RCRA Expert Brownbag Series
“How Does a Rookie Survive State Authorization?”

Presented By:

Alima Patterson
EPA Region 6
and
Wayne Roepe
EPA Headquarters

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What is the Purpose of this Webinar?

• This is not a training session.
• The purpose of this webinar is to provide EPA and State staff with a roadmap. Specifically, it will provide information and directions about materials on State Authorization that will assist the new EPA and State staff.
• Details of the authorization process and procedures will be part of subsequent RCRA Expert webinar series.
State Authorization is the mechanism that EPA uses to authorize States to administer portions of the RCRA Subtitle C hazardous waste program. This is to empower States to make enforcement more efficient to protect human health and the environment.

What is it?

(1) State authorization is the mechanism that EPA uses to authorize States to administer and implement portions of the RCRA Subtitle C hazardous waste program. This is to empower States to make enforcement more efficient to protect human health and the environment. Note that there are portions of the RCRA program that are not delegable to States (e.g. import/export requirements).

(2) It is a hazardous waste program that is implemented by law, regulations and EPA policy and guidance.

(3) It brings about an enforcement program that achieves and improves the level of compliance; uses the permit process to increase regulatory control of treatment, storage, disposal facilities (TSDFs) to protect human health and the environment;

(4) It assures closures are implemented in a manner that is protective of human health and the environment; requires cleanup of releases from all waste management units that threaten public health and the environment and to minimize the threat of continuing releases in the future; and

(5) It provides management support that facilitates achievement of program goals and sustains a high quality program over time. Note that States may receive up to 75% of their program costs from the RCRA Grants fund, but must provide to EPA a minimum
match of 25%.

Note that RCRA Subtitle C was designed by Congress so that States would assume responsibility for administering and implementing the program, with oversight from EPA.

- The statement “Look around your surroundings and tell me what you see. Do you see what I see” embodies what State authorization is all about. It means understanding and using the statutes, regulations, guidance documents and policies to develop the State’s hazardous waste management program.

- Effectively, EPA tells the State “I want you to be in partnership with me in protecting human health and the environment. Here are the requirements to allow you to do so. Do you see what I see?”

- The State on its part tells EPA, “I understand what is expected of me in order to assume responsibility for this hazardous waste program. Here is my application that demonstrates this. Do you see what I see?”

- The end result is for EPA to be able to say “Yes! I agree! I see what you see” and authorize the State to implement a program in lieu of EPA.
Notes:

• It is not easy to be a rookie in State Authorization. It is like finding yourself on a side of a mountain with a heavy load on your back.

• You know that the back pack you are carrying has what you need to continue to climb the mountain, but you also realize that if you attempt to reach the back pack by letting go of the mountain, you will fall.  
  So, what do you do? First of all, do not panic!
  This is only the beginning of your journey.

• What do you do? First of all, do not panic!

• This is only the beginning - the first start of your journey to the land of the known twilight zone of State authorization.
## Why is This Webinar Important?

- Empower new State and Regional Staff to understand their role in State authorization.
- Ensure that State programs are as stringent as the Federal program.
- Assist new EPA reviewers in developing skills to ensure that States meet Federal requirements.
- Ensure that EPA can authorize States.

### Notes:

The webinar is important to empower new State and Regional staff to understand their role in State authorization:

- **For the State rookie:**
  - a. ensure that States adopt the hazardous waste Federal regulations in a manner that protects human health and the environment and that all the elements required for State authorization are as stringent as the requirements under RCRA sections 3006(b), and 3009; 3008, 7004(b)(1)-(2) and RCRA 3006(f).

- **For the rookie EPA reviewer:**
  - a. to assist new EPA reviewers in developing skills to ensure that States meet Federal requirements.
  - b. Ensure that EPA can authorize States.
In this webinar, we will share with you:

- 10 Key Elements to Success
- A Case Study
- Available resources, especially the RCRA State Authorization Website

Notes:

- In this webinar, we will share with you:
  - 10 key elements that will help you lighten the load and lead you on the road to success through the land of State authorization;
  - A case study that will shed light on the importance of State authorization; and
  - Finally, a presentation by Wayne Roepe on the resources available, especially the RCRA State Authorization Website and his role in updating and maintaining the website.
As a rookie,

• Know that you have actually been thrown into the middle of a program that started way before you got here.

