJSEAT, EGAT, and other GIS tools are used when possible and practical as a functional way to identify and prioritize "potential EJ areas of concern."

Region 8 perspective

Environmental justice has been identified by Administrator Lisa Jackson as a key priority for the EPA. In testimony before Congress, Ms. Jackson stated.."we will enhance efforts to integrate environmental justice considerations in EPA's programs and policies." Region 8 extends an offer to work with each of our states to make Ms. Jackson's commitment an active part of our programs. For help in making make the principles and practices listed below effective for your program, please contact Michael Wenstrom, Environmental Justice, at 303-312-7009 (wenstrom.michael@epa.gov).

Financial Assurance

This guidance also notes the capability within RCRAInfo for entering and tracking data on financial assurance at TSDFs. This information (1) will allow states to better coordinate their review of these instruments, (2) will provide state and national information on the types of instruments used and their providers, and (3) fulfills commitments the Agency has made to the Inspector General and the Government Accountability Office.

Details on the mandatory data elements and data entry were provided to the RCRAInfo users' community in the Consolidated High Level Design Document for Version 4 of the database. These data elements will require states to input information on the financial assurance instruments used by treatment, storage and disposal facilities. The modifications to the data system were completed during FY 2009. All covered facilities were entered into RCRAInfo by the end of FY2010. Future emphasis will be on maintaining current and complete information on financial assurance in the national database.

Region 8 perspective

During FY2012, Region 8 initiated the monthly practice of distributing the Financial Assurance Required Report to each state. Region 8 supports the goal of having all facilities requiring financial assurance to have cost estimates and financial mechanism information entered into the data system and maintaining the accuracy and currency of the information contained therein..

Key Measures for FY 2011 for the Combined (Operating and Post Closure) Permitting baseline: The **cumulative goal for FY 2013 is to have 98%** of permitted facilities with approved controls in place, and R8 and the states will target and monitor the activities that achieve the goal, including: (a) **Closure Verifications (CL380)**; (b) **Post-Closure Plan Approval (PC360)**; (c) **Post-Closure Permit final determination (PC200) with Post-Closure Permit Effective Date (PC205) or modification (PC240) or issuance of Post-Closure order (Operating Status Code = CA)**; **Operating Permit final determinations (OP200 with Operating Permit Effective Date (OP205), including modifications OP240) and renewals.**

C. CORRECTIVE ACTION CLEAN UP PROGRAM

Goal 3: Land Preservation and Restoration
Subobjective 3.2.2: Clean Up and Revitalize Contaminated Land

National Guidance

The 2020 Corrective Action Universe lists all 3,747 facilities that may need cleanup under the RCRA Corrective Action program. This list, which can be found online at http://www.epa.gov/epawaste/hazard/correctiveaction/facility/index.htm#2020, will serve as the "RCRA Cleanup Baseline" for 2013. EPA's 2012-2015 Strategic Plan will commit the program to reaching specific percentages for three key measures at these sites by 2015:

- Control all identified unacceptable human exposures from site contamination to health-based levels for current land and/or groundwater use conditions (Human Exposures EI)
- Control the migration of contaminated groundwater (Groundwater EI)
- Complete construction of final remedies (Remedy Construction)

EPA's aspirational goal is to achieve 95 percent completion, for the 2020 Universe, for all three goals by the end of FY 2020.

Performance Goals for FY 2013:

- Human Exposures EI – 85 percent
- Groundwater EI – 73 percent
- Remedy Construction – 51 percent

Almost 2,000 facilities were added to the "RCRA Cleanup Baseline" in 2009, and existing progress at these new facilities varied across Regions and states. As a result, the expectation that all Regions and states finish 2013 at the national percentage is unrealistic. Regional targets that together add up to the national percentages will be set via the ACS in the last two quarters of FY 2012.

Region 8 Perspective

In 2007, EPA and the Region 8 states finalized a 2020 Corrective Action Universe. The 2020 universe added 37 low- and medium-priority facilities to the previous universe of 60 facilities, resulting in a Region 8 2020 Corrective Action universe of 97 facilities.

As of the end of FY 2011, 91% of the expanded 2020 baseline of Region 8 facilities had achieved the Human Health EI (CA725YE), and 85% had achieved the Groundwater EI (CA750YE). 60% of baseline facilities had met the Construction Completion measure (CA550). These levels of accomplishment met or exceeded the national cumulative targets for FY 2011 (65 % , 55% and 34%, respectively).

Achievement of the Human Health EI and Groundwater EI for the expanded universe of 97 facilities will remain a priority of the program for FY 2013. The FY 2013 annual goals for these indicators will be established during the summer of 2012.

In FY2013, R8 and the States will:

- Update facility-specific strategies that project when each 2020 Corrective Action universe facility is projected to meet the Construction Completion measure, the Human Health EI and the Groundwater EI, and develop plans to achieve all projected EIs. States should commit to update these facility-specific strategies annually. For example, the FY 2013 PPAs should include updated strategies as part of the FY 2013 planning process that will begin in the spring of 2012. Additionally, States should include a list of the facilities that are not expected to achieve the construction completion measure or one or both of the EIs by the end of FY 2015, and an explanation as to why (what are the barriers).

- Take the steps necessary to overcome barriers that are identified, including requesting and/or providing technical and regulatory assistance.

- Work to keep current the documentation for the accomplishment of the EIs. This effort includes posting information electronically, including facility fact sheets and EI forms on the state websites.States should submit completed EI determination to EPA by August 15 for all facilities that:
  - Have not met the EI(status = NO or IN), with a narrative explaining the barriers and strategies for overcoming them; and
  - Have changed the Status Code for the EI, e.g., NO to YES or IN, YES to NO or IN. Include a narrative statement (as above) for facilities that have gone from YES to either IN or NO.

- Work to identify cases where it may be appropriate to use RCRA §3013, §3008(h) or §7003 to compel progress toward meeting EI goals at universe facilities. The Region is reviewing the EPA HQ guidance on this approach and will work with States to further investigate or implement these options.

- Work with ORCR and the regional Superfund program to address vapor intrusion, institutional controls and chemical reassessment issues.

Key Measures for FY 2013: The measures that most directly support the GPRA Sub-objective are: (a) Current Human Exposures under Control (CA725); (b) Migration of Contaminated Ground Water under Control (CA750). Supporting information to show incremental progress toward these results will also be measured: (c) Stabilization Measures Evaluated (CA225); (d) Stabilization Measures Imposed (CA600); and (e) Stabilization Construction Complete (CA650).

As discussed above, the Region 8 2020 Corrective Action universe includes 97 facilities. In 2007, Region 8 and the States collaboratively developed a "2020 Corrective Action Strategy."

The "Strategy" was updated in February 2012. During FY 2013, the Region and States will continue to implement this strategy. More specifically, the Region and States will:

- Develop plans to address the obstacles identified in the regional 2020 Corrective Action Strategy, and actively seek solutions to the challenges identified by the States.
- Discuss data during regularly scheduled meetings in order to ensure that all 2020 universe facility data is timely, accurate, and complete. Monitor and track progress on the Human Health EI, Groundwater EI, and Remedy Construct goals.
- Look for opportunities to share information and successes between the States and Region. EPA can provide technical support as needed.
- Promote revitalization of RCRA Brownfields as an incentive to facility owners to complete cleanup, while also providing numerous other economic and environmental benefits.

Implementation of the regional *2020 Corrective Action Strategy* will better position the Region and States to meet the ambitious goal of having remedies constructed at 95% of universe facilities by the end of FY 2020. Regional data indicate an average rate of just over four (4) remedy constructions per year, since 1996. However, over the course of the next 9 years (FY 2013 through FY 2020), an additional 39 remedy constructions are needed in order to reach the 2020 goal. This equates to an average rate of 4.5 remedy constructions per year.

In the near term, annual goals for FY 2013 will be derived using the nationwide 2015 Corrective Action goals as a starting point.

During the development of the PPAs for FY 2013, EPA and the States should consider the following:

- Focusing attention/resources on implementing the 2020 Corrective Action Strategy (as discussed above).
- Identifying specific areas where technical assistance and training may be needed during FY 2013.
- Developing the idea of consistency in the "One Cleanup Program" approach for vapor intrusion, institutional controls and chemical reassessments.
- Continuing to participate in the ORCR monthly RCRA/TSCA Remediation conference calls. These conference calls present an excellent opportunity to get feedback from other states, regional offices and EPA HQ on various issues. Call is regularly held on the third Thursday of the month at 3:00 Eastern time
- Participating in the monthly ORCR Financial Assurance conference call. This call is regularly held on the second Wednesday of ther month at 2:30 Eastern time.
- States should consider use of enforcement authorities as appropriate to further progress on corrective action goals.

