California RCRA C 3011 SFY 2015 End of Year Report
Grant Number: D-00936315-04
March 9, 2016

Executive Summary

This report reviews DTSC's performance on their grant work plan commitments for the State of California's Hazardous Waste Program Support cooperative agreement for state fiscal year 2015 (July 1, 2014 to June 30, 2015). This is the first year of a three-year cooperative agreement. The evaluation does not reflect an in depth evaluation of the complete hazardous waste program. The Department of Toxic Substances Control met or exceeded many of the work plan commitments including the following accomplishments:

- 309 facility inspections and 116 criminal investigations
- 86 financial assurance reviews, 60 funded under the agreement
- $2,331,883 in penalties from formal enforcement settlements in FY2015
- 39 operating Treatment, Storage and Disposal (TSD) facilities inspections
- 15 post-closure TSD facilities inspections
- 70% compliance and 7.4% significant non-compliance at inspected facilities
- Multi-Year Strategy to track permitting progress and reduce backlogged permits
- 16 permit modifications processed
- Community outreach at Exide and Kettleman City expanded
- Currently meeting annual goals for RCRA Corrective Action GPRA 2020 baseline:
  - 96.55% with human health exposure under control
  - 81.99% with migration of contaminated groundwater under control
  - 60.54% remedy constructed
- 3653 truck inspections at US-Mexico Border
- Greater transparency with the newest public version of EnviroStor and progress toward ensuring facilities' data are correct
- Continued work toward implementation of the Safer Consumer Products program. This is a shift EPA has supported strongly and DTSC has made great progress.

In addition, EPA identified key areas for improvement in the coming year (Appendix A):

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- Permitting: Continue implementing the Multi-Year Permitting Strategy to accelerate the permits process to achieve annual commitments and begin addressing the backlog of permits while still ensuring quality permits are issued
- Enforcement: Complete enforcement actions in a more timely fashion
- Data Quality: Address the multiple data issues to ensure data are entered into RCRAInfo in a timely and accurate fashion.

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I. Compliance Monitoring and Enforcement

A. Program Accomplishments

a. Inspection

The Enforcement and Emergency Response Division (EERD) reported completing at least 142 RCRA funded inspections and 167 non-funded facility inspections. EERD also reported handling 249 formal complaints and completing 116 criminal investigations. A total of 60 RCRA funded and 26 non-RCRA financial assurance reviews were conducted, for a total of 86 reviews. However, some of these activities cannot be verified by EPA because the activities were not entered into EPA's RCRAInfo database.

EERD conducts active oversight of electronic waste collectors and recyclers, conducting 118 e-waste management inspections. DTSC continues to provide leadership in finding non-compliance in this sector and pursuing appropriate enforcement.

Table 1

California's Regulated Universe[1]					
Active TSD	**Land-fills**	**Combustion**	**LQG**	**SQG**	**Transporters**
61	49	4	7,925	48,310	3,977

[1] Per RCRAInfo reports pulled 12/23/15

Table 2

Inspection Accomplishments[1]			
Type of Facility	**Work plan Commitment**	**Outcome Reported in EOY**	**Number Reported in RCRAInfo**
Operating TSD	37 – 39	39	34
Post-Closure Facilities	7 – 11	15	8
Generators (LQGs)[2]	7	1	14
Transporter	--	24	19

[1]Compliance Evaluation Inspection (CEIs)

[2] This number is for DTSC inspections alone, not CEIs performed by CUPAs. Per California Environmental Reporting Systems (CERS), CUPAs have completed approximately 283 LQG inspections. Due to Quality Control/Quality Assurance issues CERS inspection and enforcement data has not been uploaded to RCRAInfo.

