

US EPA ARCHIVE DOCUMENT

LETTER OF INTENT

Base Program  
Signed by  
RA 1/10/85

BETWEEN THE STATE OF LOUISIANA AND  
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VI  
FOR FINAL AUTHORIZATION OF  
THE STATE HAZARDOUS WASTE MANAGEMENT PROGRAM

This Letter of Intent is entered into by the United States Environmental Protection Agency (hereinafter "EPA") and the State of Louisiana (hereinafter the "State") for the purpose of setting out agreements between EPA and the State in order to assure the implementation of a quality hazardous waste program in the State for Final Authorization under the Federal Resource Conservation and Recovery Act of 1976 (as amended) (RCRA).

This Letter of Intent supplements the Memorandum of Agreement between the State and EPA approved for Final Authorization and the Cooperative Agreement entered into by the State and EPA for funding under Section 3011 of RCRA.

EPA Region VI and the State of Louisiana agree to carry out the actions set out in this Letter of Intent so that the Hazardous Waste Program implemented in the State meets the criteria for a quality program. This Letter of Intent shall not have an ending date but shall expire when all of the actions set out herein have been successfully completed or when the Final Authorization of the State's Hazardous Waste Program has been withdrawn by EPA or voluntarily returned to EPA by the State pursuant to 40 CFR 271. The effective date of this Letter of Intent shall be the effective date of the State's Final Authorization unless otherwise set out herein.

CAPABILITY ASSESSMENT

Louisiana received Interim Authorization for Phase I on December 19, 1980, and Interim Authorization for Phase II on January 24, 1984.

EPA has examined and evaluated the approved Louisiana program to determine the State's capability to meet the criteria for a quality state program under Final Authorization. This assessment was based on the fiscal year 1983 (FY 83) End-of-Year Review and the fiscal year 1984 End-of-Year Review (FY 84) of the State's program along with additional information collected from EPA files, reports, and visits through January 2, 1985. The assessment focused on the main elements that form the State program under Interim Authorization as set out in the FY 83 and FY 84 Cooperative Agreements -- compliance and enforcement, permitting, and program management (see attached Capability Assessment Checklist and Narrative).

### Compliance and Enforcement

EPA has examined the State's compliance and enforcement program through January 2, 1985 and found the following:

- no second level enforcement actions or penalties were assessed during FY 84;
- a few follow-up inspections were not completed in a timely manner;
- the quality of inspection reports improved but a few still had documentation problems; and
- DEQ had problems with the implementation of their groundwater monitoring program.

EPA also found that DEQ had issued 39 Administrative Orders (37 of which included penalties) during the first quarter of FY 85; record review checklists were adequately completed; violations were properly classified; and first level enforcement actions were prompt.

The State had submitted its final Multiyear Compliance Monitoring and Enforcement Strategy to EPA on December 31, 1984.

### Permitting

The review of the State's permitting process through December 31, 1984, indicates that:

- permit call-ins, public notices, and completeness and final determinations are ahead of schedule;
- DEQ will call-in all remaining land disposal and incinerator facilities by midyear FY 85; and
- closure plans are thoroughly reviewed.

The State submitted a draft Multiyear Permitting Strategy on November 1, 1984. The final strategy is due on January 31, 1985.

### Program Management

The State's management practices were reviewed, including resource management, training, and reporting to EPA.

Workyear utilization was low at the end of FY 84 for permitting due to implementation of the permitting program for only eight months (DEQ received Phase II Interim Authorization on January 24, 1984).

During FY 84, DEQ's RCRA program needed more personnel skilled in groundwater technology but was unable to hire any due to a State Civil Service hiring freeze. During the first quarter of FY 85, two key positions were filled through transfers from other DEQ divisions which have helped improve their groundwater program.

DEQ has submitted practically all required reports to EPA in a timely manner. It was noted during the FY 84 end-of-year review that some improvement was needed in the completion of the Major Facility Status Sheets, but have been satisfactory since EPA provided training in December 1984.

