

US EPA ARCHIVE DOCUMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF HEALTH

ENVIRONMENTAL HEALTH ADMINISTRATION

APPLICATION FOR REVISION OF RCRA BASE PROGRAM AUTHORIZATION

PROGRAM DESCRIPTION

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DISTRICT OF COLUMBIA APPLICATION FOR REVISION OF THE RCRA BASE PROGRAM AUTHORIZATION

SECTION I

A. Relationship to Previously Submitted Program Descriptions

The District of Columbia Department of Health, Environmental Health Administration, Bureau of Hazardous Materials and Toxic Substances, Hazardous Waste Division is the agency responsible for administering the hazardous waste regulations for the District. This document provides a description of the hazardous waste regulatory program administered by the Department. It replaces the Program Description (PD) previously submitted as a part of the State's application for base program authorization.

Possible harm to human health and the environment caused by the mismanagement of hazardous waste led the District to pass D.C. Law 2-64, the "District of Columbia Hazardous Waste Management Act of 1977", effective March 16, 1978 (D.C. Code § 6-701 et seq.). The primary intent of this act was to ensure safe and effective hazardous waste management through the establishment of a program of regulation over the storage, transportation, treatment, and disposal of wastes in the District. This law authorized a regulatory program essentially consistent with the federal program established pursuant to the Resources Conservation and Recovery Act (RCRA) 42 U.S.C.H. § 6901 et seq., as amended. The purpose of this application submission is to maintain consistency as the federal program continues implementing regulatory enhancements.

B. Areas for which the District is Seeking Authorization

This Program Description reflects the evolution of the District's program since the base program was authorized, and also summarizes how the Federal regulatory requirements for the base program and Non-HSWA Clusters I through VI, HSWA Clusters I and II, RCRA Clusters I through VIII, are implemented by the District, except for corrective action (Revision Checklists 17L, 44B, 44C and 121) and the following non-checklist items: "availability of information (AI), the requirements for existing and newly regulated surface impoundments provided in RCRA §2003(j)(1)-(9) and (13) (SR1 and SR2), radioactive mixed waste (MW), and burning and blending of hazardous waste (BB). The criminal penalties for used oil violations (CP), as originally intended for authorization, addressed the violations of the requirements under 40 CFR 266.40 through 266.44. These provisions have been replaced by the recycled used oil management standards in 40 CFR Part 279. The District has adopted the 40 CFR Part 279 standards and subjects used oil violators to the same criminal penalties as hazardous waste violators, as required under 40 CFR 271.16(a)(3)(ii). For this reason, the District is not seeking authorization for non-checklist item CP. This Program Description has been prepared in accordance with the requirements of 40 CFR §271.6."

C. **Organization of Program Description**

Section II describes the scope, structure, coverage, and process of the hazardous waste program and includes a discussion of the legislative and regulatory provisions the District administers as well as a discussion of the differences between the Federal and District's laws and regulations. This section also addresses the checklists for which the District is applying and indicates where copies of the completed checklists may be located. This discussion provides a concise, definitive statement of which program areas the District has adopted and for which it is seeking authorization, as well as the program areas for which EPA remains responsible. Section III provides a description of District agency (ies) responsible for administering the program with the aid of an organizational chart. The specific divisions that comprise the agency (ies) are discussed and their individual responsibilities are examined.

Section IV deals with staffing and funding procedures and identifies hazardous waste staff and funding resources required to carry out the activities that are the subject of this program revision. This section distinguishes between new resources and existing resources being assigned to the new responsibilities. The impact on the existing authorized program of adding the additional program areas is also examined. Section V describes the District procedures that will be used to implement the program revision. Section VI examines the District's compliance tracking and enforcement processes and resources. Section VII indicates the estimated regulated activities as of the date of the Program Description, and Section VIII is set aside for copies of District forms.

SECTION II -- PROGRAM SCOPE, STRUCTURE, COVERAGE, AND PROCESSES

A. Scope and Coverage of Program

Description of the Scope and Coverage of the District Program

In 1976, the District of Columbia (the District) acquired a planning grant from EPA to research and develop a hazardous waste program for the District. The District conducted a survey to identify generators of hazardous waste and evaluate the characteristics and quantities of such waste. Although the District is not heavily industrialized, numerous generators of hazardous waste were identified. These included federal facilities, printing and engraving related enterprises, academic institutions, dry cleaning facilities, auto repair shops, health care facilities, industrial art shops, exterminators and private laboratories. The problems encountered were associated with improper storage, stockpiling, transportation and disposal of hazardous chemicals and human biological and pathological waste. Though the volume of waste generated in the District is small in comparison to other states, the high density of the population magnifies the potential impact from the mismanagement of this waste. It was determined to be technologically and financially feasible for hazardous waste generators to manage their waste in a manner that created less of an adverse environmental impact thus reducing the potential for harm.

The District's "Solid Waste Regulations 71-21", which became effective August 28, 1971, mentioned hazardous waste, but the purpose of these regulations was to establish minimum standards for the storage, collection, transportation and disposal of solid waste. The District's Hazardous Waste Management Act of 1977, however, directs the Mayor to develop a regulatory scheme for the management of hazardous waste.

The District of Columbia developed a comprehensive hazardous waste management program. Although based upon the Federal RCRA program, the District's Hazardous Waste Management Regulations, adopted pursuant to D.C. Law 2-64 (District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978), D.C. Law 5-103 (Hazardous Waste Management Amendments Act of 1984), as amended, are broader in scope or more stringent in several areas. The broader in scope and more stringent provisions are clearly identified in the Consolidated Corporation Counsel's Statement and associated Checklists.

The Department amended the D.C. Hazardous Waste Management Act of 1977 with the D.C. Hazardous Waste Management Amendments Act of 1984 (D.C. Law 5-103, effective August 10, 1984) and the District of Columbia Hazardous Waste Management Act of 1977 Amendment Act of 1989 (D.C. Law 8-37, effective October 18, 1989).

On July 22, 1983, the District adopted analogs to 40 CFR Parts 260 through 265 (July 1982 ed.), 40 CFR Part 270 (July 1983 ed.) and 40 CFR Part 124, Subpart A (July 1983 ed.) as amended by the District. These regulations were amended on September 28, 1984. The District received final authorization from EPA for the base program on March 22, 1985. Regulations were subsequently amended on June 21, 1985, July 10, 1987, February 19, 1988, and October 18, 1989. On March 1, 1996, the District amended and re-codified its regulations. The new regulations became effective September 29, 2000.

The regulations are found in the District of Columbia Municipal Regulations (DCMR), Title 20: Environment, Chapters 40 – 54.

The level and degree of coverage and regulation of hazardous waste generators, transporters, and treatment, storage, disposal and recycling facilities are comparable to the RCRA regulatory program. The District program, like the federal program, is a cradle to grave program covering all pertinent aspects of hazardous waste management. Table 1 shows a general correspondence of the District regulations with the Federal regulations. Section II B of this document discusses where the District's program is more stringent or broader in scope than the Federal program.

The District program provides adequate enforcement relative to the federal program. Under the right-of-entry provisions, the District has the authority to enter any place where hazardous wastes are or have been generated, stored, treated, transported or disposed of for the purposes of enforcing the act.

The District has a broad range of enforcement capabilities ranging from informal notices of violation to civil and criminal penalties of up to \$25,000 in penalties per violation and up to one-year imprisonment.

Civil fines may be imposed as alternative sanctions for any infraction of the provisions of the statute or regulations. Other enforcement capabilities include administrative hearings, compliance orders, suspension and revocation of permits, settlement agreements, cost recovery, and the ability to issue cease and desist orders in the event of an imminent and substantial endangerment to the public health and the environment.

Identification of Clusters and Checklists for which Authorization is Sought

The regulatory program described in this document reflects the base program for which the District is already authorized. In addition, the regulations in Non-HSWA Clusters I through VI, HSWA Clusters I and RCRA Clusters I through VIII, for which the District is seeking authorization are also described. While included in these clusters, the District is not seeking authorization for: state availability of information (AI), burning and blending of hazardous waste (BB), radioactive mixed waste (MW) and corrective action (Revision Checklists 17L, 44A, 44C, and 121). These portions of the Federal hazardous waste program will be applied for at a later date. The non-checklist items related to surface impoundments (SR1 and SR2), which are part of

HSWA Cluster I, are also not being sought for authorization because they are not applicable in the District due to the District's prohibition of these units.

The District is also not applying for the criminal penalties for used oil violations (CP) because the violations that they addressed have been replaced by the recycled used oil management standards at 40 CFR Part 279. The District is seeking authorization for 40 CFR Part 279 and subjects used oil violators to the same criminal penalties as hazardous waste violators, as required under 40 CFR 271.16(a)(3)(ii).

The District has adopted the universal waste requirements relative to the Federal program as of July 1, 1998 and 63 FR 71225 (Revision Checklist 176). The District also regulates mercury-containing lamps as a universal waste, but is not seeking authorization for this universal waste at this time because the District's requirements, while consistent with the Federal requirements, were developed before the promulgation of the Federal hazardous waste lamp rule published July 6, 1999, effective January 6, 2000 (64 FR 36466, Revision Checklist 181). Authorization will be sought for this rule as part of the next authorization package.

A complete description of the regulatory provisions for which the District is seeking authorization and their associated checklists are attached as an appendix to the Consolidated Corporation Counsel Statement and to the Supplemental Corporation Counsel Statement that addresses RCRA Cluster VIII.

Public Notice for Program Revision

A Notice of Proposed Rulemaking for the D.C. Hazardous Waste Management Regulations (20 DCMR Chapters 40-54) was published in the District of Columbia Register on May 19, 2000 for a 30-day public review and comment period.

Also, the regulations were submitted to the District of Columbia Council on June 1, 2000 for a 45-day review period.

The regulations were deemed effective on September 29, 2000.

B. Differences between Federal and District Regulations

The following is an outline that highlights the differences between the Federal and District programs. An identification and detailed explanation of specific areas that are more stringent or broader in scope are included in the Consolidated Corporation Counsel Statement and associated checklists as well as in the Supplemental Corporation Counsel Statement and associated checklists that address RCRA Cluster VIII.

- **DC PROHIBITED ACTIVITIES (§ 4018)**
 - Use of a surface impoundment for the treatment, storage, or disposal of a hazardous waste disposal;

- Use of land treatment for hazardous waste disposal;
 - Use of landfills and waste piles for hazardous waste disposal;
 - The burning, processing or incineration of hazardous waste, hazardous waste fuels, or mixtures of hazardous wastes and other materials in any type of incinerator, boiler, or industrial furnace;
 - The land disposal of hazardous waste or any mixture of hazardous waste and another constituent;
 - The burning of off-specification or on-specification used oil, including burning in a space heater;
 - The use of used oil as a dust suppressant;
 - The underground injection of hazardous waste.
- **EXCLUSION DIFFERENCES (§§ 4100.13 and 4101)**

The federal program includes an exclusion from the used oil rebuttable presumption for metalworking oils/fluids containing chlorinated paraffins meeting certain requirements. The District subjects these oils to the presumption, no matter how they are recycled or disposed of, making the District's requirements more stringent.

The District does not have an analog to 40 CFR 261.4(a)(4) that excludes source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 from the federal definition of solid waste. This difference makes the District's program broader in scope.
- **SMALL QUANTITY GENERATORS (§4102)**

Under the federal regulations, generators of 0-100 kilos of hazardous waste are conditionally exempt from regulation; generators of 100-1000 kilos of hazardous waste are small quantity generators and are subject to a lesser degree of regulation than large quantity generators who generate over 1000 kilos of hazardous waste per month.

The District regulates all generators of hazardous waste. Generators of 0-100 kilos of hazardous waste, or up to 1 kilo of acute hazardous waste, are considered small quantity generators and may accumulate up to 600 kilos of hazardous waste on site for up 180 days. However, they are subject to the same disposal restrictions as the federal large quantity generators. Generators of over 100 kilos of hazardous waste, or over 1 kilo of acute hazardous waste, are considered "generators" and are treated like large quantity generators under the federal scheme. They can only accumulate waste for up to 90 days and are subject to full regulation. DC's regulation of generators of less than 100 kilos of hazardous waste is critical, since most of DC's generators of

hazardous waste, including many of the dry cleaners, auto repair shops and print shops, fall into this category. Thus, DC's regulation is broader in scope than the federal regulation.

The District sets the quantity limitation for any residue or contaminated soil, waste or other debris resulting from the clean-up of any spill of an acute hazardous waste at 50 kilos or less per month while the federal limit is at 100 kilos per month. This difference makes the District's requirements more stringent than the federal requirements.

Generators of 0-100 kilos of hazardous waste can send their waste off-site to the same types of disposal facilities as the analogous federal generators; however, these disposal sites must be outside the District. Additionally, the District generators are prohibited from disposing of their wastes on site.

- **TREATABILITY STUDY SAMPLES (§4101.5)**

The District regulations also set more stringent limits on the quantities for samples of hazardous waste generated or collected for the purposes of performing treatability studies, which may be subject to reduced requirements under both the District and Federal requirements. (§§4101.5-4101.9)

- **NOTIFICATION OF REGULATED WASTE ACTIVITY (§4200.14-15)**

Under both the federal and District regulations, generators of hazardous waste must file a Notification of Regulated Waste Activity and obtain an EPA ID number. The District regulations also explicitly authorize the issuance of provisional EPA ID numbers for one-time generators of hazardous waste.

Persons generating or collecting samples of hazardous waste for the purpose of performing treatability studies must also file a Notification of Regulated Waste Activity with the Department under District regulations. (§§4101.5 – 4101.9)

- **INTERNATIONAL SHIPMENTS**

The District requires copies of all reports and notifications sent to EPA with regard to international shipments also be sent to the Division.

- **NO SATELLITE ACCUMULATION (Chapter 42)**

The District prohibits satellite accumulation, which, under the federal regulations, allows a generator to keep up to 55 gallons of hazardous waste on site near the point of generation, without managing it as a hazardous waste.

- **ADDITIONAL MANIFEST REQUIREMENTS (Chapter 42)**

One of the cornerstones of cradle to grave regulations is the manifest that must accompany the waste and be signed by each handler.

