

Minutes
NEWMOA Hazardous Waste Conference Call
Topic: Maintaining Program Effectiveness
February 14, 2012

States represented during this teleconference included Connecticut (9), Maine (1), Massachusetts (1), New Hampshire (7-8), New Jersey (2), New York (5), Vermont (3). EPA Region 1 (1) and NEWMOA (1) participated.

The notes were prepared by NYS DEC staff and edited by Terri Goldberg, NEWMOA.

The following summarizes the comments made during this call.

Terri announced that the April call has been rescheduled to April 3. It will be a webinar demonstration of CT DEEP's online generator training module.

Connecticut

Connecticut was the lead state on this subject. They introduced the topic by asking the group to address the ways that your state tries to maintain the effectiveness of your HW program in light of diminishing staff and resources? How are you handling challenges of the budget and fewer staff?

Robert Isner reported that their approach is to scale back expectations by EPA. They have had to stop using state funding to make up the gap. Grant commitment is 50 percent of the inspections of what was performed 10 years ago. They have only 3.5 inspectors. They are providing compliance assistance, on-line training for generators, fact sheets, guidance materials, and training manuals. They are planning for issues dialog with regulated industry. They are still maintaining effective enforcement. They have experienced problems with court actions being appropriate results/penalties and may have EPA take over some of the cases. They are trying to create more of partnership attitude with industry. Inspections may be partial/focused inspection. So may get to 20 percent of LQGs but focused. They have formed a HW advisory committee that involves industry to help identify issues. Links for CT DEEP web pages for the Hazardous Waste Advisory Committee (HWAC):

www.ct.gov/dep/hwac (main HWAC page)

http://www.ct.gov/dep/cwp/view.asp?a=2718&q=425388&depNav_GID=1967 (list of HWAC meetings with links to meeting agendas and PowerPoint presentations given during the meetings)

Maine

The program has been flat funded since 1997. They are doing outreach to medium quantity generators (i.e., phone calls to discuss issues and then mailing resources). The effort has been well received. They are trying to determine if it is effective and useful. Effort well received by the regulated facilities. They are maintaining inspection presence even with diminishing resources/inspectors.

Another state participant asked whether EPA gave them credit under grant for their assistance efforts? They will check and respond.

Massachusetts

MassDEP has been conducting multi-media inspections since 1990. One to two inspectors conduct full inspections for multi-media areas (i.e., air, water, RCRA, etc). Enforcement is also multi-media (one consent order). Consistency in interpretation is a challenge. Compliance assistance is being used, including fact sheets and guidance.

New Hampshire:

NH DES has experienced six to seven years of flat funding. They have about two full time inspectors. They have been following national guidance to inspect twenty percent of the LQG universe per year. This year the inspectors are following new guidance that allows them to be re-deployed to inspect other generators. EPA will be conducting more inspections in NH (up to 16).

DES conducts an eight- hour certification/training class for LQGs annually to improve compliance and program effectiveness. This program is mandated by NH law and self funded (\$250 per class). SQG self certification involves completing checklist; NH DES compare them with the manifests for compliance (self funded at \$270/3 years). This kind of effort allows NH DES staff to conduct desktop inspections for the very small facilities. EPA has not yet given them any credit for this effort. These efforts are well received by industry. They are supporting partnerships within NH DES to coordinate activities plus industry partnerships for outreach.

New Jersey

The NJ DEP has about fifteen HW inspectors and about five people that focus on manifests and BRS. The State has about 800 LQGs, 600 SQGs, around 4,000 USTs, and thousands of CESQGs. They are facing tight fiscal constraints with no replacement of staff that leave. The enforcement group is experiencing a transformation. They are trying to be more intelligent in their use of resources. They are examining data coming from programs to identify problem areas on a multi-media basis. They are experience a need for cross training so that they can move inspectors from one program to another. They have large TSDs and need three inspectors to cover these facilities.

They have been experiencing static funding from EPA, and have to supplement with funds from State fees from generators. The fees for LQGs can be more than \$1,000 / year. SQGs also have fees and there are fees associated with manifests and BRS. It takes a lot of time and effort to collect these fees. They have some problems tracking monies received.

EPA has doubled the number of inspection they are conducting over last several years. They are doing compliance assistance, including seminars for the last six to seven years. They support online information and have prepared outreach materials. Copies of their inspection checklists are available. They also have information on facilities via data-miner, which provides a picture of the compliance history at facilities. Also manifest data available, which reduces the burden for FOIA information.

New York

NY is improving consistency and effectiveness by developing an inspector training program with a manual and a three day intensive course. They are also developing a mobile field device for electronically capturing inspection data to streamline the inspection process. They do not have any major efforts on compliance assistance. They are streamlining the enforcement process, which will reduce the amount of time between an inspection and resolution of all issues,

including any consent orders and return to compliance. They are speeding up negotiations in the settlement conferences. They are issuing NOVs in about 15 days after the inspection. About 15 days after the notice they meet with an attorney and review the case with the respondent. They discuss remedies and solutions. They make an offer for a curative measure with a timeline for implementation. They have run about twelve conferences using this approach.

They are also working on using mobile computing devices. They are also working with a consultant to develop a training manual. They are reporting the field data in an XML format, which can be loaded into the state database. They will translate from the state database to RCRA information in-house. NY has less than 800 long-term LQGs (those that have been LQGs for two of the last three years). They have about forty certified inspectors, not all of them full time. They do about 900 inspections per year and accomplish the twenty percent target rate.

Vermont

VT DEC is down from eight to nine FTEs to five and a half FTEs over the last three to four years. They have a small program that does everything. They have 2 full time inspectors. They lost their trained staff. There are a few people who are new to the program and they need to train them and help them get inspections done and documented.

They are working on implementing electronic checklist/recordkeeping, which allows for sharing of documents. They are now doing email correspondence with generators to streamline communications (i.e., exit interview sent via email to facility after inspection). They post documents and forms on the web.

They are doing cross training of inspectors to allow for more observations of potential HW violations when other program inspectors visit facilities. They send out solid waste inspectors to USTs. The salvage yard inspectors are learning more about what violations to look for. They are now issuing ten-year permits (instead of five-year permits) to minimize staff.

They are working closely with the compliance assistance office; they can't inspect everyone. They are focusing on getting information on their website and bringing back live training.

EPA Region 1

OECA is rolling out inspector training. The Agency provides assistance states on as needed basis.

Closing Comments

State programs would like EPA to recognize efforts in compliance assistance.

A number of states have undertaken LEAN initiatives. But none have been undertaken for the HW programs. NEWMOA has held regional calls on LEAN efforts by state environmental agencies and has posted information on the NEWMOA website - www.newmoa.org/about/lean/index.cfm. Focus has been on the permitting process.

Links for CT DEEP LEAN efforts:

http://www.ct.gov/dep/cwp/view.asp?a=2699&Q=455468&depNav_GID=1511 ("LEAN at DEEP")

http://www.ct.gov/dep/cwp/view.asp?a=2699&Q=455414&depNav_GID=1511 ("DEEP's LEAN initiative)