

Guidance for Preparing the Fiscal Year 2020 RCRA Subtitle C Grant Work Plan

General Administrative and Reporting Requirements

A. General

1. The Grantee agrees to implement its Resource Conservation and Recovery Act (RCRA) permitting, corrective action, closure, compliance and enforcement programs in accordance with the Memorandum of Agreement (MOA) between the State and EPA for the hazardous waste program.

As stated in the MOA, this grant work plan should be consistent with the Government Performance and Results Act ("GPRA"), statutory requirements, and EPA strategic plan policies and directives, including but not limited to, the Fiscal Year (FY) 2018 – 2022 EPA Strategic Plan, the FYs 2020 – 2021 National Program Manager's Guidance (NPMG), and the September 2015 Compliance Monitoring Strategy (CMS) for the RCRA Subtitle C Program.

2. Should EPA determine that a hazardous waste management program must be withdrawn, the Grantee must enter into a Cooperative Arrangement with EPA to maintain the Grantee's eligibility for Federal funding. The Cooperative Arrangement will detail the activities the Grantee will perform to assist EPA in the implementation of the National RCRA program.
3. If at any time during the budget period the Grantee discovers that a grant commitment will not be met, the Grantee should notify the EPA Project Officer, in writing, within 15 days of identifying the projected shortfall. An explanation should be provided as to why the commitment will not be met and the Grantee must propose an alternate schedule or comparable activity, as appropriate. Prior approval should be obtained from EPA before implementing an alternate schedule or comparable activity. In the event a funding reduction occurs during the budget period, EPA will promptly notify the Grantee.

PROGRAM ELEMENT I: Hazardous Waste Management Program Development

Total:

% Budget Allocation _____

FTE/ Work Years _____

{EPA Instructions: Please prepare a brief narrative summarizing the State’s planned program revision activities for FY20. Then, complete the following table}.

Activity	FY20 Commitments	
A. <u>Retention of State Authority (SWDA Section 3009)</u>	Schedule	Comments
Please furnish the state’s schedule for submitting its next program revision application. Specify the RCRA Checklist(s) the state plans to request authorization. 40 CFR Part 271.21(a).		
Please furnish the state’s schedule for submitting draft statutory and/or regulatory changes to EPA for review.		
Please furnish the state’s schedule for submitting final statutory and/or regulatory changes to EPA for review and approval.		
B. <u>Grant Related Activities</u>	Schedule	Comments
The state agrees to submit a draft work plan and grant application for FY20 by:	June 1, 2019	
The state agrees to submit a final work plan and grant application for FY20 by:	August 1, 2019	
The state agrees to submit an End-of-Year Report summarizing the state’s accomplishments during FY19 by: (see 2 CFR Part 200.328(b)(1)).	December 31, 2019	

The state agrees to submit a final Financial Status Report (FSR) for the state's FY19 RCRA Section 3011 grant award by: (see 2 CFR Part 200.327).	December 31, 2019	
C. <u>Technical Assistance</u>	Schedule	Comments
Briefly describe any technical assistance the Grantee would like EPA to provide in FY20.		
D. <u>Data Management Activities</u>	Schedule	Comments
The Grantee agrees to maintain and update the RCRAInfo data base.	on-going	
As the Implementor of Record for RCRAInfo, the Grantee agrees to enter all IOR information (i.e. handler, permitting, compliance and enforcement, and corrective action data) into RCRAInfo.	on-going	
E. <u>Encourage the use of Environmental Management Systems</u>	Schedule	Comments
Ensure basic EMS awareness for managers and staff.	on-going	
Ensure awareness of state plans to promote EMS to key industry sectors in the hazardous waste management universe.	on-going	
Ensure awareness of state-wide approaches to promote EMSs	on-going	

PROGRAM ELEMENT II: Enforcement and Compliance

Goal 3: Rule of Law

Objective 3.1: Timely enforce environmental laws to increase compliance rates and promote cleanup of contaminated sites through the use of all EPA’s compliance assurance tools, especially enforcement actions to address environmental violations.

