

**U.S. EPA-REGION 8  
SOLID AND HAZARDOUS WASTE PROGRAM**

**RCRA PROGRAM GUIDANCE FOR FY 2008**

(Derived from FY 2008 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) 2008. The guidance has been 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 FY2008. 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 FY2008.

This guidance is a combination of national and R8 RCRA program goals and priorities. It is derived chiefly from the draft national program management (NPM) guidance for FY2008 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 closely 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 and comprise corrective action, permitting, waste minimization and tribal activities. 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 and Hazardous Waste Program and Pollution Prevention, Pesticides and Toxics Program. This includes:

- For Subtitle C (Hazardous Waste): hazardous waste minimization; closure and post-closure; operating permits; corrective action; authorization; and information management.
- For Subtitle D (Solid Waste): the pollution prevention and recycling functions.

**A. NATIONAL WASTE PROGRAM PRIORITIES**

OSWER has selected four national priorities for waste programs, and these are integrated throughout the discussion of the principal program elements:

**Revitalization** - The revitalization initiative is a means of leveraging lessons learned in development of the Brownfields and Base Realignment and Closure programs, and applying them across all of our cleanup programs. The Land Revitalization Agenda provides an extensive menu of options for integrating the concept of land reuse while selecting cleanup approaches. As part of this initiative, we have been working with the regions to develop regional reuse plans. These plans represent a commitment by EPA managers and staff to make land revitalization a core component of our cleanup programs, and provide an opportunity to showcase the extensive regional activities already under way (<http://www.epa.gov/swerrims/landrevitalization/index.htm> ).

**Recycling, Waste Minimization and Energy Recovery** - EPA's strategy for reducing waste generation and increasing recycling is based on (1) establishing and expanding partnerships with businesses, industries, states, communities, and consumers; (2) stimulating infrastructure development, environmentally responsible behavior by product manufacturers, users, and disposers ("product stewardship"), and new technologies; and (3) helping businesses, government, institutions, and consumers through education, outreach, training, and technical assistance (<http://www.epa.gov/epaoswer/osw/index.htm> ). These activities are encompassed within the mantle of the Resource Conservation Challenge.

**Emergency Preparedness, Response, and Homeland Security** – The possibility of future terrorist incidents has made homeland security and enhanced emergency response a government-wide priority. During FY 2008, EPA will complete necessary enhancements through establishment of the National Decontamination Team, procurement of specialized equipment, and providing advanced training. We will also continue our focus on improvements to overall response readiness, and maintain our role in implementing the National Approach to Response (<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/homelandSecurity.htm?OpenDocument> )

**Implementing New Energy and Transportation Legislation** - EPA has a critical role in implementing the provisions of the Energy Policy Act (EPAAct) of 2005. The EPAAct substantially overhauls the underground storage tank (UST) release prevention program to minimize future releases from USTs and provide additional emphasis on remediation of leaking USTs, with a particular focus on fuel oxygenates such as methyl tertiary butyl ether (MTBE). Implementing the EPAAct provisions includes conducting more frequent inspections, prohibiting delivery to noncompliant tanks, and requiring either secondary containment for new tank systems or financial responsibility for manufacturers and installers. For further information and final EPA grant guidance, see <http://www.epa.gov/swerust1/fedlaws/EPAActUST.htm>.

## **B. TRIBAL PROGRAM DEVELOPMENT**

The national program supports tribal governments through capacity building, technical assistance and outreach. In tandem with existing tribal program support, in FY 2008, OSWER will focus on the following key areas to help improve tribal program development and performance:

- Creating a new OSWER Tribal Council to facilitate dialogue, outreach and information sharing between EPA and tribes.
- Communicating clear tribal program priorities.
- Improving results from tribal training.
- Developing tools for Indian country that focus on: tribal program implementation, compliance, hazard assessment, integrated waste management planning, resource conservation, risk assessment, and revitalization.
- Improving tribal baseline data for better program decision-making.

## **C. INNOVATIONS AND ENVIRONMENTAL JUSTICE**

OSWER supports innovative and collaborative approaches to environmental problem-solving. To encourage innovative thinking and promote collaboration, OSWER established the Innovations Workgroup (IWG) and an Innovation Pilot Initiative. Under the Innovation Pilot Initiative, a small amount of money is set aside to fund creative approaches to waste minimization, energy recovery, recycling, land revitalization, and homeland security that may be replicated across various sectors, industries, communities, and regions. OSWER hopes these pilots will pave the way for programmatic and policy recommendations by demonstrating the environmental and economic benefits of creative, innovative approaches to the difficult environmental challenges we face today. For more information on OSWER's innovation pilots, please see [www.epa.gov/oswer/iwg](http://www.epa.gov/oswer/iwg)

Environmental justice is a priority throughout all of OSWER's waste programs ensuring that environmental impacts are not disparate and that people can enjoy healthy and environmentally sound conditions. OSWER will ensure accountability for implementing environmental justice measures by continuing to develop and implement EJ Action Plans which are linked to our Government Performance and Results Act (GPRA) goals. The waste programs will continue to be in the forefront of EPA's efforts to advance the environmental justice agenda and integrate these concerns into our daily business by developing assessment methodologies and tools.

OSWER also will support the Agency's priorities for protecting children and upholding citizens' rights to be knowledgeable about the health of their environment. Efforts in this area include the Environmental Justice Toolkit and Community Action for a Renewed Environment (CARE). Implemented during FY 2005, CARE is designed to help communities identify and reduce multiple sources of toxics in their environment through cooperative agreements. The

Administration has requested funding for this program in FY 2008, and Regions should continue their ongoing efforts to promote this program. Information about CARE can be found at <http://epa.gov/care/>.

#### **D. NATIONAL IMPLEMENTATION STRATEGIES**

The RCRA program continues its focus on two primary areas for FY 2008. One is the continued existing statutory obligations to ensure the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The other is our emphasis on resource conservation and materials management through voluntary partnerships. Much of the effort toward solid waste and chemicals reduction and recycling is under the RCC Program.

#### **E. SCOPE**

The guidance contains two major chapters:

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 4 OSWER themes of the Revitalization; One Cleanup Program; Recycling, Waste Minimization and Energy Recovery; and Emergency Preparedness, Response and Homeland Security.
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 2008 PPAs.

3. The *FY 2008 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.
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. To use this tool, each state must enter into RCRAInfo the schedule 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 actual dates into the database and running the Workplan report again will populate the table with achievement information.

This guidance does not address the following elements of the RCRA Program:

- 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.
- The Subtitle I (UST/LUST) program element of RCRA (that function is located in the R8 Water Program).

## **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 are focused in 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. Increased attention to materials management and energy issues, using analytical tools such as the Waste Wheel, and continuing efforts for reductions in the generation of solid and hazardous wastes. The Resource Conservation Challenge (RCC) has been launched and, during the next three years, EPA will build upon the successful efforts of the RCC to meet the objectives of the 2020 Vision Paper (*Beyond RCRA*) to reduce the generation of wastes, increase recycling of industrial materials and municipal solid waste, and look at the sustainable use of all resources.

These program areas are addressed in EPA's Strategic Plan 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 OSW 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 the minimization of solid and hazardous waste via the Resource Conservation Challenge. We have discussed these priorities with the states and tribes in the past and will continue to do so through FY 2008. 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. SOLID AND HAZARDOUS WASTE MINIMIZATION AND RECYCLING (THE RESOURCE CONSERVATION CHALLENGE)**

The Solid and Hazardous Waste Minimization (Waste Min) program element is at the front of Chapter II to reflect its status as the "strategy of first choice" for the RCRA program in Region 8. Since FY 2003, the RCRA Hazardous and Solid Waste Minimization efforts have been addressed together under the umbrella of the Resource Conservation Challenge (RCC). The RCC was launched in September 2002 to find flexible, yet more protective ways to conserve resources through waste reduction and energy recovery. The RCC is a broad challenge for American producers and consumers to make smarter purchasing and disposal decisions. It supports projects to test innovative approaches to waste minimization, energy recovery, recycling and land revitalization.

