



OFFICE OF INSPECTOR GENERAL U.S. ENVIRONMENTAL PROTECTION AGENCY

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Partnering with states and other stakeholders

Authorized State Hazardous Waste Program Inspections and Operations Were Impacted During Coronavirus Pandemic

Report No. 22-E-0009

December 1, 2021



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Abbreviations:

CMS	Compliance Monitoring Strategy for the Resource Conservation and Recovery Act (RCRA) Subtitle C Program
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
LQG	Large Quantity Generator
OECA	Office of Enforcement and Compliance Assurance
OfCM	Off-Site Compliance Monitoring Activity
OIG	Office of Inspector General
RCRA	Resource Conservation and Recovery Act
RCRAInfo	Resource Conservation and Recovery Act Information System
TSDf	Treatment, Storage, and Disposal Facility
U.S.C.	United States Code

Cover Image: EPA facility inspection. (EPA photo)

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Office of Inspector General U.S. Environmental Protection Agency **At a Glance**

22-E-0009
December 1, 2021

Why We Did This Evaluation

The Office of Inspector General conducted this evaluation to determine the ability of authorized state Resource Conservation and Recovery Act hazardous waste programs to continue operations during the coronavirus pandemic—that is, the SARS-CoV-2 virus and resultant COVID-19 disease. Under the Act, states and territories may be authorized to implement the federal hazardous waste program under U.S. Environmental Protection Agency regional oversight. The EPA has authorized 48 states and two territories to implement the program.

States received EPA guidance to assist in maintaining adequate regulatory oversight during the pandemic. Issues addressed included holding virtual public meetings, adjusting state inspection commitments, and conducting off-site compliance monitoring activities.

This evaluation supports an EPA mission-related effort:

- *Partnering with states and other stakeholders.*

This evaluation addresses a top EPA [management challenge](#):

- *Maintaining operations during pandemic responses.*

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[List of OIG reports.](#)

Authorized State Hazardous Waste Program Inspections and Operations Were Impacted During Coronavirus Pandemic

What We Found

Authorized state Resource Conservation and Recovery Act programs have continued operations, such as inspections and public meetings, during the pandemic. However, the number of inspections from March 2020 through February 2021 for RCRA treatment, storage, and disposal facilities, known as TSDFs, decreased by 34 percent and for large quantity generators, or LQGs, decreased by 47 percent when compared to the prior year. The number of violations found per inspection also decreased. After a sharp initial reduction in TSDF inspections in April 2020, states neared normal inspection rates by July 2020, but the number of inspections decreased again in October 2020 and remained below historical levels through February 2021. LQG inspections followed a similar pattern except that the decrease in inspections was more significant from October 2020 through February 2021. Decreases in inspections during the pandemic may have been due to remote work difficulties and travel restrictions. RCRA inspections by authorized state programs provide a deterrent effect that protects human health and the environment.

The coronavirus pandemic impacted RCRA state program operations and resulted in fewer inspections.

State RCRA programs experienced difficulties in March 2020. We surveyed four regional directors concerning eight authorized states and found that all eight states were initially not completely telework ready but were able to overcome barriers so that all staff could work remotely. Two states initially had difficulties in meeting their grant commitments, such as inspections. The EPA worked with these states to renegotiate their commitments. Further, seven of the eight states implemented changes, consistent with flexibilities in EPA guidance, to hold virtual meetings with the regulated community and the public.

Recommendations and Planned Agency Corrective Actions

We made five recommendations based on issues identified in this report, including that the Agency review data and develop plans to optimize the ability of authorized state RCRA programs to respond to future pandemic events and disasters. The Agency agreed with all five recommendations. Recommendations 2, 3, and 4 are resolved with corrective actions pending. The planned corrective actions for Recommendations 1 and 5 did not meet the intent of our recommendations, which remain unresolved.

Noteworthy Achievement

The EPA issued multiple guidance documents during the pandemic providing authorized state programs with flexibilities for enforcement and compliance actions and using virtual alternatives to public meetings.



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

THE INSPECTOR GENERAL

December 1, 2021

MEMORANDUM

SUBJECT: Authorized State Hazardous Waste Program Inspections and Operations Were Impacted During Coronavirus Pandemic
Report No. 22-E-0009

FROM: Sean W. O'Donnell

A handwritten signature in blue ink that reads "Sean W O'Donnell".

TO: Barry Breen, Acting Assistant Administrator
Office of Land and Emergency Management

Lawrence E. Starfield, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

This is our report on the subject evaluation conducted by the Office of Inspector General of the U.S. Environmental Protection Agency. The project number for this evaluation was [OE-FY21-0124](#). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. Final determinations on matters in this report will be made by EPA managers in accordance with established resolution procedures.

The Offices of Land and Emergency Management and Enforcement and Compliance Assurance are responsible for the issues discussed in this report.

In accordance with EPA Manual 2750, your offices provided acceptable planned corrective actions and estimated milestone dates for Recommendations 2, 3, and 4. These recommendations are resolved with corrective actions pending.

Action Required

Recommendations 1 and 5 are unresolved. The resolution process, as described in EPA's Audit Management Procedures, begins immediately with the issuance of this report. Furthermore, we request a written response to the final report within 60 days of this memorandum. Your response will be posted on the OIG's website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at www.epa.gov/oig.

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Chapter 1

Introduction

Purpose

The U.S. Environmental Protection Agency’s Office of Inspector General conducted this evaluation to evaluate the ability of authorized state Resource Conservation and Recovery Act, or RCRA, hazardous waste programs to continue operations during the coronavirus pandemic—that is, the SARS-CoV-2 virus and resultant COVID-19 disease.

Top Management Challenge Addressed

This evaluation addresses the following top management challenge for the Agency, as identified in OIG Report No. [20-N-0231](#), *EPA’s FYs 2020–2021 Top Management Challenges*, issued July 21, 2020:

- Maintaining operations during pandemic responses.

Background

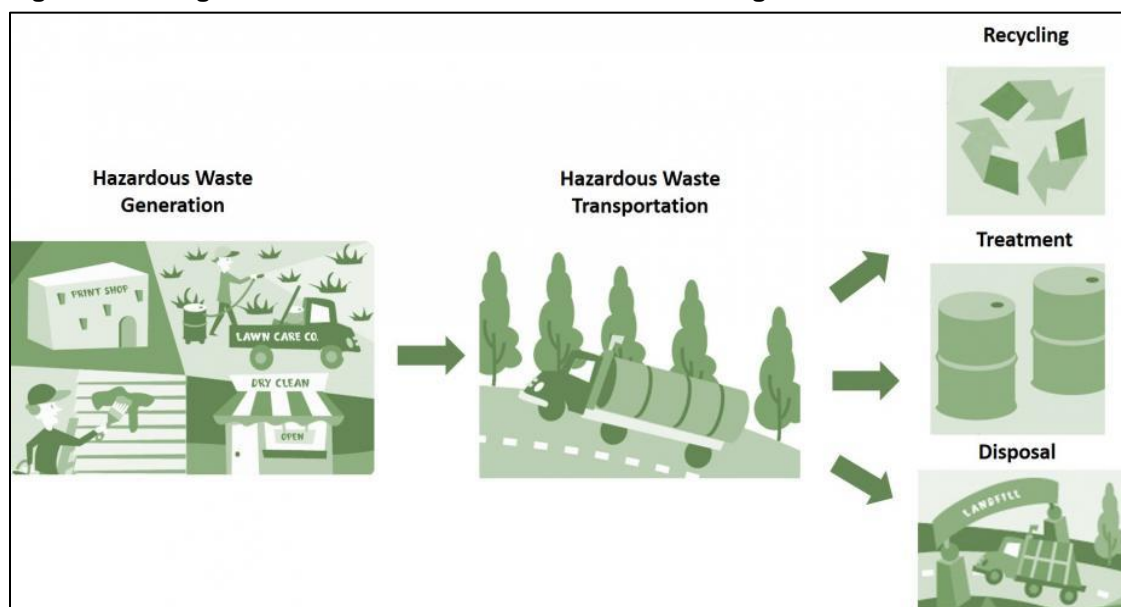
In response to the coronavirus pandemic, every level of government—federal, state, tribal, territorial, and local—engaged in efforts to slow and stop the spread of the COVID-19 disease through a multitude of initiatives. Some of these initiatives included stay-at-home orders, which restricted people from leaving their homes except for essential tasks; travel restrictions to certain areas and mandatory quarantining upon arrival and return; use of personal protective equipment; and adherence to guidelines issued by the Centers for Disease Control and Prevention. However, the EPA’s responsibilities for implementing federal environmental laws, including RCRA,¹ continued even though resources and capabilities shifted to address the pandemic.