Under District regulations, the generator must provide a copy of the manifest to DOH within 7 days of giving waste to a transporter and within 7 days after the generator receives the manifest back from the designated facility. This is

in addition to federal requirements.

- **NO TOLLING AGREEMENTS (Chapter 42)**

Under the federal scheme, if a generator has a standing contract with a hazardous waste transporter and reclamation facility to reclaim its hazardous waste, the generator is not required to manifest the waste. The District requires manifesting of waste in this situation.

- **HW GENERATOR PERMITS (§4208)**

Generator permits are mandated by the DC Hazardous Waste Management Act and have been added in the current amendments. The amendments provide for generator permits to be issued beginning **April 1, 1999** in order to place them on the same schedule as the biennial reports. Generators must apply by March 1 of every even numbered year. Fees are \$200 biennially for generators of 500 kilos of hazardous waste per month or less and \$500 biennially for generators of greater than 500 kilos of hazardous waste per month. This fee structure takes into account that most of the generators of 500 kilos or less per month are small businesses, such as dry cleaners, auto repair shops and print shops, which also have to pay business license fees in the District. A higher fee might have a negative impact on the availability of services in the District.

- **TRANSFER FACILITY PERMITS (§ 4303)**

This is also a DC-specific provision. Under the District requirements, hazardous waste transfer facilities are defined as a transportation related facility where wastes are stored for 10 days or less. Hazardous Waste transfer facilities must meet the general facility requirements for hazardous waste treatment, storage and disposal facilities (including items such as employee training and emergency preparedness procedures) as well as obtain a hazardous waste transfer facility permit under §4303. The fees for these permits are \$500 initially and \$2500 after processing for a 3-year period. Under the Federal requirements, a transfer facility is subject to such requirements only when the facility stores waste for more than 10 days or does not meet the 40 CFR 262.30 requirements. These differences make the District's requirements both more stringent and broader in scope.

Many of the hazardous waste transfer facility requirements parallel requirements for DC solid waste transfer facilities. In the past, restrictions on hazardous waste transfer facilities have been less stringent than restrictions on solid waste transfer facilities, which made the sets of regulations inconsistent. As part of this rule making, this inconsistency was fixed:

- **TREATMENT, STORAGE AND DISPOSAL (TSD) FACILITIES (Chapters 44 and 46)**

Because DC prohibits land disposal, incineration and underground injection of hazardous waste as noted above, there are no HW treatment or disposal facilities in the District. The District allows the use of waste piles, but they cannot be used for disposal. In addition, all waste piles must be covered, but they are subject to the more stringent design and operating requirements for uncovered waste piles found in the federal requirements. The District also does not allow the 40 CFR 264.251(e)&(f) waiver/exemption.

Since the District prohibits disposal facilities, only clean closure is allowed for storage and treatment facilities.

The demonstration of financial responsibility has to be made specifically for the facility located in the District and if one financial mechanism is used for multiple facilities, all of the facilities must be in the District. Additionally, the District subjects all units and facilities to the post-closure financial requirements, rather than just those listed at 40 CFR 264.140(b)(1)-(4).

The District requires that the entire facility, rather than just the waste management portions, be 200 feet from a fault having movement in Holocene time.

- **DC ENFORCEMENT PROVISIONS (Chapter 40)**

These are based on the District's HW Management Act and parallel the enforcement provisions for underground tanks and the DC Water Pollution Control Act.

- **UNIVERSAL WASTE RULE (Chapter 48)**

One of the amendments that the District has adopted is the Universal Waste Rule that provides for a different and more relaxed set of regulations governing some hazardous wastes including certain types of batteries, thermometers, and pesticides. The District has added mercury-containing lamps to this list (which were just recently added to the federal list subsequent to July 1, 1998). Handlers of universal waste don't have to comply with the strict labeling, containment and manifest requirements applicable to generators and transporters of other hazardous wastes. However, the District regulations are more stringent than the federal regulations, in that in order for a waste (other than a pesticide) to qualify for regulation as a universal waste, it must be recycled.

In addition, the District does not make a distinction between small and large quantity handlers of universal waste, subjecting all handlers to the more stringent large quantity handler requirements. All handlers are subject to a 1,000-kg storage limit rather than the 5,000-kg limit under the federal requirements.

- **OTHER**

The District regulations prohibit the burning of HW in boilers or industrial furnaces; therefore, the regulations are abbreviated, but are included to the extent they are relevant to generators and transporters who send waste outside of DC for burning. (Chapter 45)

No used oil is allowed to be burned in DC, but the applicable Used Oil Regulations are adopted for generators and transporters who send waste outside DC. (Chapter 49)

Although land disposal is prohibited in the District, the land disposal restrictions have been adopted for generators and transporters who send their waste outside the District, because these handlers are subject to requirements that must be met before the waste leaves the District. In addition, these land disposal requirements were included to inform the District handlers of what requirements must be met once the waste leaves the District. (Chapter 50)

The Munitions Rule provides for special treatment of military munitions, to facilitate handling of these materials by the military. The District has adopted additional requirements that serve either to clarify or to make the munitions requirements broader in scope than their Federal counterparts. (Chapter 45)

Interim Status – Because the District has no interim status TSD facilities, these federally required provisions have been incorporated by reference, but are subject to the limitations outlined at §4401.2 that are analogous to the more stringent requirements in Chapter 44 for permitted facilities. (Chapter 44)

Table 1: General Correspondence between State Regulations and Federal Regulations

EPA REGULATION Code of Federal Regulations (CFR)	STATE REGULATION	DESCRIPTION
PART 260	20 DCMR Chapter 40, Part of 20 DCMR Chapter 54 (260.10 definitions)	Hazardous Waste Management System: General
PART 261	20 DCMR Chapter 41, Part of 20 DCMR Chapter 54 (261.2 definitions)	Identification and Listing of Hazardous Waste
PART 262	20 DCMR Chapter 42	Standards Applicable to Generators of Hazardous Waste
PART 263	20 DCMR Chapter 43	Standards Applicable to Transporters of Hazardous Waste
PART 264	20 DCMR Chapter 44, Part of 20 DCMR Chapter 54 (264.141, 264.1031, and 264.1081 definitions)	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
PART 265	20 DCMR § 4401	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
PART 266	20 DCMR Chapter 45, Part of 20 DCMR Chapter 54 (266.201 definitions)	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
PART 268	20 DCMR Chapter 50, Part of 20 DCMR Chapter 54 (268.2 definitions)	Land Disposal Restrictions

EPA REGULATION Code of Federal Regulations (CFR)	STATE REGULATION	DESCRIPTION
PART 270	20 DCMR Chapter 46, Part of 20 DCMR Chapter 54 (270.2 definitions)	The Hazardous Waste Permit Program
PART 273	20 DCMR Chapter 48, Part of 20 DCMR Chapter 54 (273.6 definitions)	Standards for Universal Waste Management
PART 279	20 DCMR Chapter 49, Part of 20 DCMR Chapter 54 (279.1 definitions)	Standards for the Management of Used Oil
PART 124	20 DCMR Chapter 47	Permit Procedures

SECTION III -- DISTRICT AGENCY RESPONSIBILITIES

A. Organization and Structure of Hazardous Waste Program

- **General**

The District of Columbia's Department of Health (DOH), is designated as the "lead agency" for the District of Columbia's hazardous waste regulatory program. The previously authorized program was administered through the Department of Consumer and Regulatory Affairs. Pursuant to the authority of D.C. Code § 1-242(12), Reorganization Plan No. 4 of 1996, effective July 17, 1996 instituted a reorganization that reassigned all environmental programs to the DOH. Also, Mayor's Order 98-55, effective April 15, 1998, delegated the Mayor's authority pursuant to D.C. Law 2-64, the "District of Columbia Hazardous Waste Management Act of 1977," to the Director of the Department of Health. As a result of this reorganization and Mayor's Order, the hazardous waste program is currently being implemented in the Hazardous Waste Division of the Bureau of Hazardous Material and Toxic Substances (BHMTS) of the Environmental Health Administration (EHA) in the Department of Health.

The organization of the Department of Health is shown in the Appendices. The Bureau of Hazardous Material and Toxic Substances is located in the Environmental Health Administration. The structures of the Bureau of Hazardous Material and Toxic Substances and Hazardous Waste Division are illustrated in the Appendices.

The District will assume the lead on all portions of its hazardous waste program for which authorization has been received. HSWA provisions for which the District has not received authorization and program areas that are not delegable to States will remain the responsibility of EPA. Permitting will be a joint effort.

Intra-Agency Responsibilities

The Bureau of Hazardous Material and Toxic Substances works in cooperation with other Divisions within the Environmental Health Administration.

- **Office of the Senior Deputy Director for Environmental Health (EHA)**

This office is responsible for the overall coordination and direction of each program area within the Administration.

- **BUREAU OF HAZARDOUS MATERIAL AND TOXIC SUBSTANCES (BHMTS)**

This office reports to the Office of the Deputy Director for Environmental Health. It advises the Director of Health, Deputy Director for Environmental Health and Assistant Deputy Director for Environmental Health with respect

to the Bureau's activities associated with policy development, planning and management for the programs under its control towards maximizing public health and environmental protection. It is responsible for the overall daily coordination and direction of the four divisions within the Bureau.

- **Hazardous Waste Division**

The Hazardous Waste Division (HWD) has primary responsibility for administering the hazardous waste regulations for the District. The regulations are published in Title 20 (Environment) (September 2000) Chapters 40 through 54 of the District of Columbia Municipal Regulations (DCMR).

The major program responsibilities of the HWD include permitting and enforcement activities, drafting regulations, planning and policy development, collecting and managing data, providing consultation in technical and procedural matters, closure approvals and site monitoring reviews at treatment, storage and disposal facilities, information management and regulations and coordinating efforts among State, District, and federal agencies in matters relating to hazardous waste. The HWD may interface with the other Divisions in the Bureau.

- **Toxic Substances Division (TSD)**

The HWD cooperates with this Division regarding the proper management of discarded pesticide products identified as exhibiting the hazardous waste characteristic of toxicity as well as the recycling provisions of the Universal Waste regulations.

- **Underground Storage Tank Division (USTD)**

The HWD cooperates with this Division in the management of Underground Storage Tanks that contain used oil. HWD will work with USTD in those instances where there has been a reported release from an underground tank containing used oil.

- **Lead Poisoning Prevention Division (LPPD)**

The HWD will interface with this Division for the disposal of lead-based paint waste that fails the Toxicity Characteristic test.

- **Clean Land Program (CLP)**

The HWD will interface with this new program within the Bureau by providing technical guidance and support in the areas of Brownfields, Voluntary Clean-up and Superfund.

- **BUREAU OF ENVIRONMENTAL QUALITY (BEQ)**

This Bureau is responsible for the overall daily coordination and direction of

the following four divisions: Air Quality Division; Water Quality Division, Watershed Protection Division and the Fisheries and Wildlife Division.

- **Air Quality Division (AQD)**

This Division has the responsibility to protect the District's air quality and is concerned with potential air contaminants from hazardous waste activities. The AQD is responsible for certifying generator and TSD facility compliance status under Subparts AA and BB of 40 CFR Part 265, as incorporated at §4401, or under §§4428 through 4459, as applicable. The HWD will refer to AQD any suspected air pollutant releases from tanks and containers regulated under Subpart CC of 40 CFR 265, as incorporated at §4401, or under §§4428 through 4459, as applicable.

- **Water Quality Division (WQD)**

This Division is charged with the primary responsibility of preventing, reducing and eliminating water pollution from both point and non-point sources. WQD lends assistance to HWD in matters concerning monitoring of the surface water and ground water quality, especially where there is a potential for contamination of the waters from releases of hazardous waste. WQD assists with such matters as the evaluation of groundwater and surface water quality for levels of contamination. They will also assist in phases of inspections that involve discharges of hazardous waste to the sanitary and storm sewer system.

- **Office of Enforcement, Compliance and Environmental Justice (OECEJ)**

This office assists the EHA Deputy Director in the enforcement of all District and Federally delegated environmental health laws and regulations. As of October 1, 1999, this office has received Corporation Counsel status. This office with the Office of Adjudication and Hearings coordinates Notices of Infraction under the Civil Infractions Program. The HWD will refer violations of the HWMA and regulations to this office for assistance in transmitting these cases to the Office of the Corporation Counsel for misdemeanor and felony violations. This office is currently in the process of developing procedures and protocols for this function.

- **Special Projects Office (SPO)**

This office provides an overall link to EHA's primary funding agency, USEPA, at various levels within Region III and EPA Headquarters. It coordinates activities, as needed, through the Office of the EPA Liaison for the District of Columbia. Initiates and executes environmental program development activities of significance to the District of Columbia such as Building Pollution Prevention and Waste Minimization Program Capacity within EHA. Assesses and evaluates the need to strengthen existing programs within EHA. It provides leadership in assisting the newly formed DC Environmental Crimes Task Force to organize for results. Finally, it provides liaison to the Mayor's Citizens Environmental Advisory Council. It interacts

with the HWD in the development of Waste Minimization plans and will also work to develop fact sheets and other outreach mechanisms to inform the regulated community of new universal waste and used oil requirements.

- **Office of Adjudication and Hearings (OAH)**

This office was created in October 1999 to give the Department of Health independent capacity to adjudicate, manage and track administrative enforcement actions. OAH is charged with hearing administrative hearings and litigation brought by the Hazardous Waste program under the Department's statutory jurisdiction.

- **Office of the Chief Financial Officer**

This office is responsible for all financial aspects of the Department of Health, including, but not limited to, grants management, procurement, loading and modification of budgets, preparation of interim and final financial status reports (FSRs), and maintenance of all financial records for auditing purposes.

Inter-Agency Responsibilities

Other agencies and groups within the District of Columbia Government work with the Department of Health in implementing the District's hazardous waste program. Specifically:

- **Department of Consumer and Regulatory Affairs (DCRA)**

Within this department, the Business Regulation Administration (BRA) is responsible for the licensing of businesses in the District. One of its roles is to issue and renew licenses to businesses that may handle hazardous waste. They do not issue permits to hazardous waste TSD facilities. This function is handled by the HWD. As part of the HWD's process for identifying generators and non-notifiers, this administration will be requested to notify HWD when they issue licenses for businesses in certain SIC codes.

