



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

August 11, 2022

**MEMORANDUM**

**SUBJECT:** Dispute Resolution for Corrective Action 2 of the Report 21-P-0114: “EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs.”

**FROM:** Mark Badalamente, Senior Resource Official

**TO:** Laretta Joseph, Director  
Programs, Offices, and Centers Oversight Directorate  
Office of Special Review and Evaluation  
Office of Inspector General

Thank you for the opportunity for continued dialogue on the subject audit report. Following several exchanges with the Office of Inspector General (OIG), the Office of Enforcement and Compliance (OECA) and the Office of Land and Emergency Management (OLEM), in a November 2, 2021, memo, the OIG stated the report’s Recommendation 2 remained unresolved and OECA should follow the dispute resolution process. OECA subsequently met with the OIG on June 3<sup>rd</sup> and again on July 12<sup>th</sup>, 2022, to discuss the findings in the audit report, as they pertained to Recommendation 2, and discuss a potential resolution.

OECA acknowledges that, as stated in the OIG report for the time period examined, not all operating treatment, storage, or disposal facilities (TSDF) with units closed with waste in place have received inspections in accordance with frequency stated in the Resource Conservation and Recovery Act (RCRA). RCRA compliance monitoring is a collaborative effort between EPA and authorized states with states conducting the majority of all hazardous waste facility inspections. There are a number of reasons why a regulator may be unable to conduct a TSDF inspection within the expected timeframe. However, to the extent practicable, EPA and authorized states work together towards RCRA program expectations and address the most serious environmental and human health problems caused by noncompliance. To address the concerns raised by the OIG in Recommendation 2, OECA agrees to work with the Regions to closely monitor inspections being conducted at operating TSDFs with units closed with waste in place to identify any which have not been inspected prior to the end of the statutorily mandated timeframes. This will enable prioritization of inspections for these facilities within the mandatory timeframes to the extent possible. Where inspections have not been completed within the mandatory timeframes, such inspections will be conducted as soon as feasible the following fiscal year.

OECA offers the corrective action in the table below to close this dispute.

**Agreement**

No.	OIG Recommendation	High-Level July 8 Proposed Corrective Action(s)	High-Level Revised Intended Corrective Action(s)	Estimated Completion by Quarter and FY
2	Establish mechanisms to ensure that all inspections are completed within the required time frame of two years for operating treatment, storage, or disposal facilities or the policy time frame of three years for nonoperating treatment, storage, or disposal facilities.	<p>Work with the regions to develop and pilot the implementation of a plan to use the RCRAInfo Closed with Waste in Place Report for monitoring inspection frequency status of operating TSDFs with units closed with waste in place and to conduct inspections where a required inspection has not been completed on the statutory timeframe.</p> <p>Evaluate OECA’s Compliance Monitoring Strategy and consider changes to the three-year inspection frequency for nonoperating TSDFs.</p>	<p>Work with the regions to develop and implement a plan to use the RCRAInfo Closed with Waste in Place Report for monitoring the inspection status of operating TSDFs with units closed with waste in place.</p> <p>At TSDFs for which required inspections have not been completed and are near the end of their compliance period, conduct inspections to the extent possible within the compliance period, or the following fiscal year.</p>	2 <sup>nd</sup> Quarter FY 2024

If you have any questions regarding this response, please contact Gwendolyn Spriggs, OECA’s Audit Follow-Up Coordinator, at ([spriggs.gwendolyn@epa.gov](mailto:spriggs.gwendolyn@epa.gov)).

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