• But, there is a foundation that is laid on which you should stand.

• Everything else either adds to, revises, clarifies, updates or replaces portions of that foundation.
#1 – Understand Your Role and Goals

- **State Staff**
  - To assist in the development of your State’s program.
  - To demonstrate to EPA that the State is capable of running a hazardous waste program in lieu of EPA.
  - Figure out the easiest way to work with EPA.

- **EPA Staff**
  - To assess whether State is capable of implementing new federal regulations.
  - Assist other regional staff in their technical reviews.
  - Provide support and training that States need.
  - Inform the public about EPA’s authorization decisions.

Notes:

As a Rookie, the first key to success is knowing that your survival depends on knowing the purpose and goals of State authorization and your role in this process. Understanding your role and goals boils down to the question: Do you see what I see?

As a State person, when you submit an authorization application package to EPA, you are effectively saying to EPA, “I have done everything I need to do to show you that I can run this program instead of EPA. Do you see what I see?” You must provide everything that would allow EPA to say, “Yes! I agree; I see what you see.”

- **State Staff** –
  i. Knowing the goals will assist you in the development of your program, and to demonstrate to EPA that your State is capable of running the hazardous waste program in lieu of EPA in order to protect human health and the environment;
  ii. You must also develop how to work with EPA to meet your State’s needs.

- **EPA Staff** –
  i. Knowing the goals will assist you in your review of a State’s
authorization application and to assess whether the State is indeed capable of running the hazardous waste program in lieu of EPA;

ii. You can assist other regional staff in their technical reviews;

iii. You must also provide the support and training that the State needs in order to receive authorization from EPA.

iv. Finally, you must inform the public about EPA’s decisions relative to authorization and respond to any questions from the public.
Notes:

The second key to success is to understand the RCRA statutes and regulations.

a. The foundation of State authorization requirements are outlined in the RCRA Statutes. The statute will educate you and lead you to understanding of sections 3006 (b), 3008, and 3009; 7004(b)(1); and 7004(b)(1) and (2) and 3006(f). The RCRA Statute can be found at: http://www2.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act. The RCRA Orientation Manual also provides a great overview of the RCRA program (http://www2.epa.gov/hwgenerators/resource-conservation-and-recovery-act-rcra-orientation-manual).

From the statutes and their regulatory counterpart at 40 CFR Part 271, you will learn that in order for a state to receive authorization to implement and enforce the hazardous waste regulations in lieu of federal EPA, the state must demonstrate that its program:

- Is equivalent to and at least as stringent as the Federal rules (3006(b))
- Is consistent with the Federal program and other authorized State programs (3006(b)) [States may adopt more stringent or broader in scope provisions]
- Contains adequate enforcement authority (3008); and
- Provides for public participation and availability of information (3006(f) and 7004(b)(1) & (b)(2)).
b. Know the hazardous waste regulations which can be found at 40 CFR parts 124, 260 through 268, 271, 272, 273 and 279.
   - The RCRA regulations can be found at:
   - OR www.epa.gov/epawaste/laws-regs
   An in-depth knowledge of the Federal regulations will help you determine the equivalency of a State’s regulations when compared to the Federal regulations. These regulations contain both non-HSWA and HSWA provisions. Remember that EPA implements the HSWA provisions until the State seeks authorization.

c. Know Your Product: What is it that makes this Hazardous Waste Management Program? Know the criteria that EPA uses to determine what wastes are considered hazardous. This will help you identify whether a State is regulating a waste that is not considered hazardous under Federal.

d. Know who your clients are: Who do these hazardous waste regulations affect? Again this will help you determine whether the State regulates entities that are not regulated in the Federal hazardous waste regulations.

e. Understand the specifics of the State’s authorities. Pay special attention to:
   i. State’s authorities to establish the hazardous waste program that meet the Federal 40 CFR Part 271 requirements;
   ii. Authority to adopt more stringent or broader in scope provisions;
   iii. Authority to incorporate the federal regulations by reference (prospective?);
   iv. Authority to use independent counsel.