- **Department of Insurance and Security Regulation**

This department implements and enforces laws governing the insurance and securities industry in the District of Columbia. It protects the interests of District of Columbia consumers by ensuring that insurance companies, agents, brokers and securities businesses, investment advisors, investment representatives, and broker/dealer operating securities businesses comply with the insurance and securities law and regulations. This department will assist in the review of requirements for hazardous waste management facility insurance, to ensure consistency with overall D.C. insurance requirements. It will review the insurance policies of the hazardous waste management facilities for compliance with the liability regulations.

- **Office of Corporation Counsel**

This office conducts all legal business for the District of Columbia including suits instituted by and against the government. It provides a variety of legal services, including matters typically handled by State Attorneys General, District or State's Attorneys, and City or County Attorneys. The Office of Legal Counsel provides assistance in reviewing and certification of legal sufficiency of legislative amendments and regulations to implement the program. This office issues Attorney General Statements and legal opinions. The Law Enforcement Division is responsible for advising the Department on enforcement actions and prosecuting cases referred by the Department of Health's Office of Enforcement and Regulatory Compliance.

- **Board of Appeals and Review (BAR)**

This board has the appellate jurisdiction over enforcement actions taken by DOH. Any person adversely affected by an action pursuant to the HWMA statute and regulations is entitled to a hearing before the Mayor. Such hearing shall be held in accordance with other contested case procedures under the provisions of the D.C. Administrative Procedures Act (D.C. Code §1-1509). The decision on the appeal shall be final.

- **D.C. Emergency Management Agency (DCEMA)**

This office is directed to perform its mission by coordinating the development, preparation and implementation of the District's emergency plan for oil and hazardous substance incidents, with the assistance of other District Government agencies and officials. The "District of Columbia Public Emergency Act of 1980" D.C. Act 3-274, effective March 5, 1981 authorizes the development of an *Emergency Operations Plan*. This plan includes emergency situations where the health, safety or welfare is threatened by transportation accidents with injurious environmental contamination which threatens or causes damage to life, health or property, and other related emergency type situations. Annex H of the Plan covers Radiological and Hazardous Materials Incidents. Also, under the requirements of the Superfund Amendments and Reauthorization Act (SARA) Title III, "The Emergency Planning and Community Right-to-Know Act of 1986", the DCEMA has developed the *Comprehensive Hazardous Materials Emergency Response Plan*, which delineates the roles and responsibilities of all affected agencies, both District and Federal, in responding to any hazardous materials incidents.

Under each of these plans, the HWD will respond when notified by the Mayor's Command Center, which is housed in DCEMA. The purpose of the HWD response is to provide technical guidance in the treatment and/or disposal of chemical contaminants that may have been released to the environment. If the HWD is the first agency to be notified of an emergency situation, it will notify the Mayor's Command Center of the emergency. The Mayor's Command Center will then be responsible for notifying other affected agencies. See the appendices.

- **D.C. Metropolitan Police Department (MPD)**

This department will assist District agencies, including the HWD, in responding to

various emergency situations. In instances where hazardous wastes may be explosive and pose an imminent danger to public health and the environment, the bomb squad of the Special Operations Division will assist and coordinate in the destruction or disposal of such waste. This unit will handle enforcement of DOT transporter requirements for hazardous waste by on-the-road monitoring and surveillance activities with enforcement proceedings initiated where so warranted. The MPD has adopted the DOT Motor Safety Requirements.

- **D.C. Fire and Emergency Medical Services Department**

This unit will assist in responses to emergencies in which hazardous materials are involved and which pose an imminent danger to public health and the environment. The Hazardous Materials Response Unit will respond to all incidents involving hazardous materials.

- **D.C. Department of Public Works (DPW)**

This department enforces provisions of the D.C. Municipal Regulations (DCMR), Title 18: Vehicles and Traffic. Its functions include: inspection of motor vehicles, motor vehicle equipment size, weight, construction and loading of vehicles, establishment of routes for the transportation of hazardous cargo and tunnel restrictions as they pertain to the Federal transportation Regulations established by DOT Order #1100.11, July 27, 1967 (49 CFR 170.1). DPW interfaces with HWD in incidents of abandoned wastes on public space, vacant lots, etc. Technical assistance is provided to DPW by the HWD in conducting Household Hazardous Waste collection programs.

- **Environmental Crimes Unit (ECU)**

This unit was established to respond to incidents of illegal dumping under the D.C. Illegal Dumping and Enforcement Act of 1994 (D.C. Law 10-181). The act establishes a special fund to be used for purposes of cleaning, clearing, disposing, and remediating any site where the unlawful disposing of solid waste (definition includes hazardous materials) has occurred. The ECU is funded by DPW and consists of staff from DPW and the MPD. The unit contacts the HWD when it is suspected that illegally dumped materials are hazardous. They bring with them police authority to investigate incidents as misdemeanors or felonies, which allows them to bring cases directly to the U.S. Attorney.

- **U.S. Department of Transportation**

There is a Cooperative Agreement between the Metropolitan Police Department and the Federal Department of Transportation, Highway Administration, Bureau of Motor Carrier Safety. This provides for the reciprocal exchange of compliance information on violations of motor carrier safety regulations pertaining to hazardous waste which comes to the attention of either agency during investigations and inspections regarding DOT transporter and generator requirements.

B. Descriptions of Relevant MOUs Between Agencies

The Special Projects Office within EHA is currently developing a Memorandum of Understanding to create an Environmental Crimes Task Force, which would include the Department of Health, DPW, MPD, etc., to address interactions between these agencies.

There are currently no other MOUs in effect with other agencies, however the Emergency Response Plan within the Emergency Management Agency effectively acts as an MOU between all District agencies, since it delineates agency responsibilities in the event of a hazardous materials incident.

C. Division of Responsibilities between the District and EPA for Portions of the Program for which the District does not have Authorization

The District is not seeking authorization for: Corrective Action (Revision Checklists 17L, 44A, 44C, and 121). These portions of the Federal hazardous waste program will be applied for at a later date. Until the District is authorized for corrective action, EPA will continue to be responsible for this portion of the program. The District is not seeking authorization for corrective action at this time because there is only one TSD facility in the District and corrective action issues at this site will continue to be handled by EPA. The District will provide assistance and cooperation to EPA in all corrective action issues as requested.

Authorization is also not being sought for the non-checklist items related to surface impoundments (SR1 and SR2), which are part of HSWA Cluster I. These units are prohibited in the District; thus, this portion of the Federal program is not applicable in the District and will not need to be managed by EPA. The District is also not seeking authorization for non-checklist items related to radioactive mixed waste and the burning and blending of hazardous waste. The former is a non-HSWA provision and the latter is an optional HSWA provision and as such neither will have to be managed by EPA.

The District is also not applying for State Availability of Information (AI), but under the Memorandum of Agreement, the District agrees to make information available to the public to the same extent that EPA would.

The District is adopting the universal waste requirements relative to the Federal program as of July 1, 1998 and 63 FR 71225 (Revision Checklist 176). The District also regulates mercury-containing lamps as a universal waste, but is not seeking authorization for this universal waste at this time because the District's requirements, while consistent with the Federal requirements, were developed before the promulgation of the Federal hazardous waste lamp rule (64 FR 36466, Revision Checklist 181). Authorization will be sought for this rule as part of the next authorization package.

D. PERMITTING

I. PERMIT ISSUANCE

The following section delineates the responsibilities of both EPA and the District in the issuance of permits to Treatment, Storage and Disposal facilities.

1. EPA Permitting

Upon authorization of the District program, EPA will suspend issuance of Federal permits for hazardous waste treatment, storage, and disposal facilities for which the District is receiving authorization. If EPA promulgates standards for additional regulations mandated by HSWA that are not covered by the District's authorized program, EPA will issue and enforce RCRA permits in the District for these new regulations until the District receives final authorization for equivalent and consistent District standards. If EPA promulgates new standards requiring a permit modification, then EPA may, pursuant to 40 CFR § 270.42(b)(6)(vii), extend the time period for final approval or denial of a modification request until such time that the District receives authorization for the new standards. At the time the District program is approved in the new areas, EPA will suspend issuance of Federal permits in the District.

EPA will also transfer any pending permit applications, completed permits or pertinent file information to the District within thirty (30) days of the approval of the District program or other mutually agreed upon schedule in conformance with the conditions of this Agreement.

The District and EPA have agreed to a joint permitting process for the joint processing and enforcement of permits for those provisions of HSWA for which the District does not have authorization. As the District receives authorization for additional provisions of HSWA, EPA will suspend issuance of Federal permits in the District for those provisions.

2. EPA Overview of District Permits

While EPA may comment on any permit application or draft permit, EPA's overview function will focus primarily on those facilities identified by the District or EPA in the annual District grant work plan or anything identified as a priority in EPA National Guidance.

In accordance with 40 CFR § 271.19, EPA may comment in writing on any draft permit or proposed permit modification, whether or not EPA commented on the permit application. EPA shall notify the District of its intent to comment on a District draft permit within thirty (30) days of receipt. EPA will comment within forty-five (45) days of receipt or will request an extension for those comments as warranted. Where EPA indicates in a comment that issuance, modification, re-issuance, termination or denial of the permit would be inconsistent with the approved District program, EPA shall include in the comment:

- a. A statement of the reasons for the comment (including the section of the District law or regulations that support the comment); and
- b. The actions that should be taken by the District in order to address the comments (including the conditions that the permit would include if it were issued at EPA.)

EPA will send a copy of its written comments to the permit applicant.

The District and EPA will attempt to reach concurrence on permit conditions before the District issues the draft permit or approves proposed permit modifications. EPA shall withdraw its comments if satisfied that the District has met or refuted its concerns and shall also provide the permit applicant with a copy of the withdrawal.

The Director and the Regional Administrator agree to meet or confer whenever necessary in a timely manner to resolve a disagreement between their staffs on the terms of any RCRA permit to be issued by the District. Unless otherwise agreed to, the District and EPA will work toward resolving all issues within thirty (30) days.

Under §3008(a)(3) of RCRA, EPA may terminate a District-issued permit in accordance with the procedures of 40 CFR part 124, subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR part 22 in the case of a violation of a District program requirement. In exercising these authorities, EPA will observe the conditions established in 40 CFR § 271.19(e), and any other applicable authorities.

EPA may review file information at District offices or request a copy of any permit application, draft permit or proposed permit modification, statement of basis or fact sheet, and any supporting documentation that went into the development of the draft permit. The District will provide this information within one (1) week of request.

3. District Permitting

The District is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing and terminating RCRA permits for those hazardous waste treatment and storage facilities contained in the authorized provisions of the District's program. The District shall do so in a manner consistent with RCRA, as amended by HSWA, all applicable Federal requirements, and the annual District grant work plan. The District commits to meet the 2005 GPRA RCRA permitting goal, which requires that at least 90% of existing hazardous waste management facilities have approved controls in place to prevent dangerous releases to air, soil, and groundwater.

The District will issue, modify or reissue all permits contained in the authorized portions of the District's program in accordance with DC Code §§ 1-1501 *et seq.*, 6-703 and 6-705, and 20 DCMR, Chapter 44, and will include as permit conditions all applicable provisions of 20 DCMR Chapters 46 and 47. This applies to permits issued after final authorization but for which the processing may have begun before final authorization.

In permits issued pursuant to the District's authorized Program, the Department will ensure that compliance tasks are described in clear, unambiguous and plain language to

the extent practicable. The compliance tasks should be clear, measurable and definable, thereby lending themselves to greater enforceability. For example: "Conduct periodic inspections" should be replaced with "Inspect on a daily/weekly/biweekly/monthly basis. A log book documenting inspections shall be maintained at the facility for a period of 3 years."

The District's permitting process will conform to 20 DCMR Chapters 46 and 47, that are analogous to 40 CFR parts 270 and 124.

When circumstances arise that warrant extraordinary action, the District may exercise the variance authorities established in DC Code, §§ 6-701(a) 1 & 2; 6-703(b); 6-705(a); 6-706 and 6-709 (1995 Repl. Vol.). The District will not exercise its variance authority, including emergency administrative orders, unless the result is as stringent as and consistent with the Federal program, and consistent with other State programs. Compliance schedules contained in issued permits will require compliance with applicable standards as soon as possible.

The District will consider all comments EPA makes on permit applications and draft permits. The District will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

4. Joint Permitting Process

Pursuant to § 3006(g)(1), and in accordance with the Hazardous and Solid Waste Amendments of 1984, EPA has the authority to issue or deny permits or those portions of permits to facilities in the District of Columbia for the requirements and prohibitions in or stemming from HSWA, until the District's program is amended to reflect those requirements and prohibitions, and authorization is received for the portion or portions of the program.

EPA and the District will establish a joint permitting process for the issuance of RCRA permits in the District of Columbia. This joint permitting process is established in accordance with §3006(c)(3) of RCRA. Details of joint permitting activities will be negotiated yearly through the annual District grant work plan. The duties and responsibilities of EPA and the District for joint permitting shall also be specified in the annual District grant work plan.

The details of the joint permitting process as contained in the District grant work plan shall be reviewed and revised as often as necessary, but no less often than annually to assure its continued appropriateness.

Upon authorization of the District for any of the provisions of the HSWA, the specifics of the Joint Permitting Agreement as set out in the annual District grant work plan shall be amended to reflect the authorization. EPA will perform oversight of District corrective action activities on an ongoing basis throughout each grant fiscal year in accordance with

work sharing responsibilities established in the annual grant work plan as resources allow. The District will assist EPA in meeting the District's share of EPA's 2005 GPRA goals for corrective action environmental indicators, details of which will be established in the annual grant work plan.

II. PERMIT ADMINISTRATION

1. EPA

EPA will administer the RCRA permits or portions of permits it has issued to facilities in the District until they expire or are terminated. EPA will be responsible for enforcing the terms and conditions of the Federal portions of the permits while they remain in force. Upon authorization of HSWA regulations, the EPA and the District will work toward establishing District authorities that will allow District oversight and enforcement in addition to Federal oversight and administration. Prior to authorization of additional authorities, EPA and the District may establish interim agreements that will allow District work sharing activities. When the District assumes full responsibility of an EPA permit, or incorporates the terms and conditions of the Federal permits in District RCRA permits, or issues District RCRA permits to those facilities, EPA will terminate those permits pursuant to 40 CFR part 270 and rely on the District to enforce those terms and conditions subject to the terms of an acceptable District/EPA Enforcement Agreement.