For 2008, the national attention for the RCC remains on the four (4) National Focus Areas (NFAs). These 4 NFAs are as follows:

## **1. Recycling Municipal Solid Waste**

### **National Guidance**

Under EPA's 2006-2011 Strategic Plan, EPA has a goal of recycling 35% of municipal solid waste by 2008. The Strategic Plan builds on this goal by including a national, "aspirational" goal of 40% municipal solid waste recycling by 2011. OSW is working with Regions to identify a new long-term 2011 GPRA goal, to replace the current 35% MSW recycling goal with measures that more directly reflect EPA's influence, resources, and contributions to the nation's goal of increasing municipal solid waste recycling.

During FY 2008, the Regions and OSW will continue to focus their primary MSW recycling efforts on the three targeted materials: paper, organics (food waste and green yard waste), and packaging/containers. OSW has worked with the Regions to develop a MSW Recycling Implementation Plan, which includes specific activities each Region will commit to undertake and identifies approaches and tools to support these activities.

FY 2008 will be the first year the Regions will commit to specific Annual Commitment System (ACS) MSW recycling accomplishments. These commitments will be made under the framework of the trial matrices the Regions completed for 2007. Regions should base their ACS MSW recycling commitments on what they expect to accomplish through their resources. Regions may include WasteWise partner accomplishments as outlined in the WasteWise apportionment paper as part of their ACS MSW recycling commitments. Regions should consider both FTE/extramural dollars and partnership accomplishments when establishing their ACS MSW recycling commitments. Regions should continue general outreach efforts to promote MSW recycling and implement the activities listed in the RCC 35% MSW Recycling Goal Final Draft Implementation Strategy. Regions should work closely with states to support and complement state and local efforts. Where Regions make targeted and specific efforts to support state programs, they are encouraged to seek ways to quantify their contributions, but these should not be part of their 2008 ACS targets.

### **Region 8 Perspective**

Region is continuing to build its MSW recycling program. The focus for FY 2008 will be primarily in two areas:

- a. We will continue using Grant funds to promote projects that will advance the goals of MSW recycling rates, particularly in situations most relevant to the Region 8 landscape. In each project, there will be a requirement for measurement of resulting recycling amounts.
- b. We will use Contract funds and staff resources to work with our state partners, non-profits and others to evaluate and promote recycling rates

wherever there are opportunities. We will continue to develop our working relationship with state Solid Waste Program management and staff to identify and pursue situations that present the greatest opportunity for increases in recycling.

## **2. Industrial Materials Recycling (previously known as Beneficial Use)**

### **National Guidance**

EPA-OSW expects to develop an industrial materials reuse and recycling implementation plan similar to that for MSW, while working to improve our construction and demolition materials data and measures. The industrial materials reuse and recycling program will continue to focus on coal combustion products (CCPs), construction and demolition (C&D) materials, and foundry sands. Recycling these materials can conserve resources, reduce energy use, reduce greenhouse gas emissions, reduce costs, and extend the life of landfills.

Regions should continue to develop effective working relationships with their state counterparts and foster collaborative efforts to share information and data and to coordinate among state programs. OSW and the regions will continue to partner with the Industrial Recycling Council (IRC), the industrial materials component of the National Recycling Coalition, and the Association of State and Territorial Solid Waste Management Official's Beneficial Use Task Force.

Measuring and reporting on success is a critical component of any credible program. There are two GPRA goals in the strategic plan for 2011: increase the use of coal combustion ash to 50%; and, increase the reuse and recycling of C&D materials to 65%. We will track progress for the coal ash goal at the national level. We updated the construction and demolition materials characterization report and asked several stakeholders for their review. The reviewers identified a number of potential improvements, and OSW will be working with the stakeholders to improve this characterization report. We intend to use the report, updated annually, to track progress in meeting the C&D materials GPRA goal.

For 2008, the ACS includes our C&D materials measure. For 2008, we encourage the Regions to add ACS commitments in this area. We will be working with all Regions to identify activities that could be included in their ACS commitments, to develop a C&D materials implementation plan, and to improved data collection.

For FY 2008, Regions should build on their prior successes and continue to increase the reuse and recycling of industrial materials in an environmentally sound manner. As in 2007, Regions should focus their efforts on two programs: the Industrial Materials Construction Initiative, which is a comprehensive venue for fostering reuse and recycling of all three of EPA's focus materials; and the Coal Combustion Products Partnership (C2P2).

### ***The Industrial Materials Construction Initiative***

Several Regions have had great success in working with large construction projects. Other Regions have initiated discussions which appear quite promising. In 2006, each Region committed to identifying and working with at least one major construction project in their Region. In FY 2008, Regions should continue their efforts in this area. Regions are asked to identify significant, upcoming construction projects and initiate discussions with developers, builders, and others who influence materials use to encourage the wider use of coal ash, reusable, construction and demolition materials, and foundry sands. OSW provided the Regions with a list of top Regional construction projects and continues to forward new projects as they are identified. OSW also will provide Regions with materials to use as tools to move this effort forward.

In FY 2008, OSW will be tracking Regional accomplishments and challenges in the Industrial Materials Construction Initiative through routine calls and other efforts. Regions should document construction project case studies to capture and share the knowledge gained and lessons learned, including challenges to reuse and recycling and how those challenges are overcome. Regions then can apply the case study information in marketing the concept to other projects. Effective case studies should include the amount of material used, reused, and/or recycled, as well as energy savings, greenhouse gas reductions, and cost savings.

### ***Coal Combustion Products Partnership (C2P2)***

Regions should continue to expand the C2P2 and encourage the use of coal combustion products (CCPs). Actions include nurturing the current membership, recruiting new members to the partnership (including generators), creating case studies of CCPs used, and working with state agencies and others to put CCPs to use in transportation and building projects. Concerns have been raised that EPA's air regulations will negatively affect CCP characteristics. OSW and Regions will seek to address such concerns with assistance from experts within the Agency, other agencies, industry, and academia. With the potential loss of a significant DOE data source, OSW will be working with industry and other partners to ensure continued effective reporting on coal ash usage.

### **Region 8 Perspective**

As with MSW, Region is continuing to build its IMR program. The focus for FY 2008 will be primarily in two areas:

- a. We will continue using Grant funds to promote projects that will advance the IMR goals, particularly in situations most relevant to the Region 8 landscape. In each project, there will be a requirement for measurement of resulting recycling amounts.

- b. We will use Contract funds and staff resources to work with our state partners, non-profits and others to evaluate and promote IMR wherever there are opportunities. We will continue to develop our working relationship with state Solid Waste Program management and staff to identify and pursue situations that present the greatest opportunity for increases in recycling.

### 3. Reducing priority chemicals (covered under Subobjective 5.2.2)

#### National Guidance

The national guidance for reducing RCRA-relevant priority chemicals centers on the National Partnership for Environmental Priorities (NPEP). The strategic goal, as stated in the Agency's 2006 – 2011 Strategic Plan, is a four million pound reduction of priority chemicals by 2011, as measured by NPEP contributions, Supplemental Environmental Projects (SEPs) and other tools used by EPA to achieve priority chemical reductions.

In FY 2008, EPA will achieve NPEP priority chemical reduction goals by identifying for partnership and enrolling individual facilities, and when possible multiple facilities, in industrial and manufacturing sectors which are responsible for the highest amount of priority chemicals released to the environment. Partners enrolled by regional and state representatives will contribute to the national priority chemical goal and may contribute to additional regional or state specific chemical reduction goals. Decisions regarding chemicals (in addition to the 31 priority chemicals) selected for reduction should be based on the chemical waste minimization potential, risk, and generation trends as well as volume of chemical released to the environment. Information on the specific actions and means by which reductions are achieved is provided in the RCC Priority Chemical Action Plan. At this time there are no specific GPRA goals associated with the identification of other chemicals of national concern.

