

Region 10 Hazardous Waste Compliance Program Review

**Appendix A - Scope, Criteria, Process and Facility Selection**

**State Hazardous Waste Compliance Program Review  
Scope, Criteria, Process and Facility Selection**

Evaluation Areas	Universe	Evaluation Criteria, Guidance or Standards	Process
<b>Program Performance and Effectiveness</b>		OECA/ECOS program accountability measures under Government Performance and Results Act (GPRA)	
Trend in output measures; numbers of inspections, compliance assistance visits, enforcement actions started and concluded	All Information previously entered in RCRAinfo for Oct 1999 through Sep 2002	Relative measures of activities over time. Criterion is for outputs to be consistent with resource levels.	Direct Review of information in RCRA info EPA pull info on 11/3/2003. Discuss at entrance briefing.
Average number of days for violators to return to compliance	All Information previously entered in RCRAinfo for Oct '99 through Sep '02	EPA Enforcement Response Policy (ERP) Guideline is 100 days for informal enforcement (10 to issue NON plus 90 to comply) Guideline is 300 days to enter a final or consent order with an enforceable schedule (ERP)	Direct Review of information in RCRIS EPA pull info on 11/3/03 Discuss at entrance briefing.
Trend in outcome measures; rates of significant non-compliance, rates of recurrent violations on follow-up inspections	All Information previously entered in RCRAinfo for Oct '99 through Sept '02	Relative measure of facility compliance found through program activities. Goals are to keep these rates high (by inspecting problem facilities and repeat violators) and yet to have them decrease over time (by increasing compliance in the regulated comm. through deterrence and assistance).	Direct Review of information in RCRIS EPA pull info on 11/3/03. Discuss at entrance briefing.

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Descriptions of environmental or human health benefits attributable to compliance and enforcement activities	files identified for review and existing program reports	Qualitative information that focuses on results. Guideline is that some info should be available from a case conclusion sheet, press release, or supplemental environmental project.	Discuss measurement approach at entrance briefing. Report any specific case info found in file reviews.
<b>Complete, Accurate, and Current Knowledge of the Regulated Community</b>			
Quality of RCRAinfo data on current regulatory status of facilities that treated, stored, or disposed of hazardous waste	TSDFs identified for file reviews	PPA and RCRIS standard is that information will be current up through the previous quarter	EPA pulls RCRAinfo data on TSDFs subject to review and compares to information found in file reviews and interviews.
Descriptions of efforts to identify non-notifiers	Non-notifiers statewide.	Qualitative measure of program's targeting strategy or PPA plans. Criteria is that there should be some effort to identify and regulate non-notifiers since not notifying is itself a violation.	EPA requests information during the entrance briefing and reviews info provided.
Complaint response process, coverage, and incorporation into the regulated universe	Files included in the review that originated from complaints and overall statistics	Qualitative measure of responsiveness to the public and PPA plans Criteria is that some record of complaints (i.e. complaint logs) and follow-up should be kept.	EPA file reviews and requests information about overall approach during the entrance briefing.

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<b>Appropriate Targeting, Inspection, and Monitoring Strategy</b>			
Trends in percentage of SQGs and LQGs inspected for the first time	All SQGs and LQGs that have received an inspection.	Relative measures of activities over time, related to output measures above and PPA plans. Criterion is to maintain progress toward complete coverage. Evaluation should address potential effect of technical assistance program. Potential reduction in number of inspections due to resources utilized in technical assistance efforts.	Direct review of information in RCRAinfo EPA pull info on 11/03. Discuss at entrance briefing.
Implementation of required TSDFs inspection schedules and rationale	Cover TSDF subject to CEI universe	Quantitative statutory requirement with some flexibility. Standard is annually for federal, state and local - owned facilities, biannually for other TSDF, with flexibility to shift resources where compliance history is established.	Direct Review of information in RCRAinfo EPA pull info on 11/03. Discuss at entrance briefing.
Description of priority setting guidelines for inspections and compliance assistance visits	Overall review of HW program plan and PPA.	Qualitative assessment of program strategy and PPA plans. Program Review guidance is that a strategy or work plan will be prepared and discussed with EPA.	EPA reviews state program plan and PPA. State provides any other relevant enforcement program strategy. Discuss during entrance briefing.