f. Use the RCRA Orientation Manual as a valuable resource.
#3 – Understand the Background and History of the HWM Program

- Base Program
- HSWA Amendments
- Historical Authorization Documents
- Authorization history of Your State(s)
- Impact of State’s authorization Program on the Regulated Community

Notes:

a. Base Program: The foundation of the State Authorization begins with the Base Program which relied on the 1976 RCRA statutes and the Federal regulations that were in effect as of July 1982. Once a State received Based authorization, it became an “authorized state” and its program that had been authorized is implemented by the State in lieu of EPA. All States, except for Iowa and Alaska, are authorized for the Base Program.

b. HSWA Amendments: After the Base Program, something really happened. There was an amendment that was made called the Hazardous and Solid Waste Amendment of 1984 (HSWA). The enactment of HSWA resulted in significant EPA presence in authorized States, with the State and EPA managing different parts of the hazardous waste program within a State. HSWA established the “hammer provisions” or statutory requirements that go into effect automatically (with the force of the regulations) if EPA failed to issue regulations by certain dates. Major programs introduced by the HSWA amendments included such programs as corrective action, land disposal restrictions and boilers and industrial furnaces.

c. Be Familiar with historical Authorization Documents: EPA developed specific
documents for the Base program, including the rationale for State authorization. This included guidance relative to the requirements for State authorization under 40 CFR Part 271. You may find in your EPA Regional or State historical records, the State Consolidated RCRA Authorization Manual (SCRAM). While some of the guidance in the SCRAM have been superseded by newer guidance, the SCRAM will shed light on some of the State’s historical records you come across. In addition, there is still some information that is relevant, including EPA’s guidance for areas of State authorization which have not changed since the Base program. The SCRAM will help in your understanding of the guidance, for EPA requirements, and those documents submitted by States for Base authorization, including:

i. Guidance for the 40 CFR Part 271 requirements;

ii. State Base Program Legislation and subsequent HSWA Statutory Checklists

iii. Base Program Checklists
   (1) Checklist IA (Part 261, Subpart A),
   (2) Checklist IB (Part 261, Subpart D)
   (3) Checklist IC (Part 261, Subpart C)
   (4) Checklist II (Part 262)
   (5) Checklist III (Part 263)
   (6) Checklist IVA (Part 264)
   (7) Checklist IVB (Part 265)
   (8) Checklist V (Parts 270 and 124)

iv. Program Description (PD) Guidance and PD Review Checklist

v. Memorandum of Agreement (MOA) and MOA Review Checklist

vi. Attorney General Statement (AGS) and AGS Review Checklist

vii. Availability of Information Guidance and Checklist

viii. Guidelines for Capability Assessments

a. Know the authorization history of your State and be familiar with the previous documents submitted to EPA for authorization.

b. Understand the impacts of implementation of the State’s authorized program on the regulated communities. Remember that the regulated communities also evaluate the State’s program when EPA grants final authorization to a State to administer the hazardous waste program.
What does the Authorization Rookie see?

- Specific documents must be included in an authorization application.
- EPA’s review and approval process.
- Timelines for submission of an application to EPA.
- EPA modifications that States have to adopt in order to remain consistent with the Federal program.

Notes:

What does the Authorization Rookie see in a State Authorization Application?

1. The Rookie will see that an authorization application includes copies of the State statutes, regulations, Program Description, MOA, AG Statement, statutory and rule checklists, that would allow EPA to evaluate their program.

2. The next vision the Rookie will see is EPA's review and approval process and

3. The timelines required for submission of an application for EPA's review and approval. The EPA promulgates its rules from July 1 to June 30 the following year (rules in this timeframe make up a RCRA Cluster). State modification deadline is one year after the end of the RCRA Cluster (two years if a State statutory change is necessary).

