



# **2009 State Summary Data for Resource Conservation and Recovery Act All Facilities (Combined)**

June 2010

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Office of Enforcement and Compliance Assurance  
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<http://www.epa.gov/compliance/data/results/performance/rcra.html>

**U.S. Environmental Protection Agency  
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**FISCAL YEAR 2009 FINAL REPORT (May 2010)**

**Overview**

This report provides summary, state-level information on the universe, compliance status, and enforcement by Resource Conservation and Recovery Act (RCRA) Subtitle C regulatory authorities for active RCRA facilities. This report covers October 1, 2008, to September 30, 2009 (fiscal year 2009), and the data are from EPA's RCRAInfo data system. The data were pulled from RCRAInfo in March 2010. The information is similar to the data used by EPA when it performs state enforcement program reviews.

Although the data reflect what is in RCRAInfo, it is likely that the states have additional information. To gain more knowledge about state, local, and territory programs, we suggest also referring to each environmental agency web site – links can be found at: [More State Data](#), the [Environmental Council of the States \(ECOS\)](#) web site, or the [Association of State and Territorial Solid Waste Management Officials \(ASTSWMO\)](#) web site.

Facility-specific information about regulated facilities can be reviewed on the Enforcement and Compliance History Online (ECHO) web site (<http://www.epa-echo.gov/echo>).

**Background on RCRA Subtitle C Program**

RCRA was enacted to ensure that solid waste and hazardous waste are managed in a manner that is protective of human health and the environment. EPA's RCRA authorities encompass the following which may be viewed in detail at <http://www.epa.gov/osw/hazard/index.htm> or U.S. Code as footnoted below:

- The Subtitle C hazardous waste program, which regulates hazardous waste generators; transporters; and treatment, storage, and disposal facilities (TSDFs).<sup>1</sup>
- The Subtitle D non-hazardous waste program, which sets standards for solid waste management.<sup>2</sup>
- The Subtitle I underground storage tank (UST) program.<sup>3</sup>
- Section 7003 "Imminent and Substantial Endangerment" authority.<sup>4</sup>

This report covers the Subtitle C hazardous waste universe.

The RCRA Subtitle C program encompasses compliance monitoring for several types of hazardous waste operations, including:

- Treatment, storage, and disposal facilities (TSDFs)

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<sup>1</sup> 42 U.S.C. §§ 6921-6939e.

<sup>2</sup> 42 U.S.C. §§ 6941-6949a.

<sup>3</sup> 42 U.S.C. §§ 6991-6991m.

<sup>4</sup> 42 U.S.C. § 6973.

- Hazardous waste generators - large quantity generators (LQGs), small quantity generators (SQGs), and conditionally-exempt small quantity generators (CESQGs)
- Transporters.

In brief:

- The statute mandates minimum inspection frequencies for TSDFs – annually for government-owned or -operated TSDFs, and biennially for non-government TSDFs. EPA has established annual commitments accordingly.
- EPA has established minimum annual inspection requirements for LQGs – at least 20 percent of the active LQG universe.
- States are expected to inspect SQGs, CESQGs, transporter, and/or potential non-notifier facilities, but there are no minimum coverage requirements.

### **Universe of Facilities Covered: RCRA All Facilities**

This report covers all RCRA facilities active between October 1, 2008, and September 30, 2009, about 389,000 facilities. For purposes of this report, the RCRA all facilities universe is defined to be operating TSDFs, active LQGs, SQGs, CESQGs, and transporters, and any other active facilities in RCRAInfo.

Establishing a definitive regulated universe of facilities under the RCRA program is difficult and dependent on a number of factors. No regulatory requirements mandate that facilities other than TSDFs that once handled hazardous waste notify that they have ceased waste management activities, or that the amount of waste they handle has changed. Because the quality of the universe information varies, it is not appropriate to compare one state's data to another's without knowing the accuracy of the data for each state and details of the compliance monitoring and enforcement programs in each state.

For program management purposes (such as annual commitments), most regions and states use the LQG universe identified through the [Biennial Report](#). Some regions and states use other sources of information such as a state's e-manifest data. However, the smaller facilities generally do not have any notification requirements. The active LQG, SQG, CESQG, and transporter universes in RCRAInfo are very difficult to maintain on a regular basis.