Total:

% Budget Allocation _____

FTE/ Work Years _____

This RCRA hazardous waste core program grant work plan guidance outlines the minimum activities necessary to ensure compliance within the regulated community.

The EPA’s and the state’s RCRA compliance monitoring programs provide a critical infrastructure to detect non-compliance, to promote compliance, and to protect human health and the environment. As per the FY 2020 – 2021 National Program Manager’s guidance (NPMG), the EPA expects states to meet statutory requirements to conduct a minimum number of thorough inspections, as outlined in the September 2015 Compliance Monitoring Strategy (CMS) and summarized below, including financial assurance requirements. States may use the flexibilities described in the RCRA CMS for Large Quantity Generators (also called an Alternative CMS, as outlined in the 2015 CMS Appendix). Additionally, the EPA expects states to work with EPA’s Office of Enforcement and Compliance Assurance (OECA) to identify and evaluate program areas that could become national priorities/compliance initiatives in the future. Finally, the EPA expects that when states develop, renew or modify permits or orders, that they coordinate to ensure that the permit or order contains clear schedules for enforcement processes, as appropriate.

This RCRA hazardous waste core program grant work plan guidance outlines the minimum activities necessary to ensure compliance with RCRA Subtitle C within the regulated community. This guidance also specifies language for the work plan that must be included for grant work plan approval.

I. Inspection Requirements¹

To promote cooperative federalism, the states and the EPA Region 4 should work together to determine the appropriate mix of federal and state compliance monitoring activities to meet the hazardous waste core program guidelines.

A. Treatment, Storage and Disposal Facilities

- a. Inspect ANNUALLY: Conduct Compliance Evaluation Inspections (CEIs) at operating treatment, storage and disposal facilities (TSDFs) that are owned or operated by a department, agency, or instrumentality of the United States, as required under SWDA § 3007(c). Inspect 100% of universe per year. For ease of review and discussion, provide the EPA Region 4 with a list of the universe, and the date of the last inspection for each TSDF.
- b. Inspect ONCE EVERY TWO YEARS: Conduct CEIs at operating TSDFs, as required under SWDA § 3007(e). Inspect no less than 50% of universe per year, ensuring 100% of the universe is inspected every two years. For ease of review and discussion, provide the EPA Region 4 with a list of the universe, and the date of the last inspection for each TSDF.
- c. Inspect ANNUALLY: Per EPA guidance, the EPA Region 4 will conduct CEIs at operating TSDFs that are operated by a state or local government, as required under SWDA 3007(d). Inspect 100% of universe per year. For ease of review and discussion, provide the EPA Region 4 with a list of the universe, and the date of the last inspection for each TSDF.
- d. Inspect ONCE EVERY THREE YEARS: Conduct CEIs, Groundwater Monitoring Inspections (GMEs), and/or Operation and Maintenance Inspections (OAMs) at non-operating TSDFs that still have compliance requirements, as required under SWDA § 3004(k) (see Other Inspections, below). Inspect no less than 33% of universe per year, ensuring 100% of the universe is inspected every three years. For ease of review and discussion, provide EPA Region 4 with a current universe list of non-operating TSDFs that still have compliance requirements that would be subject to CEIs, GMEs, and OAMs, as described above, and the date of the last inspection for each facility.

¹ Inspections should be conducted in accordance with the statute and other applicable EPA guidance documents.

e. Other Inspections:

- i. Financial Record Reviews: While it is recognized that states should be conducting annual financial assurance (FA) record reviews (FRRs) for all operating TSDFs, due to the requirement for annual inflationary adjustments at those facilities, it is strongly recommended that states also focus on those post-closure care and corrective action permits and orders for which either the cost estimates are above \$2 Million or for which no FRRs have been conducted within the past five years. Attention should be given to the completeness of the cost estimates as well as to the FA instruments to ensure that adequate FA is being provided. For ease of review and discussion, provide the EPA Region 4 with a list of the universe, and the date of the last FRR for each facility.
- ii. Ground Water Monitoring Evaluations: For non-operating TSDFs that have not completed clean closure, other types of RCRA inspections should be conducted. GMEs should be conducted at any new or newly regulated land disposal facility, as defined under § 3004(k).