Hazardous waste is waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is regulated under subtitle C of RCRA. Under subtitle C, the EPA may authorize states to implement key provisions of hazardous waste requirements. If an authorized state program does not exist, the EPA directly implements the hazardous waste requirements in that state.

Under RCRA, the EPA has the authority to regulate hazardous waste from the moment it is generated to its final disposal. Hazardous waste includes a broad range of components, including chemicals known to be human carcinogens. The purpose of the EPA’s hazardous waste program is to manage such waste safely (Figure 1). For example, trichloroethylene is a chemical managed by RCRA treatment, storage, and disposal facilities, known as TSDFs. Trichloroethylene is a widely used industrial chemical and a known human carcinogen.

¹ 42 U.S.C. § 6901 et seq.

Figure 1: Management of hazardous waste from “cradle to grave”



Source: EPA. (EPA image)

Hazardous waste is generated from sources ranging from industrial manufacturing process wastes to batteries. Under RCRA, hazardous waste generators must determine whether their waste is hazardous and ensure that the produced hazardous waste is properly identified, managed, and treated prior to recycling or disposal. After hazardous waste is produced, transporters may move the waste to a facility that can recycle, treat, store, or dispose of the waste.

Every hazardous waste shipment must be accompanied by a hazardous waste manifest that includes generator, transporter, and disposal facility information, as well as shipment and receipt dates and the type and volume of hazardous waste. The Hazardous Waste Electronic Manifest Establishment Act requires the EPA to establish a national system to track hazardous waste shipments. On June 30, 2018, the EPA launched e-Manifest, a national system for tracking hazardous waste shipments electronically. The e-Manifest system is designed to track off-site shipments of hazardous waste from a generator’s site to the site of receipt and disposition—or from “cradle to grave.”

State Authorization of Hazardous Waste Programs

Under RCRA, states and territories may assume primary responsibility for implementing the hazardous waste program in lieu of the EPA. For a state or territory to assume this responsibility, it must first obtain authorization from the EPA. To receive authorization from the EPA, RCRA requires a state or territory program to have requirements that are equal to or more stringent than the federal program. A state or territory that has received authorization from the EPA for its hazardous waste program can then implement and enforce hazardous waste rules under RCRA. The EPA has authorized hazardous waste programs in the District of Columbia; Guam; and 48 states, not Alaska and Iowa. The EPA directly implements the RCRA program in unauthorized states and territories and on tribal lands.

The EPA’s oversight of state authorized compliance and enforcement programs for RCRA is conducted through the State Review Framework. According to the EPA, State Review Framework reviews are conducted on a five-year cycle and address the following goals:

- Ensure delegated programs and programs implemented by the EPA directly meet minimum performance standards outlined in federal policies and guidance.
- Promote fair and consistent enforcement necessary to protect human health and the environment.
- Promote equitable treatment and level interstate playing field for businesses.
- Provide transparency with publicly available data and reports.

RCRA Grants to Authorized States

EPA regions assist authorized states and territories through Hazardous Waste Financial Assistance Grants, referred to as RCRA grants. Regions negotiate commitments with their authorized states for the grants and monitor compliance. Activities funded by these grants include:

- Issuing and renewing permits.
- Processing permit modifications to keep pace with evolving business practices.
- Performing inspections to ensure compliance and safety.
- Overseeing cleanups, called corrective actions, at RCRA TSDFs.

RCRA Compliance Monitoring Strategy and Inspection Requirements and Policies

The 2015 *Compliance Monitoring Strategy for the Resource Conservation and Recovery Act (RCRA) Subtitle C Program*, or the CMS, provides guidance to authorized states “with respect to administering and implementing an Agency program for RCRA compliance monitoring.” The CMS describes the inspection requirements for RCRA TSDFs and hazardous waste large quantity generators, known as LQGs.

The EPA oversees RCRA compliance monitoring activities to ensure TSDFs and LQGs are properly inspected. RCRA defines the minimum frequency of TSDF inspections, while the policies for inspections of nonoperating TSDFs and LQGs are described in the CMS (Table 1). Nonoperating TSDFs do not accept or process waste but are regulated by the EPA as they undergo closure or post-closure maintenance activities.

Table 1: RCRA inspection frequencies

Entity	Source	Minimum inspection frequency
Operating federal, state, or local facility TSDF	RCRA	Annual.
Operating nonfederal TSDF	RCRA	At least once every two years.
Nonoperating TSDF with other compliance requirements	EPA policies	At least once every three years.
LQG	EPA policies	Every five years. Authorized states may negotiate with EPA regions for changes to this requirement.

Source: OIG analysis of 42 U.S.C. § 6927 and 2015 RCRA CMS policy. (EPA OIG table)

The CMS defines multiple types of inspections that may satisfy the inspection requirement or policy. The inspection types used in reports from the RCRA information system, called RCRAInfo, are:

- Compliance evaluation inspections.
- Groundwater monitoring inspections.
- Operation and maintenance inspections.

Inspections are used to measure TSDF and LQG compliance with statutory or EPA policy requirements.

RCRA Inspections Ensure Protection of Human Health and Environment

The importance of inspections was documented in OIG Report No. [16-P-0104](#), *EPA Has Not Met Statutory Requirements for Hazardous Waste Treatment, Storage and Disposal Facility Inspections, but Inspection Rates are High*, issued March 11, 2016. The report contains examples of potential impacts if inspections are not done, along with examples of potential benefits of conducting inspections. The examples in the report, which were obtained via a survey given to all ten EPA regions, included the following:

- Because TSDFs manage large quantities of hazardous waste or are the end-point destination of the majority of hazardous waste generated in the United States, RCRA violations may pose significant harm to human health and the environment. Inspections are needed to provide a deterrent effect and to ensure compliance with RCRA and minimize such risk.
- TSDFs are typically the largest handlers of hazardous waste, and many of these facilities are also near water bodies and sometimes near residential areas. As a result, these facilities warrant in-depth inspections to ensure the protection of human health and the environment now and in the future.
- Compliance is more likely maintained when an inspection is anticipated. In addition, RCRA differs from other regulatory programs in that the rules require very little self-reporting or record-keeping, making inspections one of the only means available for routine compliance monitoring activities.
- According to one EPA region, states have found that a frequent inspection presence at regulated facilities improves compliance more than anything else. Because regions do not have the resources to conduct routine compliance assistance, the TSDFs in the regions understand that if the EPA conducts an inspection and finds violations, there will be an enforcement response in line with EPA enforcement response policy. This encourages facilities to work with states to maintain compliance.