#### **Large Quantity Generators (LQGs):**

- Generate 1,000 kg or more of hazardous waste during any calendar month; or
- Generate more than 1 kg of acutely hazardous waste during any calendar month; or
- Generate more than 100 kg of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month; or
- Generate 1 kg or less of acutely hazardous waste during any calendar month, and accumulate more than 1 kg of acutely hazardous waste at any time; or
- Generate 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulated more than 100 kg of that material at any time.

Treatment, Storage, or Disposal Facilities (TSDFs) treat, store, or dispose of hazardous waste.

Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms, of hazardous waste per month.

Conditionally Exempt Small Quantity Generators (CESQGs) generate 100 kilograms or less per month of hazardous waste, or 1 kilogram or less per month of acutely hazardous waste, or less than 100 kilograms per month of acute spill residue or soil.

Transporters are individuals or entities that move hazardous waste from one site to another by highway, rail, water, or air (see 40 CFR 260.10). This includes transporting hazardous waste from a generator's site to a facility that can recycle, treat, store, or dispose of the waste.

Most states/territories have been authorized by EPA to implement the compliance and enforcement program for RCRA Subtitle C except for Alaska, Iowa, and the Virgin Islands. The programs in these states/territory are implemented by the appropriate EPA Region.

### **Definitions for Report Columns**

*Letters correspond to table columns.*

#### **A. State**

Two character state abbreviation.

#### **B. 2009 Active Universe**

This column provides the number of active facilities in RCRAInfo. Please note that because facilities other than TSDFs are not required to report to EPA when they no longer generate hazardous waste (such as when a company goes out of business), the active universe count is not exact. However, the information will provide an overall sense of how many facilities are regulated under the RCRA Subtitle C program.

Given the significant variability that exists in active universe numbers, the reader should not directly compare the data from one state to another state without understanding the data quality, the types of facilities in the universe, and the types of inspections conducted.

#### **C-E. Facilities with Inspections in 2009**

This column presents the number of facilities inspected during the fiscal year. This column counts each site with an inspection only once. The following RCRAInfo evaluation types are included when counting on-site inspections:

- Corrective Action Compliance Evaluation (CAC)
- Case Development Inspection (CDI)
- Compliance Evaluation Inspection (CEI)

- Compliance Schedule Evaluation (CSE)
- Focused Compliance Inspection (FCI)
- Groundwater Monitoring Evaluation (GME), and
- Operation and Maintenance Inspection (OAM).

Please note that other compliance monitoring activities may be performed by EPA or the state; however, these other activities are not normally counted as inspections under [State Review Framework](#) reviews. Therefore, the inspection counts included in the table may not represent all of the compliance monitoring activities conducted by the EPA or states.

#### **F. Facilities Inspection Coverage 2009**

This column presents the percent of active facilities in RCRAInfo that were inspected during fiscal year 2009.

#### **G-H. Number of Facilities with Violations Determined 2009**

This column tallies the number of facilities with new non-compliance identified by the state/local agency during the fiscal year. Included in the data are facilities with a non-compliance event starting in the fiscal year. When a facility has more than one new non-compliance event in the fiscal year, only the first non-compliance event is counted.

#### **I-J. Facilities in Noncompliance in 2009**

This metric indicates the total number of facilities that were listed in non-compliance during the fiscal year (violations can continue from one year to the next). When a facility has more than one violation, only the first is counted. A user can interpret the data in several ways. For example, a state with a high non-compliance rate may have more stringent requirements than the federal program, or the state is actively identifying problems that need enforcement attention. A low non-compliance rate could mean that facilities within the state do a good job complying with the RCRA regulations so violations are not widespread, or it is possible that noncompliance is not properly identified or reported by the state.

#### **K-L. Facilities with Significant Noncompliance Discovered 2009**

In order to prioritize enforcement resources and responses, EPA and the states use a set of criteria to determine when violations are considered serious, as defined as Significant Noncompliance (SNC) in the [RCRA Enforcement Response Policy](#). When these types of violations are detected, a formal enforcement action normally is expected. Non-SNC violations may be escalated to SNC if they are not corrected in a timely manner. This column counts the number of facilities with new SNC identified during the fiscal year. When a facility has more than one new SNC in the fiscal year, only the first SNC is counted.

