



Docket Reference Manual

Federal Agency Hazardous Waste Compliance Docket

Interim Final

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**U.S. Environmental Protection Agency
Office of Solid Waste and Emergency Response
Federal Facilities Restoration and Reuse Office
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ACRONYMS

| | |
|------------------|-------------------------------------------------------------------------------------|
| CERCLA: | Comprehensive Environmental Response, Compensation and Liability Act |
| CERCLIS: | Comprehensive Environmental Response, Compensation and Liability Information System |
| CFR: | Code of Federal Regulations |
| CWA: | Clean Water Act |
| DERP: | Defense Environmental Restoration Program |
| EO: | Executive Order |
| ERNS: | Emergency Response Notification System |
| FFRRO: | Federal Facilities Restoration and Reuse Office |
| FLMA: | Federal Land Management Agency. |
| FR: | Federal Register |
| FUDS: | Formerly Used Defense Site |
| FUSRAP | Formerly Used Site Remedial Action Program |
| GOCO Facilities: | Government-Owned, Contractor-Operated Facilities |
| GPO: | Government Printing Office |
| HRS: | Hazard Ranking System |
| HSWA: | Hazardous and Solid Waste Amendments of 1984 |
| LQG: | Large Quantity Generator |
| OSWER: | Office of Solid Waste and Emergency Response |
| NCP: | National Contingency Plan |

ACRONYMS (CONT'D)

| | |
|------------------|-------------------------------------------------------|
| NFA: | No Further Action |
| NFRAP: | No Further Remedial Action Planned |
| NPL: | National Priorities List |
| NRC: | National Response Center |
| OFA: | Other Federal Agency |
| PA: | Preliminary Assessment |
| POGO Facilities: | Privately-Owned, Government-Operated Facilities |
| RCRA: | Resource Conservation and Recovery Act |
| RCRAInfo: | Resource Conservation and Recovery Information System |
| RI/FS: | Remedial Investigation/Feasibility Study |
| SARA: | Superfund Amendments and Reauthorization Act of 1986 |
| SI: | Site Inspection |
| SQG: | Small Quantity Generator |
| SWDA: | Solid Waste Disposal Act |
| TSDFs: | Treatment, Storage and Disposal Facilities |
| U.S.C.: | United States Code |

1.0 INTRODUCTION

This reference manual provides information on the Federal Agency Hazardous Waste Compliance Docket (“Docket”)¹. The Docket lists Federal facilities that have reported hazardous substance releases or hazardous waste activity to the Environmental Protection Agency (EPA). Such reports are made pursuant to provisions of the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This manual is intended for use by EPA Regional Docket Coordinators, EPA Headquarters personnel, and Federal agency personnel to facilitate the process of identifying and adding Federal facilities to the Docket, as well as to facilitate activities after a Federal facility is added, pursuant to Docket requirements.

This document provides information to EPA regions involved in maintaining the Docket. It also provides information to other entities, including States, Federal agencies, and the public, on how EPA intends to implement the Docket. However, the document does not substitute for EPA's regulations, nor is it a regulation itself. Thus, it does not impose legally binding requirements on EPA, States, or other Federal agencies, and may not apply to a particular situation based upon the circumstances. EPA decision makers retain the discretion to adopt approaches on a case-by-case basis that differ from this manual where appropriate. Any decisions regarding a particular facility will be made based on the applicable statutes and regulations. Therefore, interested parties are free to raise questions about the appropriateness of the application of this manual to a particular situation, and EPA will consider whether or not the recommendations or interpretations in the manual are appropriate in that situation. EPA may change this manual in the future.

1.1 Docket Background

EPA is required to establish a Federal Agency Hazardous Waste Compliance Docket (“the Docket”) under Section 120(c) of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. Section 120(c) requires EPA to establish a Docket that contains information reported to EPA by Federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances have been released.² The Docket is used to identify Federal facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment and to provide a mechanism to make this information available to the public. As new facilities are reported to EPA by Federal agencies, EPA publishes a list of these facilities in the *Federal Register*. The Docket contains information that is submitted by the Federal agency under the following authorities: CERCLA 103, and

¹ The EPA maintains numerous dockets, which are different from the Federal Agency Hazardous Waste Compliance Docket discussed in this manual. Links to other EPA dockets are found at www.epa.gov/epahome/dockets.htm.

² Facilities on the Docket also may have areas where pollutants or contaminants have been or may be released.

RCRA Sections 3005, 3010 and 3016. EPA published the first Docket in the *Federal Register* in 1988 [53 FR 4280]

CERCLA Section 120(d) requires that EPA take steps to assure that a Preliminary Assessment (PA) be completed and that evaluation and listing of sites with a PA be completed within a reasonable time frame. The PA is designed to provide information for EPA to consider when evaluating the site for potential response action or listing on the National Priorities List (NPL). Section 2.8 provides more information on activities after a facility is published on the Docket.

1.2 The Docket Reference Manual

This reference manual provides detailed information on the Docket, including an overview of Docket reporting requirements, the process for including facilities on the Docket, and certain implications of listing. It is divided into three chapters:

- Chapter 1.0: Introduction
- Chapter 2.0: Docket Reporting Requirements
- Chapter 3.0: Docket Management Procedures

Chapter 2.0 provides a brief overview of certain provisions in CERCLA and RCRA. This chapter also describes Section 103 of CERCLA and Sections 3005, 3010, and 3016 of RCRA that require Federal agencies to report hazardous substance or waste activities to EPA. Certain facilities reporting under these statutes may be listed on the Docket. Chapter 2.0 also describes the status of Docket sites and examples of facilities not included on the Docket.