2. District

The District will review all hazardous waste permits that were issued under District law before the effective date of authorization in accordance with 40 CFR § 271.13(d), and to modify, or revoke and reissue, those permits necessary to require compliance with the amended District Program. The District shall notify EPA of any permits not equivalent to federal permit requirements, including any permits that have been issued but are pending administrative or judicial appeal. Except for these non-equivalent permits, once EPA has determined that the District has fulfilled the requirements of 40 C.F.R § 271.13(d), EPA will terminate the applicable Federal permit, or Federal portion of the permit, pursuant to the procedures in 40 CFR § 124.5(d), notify the District that the permit is terminated, and no longer administer those permits or portions of permits for which the District is authorized.

Where the District permit is not equivalent to federal permit requirements, the District may modify, or revoke and reissue, its permit as necessary to require compliance with its authorized program in a manner consistent with RCRA as amended by HSWA. If the District does not modify, or revoke and reissue, a permit equivalent to the federal permit, EPA will administer and enforce its permit until it expires or is terminated.

Upon the effective date of an equivalent District permit, EPA will terminate the federal permit pursuant to 40 CFR §§ 271.8(b)(6) and 124.5 (d). EPA will notify the permittee

by certified mail of its intent to terminate the federal permit, and give the permittee 30 days in which to agree or object to termination of the permit.

The District will resolve all District permit appeals in a manner consistent with its authorized RCRA program.

SECTION IV -- STAFFING AND FUNDING RESOURCES

A. Staffing Description

The Hazardous Waste Program is implemented by members of the Department assigned to one division within the Bureau of Hazardous Material and Toxic Substances (BHMTS) of the Environmental Health Administration. This is the Hazardous Waste Division (HWD).

The Program Manager of the HWD reports to the BHMTS Bureau Chief, who ensures consistency and coordination among the programs within the Bureau. The RCRA program responsibilities fall within the Hazardous Waste Division.

The Division currently has 6 positions allocated to the RCRA hazardous waste program. These positions are for the purposes of supervision and management, information gathering, processing and dissemination, developing regulations and drafting the authorization application, permitting, inspections, investigations, and enforcement actions concerning compliance with the RCRA regulations.

State Agency Staff Description

- 1). Program Manager, Hazardous Waste Division
 - a). The Program Manager is responsible for the overall administration of the Hazardous Waste Division.
 - b). Responsible for planning, setting general policies and directing coordination with other local and national agencies on issues pertaining to the hazardous waste program.
 - c). Responsible for legislative development, and the development and implementation of strategies and programs to assure compliance with all hazardous waste regulations.
 - d). Monitors and evaluates the performance, progress and fiscal status of the RCRA program, and the continuing modification and advancement of the District's program to meet Federal and District legislative and regulatory requirements.
- 2). Supervisory Environmental Specialist
 - a). The Supervisory Environmental Specialist is responsible for the day to day activities of the personnel in the Division.
 - b). Makes daily assignments for inspections, complaints and emergency response.
 - c). Responsible for development of annual budget and grant application.
 - d). Produces required quarterly, mid-year and end-of-year status

reports to EPA. Provides monthly performance measure and priority project updates to DOH.

3). Three Environmental Specialists

- a). Two of the environmental specialists are responsible for conducting site compliance inspections and investigations of generators, transporters and TSD facilities. They are also responsible for items b). through f). below.
- b). Review plans and specifications for proposed hazardous waste facilities, compile statistical data from field sampling analysis, monitor the manifest tracking system, and provide technical assistance to the public and industrial officials to facilitate compliance with appropriate regulations.
- c). Participate in the development of regulations and legislation and assist in overall program enhancement.
- d). Prepare reports in the proper format for data entry and review reports generated from the Resource Conservation and Recovery Information System (RCRIS) for verification. Monitor and evaluate reports submitted by generators, transporters and facility owners or operators.
- e). All technical staff is responsible for the review of facility permits, and developing draft and final permits.
- f). Respond to releases or abandonment of hazardous materials at the request of the DC Emergency Management Agency, the Hazardous Material Unit of the Fire Department or citizen's complaints. Provide information as technical consultants in handling emergency responses.
- g). The third environmental specialist works out of the Special Projects Office and is responsible for the District's Hazardous Waste Minimization/Pollution Prevention activities as well as public outreach initiatives.
- h). Technical staff positions require formal education and experience in the sciences. Current staff includes engineers, a chemist and a biologist.

4). Clerical Assistance

- a). There is one Clerk/Typist who provides general office support and maintains files, records and reports.

B. Changes in Staffing and Internal Reorganization since the Base

While the designation of the organizational structure from DCRA to DOH has changed as described in Section III (A) above, the internal structure of the Hazardous Waste Division with respect to federal funding remains essentially unchanged. On the non-federal side, the HWD no longer has an Advisor from the Service Facilities Regulation Administration; an attorney from the Office of the Corporation Counsel; a legislative assistant; the Chief from the Office of Health Training and Program Evaluation; and a clerical assistant. These positions were necessary for the development of the District's new hazardous waste management program in the 1980s. As the program evolved and as a result of several reorganizations over the years, only staff necessary to administer the daily activities of the base program was necessary. Through training and experience, they have developed the capabilities to carry out the base program. As we transition into the newly authorized program, changes in priorities, training and the use of management tools, such as enhanced data processing capabilities, will serve to increase program efficiency. However, minimally increased workloads caused by the addition of universal waste and used oil regulations, in particular, point to the need for staff training, and the development of procedures, fact sheets and other public outreach activities. The environmental specialist working out of the Special Projects Office will accomplish much of this work.

The basic make up of technical staff has changed from 2.25 man-years (environmental specialists) to 3 man years since the originally authorized base program. However, one of the three current environmental specialists, as previously indicated was re-assigned, in October 1998, to the Special Projects Office within EHA to assist in the development of a comprehensive Waste Minimization Program for the District of Columbia. This was done at the suggestion of the EPA Pollution Prevention/Waste Minimization staff, who recommended that the District devote one full-time position to Waste Minimization issues.

The remaining environmental specialists have assumed the duties of this staff member in conducting inspections, responding to complaints and emergencies, responding to FOIA requests, regulation development, etc. With the development of improved procedures, the use of training, and management enhancements described above, the current staff will be able to assume the increased workload resulting from full authorization.

C. Changes in Size of the Regulated Community

Tables IV -1. and IV - 2. describe the changes in the number of active generators and the amount of waste generated by Large Quantity Generators from 1983 to 1997.

Table IV-1. Hazardous Waste Handler Universe

Type	Base Program Numbers ¹	Revision Application Numbers ²	Change Since Base
Generators	58	674 Active	+616
Transporters	10	2 ³	-8
On-site Storage Facilities	4	1 ⁴	-3
Off-site Storage Facilities	0	0	0
On-site Treatment Facilities	0	0	0
Off-site Treatment Facilities	0	0	0
On-site Disposal Facilities	0	0	0
Off-site Disposal Facilities	0	0	0
TOTAL			

¹ Based on data received from EPA on June 1, 1983.

² There are a total of 1062 generators that have been placed in the District of Columbia database since the inception of the program. Due to facilities going out of business and other reasons, the total of currently active generators is 674.

³ There are currently no commercial transporters in the District. Two generators are “self transporters”.

⁴ There were four “protective filers” in 1983. Only one went through the process of obtaining a permit.

Table IV-2. Annual Hazardous Waste Quantities Generated

Type	Base Program Numbers (lbs.) ⁵	Revision Application Numbers (lbs.) ⁶	Change Since Base
Generated within the District	1,291,780	954,379	-337,401
Transported into the District	0	0	
Transported out of the District	1,291,780	954,379	-337,401
Stored on-site within the District	0	0	0
Stored off-site within the District	0	0	0
Treated on-site within the District	0	0	0
Treated off-site within the District	0	0	0
Disposed of on-site within the District	0	0	0
Disposed of off-site within the District	0	0	0
On-site treatment facilities	0	0	0
Off-site treatment facilities	0	0	0
On-site disposal facilities	0	0	0
Off-site disposal facilities	0	0	0

⁵ Based on 1987 data for 8 large quantity generators.

⁶ Based on 1997 data for 15 large quantity generators.

D. Program Changes that have Significant Impact on the District's Efficiency and Existing Program Resources

The inclusion of program changes such as Toxicity Characteristic (TC) did not affect the size of the regulated universe in the District. The vast majority of the generators in the District are dry cleaners and auto repair shops that are either small quantity generators or federally defined conditionally exempt small quantity generators. The large increase in the regulated universe soon after establishment of the base program was not the result of regulatory changes since the base authorization, but rather the result of outreach programs instructing businesses that they might be subject to regulation under the new program requirements.

Regulatory changes such as Land Disposal Restrictions (LDR) affected the program by requiring the inclusion of LDR checklists as part of the inspection procedures and increased the amount of time needed to complete records review and to document inspections. However, these increased activities have been absorbed into the routine of the program over the years and therefore do not create an unnecessary drain on the program.

One resource change that has had an impact has been the reassignment of one of the program environmental specialists to the Special Projects Office within the Environmental Health Administration to assist in the development of a District-wide Waste Minimization Plan along with other P2/WasteMin activities. Remaining staff has assumed many of the duties of the reassigned staff member and once they have completed assignments relating to the development of regulations and this authorization package, they will be able to more fully integrate all of his duties into their daily routines.

The federal de-centralization of RCRIS and BRS will result in more data management tasks, which may reduce the time allotted to inspectional activities. Once current staff has completed integration of the new RCRIS and BRS requirements into the program, we will commence a transfer of the BRS program to the Special Projects Office as a means of evaluating the effectiveness of the District's Waste Minimization Program.

E. Itemization of Estimated Costs and Sources of Funding for Revision

The following Tables outline the budget and sources of funding for FY'84 (the first year of funding under the base program) and FY'00, 01 and 02 (Table IV-3), a break out of the FY 2000 budget by activity (personnel, travel, equipment, etc.) and by funding source (Table IV-4), the source of funding for each staff position for FY 2000, 2001 and 2002 (Table IV-5, 6 and 7), and the proposed FY 2001 and 2002 budgets (Tables IV-8 and 9).

Table IV-3. BUDGET AND SOURCES OF FUNDING

Program Element	Budget FY'84	Budget FY'00	Budget FY'01	Budget FY'02
Personnel	\$124,153	\$214,913	\$215,555	\$215,555
Fringe Benefits	13,353	38,470	38,584	38,584
Travel	2,500	3,080	2,044	2,044
Equipment	32,000	0	0	0
Supplies	2,500	3,300	1,610	1,610
Contractual	12,332	800	600	600
Other	3,250	8,850	6,400	6,400
Indirect Cost	15,827	85,643	85,899	85,899
Total	206,095	355,056	350,692	350,692
Federal Share	152,042	266,173	262,253	262,253
D.C. Share	54,053	88,883	88,439	88,439

Table IV-4. SUMMARY OF FY'00 PROGRAM BUDGET

SUMMARY OF PROGRAM ACTIVITY

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
PERSONNEL	\$ 56,344	\$ 158,569	\$ 214,913
FRINGE BENEFITS	\$ 10,086	\$ 28,384	\$ 38,470
TRAVEL		\$ 3,080	\$ 3,080
EQUIPMENT		\$ -	\$ -
SUPPLIES		\$ 3,300	\$ 3,300
CONTRACTUAL		\$ 800	\$ 800
OTHER		\$ 8,850	\$ 8,850
TOTAL DIRECT COST	\$ 66,430	\$ 202,983	\$ 269,413
INDIRECT CHARGES	\$ 22,453	\$ 63,190	\$ 85,643
TOTAL PROGRAM COST	\$ 88,883	\$ 266,173	\$ 355,056

Table IV-5. PERSONNEL -- FY'00

TITLE	NUMBER OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Program Manager	1	.1	X	
Supervisory Environmental Specialist	1	.79	X	
Environmental Specialist	3	3.0		X
Clerical Assistant	1	1		X
Information Technologist	1	.1		X
Receptionist	1	.1		X
Totals	8	5.09	2	6

Table IV-6. PERSONNEL -- FY'01

TITLE	NUMBER OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Program Manager	1	.06	X	
Supervisory Environmental Specialist	1	.69	X	
Environmental Specialist	3	3.0		X
Clerical Assistant	1	1		X
Totals	6	4.75	2	4

Table IV-7. PERSONNEL -- FY'02

TITLE	NUMBER OF EMPLOYEES	MAN YEARS	NON-FEDERAL FUNDS	FEDERAL FUNDS
Program Manager	1	.06	X	
Supervisory Environmental Specialist	1	.69	X	
Environmental Specialist	3	3.0		X
Clerical Assistant	1	1		X
Totals	6	4.75	2	4

Table IV-8. SUMMARY OF PROPOSED PROGRAM BUDGET FOR FY'01

SUMMARY OF PROGRAM ACTIVITY

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
PERSONNEL	\$ 56,063	\$ 159,492	\$ 215,555
FRINGE BENEFITS	\$ 10,035	\$ 28,549	\$ 38,584
TRAVEL		\$ 2,044	\$ 2,044
EQUIPMENT		\$ -	\$ -
SUPPLIES		\$ 1,610	\$ 1,610
CONTRACTUAL		\$ 600	\$ 600
OTHER		\$ 6,400	\$ 6,400
TOTAL DIRECT COST	\$ 66,098	\$ 198,695	\$ 264,793
<u>INDIRECT CHARGES</u>	<u>\$ 22,341</u>	<u>\$ 63,558</u>	<u>\$ 85,899</u>
TOTAL PROGRAM COST	\$ 88,439	\$ 262,253	\$ 350,692

Table IV-9. SUMMARY OF PROPOSED PROGRAM BUDGET FOR FY'02

SUMMARY OF PROGRAM ACTIVITY

ACTIVITY	NON-FEDERAL FUNDS	FEDERAL FUNDS	TOTAL
PERSONNEL	\$ 56,063	\$ 159,492	\$ 215,555
FRINGE BENEFITS	\$ 10,035	\$ 28,549	\$ 38,584
TRAVEL		\$ 2,044	\$ 2,044
EQUIPMENT		\$ -	\$ -
SUPPLIES		\$ 1,610	\$ 1,610
CONTRACTUAL		\$ 600	\$ 600
OTHER		\$ 6,400	\$ 6,400
TOTAL DIRECT COST	\$ 66,098	\$ 198,695	\$ 264,793
<u>INDIRECT CHARGES</u>	<u>\$ 22,341</u>	<u>\$ 63,558</u>	<u>\$ 85,899</u>
TOTAL PROGRAM COST	\$ 88,439	\$ 262,253	\$ 350,692

SECTION V -- DISTRICT PROCEDURES AND PERMITTING PROGRAM

A. Regulatory Development

Revisions to the District program will require amendments to D.C. Law 2-64, or amendments to the regulations. Amendments to D.C. Law 2-64 will be required to establish accounts and procedures for collecting fees from generators for issuance of EPA Permanent and Provisional ID Numbers. These are District-specific initiatives that will not affect this request for re-authorization. Also, these amendments will be proposed after the final re-authorization request has been approved. Procedures for amending the statutes and the regulations are discussed in separate sections below.

