

Hazardous Waste Program (RCRA)

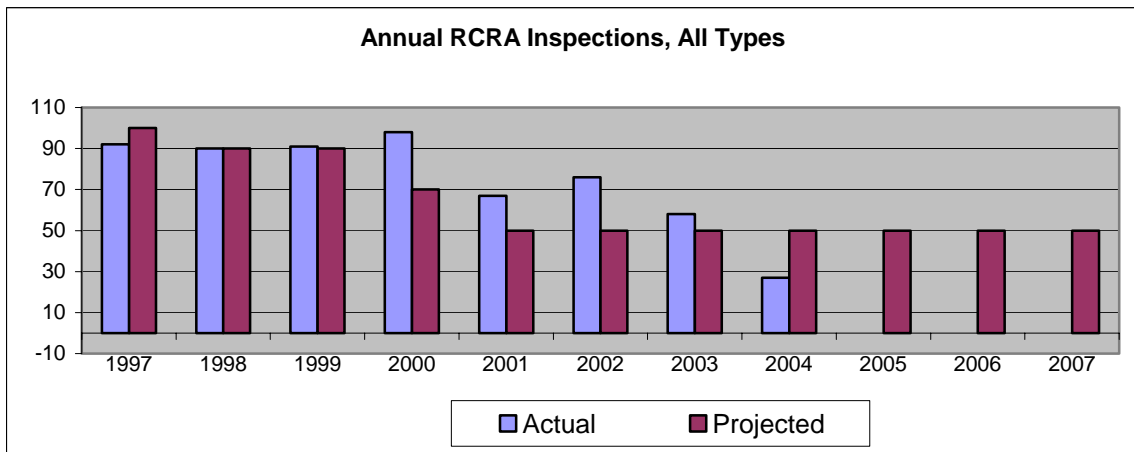
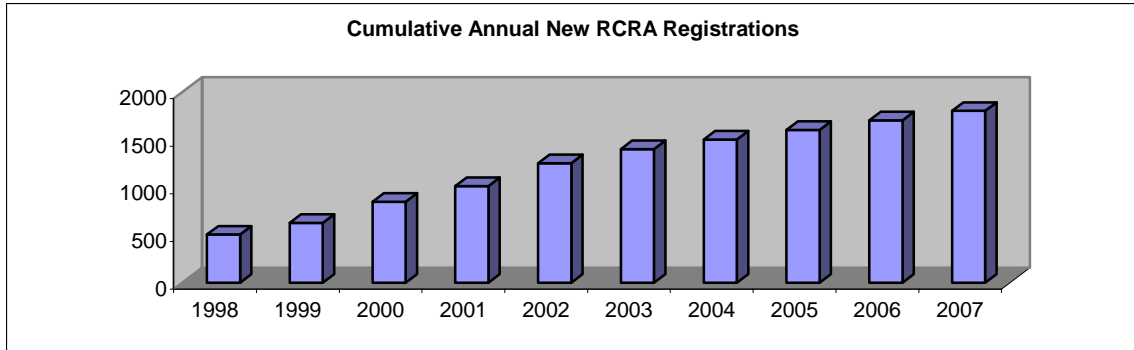
Waste Management Division

November 17, 2004

Results

Protection of the land, surface water, ground water, and air from hazardous waste emissions, releases, discharges.

Key Indicators



Story Behind Baseline Performance

The Vermont RCRA hazardous waste program has been recognized for its performance for many years. Vermont was the first state in New England to be delegated by EPA to oversee corrective action at hazardous waste facilities in lieu of the federal program. Vermont has had the most current hazardous waste rules in New England since 1998. Vermont has been prioritizing facilities for inspection based on risk to the environment, rather than primarily by amount of waste generation, as EPA does, since 1996. The average processing time for a permit modification has remained under 30 days since 1997.