Chapter 3.0 describes procedures EPA Headquarters generally follows to update the Docket. It includes information on compilation of data from various sources (such as EPA databases); procedures typically used to identify additions, deletions, and corrections to the Docket; and some database limitations and special procedures. This chapter also discusses the roles of the Regional Docket Coordinator and Federal agencies in reviewing Docket lists prepared for updates. Lastly, Chapter 3.0 discusses the role of the Regional Docket Coordinator in entering new Docket sites into the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), implementing PA procedures, updating Docket database records, deleting facilities from the Docket, and maintaining regional Docket files.

1.3 Docket Data

When a Federal facility is included on the Docket, EPA generally enters the facility in the CERCLIS database. Criteria for entering sites into CERCLIS are described in the Superfund Program Implementation Manual (<http://www.epa.gov/superfund/action/process/spim08.htm>). CERCLIS contains the official inventory of CERCLA sites and supports EPA's site planning and tracking functions. Inclusion of a specific site or area in the CERCLIS database does not represent a determination of any party's liability, nor does it represent a finding that any response action is necessary.

2.0 DOCKET REPORTING MECHANISMS & PROCESSES

EPA is required to establish a Federal Agency Hazardous Waste Compliance Docket under Section 120(c) of CERCLA, as amended by SARA of 1986. Section 120(c) specifies that the Docket shall contain information submitted under Sections 3005, 3010, and 3016 of RCRA and Section 103 of CERCLA; these sections require Federal agencies to report certain hazardous substance or waste activity to EPA. Table 2-1 lists these statutes and regulations and where they are found in the *U.S. Code* (U.S.C.) and the *Code of Federal Regulations* (CFR)

Table 2-1
Docket Reporting Mechanisms

| U.S. Code | Statutory Authority | Corresponding Regulations |
|----------------------|-------------------------------------------|------------------------------|
| 42 U.S.C. 9620(c) | CERCLA Section 120(c), as amended by SARA | N/A |
| 42 U.S.C. 9603 | CERCLA Section 103 | 40 CFR Parts 302 and 300.405 |
| 42 U.S.C. 6925, 6930 | RCRA Sections 3005 and 3010 | 40 CFR Parts 270 and 262 |
| 42 U.S.C. 6937 | RCRA Section 3016 | N/A |

This section provides an overview of CERCLA and RCRA and each reporting mechanism. The section also describes facilities not included on the Docket.

2.1 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

CERCLA, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law provides broad Federal authority to respond to a release or threat of release of a hazardous substance, pollutant, or contaminant. The National Contingency Plan (NCP) (40 CFR Part 300) provides guidelines and procedures addressing CERCLA response actions. The NCP also contains provisions addressing the NPL, a list compiled by EPA under CERCLA Section 105, of hazardous substance, pollutant or contaminant releases and threatened releases in the US that are priorities for long-term remedial evaluation and response.

SARA of 1986 added Section 120, which requires EPA to establish a Federal Agency Hazardous Waste Compliance Docket (see Section 1.1). The Docket contains information on

Federal facilities that have reported certain hazardous substance or waste activity under one of the following authorities: CERCLA 103, and RCRA Sections 3005, 3010 and 3016. Each of these authorities is discussed below.

2.1.1 CERCLA Section 103 and National Contingency Plan

In general, CERCLA Section 103 requires the person in charge of a vessel or facility (onshore or offshore) to provide notice to EPA of certain releases of hazardous substances. CERCLA Section 103(a) requires notification to the National Response Center of any spill or other release of a hazardous substance that equals or exceeds a reportable quantity (RQ); regulations establishing RQs are published at 40 CFR 302. Under CERCLA 103(c), certain facilities where hazardous substances have been “stored, treated or disposed of” also require notification to EPA. That notification may include information on known, suspected, or likely releases of hazardous substances. CERCLA Section 120(c)(3) requires EPA to include on the Docket, “information submitted by the department, agency, or instrumentality under CERCLA Section 103.”

In addition, EPA believes that it is appropriate for the Docket to identify Federal facilities that otherwise have been discovered to have a release(s) or threat of a release(s) of hazardous substances. The National Contingency Plan 40 CFR § 300.405 addresses discovery or notification and outlines what constitutes discovery of a hazardous substance release:

(a) A release may be discovered through:

(1) A report submitted in accordance with section 103(a) of CERCLA, i.e., reportable quantities codified at 40 CFR part 302; (2) A report submitted to EPA in accordance with section 103(c) of CERCLA; (3) Investigation by government authorities conducted in accordance with section 104(e) of CERCLA or other statutory authority; (4) Notification of a release by a Federal or state permit holder when required by its permit; (5) Inventory or survey efforts or random or incidental observation reported by government agencies or the public; (6) Submission of a citizen petition to EPA or the appropriate Federal facility requesting a preliminary assessment, in accordance with section 105(d) of CERCLA; (7) A report submitted in accordance with section 311(b)(5) of the CWA; and (8) Other sources.

EPA generally expects that Federal facilities identified through the CERCLA discovery and notification process will be included on the Docket.

2.2 RCRA

The Resource Conservation and Recovery Act (RCRA), originally enacted in 1976, regulates how hazardous waste is handled from "cradle to grave." The primary goals of RCRA include:

- Protect human health and the environment through proper management and disposal of waste.
- Conserve energy and natural resources.
- Reduce the amount of waste generated.
- Ensure that wastes are managed in an environmentally sound manner.

As more information about the human health and environmental impacts of hazardous waste disposal became available, Congress revised RCRA in 1980 and in 1984 (the 1984 amendments are referred to as the Hazardous and Solid Waste Amendments). Subtitle C of RCRA establishes a regulatory framework for managing hazardous waste from generation until disposal.

CERCLA section 120 (c) requires the agency to add to the Docket information submitted under the following sections of RCRA Subtitle C:

- RCRA Section 3005 (permitting authority);
- RCRA Section 3010 (notification of hazardous waste activity for generators, transporters, and treatment, storage, and disposal facilities); and
- RCRA Section 3016 (biennial inventory of hazardous waste treatment, storage, and disposal facilities).