Subsequent GMEs should be conducted in situations involving complex compliance or corrective action requirements; inadequate ground water monitoring systems, significant changes to ground water monitoring systems, and actual or suspected changes in local ground water regimes.

- iii. Operation and Maintenance Inspections: Once it is determined that a ground water monitoring system is adequately designed and installed, an OAM inspection may become the appropriate ground water monitoring inspection. This inspection may be conducted in conjunction with a CEI.

B. Generators

- a. Inspect ONCE EVERY FIVE YEARS: Conduct CEIs at facilities that are large quantity generators (LQGs). Inspect no less than 20% of universe per year, ensuring 100% of the universe is inspected every five years. The large quantity generator universe based on the total number of generators that reported in the most recent biennial report. For ease of review and discussion, provide the EPA Region

4 with year of the biennial report, a list of the LQG universe, and the date of the last inspection for each LQG, to meet this requirement.

b. Other inspection universes:

- i. Small Quantity Generators: Inspect 3% of the small quantity generator (SQG) universe.
- ii. Conditionally Exempt Small Quantity Generators, Transporters, and Other Handlers: States are to be able to comprehensively inspect all regulated facilities and have a program for periodically inspecting those facilities.

II. Enforcement Requirements

States should follow the January 2004 RCRA Enforcement Response Policy, which provides information regarding the classification of a facility's non-compliance and in the taking of timely and appropriate enforcement actions.

The text portion of the grant work plan must state something to this effect, "All inspections conducted will be thorough and complete as it relates to the RCRA regulations that apply to each facility, and the findings will be documented in a written report. Violations will be clearly documented and classified as to whether the facility is a Significant Non-Complier (SNC) or a Secondary Violator (SV). Timely and Appropriate enforcement actions will be taken for violations found in accordance with EPA's Enforcement Response Policy (ERP) and penalties, including economic benefit, are calculated, documented, and assessed as appropriate. To ensure this is done, the State will have representatives participate in conference calls with the designated EPA Region 4 State Coordinator according to the timeframe outlined in the State/EPA MOA."

III. Compliance Assistance

Although states are not required by EPA to perform compliance assistance, any activities performed such as Compliance Assistance Visits (CAVs) and outreach workshops should be reported to EPA Region 4 so appropriate credit can be given. EPA recommends that compliance assistance activities focus on newly regulated persons, persons subject to new regulations, and persons owning small businesses with compliance problems.

PROGRAM ELEMENT III: Permitting

Goal 1 - Core Mission:

Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety.

Objective 1.3 - Revitalize Land and Prevent Contamination: Provide better leadership and management to properly clean up contaminated sites to revitalize and return the land back to communities.

EPA will support states to issue, update, or maintain RCRA permits for the approximately 20,000 hazardous waste units (such as incinerators and landfills) at these facilities

Goal 3: Rule of Law and Process: Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.

Objective 3.4 - Streamline and Modernize: Issue permits more quickly and modernize our permitting and reporting systems

Strategic Measure

- SM-22 By September 30, 2022, reach all permitting-related decisions within six months.

The RCRA permitting and approval programs protect people and ecosystems from exposure to dangerous wastes and chemicals. EPA provides support to states and other stakeholders to develop and implement solid and hazardous waste management programs. In accordance with the FY 2020 – 2021 Office of Land and Emergency Management (OLEM) National Program Manager Guidance, Regions and states will conduct effective data collection and management and will enter or submit mandatory data elements into RCRAInfo. States will work with EPA to ensure data is entered, updated, and maintained in alignment with EPA policy for maintaining data in RCRAInfo, particularly for the current legal and operating status codes. States should ensure that financial assurance data are entered, updated, and maintained in alignment with EPA policy for maintaining data in RCRAInfo. States should work collaboratively with EPA to identify, prioritize, and resolve the highest-priority issues that arise during the permitting process.