LQG inspections are important because LQGs generate a majority of the nation's hazardous waste. A generator is considered an LQG if it generates more than 1,000 kilograms—or approximately 2,200 pounds—of hazardous waste per calendar month or greater than one kilogram—or approximately 2.2 pounds—of “acute” hazardous waste per calendar month. Acute hazardous waste comprises a specific list of discarded chemical products that the EPA has identified as “acutely toxic.” These are regulated at lower quantities than other hazardous waste. Inspections of LQGs include reviewing record-keeping and hazardous waste determinations.

EPA Guidances and Policies for Inspection and Enforcement Activities During Pandemic

On March 26, 2020, the Office of Enforcement and Compliance Assurance, known as OECA, issued a memorandum titled *The COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program*. The memorandum stated that:

The consequences of the pandemic may constrain the ability of regulated entities to perform routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification.

The memorandum further stated that regulated entities should make efforts to comply with their environmental obligations but, if full compliance was not possible, the regulated entities should document the specific nature of the noncompliance and how the coronavirus pandemic was the cause of the noncompliance. This policy was applicable through August 31, 2020.

On July 22, 2020, the assistant administrator for Enforcement and Compliance Assurance sent letters to states, tribes, territories, and local agencies, recognizing the challenges they may face in meeting inspection commitments during the coronavirus pandemic and identifying flexibilities, such as the use of off-site compliance monitoring activities, known as OfCMs, instead of on-site inspections. The letters stated:

The purpose of this letter is to assure you that the U.S. Environmental Protection Agency's Office of Enforcement and Compliance Assurance (OECA) will work with states, tribes, territories, and local agencies (hereafter referred to collectively as "partner agencies") to adjust inspection commitments due to the COVID-19 public health emergency. This information applies to inspection commitments under those compliance monitoring programs that partner agencies are authorized to implement and that OECA oversees, as well as inspection commitments made as part of State and Tribal Assistance Grants under the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act.

The letters provided flexibilities through March 2021. Due to the continuing impacts of COVID-19 after March 2021, OECA sent another letter on April 7, 2021, that extended the flexibilities through September 2021. In September 2021, OECA provided an extension of the flexibilities until December 31, 2021. The letter provided additional clarification on the implementation of the flexibilities.

On November 20, 2020, OECA issued a memorandum to all regional Enforcement and Compliance Assurance division directors and OECA office directors describing OfCMs and national reporting. The guidance includes instructions on coding off-site inspections in RCRAInfo. The guidance was not sent directly to authorized state programs. In contrast, other memorandums and letters, such as the July 22, 2020 OECA letter, were addressed to "Partner Agencies."

EPA Provided Guidance for RCRA Public Meetings During Pandemic

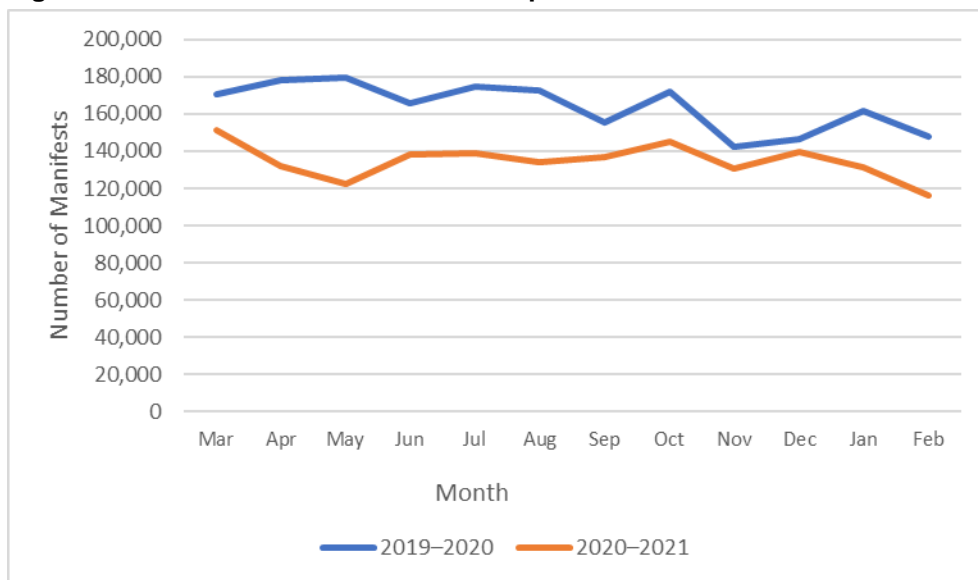
On April 24, 2020, the EPA issued interim guidance for conducting outreach and public participation work at RCRA facilities during the pandemic, in lieu of public meetings and hearings, door-to-door visits, and other public interactions. The guidance was written to provide alternative approaches, recommendations, and resources to help ensure public participation when in-person meetings were not

possible. Specifically, the guidance encouraged EPA regions to coordinate internally with other programs and with state partners to ensure consistency in the use of virtual hearings and meetings.

Hazardous Waste Shipments Continued During Pandemic

As an indication of continued hazardous waste management activity during the pandemic, we analyzed e-Manifest data from RCRAInfo. There was a 5- to 26-percent reduction in the number of shipments from March 2020 through February 2021 compared to March 2019 through February 2020 (Figure 2). These data do not include information on the volume or types of waste shipped. This measure is intended only as a rough indicator of activity during the pandemic.

Figure 2: Number of hazardous waste shipments



Source: OIG analysis of RCRAInfo data. (EPA OIG image)

Scope and Methodology

We conducted our evaluation from March through September 2021 in accordance with the *Quality Standards for Inspection and Evaluation*, published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we perform the evaluation to obtain sufficient, competent, and relevant evidence to provide a reasonable basis for our findings, conclusions, and recommendations based on our objective. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations.

To address our objective, we reviewed information provided by EPA regional enforcement and RCRA program staff in response to the regional interview questions listed in Appendix A. We reviewed data from the EPA’s RCRAInfo database. We also reviewed inspection and violation data that were downloaded from the [State Hazardous Waste Dashboard](#) in the EPA’s Environmental and Compliance History Online website. Because the World Health Organization declared the coronavirus a pandemic in March 2020, we parsed the inspection and violation data by month from the beginning of March 2015 through February 2021 to compare the impact of COVID-19 on inspections relative to prior years.

We met with OECA; the Office of Land and Emergency Management; and Regions 2, 4, 6, and 9. Region 2 is the RCRA lead region for fiscal year 2021, Region 6 is the RCRA lead region for FY 2022, and Regions 4 and 9 have states with a large number of TSDFs. According to the EPA, the purpose of the lead region is “to ensure the quality of agency decisions by providing an organized, consistent and effective regional role in all the major phases of Agency decision-making.”

We obtained data from regional division directors in each of the four regions through standardized questions we provided in advance, which are in Appendix A. Each selected region provided information on two of their authorized state programs. Region 2 provided information on New Jersey and New York, Region 4 provided information on Georgia and North Carolina, Region 6 provided information on Louisiana and Texas, and Region 9 provided information on California and Hawaii.

We discussed the questions with the division directors and followed up with additional questions as necessary. From the meetings and responses to questions, we obtained and reviewed data on how the pandemic impacted the ability of authorized state programs to continue RCRA regulatory oversight, including impacts on staffing levels. We also reviewed the RCRA statute, 42 U.S.C. § 6901 et seq., and relevant EPA RCRA training documents.

The impact of the pandemic on [Superfund site clean-up](#) and [state and local air compliance monitoring activities](#) will be addressed in other reports.

Noteworthy Achievement

The EPA issued multiple guidance documents during the pandemic providing authorized state programs with flexibilities for enforcement and compliance actions, as well as for using virtual alternatives to public meetings.

Responsible Offices

The Office of Land and Emergency Management provides policy, guidance, and direction for the Agency’s emergency response and waste programs. Within that office, the Office of Resource Conservation and Recovery implements RCRA. OECA is responsible for compliance and enforcement in the RCRA programs.