Based on targeting information provided by OSW, and other available information, Regions will establish specific annual regional reduction goals, identifying the number of pounds of reductions the Region will seek to achieve each year to reach the 2011 Priority Chemical GPRA goal.

The FY 2008 national goal is to reduce priority chemicals by one million pounds. Regional annual priority chemical reduction targets will be entered into the ACS. In addition, the RCRA program has committed to targeted cost efficiencies associated with reducing priority chemicals through its OMB PART measure, "Number of pounds (in millions) reduced in waste streams per cost to perform such actions." The program has committed to achieving a 1.5 percent increase each year in pounds of priority chemicals removed relative to cost. Contributions toward the GPRA goal can be achieved by recruiting several small generators as well as by targeting large volume generators.

Note that overall program success is measured by reduction in the volume of priority chemicals, rather than the number of facilities enrolled in the partnership program. Additionally, source reduction is the preferred means of chemical reduction, but recycling is an acceptable alternative when viable source reductions options have been eliminated.

For further information, see <http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm>

### ***Schools Chemical Cleanout Campaign (SC3)***

The Schools Chemical Cleanout Campaign (SC3) is a part of RCC. The Campaign 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 the development of accumulations of chemicals in the future; and, (3) raising awareness of the problem.

During FY 2006, EPA established a multi-Agency Steering Committee in collaboration with the Department of Education, Agency for Toxic Substances and Disease Registry, Bureau of Indian Affairs, Consumer Product Safety Commission, and Centers for Disease Control and Prevention and developed a multi-Agency strategy to address the issue. In FY 2007, EPA will make progress on building a national campaign that includes a public/private network to make responsible chemical management available to all schools across the nation. The network 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.

While building these partnerships in FY 2008, EPA and its Federal partners will place their effort on the following goals and objectives:

- Gathering baseline data and raising national awareness of the potential dangers of chemical accumulations in K-12 schools: better characterize the scope of the problem; communicate with stakeholders and engage them in addressing the problem; and coordinate Federal agency programs to provide a clear, unified SC3 message.
- Facilitate Chemical Cleanout and prevention of future chemical management problems: improve access to information resources (tools, manuals, criteria) and provide technical assistance; institutionalize good chemical management practices, including training, purchasing, and planning; and recognize successes through SC3 awards.

In FY 2007 and 2008, EPA headquarters and the Regions will continue to analyze the state of chemical management in K-12 schools and develop tools to raise awareness and educate school and industry partners about the issues surrounding chemical management.

To bring this information, expertise, and resources to as many school districts as possible across the country, EPA headquarters and Regions will focus their efforts on developing and strengthening partnerships to build this national network. Regions will be the key to making this vision a reality. As we sign on partners who want to help schools, 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 assure 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. Success in FY 2008 will be measured by the number of partnership agreements established, schools affected, pounds of chemicals removed from K-12 schools, and sustainable practices established.

OSWER also continues to support Performance Track (<http://www.epa.gov/performancetrack>), an Agency-wide priority innovation program that recognizes and rewards private and public facilities that demonstrate top environmental performance. OSWER has worked with OPEI to develop RCRA incentives (<http://www.epa.gov/performancetrack/benefits/regadmin/waste.htm>) for member facilities. RCRA programs are encouraged to promote adoption of these incentives by the states and assist in their implementation. In FY 2006, OSWER collaborated with Performance Track to promote voluntary priority chemical reductions as an important commitment to continuous environmental improvement. Specifically OSWER's National Partnership for Environmental Priorities (NPEP), a partnership program that targets priority chemical reduction has worked with Performance Track to form the National Challenge Commitment for Priority Chemicals. Under this challenge, Performance Track members declaring a 10% reduction goal for one or more priority chemicals can use that single goal to count as two of four goals needed to demonstrate continuous environmental improvement over a three year period.

## **Region 8 Perspective**

Waste Minimization is the R8 strategy of first choice. For FY 2008, EPA-R8 will continue its work with the states to identify waste reduction opportunities for priority chemicals. Where possible, EPA and the states will work within the context of the RCC to broaden and capture R8 waste reduction efforts. Among the areas of interest in Hazardous Waste Minimization efforts that should be considered when planning activities for FY 2008 are:

1. EPA will continue work with the states to make better use of the Hazardous Waste "profile" reports that were jointly developed by EPA and the states, including any updating that occurs as a result of recently released TRI or BRS data. These profiles currently contain data from the Toxics Release Inventory (TRI) and the Biennial Reporting System (BRS), and present chemical, industry, facility, and waste stream-specific information about the generation and disposition of priority chemicals. The information in the profiles will be a valuable tool in linking state Waste Min activities to the use and reduction of

priority chemicals, and in planning state Waste Min activities, compliance assistance, sector prioritizing and inspections for FY 2008. Region 8 will work with the states to review and revise the profiles to ensure their usefulness and accuracy, and will also consider further refinements and/or customizing each state's profile to meet specific state needs.

2. Work with the States to assure that current Waste Min efforts are reflected in PPAs/SEAs, especially those that support reductions in priority chemicals and other RCC goals.
3. Look for incentives for new/additional State activities that would focus on priority chemicals, including grants, training, technical assistance, voluntary partnerships, recognition programs, and other incentives.
4. Facilitate communication on hazardous waste minimization and priority chemical reductions through the development of tools and resources, and the dissemination of information through the R8 Hazardous Waste Minimization Program web page and other appropriate means.
5. Work with the States to contact the top ten (10) facilities in the Region reporting significant quantities of priority chemicals to the TRI and BRS to explore priority chemical reduction strategies for the facilities and enrollment in the NPEP. This objective will depend upon the identification of existing and technically feasible opportunities to minimize the priority chemicals.

**Key Hazardous Waste Minimization Measures for FY 2008:** achieving measurable reductions in priority chemicals in RCRA hazardous waste streams, as measured through the TRI and the BRS (from a 2001 baseline). These reductions will be measured by EPA-HQ from TRI data at the national level. Because there are no statutory or regulatory requirements for waste reduction, there will be no state-specific targets for such reductions.

#### **4. Electronics**

Approximately two million *tons* of used electronics, including computers and televisions, are discarded each year. An estimated 128 million cell phones are retired from use each year. This National Electronics Action Plan will work to reduce the potential adverse effects of these discarded products by applying a life cycle approach to the problem.

#### **Goals and Objectives**

The overall goals for electronics are to:

- Foster environmentally conscious *design and manufacturing*, including reducing or eliminating higher-risk materials (e.g., priority and toxic chemicals of national concern) in electronics products at the source.
- Increase *purchasing and use* of more environmentally sustainable electronics; and
- Increase safe, environmentally sound *reuse and recycling* of used electronics.

## **A. Five-year Goals**

### *1. Design and manufacturing*

- Electronic products will use significantly lower-risk materials.
- The amounts of materials used will be reduced to the minimum needed to meet technological or performance requirements if use of significantly lower risk materials is not possible.
- The electronics we buy will be designed to be readily reusable or recyclable at the end of their first useful life (this includes improved design and manufacturing processes, as well as building for ultimate dismantling and reuse).
- There will be robust markets for the materials coming from recycling of used electronics because of the design changes made to electronics.

### *2. Purchasing and use*

- Environmentally sound government purchasing of electronics products will be standard practice.

### *3. Reuse and recycling*

- It will be as easy for consumers to recycle or find a reuser for their TV or PC as it is for them to buy one.
- Reuse, recycling, and disposal of electronics will be a safe and environmentally sound practice across the nation.

## **B. Numerical Targets**

One of the first steps in development of this action plan will be the establishment of measurable numerical targets for each of the broad national goals identified above. Possible targets include:

- Measuring amounts of priority and toxic chemicals of national concern that manufacturers have removed from products through redesign. The specific materials addressed will be identified in consultation with stakeholders.
- Targets for the number of computers and TVs recycled or reused nationally.
- The nature and volume of electronics handled by states, tribes, and community electronics recycling programs.