4. The Rookie will also know that as time goes on, EPA makes modifications to the hazardous waste regulations that States have to adopt and make revisions to their programs in order to be consistent with the Federal program.
Notes:

➢ Roadmap for a State Rookie:
1. The State should use the Rule Checklists in the adoption of the Federal Regulations after reading the entire Federal Register notices pertaining to the promulgated federal rules. By using the Rule Checklists, The State will reduce the amount of time it takes to develop and adopt the Federal regulations and it is also very efficient.
2. The State can also add regulatory language that will make the rule more stringent, more extensive or broader in scope if the State chooses to take that direction. (remember that EPA cannot enforce broader in scope provisions).
3. Send a copy of the proposed rules to EPA for regulatory review. EPA will advise the State if the regulations have no deficiencies or if there are deficiencies that need to be corrected.
4. Send the State’s adopted regulations to the State legislature for approval.
5. After approval, publish the State regulations for public comment in accordance with sections 7004(b)(1) and (2).
6. Draft the Program Description (PD) in accordance with 40 CFR part 271.6, ensuring that the narrative in the PD is consistent with the State regulations and the program for which the State is seeking authorization.
7. Download the Attorney General’s Certification (National website) and complete the forms, referencing the appropriate set of State statutes and regulations.
8. Prepare the Memorandum of Agreement (MOA) in accordance with 40 CFR part 271.8. Contact EPA to verify if the State needs a new or can use the current MOA on file.
9. Send the draft application to EPA for review and feedback.
10. EPA will advise the State to make corrections in the regulations and other documents or proceed with a Final application for Authorization.
### For an EPA Rookie:

- Develop an awareness of the State’s rulemaking process.
- Monitor Federal regulatory processes and communicate with States.
- Inform States, as well as EPA Enforcement and Permit groups about the impact of HSWA on permit issuance and enforcement.
- Encourage States to communicate with you about changes.
- Involve ORC, Enforcement and Permit Branches, and if necessary EPA HQ, in the review process.
- Identify State-initiated changes and determine their impact.
- Work with your States to resolve issues from the review process.
- Use the Office of Federal Register’s guidelines for authorization FR notices on EPA’s ADP Library website.

**Notes:**

- **For an EPA Rookie:**
  1. Develop an awareness of what the State rulemaking process is and when the State is in the process of adopting the federal RCRA rules for authorization.
  2. Monitor the federal regulatory process and communicate these to your States.
  3. Inform the States that if the State does not seek authorization for HSWA provisions, they cannot implement that provision in lieu of EPA. Also inform EPA enforcement and Permits that they should enforce those provision until the State is authorized. If the State and EPA has a joint Permit agreement then both can sign the permit application.
  4. Encourage your States to communicate with you about changes to any aspect of their program.
  5. In the review process, include the Office of Regional Counsel, Enforcement and Permits Branches, and in the case of difficult or unusual issues, also consult with EPA Headquarters.
  6. Be sure to identify State-initiated changes to a State’s program and determine their impact on the State’s authorized program.
  7. Work with your States in resolving any issues uncovered during the review process.
  8. Use the guidelines of the Office of the Federal Register on EPA’s ADP Library website to develop and publish State authorization notices to notify the public.
about EPA's decisions.
(http://intranet.epa.gov/adplib/library/adp-milestones/fedreg.htm#submit)
Notes:

- Note that the interpretation of statutory language does not end with the codification of regulations in the Code of Federal Regulations. EPA further clarifies the requirements of RCRA and its regulations through guidance documents and policy.

- The Rookie must also know where to find the guidance, policies and procedures of the State authorization program.

- Guidance documents are issued by EPA to provide direction for implementation and compliance with the regulations. They are essentially “how to” documents. For example, the regulations in 40 CFR Part 261 identifies those wastes which are subject to regulation as hazardous waste under parts 262 through 268, 270 and 124, 273, and 279. Guidance documents also elaborate on the Agency’s interpretation of the requirements of the Act.

- Policy statements, on the other hand, specify operating procedures that should generally be followed. They are mechanisms used by EPA program offices to outline the manner in which the RCRA programs are implemented. For example, EPA’s Office of Resource Conservation and Recovery (ORCR) may issue a policy outlining what actions should generally be taken to achieve RCRA corrective action cleanup goals. In many cases, policy statements are addressed to the staff working on implementation, but they may also be addressed to the regulated community.
The primary source of these items is the RCRA State Authorization website (Wayne Roepe will discuss this in his presentation) located currently at: http://www3.epa.gov/wastes/laws-regs/state/index.htm. More information about this website will be provided later by Wayne Roepe in this webinar.
As indicated earlier, when a State is authorized to administer the RCRA program in lieu of EPA, EPA has made a determination that State’s program is at least equivalent the federal program, and that the State hazardous waste program can be administered by the State under State law, in lieu of the Federal program. (See RCRA, Section 3006(b) and (c)).