1. Legislative Amendments

The legislative process in the District of Columbia is unique because of its relationship to the federal government. The District of Columbia Home Rule Act of 1973, as amended by the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995 (the "Home Rule Charter"), establishes the procedure for enacting local legislation. This Act requires the Council of the District of Columbia to vote twice, at least thirteen days apart, to approve any legislation other than emergency legislation. It is then signed or vetoed by the Mayor within 10 working days after receipt by the Mayor. Council can override a veto by the Mayor with a two-thirds majority. Acts are also subject to either a 7-day or 14-day period of review by the Financial Responsibility Management Assistance Authority (Control Board). Once enacted in this manner, the legislation must be transmitted to Congress for a thirty-day period of review when both Houses are in session.

Enactment of D.C. Laws normally takes a minimum of four months, from the time of introduction into the Council to the end of the congressional review period. This process is detailed in the attached flow chart (Figure I). Speedier consideration is available with the cooperation of the Committee of the Council of the District of Columbia to which the bill is referred, and the time could be cut to two months. The 30 days congressional review period is fixed.

The Home Rule Charter provides that the Council, by a vote of two-thirds of its members (9 members), can enact emergency legislation if it determines that the public health or safety is at stake or other emergency circumstances are present. Technically, emergency legislation can be enacted in one day. No congressional review is necessary. This emergency legislation is however, effective for a period of ninety days only. During this period, Council can enact temporary legislation, in effect extending the life of the emergency legislation for up to 270 days. Permanent legislation can then be enacted, if necessary, using the normal legislative process described above.

2. Rulemaking Process

The Mayor is authorized, under D.C. Law 2-64, as amended, to promulgate and revise appropriate regulations in accordance with the District of Columbia Administrative Procedures Act (DCAPA) (D.C. Code, 1-1501 *et. seq.*), provided, however, that the proposed rules must be submitted to the Council of the District of Columbia for a 45-day review period. If Council does not approve or disapprove the proposed rules during the 45-day review period, the rules are deemed approved. Subsection 1-1506 of the DCAPA requires that regulations be published in a Notice of Proposed Rulemaking in the D.C. Register, not less than thirty days prior to the effective date of the proposed adoption, amendment or repeal of the rule. The public is invited during this thirty-day period to submit comments. If no substantive comments are received and if the Council does not disapprove the regulations, a Notice of Final Rulemaking will be published in the District of Columbia Register stating that the regulations are adopted, effective upon publication of the notice. If comments are received which necessitate substantive amendments to the proposed regulations, they must be republished in a new Notice of Proposed Rulemaking for an additional 30 days.

B. Notification

All generators and transporters of hazardous waste, as well as all facilities that treat, store or dispose of hazardous waste, need an EPA Identification number. The identification number, which is a twelve-digit number, is used by the District and EPA to maintain a national database on hazardous waste activities.

Generators can obtain an EPA identification number by completing a Notification of Regulated Waste Activity (EPA Form 8700-12). There are two types of ID Numbers that are used, namely a permanent EPA ID Number and a provisional (Temporary EPA ID) Number. A permanent number is assigned to those facilities that generate hazardous waste on an on-going basis. A provisional ID number is issued to those facilities that generate hazardous waste on a one-time basis.

The District has been granted authority as the Implementor of Record for the issuance of permanent EPA ID Numbers. When the District receives the notification form, the information is entered into the national Resource Conservation and Recovery Information System (RCRIS) database, which generates the ID Number. The ID Number is site location specific, and will not change with a change in ownership at that address. Generators are required to submit a new Form 8700-12 whenever a change occurs in any information on the form.

Provisional ID numbers are issued by the District based on calendar year and in ascending order. In some instances, provisional numbers are issued to a facility prior to the issuance of a permanent number. The District maintains its own in-house database of provisional ID Numbers.

C. Manifest Tracking System

The District's regulations require all shipments of hazardous waste to be accompanied by a manifest at all times, with no exempt hazardous wastes. The District does not have an automated Manifest Tracking System. The District's current manifest tracking system provides for "cradle to grave" tracking of hazardous wastes, through random checking of manifests for completeness and accuracy.

Since the District has not developed its own manifest, generators are required to use the manifest of the state to which the shipment is destined or a uniform manifest from any other source.

The distribution of copies of the manifest shall be as follows: The generator retains two copies of the manifest: One for his records to be kept at the generation site, and one to be sent to the Department. The remaining copies are given to the transporter(s), who keeps one and gives the rest to the TSD facility. The facility keeps one copy and sends two to the generator, upon receiving the waste. The generator keeps one returned copy and sends one to the Department as proof that the waste has reached the TSD facility.

Generators, transporters and treatment and storage facilities are required to keep copies of all manifests on site for a minimum of three years (five years for Land Disposal Restricted wastes), or longer as litigation or enforcement actions require.

Generators, transporters and TSD operators are all responsible for assuring that the manifests are properly completed and signed, and the wastes properly packaged and labeled, and all containers are in good condition before consigning or accepting wastes.

The generator is responsible for initiating an investigation if he has not received a signed copy of the manifest from the TSD facility, confirming acceptance of the wastes within 35 days of shipment. If receipt of the waste by the designated TSD has not been confirmed within 45 days of shipment, the generator must file an exception report with the Department, and with the authorized state regulatory agency where the designated TSD is located (or the appropriate US EPA Regional Office if there is no authorized state program,) notifying these agencies that receipt of waste has not been confirmed by a signed manifest.

Similar procedures cover international shipments, except that the generator must file the exception report with the Department and EPA Region 3 if (a) he has not received a copy of the manifest from the initial transporter confirming departure of the wastes from the U.S. within 45 days of shipment; or (b) within 90 days of shipment, he has not received written confirmation from the foreign consignee that the wastes have been received.

If the Department does not receive confirmation that the shipment was received by the designated facility, i.e., if an exception report is filed, or if the manifest contains a statement from the transporter or facility owner or operator that there was a problem with the shipment, the Department will conduct an investigation into what happened with that specific shipment.

Hazardous waste shipments that are rejected by TSD facilities are to be returned to the generator. The generator should then re-manifest the hazardous waste within 30 days. Rejected loads may be transported to another TSD facility provided that the generator grants permission and the Department is notified. The generator must submit a rejected load form to the Department within five days.

D. Coordination of Information Regarding Interstate and International Shipments

Since all waste that is generated in the District is transported out of the District, hazardous waste manifests received serve as a repository of information regarding the shipment of hazardous wastes to other states. This information is made available to the Federal Program through the biennial reporting system that, every even numbered year, compiles information on waste generated in the District and transported out of the District in the previous year. This information is also available on an as-needed basis when requested by the federal or other state governments.

Since the District is not a port of entry, we do not anticipate receiving any international shipments of hazardous waste. The District has not had any instance of hazardous waste shipped internationally from the District, nor is any anticipated. However, in the remote chance of an international shipment, the District will prepare a notice of international shipment and submit it to EPA. Also, the District requires that copies of manifests for international shipments that are sent to EPA also be sent to the District.

During inspections of hazardous waste transfer facilities, the inspectors validate material stored on site against information on appropriate manifests. Since there are no treatment or disposal facilities in the District, regulatory oversight is not required. For storage facilities, permits prohibit the acceptance of waste from off-site facilities.

E. Permitting Procedures

New Permits--The District regulations require all new facilities that treat or dispose of hazardous waste or store such wastes in excess of ninety (90) days, to first obtain a hazardous waste facility permit. A hazardous waste facility permit application must be submitted to the Director of the Department at least 180 days before physical construction of the facility is expected to commence. The District will utilize the federal Part A and Part B application forms. The District will meet with an applicant for a permit to inform him or her of the requirements of the permit application and to provide technical guidance if necessary.

Upon receiving a permit application, the Department will review the application for completeness. No application will be considered complete unless information is supplied which describes the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the permitted unit. This information must address reasonably foreseeable potential releases from both normal operations and accidents; the potential pathways of human exposure resulting from releases; and the potential magnitude and nature of human exposure resulting from such releases.

The Part A and Part B applications will be reviewed separately and noted deficiencies will be referred back to the applicant. When the Department determines that the application is complete, it will conduct a thorough technical review of the permit

application, and prepare a draft permit or draft denial. It will publish a notice in the District of Columbia Register and local newspapers in accordance with Chapters 46 and 47 and the DC Administrative Procedures Act (DCAPA) to inform the public of the permit application and allow 45 days for public comment. If the Department decides to issue the permit, it will include pertinent conditions to be incorporated into the permit. If the Department decides to deny the permit, the denial will include the reasons for such action. Construction of a hazardous waste management facility may not commence until a final permit has been issued.

Once technical staff prepares a draft permit, it will be submitted for review and comment to the other divisions within the Environmental Health Administration that have an interest in the possible impacts of the facility, before it is published in the D.C. Register for public review and comment.

If a public hearing is requested (by the interested public, affected parties, or the applicant), or if the Department determines that a public hearing is warranted, the Department will conduct a public hearing in accordance with the D.C. Hazardous Waste Regulations, and the DCAPA. The public hearing will provide the opportunity for all interested and affected parties, including the applicant, to present both oral and written testimony. A record of the hearing will be prepared, and answers to all questions raised at the hearing will be provided by the Department within thirty (30) days of the hearing. A copy of the hearing testimony and responses will be made a part of the facility permit application record. If substantive changes are necessary, they will be incorporated into the final permit. TSD facility permits are effective for a period not exceed ten years. Permits may be issued for a term less than ten years.

Permit Renewals--Facility owners or operators must file a new facility permit application with the Department a minimum of one year prior to the permit's expiration date. To apply for a new permit, the permittee will file another complete facility permit application, including those items that require updating. If the permittee has submitted a timely application and the Director does not issue a new permit by the expiration date of the original permit, then the original permit shall remain in effect until a new permit is issued. If the permittee is not in compliance with the conditions of his current or expiring permit, the Director may initiate enforcement action, issue a notice of intent to deny the new permit, issue a new permit with appropriate conditions, or take any other necessary actions.

Upon conducting a completeness and technical review, the Department will publish a notice in the District of Columbia Register and local newspapers in accordance with the DCAPA to advise the public of the application. The Department will make available to interested parties, copies of this application and supporting material, upon request.

At the request of interested groups or citizens, or the permittee, a public hearing will be conducted on the application. This public hearing will follow the same procedures and requirements as for the initial permit hearing. If the General public or permittee does not request a hearing, they may submit comments to the Department. Within thirty (30) days of the hearing date or closing of the comment period, and after reviewing the comments, the Department will process the facility permit. If substantive changes are necessary, they

will be incorporated into the final permit.

Permit Modifications, suspension and reissuance, and revocation--In accordance with Chapter 46, the Department may initiate action to modify a facility permit before it expires, if it is determined that new information or changing conditions warrant a modification of the facility permit to adequately protect public health, safety, and the environment. The Department, private citizens, citizens groups, other agencies, or the permittee may seek a request for a facility permit modification.

Before a permit is modified, the Department will prepare a letter stating the nature of the proposed modification of the permit, and the reasons for such modification. Copies of this letter will be forwarded to the facility owner or operator. A notice of the proposed permit modification will be published in the District of Columbia Register and local newspapers to allow the public an opportunity to comment. At the request of interested groups or citizens, or the permittee, the Department will conduct a public hearing on the proposed modification. This public hearing will follow the same procedures and requirements as for the initial permit hearing. If the General public or permittee do not request a hearing, they may submit comments to the Department on the proposed modifications. Within thirty (30) days of the hearing date or closing of the comment period, the Department will review the comments and make a determination on the permit modification.

Permits may be suspended and reissued, or revoked either at the request of an interested person (including the permittee) or upon the director's initiative.

A permittee may transfer a permit to a new owner or operator only if the permit has been modified or suspended and reissued to identify the new permittee and incorporate other requirements necessary.

A permit may be suspended and reissued, instead of modified if: there are material and substantial alterations or additions to the permitted facility or activity; when the Director receives information that indicates a suspension and reissuance is required; when the standards or regulations upon which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision; when the Director determines that good cause exists for modification of a compliance schedule due to events over which the permittee has little or no control and for which there is no reasonably available remedy; when a permit for a facility is reviewed and the Director determines that modification is necessary to assure that the facility continues to comply with currently applicable requirements; when cause exists for revocation and the Director determines that modification or suspension and revocation is appropriate; or the Director has received notification of a proposed transfer of a permit.

A permit can be revoked during its term for the following reasons: Non-compliance by the permittee of any condition of the permit; the permittee's failure on the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or a determination that the permitted activity endangers human health and the environment and can only be regulated to acceptable levels by permit modification or revocation.

If the Director tentatively decides to revoke a permit, he or she shall issue a notice of intent to revoke, which is a type of draft permit that follows the same procedures of issuance as any draft permit, including reasons for the notice of intent to revoke, public notification and availability for public comment and a notice of opportunity for a public hearing.

F. Interim Status Facilities

The District currently does not have any interim status facilities. If the District should have an interim status facility in the future, it will follow the same procedures used by the Federal program.