#### **M. Significant Noncompliance Discovery Rate**

To help analyze whether SNCs are being identified appropriately, this measure gives the

percent of the facilities evaluated by the state during a given fiscal year that received a state SNC designation in that fiscal year. As with non-compliance, a user can interpret the SNC data in several ways. A state with a high SNC rate may be actively identifying significant problems that need formal enforcement attention to achieve the desired result of returning a facility to compliance. A low SNC rate may mean the facilities within the state do a good job complying with the RCRA regulations so violations are not widespread, or it is possible that SNC is not properly identified or reported by the state. Information about EPA's evaluation of SNC discovery rates at states is available in individual [State Review Framework reports](#).

#### **N-P. Number of Facilities with Informal Enforcement Actions Issued in 2009**

This column includes the total number of facilities with informal actions issued in the fiscal year. Informal enforcement actions include verbal and written enforcement actions. These activities may precede a formal enforcement action. In many cases, an informal action causes a facility to correct problems and return to compliance. Each facility with an informal action is counted only once, even if there are multiple informal actions for that facility during the year. In general, informal actions are an appropriate way to address violations that do not rise to the SNC level.

#### **Q-S. Number of Facilities with Formal Enforcement Actions Issued in 2009**

This column includes the total number of facilities with formal enforcement actions issued in the fiscal year. Formal enforcement actions include civil administrative and judicial actions. Each facility with a formal action is counted only once, even if there are multiple formal actions for that facility during the year. Formal actions normally are used to address SNC-level violations, but may also address other violations.

#### **R-V. Total Assessed Penalties for Facilities in 2009**

Enforcement actions often include a penalty to serve as a deterrent to future violations and should recover economic benefit. This metric provides the total amount of penalties assessed during the fiscal year.

2009 RCRA Total Active Universe Report - Compilation of Inspection, Violation, and Enforcement Data Reported to EPA National Database (RCRAInfo) for RCRA Regulated Sites