However, note that the EPA retains its authority under statutory provisions, including but not limited to, RCRA sections 3007, 3008, 3013 and 7003, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions, issue orders in authorized States and provide oversight of the State’s authorized program. Specifically, EPA can enforce State authorized provisions, including State provisions that are more stringent than the Federal program.

On the other hand, there are some Federal provisions (such as certain import/export requirements) that EPA does not delegate to States. Such provisions are implemented and enforced by EPA.


State Authorization Standards Operating Procedures for an EPA Region.

Seek advice from experts in other Regions and States.

Notes:

Training is very important. From the beginning of the State authorization program through 1999, EPA Headquarters offered training and workshops that targeted State authorization staff, EPA Regional authorization coordinators and Offices of Regional Counsel. These workshops and training sessions were extremely valuable.

Since then, various EPA Regions have developed training materials for their States.

Currently some available sources are:

a. An “Authorization 101” webinar designed for both EPA and States that will be presented by Headquarters as part of the RCRA Expert Seminar Series in the near future.

b. Future webinar on State Authorization Standard Operation Procedures for States:
   i. EPA Region 6 has developed an SOP for States which provides detailed information for the entire State Authorization process that can be used by all States, regardless of their approach to the adoption of Federal regulations (Incorporation by reference, verbatim, rewriting, or any combination thereof).
   ii. A webinar based on the SOP is planned as part of the RCRA Expert Webinar Series. At that time, the State SOP will be made available
online at the RCRA authorization website.

c. EPA Region 6 has also developed an SOP that can be used by all EPA Regions to review a State’s authorization application. The Regional SOP will also be made available for download at CLU-In and the RCRA authorization website.

d. There are experts at Headquarters and various EPA Regions that also serve as a valuable resources. This RCRA Expert Webinar series is a testament to that. Keep in touch with other EPA and State staff to discuss issues you encounter.
Notes:

It is very important for EPA and the States to develop ways to work together to eliminate wasted time and ensure that all steps in developing and processing an application are efficient and accurate.

a. Identify your relationship needs

   Notes: Do you know what EPA needs from your States? And do you know what the States need from EPA? Understanding these needs can be instrumental in building better relationship and will produce communication that will lead to the State's understanding of adopting the federal regulations and also will make it easier for the EPA reviewer. (Both Rookies will not survive without resolving outstanding issues on the application submitted.)

b. Effective working relationship creates success and satisfaction on the job.

c. Show your appreciation whenever your States assist you in resolving regulatory issues. This will open the door to survival and great work relationships.

d. Establish a line of open communication with your State. This will assist the Rookie in building transparency and trust in the relationship. After all, the goal is to protect human health and the environment.

e. Develop an excellent relationship with your State counterparts and provide face-to-face authorization training to new staff who are inexperienced in State authorization.
Contractors may have historical and institutional knowledge of:

- The State Authorization program in general.
- Specific first-hand knowledge of the State authorization history in your Region or State.

All of this may help you acquire the needed skills at a faster rate.
Notes:

1. Work with State partners to ensure that the submitted authorization application package is accurate.
2. Keep an open line of communication between EPA and the State in order to develop a level of trust.
3. Be aware that the State may modify its authorized program without informing EPA.
4. Do not assume that your State counterpart knows all the requirements of State authorization.
5. Make sure that the State’s adoption of regulations is consistent with the authorities in its statutes.
6. Make sure that the State’s interpretation of its regulations is consistent with the Federal regulations.
#10
ABOVE ALL,
HAVE A PASSION
FOR THE
RCRA PROGRAM
AND
STATE AUTHORIZATION.
BE PREPARED!
CASE STUDY
Note: The case I am about to discuss was an actual case, but a fictitious State name is used in the discussion in this webinar.