Key Measures for FY 2012: The measure that most directly supports the long-term goal of final cleanup is Remedy Construction Complete (CA550), at the facility level. Supporting measures include: (a) RFA Complete (CA050) ; (b) CA Prioritization (CA075) ; (c) RFI Imposed (CA100) ; (d) RFI Approved (CA200) ; (e) Remedy

Selected (CA400) ; and (f) Corrective Action or Stabilization Process Complete (CA999) .

Further Information

All Regions should work with states to achieve the FY 2013 targets. Planning accomplishments for the year, as well as frequent discussions of progress with state partners, will be essential to meeting program goals. Beyond planned accomplishments for FY 2013, Regions should begin to lay the groundwork for future accomplishments. In particular, discussions of how to move the Region's most difficult sites toward final remedies are needed.

OECA encourages the Regions to use enforcement authorities and tools where appropriate to address the aforementioned program goals. In addition, the Superfund and RCRA Corrective Action enforcement program commitments for the financial assurance priority are included in OECA's portion of the annual commitment system. Each Region should also work with their states to promote making RCRA Ready for Anticipated Use (RAU) determinations to support OSWER's Cross-Program Revitalization measure. (See "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Measures" at www.epa.gov/correctiveaction.) RAU determinations can now be recorded in RCRAInfo through the CA800 event code.

The annual target for increasing the efficiency of the RCRA Corrective Action program is a three percent increase in the number of remedy components constructed per federal, state and private sector costs. Given cost projections, each Region should work with its states to increase the number of final remedy components constructed during FY 2013 by roughly three percent over FY 2012 levels to help the program meet its efficiency target. The number of final remedy components constructed is measured by the total number of area-specific and facility-wide construction (CA550) events recorded in RCRAInfo each fiscal year.

PCBs

In an effort to improve program and administrative efficiencies, the management of the poly-chlorinated biphenyl (PCB) cleanup and disposal program was transferred from EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) to the Office of Solid Waste and Emergency Response (OSWER) in FY 2008. OPPTS is continuing to oversee PCB issues relating to use and manufacturing, and OSWER is managing the PCB cleanup and disposal program under the requirements of the Toxic Substances Control Act (TSCA) and its regulations. As a result, OSWER is now issuing disposal approvals that are designated by regulation to be issued by EPA headquarters (e.g., for mobile PCB treatment units operating in more than one region). During FY 2013, Regions are expected to continue to issue approvals for PCB cleanup and disposal as required under 40 CFR Part 761. ORCR is assessing the current ACS measures and will be working with the Regions to update for FY 2013.

In FY 2013, efforts in this program area will support the EPA's Healthy Communities Initiative. We will work with our partners to promote safe handling and management of PCB-containing

caulk in schools while building necessary regional technical support and outreach to effectively implement site-specific cleanup and disposal plans.

D. REVITALIZATION/BROWNFIELDS

National Guidance

An essential element of the assessment and cleanup of contaminated property, whether brownfields, superfund, RCRA corrective action, BRAC, Federal facilities or underground storage tank sites, is the ultimate goal of revitalizing and reusing that property. The RCRA redevelopment initiative encourages the cleanup and redevelopment of properties that are vacant or underutilized due to contamination or the potential for contamination with hazardous waste. This section addresses the process of cleaning up abandoned, inactive and contaminated waste sites, active and closing federal facilities, and other properties.

OSWER encourages Regions to continue working in partnership with States, Tribes, other federal agencies, local governments, communities, the regulated community, developers and NGOs to recognize shared responsibilities, and identify and resolve impediments to reuse and redevelopment of sites. Continued emphasis must be placed on innovation and full use of flexibility within programs.

Region 8 perspective

Region 8 supports the OSWER revitalization initiative. This program element is developing and will have an increased impact on corrective action work over the year.

During the development of the PPAs for FY 2013, EPA and the States should consider the following:

- Adopting changed priorities, including GPRA milestones that recognize the value of site redevelopment;
- Conducting RCRA Brownfields training workshops or seminars; Participation in the annual National Brownfields Conference is encouraged as a forum for educational opportunities on evolving approaches for initiating brownfields redevelopment;
- Participating and sponsoring educational programs for regulatory staff to help them recognize opportunities and to equip them to undertake action to assist site redevelopment;
- Focusing the corrective action process on site outcomes: the ultimate property use;
- Providing outreach from EPA and States to facility owners and local governments to encourage redevelopment focus in corrective action work;
- Building effective working relationships between the State and EPA RCRA regulators and the facility owners, developers, local governments, and communities to implement the redevelopment of RCRA Brownfield sites;
- Developing RCRA Brownfields strategy consistent with new legislation and One Cleanup Program;

- Reviewing all GPRA sites for Brownfields potential and discuss with states and tribes;
- Establishing an inventory of potential Brownfields sites, capturing TSDF and non-TSDF work;
- Identifying at least one additional RCRA Brownfields site (beyond Milt Adams, Inc., in Colorado);
- Participating in national Brownfields grant review and ranking process;
- As appropriate, applying innovative approaches and RCRA Brownfields tools to accommodate efforts of owners and communities to put corrective action sites into reuse. RCRA Brownfields tools include parceling, comfort letters, phased approaches, and ready for reuse determinations.

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III. GUIDING PRINCIPLES

In this chapter, R8 presents and discusses Guiding Principles for managing the RCRA program, and addresses those activities that support and cut across the environmental priorities and implementation strategies of the program (as discussed in Chapter II). This chapter addresses four key principles:

- Building Partnerships with States
- Encouraging State Authorization
- Working With Tribal Programs
- Managing Information

A. BUILDING PARTNERSHIPS WITH STATES

The R8 RCR Program, consistent with Congress' intent that RCRA should be a state-run program, views its primary mission as ***"building capability within the R8 RCRA Program, particularly through partnerships with the authorized states."*** In FY 2013, R8 will strengthen its partnerships with the states by:

1. Working with States and Tribes to continue an effective and responsive system for providing them with program and technical assistance and training.

2. Promoting frequent and open communication between the States and EPA on routine matters, changes in program capability, legislation, resource levels, emergency situations, "hot issues", and other key activities.

3. Emphasizing accountability, including:

   a) <u>Program accountability</u>, or using the oversight process to assure that state programs are being performed according to legal, regulatory and authorization-based requirements, are addressing agreed-upon environmental priorities (via self-assessments/reporting, RCRAInfo reports and midyear and end-of-year reviews), and are making progress towards the program's environmental goals; and

   b) <u>Fiscal accountability</u>, or assuring that federal tax dollars awarded to states via annual grants are spent effectively (particularly via State fiscal systems).

B. Encouraging Authorization

Under this principle, the EPA emphasizes the states' role as the primary implementers of the RCRA program.

Region 8 perspective

R8 strongly encourages the states to maintain fully authorized programs. In FY 2013, the R8 RCR Program and states will address the following activities relating to authorization:

1. R8 will continue to review authorization packages in a timely manner and, where feasible, reduce the backlog. R8 will focus its efforts, whenever possible, during the State's initial rulemaking process. To facilitate this R8 encourages the States to provide copies of their proposed rules as early as possible in their rulemaking process. Every attempt will be made to discuss and resolve issues promptly.
2. R8 encourages the States to adopt and apply for authorization for all mandatory rules that have not been adopted or applied for that will provide them with the tools to meet national program goals.
3. R8 also strongly encourages states to adopt "optional" rules, particularly those that will provide them with the tools to achieve national program goals.
4. R8 will continue to provide for codification of authorized State programs.
5. R8 and the States will maintain authorization files and status reports.
6. R8 has designed a regional model MOA and will continue to review and update MOA's as needed in FY 2012. R8 and the States will also review and revise (as appropriate) all authorization documents, i.e., Program Descriptions, and Enforcement Agreements.

C. Working With Tribal Programs

The NPM guidance notes EPA's legal responsibility regarding implementation of the RCRA program in Indian Country, and recognizes tribal sovereignty over waste management issues. Additionally, the following Annual Performance Goals derive from the goal of Safe Waste Management and apply to implementation the RCRA Program on tribal lands:

- EPA will evaluate RCRA Subtitle C management needs for 36 federally recognized tribes. 143 Tribes have been identified with potential RCRA Subtitle C management needs.
- EPA will provide support and funding to selected tribes participating in the multi-agency Tribal Open Dump Cleanup Program, which will ultimately result in closing or upgrading existing high threat open dumps on Indian Lands.