{EPA Instructions: The national strategic goal for RCRA Permitting is to prevent releases at hazardous waste management facilities, with Initial Control Units in Place (initial units RCRA permits) or Updated Controls in Place (RCRA permit renewals). Controls in Place also include Clean Closures. The attached RCRAInfo reports contain the two 2022 GPRA Baselines: the initial units baseline and the renewals baseline. The reports list all units and facilities with their GPRA status (having or not having approved controls in place) as of April 2019. In order to count a facility, on the renewals baseline, as having an approved control in place, all units

identified for the facility must be permitted or issued some other approved control. For FY 2020, EPA Region 4 is asking States to focus their efforts and resources on achieving approved controls for these units and facilities and to commit to accomplishing this in the work plan. Please complete Tables III-1 and III-2. In Table III-2, in the appropriate fields, record 1) the names and ID numbers of GPRA facilities targeted in FY 2020 for permits and/or other approved controls and 2) the type of permit/control (i.e. operating (OP), post closure (PC), corrective action (CA), and clean closure (CC).}

EPA started in FY18 going towards a management system that looked for monthly/quarterly reporting of accomplishments. In FY20, states will need to focus on entering accomplishments in RCRAInfo on a monthly basis which is consistent with the EPA/State MOA, "For data entered directly into RCRAInfo, the State agrees to enter the previous month's activities no later than the 20th of every month."

Program Objectives

- a) Develop multi-year strategies to meet the annual goals.
- b) Identify what is needed in order to establish approved controls for each facility in the permitting baseline.
- c) Develop multi-year strategies to implement updated controls.

Total:

% Budget Allocation _____

FTE/ Work Years _____

{EPA Instructions: Copies of the 2022 GPRA Permitting Baselines (lists of status of units and facilities requiring initial units) are provided to assist you.

Please furnish a narrative describing the state's projected permitting activities as needed.}

Table III-1: RCRA Permitting Activities

Permitting Activities	FY20 Commitments (Please furnish facility names)	Authorization Status (Y/N)	Requires Federal Permit Conditions (Joint Permit) (Y/N)	EPA Technical Support Requested (Y/N)
1. 1. Part B application review and NOD or compliance action to notify applicant of deficiencies:				
- Post-Closure - (PC100)				
- Storage/Treatment - (OP100)				
- Subpart X				
- Incinerators/BIFs				
- Begin Alternate to PC Mechanism				
- HSWA Only				
- Enforceable Document				
2. 265 Closure Plan review and NOD or compliance action to notify applicant of deficiencies:				
- Land Disposal (CL320)				
- Incinerators/BIF				
- Storage/Treatment				
- Equivalency Petitions				
3. Completeness Determinations: (Permit applications determined complete and technically adequate and ready to proceed with draft permit).				

Permitting Activities	FY20 Commitments (Please furnish facility names)	Authorization Status (Y/N)	Requires Federal Permit Conditions (Joint Permit) (Y/N)	EPA Technical Support Requested (Y/N)
- Post-Closure- (PC150)				
- Storage/Treatment (OP150)				
- Subpart X				
- HSWA Only				
- Alternative to PC Mechanism				
4. Public Notices - Draft Permits (or alternate mechanisms)/Permit Denials/Closure Plans/Modifications				
- Post-Closure-				
- PC Plan: (CL340)				
- Draft Permits: (PC160)				
- Draft AOCs:				
- Storage/Treatment Draft Permits: (OP160)				
- Subpart X				
- Incinerators/BIFs				
- HSWA Only				

Permitting Activities	FY20 Commitments (Please furnish facility names)	Authorization Status (Y/N)	Requires Federal Permit Conditions (Joint Permit) (Y/N)	EPA Technical Support Requested (Y/N)
5. Final Determinations - Permits Issued/ Permits Denied/Closure Plans Approved/Alternate Mechanisms:				
<ul style="list-style-type: none"> - Post-Closure- <ul style="list-style-type: none"> • PC Plan: (PC360) • Permits: (PC200) 				
<ul style="list-style-type: none"> - Enforceable Documents in lieu of Permit 				
<ul style="list-style-type: none"> - Storage/Treatment (existing) Permits: (OP200) 				
<ul style="list-style-type: none"> - Closure Plans: (OP360) 				
<ul style="list-style-type: none"> - Incinerators/BIFs 				
<ul style="list-style-type: none"> - Subpart X 				
<ul style="list-style-type: none"> - HSWA Only 				
<ul style="list-style-type: none"> - New Facilities 				
6. Modification – Approval/Denial – Permits and Closure Plans				
<ul style="list-style-type: none"> - Land Disposal 				
<ul style="list-style-type: none"> - Post-Closure- (PC240/242) 				
<ul style="list-style-type: none"> - Storage/Treatment (OP240/242) 				
<ul style="list-style-type: none"> - Incinerators/BIFs 				
<ul style="list-style-type: none"> - Subpart X 				

