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Hazardous Waste Treatment, Storage and Disposal Facilities: U.S. Environmental Protection Agency Office of Inspector General Report Addressing Inspections

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The United States Environmental Protection Agency ("EPA") Office of Inspector General ("OIG") issued a March 11th report evaluating EPA's progress in meeting Resource Conservation and Recovery Act ("RCRA") minimum requirements for agency inspections of hazardous waste treatment, storage and disposal facilities ("TSDFs").

The report is titled *EPA Has Not Met Statutory Requirements for Hazardous Waste Treatment, Storage and Disposal Facility Inspections, but Inspection Rates Are High* ("Report"). See 16-P-0104.

RCRA TSDFs manage by means of treatment (incineration, energy recovery, etc.), storage or disposal (i.e., landfilling, etc.) hazardous waste generated by commercial, agricultural, and industrial facilities throughout the United States.

The RCRA Subtitle C regulations establish a system for the appropriate generation, transportation, and treatment/storage/disposal of hazardous waste. A key aspect of EPA or delegated State RCRA activities are Comprehensive Evaluation Inspection of TSDFs.

Section 307 of RCRA dictates minimal TSDF inspection requirements by the Administrator (referencing the Chief Executive of EPA):

- **Federal Facility Inspections** – The Administrator shall undertake on an annual basis a thorough inspection of each facility for the treatment, storage or disposal of hazardous waste which is owned or operated by a department, agency, or instrumentality of the United States to enforce its compliance with this subtitle and the regulations promulgated thereunder.
- **State Operated Facilities** – The Administrator shall annually undertake a thorough inspection of every facility for the treatment, storage, or disposal of hazardous waste which is operated by a State or local government for which a permit is required under section 3005.
- **Mandatory Inspections** – The Administrator (or the State in the case of a State having an authorized hazardous waste program under this subtitle) shall commence a program to thoroughly inspect every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 no less often than every two years as to its compliance with this subtitle (and the regulations promulgated under this subtitle).

OIG determined that EPA had a high inspection completion rate of 91% (656 out of a universe of 718 TSDFs reviewed). Specific inspection completion rates were stated to vary for the three type of TSDFs:

- 94% for private TSDFs
- 85% for federal TSDFs
- 54% for state or local TSDFs

OIG concludes that EPA did not fully meet the legal requirement for inspecting 100% of operating TSDFs for fiscal year 2014.

The *OIG Report* also states that EPA recognizes state-conducted inspections of federal TSDFs as fulfilling the federal inspection requirement. Such practice is stated to be inconsistent with the federal agency's documented compliance monitoring strategy and as a result, it was updated in September 2015 to allow the practice.

OIG notes that EPA's Office of Enforcement and Compliance Assurance ("OECA") acknowledged the failure to meet inspection requirements due to resource limitations caused by competing priorities. OECA is stated to be unable to provide an estimate of additional resources it would need to meet TSDF inspection requirements.

[Click here to download a copy of the *Report*.](#)