Other EPA activities discussed in the NPM guidance include:

- Help verify/validate the accuracy of RCRAInfo data by comparing the results of ORCR data queries against existing regional data or by sharing the results with tribes.
- Provide progress reports on any grants awarded through the Tribal Solid Waste Interagency Workgroup and the Hazardous Waste Management Grants for Tribes programs.
- Identify, quantify, and close open dumps in Indian Country and help to develop tribal Integrated Solid Waste Management Plans and tribal waste codes/regulations; provide assistance with the development of any other tribal solid waste management activities (transfer stations, collection services, recycling and waste minimization programs, HHW programs, car abatement programs, etc.). Provide training in all aspects of waste management. Describe how tribe manages solid and hazardous wastes that are generated on their lands.
- Work with Indian Program Office to provide support for the solid and hazardous waste activities conducted under GAP grants
- Coordinate with other federal/state/local agencies to improve waste management programs and activities in Indian Country.
- List planned site-specific flexibility activities for owners/operators of MSWLF's in Indian Country. Specify name of MSWLF and site specific flexibility requested by tribe.
- Regions will assist in communicating the hazards of backyard burning in Indian Country.
- Work on an inter-regional basis to develop an effective direct implementation strategy for working with tribes.
- Participate in corrective action and revitalization efforts on tribal lands.

Region 8 perspective

For FY 2013, the R8 S&HWP will, under, RCRA Subtitle C and D:

- Complete a general survey of waste management activities on tribal lands including the number and types of dumps, contaminated sites and hazardous waste management activities;
- Continue working with our federal partners (e.g., BIA, HIS, RUD) to leverage resources to high-priority waste management needs;
- Continue working on capacity-building activities, including funding tribal/EPA waste management positions, training and technical assistance;
- Continue supporting EPA-funded professionals in the field, including IHS engineers and MAP Circuit Riders;
- Continue working with Tribal Assistance Program to provide support for waste management activities under the GAP grants; and
- Continue working on the closure of certain high-threat open dumps sites on Indian Lands.

D. RCRA INFORMATION MANAGEMENT

National Guidance

EPA stresses that national reporting of RCRAInfo core elements is essential to the agency's ability to manage the program and report GPRA success. The NPM guidance also presents a vision of RCRA information being accessible through the Internet. Timely, accurate and complete entry of universe, activity and results data into RCRAInfo and BRS remains a top priority for the regions and states.

This section also addresses the OSWER theme of homeland security and counter-terrorism. This initiative enhances regional counter-terrorism and Emergency Response capabilities. Counter-terrorism readiness should be a priority for all regions.

Region 8 perspective

For FY 2013, R8 expects to focus on the following:

1. R8 will rely almost exclusively on RCRAInfo for most program measures of success, particularly those that relate to GPRA goals and objectives for TSDFs. Consequently, timely, accurate and complete entry of data is a top priority for R8 and the States .
2. R8 will continue to use the Workplan Projections and Achievements Report to monitor the timeliness of data entry into RCRAInfo. Data must be entered into the system by the 20th day of the month following the date of the event in order to be deemed timely. The Workplan Projections and Achievements Report is designed to work in concert with the Hazardous Waste Commitments spreadsheet. Entering "schedule dates" into RCRAInfo for the facility and area/unit where activities are planned provides target information for the numerical commitments made in the spreadsheet.
3. R8 will build on the progress achieved through FY 2012, and will work with the states to assure that the data in the detailed and summary RCRAInfo reports are complete and accurate. This includes data on defining Universes, and the status of facilities, units and areas in Closure, Permitting and Corrective Action universes. The Management Reports will serve as a key tool for planning FY 2012 PPAs.
4. R8 will continue to use a hierarchy of program measures and data requirements to track progress in the RCRA Program (see further explanation in attached description and table of R8 Fundamental Measures). The "Key Measures" at the end of each program element discussed below are those highest priority measures that will likely be needed for the FY2013 NPM guidance, and that we and the states will make projections for inclusion in the future PPAs.
5. R8 will continue to provide database technical assistance and training to the states, as needed, with an emphasis on using the RCRAInfo V database system.

R8 will continue to work with the states to refine the reports or develop new ones, as needed.

6. R8 will work with the states on homeland security/counter-terrorism activities, developing increased awareness of vulnerabilities within the RCRA program at TSDFs and other key hazardous waste handlers.

APPENDIX 1

U.S. EPA-REGION 8 – SOLID AND HAZARDOUS WASTE AND RCRA TECHNICAL ENFORCEMENT PROGRAMS PROGRAM PERFORMANCE STANDARDS AND OVERSIGHT OF STATE HAZARDOUS WASTE PROGRAMS

INTRODUCTION

This document and the accompanying table present Performance Standards for EPA Region 8 states in the administration of Hazardous Waste Programs under the Resource Conservation and Recovery Act (RCRA), and Oversight procedures generally used by EPA Region 8. In its oversight role, EPA is responsible for assuring that the administration of authorized programs meets the standards set forth in law, regulation and authorization documents, and verifying that the annual federal grants to the states are spent responsibly. This narrative and the attached table were developed by the Region 8 Solid and Hazardous Waste Program in consultation with the six Region 8 states (Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming), the Office of Regional Counsel, the RCRA Technical Enforcement Program, and the Legal Enforcement Program.

Purpose of Oversight of State Hazardous Waste Programs

EPA conducts oversight (OS) of state hazardous waste programs for two primary reasons:

1. to document to Congress or other oversight authorities that state administration of authorized programs meets the standards set forth in law, regulation and authorization documents; and

2. to verify that the annual Federal grants to the states are spent responsibly.

EPA has documented its oversight responsibilities in the statute and regulations for the RCRA program.

Definition and scope of oversight for the RCRA program

Region 8 oversight of state hazardous waste programs is defined narrowly as EPA's evaluation of state performance, i.e., how well the state is meeting its statutory responsibilities to develop and implement an authorized program under RCRA.

1. What OS Includes: Oversight includes a range of techniques, by or through which EPA evaluates state performance, such as review of state program plans and strategies, review of targets and accomplishments in databases, review of facility files, and discussions or meetings with states on the results of those reviews. The focus of these Oversight activities is on state performance and the results that the state achieves.

2. What OS does not include: Because of its emphasis on state performance, OS does not include the following EPA activities: Program Development, Direction, Planning and Management activities (e.g. annual joint planning, new initiatives that are not part of the authorized program); Program Implementation; or Program and Technical Assistance. A more comprehensive discussion of these activities and their relationship to OS is presented in the document titled "State-EPA Roles & Relationships."

PRINCIPLES, ATTRIBUTES OF OVERSIGHT

EPA-Region 8 has established several principles or attributes to guide OS of state hazardous waste programs. Among these principles are:

1. Oversight responsibility and authority. While the states are the primary implementers of the RCRA program pursuant to the statute, both the states and EPA recognize that EPA has a statutory, regulatory and fiduciary responsibility to monitor state performance.

2. Differential Oversight. EPA believes the OS function should generally be based on differential principles, i.e., the level of OS is inversely proportionate to the level of performance. States that meet or exceed program performance standards should generally be subject to a minimal or base level of OS that is expected to be sufficient to detect significant problems in a state's performance. Greater (elevated) levels of OS may then be reserved for situations where program standards are not being met or where performance levels are decreasing significantly. Allocating OS resources in this manner may allow EPA resources to be directed toward other functions such as program and technical assistance and may relieve states with good performance records of unnecessary oversight.

3. Consistent Performance Standards. Oversight is based on a consistently applied set of performance standards. Those standards are derived from statute, regulation and policy for the national RCRA program.

4. Flexibility. EPA expects to exercise flexibility in applying performance standards and OS levels when addressing unique issues or universes in the R8 states.

5. Oversight for mature programs is generally representative, not comprehensive. In Region 8, most state programs have many years of experience administering the RCRA program. EPA's oversight of these programs is generally designed to determine the adequacy of state performance by sampling activities representatively in order to detect and correct patterns of performance problems. EPA believes oversight generally should focus greater emphasis on the program as a whole and its results than on the individual activities and details that may or may not produce those results.

EPA's oversight is not designed to comprehensively review all or most state actions to correct all specific problems in all situations. EPA believes this would be a duplicative and inefficient use of limited resources.

