

# **Guidance for RCRA Core LQG Pilot Projects**

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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 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.

### Standard Approach

**47 LQG inspections**

(20% of 234 LQGs = 47)

### Alternative Approach

**4 LQG inspections**

(These 4 LQGs generate just over 80% of the waste, 707,692 tons.)

**43 non-LQG inspections**

## *80% Approach - Outcomes*

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

### Standard Approach

**47 LQG inspections**

(20% of 234 LQGs = 47)

### Alternative Approach

**42 LQG inspections**

(20% of 206 LQGs= 42)

**5 Non-LQG inspections**

## *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*

2005 National BRS, Exh. 1.1: Alabama

- 234 LQGs

### **Standard Approach**

**47 LQG inspections**

(20% of 234 LQGs = 47)

### **Alternative Approach**

**24 LQG inspections**

**23 non-LQG inspections,**  
*assuming each take as  
many resources as an LQG  
inspection.*

## 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/fy08rcraguidancelqg  
project.pdf](http://www.epa.gov/compliance/resources/policies/monitoring/rcra/fy08rcraguidancelqgproject.pdf)

## Resources

### **National BRS Reports**

**[http://www.epa.gov/osw/inforesources/  
data/biennialreport/index.htm](http://www.epa.gov/osw/inforesources/data/biennialreport/index.htm)**

### ***OECA's National Program Managers Guidance***

**[http://www.epa.gov/ocfo/npmguidance/oeca/  
/2010/fy2010\\_final\\_guidance.pdf](http://www.epa.gov/ocfo/npmguidance/oeca/2010/fy2010_final_guidance.pdf)**

# Questions & Answers

For Further Information:

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