G. Biennial Reports

The Hazardous Waste Management Act requires hazardous waste generators to report to the District every other year (even numbered years) addressing the quantities, nature, and disposition of hazardous wastes generated or managed during the previous year. Congress mandates that this information be compiled nationally and made available to the public. The EPA acts as lead agency in preparing the national report. The District makes locally collected data available to EPA in an agreed upon electronic format.

Beginning in Fiscal Year 2000, EPA no longer will support a Biennial Report (BRS) database. Therefore, it is incumbent upon the District to develop its own database to address the biennial reporting requirements in the future. For the FY 2000 report, we have obtained software provided by State of Florida to enter our BRS data. Unlike the Federal BRS program, the District requires biennial reports from all of its generators, not just the Large Quantity Generators (LQGs). For federal Large Quantity Generators (LQGs), the District utilizes the federally required BRS forms. All other generators are required to report the quantity of waste generated, waste description, waste code and method and location of disposal.

The BRS packages, with appropriate forms and instructions, are mailed to all generators in late December of the appropriate year. Dependent on perceived needs of generators, the District conducts training sessions for all interested generators on how to comply with the BRS requirements. Completed reports are due by March 1. Extensions until April 1 are granted upon request. Responses are tracked utilizing an internal log system. Information is processed (placed into the database) as it is received.

Beginning April 1, the hazardous waste staff begins to issue Notices of Violation to generators who have not submitted their reports. Failure to respond to Notices of Violation results in the issuance of Notices of Civil Infraction for failure to respond and failure to submit the Biennial Report.

H. Enforcement-General Inspections

D.C. Law 2-64, gives the Department authority to enter (at a reasonable time, within reasonable limits and in a reasonable manner), to inspect any facilities involved in hazardous waste activities, copy records and obtain samples, upon presenting Department credentials.

All facilities are inspected on a periodic basis.

Consistent with this authority, the Department conducts two types of inspections to monitor compliance with the program: 1) routine, comprehensive compliance inspections, and 2) compliance inspections initiated as a result of a complaint from another government agency or individual, or if a violation is suspected based on information submitted by the regulated community. The Department's efforts are concentrated mainly on the routine inspections. The second inspection type is generally employed as a means of investigating information obtained regarding possible violations and as part of the program, to determine compliance and noncompliance. Handlers are inspected based on the following priorities:

- 1) Those not inspected in the last three years;
- 2) Those receiving new EPA ID numbers;
- 3) Those receiving high priority from EPA under GPRA goals and federal sector initiatives; and,
- 4) Those covered under District-specific sector and community based initiatives

All inspections and sampling are conducted in accordance with the chain of custody procedures and protocols outlined in the RCRA Inspection Manual that the District has adopted. The inspection procedure is as follows:

- 1) The inspector enters the facility during normal business hours (unless it is an emergency situation).
- 2) The inspector introduces himself or herself and presents credentials.
- 3) The inspector proceeds to conduct a pre-inspection discussion with the facility owner explaining if necessary, the HWMA regulations and other program requirements, the scope of the inspection and any rights (e.g. to sample) provided for by the Act or regulations.
- 4) The inspector then conducts the inspection using an inspection checklist, reviews records and, if necessary, obtains samples.
- 5) The initial findings of the inspection are then discussed with the owner.
- 6) The inspector returns to the office and prepares the inspection report and the Notice of Violation, if appropriate.
- 7) A copy of the inspection report is sent to the facility, describing the inspector's findings.
- 8) Enforcement procedures, as described in Section VI E, may follow.

A review of pertinent records and sampling is an integral part of the compliance inspection. If a sample is taken, the investigating officer is required to give the owner, operator or agent in charge a receipt describing the sample obtained. If requested, he will provide a portion of the sample equal, in volume or weight, to the portion retained. The U.S. EPA Central Regional Laboratory in Annapolis, Maryland or another approved laboratory performs analyses of the samples. These monitoring methods are also used as means of verifying the accuracy of information submitted by permittee and other

regulated persons.

Inspector training: all hazardous waste inspectors are required to comply with Title 29 of the Code of Federal Regulations, section 1910.120 (e), (OSHA) which requires basic safety and health training for employees involved in governmental recognized clean up operations at uncontrolled hazardous waste sites, corrective action at RCRA sites, and voluntary cleanup efforts at sites recognized by a governmental unit as an uncontrolled hazardous waste site. The 24-hour health and safety training module is a basic module designed for employees engaged in occasional and/or limited specific hazardous waste site work. An 8-hour refresher course is mandated yearly thereafter.

New staff also familiarize themselves with the Division's Standard Operating Procedures, the EPA RCRA Orientation Manual and EPA's basic and advanced inspector's manuals. Training courses provided at the RCRA institute in Denver are taken as resources permit. The District also participates with the Northeast Environmental Enforcement Project, which provides training in basic and intermediate enforcement, multi-media inspections, and basic and advanced environmental crimes investigation.

Staff participates in training provided by EPA in inspections, permit writing, authorization procedures and any training on new aspects of hazardous waste programs as EPA promulgates them.

I. Groundwater Monitoring Inspections

The Hazardous Waste Program has limited capability in the area of ground water monitoring. Since there is only one permitted facility in the District, which is a storage facility, we will request EPA's assistance in performing any groundwater monitoring that may be required at that site. For any releases of hazardous wastes into the environment that may affect groundwater, we will request the assistance of the District's groundwater program and EPA. At any CERCLIS site where a potential impact on the groundwater has been identified, we will refer the case to the District's Superfund program.

J. Waste Minimization/Pollution Prevention Program

One member of the District's hazardous waste staff has been reassigned to the Special Projects Office (SPO) within the Environmental Health Administration. This staff member's main duty is to participate in the development of a District-wide comprehensive pollution prevention/waste minimization plan. The SPO is in the process of developing regulations under the District's Toxic Source Reduction Business Assistance Amendment Act which will establish a program for compiling toxic chemical usage and release information and for assisting small businesses in the development of waste minimization and toxic source reduction plans. The SPO is working on sector-specific initiatives including universities, health care facilities and auto repair shops, along with the development of programs for the recycling on nickel-cadmium batteries.

The District also works with the Department of Public Works in conducting occasional household hazardous waste collection days, by providing technical guidance and assistance.

K. Availability of Information Procedures

The District is not applying for this part of the program at this time.

L. Appeals Procedure

Section 9 of the District of Columbia Hazardous Waste Management Act of 1977, Chapter 47 of the Hazardous Waste Regulations, and the DCAPA provide a right of appeal for any person adversely affected by any action taken pursuant to the provisions of the Hazardous Waste Management Act or rules and regulations promulgated thereto, including applicants for and objectors to a facility permit.

Appeals are made through DOH. DOH will provide reasonable notice of an appeal hearing. This notice will state the time, place and issues involved. Any oral and any documentary evidence may be received. An official record of each appeal proceeding will be maintained.

Every decision will be made in writing and will be accompanied by findings of fact and conclusions of law.

The decisions of DOH can be appealed by filing a written petition for review in the District of Columbia Court of Appeals.

SECTION VI -- COMPLIANCE TRACKING AND ENFORCEMENT

A. Identification of Members of the Regulated Community

- **Identification of revisions that have the potential to significantly increase the size of the RCRA universe**

Revisions to the District's program since the base have not had any significant effect on the size of the RCRA universe. Most generators in the District are either small quantity generators or the equivalent of federal conditionally exempt generators. They generate the same types of waste as they always have and they have not been affected by changes in status, dioxin listing, or newly listed or characteristic wastes. Also, there are no producers, marketers or blenders and burners in the District. Nor are there any BIF facilities.

As the base program began, there were a certain number of generators, TSD facilities and transporters. After an initial notification, which increased the universe greatly, the number of active facilities in the District has remained essentially the same.

- **Strategies and methods for identifying new members of the regulated community**

There are certain categories of businesses that the Department of Consumer and Regulatory Affairs licenses. From the DCRA permitting and licensing information system, we will periodically request a listing of facilities that have been licensed under certain SIC codes which have the potential to generate hazardous wastes. Internally, we will coordinate with the Air Quality Division (AQD), which regulates dry cleaners and auto repair facilities, and the Underground Storage Tank Division (USTD), which regulates gasoline stations and other storage facilities, to determine any new businesses that may be generating hazardous wastes. Staff will also check other sources of information, such as the Yellow Pages, and will maintain a look out during routine inspection runs, to identify potential non-notifiers.

If a potential non-notifier is identified, we will conduct a site visit for the purpose of determining if hazardous waste is being generated. We will inform the owner/operator of our findings and regulatory requirements, with a follow-up Notice of Violation requesting compliance within 14 days.

B. Inspections and Analysis Workload

- **Types of inspections needed to monitor compliance with new program activities**

Based on the fact that a significant increase in the RCRA universe is not expected, we do not foresee any change in the type of inspections that we will conduct. Current inspection procedures have been expanded to include checklists for LDR, manifest review for LDR, and waste stream analysis. Further checklists will be developed for used oil and universal waste facilities and for Subparts AA, BB and CC.

- **Additional sampling and analysis needed to monitor compliance with new program activities**

Due to inadequate funding, the District does not have the capability to collect and analyze samples to validate waste stream analyses or for conducting analyses of abandoned chemicals or properties which have been subjected to releases of hazardous substances.

The District relies on facilities to conduct their own waste stream analyses and to submit their findings for review. For released chemicals, the responsible party is required to hire a contractor to conduct an analysis to determine the extent of contamination. Abandoned chemicals are assumed to be hazardous waste unless there is evidence to the contrary.

For used oil, the District will utilize bio-assay or other available test kits to test for the presence of chlorinated solvents as a means of determining that the used oil has not been mixed with hazardous waste.

If funds become available to conduct limited sampling and analysis, the District's Quality Assurance Program Plan (QAPP) will address procedures that must be followed.

- **Impact on compliance monitoring of existing program**

For the past several years, the District has inspected nearly twice the number of generators required by federal grant guidelines. We do not expect to reduce this percentage, however, on an annual basis we may target different industrial and community based sectors to ensure a representative sampling of all types of facilities within our universe.

Federal GPRA goals and industrial sector initiatives drive most inspection projections. However, in the District, the federal industrial sector initiatives, in many cases, have not applied, because the District does not have the types of facility that EPA may be focusing on. Therefore, the District, in negotiating annual grant agreements, has been free to determine its own sector initiatives. These have included, in the past, dry cleaners, auto repair shops, universities and hospitals. We feel we will be free in the future to focus on other types of facilities that may not be a federal priority.

Any new inspectional activities will be combined with our existing activities, which may increase the amount of time needed for a single inspection.

Inspectional priorities may change at the outset, with the addition of the Universal Waste and Used Oil Rules, since these areas have gone unregulated in the past, and the District will need to ensure that these newly regulated entities are aware of new requirements.

C. Data Management

New activities required through the addition of Universal Waste and Used Oil Rules will require adjustments to current information management systems through the addition of new fields in the District-managed database. Biennial Reports are required under the base program and have been tracked using the current system.

The District will continue to utilize the RCRIS/RCRAInfo system to submit required data to EPA, including Biennial Report information.

Since little tracking is required under the Universal Waste and Used Oil rules, District data activities in these areas will be limited to maintaining a list of universal waste generators and used oil handlers.

D. Compliance Monitoring Resources

- **Additional resources required to implement compliance monitoring of new program activities**

Changes in priorities (e.g. a decrease in the number of certain sector inspections), along with specialized training, will be sufficient to run the program in the long term. However, the bulk of new work will be required in the short term to establish and implement procedures under the new requirements. We will use additional departmental resources in the form of temporary assignments of personnel from other programs or contractual support to take up the slack.

- **Level and mix of resources that the State has available to handle new responsibilities**

In the past, existing staff, through changes in priorities, incorporated new program areas into their existing workload. For Fiscal Year 2000, the base allocation provided by EPA was insufficient to cover personnel costs for the present staff. During negotiations for the FY 2000 grant, additional funding was requested and approved to cover these costs. For the past several years, including FY 2000, the program has been requesting District funds to support two additional staff members, to no avail. Even so, staff has been able to keep up with its current workload. As indicated by Tables in Section IV, the number of generators and the amount of waste generated on an annual basis have not increased since base authorization. The District does not expect a great increase in the universe of regulated facilities from the newly promulgated regulations. Any new generators that are registered from the additional Universal Waste and Used-oil regulations

can be easily assimilated into the staff's normal activities.

E. Enforcement Process

The District's inspection procedures were outlined under Section V. H. This current section focuses on the procedures followed once a violation has been identified.

The D.C. Law 2-64 does not explicitly categorize violations as major or minor. The District may attempt to incorporate into its enforcement matrix, federal procedures for defining major and minor violations. Currently, violations can be handled either through the Civil Infractions process or by referring a case to the Office of the Corporation Counsel (OCC) for civil action or by submitting the case through OCC to the Superior Court for criminal action. Under the provisions of the HWMA, both civil and criminal penalties may be assessed in an amount not to exceed \$25,000 for each violation, and any person who knowingly violates the provisions of the statute may be imprisoned for a period not to exceed one year.

Enforcement Actions—Specific enforcement actions that can be taken are as follows:

1) Notice of Violation, Threat or Release--Within two (2) to five (5) working days after identifying a violation, the Hazardous Waste Division (HWD) issues a Notice of Violation (NOV). This specifies the alleged violation(s) and orders that corrective measures be taken within a given number of days depending upon the violation. The violator must respond in writing that corrective measures have been taken. Periodic follow-up inspections may be conducted to ensure that the corrective action has been taken. If the violation is not corrected, or a response has not been received, then a Notice of Infraction is issued under the Civil Infractions portion of the enforcement matrix.

Also, if there is a situation which immediately threatens the public health, welfare or the environment, the HWD may issue, or may request the DOH Office of Adjudication and Hearings (OAH) to issue, an NOV together with an immediate compliance order or cease and desist order to prohibit a person from engaging in an unauthorized activity that immediately endangers or causes damage to the public health, welfare or the environment.