Note 1: RCRAInfo database shows that DTSC performed 8 Focused Inspections (FCI) of active TSD facilities and 2 FCIs of Post-Closure facilities, in addition to the completed CEIs

Note 2: California's hazardous waste program is both broader in scope and more stringent than the federal program. For example, under California regulations, some facilities are considered TSDs, but under federal regulations, and in RCRAInfo, these facilities would be categorized as waste generators. Additionally, a facility categorized as a small quantity generator in RCRAInfo could be a state-waste-only large quantity generator. Therefore, the individual inspection and enforcement outcomes reported by DTSC are difficult to reconcile with what is reported in RCRAInfo.

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Inspection Summary

1. TSD Inspections: DTSC reported 39 compliance evaluation inspections at operating RCRA TSDs in the End of Year Self-Assessment. There are 34 operating RCRA TSD inspections entered in RCRAInfo. According to RCRAInfo, DTSC did not meet its commitment of 37-39 inspections of active TSDs. EERP reported 15 inspections at post-closure (PC) TSDs. There are 8 compliance evaluation inspections at PC facilities entered in RCRAInfo. The number of PC TSDs inspections exceeds the commitment range of 7-11 inspections. As mentioned in Note 2 above, classification differences between the State of California and the federal program explain the reporting number discrepancies.

2. Generators: DTSC reported conducting 1 generator inspection. RCRAInfo shows 14 compliance evaluation inspections (CEI) performed by DTSC, and an additional 277 LQG CEIs performed by Certified Unified Program Agencies (CUPAs).[1] According to RCRAInfo, DTSC has exceeded the commitment of 7 CEI to be inspected by the agency. Note: EPA expects 20% of the active LQG universe in California to be inspected on an annual basis. The number of LQG CEIs documented in RCRAInfo is significantly below 20% (approximately 1585 inspections/year).

3. Transporters: DTSC reported conducting 24 transporter inspections. Since transporters are often also listed as waste generators, it is difficult to determine the number of transporter inspections that were conducted by DTSC using data entered in RCRAInfo.

4. Used Oil: DTSC's Used Oil Team reported conducting 25 used oil appropriation and used oil contract funded inspections. RCRAInfo does not identify used oil facilities as a separate universe, so EPA cannot distinguish these used oil inspections from generator inspections.

5. Complaints: DTSC reported responding to 584 formal complaints.

b. Enforcement

Table 3

Enforcement Actions						
Agency Action	**Total Reported (RCRA & non-RCRA)**	**RCRA Cases**	**Number in RCRAInfo**	**Number[1] Timely (%)**	**Criteria (days)**	**Goal (%)**
Informal Actions	NA	NA	64[2]	58 (95%)	150	80%
Formal Actions[3] Initiated	50	Not Provided	8	2 (25%)	240	80%
Settlements (of admin. penalty orders)[3]	29	16[4]	8	1 (12.5%)	360	80%
Enforcement SEPs[5]	0	0	0	NA	NA	NA

[1] According to CERS database listed as "Routine" inspections.

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[1] Number of timely per RCRAInfo data
[2] 61 data entries were used in the calculations. Two of the informal enforcement actions did not appear to be based on inspections. There was one duplicate action. Note: The average number of days for initiating informal enforcement actions was 56.8 days; however, this number was skewed by one informal enforcement action that took 2,366 days to initiate. If the 2,366 day informal enforcement action is removed from the calculation, the average number of days to initiate informal enforcement action is 18 days.
[3] Using RCRAInfo data the average number of days to initiate formal enforcement action is 873 days. The average number of days to complete formal enforcement actions is 686 days.
[4] One reason for the difference between numbers of RCRA formal enforcement actions that DTSC has completed versus what is reported in RCRAInfo is that several of the facilities listed do not have EPA Identification Numbers which is likely preventing this data from being uploaded to RCRAInfo from DTSC's EnviroStor database.
[5] SEP = Supplemental Environmental Project (includes California Compliance School)

c. Key Compliance Program Indicators

Table 4

Trends of Key Compliance Program Indicators (As Reported in RCRAInfo)				
Indicator	**FY2012**	**FY2013**	**FY2014**	**FY2015**
Inspections (CEIs, FUIs, FCIs)	207	149	247	215
Operating TSDF Inspections	46	41	41	34
Inspections w/ Violations	74 (36%)	50 (34%)	52 (52.5%)	63 (29.3%)
Inspections w/SNC[1]	28 (14%)	13 (9%)	14 (14%)	16 (7.4%)
Informal Actions	80	62	52	64
Timeliness of Settlements	58%	50%	37%	25%
Settlements	21	16	19	8
Average # of days to settle	646	790	568	686
Fines and Penalties	$3,411,057	$1,731,874	$1,718,365	$1,620,987[2]
SEPs[2]	4	0	0	0
Value of SEPs	$13,000	0	0	0

