

Supplemental Information on the RCRA Corrective Action Analogous Review Project

In the 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA, Congress directed EPA to require corrective action for all releases of hazardous waste and hazardous constituents from solid waste management units at facilities seeking RCRA permits regardless of the time at which waste was placed in the units. This directive brought about EPA's RCRA Corrective Action program. Implementation of this program initially involved defining the universe of facilities subject to RCRA corrective action and prioritizing the need for corrective action at these facilities. During this stage, Region 9 recognized that remedial work was already underway at some facilities. In fact, oversight of remedial work at RCRA facilities in the Region is provided by several different agencies and programs¹.

Given this situation and the flexibility inherent in RCRA corrective action, the region worked in partnership with the RCRA authorized state of California to develop a process to review the work performed under the oversight of non-RCRA programs (e.g., state superfund and RWQCB). This process is called the RCRA Corrective Action Analogous Review Project. A key objective of the Analogous Review project is to minimize duplication of effort while ensuring that RCRA's concerns are being addressed during remediation. Analogous Reviews were first conducted in 1994 in California, were repeated in California in 1997/1998 and began in 1999 in Arizona.

This explanation may be of interest to DOD because remedial oversight at a high percentage of DOD facilities is provided by non-RCRA authorized programs. The region views this as both a strength and a weakness of our RCRA Corrective Action program. On the one hand, it is a strength to leverage the combined resources of both RCRA and non-RCRA programs in cleaning up RCRA facilities. The flexibility inherent in RCRA Corrective action encourages this focus on results over process. The weakness of this arrangement is that the RCRA program has almost no direct contact with facility personnel at certain sites and hence minimal opportunity to communicate our goals for RCRA Corrective Action.

We recognize that the Analogous Review project has been "transparent" to the RCRA facilities whose remediation is occurring under non-RCRA oversight. This is largely an intentional outgrowth of our desire to avoid duplication of oversight. Based upon the release of the national RCRA Cleanup Reforms and the increasing emphasis on GPRAs goals, we intend to communicate the Analogous Review process more directly with facilities subject to RCRA corrective action.

¹The states of Arizona, California and Nevada are all authorized to implement RCRA Corrective Action and each have a program for overseeing cleanups at RCRA sites. In addition, Arizona and California each have state superfund programs which are involved in the oversight of certain RCRA facilities. California also has Regional Water Quality Control Boards (RWQCB) which are responsible for protection of waters of the state; RWQCB's are active at a number of RCRA facilities. Finally, EPA has staff that implement corrective action in Hawaii and our Trust Territories and assist on certain other RCRA facilities within our authorized states. EPA's Superfund program is also active at several RCRA facilities. Many DOD RCRA facilities are overseen by more than one of these agencies.