Prior Reports

The following OIG reports relate to the objective and findings of this evaluation:

- OIG Report No. [16-P-0104](#), *EPA Has Not Met Statutory Requirements for Hazardous Waste Treatment, Storage and Disposal Facility Inspections, but Inspection Rates Are High*, issued March 11, 2016. The report made one recommendation: that OECA implement management controls to complete the required TSDFs’ inspections. The EPA agreed with the recommendation and provided agreed-to planned corrective actions. The OIG has not verified the implementation of the corrective actions.
- OIG Report No. [20-E-0332](#), *EPA Has Sufficiently Managed Emergency Responses During the Pandemic but Needs to Procure More Supplies and Clarify Guidance*, issued September 28, 2020.

The report found that on-scene coordinators may not be safe deploying during the coronavirus pandemic without sufficient personal protective equipment and clear guidance. The report made four recommendations—the corrective actions for three of them have been completed, and the corrective actions for one recommendation are pending.

- **OIG Report No. [21-P-0114](#), *EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs*, dated March 29, 2021.** The report found that the EPA did not inspect about half of the nonoperating TSDFs with RCRA units closed with waste in place within the three-year time frame established by OECA policy. The report made six recommendations—three were resolved and three were unresolved at report issuance.

Chapter 2

Authorized State RCRA Programs Remained Operational but Experienced Difficulties During Pandemic

Authorized state RCRA programs have been able to continue operations, such as inspections and public meetings, during the coronavirus pandemic. However, the number of inspections from March 2020 through February 2021 for TSDFs decreased by 34 percent when compared to the prior year; for LQGs, the number of inspections decreased by 47 percent when compared to the prior year. We also found a decrease in the number of violations found per inspection. OECA did not have an explanation for the decrease in the number of violations per inspection. After a sharp initial reduction in TSDF inspections in April 2020, inspections by states increased in subsequent months and neared normal rates by July 2020 but decreased again in October 2020 and remained below historical levels through February 2021. LQG inspections followed a similar pattern except that the number of inspections decreased and were further below normal rates from October 2020 through February 2021.

Decreases in the number of inspections during the pandemic may have been due to remote work difficulties and travel restrictions. RCRA inspections by authorized state programs provide a deterrent effect that protects human health and the environment. Further, the EPA has statutory requirements and policy goals for various types of inspections each fiscal year. The EPA did not meet its FY 2020 RCRA TSDF inspection requirements or its annual policy goal for LQG inspections.

State RCRA programs experienced difficulties early in the pandemic. According to the regional directors we surveyed for information on eight authorized state programs, all eight states were initially not completely telework ready but were able to overcome barriers so that all staff could work remotely. Examples of state efforts included distribution of necessary equipment, upgrades of networks, and implementation of software for virtual meetings. Two states initially had difficulties in meeting their grant commitments, such as inspections, but they worked with EPA regional staff to renegotiate their commitments. Further, seven of the eight states implemented changes, consistent with flexibilities listed in EPA guidance, to hold virtual meetings with the regulated community and the public. To safely meet their commitments, the states instituted some discretionary enforcement policies.

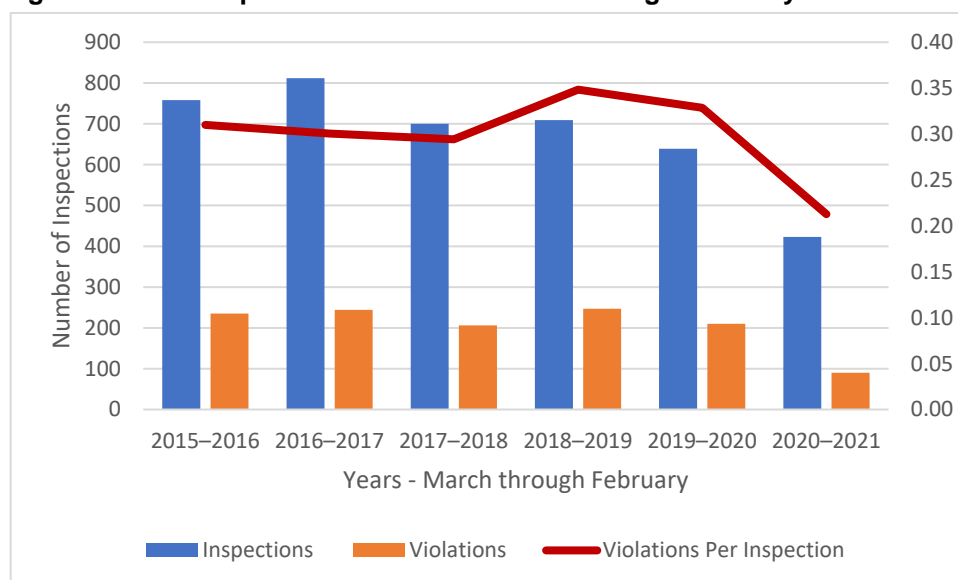
Number of RCRA Inspections and Number of Violations Per Inspection Decreased During Pandemic

The number of inspections and violations decreased for both TSDFs and LQGs from March 2020 through February 2021 compared to the prior year. Inspection rates gradually increased beginning in May 2020 until they were close to historical levels by August 2020; however, the number of LQG inspections conducted by states after October 2020 was lower than historical levels. The number of violations found per inspection also decreased. The statutory RCRA inspection requirements for operational TSDFs, the statutory requirements for federal facility TSDFs, and the annual policy goal for LQG inspections were not met.

Number of State RCRA Inspections Declined During Pandemic

To measure the impact of the pandemic on RCRA inspections by authorized state RCRA programs, we analyzed the inspections performed by all authorized states from March 2020, the beginning of the pandemic, through February 2021 and compared the data from the same time frame for the prior five years. TSDf inspections and violations declined during the pandemic compared to prior years. As Figure 3 illustrates, TSDf inspections fell from the 639 conducted from March 2019 through February 2020 to the 423 conducted from March 2020 through February 2021—a 34-percent decrease. The number of overall violations also decreased in the same period, from 210 to 90—a 57-percent decrease.

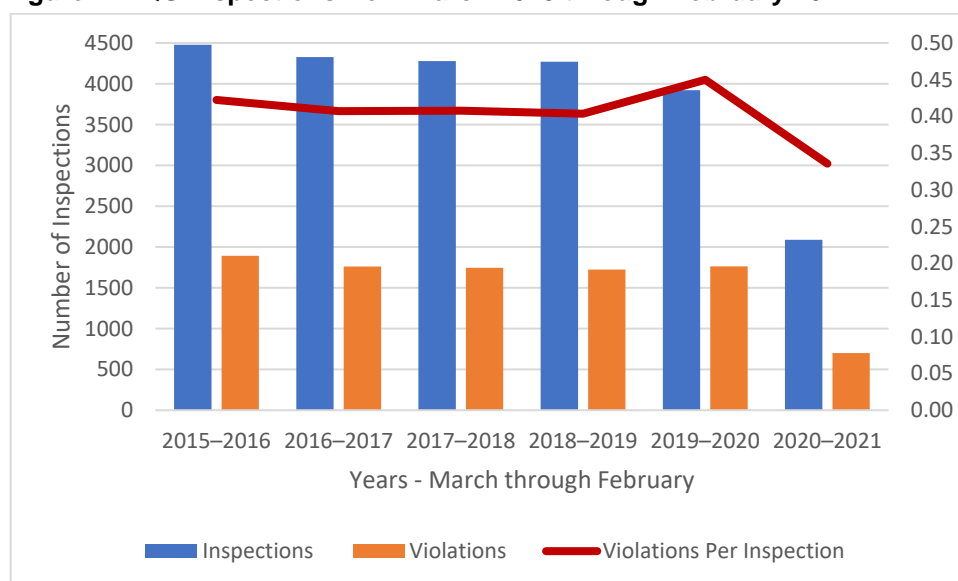
Figure 3: TSDf inspections from March 2015 through February 2021



Source: OIG analysis of RCRAInfo data. (EPA OIG image)

LQG inspections and violations also decreased during the pandemic compared to prior years, as shown in Figure 4. LQG inspections fell from the 3,291 conducted from March 2019 through February 2020 to the 2,088 conducted from March 2020 through February 2021—a 47-percent decrease. The number of overall violations also decreased in the same time period, from 1,764 to 701—a 60-percent decrease.