RCC partners are working together to harness institutional purchasing power in order to increase the demand for “green” electronics. They also are establishing best practices for the operation and maintenance of electronic products, and providing opportunities to safely reuse and recycle old or unwanted products. Examples of current initiatives include the following:

- [Design for the Environment \(DfE\) Program](#)  
DfE works to integrate health and environmental considerations into manufacturing and business decisions. Its goal is to produce products and processes that are cleaner, more cost-effective, and safer for workers and the public. Over the past decade, DfE has identified cleaner technologies and alternative materials that are currently being used in manufacturing electronics.
- [Electronics Product Environmental Assessment Tool \(EPEAT\)](#)  
EPEAT, developed in partnership with industry and government, is an environmental procurement tool designed to help institutional purchasers in the public and private sectors evaluate, compare, and select desktop computers, laptops, and monitors based on their environmental attributes in the manufacturing and use.
- [Federal Electronics Challenge](#)  
This voluntary partnership works with federal departments and agencies to increase the purchase green electronic products, reduce the environmental impacts of electronic products, and manage obsolete electronics in an environmentally safe way.
- [Plug-In To eCycling](#)  
Plug-In provides the public with information about, and increased opportunities for, safely reusing and recycling obsolete electronic products, such as computers, cell phones, and televisions. The partnership also promotes shared responsibility for safe electronics recycling with communities, electronics manufacturers, and retailers. The partnership also operates pilot projects that test innovative approaches to recycle electronics safely.
- [Safe Recycling Guidelines](#)  
Guidelines for Materials Management assist RCC Plug-In partners in ensuring the safe recycling of unwanted electronic products.

- Partnering with the Mobile Phone Manufacturers  
The RCC is working with 10 major mobile phone manufacturers to improve the environmentally sound management of unwanted mobile phones.

## **B. SAFE WASTE MANAGEMENT**

The overall goal for the safe waste management or permitting program element is to assure that operating and post-closure treatment storage and disposal facilities (TSDFs) have approved controls (permit conditions or other enforceable requirements) in place to reduce risks and protect human health and the environment by preventing dangerous releases. This program element remains one of the top priorities of the RCRA Program.

The GPRA measures that most directly relates to Safe Waste Management are:

1. **Approved Controls for all post-closure and operating units.** Establish approved controls for the GPRA permitting baseline universe such that, by 2008, 95% of existing hazardous waste management facilities will have approved controls in place to prevent dangerous releases to air, soils and ground water.

### **National Guidance**

Regions are expected to meet the cumulative goal of at least 95% of the Permitting Universe by the end of FY2008, including an annual goal of 2.0% of the universe during FY2008. To reach this goal, Region 8 will work with states to:

- Develop multi-year strategies to meet the 2008 goal.
- Identify what is needed for each facility to achieve approved controls and determine when each facility is projected to achieve approved controls.
- Consider risk in determining the prioritization of facilities to be addressed in the multi-year strategies.

Under these measures, EPA and the states established a “baseline universe” in 1997 consisting of post-closure and operating treatment, storage and disposal facilities (TSDFs) that needed a permit or other control. This universe was revised in 2005 to include facilities/units that have started activities subject to permitting requirements after October 1, 1997, and exclude facilities/units that should not be included (such as those units that are coded as never regulated, protective filers, or state-only regulated). Additionally, this revised universe is a combination of both Post Closure and Operating facilities from the 2005 permitting universes.

For post-closure facilities, the post-closure rule allows for a variety of mechanisms (post-closure permits, extended operating permits with post-closure care, approved post-closure plans, corrective action orders and referral to CERCLA authority) as acceptable for having “approved controls in place” for disposal facilities that need post-closure care. States and regions may consider a variety of site-specific factors (financial status, recalcitrance, availability of suitable state mechanisms) when selecting the appropriate mechanism.

### **Region 8 perspective**

R8 and the states established the original 1997 “baseline universes” of post-closure and operating facilities in 1998-99. Beginning in FY2006, the Post-Closure and Operating Universes were combined a single GPRA Permitting Universe comprising 83 facilities in Region 8. At the end of FY2006, approved controls were in place at 74 Region 8 facilities, or 89% of the permitting universe. The remaining 9 facilities are most challenging and 5 or more will need approved controls if the region is to meet its 2008 goal.

For FY 2008, R8 will:

- Continue to work closely with the states to refine the R8 facility-specific strategies that lay out when each TSDF is expected to have all post-closure or operating controls in place, what mechanisms are to be used, and what steps need to 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 2008 PPAs/SEAs should include an updating of these strategies as part of the FY 2008 planning process that would begin in the spring of 2007.
  - Use the R8 RCRAInfo Closure and Post-Closure 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.
2. **Permit Renewals.** Starting in FY2005 and continuing through FY2008, there is also an increased emphasis on renewal of post-closure and operating permits.

### **National Guidance**

A Permit Renewals baseline and Universe was added for FY 2006 and is updated each year. A new permitting event code for permit renewals (OP/PC020RN) has been added to RCRAInfo and Regions and States have been entering the data. OP/PC020RN and the

permit expiration date (OP/PC270) are used to determine which facilities already have administratively continued permits or will exceed the permit term before FY 2007. These facilities/units constitute the renewals baseline.

To meet the strategic target of updating controls for preventing releases at the approximately 150 facilities that are due for permit renewal by the end of 2008, Regions should:

- Ensure that by the beginning of FY 2008 all permit expirations (OP/PC270) have been entered into RCRAInfo so that the renewals data can be tested, baselines established, and annual goals created.
- Develop multi-year strategies to implement updated controls.

### **Region 8 perspective**

Region 8 will work with the states to plan for the permit renewal workload by ensuring that scheduled operating permit expiration dates (OP270) for all permitted units are entered into the RCRAInfo database by the start of FY2008.

### **Key Measures for FY 2008 for the Combined (Operating and Post Closure)**

**Permitting baseline:** The cumulative goal for FY 2008 is to have 95% 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) or modification (PC240) or issuance of Post-Closure order (Operating Status Code = CA)**; **Operating Permit final determinations (OP200, including modifications OP240) and renewals.**

More information on approved controls for the permitting program is at <http://www.epa.gov/epaoswer/hazwaste/permit/pgprarpt.htm>

## **C. CORRECTIVE ACTION CLEAN UP PROGRAM**

### **National Guidance**

For FY 2008, corrective action (CA) remains a high priority of the RCRA program. There are two major goals for CA:

- A short-term goal (in the form of two environmental indicators) of reducing both the current threats to human health and the spread of groundwater contamination through stabilization measures; and

- A long-term goal of remedy selections and final cleanup of CA facilities.

For the FY2006 – 2008 GPRA period, the Corrective Action baseline universe has been modified to include all high-ranked facilities plus additional, discretionary sites, and to exclude facilities that have been referred to Superfund or other non-RCRA authorities. Achieving the 2008 GPRA goals is the highest priority of the RCRA corrective action program for FY 2008. The 2008 goals, which build on the success achieved in 2005, are:

- Assess 100% of RCRA baseline facilities (assess means that enough information to rank the site has been gathered).
- Control all identified unacceptable human exposures from site contamination to health-based levels for current land and/or groundwater use conditions at 95 percent of RCRA baseline facilities.
- Control migration of contaminated groundwater at 80 percent of RCRA baseline facilities.
- Select final remedies (cleanup targets) at 50% of RCRA baseline facilities (Region 8 goal).
- Complete construction of remedies at 30% of RCRA baseline facilities (Region 8 goal).

Beyond FY2008, corrective action priorities will include the new “2020 Corrective Action Initiative.” This is discussed further under item 2, “Long-Term Goal: Final Clean Up.” Additionally, this section addresses the crosscutting themes from the OSWER priorities: One Cleanup Program and Revitalization.