State	2009 Total Active Universe <sup>(1,2)</sup>	Facilities with Inspections in 2009			Total Facilities Inspection Coverage 2009	Number of facilities with Violations Determined 2009		Number of Facilities in Noncompliance 2009		Facilities with Significant Noncompliance Discovered <sup>(3)</sup> 2009			Significant Noncompliance <sup>(3)</sup> Discovery Rate	Number of Facilities with Informal Enforcement Actions Issued in 2009			Number of Facilities with Formal Enforcement Actions Issued in 2009			Total Assessed Penalties for Facilities in 2009		
		State	EPA	Total		State	EPA	State	EPA	State	EPA	Total		State	EPA	Total	State	EPA	Total	State	EPA	Total
AK	1,174	0	12	12	1.0%	0	10	18	0	0	0	0.0%	0	11	11	0	0	0	\$0	\$0	\$0	
AL	5,068	272	17	275	5.4%	162	6	201	9	8	0	2.9%	163	0	163	9	2	11	\$235,500	\$0	\$235,500	
AR	1,906	68	8	73	3.8%	49	1	93	8	14	0	19.2%	52	2	54	17	1	18	\$281,051	\$0	\$281,051	
AS	5	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0	
AZ	3,138	91	11	101	3.2%	48	9	91	17	1	0	1.0%	119	10	128	14	1	15	\$195,000	\$31,851	\$226,851	
CA	52,149	364	73	420	0.8%	171	66	410	117	25	13	9.0%	146	75	216	39	16	55	\$2,244,840	\$692,374	\$2,937,214	
CO	4,209	334	14	337	8.0%	90	0	110	1	4	0	1.2%	89	0	89	6	0	6	\$180,698	\$0	\$180,698	
CT	3,302	136	2	138	4.2%	57	0	366	7	23	0	16.7%	54	2	56	28	1	29	\$833,072	\$80,013	\$913,085	
DC	623	23	8	31	5.0%	13	7	25	7	0	0	0.0%	1	5	6	1	1	2	\$0	\$0	\$0	
DE	1,313	44	2	45	3.4%	28	1	36	4	2	1	6.7%	29	3	32	1	0	1	\$0	\$0	\$0	
FL	26,670	1,173	23	1,176	4.4%	521	7	734	15	71	1	6.1%	99	0	99	130	7	136	\$539,694	\$341,582	\$881,276	
GA	4,549	887	27	909	20.0%	300	9	340	11	19	1	2.2%	282	1	283	26	4	30	\$200,150	\$75,205	\$275,355	
GU	135	5	0	5	3.7%	2	0	5	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0	
HI	1,220	51	3	54	4.4%	15	2	53	2	2	0	3.7%	18	3	21	7	1	8	\$154,000	\$0	\$154,000	
IA	4,176	0	178	178	4.3%	0	89	0	115	0	2	1.1%	0	69	69	0	1	1	\$0	\$0	\$0	
ID	1,264	88	4	88	7.0%	52	7	66	10	4	0	4.5%	51	7	58	13	2	15	\$338,312	\$32,882	\$371,194	
IL	26,444	581	47	623	2.4%	127	7	334	152	4	7	1.8%	104	25	128	7	13	20	\$15,000	\$136,600	\$151,600	
IN	7,992	369	23	385	4.8%	162	4	343	85	11	0	2.9%	150	10	160	37	2	39	\$163,350	\$100,000	\$263,350	
KS	5,811	298	36	327	5.6%	184	24	210	35	34	4	11.6%	200	26	224	37	9	46	\$557,270	\$364,041	\$921,311	
KY	2,824	763	26	766	27.1%	188	4	213	11	17	1	2.2%	191	1	192	12	0	12	\$61,000	\$0	\$61,000	
LA	14,142	446	16	452	3.2%	89	2	188	33	1	0	0.2%	62	1	63	38	1	39	\$50,000	\$0	\$50,000	
MA	9,634	367	13	378	3.9%	208	1	504	9	40	0	10.6%	136	2	138	75	1	76	\$745,763	\$0	\$745,763	
MD	8,381	130	13	138	1.6%	40	7	48	16	4	3	5.1%	24	2	26	21	5	26	\$102,300	\$190,309	\$292,609	
ME	1,270	49	2	51	4.0%	42	0	61	7	5	0	9.8%	45	0	45	5	1	6	\$125,149	\$0	\$125,149	
MI	18,923	740	28	752	4.0%	386	16	655	64	2	5	0.9%	387	17	402	7	7	14	\$50,805	\$302,175	\$352,980	
MN	19,437	91	18	108	0.6%	63	11	281	46	1	1	1.9%	42	15	57	21	1	22	\$0	\$15,000	\$15,000	
MO	5,362	498	37	523	9.8%	382	26	536	66	1	8	1.7%	236	30	265	16	10	26	\$55,443	\$77,347	\$132,790	
MS	2,809	89	15	90	3.2%	19	5	25	10	6	1	6.7%	21	0	21	9	2	11	\$261,735	\$45,000	\$306,735	
MT	1,552	87	6	87	5.6%	12	0	16	5	0	0	0.0%	16	0	16	4	0	4	\$9,000	\$0	\$9,000	
NC	7,187	1,224	16	1,224	17.0%	113	7	159	9	18	0	1.5%	96	0	96	30	1	31	\$136,393	\$77,364	\$213,757	
ND	717	41	5	41	5.7%	14	0	18	0	0	0	0.0%	12	0	12	2	0	2	\$97,000	\$0	\$97,000	