2.3 Facilities Included on the Docket

Table 2-2 summarizes the key criteria for inclusion of facilities on the Docket. It includes categories of typical facilities and their associated reporting mechanisms.

Table 2-2
Key Criteria For Docket Listing of Hazardous Waste Handlers

| Type of Facility | Considered for Listing? | Reporting Mechanism |
|-----------------------------------------------------------|--------------------------------|----------------------------|
| LQG | Yes | RCRA 3010 |
| SQG | No | N/A |
| SQG and Permitted TSDF | Yes | RCRA 3005 |
| SQG and site of potential release of hazardous substances | Yes | CERCLA 103 |
| SQG and ERNS reporter (spill) | Yes | CERCLA 103 |
| SQG and TSDF | Yes | RCRA 3016 |
| Permitted TSDF | Yes | RCRA 3005 |
| TSDF | Yes | RCRA 3016 |
| TSDF (transporter only) | No | N/A |
| Site of potential release of hazardous substances | Yes | CERCLA 103 |
| ERNS reporter (spill) | Yes | CERCLA 103 |

Key: LQG = large quantity generator
 SQG = small quantity generator
 TSDF = treatment, storage, and disposal facility
 ERNS = Emergency Response Notification System

2.4 Facilities Transferred from One Federal Agency to Another

When one Federal agency transfers ownership of a facility to another Federal agency, EPA lists the current facility owner on the Docket. The agency listed on the Docket is responsible for submitting the PA and otherwise complying with CERCLA Section 120 requirements.

2.5 Facilities Not Usually Included on the Docket

Certain categories of facilities are not usually included on the Docket, such as:

- Facilities formerly owned by a Federal agency that at the time of consideration are not Federally-owned or operated. These may include Formerly Used Defense Sites (FUDS) and Formerly Utilized Sites Remedial Action Program (FUSRAP). The latter are former Department of Energy or Atomic Energy Commission sites.
- Small quantity generators (SQGs) that have never produced more than 1,000 kg of hazardous waste in any one month. However, SQGs are included on the Docket if they trigger other Docket criteria (i.e., have reported releases under CERCLA Section 103 or hazardous waste TSD activities under RCRA Section 3005 or 3016.)
- Facilities that are solely transporters as reported under RCRA Section 3010.
- Mixed ownership mine or mill sites. An EPA policy issued in June 2003 provided for a site-by-site determination as to whether “mixed ownership” mine or mill sites, created as a result of the General Mining Law of 1872, should be included on the Docket. Mixed ownership mine or mill sites are those located partially on private land and partially on public land.³

Note that the policy for not including these facilities may change; facilities now not included may be added at some point if EPA determines that they should be included.

2.6 Deletions from the Docket

There are no statutory or regulatory provisions that address deletion of a facility listed on the Docket. Generally, once a facility is correctly listed on the Docket, it is rarely deleted. However, if a facility is incorrectly listed on the Docket, it may be deleted from the Docket. Examples of this include: a facility for which there was an incorrect report submitted for hazardous waste activity under RCRA (40 CFR 262.44); a facility that was not Federally-owned or operated at the time of listing; the redundant listing if a facility is included more than once; or when multiple facilities are combined. Deleted facilities no longer will be subject to the requirements of CERCLA section 120(d).

³ USEPA Federal Facilities Enforcement Office. Policy on Listing Mixed Ownership Mine or Mill Sites Created as a Result of the General Mining Law of 1872 on the Federal Agency Hazardous Waste Compliance Docket. June 24, 2003. This document is found at <http://www.epa.gov/fedfac/pdf/mixownrshpmine.pdf>.

2.7 Status of Docket Sites

EPA typically tracks the status of Federal facilities listed on the Docket. An updated list of the NPL status of all Docket facilities, as well as their NFRAP status, is available at <http://www.epa.gov/fedfac/documents/docket.htm>. The list of NFRAP changes since the previous Docket update is published in each Docket update. Other status information can be found in CERCLIS.

2.7.1. No Further Remedial Action Planned (NFRAP) Status

When a Federal facility listed on the Docket provides a PA (and if warranted a Site Inspection or SI) for a site to EPA, EPA evaluates the site in accordance with the Hazard Ranking System⁴ (HRS) final rule to determine whether the site scores sufficiently high (usually 28.5) to warrant listing on the NPL (i.e., eligible for Superfund action.). If EPA determines that the facility or site does not pose a threat sufficient to warrant Superfund action, EPA typically will designate a decision of NFRAP under Superfund. A decision not to take further response/remedial action under the Superfund program usually is based on a finding that there is no significant threat to human health or the environment, and EPA would not propose to list the site on the NPL at that time. If new or additional information becomes available suggesting that the site may warrant further evaluation, EPA will re-evaluate the site accordingly. This decision does not preclude any further action at the facility or site by another EPA program, the State or other Federal agency. A finding of NFRAP pertains only to sites included in the CERCLIS inventory.

2.7.2 National Priorities List (NPL) Status

When a Federal facility is listed on the Docket, the comprehensive list of Docket sites indicates whether the facility is currently on the NPL, is not on the NPL, or it is undecided whether the site will be on the NPL. Generally, the designation of “undecided” is used for sites still being evaluated to determine if the site warrants NPL listing.

⁴ Hazard Ranking System: Final Rule, 40 CFR Part 300, Appendix A, Federal Register, Vol. 55, No. 241, December 14, 1990.

2.8 Activities after Docket Inclusion

After a facility or site is included on the Docket following a Docket update published in the *Federal Register*, EPA typically takes steps to assure that a PA is completed within a reasonable time frame (determined upon consultation with the Federal agency responsible for the site). The PA is designed to provide information to EPA for consideration when evaluating a site for potential listing on the NPL.