6. Efficiency, Workload. EPA will generally conduct oversight of the states in a manner that designed to minimize the impact on resources and workload for the states. EPA generally will use the following order for reviewing state performance:
   a. Review of data from RCRAInfo and other national data bases.
   b. Review of documents contained within state files, particularly the administrative record for individual facilities.
   c. Interviews or meetings with staff generally should be used only when the first two approaches are not sufficient or appropriate to obtain the needed information.

EPA's understanding of state performance levels is often supplemented by EPA's participation in non-OS activities, such as Program Development or PTAT. However, these activities are not part of Region 8's OS of state hazardous waste programs.

OVERSIGHT APPROACHES, TECHNIQUES

OS will usually consist of a variety of evaluation techniques including the following:

1. Review of state program plans and strategies;

2. Tracking targets and accomplishments in RCRAInfo, StATS or other data systems;

3. Review of facility files and documents (generally at the state office);

4. Facility oversight inspections and other "field" reviews;

5. Reviews of environmental and program data quality;

6. Discussions/meetings with states;

7. Review of state self-assessment; and

8. Conduct of Capability Assessment process defined in EPA policy guidance.

While most of these oversight techniques are exercised after-the-fact, some can be exercised in real-time (while or shortly after the activity being monitored occurs):

1. After-the-fact approaches such as review of data bases or facility related documents are most applicable for review of discrete actions such as inspection

reports, final permits, closure plans, and corrective action assessments. These reviews are also usually less obtrusive than real-time reviews.

2. Real-time oversight may be more appropriate in situations where long-term activities such as corrective action or issuance of permits may not have major milestones that can be reviewed after-the-fact during that year.

These oversight procedures and techniques are listed in the attached table (Program Standards and Oversight) with the criteria for which they will generally be used by EPA. More specifically, Column 2 of the table presents the measurement procedures and technique(s) that may be used for each of the program criteria being evaluated, while Column 3 present the frequency, timing, and/or sample size for the base and elevated levels of oversight discussed above.

STATE ROLE IN OVERSIGHT

The state participates in the oversight process primarily by the following:

1. Work with EPA to develop and review annual targets that are included in the Performance Partnership Agreements (PPA).

2. Maintaining all required data in the national database (RCRAInfo) and providing other mandatory data (StATS, etc.).

3. Periodically reporting to EPA on progress achieving toward agreed upon activities and results, particularly in the annual EOY self-assessment.

4. Providing EPA with access to all files and any other documents needed to evaluate state performance.

5. If necessary, meeting with EPA to provide additional insight into state actions and decisions, and to develop follow up plans to address any identified deficiencies.

6. Reviewing and providing input on EPA's Annual Oversight Plan.

ANNUAL OVERSIGHT PLAN

Prior to the start of each state-federal planning year, and in concert with the development of the State-EPA Performance Partnership Agreement (PPA), EPA, in consultation with each state, will develop an Oversight Plan for each state. In that plan, EPA will identify the specific oversight approaches and techniques that it intends to use to conduct oversight in each state, and the schedule for those activities. When appropriate (particularly if real-time oversight is a selected technique), the plan may address the specific facilities that will be subject to oversight. This plan will be incorporated into the state's Performance Partnership Agreement with EPA.

The basic elements of EPA's oversight that will be incorporated into the annual oversight plan are listed above, and in columns 2 and 3 of the attached table (Program Standards and Oversight). The plan will incorporate oversight findings and any recommendations for oversight and corrective action that might be different from the previous year's EOY review and report.

When developing the plan, EPA and each state would discuss which procedures are most appropriate for the state, its facilities, and the various program areas. This could include both after-the-fact and real-time oversight procedures.

1. EPA generally should select both after-the-fact and real-time activities for OS in a manner that is representative and random.

2. The plan may address any needed interviews with state staff or management.

3. For certain measures in the attached standards and oversight table, the numbers of activities and facilities to be reviewed during a given year may be at either the base level (10%), or an elevated level if performance indicates. At the base level, EPA will generally review 10% of the completed activities for GPRA facilities for the year. The universe of activities subject to review will include both projected and unplanned accomplishments. EPA will select the activities for review and the scope of the review will include the entire course of work to achieve the activity.

4. If real-time oversight is selected for some activities or facilities:

    - EPA and the State would (with the exception of the review of enforcement actions) make every effort to agree upon the specific facilities and activities that would be subject to real-time OS for the year.

    - EPA and the State would make every effort to agree upon the EPA staff that would perform the OS.

    - Once the selections are made, EPA's real-time OS for that year would be limited to the designated facilities unless a significant short-term further need for EPA staff to monitor activities at other facilities for the purpose of OS is identified during the course of that year and communicated to the state.

    - While nothing may restrict EPA's OS authority, it is generally EPA's intention that EPA real-time oversight at other facilities would generally be subject to invitation by the states under PTAT, or for other programmatic reasons such as citizen request or environmental justice concerns.

    - EPA may identify its real-time OS information needs in the annual plan for the facility and activity to be reviewed, including timing for the information, form and frequency of communication, and whether or not EPA needs to

become involved in more routine activities during the course of the year (e.g., meetings, conference calls, site visits, etc…)

OVERSIGHT SCHEDULE, COORDINATION

EPA may conduct OS at any time of year, but most oversight occurs during the End-of-Year (EOY) program review at the end of the state/federal fiscal year. The end of year (EOY) review process is conducted by the Solid & Hazardous Waste Program in concert with the annual review conducted by Technical Enforcement Program. The EOY review is conducted both to assure that the administration of authorized programs meets the standards set forth in law, regulation and authorization documents, and to verify that the annual federal grants to the states are spent responsibly. In conducting OS of state hazardous waste programs, Region 8 OS will usually analyze whether the state has met the commitments in its PPA.

ANNUAL END OF YEAR OVERSIGHT REPORT

The key document in the EOY oversight process is the annual EOY report prepared by EPA., Region 8, Resource Conservation and Recovery Program. This report includes key findings, conclusions and recommendations from all elements of the RCRA program, and consolidates the results of oversight activities throughout the year. The report is organized around the key elements of the RCRA program: Waste Minimization-Pollution Prevention, Safe Waste Management, Corrective Action and Program Management.

In most cases, the state either prepares its own self-assessment prior to the EPA EOY report or participates in the drafting of the EPA EOY report. All states have an opportunity to review a draft of the EPA or joint report. There is often a meeting between EPA and state to present and discuss the draft EOY report.

Once finalized by EPA staff (and state staff when appropriate), the EOY report will be elevated through the EPA management chain to be signed by the Director of the Resource Conservation and Recovery Program. In the case of a report developed jointly with a state, the state program director will also sign the report.

DISPUTE RESOLUTION

EPA and the states are developing a process to resolve differences of opinion that may arise on oversight findings and conclusions, particularly when the statute and regulations do not address a subject directly and there is a difference in professional judgment. EPA expects to focus OS analysis on outcomes more often than on approaches or processes taken to achieve the results.

KEY ELEMENTS OF OVERSIGHT

Pursuant to the EPA-Region 8 order on Oversight of State and Tribal Performance, these procedures address the following key elements:

1. Coordination of program assessment schedules and reviews between the various elements of a program: see Oversight Schedule, Coordination.

2. End-of-year grant reviews, including incorporation of assessment findings: see Oversight Schedule, Coordination.

3. Frequency of reviews and assessments: see attached Table, Column 3.

4. Notification of organization being reviewed: see Annual Oversight Plan.

5. Review of files and documents: see attached Table, Column 3.

6. When and how interviews of state and tribal staff and managers will occur: see Annual Oversight Plan.

7. Bases for determining whether an action is a required or recommended action: see attached Table, Columns 2 and 3.

8. Unified EPA presentation of findings, both verbal and written: see Annual Oversight Report.

9. Follow up with the organization reviewed: see Annual Oversight Plan.

10. Required chain-of-command concurrences for various reports, required actions, and oversight decisions: see Annual Oversight Report.

11. The method for incorporating long-term required actions into grant work plans or other Agreements: see Annual Oversight Plan.

REFERENCES

1. National Criteria for a Quality Hazardous Waste Management Program under RCRA (OSWER Policy Directive 9545.00-1), revised June 1986.

2. RCRA Program Evaluation Guide (OSWER Directive 9545.00-6), July 1988.

3. RCRA State Authorization Capability Assessment Guidance, October, 1991.

4. Memorandum Of Agreement – The MOA is the document that presents the respective roles and responsibilities of EPA and the authorized state in implementing and overseeing the HWP, and the procedures for coordination and information sharing. The MOA is developed as part of the authorization process, and is reviewed annually for potential revision.

