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

MAY 0 3 2019

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

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EMERGENCY MANAGEMENT

MEMORANDUM

SUBJECT: State Authorization Tracking System (StATS) Information Collection Improvements

FROM: Barnes Johnson, Director
Office of Resource Conservation and Recovery

TO: Regional RCRA Division Directors

I am writing to communicate new formalized procedures, data verification standards, and deadlines for state authorization data reporting by Regional and Office of Resource Conservation and Recovery (ORCR) staff. The Office of Inspector General (OIG) directed the Environmental Protection Agency (EPA) to implement four recommendations in its July 31, 2018, Final Report: "Incomplete Oversight of State Hazardous Waste Rule Authorization Creates Regulatory Gaps and Human Health and Environmental Risks." This memorandum completes the corrective action for the third of the four recommendations in the report, which is to improve the quality of the information in EPA's authorization inventory – StATS (the State Authorization Tracking System). To this end, ORCR committed to developing Regional standards and deadlines for data reporting, as well as standards for entry and validation by ORCR.

Although Regions and ORCR have conducted these data reporting activities for many years using an informal process, pursuant to recent OIG recommendations, I am establishing a formal process, which is largely based on existing procedures. Regional staff commented on these formalized procedures and we have addressed their comments.

State Authorization Tracking System (StATS)

Since the 1980s, ORCR has collected state adoption and authorization data regarding federal rulemakings, as well as data on state applications, in a system called StATS. ORCR currently collects RCRA state authorization data from Federal Register notices which grant authorization to the states, and from information provided by Regional RCRA authorization staff on a biannual basis. Data from the Federal Register notices include authorization notice publication and effective dates, and the date the official authorization application was submitted by the state to EPA. Information from the Regional staff includes the date of a state's adoption of a federal rulemaking (or the state rule effective date). Regional staff also provide dates on when a rule is included in a draft or official state application that is submitted to EPA. ORCR then enters all the relevant information into StATS. ORCR publishes reports biannually

for every state and federal rulemaking in PDF format and places them on the RCRA State Authorization website.

Revised Data Collection and Entry Standards and Procedure

ORCR will collect new data from Regional authorization staff on a semiannual basis (second and fourth quarters of each fiscal year). ORCR will continue to provide a reporting form to the Regions. The deadline for Regional submissions will be two weeks after the end of the quarter. All Regions must respond by the submission deadline with either the relevant data or a confirmation that there are no updates. The data that the Regions provide are derived from information provided by states in the normal course of business (e.g., state applications would include the date of submission and what rulemakings are covered). ORCR is responsible for entering data into StATS. Regions will provide the following information if it is available:
- The specific federal rule(s) the state has adopted.
- The date the state adopted the rule or its effective date.
- Whether the complete state application is draft or official (final). Note that a completed draft application must include all relevant documents.
- Date the complete state application was submitted.
- Comments regarding state rules such as partial rule adoption.

ORCR will collect the following directly from published Federal Register notices:
- Date of the final authorization and effective date.
- State rules authorized by authorization checklist.

ORCR will perform the following QA/QC verification using data from the Federal Register to ensure information provided by the Regions was accurate and to verify that it was entered accurately into StATS.
- State rule adoption status.
- State official application date[s].

Within two weeks of the Regional submission deadline, ORCR will enter data into StATS, perform the above QA/QC verification of StATS data, and create PDF reports. The report files will be sent to the ORCR Communications Team for posting on the RCRA Authorization website and will be available to the public.[1]

Verification of Existing StATS Data

EPA Regions will review and verify existing StATS data for their states by September 30, 2019. This review will be based on the reports produced for each state. Regions will verify whether the authorization status is correct for all rules, particularly for corrections to final rules. State application information should also be verified, particularly when applications that are currently under Regional review are listed as being submitted before January 1, 2018. All edits to the existing data must be submitted by the Regions with their fourth quarter data submission.

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[1] See https://www.epa.gov/rcra/state-authorization-tracking-system-stats.

We appreciate your efforts to make any necessary corrections. If you or your staff have any questions regarding these procedures please contact Wayne Roepe at 703-308-8630, or roepe.wayne@epa.gov.

cc: RCRA Branch Chiefs