Permitting Activities	FY20 Commitments (Please furnish facility names)	Authorization Status (Y/N)	Requires Federal Permit Conditions (Joint Permit) (Y/N)	EPA Technical Support Requested (Y/N)
- HSWA Only				
7. Closure Certifications				
- Land Disposal (Interim CL370/380) (Permitted PC370/380)	----- -----			
- Storage/Treatment (OP370/380)				
- Subpart X				
8. Miscellaneous				
- Emergency Permits				
- Temporary Authorizations				
- 5 Year Reviews				
- Interim Measures (Work Plan) Approvals				

Table III-2: RCRA FY2020 GPRA Permitting Commitments.

Hazardous Waste Facilities: Units Issued Initial Permits, Issued Permit Renewals or having other Approved Controls in Place.

FY 2022 GPRA Permitting Baselines	Commitments for: Initial Units (Permit or Other Approved Control in Place per Unit); and Permit Renewals (Permit or Other Approved Controls in Place all Units)	
	FY 2020 Commitment Include Facility Names and ID Numbers; and Unit number (for Initial Control Units)	Type of Permit/Control Operating (OP), Post Closure (PC), Corrective Action Only (CA) Clean Closure (CC)
Initial Control Units Baseline HW4	Example A, Corp – TYD 123 456 789: Unit 11 Unit 35	OP CC
Permit Renewals Baseline HW5	Example B, Inc. TYD 123 456 789 	CA OP PC

Combustion

Goal 3.1.2: Manage hazardous wastes properly by having permits or other approved controls in place.

Program Objectives

Approved controls in place at 85% of existing RCRA hazardous waste facilities (hazardous waste combustion facilities and MACT compliance highest priority).

Total:

% Budget Allocation _____

FTE/ Work Years _____

{EPA Instructions: Please furnish a narrative summarizing the state's projected combustion related activities as needed.}

Table III-3 – RCRA Combustion, Thermal Treatment, and Open Burn & Open Detonation Related Activities

RCRA Combustion Permitting Activities	FY-20 Commitments Provide Facility Names and ID Numbers	MACT Permitted? (Y/N)	Authorization Status (Y/N)	OB/ OD (Y/N)	EPA Support Requested (Y/N)
Performance Burn Plans Reviewed					
Performance Burn Plans Approved					
Air Modeling Work Plan Reviewed					
Air Modeling Work Plan Approved					
Risk Assessment Protocol Work Plan Reviewed					
Risk Assessment Protocol Work Plan Approved					
Performance Burn Reports Reviewed					
Performance Burn Reports Approved					
Risk Assessment Reports Reviewed					
Risk Assessments Report Approved					
Public Notice of Draft Approvals for Trial Burns and Risk Assessment Protocol Work Plans					
RCRA Permits/Mods Issued imposing Risk-based Emissions Controls under Omnibus Authority as Needed					

PROGRAM ELEMENT IV: Corrective Action

Goal 1 - Core Mission:

Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety.

Objective 1.3 - Revitalize Land and Prevent Contamination: Provide better leadership and management to properly clean up contaminated sites to revitalize and return the land back to communities.

To reduce risks from exposure to waste, consistent with RCRA, EPA or authorized states will oversee and manage cleanups by the owners or operators. There are currently 3,779 facilities that are subject to RCRA corrective action.

Strategic Measures

SM-7 By September 30, 2022, make 536 additional RCRA corrective action facilities Ready for Anticipated Use (RAU).