Figure 4: LQG inspections from March 2015 through February 2021



Source: OIG analysis of RCRAInfo data. (EPA OIG image)

Number of Violations Per Inspection Decreased During Pandemic

In addition to the decrease in inspections and overall violations found, the number of violations found per inspection decreased from March 2020 through February 2021. LQG violations per inspection decreased from 0.45 to 0.34, a 24-percent decrease, while TSDF violations per inspection decreased from 0.33 to 0.21, a 36-percent decrease (Table 2).

OECA staff had no explanation for why violations decreased more than inspections. Reasons could include reduced operations at inspected facilities, limited time on-site for inspectors due to travel restrictions, and limited access to the entire facility due to pandemic restrictions. While a decrease in the number of violations is expected with a decrease in the number of inspections, the number of violations per inspection should remain consistent.

Table 2: Number of violations per inspection by fiscal year

Inspection type	Time frame (fiscal year)	Number of inspections	Number of violations	Violations per Inspection
LQG	2019-2020	3,921	1,764	0.45
LQG	2020-2021	2,088	701	0.34
TSDF	2019-2020	639	210	0.33
TSDF	2020-2021	423	90	0.21

Source: OIG analysis of Environmental and Compliance History Online data. (EPA OIG table)

EPA Did Not Meet FY 2020 RCRA TSDF Inspection Requirements or LQG Inspection Annual Policy Goal

As described in Chapter 1, the EPA has statutory requirements and policy goals for various types of inspections each fiscal year. We examined the number of inspections by facility type to determine whether the requirements and goals were met for operating federal facility TSDFs, nonfederal facility operating TSDFs, and LQGs. Table 3 details the compliance with statutory and policy inspection frequencies.

Table 3: Compliance with inspection requirements and goals during FY 2020

Entity	Source	Minimum inspection frequency	FY 2020 status	Inspection requirement or goal met
Federal facility operating TSDf	RCRA	Annual.	71% (84 of 119) operating federal facility TSDFs were inspected.	Statutory requirement not met.
Nonfederal facility operating TSDf	RCRA	At least once every two years.	59% (327 of 551) operating nonfederal TSDFs were inspected.	Statutory requirement not met for FYs 2019–2020. While more than 50% were inspected in FY 2020, 11% (61 of 551) were not inspected in either 2019 or 2020.
LQG	EPA CMS policy	Every five years. Annual policy goal is to inspect 20% every year unless the EPA approves a change under an alternative plan.	6% (2,624 of 42,622 LQGs as of May 2021) LQGs were inspected. The goal of measuring 20% per year was not met.	Annual policy goal not met.

Source: OIG analysis of Environmental and Compliance History Online data and inspection frequency requirements from Table 1. (EPA OIG table)

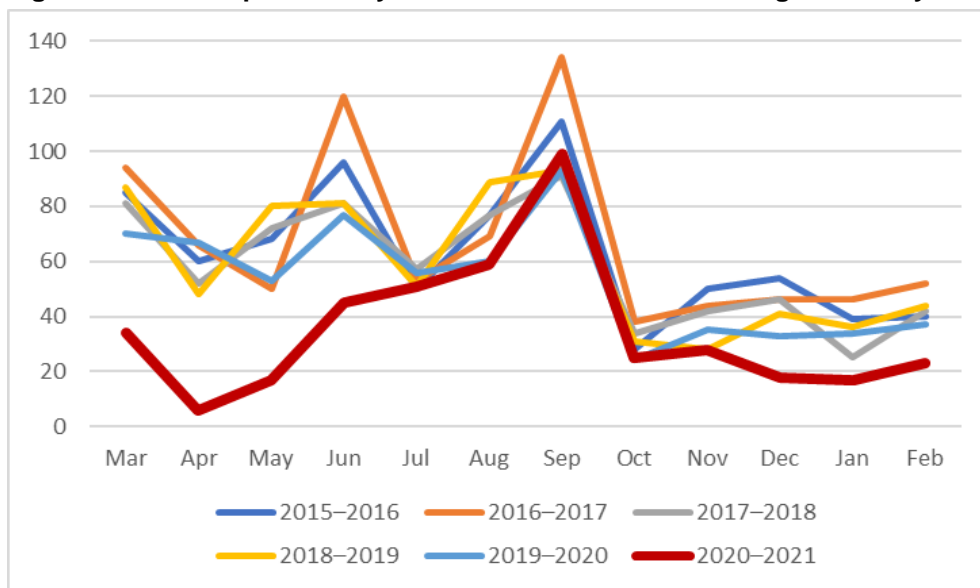
The EPA might meet the statutory requirement of inspecting nonfederal facility operating TSDFs every two years for FYs 2020–2021, as more than 50 percent were inspected in 2020. However, the EPA did not meet this requirement for FYs 2019–2020, as 61 TSDFs, or 11 percent, were not inspected in either FYs 2019 or 2020. Further, the EPA did not comply with its statutory inspection requirements for federal facility TSDFs. As described in our *Fiscal Year 2021 Oversight Plan*, we plan to evaluate the EPA’s ability to inspect operating TSDFs, as required by law, in a separate [evaluation](#).

The EPA also did not meet its policy goal of inspecting 20 percent of LQGs, so that all LQGs are inspected once every five years. This goal could be met by increasing inspections through FY 2024. Also, the EPA allows states to negotiate the LQG inspection commitment in their annual RCRA grants, which may include substituting small quantity generator and very small quantity generator inspections for LQG inspections.

Number of State RCRA Inspections Rebounded After Initial Decrease but Remained Lower than Historical Levels

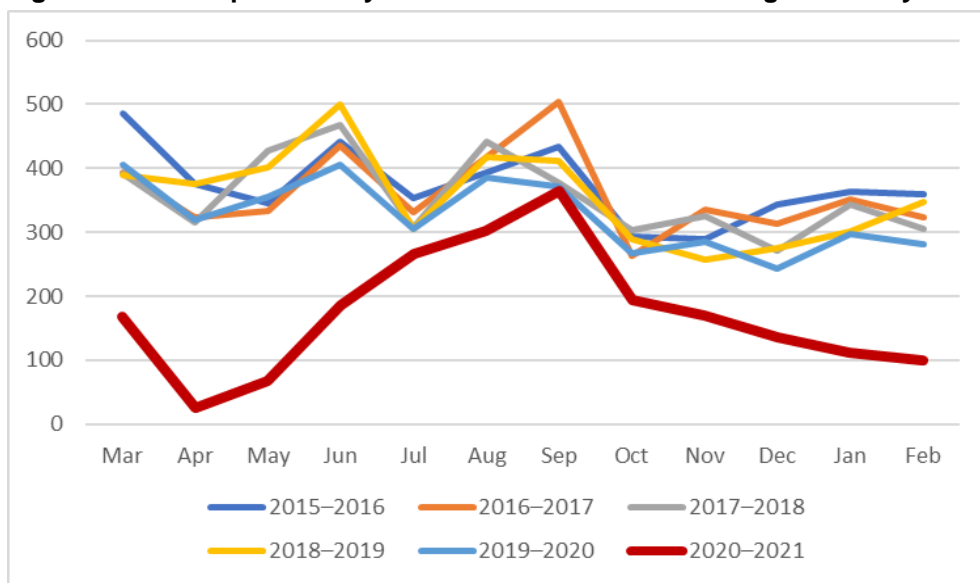
Despite an initial reduction in TSDf inspections, which were at their lowest level in April 2020, the number of TSDf inspections neared historical rates by July 2020. Inspections for both TSDFs and LQGs decreased compared to prior years after October 2020, but LQG inspections dropped further below historical levels (Figures 5 and 6). The spikes in March, June, and September of 2020 may be because these months mark the end of federal fiscal year quarters, which are used to benchmark program accomplishments.