5. Policy, Guidance, and Standard Operating Procedure for Oversight of Region VIII State Hazardous Waste Compliance Monitoring and Enforcement Programs – 1993 – This document is a Standard Operating Procedure on how EPA and the six Region 8 states operate in the area of oversight of state authorized hazardous waste programs. The focus is on the compliance monitoring and enforcement components of the hazardous waste program. It includes policy statements, selects program criteria subject to oversight, defines performance levels for those criteria and designates corresponding oversight levels and procedures.

6. RCRA Corrective Action Oversight Procedures – 2004 – This document provides an outline for a thorough review and evaluation of state regulatory and policy issues, programmatic issues, personnel issues, and technical and site specific issues. It also provides an outline and questionnaire for a facility by facility performance evaluation looking at all aspects of the program.

7. EPA Region 8 Uniform Enforcement Oversight System (UEOS) Evaluation Criteria and Interpretive Legend for the Resource Conservation and Recovery Act (RCRA Compliance and Enforcement Program, March 16, 2004.)

Hazardous Waste Program Performance Standards

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
Program Element 1A: Program Management – Adoption, Authorization, MOA		
1.1 Criterion: *Adoption of federal rules by the state* – Measures whether the state adopts all mandatory rules in a timely fashion and maintains an equivalent program. **Source**: 40 CFR 271.21, especially a, e, g	**Program Standard**: By June 30 of each year, the state must adopt all mandatory federal rules promulgated by July 1 of the previous year. The Regional Administrator may grant an extension to January 1, if the state demonstrates a good faith effort to adopt, and requests an extension. An additional year may be granted if a state statutory change is required. The state shall keep EPA fully informed of proposed modifications to its basic statutory or regulatory authority, its forms, procedures and priorities for rulemaking. **Measured by**: Review of applications received, data (adoption effective date) in StATS, or documentation (e.g., emails, letters) with more current information. Meetings, discussions with state staff, management. **Note**: Most EPA effort goes into Program Assistance and Training to states in developing regulatory language that is consistent with and equivalent to the federal program. Such assistance is distributed throughout the year as the workload requires. Review of state rules before and/or during the state rule-making process is strongly encouraged to prevent unnecessary delays in approving authorization applications.	**Base Level**: Review of StATS data twice per year. Discussions with states at Mid-Year and EOY. **Elevated**: Increased frequency for review of StATS data, increased discussions with state staff and management on impact of lack of rule-making on program. Follow-up will focus on correcting noted deficiencies, and continued failure to meet the standard may result in putting a state on a schedule of compliance [per 40 CFR 271.21(g)], or initiation of program withdrawal by the Regional Administrator.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
1.2 Criterion: *Authorization* – Measures state progress in maintaining a fully authorized program. **Source**: 40 CFR 271.21(e); 40 CFR 271.21(e)(3); 40 CFR 271.21(g); 40 CFR 271.22 and 23, SAM	**Program Standard**: Each year, the state submits a complete application for program revision within 60 days of completion of those revisions. This is typically by August 30, but may be later if a rule-making extension has been granted. A complete application includes: a modified program description, an AG statement (including a detailed explanation of how the state program is equivalent to the federal requirements), an MOA (revised as necessary), and any other documents EPA determines to be necessary. **Measured by**: Review of applications received or documentation (e.g., emails, letters) with more current information. **Note**: Most EPA effort goes into assistance to states in developing approvable authorization packages. Such assistance is distributed throughout the year as the workload requires.	**Base Level**: Review of StATS data and state authorization packages. **Elevated**: Increased frequency for review of StATS data, increased discussions with state staff and management on the impact of the lack of an updated, authorized program. Follow-up will focus on correcting noted deficiencies.
1.3 Criterion: *Memorandum of Agreement*. State and EPA review and maintain complete and accurate Memorandum of Agreement (MOA). **Source**: 40 CFR 271.8; 40 CFR 271.21(e)	**Program Standard**: MOA is reviewed and revised (if necessary) in conjunction with yearly authorization application (dependent on EPA promulgation of new regulations). **Measured by**: Review of last signed/recertified MOA. EOY report should address how MOA was reviewed and note what changes needed to be made.	**Base Level**: EPA and state jointly review MOA yearly. **Elevated**: Increased level of discussions with state. Follow-up will focus on resolving issues, and further authorization may be withheld while issues are resolved.
Program Element 1B: Program Management - Program Resources		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
1.4 Criterion: *Resources and Skill Mix*. Measures whether state resources and technical skill mix are sufficient to effectively administer the authorized program. **Source**: 1991 RCRA State Authorization Capability Assessment Guidance.	**Standard**: The state has consistently devoted sufficient fiscal resources necessary to match the Federal Section 3011 grant funds and maintain the authorized program in a manner that meets program standards. The state has consistently maintained a staff that is large enough and has the technical skills and experience necessary to effectively manage the existing program and any additional program responsibilities that the state may be seeking. **Measured by**: Budget and resource file reviews, review of program description in the current authorization package, meetings with State personnel, Capability Assessment when necessary.	**Base Level**: EPA verifies program resource data in program description through the yearly authorization process. **Elevated**: If performance problems indicate lack of resources, EPA reviews resources and skills mix more frequently and in greater detail through file reviews, meetings, and discussions with senior management regarding potential improvements; persistent problems may require Capability Assessment.
Program Element 1C: Program Management - Staff Capabilities, Training		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
1.5 Criterion: *State training program*. Measures whether the state maintains and operates an adequate training program. **Source**: 1991 RCRA State Authorization Capability Assessment Guidance.	**Standard**: The State maintains an adequate training program for its staff. The state identifies training needs for staff and obtains necessary training to meet those needs. **Measured by**: Review of state training program; discussions, meetings with state.	**Base Level**: EPA reviews training program every 2 years during program performance evaluation. **Elevated**: If program performance indicates problems, EPA reviews state training program more frequently, with more detailed evaluation of needs, plans, budget through on site reviews, analysis and recommendations of EPA and other training resources available to the states.
Program Element 1D: Program Management – Information Management		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
1.6 Criterion: *Timeliness, Accuracy and Completeness of Data* – Measures whether the state's entry of data into the national RCRAInfo database meets the standards for timely, accurate and complete data. **Source**: State MOAs, NPM Guidance, RCRA Program Guidance for 2004-05 (FY2005 Version)	**Program Standard**: The state enters all required program data into the RCRAInfo national database by the 20th of the month following the actual event. RCRAInfo data are complete and accurately reflect the status of facilities, regulated units and corrective action areas. **Measured by**: Monthly review of RCRAInfo data to monitor for timeliness; staff review of files, comparisons with RCRAInfo data; review of state self-assessment; meetings, discussions with state, file reviews.	**Base Level**: EPA reviews RCRAInfo data, with focus on key program measures; discusses data standards for timeliness, accuracy and completeness with state during MY, EOY meetings. **Elevated**: EPA increases frequency and depth of reviews and discussions with state.
Program Element 1E: Program Management – Records Management		
1.7 Criterion: *Records Management* – Measure whether the state's records disposition program meets federal standards. **Source**: MOA	**Program Standard**: The state uses records retention policies and schedules that are consistent with federal standards (based on statute of limitations). Records for land disposal units are kept permanently. **Measured by**: Review of state records management documents; meetings, discussions with State; file reviews.	**Base Level**: EPA reviews state records disposition program every 2 years during program performance evaluation. **Elevated**: If program performance indicates record-keeping problems, EPA reviews state records program more frequently, and with more detailed evaluation of needs, plans, budget and tracking.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
PROGRAM ELEMENT 2: POLLUTION PREVENTION, HAZARDOUS WASTE MINIMIZATION		
2.1 Criterion: ***Hazardous Waste Minimization and Pollution Prevention (P2) Activities*** – Measures the state's Participation in the Resource Conservation Challenge and other Waste Minimization or P2 activities as documented in the Performance Partnership Agreement (PPA). **Source**: EPA NPM Guidance	**Program Standard**: The state meets or exceeds HW Minimization targets in the PPA and demonstrates a commitment to waste minimization and P2 goals. **Measured by**: Review of state waste minimization/P2 activities; review of state self-assessment; meetings, discussions with state.	**Base Level**: Review of PPA targets, accomplishments. **Elevated**: NA
PROGRAM ELEMENT 3A: SAFE WASTE MANAGEMENT – CLOSURE		
3.1 Criterion: *Progress toward Closure Plan Approvals and Closure Verifications*. Measures whether the state is achieving adequate progress in approving closure plans, closing hazardous waste management units, and verifying closure. **Source**: 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.	**Program Standard**: The state has a multi-year closure strategy. The strategy accounts for all subject facilities and units, with a focus on work to be accomplished and a schedule for accomplishing major activities (plan approvals, closure verification). Actual closure activities are consistent with that strategy. The state takes all actions needed to assure continued progress. The state meets or exceeds closure targets in the PPA, and progresses toward closure completion at all units. **Measured by**: Review of RCRAInfo data; review of state closure strategy and program; review of state self-assessment; meetings, discussions with state; file reviews.	**Base Level**: EPA reviews RCRAInfo data, discusses closure targets and accomplishments with state during MY, EOY meetings. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