### CORRECTIVE ACTION PLAN

#### Compliance and Enforcement

The State and EPA agree to carry out the following activities in order to implement a quality hazardous waste program in Louisiana:

DEQ has begun using second level enforcement actions and penalties in FY 85. During FY 85, EPA will compare the FY 84 violation rate of 71% to the FY 85 quarterly violation rate to determine if progress is being made to decrease the violation rate. The Enforcement Memorandum of Understanding (MOU), effective October 1, 1984, specifies timeframes and types of action that are appropriate for certain classes of violations.

EPA and the State will work together to insure the provisions of the MOU are implemented. During FY 85, EPA will perform monthly reviews of DEQ's files to track enforcement activity. If the MOU is not being properly implemented, EPA will take actions as outlined in the MOU.

DEQ's Enforcement group is developing an internal tracking system to track follow-up inspections and insure they are being performed in a timely manner. EPA is reviewing DEQ's files monthly during FY 85 to monitor their progress and provide technical guidance.

The State will place special emphasis on the quality of inspection report completion. EPA will provide additional training through oversight inspections if problems still exist at the FY 85 midyear review.

During FY 85, one third of the groundwater monitoring facilities will receive in-depth groundwater evaluations, part of a 3-year plan to investigate all groundwater monitoring facilities. EPA offered contractor assistance to perform 20 to 30 additional comprehensive groundwater reviews. To date, DEQ has requested assistance on 11 facilities. At the FY 85 midyear review, DEQ and EPA will discuss the possibility of accelerating the program through alternate sources of funding.

EPA will continue to closely monitor the State's implementation of the groundwater monitoring program. The State and EPA will maintain close communication to assure the proper implementation of the program. If during the mid-year review, EPA finds that the State's program is not being administered in accordance with the State's regulations and EPA standards, EPA will increase the level of oversight, investigate means for improving the administration, including training and technical assistance,

and will consider alternatives to the State's implementation, including reprogramming grant funds into the LOE contract, or withholding grant funds for direct implementation by EPA.

### Permitting

The State and EPA agree to carry out the following activities in order to implement a quality hazardous waste program in Louisiana:

Permitting is a very high national priority in the next few years. DEQ management should focus in the future on meeting permit commitments. EPA will evaluate progress in meeting commitments quarterly. Resources must be distributed evenly over the year to meet these commitments. Also, EPA will provide technical assistance on land disposal applications. However, if quarterly commitments are not met EPA will meet with the State to consider: 1) schedule changes; 2) increasing EPA technical assistance; 3) reprogramming grant funds into EPA's National Contract; or 4) turning over responsibility for certain permits entirely to EPA.

### Program Management

The State and EPA agree to carry out the following activities in order to implement a quality hazardous waste program in Louisiana:

Special attention should continue to be given to DEQ's groundwater program. EPA will review DEQ's groundwater program at the FY 85 midyear review to determine if adequate improvement has been made. If more resources are needed and the State is unable to obtain the assistance through hiring or transfer, then DEQ should request reprogramming FY 85 grant funds into the EPA national contract. EPA will offer technical assistance as necessary.

### AGREEMENT

The foregoing commitments are agreed to in order to assure that the hazardous waste program implemented in the State of Louisiana meets the minimum federal standards. The Letter of Intent is a multiyear strategy for meeting the Criteria for Quality State Programs. It will be reviewed by the State and EPA on an annual basis and reviewed in light of legislative, regulation and policy changes. The State and EPA agree to implement the Criteria for a Quality State Program. The State has the lead responsibility for implementing the Criteria and EPA will provide necessary support. The State and EPA are dedicated to implementing an outstanding program.

Patricia L. Norton

Dick Whittington

Patricia L. Norton  
Secretary, Louisiana  
Department of Environmental  
Quality

Dick Whittington, P.E.  
Regional Administrator  
EPA, Region VI

Date: Jan. 10, 1985

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