



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Dirk Kempthorne, Governor
Toni Hardesty, Director

March 28, 2005

Michael Bussell, OCE-164
Director, Office of Compliance and Enforcement
U.S. EPA Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Dear Mr. Bussell:

This letter contains the Idaho DEQ response and comments regarding the draft report entitled, "Region 10 Hazardous Waste Compliance Program Review – Program Evaluation Report for Federal Fiscal Years 2000, 2001, 2002," dated February 2005.

The overall comment that Idaho DEQ strongly requests EPA Region 10 to consider is that the end product of the review be a balanced Region 10 Hazardous Waste Compliance Program Review Report. EPA Region 10 should provide a report that produces a true overview of regional hazardous waste compliance program activities and issues in addition to an evaluation of each state program's accomplishments and areas for improvement.

When comparing the February 2005 draft to the report issued in January 2004 on Idaho preliminary findings, the February 2005 draft lacks the clarity and consistency that was established in pages 5 through 18 of the January 2004 preliminary draft. Those pages contained very clear tables and bar graphs designed from compliance data stored in RCRAInfo. Those illustrations gave the reader a clear understanding of the state population, number of hazardous waste handlers and relative size of each of the states' hazardous waste enforcement efforts contained in EPA Region 10. In many instances, the Region 10 states exceeded or matched national hazardous waste compliance averages and percentages.

It appeared that the tables and bar graphs contained in the January 2004 preliminary report were designed for the purpose of assuring a reasonable level of consistency among the authorized state hazardous waste programs and in Alaska as stated in the Purpose of the Review on page 5.

This approach also seems to be consistent with the "Compliance Assurance Program Evaluation Principles," dated March 1998, cited in both the preliminary and draft reports. In the section entitled, "Differences Across States," it says that "While states should not be held to different standards in the evaluations, it is important to realize differences in size and composition of the regulated universe in each state...."

Idaho DEQ believes that the January 2004 type of presentation should be used in the beginning of the Final EPA Region 10 Hazardous Waste Program Review Report with the individual state Positive Findings and Areas for Improvement following. The final report would then portray overall Regional accomplishments, individual state accomplishments and individual state areas for improvement. This approach would provide a report that is much more balanced and understandable than the February 2005 draft report.

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Specific comments regarding the Region 10 Hazardous Waste Compliance Program Review, dated February 2005 are listed below.

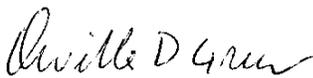
- The pie chart on page 4 does not give the reader any idea of the number of hazardous waste handlers that exist in each state and just presents number of inspections without any relationship to size of the regulated universe.
- On page 10, EPA Region 10 is reviewing its enforcement program in Alaska yet it is including EPA compliance efforts in authorized states. Perhaps the hazardous waste compliance efforts by EPA Region 10 in Alaska are within the purview of this report, but including EPA Region 10's compliance efforts in authorized states may be outside the scope of this review and may be better evaluated by EPA OECA in HQs.
- In Figure I-3, there is a mistake in that US Ecology Site B should be shaded in blue as operating and not US Ecology Idaho Site A. Site B is the operating, permitted hazardous waste landfill in Grand View, Idaho.
- On page 24 and in Figure I-5, the draft report mentions an Idaho average final penalty settlement of \$13,113, yet on page 16 of the January 2004, Idaho draft preliminary report, a figure of \$24,686 is shown in the bar graph?

In summary those are Idaho DEQ's overall and specific comments that hopefully will be sincerely considered by EPA Region 10 to produce a balanced report. In the final analysis, it appears that all Region 10 States have compliance accomplishments and areas for improvement, but overall are striving to protect human health and the environment despite funding shortfalls and a myriad of new initiatives launched by EPA Headquarters.

A copy of pages 1-23 of the January 2004 draft EPA Region 10 Compliance and Enforcement Evaluation on Idaho preliminary findings has been included for your review.

Please feel free to contact John Brueck, of my staff, at (208) 373-0458 if you have any questions regarding these comments.

Sincerely,



Orville D. Green
Administrator
Waste Management and Remediation Division

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cc: Toni Hardesty, DEQ Director (w/enclosures)
Ronald A. Kreizenback, Acting EPA Region 10 Administrator – OCE 127 (w/enclosures)
RCRA Admin File
COF