2.8.1 Communication with the Lead Agency.

EPA typically sends a letter that confirms each Federal agency's newly included facilities on the Docket and requests submission of a PA report within a reasonable time frame, and if warranted, submission of an SI report. Additionally, the Federal agency is encouraged to contact the appropriate EPA regional office prior to submission of its PA (and SI if performed) to discuss issues such as the site assessment process, site specific issues, problems, and tribal and state involvement. Contact information for regional Docket Coordinators can be found in Appendix A of this manual.

CERCLA subsection 104(b) grants to the President broad authority to conduct studies like a PA or a SI. The President has delegated this authority through Executive Order 12580 to the heads of the respective executive departments and agencies with jurisdiction, custody or control over their facilities. The NCP provides for the lead Federal agency to perform a remedial PA and, as appropriate, a remedial SI, on all sites in CERCLIS (see 40 C.F.R. Part 300.420(b)(1) and (c)(1)). As defined in Section 300.5 of the NCP, a "lead agency" normally is the executive agency with jurisdiction, custody and control over the facility at which a release occurs or originates (except in emergencies in which case other agencies may have lead agency status). Accordingly, each Federal agency typically is the lead agency to conduct a PA or SI at facilities within its respective jurisdiction, custody or control.

Therefore, each respective Federal agency should conduct a PA within a reasonable schedule. EPA must take steps to assure that a PA is completed for facilities on the Docket and the Agency works with the respective Federal agencies that have the delegated authority to conduct a PA or SI.

2.8.2 Guidance on Conducting Preliminary Assessments (PA) and Site Inspections (SI)

EPA guidance on conducting PAs and SIs includes:

- *Guidance for Performing Preliminary Assessments under CERCLA, 1991.*
<http://www.epa.gov/superfund/sites/npl/hrsres/index.htm#PA%20Guidance>

- *Federal Facility Remedial Preliminary Assessment Summary Guide, 2005*
http://www.epa.gov/fedfac/pdf/ff_pa_guide.pdf
- *Guidance for Performing Site Inspections under CERCLA, 1992.*
<http://www.epa.gov/superfund/sites/npl/hrsres/index.htm#SI%20Guidance>
- *Federal Facility Remedial Site Inspection Summary Guide, 2005,*
http://www.epa.gov/fedfac/pdf/ff_si_guide.pdf

In some cases it may be appropriate to carry out an abbreviated PA, described in the following guidance:

- *Improving Site Assessment: Abbreviated Preliminary Assessments, 1999.*
<http://www.epa.gov/superfund/sites/npl/hrsres/fact/apa.pdf>

Other cleanup activities, such as removal or remedial actions, may have occurred at a Federal facility prior to its inclusion on the Docket. Federal facilities may provide EPA with other documentation that contains similar information to that provided in a PA. EPA will determine if this information satisfies the requirements of a PA.

2.8.3 Compliance with Docket Requirements

The steps that the Administrator takes to assure that a PA is conducted for each facility on the Docket pursuant to CERCLA Section 120(d) may include, but are not limited to:

- sending a letter requesting the lead agency to complete a PA, including appropriate citation; and/or
- using appropriate enforcement mechanisms such as CERCLA Section 104(e) information request letters and/or CERCLA Section 106 orders, with the concurrence of the Attorney General, if there is an imminent and substantial endangerment.

3.0 DOCKET MANAGEMENT PROCEDURES

This chapter describes the role of EPA's Headquarters and Regional Docket Coordinators and the procedures EPA normally follows to update the Docket from collection of data to publication in the *Federal Register*. The Docket is maintained by the Office of Solid Waste and Emergency Response's (OSWER) Federal Facilities Restoration and Reuse Office (FFRRO) at EPA Headquarters in Washington, DC. FFRRO works with Regional Docket Coordinators based in each of EPA's 10 regional offices located throughout the United States. Appendix A lists contact information for EPA Headquarters and Regional Docket Coordinators.

3.1 Role of the Regional Docket Coordinators

The major role of the Regional Docket Coordinator is to assist EPA Headquarters in identifying facilities for inclusion on the Docket and to inform appropriate contacts for Docket sites of the Docket requirements. Regional Docket Coordinators work with FFRRO at EPA Headquarters and with other Federal agencies to ensure that the appropriate facilities are listed on the Docket accurately and in a timely manner. Specific tasks performed by the Regional Docket Coordinators include:

- Identifying sites that are eligible for Docket listing when they receive notification of hazardous substance release under CERCLA Section 103 and hazardous waste activity under RCRA Sections 3005, 3010, and 3016.
- Reviewing and commenting on lists of Docket additions, deletions, and corrections provided by EPA Headquarters to ensure that all information is accurate.
- Resolving inconsistencies between information on the Docket and information in databases used to obtain information for the Docket (i.e., RCRAInfo, CERCLIS, Emergency Response Notification System (ERNS), and the RCRA 3016 Inventory, which are described in greater detail in Section 3.2 of this manual).⁵

⁵Any changes to RCRAInfo and CERCLA databases should be coordinated with regional RCRA and CERCLA staff and must be authorized by EPA personnel. Contractors may not make changes to government databases without agency authorization. All changes to the Docket database must therefore be authorized by the Regional Docket Coordinator or the EPA Headquarters Docket Coordinator. The Regional Docket Coordinator is the only individual authorized to make changes to Docket data in CERCLIS/WasteLAN. Changes to the ERNS database must be authorized by the appropriate regional and/or Headquarters representative. Changes to the RCRA 3016 Inventory must be authorized by the Federal agency that submitted the information to EPA.

- Making decisions regarding inclusion of facilities on the Docket in consultation with Federal agencies, the EPA Headquarters Docket Coordinator, and other relevant EPA staff.
- Providing Docket information to regional records centers that manage site file records.
- Providing Docket information to the public, other Federal agencies, and local governments, when appropriate.
- Communicating Docket requirements to appropriate contacts at Federal facilities included on the Docket.
- Tracking submission of Docket-related documents, such as PA and SI reports.