Strategies/Performance Measures/Proposed Accomplishments

Performance Measure	“P”=Projected and A”=Actual Values	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total # of Inspections, all types*	P	100	90	90	70	50	50	50	50	50	50	50
	A	92	90	91	98	67	76	58	27			
% of LQGs inspected last 4 yrs*	P	96%	96%	96%	96%	96%	96%	96%	96%	85%	90%	96%
	A	91%	93%	98%	98%	98%	96%	72%	63%			
# of Initial Notifications ¹	P							200	150	100	75	75
	A	258	248	122	222	164	239	338	317+			
# of Subsequent Notifications	P							150	100	100	100	100
	A	above	above	above	28	70	247	138	154+			
# of Permitting Actions ²	P							8	8	8	8	8
	A	8	8	15	15	6	8	3	5			
# of Permitting Actions mtg PEP	P							0/1	0/3	0/1	1/1	1/1
	A	0/0	0/0	0/2	0/2	0/0	0/1	0/1	0/0			
Program Delegation Status - % ³ *	P							90%	98%	100%	98%	98%
	A	50%	47%	97%	94%	97%	95%	95%	94%			
# of Enforcement Cases Resolved	P							6	6	2	6	6
	A			12	6	5	8	5	5			

* Data based on federal fiscal year of October 1-September 30.

1 The number of notifications for the years 1997-1999 was only tracked as a total. From the year 2000 on, initial notifications and subsequent notifications were tracked separately.

2 This includes permits and modifications for the 7 facilities subject to RCRA permitting.

3 This percentage is the number of required federal rules compared to the number VT has adopted and received formal authorization from EPA. Authorization usually follows six months to one year behind the VT rule adoption.

Regulation – Inspections: Target those who have never been inspected and those who have bad compliance histories, sector approaches (recently completed a joint effort with the Environmental Assistance Division with the metal working sector); Compliance: Continue issuing NOAVs and Observation Letters that require a return to compliance, but without penalties; Enforcement: Use to compel compliance after other methods have failed or in the case of significant violations.

Compliance Improvement – Improve ease of compliance by drafting better regulations, publishing guides and fact sheets, and conducting outreach. Improve awareness of regulations through education, outreach, and partnering with compliance assistance programs, trade groups, solid waste districts, etc.

Permitting – Improve processing timeframes for both permits and renewals. Reduce bulk and duplication of material between regulations and permits.

Data Management & Information Systems – This area is necessary to enhance all other aspects of the program. Program performance will improve as we develop and use better performance data. We will continuously improve our program’s ability to track, analyze, and disseminate data, and the improve quality of existing databases. We will continue to support EPA efforts to improve the RCRAInfo data system.

RCRA Corrective Action - Vermont will continue to work toward the 2005 GPRA goals for RCRA corrective action during 2004 and 2005, and will further work towards the 2008 GPRA goals during 2006. Vermont will work with EPA New England to define specific activities, as appropriate, for each year of this agreement.

2004 Program Highlights

Vermont completed a major revision to the Vermont Hazardous Waste Management Regulations during FY04 (effective date 10/01/04). This revision incorporated: new federal rules, including some provisions that are more flexible “functionally equivalent” rules; rules designed to improve ease of compliance and readability; revisions based on user feedback; and technical and format improvements.

2004 Status of Proposed Accomplishments and Performance Measures

Vermont’s hazardous waste program was operating for half the year short on staff. Due to this staffing shortage, the inspection program did not meet its annual commitments. Otherwise, the program was on track for other accomplishments and performance measures.

Response to EPA Comments on DEC End of Year PPA Report for 2003

EPA noted that the Safety-Kleen permit technical comment letter did not go out in the first quarter of FFY2004 and requested the status of this letter. That letter did go out in the second quarter of FFY2004.

EPA noted that the public rulemaking process for the revised Vermont Hazardous Waste Management Regulations had not begun as planned in the first quarter of FFY2004 and requested the status of the public process. The public process was initiated in the second quarter of FFY2004.

EPA noted the discrepancy between the metrics used in the PPA and this state PBB to measure enforcement outputs. The PPA proposed accomplishment is to *initiate* 3-7 enforcement cases per year as needed. The PBB reports on the number of cases *settled* per year. In FFY 2003, Vermont initiated 3 enforcement actions.