3.2 Criterion: *Quality of Closure Plans and Verifications*. Measures whether the state successfully incorporates adequate standards and requirements in closure plans and verifications of closure. **Source**: 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.	**Program Standard**: Closure plans and verifications adequately address: clarity of owner/operator requirements to ensure enforceability and compliance schedules; detailed cleanup levels and mechanisms for measuring achievement of closure performance standards; soil and ground-water monitoring requirements; cost estimates and financial assurance instruments to assure they accurately reflect closure costs and are sufficient to cover cost estimates; public participation requirements; coordination with corrective action; oversight of the closure process. State demonstrates actions to enforce compliance. **Measured by**: Review of closure files, documents; review of state self-assessment; meetings and discussions with state.	**Base Level**: EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of closure plans approved and closures verified in the FY. **Elevated**: Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
PROGRAM ELEMENT 3B: SAFE WASTE MANAGEMENT – CONTROLS FOR POST CLOSURE AND OPERATING FACILITIES		
3.3 Criterion: *Progress toward Controls for Post-Closure and Operating Facilities*. Measures whether the state is achieving adequate progress in having permits or other approved controls in place for Post-Closure and Operating Units and Facilities. **Source**: 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.	**Program Standard**: The state has a strategy to address controls for PC and OP units and facilities. The strategy accounts for all subject facilities and units, with a focus on work to be accomplished and a schedule for accomplishing major activities (post-closure and operating controls in place, permit renewals). Actual PC and OP controls are consistent with that strategy. The state takes all actions needed and uses full range of regulatory powers (e.g., 60-day limit after NODs) to assure placement of PC and OP controls. The state establishes and tracks key permit steps (receipt of application; public notice of draft permit; and final decision on the permit). Permits expirations are tracked and permits are renewed in a timely manner. The state routinely meets or exceeds PC and OP targets in the PPA and demonstrates steady progress towards having controls in place for all units and facilities in Baseline Universe. **Measured by**: Review of state Post-Closure and Operating Permit strategies; review of RCRAInfo data; review of state self-assessment; meetings, discussions with state and file reviews.	**Base Level**: EPA reviews RCRAInfo data, discusses PC and OP targets and accomplishments with state during MY, EOY meetings. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
3.4 Criterion: *Quality of Permits or other controls for Post-Closure and Operating Units and Facilities*. Measures whether the state successfully incorporates adequate standards and requirements in permits or other controls for post-closure and/or operating units and facilities. **Source**: 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.	**Program Standard**: Post-closure and operating controls (permits, orders, etc.) are consistent with the authorized state program and the intent of the regulations regarding level of control, containment, cleanup and protection. Permit conditions are clear, understandable and enforceable. Proper documentation and an administrative record are maintained. Controls address: owner/operator requirements for monitoring, reporting, inspections and analyses after permit issuance; enforceability and compliance schedules; cleanup levels in adequate detail and mechanisms for measuring achievement of post-closure and operating performance standards; soil and ground-water monitoring requirements; review of cost estimates and financial assurance instruments to assure they accurately reflect closure and post-closure costs and are sufficient to cover cost estimates. Public participation requirements are met. **Measured by**: Review of post-closure files, documents. Review of state self-assessment; discussions with state.	**Base Level**: EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of post-closure and/or operating controls placed in the Fiscal Year (FY). **Elevated**: Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.
Program Element 4A: Corrective Action – RCRA Facility Assessments		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
4.1 Criterion: *Completion of RCRA Facility Assessments (RFAs).* Measures the state's progress in approving RFAs. **Source**: Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: The state meets or exceeds the targets established in current PPA work plan and has approved RFAs for all sites. RFAs for newly identified sites are completed in a timely manner. RFAs have been completed. Additional RFAs will only be needed under exceptional cases such as the discovery of an illegally operating facility. **Measured by**: Review of RCRAInfo data, and file reviews. **Note**: RFAs have been completed for all high-priority Corrective Action facilities.	**Base Level**: EPA reviews RCRAInfo data, discusses Assessment targets and accomplishments with state during MY, EOY meetings. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.
4.2 Criterion: *Quality of Corrective Action Assessments (RFAs).* Measures whether state-approved RFAs meet the requirements in relevant guidance. **Source**: Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: The state-approved RFAs examine all relevant information. RFAs identify and evaluate all SWMUs and all known/likely release areas. RFAs are conducted in accordance with relevant guidance. **Measured by**: Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, public meeting attendance, meetings with facility owners and stakeholders. **Note**: RFAs have been completed for all high-priority Corrective Action facilities in R8.	**Base Level**: EPA reviews RCRAInfo data, conducts file reviews and/or staff interviews for 10% (or one, whichever is greater) of assessments completed in accordance with current year PPA work plan. **Elevated**: Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.
Program Element 4B: Corrective Action – Investigations		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
4.3 Criterion: C*ompletion of Investigations* – Measures the state's progress in moving sites towards completion of investigation. **Source**: National Policy documents, including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: The state meets the targets established in current year PPA work plan. The state takes all actions needed to assure continued progress. The state completes timely reviews, and directs the regulated facilities to provide timely work on priority projects. **Measured by**: Review of RCRAInfo data; file reviews; meetings with state personnel; discussions with state project managers.	**Base Level**: EPA reviews RCRAInfo data, discusses Investigation targets and accomplishments with state during MY, EOY meetings. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
4.4 Criterion: *Quality of Investigations* – The degree to which the state reviews, comments on, and approves investigative work plans and reports, and gives direction to regulated facilities to ensure that investigations are adequate. **Source**: Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: Investigations meet or exceed the following: • Define the full nature and extent of contaminant migration • Utilize effective QA/QC elements for all environmental data • Adequately support any subsequent cleanup decisions • Support risk assessments which address all exposure pathways • Support EI determinations • Include relevant information from Interim Measures to guide future activities. **Measured by**: Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, attendance at public meetings and meetings with facility owners and/or other stakeholders, most often as scheduled by the state, or as requested by the stakeholder(s).	**Base Level**: EPA oversights 10% (or one, whichever is greater) of investigations completed in accordance with current year PPA work plan **Elevated**: Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.
Program Element 4C: Corrective Action – Remediation/Cleanup		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
4.5 Criterion: *Completion of Cleanup.* Measures the state's progress in completing interim measures, remediation and cleanup activities. **Source**: May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: The state meets or exceeds the targets identified in the current year PPA work plan. State achieves progress toward completion of remedy selection, design, and implementation of remedies, including interim measure. The state completes timely reviews, and directs regulated facilities to provide timely work on priority projects. **Measured by**: Review of RCRAInfo data, file reviews, interviews with state staff.	**Base Level**: EPA reviews RCRAInfo data, discusses Cleanup targets and accomplishments with state during MY, EOY meetings. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.
4.6 Criterion: *Quality of Cleanup and Remediation.* State reviews, comments on, and approves interim measures and cleanup activities, and gives direction to regulated facilities to ensure that cleanup is adequate. **Source**: May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)	**Program Standard**: The state completes technical reviews with specialized experience in all relevant areas. State gives direction to regulated facilities to ensure that the selected remedy is technically sound, and addresses all exposure pathways. State remedy decisions provide a realistic evaluation of all selection factors. The state applies innovative approaches where appropriate. **Measured by**: Review of RCRAInfo data, file reviews, facility visits, interviews with state staff and management, lab audits, attendance at public meetings and meetings with facility owners and/or other stakeholders, most often as scheduled by the state, or as requested by the stakeholder(s).	**Base Level**: EPA oversights 10% (or one, whichever is greater) of cleanup activities completed in accordance with current year PPA work plan. **Elevated**: Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.
Program Element 4D: Corrective Action – Environmental Indicators/National Program Measures		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
4.7 Criterion: *Progress in Achieving Environmental Indicators* - The degree to which the state has met or is on track to meet the national Corrective Action program goals, including the current Environmental Indicator Goals and performance measures. **Source**: Interim Final Guidance on Environmental Indicators, EPA's Strategic Plan	**Program Standard**: The state is on track to meet the national goals or has already met those goals. The state is keeping pace with the annual (incremental) targets for national goals, including the current 2020 Environmental Indicator goals and performance measures. The state meets or exceeds the targets identified in annual work plans. **Measured by**: Review of RCRAInfo data, file reviews, review of the EI instruments, meetings with state personnel	**Base Level**: EPA reviews RCRAInfo data, discusses targets and accomplishments with state during MY, EOY meetings and periodic phone calls. **Elevated**: Same as base level *(sufficient to document achievement of targets)*, plus management discussions during EOY and PPA planning meetings.
PROGRAM ELEMENT 5: COMPLIANCE MONITORING & ENFORCEMENT – INSPECTIONS		
Criteria and Standards for the Compliance Monitoring and Enforcement Program elements are addressed separately in the State Review Framework.		