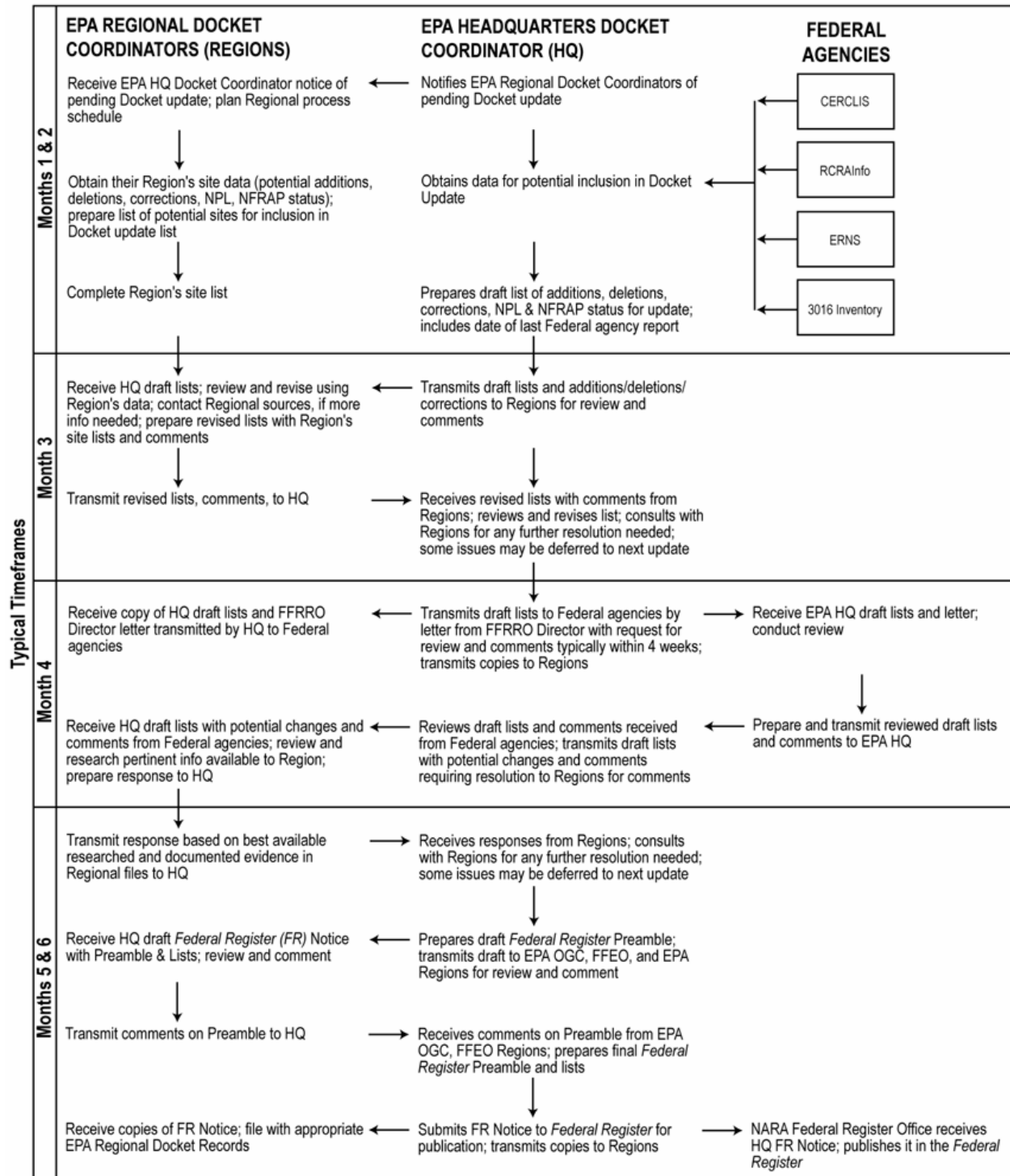
3.2 Docket Update Procedures

Under CERCLA Section 120(c), EPA is required to update the Docket every 6 months based on information it receives pursuant to RCRA Sections 3005, 3010, and 3016 and CERCLA Section 103. Docket updates are conducted through a process that involves collaboration between EPA Headquarters, the EPA regions, other Federal agencies, states and tribes, to ensure that sites are properly listed. Figure 3-1 depicts the typical Docket update process.

The Docket's main information sources consist of the following EPA databases:

- **CERCLIS:** EPA's Comprehensive Environmental Response, Compensation and Liability Information System contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. The database includes sites that are on the NPL or being considered for the NPL. *Docket reporting mechanism: CERCLA Section 103.*
- **ERNS:** Maintained by EPA and the U.S. Coast Guard, the Emergency Response Notification System database contains information on spills of oil and hazardous substances reported to the National Response Center (NRC). *Docket reporting mechanism: CERCLA Section 103.*

**Figure 3-1
Federal Agency Hazardous Waste Compliance Docket
Update Process**



FFEO: Federal Facilities Enforcement Office
FFRRO: Federal Facilities Restoration and Reuse Office

NARA: National Archives and Records Administration
NFRAP: No Further Action Planned

NPL: National Priorities List
OGC: Office of General Counsel

- **RCRAInfo:** EPA's Resource Conservation and Recovery Act Information database is a national program management and inventory system that contains information about hazardous waste handlers. In general, small and large quantity generators, transporters, treaters, storers, and disposers of hazardous waste are required to provide information about their activities to EPA or state environmental agencies. This information maintained in the RCRAInfo database. *Docket reporting mechanisms: RCRA Sections 3005 and 3010.*
- **RCRA 3016 Inventory:** The Biennial Inventory of Federal Agency Hazardous Waste Activities contains information submitted biennially to EPA by Federal agencies under RCRA Section 3016 for each site which the Federal agency owns or operates, or has owned or operated, at which hazardous waste is stored, treated or disposed of or has been disposed of at any time. The inventory may also include 3016 reports submitted at other times. *Docket reporting mechanism: RCRA Section 3016.*

In addition to these Docket reporting mechanisms, facilities may be included on the Docket when releases have been discovered through other means, (see Section 2.1.1).