NE	1,674	38	20	55	3.3%	25	13	31	21	0	1	1.8%	24	14	36	3	0	3	\$34,000	\$0	\$34,000	
NH	2,818	34	6	40	1.4%	27	1	47	5	1	0	2.5%	24	1	25	20	1	21	\$113,413	\$89,500	\$202,913	
NJ	6,865	769	102	850	12.4%	107	9	208	25	51	0	6.0%	106	12	117	66	6	71	\$462,829	\$27,625	\$490,454	
NM	1,691	115	9	118	7.0%	63	1	81	9	0	0	0.0%	60	2	61	5	0	5	\$521,219	\$0	\$521,219	
NN	148	0	4	4	2.7%	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0	
NV	1,808	899	6	899	49.7%	118	4	209	10	1	2	0.3%	111	5	116	9	0	9	\$57,250	\$0	\$57,250	
NY	18,053	933	121	1,045	5.8%	438	16	571	34	27	1	2.7%	411	10	421	42	8	50	\$485,300	\$180,000	\$665,300	
OH	20,955	787	36	799	3.8%	429	18	902	113	17	2	2.4%	482	21	501	40	2	42	\$453,473	\$27,900	\$481,373	
OK	2,755	259	13	261	9.5%	118	0	136	2	4	0	1.5%	116	0	116	8	0	8	\$198,556	\$0	\$198,556	
OR	3,547	262	7	266	7.5%	114	4	145	5	2	1	1.1%	117	4	121	19	1	20	\$121,085	\$0	\$121,085	
PA	22,312	1,037	30	1,061	4.8%	230	23	579	44	8	8	1.5%	51	18	68	11	5	16	\$0	\$396,832	\$396,832	
PR	1,094	202	54	253	23.1%	84	5	113	37	23	0	9.1%	84	1	85	28	3	31	\$87,916	\$109,250	\$197,166	
RI	2,903	85	10	95	3.3%	68	0	86	2	3	0	3.2%	61	0	61	9	0	9	\$40,000	\$0	\$40,000	
SC	3,879	187	28	188	4.8%	112	15	158	20	25	1	13.3%	119	0	119	29	1	30	\$305,291	\$0	\$305,291	
SD	1,348	51	6	51	3.8%	0	0	2	0	0	0	0.0%	1	0	1	1	0	1	\$8,195	\$0	\$8,195	
TN	3,461	422	20	425	12.3%	224	8	265	14	34	3	8.7%	195	0	195	21	1	22	\$136,600	\$23,000	\$159,600	
TT	39	0	0	0	0.0%	0	0	0	0	0	0	0.0%	0	0	0	0	0	0	\$0	\$0	\$0	
TX	10,605	519	23	538	5.1%	321	2	1,781	85	2	0	0.4%	289	5	294	76	2	78	\$4,708,459	\$0	\$4,708,459	
UT	1,821	91	21	105	5.8%	13	3	20	12	2	0	1.9%	13	0	13	8	0	8	\$582,057	\$0	\$582,057	
VA	9,312	292	25	292	3.1%	93	18	148	21	10	1	3.8%	94	8	102	12	1	13	\$125,994	\$0	\$125,994	
VI	47	0	7	7	14.9%	0	1	0	6	0	0	0.0%	0	1	1	0	1	1	\$0	\$2,330	\$2,330	
VT	3,221	71	3	74	2.3%	53	2	118	5	5	0	6.8%	38	1	39	4	0	4	\$215,000	\$0	\$215,000	
WA	7,256	294	37	324	4.5%	220	4	267	9	9	0	2.8%	218	5	222	10	0	10	\$278,000	\$0	\$278,000	
WI	13,947	251	35	271	1.9%	104	26	149	82	3	0	1.1%	101	36	136	4	3	7	\$45,500	\$36,200	\$81,700	
WV	3,006	512	10	518	17.2%	290	8	350	14	6	4	1.9%	296	4	298	18	1	19	\$115,200	\$111,000	\$226,200	
WY	913	197	42	233	25.5%	92	1	137	54	3	0	1.3%	7	0	7	5	1	5	\$461,656	\$0	\$461,656	
National	388,864	17,616	1,358	18,559	4.8%	6,880	514	12,624	1,522	553	72	622	3.4%	5,843	465	6,285	1,060	127	1,184	\$17,189,518	\$3,565,380	\$20,754,898

NOTES: Bold indicates compliance and enforcement program is implemented by EPA (e.g., state or territory is not authorized -AK, IA and VI)  
 Totals for facilities with inspections and actions/events may not be additive because EPA and states can take an activity against the same facility  
 Facility counts and other data are from FY2009 Frozen Data used under the State Review Framework -Information may differ from updated data pulled from ECHO or other sources  
 1 The quality of the universe data in RCRAInfo may vary significantly for each state (for more details see "Definitions for Report Columns" section).  
 2 Active refers to all active facilities in RCRAInfo and operating TSDFs  
 3 Percent of the facilities evaluated by the state, EPA or Total during a given fiscal year that received a state SNC designation in that fiscal year.

Please visit [EPA's state data comments page](#) to access files or links provided by states that discuss data discrepancies for the 2009 information.