



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

August 15, 2022

MEMORANDUM

SUBJECT: EPA Response to the Office of Inspector General June 8, 2022 Final Report: "The EPA Continues to Fail to Meet Inspection Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities," Report No. 22-E-0047

FROM: Lawrence E. Starfield, Acting Assistant Administrator

TO: Sean O'Donnell, Inspector General
Office of Inspector General

Thank you for the opportunity to propose an updated corrective action to the recommendation from the Office of Inspector General's (OIG's) June 8, 2022 report, "The EPA Continues to Fail to Meet Inspection Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities," Report No. 22-E-0047. This OIG audit is a follow-up evaluation to the 2016 report on the same topic (OIG Report No. 16-P-0104). The Office of Enforcement and Compliance Assurance (OECA) met with the OIG on June 3, 2022, and again on July 12, 2022, to discuss the findings of this audit report as well the related report "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," OIG Report No. 21-P-0114, and discuss potential solutions. This response has been developed in coordination with the Office of Land and Emergency Management.

OECA agrees that the fundamental issue the OIG is addressing in these reports is critically important: protecting the public and the environment from improper handling of hazardous waste. Accordingly, these facilities continue to be inspected at a very high rate.

OECA acknowledges that, as stated in the OIG report for the time period examined, not all treatment, storage, or disposal facilities (TSDF) have received inspections in accordance with the frequency required by 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 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 to meet 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 the Recommendation, OECA agrees to work with the Regions to closely monitor inspections being conducted at TSDFs to identify any which have not been inspected prior to the end of the statutorily mandated time frames. This will enable prioritization of inspections for these facilities within the mandatory time frames to the extent possible. Where inspections have not been completed within the

mandatory time frames, such inspections will be conducted as soon as feasible the following fiscal year.

OECA accepts the OIG Recommendation and offers an updated corrective action #2 in the table below.

Agreement

No.	OIG Recommendation	Qualifications/ Comments for OIG Recommendation	High-Level Revised Intended Corrective Action(s)	Estimated Completion by Quarter and FY
1	Implement management controls to complete the required treatment, storage, and disposal facility inspections		1. OECA will consult our regional counterparts to better identify the facilities that are not inspected at the required frequencies and the reasons why. 2. OECA will work with the regions to monitor TSDF inspection frequency, develop and implement a plan to identify TSDFs not yet inspected near the end of the required inspection cycle, and conduct inspections to the extent possible within the compliance period or the following fiscal year.	1. 1st Quarter FY 2023 2. 2nd 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.

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