[1] SNC (Significant Noncompliance)
[2] DTSC's definition of Supplemental Environmental Projects differs from EPA's definition, as DTSC may include referrals to the California Compliance School and reimbursement of compliance costs.

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EERD reported initiating 50 administrative/civil cases and settling 29 with penalties totaling $2,706,463. Of these 29 settled cases, 16 were RCRA funded cases with penalties totaling $2,331,883. The remaining cases were non-RCRA cases with penalties totaling $374,580. RCRAInfo penalty information does not match that as reported by DTSC, possibly because several identified RCRA settlements do not have EPA Identification Numbers preventing these completed formal enforcement actions from being uploaded to RCRAInfo. No improvements in timeliness of completing formal enforcement actions is observed.

d. CUPA (Local Government) Program Activities

Oversight of the 82 local government agencies (–i.e., CUPAs) that implement the RCRA generator inspections and enforcement program as well as 5 other statutes in California presents a formidable challenge. During SFY15, EERD completed 32 CUPA program evaluations, and conducted 48 CUPA oversight inspections.

[2] DTSC reported collecting $2,331,883 in penalties however $1,620,987 was reported in RCRAInfo.

DTSC provided training and technical assistance on an as-needed and as-requested basis to specific CUPAs. DTSC also provided multiple hazardous waste generator trainings, including 2 sessions of the California Compliance School. In addition, training provided at the CUPA annual conference provides invaluable guidance to local government agencies on the hazardous waste program.

Imperial County and Trinity County Programs: CalEPA has designated DTSC as the CUPA for Imperial and Trinity Counties. DTSC performed 101 hazardous waste generator inspections in Imperial County and 22 hazardous waste generator inspections in Trinity County. Four enforcement actions completed for Imperial County resulting in total assessed penalties of approximately $63,500. One formal enforcement action as initiated by Trinity County in SFY2014 is still in progress.

B. Issues and Recommendations

Issue: Lack of timeliness in completing enforcement actions persists.

Recommendation: DTSC should evaluate its formal enforcement action process to determine what steps in the process are preventing the agency from completing timely enforcement actions.

Issue: RCRAInfo data inaccurately represents both the universe of facilities and DTSC actions.

Recommendation: Take steps to address the multiple data issues to ensure data are entered or uploaded into RCRAInfo in a timely and accurate fashion.

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II. Permits

A. Accomplishments

a. GPRA

U.S. EPA and DTSC agreed upon and memorialized permit goals in the cooperative agreement work plan. These goals are measured as the number of approved controls in place and completed at hazardous waste facilities during the project period. Approved controls in place are necessary to ensure that hazardous waste facilities are operating in a manner that protects human health and the environment. The following are considered approved controls in place:

1. Final approval of an initial permit
2. Final approval of a permit renewal
3. Final approval of a post closure permit
4. Closure with an approved post closure permit
5. Clean closure verification

DTSC's commitment for FY15 was to achieve eight (8) permitting accomplishments. Of these eight, DTSC accomplished four (4) controls in place (see Table 5 below). DTSC's grant goal for 2016 is also eight (8) accomplishments. We will continue to work with DTSC to synchronize the targeted baseline facilities while coordinating and tracking DTSC's progress toward achieving this goal.