Background: This case study involves charges that arose out of the defendant’s storage of two yellow canisters of methyl bromide (U029) waste marked “POISON” at a construction site in the State of Masada. As a result of the toxic waste somebody died. Methyl Bromide (U029) waste is considered Toxic waste under Characteristics of waste and is a listed waste regulated under 40 CFR part 261, Subpart D.

There was an indictment on this case and a federal grand jury charged the defendants with illegal storage of hazardous waste. EPA Region 6 Criminal Investigation Division was assigned to investigate the case. Defendants argued that their unpermitted storage of the methyl bromide was permissible under the State of Masada small quantity generator regulations. EPA Region 6 assisted the prosecution by researching regulatory issues and providing valuable insight on issues of case strategy.

Issue: One issue that came up in court was which agency had jurisdiction over the regulation of small quantity generators in the State of Masada, an authorized State.

EPA was summoned by the court to write a deposition explaining the authorization status of the State in the regulation of small quantity generators.
EPA's research into the small quantity generator requirements and the State’s authorization history revealed the following:

1. The requirements for small quantity generators (generators of less than 1,000 kg of hazardous waste in a calendar month) can be found primarily in 40 CFR 261.5, 262.34, 262.42 and 262.44.

2. Base Program requirement significantly amended by HSWA final rules in Checklists 23 and 42.

3. Masada was authorized for the Base Program and Checklists 23 and 42.

4. The State had changed the SQG regulations to be different from what EPA authorized without notifying EPA.

5. The State’s regulations submitted for the case were not authorized by EPA and were less stringent than EPA’s regulations.

Notes:

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Fortunately for EPA, the Region had documentation of notifying the State about the less stringent provisions and had excluded those provisions from the codification into 40 CFR part 272.
## Outcome of the Case

- The defendants agreed to enter guilty pleas; however, they urged the Court to reject the pleas using the argument that their unpermitted storage was permissible under the State’s regulations.

- Based on the regulatory research provided by the EPA Team, the Court:
  - Rejected the defendants argument;
  - Adopted EPA’s interpretation of the regulations; and
  - Accepted the guilty pleas.

- The U. S. Department of justice sent a letter of commendation and appreciation to the EPA team.

### Notes:

1. The defendants ultimately agreed to enter guilty pleas; however, they urged the Court to reject the pleas using the argument that their unpermitted storage was permissible under the State’s regulations.

2. Based on the regulatory research provided by the EPA Regional Criminal Enforcement Officer, the Regional Criminal Enforcement Counsel, and the Regional RCRA Authorization Coordinator, the Court:
   - Rejected the defendants argument;
   - Adopted EPA’s interpretation of the regulations; and
   - Accepted the guilty pleas.

3. The U. S. Department of justice sent a letter of commendation and appreciation to the EPA team.

   It is very important to note that it was the State’s previously authorized regulations that were in effect as federally enforceable State regulations. These were the regulations of which the defendants were in violation regardless of the fact that new state-initiated regulations had been promulgated. The State-initiated regulations were not authorized for federal enforcement.

   On the other hand, if the state was doing the inspection or investigation, they
would have used their less stringent regulations, which may not have resulted in a conviction.
This Case Highlights the Following:

- Importance of being familiar with the scope of RCRA state authorization programs.
- The requirements of the hazardous waste permits affected this case.
- Knowledge of where to find guidance, policies and procedures.
- Importance of updating and authorizing State modifications.
- Understanding EPA's review process.
- The need for States to notify EPA about changes to their program.
- EPA's oversight responsibilities; States cannot issue HSWA permits unless authorized or have joint permitting agreement with EPA.

Notes:

This case highlights the following:

1. The importance of being familiar with the scope of state authorization of RCRA programs. It also highlights the jurisdictional interplay between EPA RCRA authority and a state authorized program. EPA implements the HSWA provisions until the State seeks authorization.

2. The requirements of Hazardous Waste Permits affected this case.

3. Knowledge of where to find the guidance, policies and procedures of the State authorization program.

4. Importance updating and authorizing modifications to the hazardous waste regulations that States have to adopt and make revisions to their programs in order to be consistent with the Federal program.

5. Understand EPA's review process and requirements for State authorization application packages.

6. Know that EPA has oversight responsibilities. States cannot issue HSWA permits if they are not authorized by EPA. However, if the States and EPA have a joint permitting
agreement in the MOA the State should notify EPA and both parties can sign the permit.