2) Informal Compliance Meeting—The Hazardous Waste Division may schedule a "compliance meeting", which is an informal meeting with the violator in which every attempt is made to bring the violator into compliance through a mutually agreed upon course of action. Periodic follow-up inspections are conducted to determine if the conditions of the agreement are being met. If the compliance meeting is not successful or if the violator fails to live up to the agreement reached in a compliance meeting, then the case may be referred to the OAH for issuance of an immediate Compliance Order. HWD will present case evidence and prepare a draft Compliance Order for OAH review and approval. OAH will issue the proposed Compliance Order.

3) Administrative Hearing--Within fifteen days of receiving notice of the

Department's proposed action, the violator may request an administrative hearing by filing a written request for the hearing with the OAH. If no hearing is requested within the fifteen-day period, the Compliance Order will become final. If a hearing is requested, the hearing will be held in accordance with other contested case procedures under the provisions of the DCAPA (D.C. Code §1-1509 (1999 Repl. Vol.)). The final decision of the Department hearing may be appealed to the District of Columbia Board of Appeals and Review (BAR) and is restricted to a review of the hearing record. The decision of the BAR is appealable to the District of Columbia Court of Appeals (D.C. Code §1-1510 (a)(1999 Repl. Vol.)).

The Office of Corporation Counsel (OCC) will represent the Department before the BAR if the violator is represented by counsel, otherwise, the OAH staff can represent the Department. The Office of Corporation Counsel will always represent the Department before the D.C. Court of Appeals.

4) Referral to the Office of the Corporation Counsel -- If compliance cannot be attained through the procedures described above, the EHA Office of Enforcement, Compliance and Environmental Justice (OECEJ) may refer a case to the Office of the Corporation Counsel for civil action. If there is evidence that a person has knowingly committed a major violation of the HWMA or its implementing regulations, the case may be referred to OCC for criminal prosecution. If this evidence has been obtained through a joint investigation with the Environmental Crimes Unit (ECU) or the Metropolitan Police Department (MPD), the case will be referred directly to the D.C. Superior Court utilizing the authority of the MPD.

5) Referral to EPA--If compliance cannot be attained through the Office of the Corporation Counsel, and the Director determines that the case does not warrant referral for criminal action, based on the severity of the violation and time factors, the case will be referred to EPA Region III for federal enforcement action.

Timeframes

Cases involving imminent and substantial endangerment are referred immediately to the Office of Adjudication and Hearings for injunctive relief or for seeking criminal penalties through the OCC. Other cases are handled in the manner outlined in the paragraphs that follow.

Within two (2) to five (5) working days of identifying a violation, the Hazardous Waste Division (HWD) issues a notice of violation (NOV) which specifies the alleged violation(s) and ordering that corrective measures be taken within a given number of days depending upon the violation. A re-inspection is then made to determine whether or not the corrective action(s) was taken and at the same time to determine whether or not the violation has been abated. The inspectors generally do not notify the violator of the re-inspection.

If the violation has ceased then the matter remains in HWD for monitoring. However, if the violation continues then the case is transferred to the Office of Enforcement, Compliance and Environmental Justice for enforcement action.

Within fifteen days of receiving notice of the Department's proposed action, the violator may request a hearing by filing a written request for the hearing with the Office of Enforcement, Compliance and Environmental Justice.

If no hearing is requested with the fifteen-day period, the case is referred to the D.C. Corporation Counsel in three to five days for prosecution. If a hearing is requested, the hearing will be held in accordance with other contested case procedures under the provisions of the DCAPA (D.C. Code §1-1509 (1999 Repl. Vol.)). The final decision of the Department hearing may be appealed to the District of Columbia Board of Appeals and Review (BAR) and is restricted to a review of the hearing record. The decision of the BAR is appealable to the District of Columbia Court of Appeals (D.C. Code §1-1510(a)(1999 Repl. Vol.)).

The Office of Corporation Counsel represents the Department before the BAR if counsel represents the violator; otherwise, the Enforcement Division staff can represent the Department. The Office of Corporation Counsel will always represent the Department before the D.C. Court of Appeals. It takes from eight hours to as long as three months from the time the violation is detected to the time the case is filed in court, depending upon the severity of the violation.

The Act provides that the Mayor may secure relief if he finds that the person is operating a storage, treatment or disposal facility or generating or transporting hazardous waste in an illegal, unsafe or otherwise improper manner that endangers the public health or safety or the environment. The Mayor may seek injunctive relief in the D.C. Superior Court through the Office of the Corporation Counsel. (D.C. Code, §6-710). The Mayor is also authorized to immediately revoke or suspend a permit where the violation presents an imminent and substantial endangerment to the public welfare or the environment (D.C. Code § 6-709(d)). Additionally, civil and criminal penalties in an amount not to exceed \$25,000 for each violation may be imposed.

Follow-up

Within two (2) to five (5) working days of identifying a violation, the Hazardous Waste Division (HWD) issues a notice of violation (NOV) which specifies the alleged violation(s) and orders that corrective measures be taken within a given number of days depending upon the violation. A re-inspection is then made to determine whether the corrective action(s) was taken and at the same time to determine whether the violation has been abated. The inspectors generally do not notify the violator of the re-inspection. If the violation has ceased then the matter remains in HWD for monitoring. However, if the violation continues, the case is transferred to the Office of Enforcement, Compliance and Environmental Justice for enforcement action.

Enforcement of Corrective Action Conditions Outlined in Operating and Post-Closure Permits—The District is not applying for authorization under the corrective action portion of the program. Thus, EPA will continue to handle enforcement of corrective action conditions in the operating and post-closure permits. As part of a work sharing effort, we, upon inspection of a permitted facility, will document our findings and submit them to EPA for review and possible action. As requested, the District will participate in any proposed administrative or compliance hearings with a violator.

Penalty Assessment — DC Law 2-64 provides that civil fines, penalties and fees may be imposed as alternative sanctions for any infractions of the provisions of the law or any rules or regulations issued under the authority of the law. The law does not contain standards for assessing penalties. Administrative recommendations are based upon the following guidelines:

- a) Severity of the violation;
- b) Actual harm or damage;
- c) Potential harm or damage;
- d) Whether the violation is a first or subsequent violation;
- e) Deterrence effect; and
- f) Economic benefit gained or to be gained from delayed noncompliance.

Under the Hazardous Waste Division's Civil Infraction Program, there are three classes of violations. Class 1 infractions carry a penalty of \$1,000, Class 2 infractions carry a \$500 penalty and infractions under Class 3 carry a penalty of \$100. Failure to respond to a Civil Infraction Notice of infraction results in a doubling of the initial fine, and after the second notice, a tripling of the fine. Recidivism within a three-year period can also result in a doubling or tripling of a fine.

See the Appendices for a listing of Civil Infractions.

Prosecution Referral -- The Department can exercise discretion in determining when a case is transferred to the Office of the Corporation Counsel for prosecution. Decisions for referral are based on: severity of the violation, actual harm or damage, potential of harm or damage, whether the violation is a first or subsequent violation, deterrence effect and economic benefit to be gained. All such cases are transferred to the Office of Corporation Counsel through the EHA Office of Enforcement, Compliance and Environmental Justice. Cases are subject to penalties not to exceed \$25,000 for civil actions or for criminal prosecution monetary penalties not to exceed \$25,000 or imprisonment not to exceed one year. For any violation, each day of the violation constitutes a separate offense.

Enforcement Resources -- The staff and resources of the Office of Enforcement, Compliance and Environmental Justice, and the Office Adjudication and Hearings (DOH), along with the Office of the Corporation Counsel are adequate to handle the expected enforcement caseload.

Enforcement Agreements -- The District has agreed to take timely and appropriate enforcement action and to make Significant Non-complier (SNC) determinations in accordance with EPA's 1996 Hazardous Waste Enforcement Response Policy against all persons in violation of hazardous waste regulations, permit requirements, compliance schedules, and all other program requirements.

The District will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The District has agreed to retain all

records for at least three years unless there is an enforcement action pending. In that case, all records will be retained until three years after the action is resolved

Since the Office of Enforcement Compliance and Environmental Justice and the Office of Adjudication and Hearings are organizational units within the Department of Health, their function and mission is to provide support to the Hazardous Waste Division in implementing any enforcement policies agreed to in the MOA between the District and EPA, Region III.

SECTION VII -- ESTIMATED REGULATED ACTIVITIES

The District generator universe has increased by six hundred sixteen (616) since receiving Base Program Authorization. Transporter and Treatment, Storage, Disposal Facility (TSDF) universes have decreased by eight (8) and three (3) respectively (See Table IV-1). The variations in universe size are not related to the promulgation of new regulations that added additional areas of program authority, but to the unique geopolitical nature of the District. Geographically, the District is a small city, however, politically the District is viewed as a State. As an entirely urban area, with only a few commercial/industrial sections, the District does not have the physical space for an industrial base. Consequently, the generator universe is composed largely of Dry Cleaner and Auto Repair facilities. The variations in universe size are not related to regulatory changes, but rather to the regulated community being made aware of the regulatory requirements through informational campaigns and enforcement initiatives. Table VII-1 lists the regulations that have been promulgated since the District's base program was authorized, the universe that was affected by the regulatory changes and the District's response to those changes.

TABLE VII - 1

REGULATION	UNIVERSE AFFECTED	DISTRICT RESPONSE
State Availability of Information	All: + 150	The HWD responds to FOIA requests as received. Each single request takes ~30 minutes. Many requests have multiple sites.
Exclusion of Household Waste	Non-regulated	Answer ~ 5 calls per day requesting information on HHW. Staff oversees 2-4 HHW collection days per year.
Satellite Accumulation	Generators: + 616	Did not adopt. 70% of inspections are to ensure that each generation point meets accumulation requirements.
Small Quantity Generators	Generator: + 616	Did not adopt. Regulate everyone regardless of quantity. Single largest cause for increase in universe size.
Land Disposal Restrictions	All: + 616	Inspecting and completing additional LDR checklist items takes ~ 40 minutes per inspection.
Treatability Studies Exemption	+ 1	Requires 2 hours per report to review required documentation.
Miscellaneous Units	TSDF: + 1	Requires additional staff training and Permit review time.
Toxicity Characteristic (TC)	Generator: < 2%	Most generation static as noted in introduction.
Organic Air Emissions for Process Vents and Equipment Leaks	TSDF: + 1	Requires additional staff training and cooperation with DOH/AQD for monitoring and permit modification.
Recycled Used Oil Management Standards	Generator: + ~ 5 per year	Most used oil generators already regulated. Expect little change. Identify through complaint referral and random inspection of vehicle repair facilities.
Universal Waste Rule	Generator: - 5	Most generators already regulated. Few expected to exit system.
Military Munitions	Generator: + 5	Two staff assigned to all DOD projects
RCRA Expanded Public Participation	TSDF: + 1	Requires assistance of DOH Public Information Officer

REGULATION	UNIVERSE AFFECTED	DISTRICT RESPONSE
Organic Air Emission Standards for Tanks, Containers, and Surface Impoundments	Generator: ~ 100	Add inspection checklist and provide staff training.

SECTION VIII -- COPIES OF STATE FORMS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
HAZARDOUS WASTE DIVISION
LAND DISPOSAL RESTRICTION CHECKLIST

INSPECTOR'S NAME _____
TITLE _____
DATE _____

I. GENERATOR IDENTIFICATION:

- A. Generator Name _____
B. Generator Address _____
C. Generator's type of operation _____

D. EPA ID # _____
E. Contact person and phone number _____

II. GENERATOR COMPLIANCE:

- A. Does the generator treat waste on site?
_____ Yes _____ No
- B. Were treatment residuals generated from RCRA exempt units or
processes? _____ Yes _____ No
If yes list type of treatment units and processes.

- C. Does the generator dispose of waste on site?
_____ Yes _____ No

D. Has the facility identified its restricted hazardous wastes based on:

1. Knowledge of wastes

2. TCLP (Toxicity Characteristic Leaching Procedure) list the restricted wastes identified by both methods (attach a copy of the lab report).

E. Have any waste streams been mis-classified?

____ Yes ____ No

F. Does the generator have all the appropriate notifications/certifications for all restricted wastes generated on site? ____ Yes ____ No

G. If yes, does all of the applicable information (manifest #s, waste streams and quantities) match with the information on the manifests? ____ Yes ____ No

H. Have all treatment standards been tabulated for all the corresponding waste streams? ____ Yes ____ No

I. Have any of the treatment standards been exceeded for any of these waste streams? ____ Yes ____ No

If yes, please explain:

J. Has the appropriate treatment method been utilized?

____ Yes ____ No

K. Comments: _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
HAZARDOUS WASTE DIVISION

CHECKLIST FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE

Inspector(s): _____
Inspection Date: _____
Facility: Name _____
 Address _____
 EPA ID Number _____
 Representative _____
Types of Waste Generated: _____
Quantity of Waste Generated per Month: _____

ANSWER AS APPLICABLE

YES NO N/A

- | | | | |
|---|-----------------------|-----------------------|-----------------------|
| 1. All containers labeled "Hazardous Waste" | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Accumulation start date marked on containers | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Waste accumulated on site less than 180 days | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Generator handling prohibited/restricted waste | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| If yes fill out LAND DISPOSAL RESTRICTION (LDR) CHECKLIST. | | | |
| 5. Generator has an up to date Contingency Plan | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 6. Generator has training records for employees
handling hazardous waste | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 7. Manifests maintained for 3 years | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 8. Notification/certification maintained for LDR
waste | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 9. Manifest EPA waste codes match waste streams | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Comments: _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
HAZARDOUS WASTE DIVISION

D.C. LARGE QUANTITY GENERATOR INSPECTION CHECKLIST

INSPECTOR NAME(S) _____

INSPECTION DATE _____

A. FACILITY INFORMATION:

Facility Name _____

Address _____

EPA Identification No. _____

Representative _____

Facility Work Activities and Existing Processes _____

Generation Points Within the Facility _____

B. COMPLIANCE STATUS:

1. GENERAL REQUIREMENTS (GGR)

Generator identified all hazardous waste streams generated at the facility? ☐ Yes ☐ No

Any facility information changed since the Notification (8700-12) was completed? ☐ Yes ☐ No

2. MANIFEST (GMR)

Manifest system currently in operation and manifests maintained on site? ☐ Yes ☐ No

Generators correct name, address, telephone number and EPA ID number on the manifest? ☐ Yes ☐ No

Name and EPA ID number of each transporter included on the manifest? ☐ Yes ☐ No

TSD facility which receives the hazardous waste identified by name, address and EPA ID number? ☐ Yes ☐ No

Serialized manifest document number included on the manifest form? ☐ Yes ☐ No

Description on the manifest of the hazardous waste to be treated, stored or disposed ? ☐ Yes ☐ No

Quantity of each waste stream and the type and number of containers on the manifest? ☐ Yes ☐ No

All of the appropriate signatures on the manifest? ☐ Yes ☐ No

Can the generator verify that there is a program in place to reduce the volume and/or toxicity of waste generated at the installation? ☐ Yes ☐ No

Generator mailing copies of the manifest to the Hazardous Waste Management Branch? ☐ Yes ☐ No

3. PRE-TRANSPORT (GPT)

Hazardous waste being stored on site for less than 90 days? ☐ Yes ☐ No

Accumulation start date of waste clearly marked on each container? ☐ Yes ☐ No

At the time of accumulation, are containers clearly labeled as "Hazardous Waste"? ☐ Yes ☐ No

Hazardous waste containers kept closed and in good condition (no corrosion, leakage, or structural defects? ☐ Yes ☐ No

Facility personnel completed a program of training in hazardous waste management procedures? ☐ Yes ☐ No

Facility maintains a record of the job titles and descriptions for personnel involved with hazardous waste management? ☐ Yes ☐ No

Facility has an internal communications or alarm system for emergencies? ☐ Yes ☐ No

Device at the generation points capable of summoning emergency assistance? ☐ Yes ☐ No

Fire control equipment and an adequate supply of water or fire suppressing chemicals available? ☐ Yes ☐ No

Adequate aisle space to allow unobstructed movement of personnel and equipment during emergencies? ☐ Yes ☐ No

Generator has a contingency plan to deal with hazardous waste emergencies? ☐ Yes ☐ No

Contingency plan contains a description of emergency procedures personnel will implement?