### **1. Control Risks at Contaminated Sites (Environmental Indicators)**

The primary focus for CA is on those facilities that present the greatest risk to human health and the environment (“worst sites first”). Those facilities that were ranked high for CA as of 10/1/04 have been established as a “baseline universe” of high-ranked CA facilities against which States and EPA measure progress. More specifically, the baseline universe is used to measure progress for the currently applicable GPRA measure:

**GPRA Goal 3, Objective 2, Subobjective 2:** By 2008, 95% of high priority RCRA facilities will have human exposure to toxins controlled and 80% of high priority RCRA facilities will have migration of contaminated groundwater under control (using the 2006-2008 baseline).

The emphasis on the high-ranked facilities means that work on medium and low-ranked facilities should be considered of secondary importance and that the bulk of CA resources should be devoted to the high-ranked facilities.

### **Region 8 perspective**

The GPRA “baseline universe” for Corrective Action was negotiated with each state during FY 1998-99 and revised during FY 2004. The revised baseline contains 60 high-ranked CA facilities and is applicable to Corrective Action GPRA goals through 2008. In 2007 EPA and the Region 8 states finalized a 2020 Corrective Action Universe. This added an additional 38 low and medium priority facilities, giving a total of 98 facilities in the Region 8 2020 Universe.

As of the end of FY 2006, 55 (92%) of the 2008 baseline facilities had achieved the human risks measure, and 51 (85%) had achieved the ground water measure. While these levels of accomplishment are ahead of the national cumulative targets for FY 2006 (82% and 68%, respectively), the goals for 2008 are ambitious and much work remains to be done to achieve them.

In FY2008, R8 and the States will:

- a. Work to update facility-specific strategies that project when each high-ranked CA facility is currently projected to meet each environmental indicator, and develop plans to achieve all projected EIs. **States should commit to update these facility-specific strategies annually. For example, the FY 2008 PPAs/SEAs should include updating these strategies as part of the FY 2007 planning process that would begin in the spring of 2008. Additionally, States should include a list of the facilities that are not expected to achieve both EIs by 2008, and an explanation as to why.**
- b. Take the steps necessary to overcome barriers that are identified, including providing technical and regulatory assistance.
- c. Work to keep current and complete the documentation for the accomplishment of the indicators. This effort includes posting information electronically, including facility fact sheets and EI forms on the Region 8 website. States should submit to EPA by August 15<sup>th</sup> completed EI Determinations for facilities that:
  1. Have not met the EI (status = NO or IN), with a narrative explanation defining barriers and strategies for overcoming them; and
  2. Have changed the Status Code for the EI, e.g., NO → YES or IN, YES → IN or NO. Include narrative statement (as in 1. above) for facilities that have gone from YES to either NO or IN.

- d. 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 baseline facilities. The Region is reviewing headquarters guidance on this proposed approach and will work with States to further investigate these options.
- e. Work with OSW and the regional Superfund program to address issues regarding vapor intrusion, institutional controls, and chemical reassessments.

**Key Measures for FY 2008:** The measures that most directly support the GPRRA Sub-objective are: (a) **Current Human Exposures Under Control (CA725)**; and (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)**.

## 2. Long-Term Goal: Final Clean Up

### National Guidance

In 1999, EPA-HQ announced the “RCRA Corrective Action Reforms (Round I)” to support the achievement of this ambitious goal. This initiative is designed to promote and improve speed and efficiency in CA, including elimination or reduction of process barriers, emphasis on results, and promoting innovative cleanup methods. In 2001, a second round of Corrective Action Reforms (Reforms II) was announced. These reforms highlighted innovative approaches, changes in culture, connecting communities to cleanups, and capitalizing on reuse potential.

Implementation of the reforms is a high priority activity for the Region and States. Among the reforms are:

- a) Encouraging the use of innovative procedures, including characterization methods and treatment technologies (especially for stabilization), and focusing more on results than on process or paper work;
- b) Encouraging accelerated or voluntary cleanup actions where appropriate;
- c) Using a full range of cleanup authorities, including state authorities, §7003 and §3013, and multi-program or cross-program approaches;
- d) Accelerating a change in culture by promoting an open dialogue among stakeholders;

- e) Promoting active and early public involvement and site-specific dialogue, especially if there is significant community concern;
- f) Implementing stabilization measures as early as possible to achieve human exposure control and groundwater measures of success, and to promote final cleanup;
- g) Capitalizing on the redevelopment potential of RCRA cleanup sites; and
- h) Maintaining timely and accurate information on CA progress in the RCRAInfo database, with a focus on key milestones (CA100, CA 200, CA400, CA550, CA600, CA650, CA725, CA750, and CA999).

In addition to the reforms, the Region is looking ahead to the “2020 Corrective Action Initiative.” This initiative calls for us to address corrective action at all facilities, including medium and low-ranked sites, by the year 2020. At some facilities, “address” will mean achieving completion of corrective action (as described in the February 25, 2003 Completion Guidance). For other sites, where achieving completion is not practicable, “address” will mean putting a remedy in place, and setting the facility on a course toward achieving completion of corrective action. As discussed above the Region 8 2020 Corrective Action Universe added an additional 38 low and medium facilities, giving a total of 98 facilities in the 2020 Universe.

Other important corrective action efforts for FY2008 include continuing work on the 2008 Baseline, and the future GPRA measures of Remedy Selection (CA400) and Construction Complete (CA550). For R8, the baseline increased from 55 sites to 60 sites. The regional target for these goals is currently set at 50% for CA400 and 30% for CA550. Beginning in FY2006 and continuing through FY2008, progress toward achievement of these goals is being tracked using the new baseline.

### **Region 8 perspective**

R8 supports the national goal of final cleanup of all corrective action facilities with particular attention given to baseline facilities and will work with states to achieve this very ambitious goal. R8 also looks ahead to the 2020 initiative and expects that resources will be devoted to low and medium priority facilities so that this ambitious goal may be achieved.

As of the end of FY 2006, 60 (100%) of the 2008 baseline facilities had achieved the facility assessment measure, 31 (52%) had achieved the remedy select measure, and 23 (38%) had achieved the construction complete measure. While these levels of accomplishment meet or exceed the national targets for FY 2008 (100%, 50% and 30%, respectively), the long-term (2020) goals are ambitious and much work remains to be done to achieve them.

During the development of the PPAs for FY 2008, EPA and the States should consider the following:

- a. Focusing attention/resources on the high-ranked facilities. This includes providing opportunities for facilities to utilize voluntary cleanup authorities wherever possible. Such effort can accelerate the pace of cleanup at CA sites.
- b. Identifying specific areas where technical assistance and training are anticipated for 2008.
- c. Developing the idea of consistency in the “One Cleanup Program” approach for vapor intrusion, institutional controls and chemical reassessments.
- d. Continuing to participate in the OSWER Innovations Work Group (IWG); limited funds may be available to support innovative pilot projects for States.
- e. Continuing to work together on the Showcase Pilot Projects previously nominated and approved as part of the Reforms II effort. These projects will be a focus area throughout the year, with periodic progress reports posted to the HQ CA website. These four pilot projects are:
  1. Remedial Technology Demonstration Forum (RTDF) project at the Suncor Refinery, Commerce City, Colorado;
  2. RTDF project at the former Texaco Refinery, Casper, Wyoming;
  3. Solid Waste Management Unit (SWMU) Database for Alliant TechSystems/UDEQ;
  4. Wyoming Voluntary Remediation Program.
- f. After analysis of the progress and barriers for EIs and CA pipeline progress in Region 8, if specific sectors are identified that could benefit from additional support and encouragement, roundtable meetings may be held.

**Key Measures for FY 2008:** The measures that most directly support the long term goal of final cleanup are: (a) **RFA Complete (CA050)**; (b) **CA Prioritization (CA075)**; (c) **RFI Imposed (CA100)**; (d) **RFI Approved (CA200)**; (e) **Remedy Selected (CA400)**; (f) **CMI Construction Complete (CA550)**; and (g) **Corrective Action or Stabilization Process Complete (CA999)**.