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Table 5 – Permit Accomplishment Details

California 2014-2015 Permitting Accomplishments				
	Facility Name	**EPA ID #**	**Completion Date**	**Approved Control in Place**
1	VEOLIA ES TECHNICAL SOLUTIONS LLC, RICHMOND	CAT080014079	10/7/2014	Renewal
2	NAVAL BASE CORONADO MIXED WASTE STORAGE FACILITY	CAR000019430	2/2/2015	Renewal
3	CROSBY & OVERTON	CAD028409019	8/22/2014	Renewal
4	ACME LANDFILL CAD041835695 Post-Closure	CAD041835695	5/27/2015	Post Closure Permit

As seen in Table 6 below, DTSC has not achieved the grant goal of 8 permits per year for the last four years. While unfortunate that the goal has not been met, it is clear that DTSC is working to address the current backlog of expired permits. EPA has witnessed the multi-faceted efforts to improve the Permitting Program, as outlined in DTSC's Supplemental End of Year Report for FY2015.

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Table 6 – Permit Goals and Accomplishments Summary

Metric	2012-2013		2013-2014		2014-2015		2015-2016	
	Goal	**Actual**	**Goal**	**Actual**	**Goal**	**Actual**	**Goal**	**Actual**
Approved Controls in Place	8	3[1]	8	6[2]	8	4	8	4

[1] DTSC had five additional permitting accomplishments which didn't count towards FY13 GPRA since they were not on the GPRA Permits baseline.
[2] DTSC accomplished seven permitting goals, however, the Veolia permit didn't become effective till October 7, 2014 translating to an accomplishment for FY15 (See table 5).

There is a lot of work ahead for DTSC to meet the grant goal of 8 permits per year (for a total of 24 permits over the three-year grant period). EPA looks forward to seeing the continued implementation of the six (6) permitting process enhancements that were outlined in the Supplemental Report. EPA is committed to working with DTSC to ensure that the permitting program reaches it performance goals.

b. Additional Accomplishments (non-GPRA)

The DTSC Work Plan commits to updates of their multi-year strategy. EPA finds this document helpful for tracking permitting progress, accurately reflecting the current workload, the permitting backlog, and forecasting future workloads to reduce the backlog. EPA looks forward to receiving updated multi-year strategy tables as part of Mid-Year and End-of-Year Reports. It was not included in the FY15 reports.

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DTSC has an additional workload with the Class I, II, and III permit modifications. Though this work is not currently counted as the GPRA workload, we recognize Class II and III modifications can be as labor intensive as permit renewals. DTSC processed 16 permit modifications in FY2015.

DTSC has shown a renewed commitment to public engagement and public outreach, especially in Environmental Justice communities. The two aspects that involved permitting actions were Exide and Kettlemen City community involvement, outreach, and public meetings. We look forward to seeing expanded outreach implemented in future projects.

DTSC issued 50 Emergency Permits (EPs) in 2015. Though this number is about half what it was in 2014, EPA still considers this number of EPs high and would like DTSC to ensure that EPs are only issued for emergencies. In order to reduce the total number of EPs issued, EPA would like DTSC to evaluate the number and types of EPs being issued. Repetitive EPs should be replaced by regular RCRA permits. This will help maintain the integrity of the EP program and also reduce the workload on the permit staff.

c. Data Management

DTSC continues to evaluate data for facilities in EnviroStor and has made progress to ensure that facilities' legal and operating status codes, and unit data are correct. EPA would like to see

DTSC continue the data cleanup in EnviroStor in order to correct all facility data. In addition, EPA would like DTSC to continue checking and verifying the quality of the data after every monthly upload from HWTS to RCRAInfo. The investment in having accurate data will result in a more factual permitting universe in California's EnviroStor and EPA's national RCRAInfo database. This will help both EPA and DTSC more accurately identify the permitting backlog, and better predict future workload.

B. Issues and Recommendations

Issue: DTSC missed permitting goal for SFY2015.

Recommendation: Continue implementing multi-year strategy for addressing permitting issues and keep EPA appraised of progress.

Issue: Issuance of Emergency Permits, although decreased from FY14, remains high.