The RCRA corrective action program is responsible for ensuring that contamination at facilities is identified and cleaned up by the responsible party (owner or operator) effectively and quickly to reduce risk from exposure to toxics, return contaminated property to productive use, and ensure that cleanup costs are not transferred to the largely taxpayer-funded Superfund cleanup program. The EPA and its state partners work closely together to facilitate cleanups, ensure that future use is protective of human health and the environment, and encourage reuse and redevelopment. In accordance with the FY 2020 – 2021 OLEM National Program Manager Guidance, Regions and states will collaborate in implementing the national RCRA Corrective Action program to clean up contamination at RCRA facilities. Regions and states will continue to collaborate to achieve RCRA cleanup targets for the Corrective Action measures of: 1) human exposures under control, 2) migration of contaminated groundwater under control, 3) remedy construction, and 4) cleanup complete. EPA regional offices and states will also collaboratively implement strategies identified to achieve the RAU Goal. States should institute effective and efficient program management, measurement and tracking, and recordkeeping. States will conduct effective data collection and management and will report and document mandatory data elements, including Environmental Indicators (EIs), cleanup milestones and RAU (i.e., FY 2018-2022 EPA long-term performance goal). States, as appropriate, will implement process efficiency tools developed using Lean to improve and speed up cleanups (including RCRA FIRST). States should address issues of emerging science appropriately and consistently in their RCRA cleanup programs. States will work to achieve progress toward achieving the near-term 2020 strategic goals for 2020 Baseline facilities.

During FY 2018, EPA implemented the EPA Lean Management System (ELMS) which uses measures to track and identify performance. As we continue to deploy ELMS in FY 2020, EPA

will continue to track our accomplishments using various management systems that utilize both monthly and quarterly reporting of accomplishments.

Specifically, in the case of CA550 and CA800 (RAU), EPA and the states will collaboratively implement strategies identified to achieve the measures such as quarterly targeting for both CA550 and CA800 submittal within the workplan.

In FY 2020, states will need to focus on entering accomplishments in RCRAInfo on a monthly basis which is consistent with the EPA/State MOA, "For data entered directly into RCRAInfo, the State agrees to enter the previous month's activities no later than the 20th of every month."

Program Objectives - Overall 2020 Baseline – National 2020 GPRA Goals

The region and states will work together in assessing the universe of facilities subject to RCRA Corrective Action, and in identifying new goals for assessment and cleanup of contamination at additional facilities as appropriate and resources allow.

Total:

% Budget Allocation _____

FTE/ Work Years _____

Table IV-1: State Commitments (FY20) and Projections (FY21) for Achieving Key Corrective Action Facility Milestones by 2020

State 2020 Corrective Action Baseline: {State Enters Value}		RCRA/Info Event Code							
		CA050 Assessments	CA075 NCAPS Rankings	CA725 Human Exposures Controlled	CA750 Groundwater Releases Controlled	CA550 Remedy Construction	CA800 Ready for Reuse ⁵	CA900/CA999 Performance Standards Attained ⁶	
FY 2020	Commitment(s)								
	Cumulative State % (i.e., Cumulative / Baseline)	%	%	%	%	%	%	%	%
See Section IV: FY 2020 National Program Guidance Measures from the <u>Draft FY2020-2021 NPM Guidance for OLEM</u> . The Measures are RSRAU for CA800, CA1 for CA725, CA2 for CA750, CA5SRC for CA550, and CA6 for CA900/999. Note that these are National Targets. The Region 4 targets will be shared with the states once they have been negotiated.									
FY-2021	Projection(s)								
	Cumulative State's %	%	%	%	%	%	%	%	%

Table IV-2: Facility Names and Quarterly Projections for State Commitments for Achieving Key Corrective Action Facility Milestones for FY2020

{EPA Instructions: Add or delete rows as necessary to fill in the table below.}

RCRAInfo Event Code	Facility Name(s)	EPA ID	Anticipated Quarter for Completion (Required for CA550 & CA800 (RAU))
CA050			
CA075			
CA725			
CA750			
CA550			
CA800			
CA900/999			