### **3. 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 2008, EPA and the States should consider the following:

- a. Adopting changed priorities, including GPRA milestones that recognize the value of site redevelopment.
- b. Participating and sponsoring educational programs for regulatory staff to help them recognize opportunities and to equip them to undertake action to assist site redevelopment.
- c. Focusing the corrective action process on site outcomes: the ultimate property use.
- d. Providing outreach from EPA and States to facility owners and local governments to encourage redevelopment focus in corrective action work.
- e. 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.
- f. Developing RCRA Brownfields strategy consistent with new legislation and One Cleanup Program.

- g. Review all GPRA sites for Brownfields potential and discuss with states and tribes.
- h. Establish an inventory of potential Brownfields sites, capturing TSDf and non-TSDf work.
- i. Identify at least one additional RCRA Brownfields site (beyond Milt Adams, Inc., in Colorado).
- j. Conducting RCRA Brownfields training workshops or seminars.
- k. Participating in national Brownfields grant review and ranking process.
- l. As appropriate, apply 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.

**D. IMPLEMENTATION OF SOLID AND HAZARDOUS WASTE PROGRAM IN INDIAN COUNTRY**

EPA has important responsibilities relating to safe waste management in Indian country. Regions with Federally-recognized tribes will devote resources to assisting tribes, consistent with the 2006-2011 EPA Strategic Plan. EPA is developing baseline data and tools to assist tribal governments and Regions will be expected to achieve the following during FY 2008:

- Assist tribal governments to ensure that 26 tribes are covered by an integrated waste management plan approved by an appropriate governing body;
- Assist tribal governments to ensure that 30 open dumps in Indian Country and on other tribal lands are closed, cleaned up, or upgraded.

**Region 8 perspective**

During FY 2004, R8 formulated and began to implement the Tribal Integrated Waste Management System (TIWMS). By integrating certain aspects of multiple EPA programs, this system features more efficient and effective use of appropriate regional, headquarters, other federal and tribal resources to bear in a coordinated way on the waste and contaminated site issues in Indian country. The addresses elements of the following six (6) EPA programs:

1. hazardous waste,
2. solid waste,

3. underground storage tanks,
4. brownfields,
5. compliance assurance/enforcement, and
6. waste minimization/pollution prevention.

The foundation of the TIWMS effort is coordination with five common goals for the six programs involved. Each program has committed their resources to these common goals and will be actively implementing them this coming year. The common goals are:

1. building tribal capacity and capability,
2. inventory waste sites and issues,
3. assess sites and issues,
4. prioritize sites and issues, and
5. site and issues resolution.

Results from implementing this integrated approach this year and in the coming years include better utilization of training resources, better coordination of grants and resources, much more in-the-field assistance through pooling resources for circuit riders and contract assistance, better site visit coordination, and being more strategic on integrating our funding strategies, internally and with other federal agencies. There have also been benefits realized in tribal utility building and the need for sustainability to maintain new and existing infrastructure. Lastly, funding and hiring of Tribal EPA positions for waste management and contaminated site issues has occurred this last year through use of Brownfield programs and pooling resources from other programs.

A group of federal agencies that deal with tribal waste issues will gather together with one of our tribes that has a significant waste problem, and we will work to address their problem in an integrated way. The target tribe is Three Affiliated Tribes and in June EPA is facilitating a meeting with other federal agencies on the Fort Berthold reservation. There are an estimated 300+ open dumps in Region 8 Indian Country. While we have a need to inventory these dumps and we will begin this process in fy2005, we also believe that there are dumps of known significance to environmental and public health, that we should begin to address these immediately. While we revive, update and prioritize our baseline inventory data for waste management, we will pilot an accelerated integrated waste program at Rosebud as a model for success. Then, over the next 2 to 3 years, we will work to close the highest priority open dumps in R8.

As with past recipients, R8 will work closely with tribes who are recipients of the FY02 Open Dump Cleanup Project. We will continue our effort to coordinate with the Tribal Assistance Program office on GAP requests for solid waste projects.

### 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
- Enhancing Tribal Programs
- Managing Information

#### A. BUILDING PARTNERSHIPS WITH STATES

The R8 S&HWP, 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 2008, 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) Program accountability, 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) Fiscal accountability, or assuring that federal tax dollars awarded to states via annual grants are spent effectively (particularly via State fiscal systems).
4. Working with states on key capability issues, including financial and staff resources, program management tools, workforce development, training, etc.

## **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 seek and obtain full authorization. In FY 2008, the R8 S&HWP 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 new focus, R8 will encourage 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. This will eliminate the submission of both Draft and Final applications, which results in extensive delays.
2. R8 will encourage 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 intends to negotiate new MOA's with all of our States during FY 2005. 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 OSW 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 2008, 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 type 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 the EPA-funded professionals out in the field, including an IHS engineers and MAP Circuit Riders.
- Continue working with the Tribal Assistance Program to provide support for waste management activities under the GAP grants.
- Continue working on the closure of certain high-threat open dump 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 2008, 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. Consequently, timely, accurate and complete entry of data is a top priority for the States and R8.
2. R8 will build on the progress achieved during FY 2006, 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, Permits and Corrective Action. The Management Reports will serve as a key tool for planning FY 2008 PPAs.
3. 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 FY2008 NPM guidance, and that we and the states will make projections for inclusion in the future PPAs.
4. R8 will continue to provide database technical assistance and training to the states, as needed, with an emphasis on using the RCRAInfo II database system. R8 will continue to work with the states to refine the reports or develop new ones, as needed.
5. 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.

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## 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's oversight responsibilities are documented 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 data bases, 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.
7. 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.

Most of these oversight techniques are exercised after-the-fact, while 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 data base (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. This report is prepared jointly by the Solid & Hazardous Waste Program and the Technical Enforcement 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, Compliance Monitoring and Enforcement, 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 Directors of the Solid & Hazardous

Waste Program and the Technical Enforcement Program. In the case of a report developed jointly with a state, the state program director will also sign the report.

In some cases, the Technical Enforcement Program may provide additional detail to the findings and conclusions in the EOY report through their Uniform Enforcement Oversight System (UEOS) process. The full UEOS report would likely be produced after completion of the annual EOY report described above. However, when possible, the UEOS report will be incorporated into the EOY 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.)

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**Hazardous Waste Program Performance Standards**

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 1A: Program Management – Adoption, Authorization, MOA</b>		
<p><b>1.1 Criterion:</b> <i>Adoption of federal rules by the state</i> – Measures whether the state adopts all mandatory rules in a timely fashion and maintains an equivalent program.</p> <p><b>Source:</b> 40 CFR 271.21, especially a, e, g</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> 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.</p> <p><b>Note:</b> 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.</p>	<p><b>Base Level:</b> Review of StATS data twice per year. Discussions with states at Mid-Year and EOY.</p> <p><b>Elevated:</b> 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.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.2 Criterion:</b> <i>Authorization</i> – Measures state progress in maintaining a fully authorized program.</p> <p><b>Source:</b> 40 CFR 271.21(e); 40 CFR 271.21(e)(3); 40 CFR 271.21(g); 40 CFR 271.22 and 23, SAM</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of applications received or documentation (e.g., emails, letters) with more current information.</p> <p><b>Note:</b> Most EPA effort goes into assistance to states in developing approvable authorization packages. Such assistance is distributed throughout the year as the workload requires.</p>	<p><b>Base Level:</b> Review of StATS data and state authorization packages.</p> <p><b>Elevated:</b> 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.</p>
<p><b>1.3 Criterion:</b> <i>Memorandum of Agreement</i>. State and EPA review and maintain complete and accurate Memorandum of Agreement (MOA).</p> <p><b>Source:</b> 40 CFR 271.8; 40 CFR 271.21(e)</p>	<p><b>Program Standard:</b> MOA is reviewed and revised (if necessary) in conjunction with yearly authorization application (dependent on EPA promulgation of new regulations).</p> <p><b>Measured by:</b> Review of last signed/recertified MOA. EOY report should address how MOA was reviewed and note what changes needed to be made.</p>	<p><b>Base Level:</b> EPA and state jointly review MOA yearly.</p> <p><b>Elevated:</b> Increased level of discussions with state. Follow-up will focus on resolving issues, and further authorization may be withheld while issues are resolved.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 1B: Program Management - Program Resources</b>		
<p><b>1.4 Criterion:</b> <i>Resources and Skill Mix.</i> Measures whether state resources and technical skill mix are sufficient to effectively administer the authorized program.</p> <p><b>Source:</b> 1991 RCRA State Authorization Capability Assessment Guidance.</p>	<p><b>Standard:</b> 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.</p> <p><b>Measured by:</b> Budget and resource file reviews, review of program description in the current authorization package, meetings with State personnel, Capability Assessment when necessary.</p>	<p><b>Base Level:</b> EPA verifies program resource data in program description through the yearly authorization process.</p> <p><b>Elevated:</b> 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.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 1C: Program Management - Staff Capabilities, Training</b>		
<p><b>1.5 Criterion:</b> <i>State training program.</i> Measures whether the state maintains and operates an adequate training program.</p> <p><b>Source:</b> 1991 RCRA State Authorization Capability Assessment Guidance.</p>	<p><b>Standard:</b> 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.</p> <p><b>Measured by:</b> Review of state training program; discussions, meetings with state.</p>	<p><b>Base Level:</b> EPA reviews training program every 2 years during program performance evaluation.</p> <p><b>Elevated:</b> 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.</p>
<b>Program Element 1D: Program Management – Information Management</b>		