APPENDIX 2

FUNDAMENTAL MEASURES OF SUCCESS FOR RCRA PROGRAMS FOR FY 2012

(Does not include compliance monitoring and enforcement activities)

INTRODUCTION

This document supplements the narrative RCRA program guidance. It defines and lists the Measures of Success used by the EPA-Region 8 (R8) RCRA Solid & Hazardous Waste Program (S&HWP) to track progress in the RCRA Program in FY 2012.

Program Implementation Measures are quantitative in nature and address what is being accomplished to promote environmental goals. These measures address the three major areas of the program: Waste Minimization; Closure/Post-Closure and Operating Permits; Corrective Action. Attached to this document is a table of specific RCRA program measures of success and RCRAInfo data elements for the 2nd and 3rd of these program areas.

PROGRAM IMPLEMENTATION MEASURES

R8 Approach to Implementation Measures **-** The R8 S&HWP uses a four-level hierarchy of measures and data for assessing progress in the RCRA Program. This hierarchy is discussed below, and the specific RCRAInfo data elements for the measures contained in the 2nd, 3rd and 4th levels are presented in the attached Table.

1. The first or “base” level consists of all the RCRAInfo events and other codes available to implementers. These are listed in the Data Element Dictionary, but not in the Table.

2. The second level consists of the approximately 56 events that form the set of "RCRAInfo core data elements" that are required to be maintained by implementers. This set of data elements is listed in the Table.

3. The third level is called "Region 8 Fundamental Measures of Success." This list of 31 measures is a subset of the 56 core data elements. These events are tracked in the R8 RCRAInfo Management Reports, and are noted in the Table under their own column.

4. The fourth or highest level is called the "GPRA Measures." This list of 20 measures is a subset of the R8 Fundamental Measures and consists of only those most important measures required for the national program guidance. These are measures on which EPA and the States will jointly plan projections for the PPAs

and the NPM guidance. These measures are presented in bold below and in the Guidance for FY 2013 RCRA Programs.

Closure/Post-Closure and Operating Permits - These are the measures that support the goal of safe waste management. More specifically:

1. **Closure Activities** - Demonstrate progress toward achieving closure program goals, objectives, and activities that reflect State and EPA closure priorities. Key measures of program success are **closure plan approvals (CL360) and closure verifications (CL380)**, supported by closure plan receipts (CL310) and closure certifications (CL370). *Source:* FY2013 NPM guidance.

2. **Post-Closure Activities** - Demonstrate progress toward achieving post-closure (PC) program goals, objectives, and activities that reflect State and EPA PC priorities. Key measures of program success are **final post-closure permit determinations/ issuances (PC200) and modifications (PC240)**, supported by PC permit call-ins (PC010); **PC permit applications received (PC020, PC020RN for renewals);** draft Permits (PC160); **Permit Effective date (PC205)**; and **Permit Expiration (PC270)**. *Source:* FY2013 NPM guidance.

3. **Operating Permit Activities** - Demonstrate progress toward achieving operating permit (OP) program goals, objectives and activities that reflects State and EPA OP priorities. Key measures of program success are **OP final determinations (OP200) and modifications (OP240), including renewals.** Supporting measures include OP review activities leading to either a final determination or a notice of deficiency; Part B Call-ins (OP010); **Part B Applications Received (OP020, OP020RN for renewals)**; draft Permits (OP160); **Permit Effective date (OP205)**; and **Permit Expiration (OP270)**. *Source:* FY2013 NPM guidance.

Corrective Action - These are the measures that support the RCRA program's cleanup goals. More specifically:

1. **Assessment, Ranking and Identification** - Complete the assessment, ranking and identification process for all TSDFs. Key measures of program success are: **Assessment Completed (CA050); Determination of Need for RFI (CA070)**, **CA Ranking (CA075);**and **Stabilization Measures Evaluation (CA225).** *Source:* FY2013 NPM guidance.

2. **Corrective Action Pipeline** - Demonstrate progress towards achieving corrective action "pipeline" program goals, objectives and activities that reflect State and EPA priorities. Emphasis should be on high-ranked facilities in the GPRA baseline universe. Key measures of program success are: **RFI Imposed (CA100), RFI Approved (CA200), Remedy Selection (CA400), CMI Construction Completed (CA550), Ready for Anticipated Reuse , RAU, (CA800YE), and Corrective Action Process Completed (CA999)**, supported by other RFI, CMS, and CMI activities. *Source:* FY2013 NPM guidance.

3. **Stabilization (Interim Measure) Activities** - Demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis should be on facilities ranked high. Key measures of program success are: **Stabilization Imposed (CA600), Stabilization Construction Completed (CA650), and Stabilization Process Complete**. *Source:* FY2013 NPM guidance.

4. **Environmental Indicators -** Document results of stabilization efforts at high-ranked facilities through the two Environmental Indicators: (1) **number and percentage of high-ranked facilities in the GPRA baseline universe that have current human exposures under control (CA725)**; and (2) **number and percentage of high-ranked facilities in the GPRA baseline universe with migration of contaminated ground water under control (CA750)**. *Source:* FY2013 NPM guidance.

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EPA-Region 8 Solid & Hazardous Waste Program
Required Program Measures with their RCRAInfo Data Elements

RCRA Info code	Activity, Event	Type of Measure			Comment
		RCRAInfo Core Element	Region 8 Fundamental	NPM GUIDANCE/ GPRA	
Closure, 17 events reduced to 4:					
CL310	Closure Plan Received	X	R		
CL360	Closure Plan Approved	X	T		
CL370	Closure Certification	X	R		
CL380	Closure Verification	X	T		
Post-Closure, 48 events reduced to 11:					
PC010	Post-Closure Part B Application Call-in	X	R		
PC020	Post-Closure Part B Application Received	X	R	R	
PC160	Public Notice of Draft Post-Closure Permit	X			
PC200	Post-Closure Permit Final Determination	X	T	T	
PC205	Post-Closure Permit Effective Date	X	R	R	
PC240	Post-Closure Permit Modification	X			
PC270	Post-Closure Permit Expires	X	R	R	
PC310	Post-Closure Plan Received	X			
PC360	Post-Closure Plan Approved	X			
PC370	Post-Closure Plan Certification	X			
PC380	Post-Closure Plan Verification	X			
Operating Permits, 54 events reduced to 21:					
OP001	Receipt of Part A Notification	X			
OP002	Part A Determination	X			
OP003	Process Determination	X			
OP010	Part B Call-in	X	R		
OP011	Pre-Compliance Certification Submitted	X			
OP012	Pre-Compliance Certification Review Completed	X			
OP013	Notification of Compliance Testing	X			
OP014	Case-by-case Compliance Extension Requested	X			
OP015	Loss of Interim Status	X			
OP016	Case-by-case Compliance Extension Granted	X			
OP020	Part B Application Received	X	R	R	
OP021	Notification of Automatic Extension	X			
OP022	Compliance Certification Submitted	X			
OP023	Compliance Certification Review Completed	X			
OP024	Compliance Extension Expires	X			