Figure 5: TSDF inspections by month from March 2015 through February 2021



Source: OIG analysis of RCRAInfo data. (EPA OIG image)

Figure 6: LQG inspections by month from March 2015 through February 2021



Source: OIG analysis of RCRAInfo data. (EPA OIG image)

States Did Not Consistently Use Guidance Provided by EPA on OfCMs

The EPA provided detailed guidance on documenting OfCMs during the pandemic in OECA memorandums distributed in April and November 2020. However, the memorandums were distributed directly to OECA and regional enforcement directors and were not distributed directly to the authorized state RCRA programs. Only 27 states entered OfCM data in RCRAInfo, and only eight of those states entered more than ten OfCMs into the system.

We identified 200 compliance evaluation inspections performed from March 2020 through February 2021 that were counted as inspections but contained comments in RCRAInfo indicating that they were “desk audits” or “virtual” inspections. Both memorandums explicitly stated that OfCMs should not be counted as inspections because inspections require the on-site presence of an EPA-credentialed inspector. States did not follow this practice. The Agency needs to evaluate these inspections to determine whether they should be counted as inspections. The November 2020 memorandum stated that OECA’s Office of Compliance is designing a survey to assess the effectiveness of OfCMs, which may address some of the issues with virtual inspections.

Regional Directors Affirmed Authorized State RCRA Programs Experienced Difficulties Early in Pandemic

The regional directors we surveyed observed that states initially had difficulties working in a virtual environment but gradually overcame the difficulties and were able to complete tasks with a combination of remote and on-site activities. We received responses to the questions listed in Appendix A from regional division directors in four EPA regions, who provided us with information on eight states.

States’ Telework Readiness

States were in different stages of telework readiness at the beginning of the pandemic in March 2020. For instance, the eight states for which we received information lacked adequate equipment, internet connectivity, or software for virtual meetings. One state also experienced technological difficulties using electronic signatures on documents. These difficulties were ultimately addressed.

As of March 2021, the state programs are telework ready and are continuing full-time telework to some degree. For example, four states are on maximum telework except for essential staff or episodic manager visits, and one state has 30 percent of staff on full-time telework. Almost all issues initially encountered have been addressed, but one state program continues to encounter difficulties with telework, such as problems with network access, staff having to use personal equipment, and staff with inadequate WiFi capability. Regional directors are uncertain whether six states have incorporated pandemic activities, such as telework, into their processes in case of future similar events, such as another pandemic or disaster.

States and EPA Renegotiated Some Grant Commitments

According to EPA regional directors, two states initially encountered difficulties in meeting their grant commitments, and they resolved these difficulties by renegotiating RCRA grant commitments in state work plans. Renegotiation of grant commitments is consistent with OECA guidance.

According to one regional director, one state encountered delays in issuing RCRA permits. Another region reported that one state adjusted the schedule to adopt to new RCRA authorization rules when the state’s legislative approval process was delayed.

Pandemic Impacts on State Workforce Were Minimal

Information from seven states indicated that there was little or no impact on the program workforce, except for delays in filling job vacancies. One state implemented a one-month furlough.

Most Interactions with Public and Regulated Community Were Virtual During Pandemic

States changed how their staff interacted with the public and the regulated community. In-person meetings became virtual meetings, including public hearings in one state on the adoption of two EPA rules. The use of virtual meetings is consistent with EPA guidance issued on April 24, 2020. Not all meetings were virtual, as one state has a requirement for in-person meetings. Staff in that state had to find either outdoor or large indoor venues that allowed adequate spacing.

States Instituted Some Discretionary Enforcement Policies During Pandemic

Four states used OECA guidance documents to modify their enforcement policies, while other states issued discretionary policies or executive orders in addition to OECA guidance. Five states used OfCMs instead of on-site inspections, which is consistent with OECA guidance. Regional enforcement directors were not aware of any significant impacts to the public due to reduced field activities.

Other Observations from Regional Managers or States

States continued to update RCRAInfo as usual. Staff from the EPA Office of Resource Conservation and Recovery indicated that they have not heard of any states having difficulty updating RCRAInfo.

One state adjusted the FY 2020 State Review Framework commitments in accordance with EPA guidance. Regions reported no other State Review Framework impacts.

One state indicated that the Cross-Media Electronic Reporting Rule, which provides the legal framework for electronic reporting under the EPA's regulatory programs, impacted its ability to move the permitting program to a fully virtual program. The state indicated that this was due to a lack of available information technology resources to allow its approved program to fully incorporate virtual permitting. The region indicated that it is working with the state and will work with EPA headquarters to help address the issues.

Conclusions

RCRA regulatory activities in authorized state programs are essential to ensuring adequate control of hazardous waste. Central components of regulatory oversight are inspections, which determine whether a regulated entity is complying with RCRA statutes and regulations. While many of the states we reviewed experienced difficulties early in the pandemic, they were generally able to adjust to working in primarily remote environments. States were generally able to continue their regulatory oversight in part due to the flexibilities provided by multiple EPA guidance documents. While states conducted fewer inspections of both TSDFs and LQGs during the pandemic, the number of inspections returned close to normal in late FY 2020. This, however, was followed by a decrease to lower-than-normal LQG inspections. The EPA needs to determine why those inspections remained below historical levels from October 2020 to February 2021.

While operations continued after initial difficulties, it is unclear whether states have implemented adequate plans to ensure minimal disruption of regulatory activities if another pandemic occurs. Further, potential limitations of one state's virtual operations due to confusion about virtual permitting related to the Cross-Media Electronic Reporting Rule should be addressed.

The ability to effectively continue hazardous waste regulatory oversight in any future large-scale events, such as pandemics, is dependent upon authorized state programs having up-to-date plans for continued operations. Further, EPA guidance documents for state program activities need to be updated in case similar events occur in the future. Finally, the Agency needs to develop policies that allow authorized state programs to maintain an adequate inspection presence to the extent feasible.

Recommendations

We recommend that the assistant administrator for Land and Emergency Management:

1. Assist authorized states in developing and implementing plans that ensure that states are able to maintain operations in the event of a pandemic or other disaster.
2. Work with EPA regions to identify limitations, such as issues with the Cross-Media Electronic Reporting Rule, on virtual work by authorized state programs and address the issues through modification of EPA processes, information systems, or updated guidance.

We recommend that the assistant administrator for Enforcement and Compliance Assurance:

3. Review Resource Conservation and Recovery Act information system inspection data entered during the coronavirus pandemic to determine the extent off-site compliance-monitoring activities were incorrectly counted as inspections and correct the inspection data in the system as needed.
4. Work with all EPA regions to determine why the rate of violations per inspection was reduced during the coronavirus pandemic and the inspection rate for large quantity generators was below historical levels from October 2020 through February 2021.
5. Develop policies that define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future large-scale pandemic or disaster events. These should include mechanisms, consistent with EPA guidance documents, that allow maintenance of normal Resource Conservation and Recovery Act inspection rates while ensuring the safety of enforcement staff.