___ Yes ___ No

Contingency plan describes formal arrangements with police, fire departments, hospitals etc.?

___ Yes ___ No

Contingency plan lists names, addresses and phone numbers of the Emergency Coordinators and a means of contacting them on a 24 hour basis?

___ Yes ___ No

Floor plan of the facility showing the generation points and the location of emergency equipment?

___ Yes ___ No

Evacuation plan which indicates the personnel mobilization mechanisms and assembly areas?

___ Yes ___ No

4. RECORDKEEPING (GRR)

Generator keeps manifests on site for the required period? (LDR=5yrs)

___ Yes ___ No

Generator has copies of exception reports when manifests indicate the need?

___ Yes ___ No

Generator has a copies of Biennial Reports?

___ Yes ___ No

C. COMMENTS AND DETAILS OF VIOLATIONS OBSERVED:

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
HAZARDOUS WASTE DIVISION
Subpart AA, BB, CC Checklist

	Yes	No
1. Is the facility a Large Quantity Generator (LQG)?	_____	_____
2. Are there any of the following separation processes at the facility:		
a. Distillation?	_____	_____
b. Fractionation?	_____	_____
c. Thin-film evaporation?	_____	_____
d. Solvent extraction?	_____	_____
e. Air stripping?	_____	_____
f. Steam stripping?	_____	_____
3. Are there waste streams associated with any separation processes that contain 10 ppmw or greater organic concentration?	_____	_____
4. Does any "equipment" come into contact with hazardous waste with a concentration of at least 10 % by weight?	_____	_____
5. Is waste accumulated in 26 gallon or larger containers?	_____	_____
6. Do tanks, surface impoundments, or containers manage hazardous waste exceeding 500 ppmw volatile organic concentration?	_____	_____

Yes answers indicate that the facility is subject to Subpart AA, BB or CC. Complete EPA Air Emissions Checklist, OSWER Directive 9938.02(b)

Government of the District of Columbia
Environmental Health Administration
Hazardous Waste Division

Rejected Load Follow-up Form

1. Generator Portion:

The hazardous waste shipment is rejected and returned to the generator. The generator must process and re-manifest the load within 30 days. The original of this form must be stapled to the front of the documentation of the re-manifested load upon submission to this office:

Hazardous waste was reshipped to: _____

Facility EPA ID# _____

Manifest # _____

Date _____

Signature of Generator _____

11. Transporter Portion:

The Hazardous waste shipment is rejected and the transporter, having obtained the permission of the generator, finds an alternate TSD facility which is authorized to accept such a waste stream. The transporter must contact the D.C. Hazardous Waste Division (HWD), on (202) 535- 1906, upon rejection of the load. Extension of the ten day transfer period is authorized, as necessary, by HWD. All new and amended manifests must be stapled to this form and sent to:

DOH/EHA/BHMTS
Hazardous Waste Division
51 N Street, NE 3rd Floor
Washington, DC 20002

Transporter Name & EPA ID# _____

Date of Rejection _____

Date D.C. was notified _____

Date, Name of Person who authorized extension _____

Reason for Rejection, complete or partial rejection, specify
quantity _____

Alternate Facility & EPA ID# _____

Signature of Transporter _____

Government of the District of Columbia

Department of Health Environmental Health Administration

Bureau of Hazardous Material
& Toxic Substances



Hazardous Waste Division

I _____ do hereby certify that my facility _____
_____ located at _____

EPA ID# _____, is not a generator of hazardous waste at this time. I am aware that I must notify the Department of Health, Bureau of Hazardous Material & Toxic Substances, Hazardous Waste Division in the event that I begin generating hazardous waste in the future. I further understand that it is my responsibility to identify hazardous waste at my facility and that there are substantial penalties for providing false information.


- A. ☐ I am not a generator of hazardous waste.
- B. ☐ I request reclassification as a non-handler.
- C. ☐ I wish to retain my status as a generator.

Signature

_____/_____/_____
Date

Witness

_____/_____/_____
Date

For EPA Regional Use Only			 United States Environmental Protection Agency Washington, DC 20460 <h2 style="margin: 10px 0;">Hazardous Waste Permit Application</h2> <h3 style="margin: 5px 0;">Part A</h3> <p style="font-size: small; margin: 5px 0;">(Read the Instructions before starting)</p>																		
Date Received Month Day Year																					
I. Facility's EPA ID Number (Mark 'X' in the appropriate box)																					
<input type="checkbox"/> A. First Part A Submission									<input type="checkbox"/> B. Revised Part A Submission (Amendment # _____)												
C. Facility's EPA ID Number									D. Secondary ID Number (If applicable)												
II. Name of Facility																					
III. Facility Location (Physical address not P.O. Box or Route Number)																					
A. Street																					
Street (Continued)																					
City or Town												State		Zip Code							
County Code <small>(If known)</small>		County Name																			
B. Land Type <small>(Enter code)</small>		C. Geographic Location																D. Facility Existence Date			
		LATITUDE (Degrees, minutes, & seconds) LONGITUDE (Degrees, minutes & seconds)																Month Day Year			
IV. Facility Mailing Address																					
Street or P.O. Box																					
City or Town												State		Zip Code							
V. Facility Contact (Person to be contacted regarding waste activities at facility)																					
Name (Last)												(First)									
Job Title												Phone Number (Area Code and Number)									
VI. Facility Contact Address (See instructions)																					
A. Contact Address <small>Location Mailing Other</small>				B. Street or P.O. Box																	
City or Town												State		Zip Code							

- 2 of 7 -

EPA ID Number (Enter from page 1)

Secondary ID Number (Enter from page 1)

XI. Nature of Business (Provide a brief description)

XII. Process Codes and Design Capacities

A. PROCESS CODE - Enter the code from the list of process codes below that best describes each process to be used at the facility. Thirteen lines are provided for entering codes. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item XIII.

B. PROCESS DESIGN CAPACITY - For each code entered in column A, enter the capacity of the process.

- 1. AMOUNT** - Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
- 2. UNIT OF MEASURE** - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

C. PROCESS TOTAL NUMBER OF UNITS - Enter the total number of units used with the corresponding process code.

PROCESS CODE		PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	PROCESS CODE		PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
<u>Disposal:</u>							
D79	Underground Injection		Gallons; Liters; Gallons Per Day; or Liters Per Day	T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour	
D80	Well Disposal		Acre-feet; Hectare-meter; Acres; Cubic Meters; Hectares; Cubic Yards	T82	Lime Kiln		
D81	Land Treatment		Acres or Hectares	T83	Aggregate Kiln		
D82	Ocean Disposal		Gallons Per Day or Liters Per Day	T84	Phosphate Kiln		
D83	Surface Impoundment		Gallons; Liters; Cubic Meters; or Cubic Yards	T85	Coke Oven		
D99	Other Disposal		Any Unit of Measure Listed Below	T86	Blast Furnace		
<u>Storage:</u>							
S01	Container		Gallons; Liters; Cubic Meters; or Cubic Yards	T87	Smelting, Melting, Or Refining Furnace	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Hour; Liters Per Hour; or Million Btu Per Hour	
S02	Tank Storage		Gallons; Liters; Cubic Meters; or Cubic Yards	T88	Titanium Dioxide Chloride Oxidation Reactor		
S03	Waste Pile		Cubic Yards or Cubic Meters	T89	Methane Reforming Furnace		
S04	Surface Impoundment		Gallons; Liters; Cubic Meters; or Cubic Yards	T90	Pulping Liquor Recovery Furnace		
S05	Drip Pad		Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards	T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid		
S06	Containment Building		Cubic Yards or Cubic Meters	T92	Halogen Acid Furnaces		
S99	Other Storage		Any Unit of Measure Listed Below	T93	Other Industrial Furnaces Listed In 40 CFR §260.10		
<u>Treatment:</u>				T94	Containment Building - Treatment		
T01	Tank Treatment		Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour	<u>Miscellaneous (Subpart X):</u>			
T02	Surface Impoundment Treatment		Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour	X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below	
T03	Incinerator		Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day	
T04	Other Treatment		Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour	
T80	Boiler		Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters	
				X99	Other Subpart X	Any Unit of Measure Listed Below	

UNIT OF MEASURE

UNIT OF MEASURE CODE

Gallons G
 Gallons Per Hour E
 Gallons Per Day U
 Liters L
 Liters Per Hour H
 Liters Per Day V

UNIT OF MEASURE

UNIT OF MEASURE CODE

Short Tons Per Hour D
 Metric Tons Per Hour W
 Short Tons Per Day N
 Metric Tons Per Day S
 Pounds Per Hour J
 Kilograms Per Hour R
 Million Btu Per Hour X

UNIT OF MEASURE

UNIT OF MEASURE CODE

Cubic Yards Y
 Cubic Meters C
 Acres B
 Acre-feet A
 Hectares Q
 Hectare-meter F
 Btu Per Hour I

Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

EPA ID Number (Enter from page 1)	Secondary ID Number (Enter from page 1)

XII. Process Codes and Design Capabilities (Continued)

EXAMPLE FOR COMPLETING ITEM XII (shown in line number X-1 below): A facility has a storage tank, which can hold 533,788 gallons.

Line Number	A. Process Code (From list above)	B. PROCESS DESIGN CAPACITY		C. Process Total Number Of Units	For Official Use Only
		1. Amount (Specify)	2. Unit Of Measure (Enter code)		
X 1	S 0 2	5 3 3 7 8 8	G	0 0 1	
1					
2					
3					
4					
5					
6					
7					
8					
9					
1 0					
1 1					
1 2					
1 3					

NOTE: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the lines sequentially, taking into account any lines that will be used for "other" processes (i.e., D99, S99, T04 and X99) in item XIII.

XIII. Other Processes (Follow instructions from item XII for D99, S99, T04 and X99 process codes)

Line Number (Enter #s in seg w/XII)	A. Process Code (From list above)	B. PROCESS DESIGN CAPACITY		C. Process Total Number Of Units	D. Description Of Process
		1. Amount (Specify)	2. Unit Of Measure (Enter code)		
X 1	T 0 4	.			In-situ Vitrification
1					
2					
3					
4					

EPA ID Number (Enter from page 1)

Secondary ID Number (Enter from page 1)

XIV. Description of Hazardous Wastes

- A. EPA HAZARDOUS WASTE NUMBER** - Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR, Part 261 Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.
- B. ESTIMATED ANNUAL QUANTITY** - For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.
- C. UNIT OF MEASURE** - For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES**1. PROCESS CODES:**

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in item XII A. on page 3 to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous waste: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in item XII A. on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:

- Enter the first two as described above.
- Enter "000" in the extreme right box of item XIV-D(1).
- Use additional sheet, enter line number from previous sheet, and enter additional code(s) in item XIV-E.

- 2. PROCESS DESCRIPTION:** If a code is not listed for a process that will be used, describe the process in the space provided on the form (D.(2)).

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER - Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

- Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
- In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "Included with above" and make no other entries on that line.
- Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM XIV (shown in line numbers X-1, X-2, X-3, and X-4 below) - A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number	A. EPA HAZARD WASTE NO. (Enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (Enter code)	D. PROCESS									
				(1) PROCESS CODES (Enter)								(2) PROCESS DESCRIPTION (If a code is not entered in D(1))	
X 1	K 0 5 4	900	P	T	0	3	D	8	0				
X 2	D 0 0 2	400	P	T	0	3	D	8	0				
X 3	D 0 0 1	100	P	T	0	3	D	8	0				
X 4	D 0 0 2											Included With Above	

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EPA ID Number (Enter from page 1)	Secondary ID Number (Enter from page 1)

XIV. Description of Hazardous Wastes (Continued; use additional sheets as necessary)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES									
				(1) PROCESS CODES (Enter code)					(2) PROCESS DESCRIPTION (If a code is not entered in D(1))				
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
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33													

EPA ID Number (Enter from page 1)

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XV. Map

Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in this map area. See instructions for precise requirements.

XVI. Facility Drawing

All existing facilities must include a scale drawing of the facility (See instructions for more detail).

XVII. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

XVIII. Certification(s)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner Signature

Date Signed

Name and Official Title (Type or print)

Owner Signature

Date Signed

Name and Official Title (Type or print)

Operator Signature

Date Signed

Name and Official Title (Type or print)

Operator Signature

Date Signed

Name and Official Title (Type or print)

XIX. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (Refer to instructions for more information)

EPA Form 8700-23 (Rev. 10/99)