Recommendation: EPA would like DTSC to evaluate the number and types of EPs being issued and seek to replace repetitive EPs by regular RCRA permits.

III. Corrective Action

A. GPRA Goals

EPA's 2020 GPRA Corrective Action goal is to achieve human exposures under control, groundwater under control, and remedy construction at 95% of the baseline facilities. The GPRA baseline for California contains 261 sites. In order to be on track to meet the national 2020 GPRA goals, the federal fiscal year 2015 target was to have human exposures under control at 90%, groundwater migration under control at 80%, and remedies constructed at 60% of the baseline facilities.

Table 7 below identifies the annual milestones for each goal culminating in 95% for each in the year 2020 and Table 8 identifies DTSC's most recent EI totals.

Table 7

	Annual Percentage Goals for GPRA RCRA Corrective Action								
	2012	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Human Health	80	85	90	93	95	95	95	95	95
Groundwater	69	73	80	80	84	88	92	95	95
Remedy Construction	46	51	57	70	75	80	84	91	95
Cleanup Complete							25	TBD	TBD

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Table 8

State	Facilities	Human Health		Groundwater		Remedy Constructed		Cleanup Complete	
		Count	%	Count	%	Count	%	Count	%
CA	261	252	**96.55**	214	**81.99**	158	**60.54**	30	**11.49**
R9 Totals	333	323	97.00	277	83.18	213	63.96	42	12.61

b. Program Accomplishments

At the end of federal fiscal year 2015, DTSC's GPRA cumulative percentage accomplishments were:

1. Human health exposure under control at 96.55% of the baseline facilities,
2. Migration of contaminated groundwater under control at 81.99% of the baseline facilities,
3. Remedy constructed at 60.54% of the baseline facilities, and
4. Cleanup complete at 11.49% of the baseline facilities.

DTSC achieved or exceeded all three 2015 milestones (cleanup complete does not have a milestone until 2018). Specifically in federal FY2015, DTSC accomplished 2 new human exposures under control; 5 new ground water migration under control, and 5 new remedy construction complete.

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EPA requests that DTSC continue to maintain and update their projections for when each site will achieve the four GPRA goals. This includes the newly added tracking and projecting of "Cleanups Complete," the newest GPRA goal as of FY13.

B. Issues and Recommendations

Issue: In FY15, DTSC did not identify two corrective action facilities to serve as demonstration sites for greener corrective action.

Recommendation: EPA would like to understand why DTSC was unable to identify greener corrective action demonstration sites in FY15 and provide a plan of action to EPA on how this goal can be met during FY16.

IV. Data Management

A. Program Accomplishments

DTSC uploads data from EnviroStor to RCRAInfo for compliance, permitting and corrective action monthly. This data sharing enhances collaboration between state and federal programs.

B. Issues and Recommendations

Issue 1: DTSC contracted out handler notification data management until 6/1/2015. At that point, DTSC staff undertook the task of managing handler notifications for new handlers, changes and deactivations for current handlers, and emergency and provisional identification number issuance. EPA hopes DTSC can maintain this level of operation.

Recommendations

a. DTSC notifications staff should provide their manager and copy EPA on the number of requests received and processed, and technical assistance provided on a monthly basis. (See your self-evaluation chart on page 56 for sample. For details, DTSC might use "History of Activity Handler Report" query available in RCRAInfo.)

b. EPA requests a confirmation email sent to the EPA RCRAInfo regional database administrator when ID numbers requested by EPA Region 9 are issued by DTSC.

c. DTSC should work on comparing the universe of handlers in HWTS who qualify as LQGs or TSDFs against the list of LQGs and TSDFs in RCRAInfo such that universe data may be corrected.

Issue 2: CUPA Compliance Monitoring and Enforcement (CME) data is not being uploaded and historic data loads contain errors.

Recommendation

a. DTSC should participate in the discussions EPA and CalEPA are having about how to flow CERS data to RCRAInfo, and how to correct historic unresolved violations, particularly where a "returned to compliance" date is noted in CERS and missing from RCRAInfo.