3.2.1 Compiling the Proposed Update Lists (Typical Time Frame: 2-4 weeks)

EPA Headquarters reviews data from the four EPA databases containing national site listings and creates a list of potential Docket additions, corrections, and deletions. In doing so, it normally follows these steps:

- Step 1:** Headquarters Docket Coordinator notifies Regional Docket Coordinators 4-6 weeks before regional review.
- Step 2:** EPA Headquarters obtains data as database or spreadsheet files from CERCLIS, ERNS, RCRAInfo, and the 3016 Inventory.
- Step 3:** EPA Headquarters prepares potential additions, corrections, and deletions lists through the following process:
 - 3A. Electronically compare EPA and Federal facility identification numbers from the database files with the current Docket database to screen previously listed facilities and create a list of potential additions for each database source.
 - 3B. Electronically compare the database files with the current Docket database to identify new reporting mechanisms to be added to facilities already listed on the Docket.

- 3C. Electronically compare the database files with the current Docket database to identify changes and errors in address, facility name, and responsible agency.
- 3D. Include information received from regions and Federal agencies since the previous update regarding potential additions, corrections, and deletions, including citizens' petitions submitted to Federal agencies.
- 3E. Manually compare potential additions from each database source to each other, the current Docket database, and lists of facilities considered for inclusion in previous updates to identify potential duplicates, identify additional information, and identify new reporting mechanisms.
- 3F. Assign codes (see Correction Codes in Appendix B) to each facility on the proposed lists to identify the reason for addition, correction, or deletion.
- 3G. Save information on facilities not added to the Docket for future reference. This information will be used during subsequent Docket updates to avoid duplication of effort in identifying erroneously listed facilities.
- 3H. Prepare electronic files of proposed Docket additions, corrections, and deletions, including reporting dates, and NFA and NFRAP status for additions; and rationale for deletions and corrections.

Step 4: EPA Headquarters transmits the region-specific proposed additions, corrections, and deletions lists to the Regional Docket Coordinators for review along with any special instructions and a deadline for returning revised lists and comments to EPA Headquarters.

3.2.2 Regional Review and Revision of Draft Update Lists (Typical Time Frame: 4 weeks)

After receiving the lists of potential Docket additions, corrections, and deletions, the Regional Docket Coordinators generally are responsible for reviewing the lists for accuracy and providing comments to EPA Headquarters. In doing so, they normally follow these steps:

- Step 1:** Verify that a site is appropriate and eligible to be included on the Docket. Screen the list of potential additions using the following recommended checks:
- 1A. Compare the list of additions with the existing Docket to determine if any of the proposed facilities are already on the Docket, such as under a different name.
 - 1B. Confirm that facilities are not exempt (see Section 2.5).
 - 1C. Perform a search to determine if the proposed Docket sites are in CERCLIS. For those proposed facilities that are already in CERCLIS, check if there are

any discrepancies in facility name, facility identification number, address, NFRAP status, or NPL status. Contact state and Federal agencies to determine the correct information. Enter the correct information into CERCLIS, if possible. Include the CERCLIS number for those proposed facilities where no number is indicated.

- 1D. Mark those facilities that are not in CERCLIS and, where eligible and appropriate, ask the applicable state or Federal agency for site information.
- 1E. Verify the RCRA status of those facilities identified as Small Quantity Generators with the appropriate state or EPA RCRA contacts. Determine whether any of the SQGs are episodic generators. A SQG that has generated more than 1,000 kilograms (kg) of hazardous waste in a single month qualifies as an episodic generator and should be marked for inclusion on the Docket.
- 1F. Check regional RCRA files for any forms (e.g., 3010 generator form) on sites reporting under RCRA. For sites without RCRA files, check the RCRAInfo system.
- 1G. Contact the appropriate facilities, as necessary, for additional documentation. Facility contact information is usually available on RCRA forms or from regional Federal facility coordinators. Additional contact information also may be obtained from ENVIROFACTS.
- 1H. If there is no further information on a site (e.g., no RCRA form, no listing in RCRAInfo or CERCLIS, no facility contact), the Regional Docket Coordinator generally has two options: 1) leave the site on the proposed list, and EPA Headquarters will forward available information to the appropriate Federal agency for further information on its status; or 2) ask EPA Headquarters to defer listing the site until the next Docket update to give the region time to coordinate with the other Federal agency to obtain additional information.
- 1I. Verify accuracy of facility identification numbers. Add facility identification numbers where necessary.

Step 2: Identify any additional candidates for Docket inclusion and implement Step 1 as appropriate to determine if they meet criteria for including on the Docket.

Step 3: Revise and verify proposed additions, corrections, and deletions lists based on documentation received by the region since the previous Docket update.

Step 4: Mark previously included facilities for deletion (removal) from the Docket if appropriate.

Step 5: Forward comments on the proposed lists to EPA Headquarters and to the contractor managing the Docket database by the specified deadline. If regional comments are not received by the specified deadline, EPA Headquarters will forward the proposed lists to the responsible Federal agencies without regional comment.

3.2.3 Federal Agency Distribution, Review, and Revision of Draft Update Lists (Typical Time Frame: 4-6 weeks)

EPA Headquarters receives, compiles, and incorporates regional comments on the proposed lists, discusses the revised list with the regions, and distributes the revised lists to the Federal agencies for review and approval. In doing so, it normally follows these steps:

Step 1: EPA Headquarters incorporates comments from the regions on the proposed list and then discusses the revised list with the Regional Docket Coordinators. Regional Docket Coordinators will also be copied on the transmittal of the lists to the Federal agency contacts.

