

PPC 9502.00-4

OSWER POLICY DIRECTIVE NO. 9502.00-4

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

AUG 21 1986

MEMORANDUM

SUBJECT: Implementation of RCRA Facility Assessments

FROM: J. Winston Porter, Assistant Administrator
Office of Solid Waste and Emergency Response

TO: Hazardous Waste Division Directors, Regions I-X

The purpose of this memorandum is to clarify existing policy and to provide further guidance on implementation of RCRA Facility Assessments (RFAs) in the RCRA permit and the RCRA enforcement programs in the Regions.

As outlined in previous guidances, as well as in the FY 86 and FY 87 RIPs, the RCRA Facility Assessment (formerly referred to as PA/SI) is designed to be the first step in the process of implementing the RCRA corrective action process. The general function of the RFA is to provide the basis for the Agency to make preliminary determinations as to whether or not there are, or are likely to be, releases of concern at a facility. The RFA also assists in determining whether or not, and what types of, further investigations or interim measures should be required of the owner/operator.

It is in the Agency's interest, and the public's interest, to have made an overall assessment of actual and potential environmental problems from all sources at a facility, and to have determined, before issuing a permit, what investigations must be initiated at the facility to characterize the nature and extent of the contamination. Each of the Regions has begun to initiate some number of RFAs. It is our understanding, however, that the RFAs being conducted by the Regions and States vary significantly in terms of their technical approach and completeness. In particular, sampling and analysis, which will often be necessary in making determinations in an RFA, is in some cases not being done before the permit is issued. In other cases, RFAs have not been conducted at all prior to issuing permits.

An RFA should be completed before issuance of a RCRA permit. A "complete" RFA will typically include a site visit as well as any sampling and analysis required to make the necessary determinations in the RFA. It should be understood

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that, for the purposes of SPMS tracking, only complete RFAs will be counted as accomplishments.

If properly planned and executed, an RFA can be completed within a relatively short time frame (three months or less). Since RFAs can be conducted concurrently with other permit review activities, we believe that doing RFAs prior to permitting should have little impact on permit issuance schedules. There may be some facilities, however, which are scheduled to receive draft permits in the next several months (i.e., this calendar year), but for which an RFA has not been initiated. If completing an RFA for such facilities is likely to substantially delay issuance of the final permit, Regions may consider having the necessary sampling and analysis portion of the RFA done after permit issuance, under a schedule of compliance. In such cases, however, the Preliminary Review and Visual Site Inspection portions of the RFA should be completed before the permit is issued.

It may also be appropriate to conduct an RFA before taking action under RCRA Section 3008(h), the Interim Status Corrective Action Authority. Information from the RFA can provide evidence necessary to meet §3008(h) criteria where it is not otherwise available, and can provide information necessary to properly scope an order. We recognize, however, that it may not be possible to conduct an RFA prior to issuing an order in cases where there is a need to initiate such an action quickly or when a facility is not a current RFA priority. RFA priorities for FY 1987 are all operating land disposal facilities scheduled for permit issuance by November 1988, and 30 percent of the closing land disposal facilities.

Previous guidance has expressed a preference for requiring owner/operators to perform sampling and analysis which may be required to complete an RFA. It should be understood that while owner/operator support, if it can be secured on a timely basis, is encouraged, owner/operator support should not be sought if it cannot be expected to be timely or reliable. Regions have been provided substantial extramural funds to perform RFAs. These funds should be used as necessary to assure timely completion of comprehensive RFAs.

We recognize that completing RFAs prior to issuance of permits may have some implications in terms of timing and resources for certain facilities. We ask that Regions communicate any concerns regarding this policy to Dave Fagan (OSW) at FTS 382-4692.

cc: Regional Hazardous Waste Branch Chiefs
Regional RCRA Permit Section Chiefs
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