Issue 3: 2013 Biennial Report data was discovered to be incomplete during preparations for the 2015 Biennial Report. The absence of "wastes received" data compromises permitting and compliance monitoring of those handlers.

Recommendation

a. DTSC should review the submittals from all TSDFs whose "wastes received form count = 0" to determine if biennial report data was not submitted by the facility or if it was not entered by DTSC. If the latter is the case, DTSC should enter the data. If the forms were never submitted, active TSDFs with manifested waste in HWTS should be considered for enforcement action.

V. U.S./Mexico Border

A. Program Accomplishments

DTSC has met its commitments for supporting Border 2020 programmatic activities, conducting surveillance and enforcement at port of entry crossings north and south of the US Mexico border, and providing compliance and enforcement capacity building activities. DTSC fills an important need for managing the north-bound inspections and advancing opportunities to conduct south-bound inspections, particularly as the stream of hazardous waste, universal waste, and regulated

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and non-regulated materials crossing the border for reuse or recycling are more complex.

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a. Border 2012 and Border 2020 Program Support

DTSC presented on their past accomplishments and current priorities at the Regional Workgroup meeting held September 3, 2014 in Imperial Beach, and the Waste Policy Forum in Tijuana on February 10-11, 2015. DTSC provided information on past accomplishments that was used to prepare the Border 2020 closeout report for the years 2012-2014, and provided input for the Draft Border 2020 program California/Baja CA Action Plans for the years 2015-2016.

b. Import/Export Inspections

DTSC and San Diego County continued north-bound port of entry inspections at Otay Mesa (Tuesday-Friday) and at Calexico (Fridays) in collaboration with Customs and Border Protection (CBP). In total, DTSC reported 3653 north bound trucks were inspected, resulting in six RCRA violations (1 non-RCRA violation). The County of San Diego has a contract to support environmental inspections on a weekly basis for north or south-bound inspections.

In April 2014, DTSC began conducting south-bound inspections. A total of ten special operations and coordinated south-bound inspections were conducted at both Calexico and Otay Mesa port-of-entry in FY15. Only a limited number of these inspections were implemented since they require more extensive coordination with CBP and logistical planning. These inspections involved 68 truck inspections and of these, ten transported universal waste and 58 transported non-regulated waste. As shipments of materials for recycling or disposal have gotten more complex, DTSC support and advice and collaboration with CBP serves an important need.

c. Capacity Building

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This past year, DTSC implemented several workshops in Mexicali, Ensenada, and San Diego, addressing environmental compliance and public health and with an emphasis on pesticides risks. In January 2015, DTSC held a border inspection training session at the California Unified Program Agency annual conference. San Diego County, DTSC's contractor for border inspections, planned an international session at the CUPA annual conference on trans-boundary waste issues addressing regulatory requirements and practices in Mexico, the US and Canada.

B. Issues and Recommendations

There are no issues or recommendations for this program area. DTSC serves as a pro-active partner and contributor to meeting Border 2020 goals.

VI. Safer Products and Workplaces Program

A. Program Accomplishments

This grant period has been focused on continuing development and implementation of the Safer Consumer Products program. DTSC's EOY Report shows the progress DTSC has made – honing the Priority Products list, conducting outreach and finalizing the 3 year work plan, and developing the Alternatives Assessment (AA) guidance. They continue to support partnerships to promote education and outreach on green chemistry and development of safer alternatives. We look forward to continuing our collaboration on the AA guidance under this grant and the 2014 Pollution Prevention Grant.

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B. Issues and Recommendations

None at this time. We encourage DTSC to finalize Alternatives Assessment Guidance as soon as possible to allow industry a clear path to getting assessments under way.

VII. Program Management and Grant Administration

A. Accomplishments

a. General

Currently a monthly conference call between EPA staff and DTSC serves as the main mechanism of communication on grant administration matters. In FY2015, quarterly manager's meetings were held to discuss more programmatic specific issues. The meetings were very beneficial in keeping both agencies up to speed on the other's current priorities. EPA feels these meetings should continue in FY16, as they helped to avoid miscommunications that occurred in FY15. EPA appreciates DTSC's timely response to communications.