Step 2: EPA Headquarters sorts the revised lists by responsible Federal agency and transmits the lists to the designated Federal agency contacts for review with a copy to the Regional Docket Coordinators.

Step 3: The responsible Federal agencies return comments to EPA Headquarters by the specified deadline. If there is no response by the deadline, the proposed changes will be made. Comments received after the deadline will be included in the next Docket update.

3.2.4 Final EPA Review of Draft Update Lists (Typical Time Frame: 1-2 weeks)

EPA Headquarters incorporates comments received from the responsible Federal agencies into the proposed lists. In doing so, it normally follows these steps:

Step 1: EPA Headquarters reviews Federal agency comments and, where necessary, requests further information or clarification from Federal agencies.

Step 2: If a Federal agency disputes the proposed listing of a facility, EPA Headquarters forwards the Federal agency comments to the appropriate Regional Docket Coordinator prior to Docket publication. It is the responsibility of the Federal agency to provide documentation indicating that a facility should not be listed. If the dispute is not resolved in time to meet the publication deadline, EPA may defer listing at its discretion in order to allow the Federal agency and EPA opportunity to resolve the issue. If after negotiations, EPA determines that the facility should be listed on the Docket, it will be listed at the next update.

Step 3: EPA Headquarters provides Regional Docket Coordinators with draft list of revisions for review.

Step 4: Upon receipt of Regional comments, EPA Headquarters prepares a final list of revisions. If issues remain concerning a revision, it will be deferred until the next Docket update, or until the issue is resolved to the satisfaction of the Region and EPA Headquarters.

3.3 Review and Publication of the Docket Update in the *Federal Register* (Typical Time Frame: 1-2 weeks or according to Government Printing Office (GPO) schedule)

EPA Headquarters prepares the preamble and final additions, corrections, deletions, and NFRAP status lists for publication in the *Federal Register*. NPL status changes to Docket sites are not published in the *Federal Register*. In doing so, it normally follows these steps:

Step 1: Format and proofread the final Docket additions, corrections, and deletions lists.

Step 2: Generate and format a report of NFRAP status facilities listed on the Docket.

Step 3: Revise the *Federal Register* notice preamble to reflect changes since the last update. Regional Docket Coordinators review the draft Federal Register notice and provide comments.

Step 4: Provide draft *Federal Register* notice to Regional Docket Coordinators and the Office of General Council for review with a due date for comments.

Step 5: Revise *Federal Register* notice in response to comments.

Step 6: Publish Docket Update in the *Federal Register*.

After publication of the *Federal Register* notice, EPA regional staff may enter new regional Docket sites into the CERCLIS database, obtain a CERCLIS identification number if necessary, and fill in the necessary data elements, including the Federal facility site screen specific to Docket sites.

3.4 Notification of Federal Agencies of Docket Listing and PA Requirement

Once a facility is listed on the Docket in the *Federal Register* the Regional Docket Coordinators typically notify by letter those Federal facilities in their region that are newly listed. (See sample notification letter in Appendix C). The Docket notification letter generally provides an overview of the facility's responsibilities following Docket listing (including the process for determining when PAs are to be submitted to EPA) and indicates assistance resources available to the facility to help it meet these responsibilities. If other cleanup activities, such as removal or remedial actions, have occurred at a Federal facility prior to its inclusion on the Docket, the Regional Docket Coordinators typically will consider these activities in determining whether the facility has satisfied the PA requirement. A reminder notification letter may also be necessary (Appendix D).

APPENDIX A: EPA HQ AND REGIONAL DOCKET COORDINATORS

| Organization | Docket Coordinator |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EPA HQ | Tim Mott 1200 Pennsylvania Avenue, N. W. (5106G) Washington, DC 20460 (703) 603-7194 mott.timothy@epa.gov |
| Region 1 | Gerardo Millan-Ramos 1 Congress Street Suite 1100 Boston, MA 02114-2023 (617) 918-1377 millan-ramos.gerardo@epa.gov |
| Region 2 | Helen Shannon 290 Broadway, 18 th Floor New York, NY 10007-1866 (212) 637-4260 shannon.helen@epa.gov Alida Karas (212) 637-4276 karas.alida@epa.gov |
| Region 3 | Cesar Lee 1650 Arch Street Mail Code: 3HS12 Philadelphia, PA 19103-2029 (215) 814-3205 lee.cesar@epa.gov |
| Region 4 | James Barksdale 61 Forsyth Street, S.W. (4SFD-FFB) Atlanta, GA 30303-8960 (404) 562-8537 barksdale.james@epa.gov Gena Townsend (404) 562-8538 townsend.gena@epa.gov |
| Region 5 | Michael Chrystof 77 West Jackson Boulevard (SR-6J) Chicago, IL 60604-3507 (312) 353-3705 chrystof.michael@epa.gov |
| Region 6 | Philip Ofosu |

| Organization | Docket Coordinator |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 1445 Ross Avenue, Suite 1200 (6SFRA) Dallas, TX 75202-2733 (214) 665-3178 ofosu.philip@epa.gov |
| Region 7 | <p>Karla Asberry – Primary 901 North Fifth Street (SUPRFFSE) Kansas City, KS 66101 (913) 551-7595 asberry.karla@epa.gov</p> <p>Diana Bailey – Backup (913) 551-7717 bailey.diana@epa.gov</p> |
| Region 8 | <p>Stan Zawistowski 1595 Wynkoop Street Denver, Colorado 80202-1129 (303) 312-5142 zawistowski.stan@epa.gov</p> <p>Jerald Cross – Backup (303) 312-6664 cross.jerald@epa.gov</p> <p>Montana (Vacant)</p> |
| Region 9 | <p>Philip Armstrong 75 Hawthorne Street (SFD-9-1) San Francisco, CA 94105 (415) 972-3098 armstrong.philip@epa.gov</p> |
| Region 10 | <p>Monica Lindeman – Primary SACU #2, ECL, 1200 Sixth Avenue,(ECL-115) Seattle, WA 98101 (206) 553-5113 lindeman.monica@epa.gov</p> <p>Ken Marcy – Backup (206) 553-2782 marcy.ken@epa.gov</p> |