Agency Response and OIG Assessment

The acting assistant administrators for Land and Emergency Management and Enforcement and Compliance Assurance jointly responded to our draft report (Appendix B). The Agency proposed planned corrective actions and estimated completion dates for all recommendations. The corrective actions for Recommendations 1 and 5, however, did not meet the intent of the recommendations. EPA staff informed us that the action official for Recommendation 5 in the draft report should not include OECA and should only be the Office of Land and Emergency Management. As a result, we reorganized the recommendations and grouped them under the appropriate action official. Recommendation 5 in the draft report is now Recommendation 2, and Recommendations 2–4 in the draft report are now Recommendations 3–5.

In response to Recommendation 1, the Office of Land and Emergency Management committed to raising the issue—during national meetings and in calls with states—of whether states will be able to

maintain operations during future large-scale pandemic or disaster events and to ensuring regions address this issue during state grant work plan meetings. However, the office did not commit to working with states to develop and implement plans. Therefore, this recommendation is unresolved.

In response to Recommendation 2, the Office of Land and Emergency Management committed to using national meetings and calls with states and regions to identify and resolve issues that authorized state programs encounter as part of virtual work. Recommendation 2 is resolved with corrective actions pending.

In response to Recommendation 3, OECA committed to reviewing the inspection data to determine whether OfCMs were incorrectly counted as inspections and to correcting the inspection data in the system, if needed. Recommendation 3 is resolved with corrective actions pending.

In response to Recommendation 4, OECA committed to working with the regions to determine whether the reasons for the decrease in the rate of violations per inspection extend beyond those limitations inspectors encountered when conducting inspections during the pandemic. Simultaneously, OECA committed to continuing to monitor the number of violations observed per inspection to evaluate whether this decrease will persist. OECA also committed to working with regions to determine why the inspection rate for LQGs was below historical levels from October 2020 through February 2021. Recommendation 4 is resolved with corrective actions pending.

In response to Recommendation 5, OECA committed to working with regions to define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future disaster events. However, OECA did not commit to developing policies that define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future large-scale pandemic or disaster events. Therefore, this recommendation is unresolved.

Status of Recommendations

RECOMMENDATIONS

Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date
1	16	Assist authorized states in developing and implementing plans that ensure that states are able to maintain operations in the event of a pandemic or other disaster.	U	Assistant Administrator for Land and Emergency Management	
2	16	Work with EPA regions to identify limitations, such as issues with the Cross-Media Electronic Reporting Rule, on virtual work by authorized state programs and address the issues through modification of EPA processes, information systems, or updated guidance.	R	Assistant Administrator for Land and Emergency Management	3/31/22
3	16	Review Resource Conservation and Recovery Act information system inspection data entered during the coronavirus pandemic to determine the extent off-site compliance-monitoring activities were incorrectly counted as inspections and correct the inspection data in the system as needed.	R	Assistant Administrator for Enforcement and Compliance Assurance	9/30/22
4	16	Work with all EPA regions to determine why the rate of violations per inspection was reduced during the coronavirus pandemic and the inspection rate for large quantity generators was below historical levels from October 2020 through February 2021.	R	Assistant Administrator for Enforcement and Compliance Assurance	12/31/22
5	16	Develop policies that define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future large-scale pandemic or disaster events. These should include mechanisms, consistent with EPA guidance documents, that allow maintenance of normal Resource Conservation and Recovery Act inspection rates while ensuring the safety of enforcement staff.	U	Assistant Administrator for Enforcement and Compliance Assurance	

¹ C = Corrective action completed.
 R = Recommendation resolved with corrective action pending.
 U = Recommendation unresolved with resolution efforts in progress.

Regional Interview Questions

The following questions regarding the coronavirus pandemic's impact on authorized state RCRA programs were given to select EPA regional Land, Chemicals, and Redevelopment division directors.

OIG Interview Questions – Pandemic Impact on Authorized State RCRA Programs Questions for selected EPA regional Land, Chemicals, and Redevelopment Division Directors.

1. Please provide details on the state's RCRA program.

- a. Annual RCRA grants

2020	\$	_____
2021	\$	_____
- b. Does the RCRA grant fund all EPA inspections every year for federal facilities, every two years for operating TSDFs, every three years for non-operating TSDFs, and every five years (20 percent/year) for LQGs?
- c. Other relevant details

2. How did the pandemic impact the ability of the state staff to continue working?

- a. Approximate percent of staff teleworking:
 - i. Prior to the pandemic.
 - ii. At the beginning of the pandemic.
 - iii. Currently (March 2021).
- b. Challenges to teleworking by staff – technology, equipment, etc.
 - i. How have these challenges been addressed?
- c. How have changes addressed in 2a and 2b been incorporated into ongoing state activities to address future events?
- d. Communications with the regulated community – unchanged or virtual?
- e. Communication with the public – unchanged or virtual? How were public meetings held?
- f. Other relevant information.

- 3. How did the pandemic impact state program staffing levels?**
 - a. Anticipated actions to be taken – hiring limitations, furloughs, layoffs, other relevant information.
- 4. How did the pandemic impact RCRA program activities, including any adverse effects on human health or the environment (at particular sites or generally) attributable to curtailed state activities during the pandemic?**
 - a. Impact on RCRA permit activities. Status of backlog?
 - b. Impact on generator inspections – OECA goal is LQGs inspected every five years, or 20 percent per year.
 - c. Impact on federal facility TSDF inspections required once per year.
 - d. Impact on operating TSDF inspections required every two years.
 - e. Reasons for any inspection decreases, such as strict limits on travel, facility denial of access, local government restrictions, etc.
 - f. Impact on state updates to RCRAInfo.
 - g. Other relevant or site-specific information.
- 5. Please describe any modifications to state RCRA grants to address a change in regulatory oversight activities, such as inspections and permitting.**
- 6. How did EPA’s temporary enforcement policy or other directives or guidance during the pandemic affect implementation of the RCRA program?**
- 7. What discretionary regulatory policies did the state implement to ease the burden on the regulated community at any time during the pandemic?**
- 8. What innovative or alternative inspection—such as remote inspections—or permitting processes did the state use that helped it accomplish RCRA goals through the pandemic?**
- 9. If the state was impacted as indicated in any of the previous questions, what impact did any state’s inability to perform its functions have on EPA or the public?**
- 10. What elements of the State Review Framework or other commitments to EPA was the region not able to fulfill due to the pandemic? Did EPA waive, or re-negotiate, any such state commitments during the pandemic?**
- 11. What guidance or assistance did EPA provide to enable the state to meet its program obligations during the pandemic?**
- 12. Please provide any additional information you feel is relevant.**

Agency Response to Draft Report



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

October 14, 2021

MEMORANDUM

SUBJECT: Response to Office of Inspector General Draft Report No. OE-FY21-0124
“Authorized State Hazardous Waste Program Inspections and Operations Were Impacted During Coronavirus Pandemic” dated September 14, 2021

FROM: Barry N. Breen
Acting Assistant Administrator
Office of Land and Emergency Management

**BARRY
BREEN**

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BARRY BREEN
Date: 2021.10.15
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Lawrence E. Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

**LAWRENCE
STARFIELD**

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Date: 2021.10.14
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TO: Sean O'Donnell, Inspector General
Office of Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject audit report. We also appreciate the prior engagement we have had with your staff, including the recent discussion on September 29, 2021. Following is a summary of the agency's overall position, along with its position on each of the report recommendations. The agency agrees with all the recommendations, and thus for each recommendation we have provided high-level intended corrective actions and estimated completion dates. For your consideration, we have included a Technical Comments Attachment to supplement this response.