As of the writing of this report (January 2016), DTSC has been given $12,047,840 (approximately 55%) of their total grant allocation. DTSC has successfully drawn down on the balance of their award on a regular bases. Ideally this will continue through the closure of the grant in FY17, allowing complete expenditure of funds.

b. Hazardous Waste Program Authorization

California received interim authorization for the RCRA program in 1985 and full base program authorization in 1992. Since that time the State has adopted a total of 238 rules and was last authorized in October 2011. In 2015, DTSC created a team of staff that are working on revitalizing their RCRA Authorization Program. This team is working with EPA to determine which additional rules still need to be adopted into the State Hazardous Waste Program and subsequently authorized. DTSC has adopted regulations for the Universal Waste Rule and for the Electronic Hazardous Waste Manifest system and is now working on preparing an authorization application for these rules which EPA expects to receive in FY2016. DTSC is also working on adopting regulations (and any necessary statutory changes) for the E-manifest and Definition of Solid Waste Rules into California's program.

Because California's Hazardous Waste Program is both broader in scope and more stringent than the federal program, they choose to re-write rules prior to adopting/becoming authorized for these rules. This method of adoption/authorization is complex and EPA acknowledges that DTSC's workload for this effort is significant. DTSC has stated that one of their challenges is that they have lost some institutional knowledge regarding authorization and therefore have requested training from EPA Region 9. We acknowledge this request and we are working with EPA HQ to bring this type of training to EPA Region 9. We appreciate DTSC's attention to the authorization program and look forward to receiving an authorization package in FY2016.

c. Quality Assurance Program Plan

DTSC submitted their first draft Quality Assurance Program Plan (QAPrP) in late FY2014. The draft was returned with comments in November 2014. As of the writing of this report (January 2016), DTSC has submitted a revised draft, responding to EPA's initial comments. EPA is expected to review and approve this draft by mid-2016. It is imperative that DTSC has a fully

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approved QAPP by FY2017 in order to be in full compliance with the grant's terms and conditions.

B. Issues and Recommendations

No issues and recommendations.

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Appendix A
Summary of Recommendations

Compliance Monitoring and Enforcement

- DTSC should evaluate its formal enforcement action process to determine what steps in the process are preventing the agency from completing timely enforcement actions.
- Take steps to address the multiple data issues to ensure data are entered into RCRAInfo in a timely and accurate fashion.

Permitting

- Continue implementing multi-year strategy for addressing permitting issues and keep EPA appraised of progress.
- EPA would like DTSC to evaluate the number and types of Emergency Permits (EPs) being issued and seek to replace repetitive EPs by regular RCRA permits.

Corrective Action

- DTSC should provide a reason why no corrective action facilities were identified as demonstration sites for greener corrective action in FY15 and provide a plan of action to EPA on how this goal can be met during FY16.

Data Management

- DTSC notifications staff should provide their manager and copy EPA monthly on the number of requests received and processed, and technical assistance provided
- EPA requests a confirmation email sent to the EPA RCRAInfo regional database administrator when ID numbers requested by EPA Region 9 are issued by DTSC.
- DTSC should work on comparing the universe of handlers in HWTS who qualify as LQGs or TSDFs against the list of LQGs and TSDFs in RCRAInfo such that universe data may be corrected.
- DTSC should participate in the discussions EPA and CalEPA are having about how to flow CERS data to RCRAInfo, and how to correct historic unresolved violations, particularly where a "returned to compliance" date is noted in CERS and missing from RCRAInfo.
- DTSC should review the submittals from all TSDFs whose "Wastes Received form count = 0" to determine if biennial report data was not submitted by the facility or if it was not entered by DTSC. If the latter is the case, DTSC should enter the data. If the forms were never submitted, active TSDFs with manifested waste in HWTS should be considered for enforcement action.

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