APPENDIX B: DOCKET CORRECTION CODES

Categories for Deletion of Facilities

- (1) Small-Quantity Generator.
- (2) Not Federally Owned.
- (3) Formerly Federally Owned.
- (4) No Hazardous Waste Generated.
- (5) (This correction code is no longer used.)
- (6) Redundant Listing/Site on Facility.
- (7) Combining Sites Into One Facility/ Entries Combined.
- (8) Does Not Fit Facility Definition.
- (9) (This correction code is no longer used.)
- (10) (This correction code is no longer used.)
- (11) (This correction code is no longer used.)
- (12) (This correction code is no longer used.)
- (13) (This correction code is no longer used.)
- (14) (This correction code is no longer used.)

Categories for Addition of Facilities

- (15) Small-Quantity Generator with Either a RCRA 3016 or CERCLA 103 Reporting Mechanism.
- (16) One Entry Being Split Into Two/ Federal Agency Responsibility Being Split.
- (17) New Information Obtained Showing That Facility Should Be Included.
- (18) Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility.
- (19) Sites Were Combined Into One Facility.
 - (19A) New Facility.

Categories for Corrections of Information About Facilities

- (20) Reporting Provisions Change.
 - (20A) Typo Correction/Name Change/ Address Change.
- (21) Changing Responsible Federal Agency. (If applicable, new responsible Federal agency must submit proof of previously performed PA, which is subject to approval by EPA.)
- (22) Changing Responsible Federal Agency and Facility Name. (If applicable, new responsible Federal agency must submit proof of previously performed PA, which is subject to approval by EPA.)
- (23) New Reporting Mechanism Added at Update.
- (24) Reporting Mechanism Determined To Be Not Applicable After Review of Regional Files.

APPENDIX C: SAMPLE NOTIFICATION LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Name]
[Address]

Dear [Name]:

RE: Federal Agency Hazardous Waste Compliance Docket Update #__
[Site Name]

Section 120(c) of the Superfund Amendments and Reauthorization Act 1986 (SARA) requires the United States Environmental Protection Agency (EPA) to establish and maintain a Federal Agency Hazardous Waste Compliance Docket (Docket) of Federal facilities which manage hazardous waste or have potential hazardous waste problems. Enclosed is the Federal Register publication of [name of site] which is included on **Update #__**.

Under current EPA policy, a PA should be submitted within 18 months of Docket listing. If it is determined by EPA to be necessary, a SI and complete evaluation for NPL purposes should be conducted within 48 months of Docket listing. In order to meet all these deadlines, we request that you submit a PA to our office by [date]. The PA should include: 1) "Site Assessment Report: Preliminary Assessment"; and 2) "PA score sheets" in accordance with the enclosed "Guidance for Performing Preliminary Assessments under CERCLA - September 1991." The subject guidance is designed to assist you in completing the necessary forms.

Generally, a PA based on a records search is the first step in the overall site evaluation process. Information from the PA enables EPA to evaluate the site's potential for future action, which may include SI sampling and scoring the site under the revised Hazard Ranking System (HRS). Upon our review of your site's PA, we will determine additional investigative work that needs to be done (i.e., SI sampling and reports) or that no further action is necessary. If it is subsequently determined that the HRS score is 28.5 or greater, the facility may be eligible for inclusion on the NPL.

Please note that in addition to the requested PA information, sampling that may qualify for a SI may have already been performed at your facility; please contact our office in order to obtain appropriate guidance documents and SI report forms.

The requested PA information should be sent to:

[Name]
[Title]
U.S. Environmental Protection Agency
[Address]

We would appreciate a response to this letter as soon as possible indicating whether we can anticipate receipt of your PA by [date]. Your timely response to this request is necessary for EPA to meet its statutory responsibilities under CERCLA section 120. Thank you in advance for your cooperation.

If you have any technical questions regarding this site, please contact **[name]** at **[Tel. #]**

Sincerely,

**[Name], Chief
Branch
Division**

Enclosures

bcc: **State**
Any others

APPENDIX D: SAMPLE REMINDER NOTIFICATION LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Name]
[Address]

Dear Sir:

RE: Federal Agency Hazardous Waste Compliance Docket Update #__
[Site Name]

On [date], we sent you a letter [describe].

Section 120(d) of SARA requires the EPA to take steps to ensure that all facilities on the docket submit a Preliminary Assessment (PA) of the facility to EPA. In order for EPA to carry out its statutory responsibilities, it is important that you provide us with the information and/or report necessary to assess the threat to human health and the environment due to releases or potential releases of hazardous wastes, hazardous substances and other contamination from the above-mentioned facility. This report should be done in accordance with the "Guidance for Performing Preliminary Assessments Under CERCLA" EPA/540/G-91/013 September 1991. A Site Inspection (SI) also may be required if the PA indicates such an investigation is warranted.

Please find enclosed the new Federal Facilities Preliminary Assessment (PA) and Site Investigation (SI) guidance to help you prepare your PA/SI reports. The deadline established in our letter dated [date] has passed for the submittal of the required PA for your facility. Within 15 days of receipt of this letter, please submit the PA or an explanation of the situation affecting the PA submission, and a projected date for its delivery to the EPA.

If you have any questions regarding submittal of the PA information, please contact [Name of EPA Person], Remedial Project Manager at [TEL #] or at [e-mail address]. Thank you for your prompt attention to this matter.

Sincerely yours,

[Name], Chief
Branch and/or section
Division

Enclosures

bcc: State
Any others