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Description of monitoring efforts such as follow-up strategy and evidence of overall compliance rates. Looking at return to compliance/monitoring and impacts of targeting.	All Information previously entered in RCRAinfo for Oct '99 through Sept '02	Qualitative measures of strategy component that supports outcome measures above. Guideline is that attempts should be made to measure the impact of strategic targeting.	Review outcome measures on page one and discuss site specific questions with state.
<b>Balanced Use of Tools</b>			
Description of resource and activity levels for compliance enforcement and compliance assistance program.	Program-wide	Quantitative measure of resource and activity levels. Criterion is that resources should be balanced between program components per PPA plan or compliance assistance strategy. Compare output levels for both parts of the program.	State provides staffing and resource info for 2000-2002 (e.g., organization chart, budget, vacancies, etc.) Discuss during entrance briefing.
Description of impacts of balanced approach on the regulated community and the environment	Program-wide	Qualitative measure of results, such as compliance assistance customer surveys, etc. Guideline is that each tool should be used to create an impact on overall compliance.	Discuss with state during visit and review any reports or articles provided.

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<b>Timely and Appropriate Response to Significant Violations</b>			
Review inspection reports where no violations were found for coverage of RCRA requirements	Files identified for review	Qualitative assessment of inspection reports. Inspector training guidelines for documentation of visit and completeness.	EPA review files and guidance for inspectors. Discuss preliminary findings at exit briefing.
Review inspections with informal response for classification of violations and monitoring timely return to compliance	Files identified for review	Qualitative assessment of inspection reports. Guidelines in ERP and EPA inspector training manual.	EPA review files. Discuss preliminary findings during exit briefing.
Review inspections with formal enforcement response for consistent application of penalty policy, classification of violators, timely resolution or escalation of cases, and deterrence impacts on facility and regulated community	Files identified for review	Qualitative assessment of formal enforcement, including timely resolution. Guidelines in civil penalty policy, enforcement response policy.	EPA review files, policies and guidance. Discuss preliminary findings during exit briefing.
Review inspections with treatment, storage, or disposal violations for appropriate application of permitting requirements	Files identified for review	Qualitative assessment of formal enforcement. ERP guideline is that the implementing agency is encouraged to impose other measures, such as permit decisions, in addition to injunctive relief.	EPA review files. Discuss preliminary findings during exit briefing.

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<b>Accurate Record keeping and Reporting</b>			
Review penalty actions with supporting documentation for appropriateness	Files identified for review (listed below)	Qualitative assessment of sampled files Criterion is that penalty calculation records should show consistency with policy	EPA reviews enforcement files. Discuss preliminary findings at exit briefing.
Trends in case disposition, penalty payments, and return to compliance documentation	Files identified for review and summary statistics from RCRIS	Qualitative assessment of sampled files from year to year. Criterion is that files should show enforcement follow-up and case close-out. Overall penalty collection rates should be justified.	EPA reviews enforcement and program files, RCRAinfo. Discuss during exit briefing.
<b>Clear and Enforceable Requirements</b>			
Review formal enforcement actions for actions required to come into compliance with RCRA requirements	Files identified for review	Qualitative assessment of enforcement orders and imposition of state code, or by reference, CFR requirements. Guidance in ERP for clear requirements so that enforcement response can escalate for continued non-compliance	EPA reviews enforcement files, RCRAinfo. Discuss preliminary findings during exit briefing.
Review orders placed on treatment, storage or disposal facilities for consistency with federal legal requirements and national standards	Files identified for review	Qualitative assessment of mutually agreed, or other, orders. Standard is that states will adequately enforce the authorized program.	EPA reviews enforcement files, RCRAinfo. Discuss preliminary findings during exit briefing.

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Review inspection and enforcement actions at selected facilities for application of permit requirements	TSDF files selected for review	Qualitative assessment of enforcement of permit conditions. Criterion is that inspection and enforcement documents should show that the permit conditions were used to determine compliance, to cite violations, and to specify what the facility must do to keep the permit.	EPA reviews enforcement files, RCRAinfo. Discuss preliminary findings during exit briefing.
<b>Sound Program Management</b>			
Description of organization structures of, and interactions between, hazardous waste program, enforcement and attorney general offices		Criterion is that clear roles and communication channels between the offices should be evident	EPA reviews organization chart. Discuss during entrance briefing.
Description of strategic planning and internal monitoring of program status and effectiveness		Criterion is that plans should be developed and tracked over time	EPA reviews strategic plan. Discuss during entrance briefing.
Description of relevant program and enforcement policy and guidance		Criterion is that policy and guidance should be widely available and regularly reviewed	EPA review list of program policies and guidance. Discuss during entrance briefing.
Description of staff training and development activities		Criterion is that staff training standards should be set and individual records kept	EPA reviews list of training attended by HW program staff. Discuss during entrance briefing.

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Description of data management process and program analysis efforts		Criterion is that a process should be in place and there should be examples of data reports used for program management	Review examples of data reports generated by state. Discuss during entrance briefing.