AGENCY'S OVERALL POSITION

The Office of Land and Emergency Management (OLEM) and the Office of Enforcement and Compliance Assurance (OECA) appreciate the Office of Inspector General's (OIG's) attention to the ability of authorized state hazardous waste management programs under the Resource Conservation and Recovery Act (RCRA) to implement this program during the COVID-19 pandemic. We are encouraged by your finding that state programs have been able to transition

effectively to a virtual work environment. Although all of the report's recommendations were directed toward OLEM, we believe that OECA is the responsible office for Recommendations 2, 3, and 4 (involving inspections), and thus OECA has made commitments in response to those recommendations.

OLEM and OECA suggest that the OIG consider recommending an EPA-wide approach to working with states regarding plans to ensure states are able to maintain operations in the event of a pandemic or other disaster. We understand that, like EPA, most state hazardous waste programs transitioned to telework in March 2020. As the draft report notes, almost all telework issues that states initially encountered at the beginning of the pandemic have been addressed and all eight reviewed state programs are telework-ready and continuing full-time telework to varying degrees. We expect that many states will continue to use virtual tools and telework policies after the pandemic ends, lessening the impact of any future transitions. In advance of any EPA-wide efforts, OLEM and OECA will continue to interact with states regarding readiness to respond to a disaster through our recurring national calls and meetings, particularly through the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). States have valuable experience that should be shared and used to inform the response to future pandemics or other disasters, and these forums will enable this knowledge transfer. Further, the Regions will use the annual state grant workplan negotiation process to discuss with states the development and implementation of plans that ensure they are able to maintain operations in the event of a pandemic or other disaster.

Additionally, OLEM, OECA, and our Regional counterparts have regularly scheduled, topic-specific meetings with RCRA state staffs. For example, the RCRAInfo team holds monthly conference calls with the state and Regional information system user community to provide software development updates and to discuss any issues or challenges the user community is facing. In addition, the RCRAInfo team hosts a National Users Conference every other year to discuss RCRAInfo system and programmatic issues with the user community and to provide an opportunity for the user community to raise issues and discuss challenges. The most recent users conference was held in July 2021. Thus far, states have raised few issues with the transition to telework during these calls. However, we will continue to use those opportunities to discuss lessons learned from the COVID-19 public health emergency, plan for potential future disasters, and identify and resolve any limitations on virtual work by authorized state programs. OLEM and OECA will forward any issues related to the Cross-Media Electronic Reporting Rule (CROMERR) to the Office of Mission Support, which manages the CROMERR program.

The OIG recommendations 2 and 3 address concerns related to inspection outcomes: respectively, offsite compliance monitoring activities may have been misreported as inspections in RCRAInfo, the rate of violations per inspection was down from 0.42 to 0.35 for large quantity generators (LQGs) and 0.33 to 0.21 for treatment, storage, and disposal facilities (TSDFs), and inspections at LQGs were lower between October 2020 and February 2021 than in the previous year. OECA appreciates the OIG research into inspection outcomes and agrees to review each issue to inform disaster planning and ensure we maintain the integrity of the RCRA inspection and enforcement program going forward.

Regarding concerns that offsite compliance monitoring activities were inadvertently entered as inspections, OECA will review the OIG inspection data to determine the extent of misreporting of off-site compliance monitoring and correct the inspection data in the system as needed. OECA will reaffirm with the states that offsite compliance monitoring activities are being reported separately from on-site inspections.

Regarding the decrease in violations observed per inspection, OECA notes a decrease from 0.42 to 0.35 or 0.33 to 0.21 is approximately one fewer violation observed for every ten inspections conducted. OECA will work with the Regions to determine if the reasons for the decrease extended beyond limitations inspectors encountered when conducting inspections during the pandemic. Simultaneously, we will continue to monitor the number of violations observed per inspection to evaluate if this decrease is a trend that persists and if so, if the decrease has a meaningful impact to the program overall.

Finally, with respect to the decrease in inspection rates for LQGs between October 2020 and February 2021, OECA notes that OIG observed a similar, though less pronounced, decline in the TSDf inspection numbers. We recognize these decreases were both likely tied to the sharp rise in COVID-19 case numbers nationally from October 2020 to February 2021. As the commitment to inspect these facilities is measured annually, states may have delayed conducting these inspections to a later time in their fiscal years, which typically end June 30.² Data from the Enforcement and Compliance History Online (ECHO) Hazardous Waste dashboard indicates the percent of LQG facilities with compliance evaluations for fiscal year 2021 in its entirety is not significantly different than 2020.³ OECA will continue to monitor LQG inspection trends throughout fiscal year 2022 in coordination with Regions and state agencies to confirm, or further investigate if needed, the reason for the inspection rate decrease.

With these considerations in mind, OLEM and OECA accept the OIG’s recommendations in the draft report as described below and agree that actions undertaken in response to these recommendations will support our ongoing efforts.

AGENCY’S RESPONSE TO REPORT RECOMMENDATIONS

Agreements

No.	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion by Quarter and FY
1.	Assist authorized states in developing and implementing plans that ensure that states are able to maintain operations in the event of a pandemic or other disaster.	OLEM will raise the issue of whether states will be able to maintain operations during national meetings and calls with states and Regions and ensure Regions address this issue during state grant workplan meetings.	4th Quarter FY 2022

²National Conference of State Legislatures. 2020. Accessed October 6, 2021: <https://www.ncsl.org/research/fiscal-policy/fy-2021-state-budget-status.aspx>.

³ Enforcement and Compliance History Online (ECHO). 2021. Accessed October 6, 2021: <https://echo.epa.gov/trends/comparative-maps-dashboards/state-hazardous-waste-dashboard>.

No.	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion by Quarter and FY
2.	Review Resource Conservation and Recovery Act information system inspection data entered during the coronavirus pandemic to determine the extent off-site compliance monitoring activities were incorrectly counted as inspections and correct the inspection data in the system as needed.	OECA will review the inspection data to determine if off-site compliance monitoring activities were incorrectly counted as inspections and correct the inspection data in the system if needed.	4th Quarter FY 2022
3.	Work with all EPA regions to determine why the rate of violations per inspection was reduced during the coronavirus pandemic and the inspection rate for large quantity generators was below historical levels from October 2020 through February 2021.	<p>OECA will work with the Regions to determine if the reasons for the decrease extended beyond limitations inspectors encountered when conducting inspections during the pandemic. Simultaneously, OECA will continue to monitor the number of violations observed per inspection to evaluate if this decrease is a trend that persists.</p> <p>OECA will work with Regions to determine why the inspection rate for large quantity generators was below historical levels from October 2020 through February 2021.</p>	1st Quarter FY 2023
4.	Develop policies that define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future large-scale pandemic or disaster events. These should include mechanisms, consistent with EPA guidance documents, that allow maintenance of normal Resource Conservation and Recovery Act inspection rates while	OECA will work with Regions to define inspection requirements and flexibilities to optimize the capabilities of authorized state programs in future disaster events, per the OIG recommendation.	2nd Quarter FY 2023

No.	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion by Quarter and FY
	ensuring the safety of enforcement staff.		
5.	Work with EPA regions to identify limitations, such as issues with the Cross-Media Electronic Reporting Rule, on virtual work by authorized state programs and address the issues through modification of EPA processes, information systems, or updated guidance.	OLEM will use national meetings and calls with states and Regions to identify and resolve authorized state program issues with virtual work.	2nd Quarter FY 2022

CONTACT INFORMATION

If you have any questions regarding this response, please have your staff contact Kecia Thornton (OLEM) at thornton.kecia@epa.gov or 202-566-1913 or Gwendolyn Spriggs (OECA) at spriggs.gwendolyn@epa.gov or 202-564-2439.

Attachment

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