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>1.6 Criterion:</b> <i>Timeliness, Accuracy and Completeness of Data</i> – Measures whether the state’s entry of data into the national RCRAInfo database meets the standards for timely, accurate and complete data.</p> <p><b>Source:</b> State MOAs, NPM Guidance, RCRA Program Guidance for 2004-05 (FY2005 Version)</p>	<p><b>Program Standard:</b> The state enters all required program data into the RCRAInfo national database by the 20<sup>th</sup> of the month following the actual event. RCRAInfo data are complete and accurately reflect the status of facilities, regulated units and corrective action areas.</p> <p><b>Measured by:</b> 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.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, with focus on key program measures; discusses data standards for timeliness, accuracy and completeness with state during MY, EOY meetings.</p> <p><b>Elevated:</b> EPA increases frequency and depth of reviews and discussions with state.</p>
<b>Program Element 1E: Program Management – Records Management</b>		
<p><b>1.7 Criterion:</b> <i>Records Management</i> – Measure whether the state’s records disposition program meets federal standards.</p> <p><b>Source:</b> MOA</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of state records management documents; meetings, discussions with State; file reviews.</p>	<p><b>Base Level:</b> EPA reviews state records disposition program every 2 years during program performance evaluation.</p> <p><b>Elevated:</b> 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.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>PROGRAM ELEMENT 2: POLLUTION PREVENTION, HAZARDOUS WASTE MINIMIZATION</b>		
<p><b>2.1 Criterion: <i>Hazardous Waste Minimization and Pollution Prevention (P2) Activities</i></b> – 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).</p> <p><b>Source:</b> EPA NPM Guidance</p>	<p><b>Program Standard:</b> The state meets or exceeds HW Minimization targets in the PPA and demonstrates a commitment to waste minimization and P2 goals.</p> <p><b>Measured by:</b> Review of state waste minimization/P2 activities; review of state self-assessment; meetings, discussions with state.</p>	<p><b>Base Level:</b> Review of PPA targets, accomplishments.</p> <p><b>Elevated:</b> NA</p>
<b>PROGRAM ELEMENT 3A: SAFE WASTE MANAGEMENT – CLOSURE</b>		
<p><b>3.1 Criterion: <i>Progress toward Closure Plan Approvals and Closure Verifications</i></b>. Measures whether the state is achieving adequate progress in approving closure plans, closing hazardous waste management units, and verifying closure.</p> <p><b>Source:</b> 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of RCRAInfo data; review of state closure strategy and program; review of state self-assessment; meetings, discussions with state; file reviews.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses closure targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>3.2 Criterion:</b> <i>Quality of Closure Plans and Verifications.</i> Measures whether the state successfully incorporates adequate standards and requirements in closure plans and verifications of closure.</p> <p><b>Source:</b> 40 CFR 271.12 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of closure files, documents; review of state self-assessment; meetings and discussions with state.</p>	<p><b>Base Level:</b> 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.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>PROGRAM ELEMENT 3B: SAFE WASTE MANAGEMENT – CONTROLS FOR POST CLOSURE AND OPERATING FACILITIES</b>		
<p><b>3.3 Criterion:</b> <i>Progress toward Controls for Post-Closure and Operating Facilities.</i> 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.</p> <p><b>Source:</b> 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> 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.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses PC and OP targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>3.4 Criterion:</b> <i>Quality of Permits or other controls for Post-Closure and Operating Units and Facilities.</i> Measures whether the state successfully incorporates adequate standards and requirements in permits or other controls for post-closure and/or operating units and facilities.</p> <p><b>Source:</b> 40 CFR 271.12, 13, 14 and supporting citations; National Quality Criteria for HW Programs.</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of post-closure files, documents. Review of state self-assessment; discussions with state.</p>	<p><b>Base Level:</b> 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).</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 4A: Corrective Action – RCRA Facility Assessments</b>		
<p><b>4.1 Criterion:</b> <i>Completion of RCRA Facility Assessments (RFAs).</i> Measures the state’s progress in approving RFAs.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of RCRAInfo data, and file reviews.</p> <p><b>Note:</b> RFAs have been completed for all high-priority Corrective Action facilities.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Assessment targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<p><b>4.2 Criterion:</b> <i>Quality of Corrective Action Assessments (RFAs).</i> Measures whether state-approved RFAs meet the requirements in relevant guidance.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> 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.</p> <p><b>Note:</b> RFAs have been completed for all high-priority Corrective Action facilities in R8.</p>	<p><b>Base Level:</b> 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.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 4B: Corrective Action – Investigations</b>		
<p><b>4.3 Criterion:</b> <i>Completion of Investigations</i> – Measures the state’s progress in moving sites towards completion of investigation.</p> <p><b>Source:</b> National Policy documents, including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of RCRAInfo data; file reviews; meetings with state personnel; discussions with state project managers.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Investigation targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<p><b>4.4 Criterion:</b> <i>Quality of Investigations</i> – 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.</p> <p><b>Source:</b> Various policy documents including the May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> Investigations meet or exceed the following:</p> <ul style="list-style-type: none"> <li>• Define the full nature and extent of contaminant migration</li> <li>• Utilize effective QA/QC elements for all environmental data</li> <li>• Adequately support any subsequent cleanup decisions</li> <li>• Support risk assessments which address all exposure pathways</li> <li>• Support EI determinations</li> <li>• Include relevant information from Interim Measures to guide future activities.</li> </ul> <p><b>Measured by:</b> 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).</p>	<p><b>Base Level:</b> EPA oversights 10% (or one, whichever is greater) of investigations completed in accordance with current year PPA work plan</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 4C: Corrective Action – Remediation/Cleanup</b>		
<p><b>4.5 Criterion:</b> <i>Completion of Cleanup.</i> Measures the state’s progress in completing interim measures, remediation and cleanup activities.</p> <p><b>Source:</b> May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, interviews with state staff.</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses Cleanup targets and accomplishments with state during MY, EOY meetings.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<p><b>4.6 Criterion:</b> <i>Quality of Cleanup and Remediation.</i> State reviews, comments on, and approves interim measures and cleanup activities, and gives direction to regulated facilities to ensure that cleanup is adequate.</p> <p><b>Source:</b> May 1994 OSWER Directive 9902.3-2A (RCRA Corrective Action Plan)</p>	<p><b>Program Standard:</b> 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.</p> <p><b>Measured by:</b> 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).</p>	<p><b>Base Level:</b> EPA overlooks 10% (or one, whichever is greater) of cleanup activities completed in accordance with current year PPA work plan.</p> <p><b>Elevated:</b> Base Level oversight plus increased focus on deficiencies identified in previous year, and follow-up with an emphasis on correcting noted deficiencies.</p>