RCRA Info code	Activity, Event	Type of Measure			Comment
		RCRAInfo Core Element	Region 8 Fundamental	NPM GUIDANCE/ GPRA	
OP080	Trial Burn Completed	X	R	R	
OP160	Public Notice of Draft Operating Permit	X			
OP200	Operating Permit Final Determination	X	T	T	
OP205	Operating Permit Effective Date	X	R	R	
OP240	Operating Permit Modification (in place of permit issuance event)	X	R	R	
OP270	Permit Expires	X	R	R	
Corrective Action, 46 events reduced to 23:					
CA050	RFA Completed	X	T	T	or PA+
CA060	Notice of Contamination	X			
CA075	Overall Corrective Action Rank	X	T	T	
CA076	EBOCs CA Rank				
CA077	Original NCAPS Rank				
CA070	Determination of Need for RFI	X	R	R	
CA100	RFI Imposition	X	T	T	
CA150	RFI Workplan Approved	X			
CA200	RFI Approved	X	T	T	
CA210	CA Referred to non-RCRA Federal Authority	X	R		
CA300	CMS Workplan Approved	X			
CA350	CMS Approved	X			
CA375	Decision on Petition for No Further Action	X			
CA380	Public Notice of Proposed Remedy	X			
CA400	Remedy Selected/CMI Imposed	X	T	T	
CA450	Corrective Measures Design Approved	X			
CA500	CMI Workplan Approved	X			
CA510	Determination of Technical Impracticability	X			
CA550	CMI Construction Complete	X	T	T	
CA225	Stabilization Measures Evaluated	X	T	T	
CA600	Stabilization Measures Imposed	X	R		
CA650	Stabilization Construction Completed	X	R		
CA725	Current Human Exposures Under Control Environmental Indicator	X	T	T	
CA750	Migration of Contaminated Ground Water Under Control Environmental Indicator	X	T	T	
CA800	Ready for Anticipated Reuse (RAU)	X			
CA999	CA Process Terminated	X	T		

Key: **X** refers to RCRAInfo Core Data Elements; **R** refers to Report only measures; **T** refers to measures for which annual Targets are needed in the PPAs.

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APPENDIX 3
Region 8 Commitments Spreadsheet

FY 2012 Hazardous Waste Program Commitments for NORTH DAKOTA					
Event	**# of Facilities or Units**	**Achieved by EOY FY2011**	**FY 2012**		
			Committed	**Achieved**	**EOY**
Closure Activities (all at unit level)					
Closure Plan Approval (CL360) for LDUs	2	2		0	2
Closure Verification (CL380) for LDUs	2	2		0	2
Closure Plan Approval (CL360) for TSUs	9	9		0	9
Closure Verification (CL380) for TSUs	9	9		0	9
Closure Plan Approval (CL360) for CUs	1	1		0	1
Closure Verification (CL380) for CUs	1	1		0	1
Closure Plan Approvals Total (LDUs+TSUs+CUs)	12	12	0	0	12
Closure Verifications Total (LDUs+TSUs+CUs)	12	12	0	0	12
Permit Activities at GPRA Universe Facilities (all at facility level)					
Permitted Facilities under Approved Controls	9	9		0	9
Permit Renewals due this Strategic Period	3	1		0	1
Permit Activities Totals			0	0	
Permit Activities for GPRA Universe Facilities (at unit level)					
Controls in Place for LDUs on Closure Track	1	1		0	1
Controls in Place for LDUs on Operating Track	1	1		0	1
Controls in Place for TSUs on Operating Track	9	9		0	9
Controls in Place for CUs on Operating Track	0	0		0	0
Corrective Action Activities at GPRA Universe Facilities (activities are at facility level, unless specified at area level)					
RCRA Facility Assessments (CA050)	8	7		0	7
Overall Facility NCAPS Ranking (CA075)	8	8		0	8
Facility Stabilization Assessment (CA225)	8	8		0	8
Facility Remedy Selection (CA400	8	8		0	8
Facility Construction Completion (CA550) (GPRA measure)	8	8		0	8
Human Health Exposures Controlled Determination (CA725) (GPRA measure)	8	8		0	8
Groundwater Migration Controlled Determination (CA750) (GPRA measure)	8	8		0	8
RFI Imposed (CA100) (area level)	41	41		0	41
RFI Approved (CA200) (area level)	41	41		0	41
Remedy Selection (CA400) (area level)	41	41		0	41
Construction Completion (CA550) (area level)	41	41		0	41
Corrective Action Completed (CA999) (area level)	41	37		0	37

The Commitments Report is posted in the Cross-Module Section of RCRAInfo Reports as an Oracle report.

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APPENDIX 4

FY2008 Workplan Projections & Achievements For COLORADO

Report run on: May 1, 2007 - 9:55 AM

Version: 2.0

User Selection Criteria

Location: COLORADO

Fiscal Year: 2008

Status Date: 09/30/2008

Results

No data found for the selection criteria you have chosen.
Total Pages: 4

Report Description

This report shows target and accomplishments for the selected fiscal year, for select Permitting/Closure/Post-Closure activities and Corrective Action activites. Events are selected based on the schedule date falling within the fiscal year, or alternately if there is no schedule date, based on the actual date of the event. User may specify a date to show the status up to that date for the selected fiscal year. Activities included in the report are: Closure Plan Approvals (CL360), Closure Verification (CL380), PC Permit (PC200) not denied, PC Permit Modifications for additional capacity (PC240AC), additional process status codes (PC240AC), or proposed status code (PC240AU), Operating Permit/Renewals for LDUs, TSUs, and CUs (OP200) that were not denied, Operating Permit Modifications for LDUs, TSUs, and CUs (OP240), CA Assessments (CA050), Overall NCAPS Ranking (CA075), Stabilization Assessment (CA225), RFI Imposition (CA100), Remedy Selection (CA400), Construction Completion (CA550), Stabilization Measures Implemented (CA600), Human Health Exposures Controlled (CA725YE) excluding reaffirmations, Migration of Contaminated Groundwater Controlled (CA750YE) excluding reaffirmations, and Remedy Complete (CA999).

GPRA activites for each Permitting/Closure/Post-Closure facility/unit pair are highlighted by bold and italics for CL380 and OP200 in the OP baseline, and for CL380 and PC200 in the PC baseline. GPRA activities for Corrective Action are highlighted by bold and italics if the area is marked as facility-wide for CA400, CA550, CA725, and CA750.

Report Information

Name:	08_target_accomp.rdf
Developed by:	DPRA Inc.
Deployed:	(in development)
Last Revised:	
Contact:	mason.jill@epa.gov
Tables Used:	gpra_ca, gpra_permit, pevent, punit, pln_event_unit, parea, punit_detail, aevent, aln_area_event, aarea
Libraries:	none

FY2008 Workplan Projections & Achievements for COLORADO

Report run on:
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008
Status as of: 09/30/2008

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments

No records matching selection criteria were found.

A. Closure and Post-Closure Activities						
1. Closure Activities						
a. Closure Plan Approvals (CL360); potential targets:						
b. Closure Verification (CL380); potential targets:						
2. Post Closure Activities						
a. PC Permit (PC200); potential targets:						
b. PC Permit Modifications (PC240); potential targets:						
B. Operating Permit Activities						
1a. Operating Permits/Renewals for LDUs (OP200); potential targets:						
1b. Operating Permit Modifications for LDUs (OP240); potential targets:						
2a. Operating Permits/Renewals for TSUs (OP200); potential targets:						
2b. Operating Permit Modifications for TSUs (OP240); potential targets:						
3a. Operating Permits/Renewals for CUs (OP200); potential targets:						

FY2008 Workplan Projections & Achievements for COLORADO

Report run on:
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008
Status as of: 09/30/2008

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments

No records matching selection criteria were found.

3b. Operating Permit Modifications for CUs (OP240); potential targets:						
C. Corrective Action Activities						
1. Corrective Action Assessments (CA050); potential targets:						
2. Overall NCAPS Ranking (CA075); potential targets:						
3. Stabilization Assessments (CA225); potential targets:						
4. RFI Imposition (CA100); potential targets:						
5. RFI Approval (CA200); potential targets:						
6. Remedy Selection (CA400); potential targets:						
7. Construction Completion (CA550); potential targets:						
8. Stabilization Measures Implemented (CA600); potential targets:						
9. Stabilization Construction Completed (CA650); potential targets:						

FY2008 Workplan Projections & Achievements for COLORADO

Report run on:
May 1, 2007 - 9:55 AM

Date Range: 10/01/2007 -- 09/30/2008
Status as of: 09/30/2008

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments

No records matching selection criteria were found.

10. Human Health Exposures Controlled (CA725YE); potential targets:						
11. Groundwater Releases Controlled (CA750YE); potential targets:						
12. Remedy Complete (CA999); potential targets:						

* End of Report *