Presenter

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Presentation Overview

I. Background, Purpose, Scope of the Policy
II. Requirements for All Alternative Approaches
III. Alternative Approaches:
   • Pre-approved Alternatives
   • Other Alternatives
IV. Plan Development, Review, Approval, Report
V. Questions & Answers
VI. Reference & Contact Information
I. Background

OECA’s *National Program Managers’ Guidance* (NPMG):

- This policy applies only to generator inspections and not the statutorily required treatment, storage and disposal (TSD) facility inspections.
- Requires each state to annually inspect *at least 20%* of its LQG (Large Quantity Generator) universe [RCRA02.s].
- Allows flexibility for alternative approaches under the *Guidance for RCRA Core LQG Pilot Projects* (or “State Flexibility Policy”).
Purpose of the Policy

Allow states to focus some of their resources on non-LQGs, to:

- Improve compliance assurance outcomes.
- Identify non-reporters, and develop a more complete universe.
- Locate and address currently unknown sources of potential environmental risk.
Scope of the Policy

- Reduces annual inspection requirement only for LQGs (not TSDFs).
- Frees up LQG inspection resources so states can inspect non-LQGs: SQGs, CESQGs, Transporters, and potential non-notifiers.
- Requires states to use the same level of inspection resources as the standard (“20% LQG”) approach, although targets differ.
II. Requirements for All Alternative Approaches

The state must:

- Develop and implement an “alternative” approach – which may be either:
  - A pre-approved alternative, or
  - An alternative of the state’s own design.

- Provide a year-end analysis and report.
State’s Alternative Approach

Must be described in a brief written plan:

1. **Universe**
   - Description of known Generator universe.

2. **Baseline**
   - Number of CEI’s under the standard (20% LQG ) approach.

3. **Problem Statement**
   - Problem(s) with the standard approach; opportunities using the alternative approach.
State’s Alternative Approach

(State’s written plan continued)

4. **Mix of Inspections**
   Types and number of facilities; number of each type inspection under alternative approach.

5. **Mix of Tools**
   How alternative approach inspections will be used in conjunction with other tools (e.g., compliance assistance, pollution prevention, compliance incentives).

6. **Expected Outcomes**

7. **Measurement Plan**
Defining the LQG Universe

- NPMG requires states to define their LQG universe using the latest National Biennial Reporting System (BRS) report.

- Regions (after consultation with OECA) may allow states to use another universe that more accurately portrays the state’s LQG universe.
III. Alternative Approaches

- Pre-approved Alternative (3 Options):
  - 80 Percent Approach
  - Greater than 5 Ton BRS Approach
  - Straight Trade-off Approach

- Other Alternative (of the state’s design).
Pre-approved Alternatives

- Eliminate extensive negotiations.
- State may add, but not delete, provisions.
- State need only:
  - Identify its selected alternative.
  - Provide a brief written plan (7 elements).
  - Collect identified outcomes.
  - Perform, and report, a year-end analysis.
80% Approach

- Identify the number of LQGs – and amount of waste generated by LQGs and non-LQGs.
- Inspect LQGs that account for \textit{at least 80\%} of the waste generated by LQGs and non-LQGs.
- Use freed-up resources to inspect non-LQG facilities.
80% Approach - Example

2005 National BRS, Exh.1.1: Alabama*
- 234 LQGs (and 1 non-LQG)
- 874,749 tons of waste (LQGs & non-LQG)
  [80% of 874,749 tons = 699,799 tons]

*Illustration used in guidance document.

<table>
<thead>
<tr>
<th>Standard Approach</th>
<th>Alternative Approach</th>
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<tbody>
<tr>
<td>47 LQG inspections</td>
<td>4 LQG inspections</td>
</tr>
<tr>
<td>(20% of 234 LQGs = 47)</td>
<td>(These 4 LQGs generate just over 80% of the waste, 707,692 tons.)</td>
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<tr>
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<td>43 non-LQG inspections</td>
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At least 2 outcomes for LQGs (and non-LQGs inspected in lieu of LQGs):

- Amount of waste being handled properly at the time of inspection (no violations found). Use BRS numbers to generate this.

- Amount of waste not being handled properly at the time of inspection that will be handled properly when the facility returns to compliance.
Greater Than 5 Ton BRS Approach

- State would inspect 20% of LQGs that generate more than 5 tons of waste each.

- Frees up resources to inspect facilities “in the middle range” that could be either SQGs or LQGs (e.g., the largest SQGs can generate more waste than some LQGs actually generate).

- Can be applied to the full 2005 BRS universe or the “stable” BRS universe.
### Greater Than 5 Ton BRS Approach Example

**2005 BRS “List of Reported RCRA Sites”: Alabama**
- 234 LQGs, of which …
- 206 LQGs generated >5 tons of waste

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<td>47 LQG inspections</td>
<td>42 LQG inspections</td>
</tr>
<tr>
<td>(20% of 234 LQGs = 47)</td>
<td>(20% of 206 LQGs = 42)</td>
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<tr>
<td>5 Non-LQG inspections</td>
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**Straight Trade-off Approach**

- Replaces the 2:1 requirement in the FY2007 NPMG.
- Cuts up to 50% from the standard (20% LQG) approach.
- Level of effort for inspections (personnel and/or $) should remain the same.
  - If, for example, each alternative inspection takes only *half* the resources of an average LQG inspection, then the state should *double* the number of alternative inspections.
**Straight Trade-off Approach Example**

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<tr>
<td>(20% of 234 LQGs = 47)</td>
<td>23 non-LQG inspections, assuming each take as many resources as an LQG inspection.</td>
</tr>
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IV. Plan Development, Review, Approval, and Report

- **Develop written plan.** Include the 7 elements.

- **Submit the plan.**
  - **Pre-approved Alternative**
    Submit the plan to the Region, which will review to ensure all required elements are appropriately captured.

  - **Other Alternative**
    Submit plan to the Region as a formal request under Element 13 of the State Review Framework. Include all required elements.
Plan Review & Approval

- **Pre-approved Alternative**
  Should be approved by the Region with little or no negotiation. The Region will send a copy to OECA.

- **Other Alternative**
  The Region, after consultation with OECA, will approve the plan, or negotiate an alternative plan.
  
    - If the alternative plan cannot be agreed upon by mid-September, the state is expected to follow the standard (20% LQG) approach for the federal fiscal year.
Year-end Report

• By the end of October, the state should analyze the outcomes of the alternative approach, and send a report to the Region.

• The report should cover the elements in the written plan, and discuss:
  ➢ whether the approach met expectations.
  ➢ if outcomes were not fully realized, a projection of future outcomes.
  ➢ whether the approach should be continued, altered, or discontinued.
  ➢ any other relevant issues.
“State Flexibility Policy”

Guidance for RCRA Core LQG Pilot Projects

(2007)

http://www.epa.gov/compliance/resources/policies/monitoring/rcra/fy08rcraguidancelqgpilotproject.pdf
Resources

National BRS Reports
http://www.epa.gov/osw/inforeresources/data/biennialreport/index.htm

OECA’s National Program Managers Guidance
For Further Information:
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