To learn more about the case please contact the EPA Region 6.
GO TO RESOURCES
The RCRA Orientation Manual provides a good overview of the entire RCRA program and was recently updated.

The website, “Hazardous Waste Generator Regulations,” provides a user-friendly reference to assist EPA and state staff, industrial facilities generating and managing hazardous wastes as well as the general public, in locating and understanding the current RCRA hazardous waste generator regulatory requirements. Note that EPA recently proposed revisions to the generator regulations, which we expect to be finalized in late 2016.

The RCRA Compliance Monitoring website from NETI provides information on EPA’s oversight of compliance monitoring activities in the RCRA program to ensure facilities are properly inspected.

RCRA Online contains all of the currently applicable policy memos. States can use these memos to help interpret their corresponding regulations.

The RCRA training modules were last updated around 2005, but can provide useful information.
The web address of the RCRA State Authorization Website is temporary and will probably change in the near future, as EPA is reworking its entire web architecture. However, the substance of the RCRA State Authorization Website will not change significantly.

The SCRAM is circa 1988. Regions and states may have a hard copy. ORCR has a PDF that can be sent to regions and states. This document provides a good overview of the initial authorization application and can be useful if you are doing research. The State Authorization Manual updated parts of the SCRAM, and many parts continue to be updated and are available on the RCRA State Authorization Website.

The Action Development Process library pertains only to the process of publishing a Federal Register Notice, and thus is relevant and available only for the EPA Regions.
These are the major sections of the RCRA State Authorization website.

Each of these areas will be covered in greater detail on the next few slides.
State Authorization Revision Materials

- Rule Checklists, Summaries and FRNs for every promulgated rule (currently at checklist 235).
- Consolidated and Special Consolidated Checklists (through 2002).
- Checklist Reference Materials (linkage tables, rule lists, etc.)
- 2001 Model Memorandum of Agreement (MOA)
- 1997 Model Program Description
- Model Federal Register Notices (as of 2007)

- The rule checklists are essential for those states which do not incorporate by reference. These checklists outline every regulatory provision in each federal rulemaking and provide space for the corresponding state provision.

- Completed rule checklists also provide a crosswalk between the state and federal regulations, which may assist enforcement staff.

- The rule summary can provide authorization guidance which clarifies language in the rule preamble, or helps states and regions use the rule checklist.

- The Consolidated and Special Consolidated Checklists are older, but can be used to track the history of a particular provision.

- Other checklist materials such as the linkage table and rule lists may help to ensure rules are not overlooked, or other conforming changes are made.

- The Model MOA and FR notices will be updated soon.

- The Model Program Description is still current.
Policies and Guidance Documents

- These documents include:
- The 12/23/14 More Stringent or Broader in Scope memo,
- The 9/7/05 Functional Equivalence memo,
- 2002 Incorporation by Reference Guidance,
- Other memos and policies regarding Universal Waste, Availability of Information, and various other policies.

- The policies and guidance documents cover the nuts and bolts of the authorization process.
- Some but not all of the memorandums are in RCRA Online.
Authorization information is presented in two ways. The first is by state. For each state, the website lists all the authorization FRNs since the late 1990’s, and provides a link to a state StATS report, which lists all the rules for which a state is authorized for, as well as additional rules that a state has adopted or has submitted in an application to EPA.

The second set of information lists every federal rule and the authorization and adoption status for all states. This file is organized in the order the federal rules were promulgated.

Authorization activity is presented for each year.

The comparison graphs for all EPA Regions and states can be used for presentations and reports.
The current introductory training is very detailed and is still mostly accurate. It is now being revised, and a new, much shorter webinar will be presented within a few months.

The Codification Workbook is still current.
FINAL QUESTIONS?
Where Can You Find Information About the Webinar?

- All of the materials, including the recording of the webinar, will be posted to:
  
  https://clu-in.org/conf/tio/rcraexpert2/

- Once the presentation and recording are posted, visitors to the site will need to:
  - Click on the “Links to Additional Resources” at the bottom of the page for the presentation document; and
  - Click on the “Go To Seminar” to view the recording.