CRITERIA, SOURCE	Performance Standards, Measures	Oversight
<b>Program Element 4D: Corrective Action – Environmental Indicators/National Program Measures</b>		
<p><b>4.7 Criterion:</b> <i>Progress in Achieving Environmental Indicators</i> - 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.</p> <p><b>Source:</b> Interim Final Guidance on Environmental Indicators, EPA’s Strategic Plan</p>	<p><b>Program Standard:</b> 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 2008 Environmental Indicator goals and performance measures. The state meets or exceeds the targets identified in annual work plans.</p> <p><b>Measured by:</b> Review of RCRAInfo data, file reviews, review of the EI instruments, meetings with state personnel</p>	<p><b>Base Level:</b> EPA reviews RCRAInfo data, discusses targets and accomplishments with state during MY, EOY meetings and periodic phone calls.</p> <p><b>Elevated:</b> Same as base level (<i>sufficient to document achievement of targets</i>), plus management discussions during EOY and PPA planning meetings.</p>
<b>PROGRAM ELEMENT 5: COMPLIANCE MONITORING &amp; ENFORCEMENT – INSPECTIONS</b>		
<p>Criteria and Standards for the Compliance Monitoring and Enforcement Program elements are addressed separately in the State Review Framework.</p>		

## APPENDIX 2

### FUNDAMENTAL MEASURES OF SUCCESS FOR RCRA PROGRAMS FOR FY 2008

(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 2008.

**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 2<sup>nd</sup> and 3<sup>rd</sup> 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 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> 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, the SEAs and the NPM guidance. These measures are presented in bold below and in the Guidance for FY 2008 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:* FY2008 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) and **PC permit applications received (PC020)**. *Source:* FY2008 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)**; and draft Permits (OP160). *Source:* FY2008 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); CA Ranking (CA075); Determination of Need for RFI (CA070)**, and **Stabilization Measures Evaluation (CA225)**. *Source:* FY2008 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), CAI Construction Completed (CA550), and Corrective Action Process Completed (CA999/RM)**, supported by other RFI, CMS, and CAI activities. *Source:* FY2008 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:* FY2008 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:* FY2008 NPM guidance.

**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	
<b>Closure, 17 events reduced to 4:</b>					
CL310	Closure Plan Received	X	R		
CL360	Closure Plan Approved	X	T		
CL370	Closure Certification	X	R		
CL380	Closure Verification	X	T		
<b>Post-Closure, 48 events reduced to 9:</b>					
PC010	Post-Closure Part B Application Call-in	X	R		
PC020	Post-Closure Part B Application Received	X	T	T	
PC160	Public Notice of Draft Post-Closure Permit	X			
PC200	Post-Closure Permit Final Determination	X	T	T	
PC240	Post-Closure Permit Modification	X	T	T	
PC310	Post-Closure Plan Received	X			
PC360	Post-Closure Plan Approved	X			
PC370	Post-Closure Plan Certification	X			
PC380	Post-Closure Plan Verification	X			
<b>Operating Permits, 54 events reduced to 20:</b>					
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	T	T	
OP021	Notification of Automatic Extension	X			
OP022	Compliance Certification Submitted	X			
OP023	Compliance Certification Review Completed	X			
OP024	Compliance Extension Expires	X			
OP080	Trial Burn Completed	X	R	R	
OP160	Public Notice of Draft Operating Permit	X			

RCRA Info code	Activity, Event	Type of Measure			Comment
		RCRAInfo Core Element	Region 8 Fundamental	NPM GUIDANCE/ GPRA	
OP200	Operating Permit Final Determination	X	T	T	
OP240	Operating Permit Modification (in place of permit issuance event)	X	T	T	
OP270	Permit Expires	X	R		
<b>Corrective Action, 46 events reduced to 23:</b>					
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		R		
CA077	Original NCAPS Rank		R	R	
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	R		
CA550	CMI Construction Complete	X	T	T	
CA225	Stabilization Measures Evaluated	X	T	T	
CA600	Stabilization Measures Imposed	X	T	T	
CA650	Stabilization Construction Completed	X	T	T	
CA725	Current Human Exposures Under Control Environmental Indicator	X	T	T	
CA750	Migration of Contaminated Ground Water Under Control Environmental Indicator	X	T	T	
CA999	CA Process Terminated	X	R		

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

#### FY2008 RCRA Program Commitments

FY 2008 Hazardous Waste Program Commitments for [STATE]					
Event	# of Facilities or Units	Achieved by EOY FY2007	FY 2008		
			Committed	Achieved	EOY
<b>Closure Activities (all at unit level)</b>					
Closure Plan Approval (CL360) for LDUs	83	82		0	82
Closure Verification (CL380) for LDUs	83	75		0	75
Closure Plan Approval (CL360) for TSUs	699	678		0	678
Closure Verification (CL380) for TSUs	699	649		0	649
Closure Plan Approval (CL360) for CUs	7	7		0	7
Closure Verification (CL380) for CUs	7	7		0	7
<b>Permit Activities at GPRA Universe Facilities (all at facility level)</b>					
Permitted Facilities under Approved Controls (Manual counts at facility level)	26	23		0	23
Permit Renewal due this FY (Manual counts at facility level)	4	2		0	2
<b>Permit Activities for GPRA Universe Facilities (at unit level)</b>					
Controls in Place for LDUs on Closure Track	25	24		0	24
Controls in Place for LDUs on Operating Track	8	8		0	8
Controls in Place for TSUs on Operating Track	42	41		0	41
Controls in Place for CUs on Operating Track	0	0		0	0
<b>Corrective Action Activities at GPRA Universe Facilities (activities are at facility level, unless specified at area level)</b>					
RCRA Facility Assessments (CA050)	33	33		0	33
Overall Facility NCAPS Ranking (CA075)	33	33		0	33
Facility Stabilization Assessment (CA225)	33	33		0	33
Facility Remedy Selection (CA400) (GPRA measure)	33	23		0	23
Facility Construction Completion (CA550) (GPRA measure)	33	19		0	19
Human Health Exposures Controlled Determination (CA725) (GPRA measure)	33	31		0	31
Groundwater Migration Controlled Determination (CA750) (GPRA measure)	33	31		0	31
RFI Imposed (CA100) (area level)	1062	989		0	989
RFI Approved (CA200) (area level)	1062	807		0	807
Remedy Selection (CA400) (area level)	1062	658		0	658

Construction Completion (CA550) (area level)	1062	589		0	589
Stabilization Measures Implemented (CA600) (area level)	835	125		0	125
Stabilization Construction Completed (CA650) (area level)	835	69		0	69
<i>Areas at least to Investigation stage (CA100+)</i>	1062	989		0	989
<i>Areas at least to Remediation stage (CA400+)</i>	1062	658		0	658
Corrective Action Completed (CA999) (area level)	1062	533		0	533

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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

<b>Location:</b> COLORADO
<b>Fiscal Year:</b> 2008
<b>Status Date:</b> 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 activities. 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 activities 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

Page 2

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments
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No records matching selection criteria were found.

<b>A. CLOSURE AND POST-CLOSURE ACTIVITIES</b>						
<b>1. Closure Activities</b>						
a. Closure Plan Approvals (CL360); potential targets:						
b. Closure Verification (CL380); potential targets:						
<b>2. Post Closure Activities</b>						
a. PC Permit (PC200); potential targets:						
b. PC Permit Modifications (PC240); potential targets:						
<b>B. OPERATING PERMIT ACTIVITIES</b>						
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.

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

**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

Page 4

State	Facility Name	EPA ID Number	Unit/Area Name	Schedule	Actual	Comments
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No records matching selection criteria were found.

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

\* End of Report \*