

DRAFT

Hazardous Waste



Program Description

October 15, 2025

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ACRONYMS

AA – Administrative Assistant	LQG – Large Quantity Generator
AAC – Alaska Administrative Code	MOA – Memorandum of Agreement
AAG – Assistant Attorney General	NOV – Notice of Violation
ADEC – Alaska Department of Environmental Conservation	OB/OD – Open Burning/Open Detonation
AS – Alaska Statute	OJT – On the Job Training
CATS – Compliant Automated Tracking System	PCN – Position Control Number
CEI – Compliance Evaluation Inspection	PPRP – Prevention Preparedness and Response Program
CFR – Code of Federal Regulations	QAPP – Quality Assurance Project Plan
CMS – Corrective Measures Study	RAP – Remedial Action Plan
COBC – Compliance Order by Consent	RCRA – Resource Conservation and Recovery Act
CSP – Contaminated Sites Program	RD – Reverse Distributor
ECU – Environmental Crimes Unit	RFA – RCRA Facility Assessment
EPA – United States Environmental Protection Agency	RFI – RCRA Facility Investigation
EPM – Environmental Program Manager	RP – Responsible Party
EPS – Environmental Program Specialist	RSA – Reimbursable Services Agreement
FFCA – Federal Facility Compliance Act of 1992	SFY – State Fiscal Year (July 1 – June 30)
FFY – Federal Fiscal Year (October 1 – September 30)	SNC – Significant Non-Complier
FTE – Full Time Equivalent	SPAR – Spill Prevention and Response
HSWA – Hazardous and Solid Waste Amendments	SQG – Small Quantity Generator
HWP – Hazardous Waste Program	STAG – State and Tribal Assistance Grant
IBR – Incorporation by Reference	SWMP – Solid Waste Management Program
ID – Identification	SWMU – Solid Waste Management Unit
	TSDF – Treatment Storage or Disposal Facility
	UECA – Universal Environmental Covenants Act
	VSQG – Very Small Quantity Generator

INTRODUCTION

The Alaska Department of Environmental Conservation (ADEC) Hazardous Waste Program ensures that hazardous waste generated in the state is handled, treated, and disposed of according to the applicable laws and regulations, and in a manner that conserves, improves, and protects natural resources and the environment, controls pollution, and enhances the health, safety, and welfare, and the overall economic and social well-being of the people of the state. ADEC regulates hazardous waste generators; treatment, storage, and disposal facilities (TSDFs); 10-day transfer facilities; transporters and other regulated entities through a combination of oversight, permits, inspections, monitoring, technical assistance, and enforcement. This document discusses the scope, coverage, and processes of the Hazardous Waste Program as related to federal requirements for the Resource Conservation and Recovery Act (RCRA), Subtitle C, as amended, the Hazardous and Solid Waste Amendment of 1984 (HSWA), and Federal Facility Compliance Act of 1992 (FFCA). The bulk of this document will discuss the procedures for the various aspects of regulating hazardous waste. It also serves as one part of the State of Alaska's application to the United States Environmental Protection Agency (EPA) for approval of the ADEC program to regulate hazardous waste in Alaska in lieu of the federal program. EPA also maintains independent regulatory authority, enforcement authority, and oversight in Alaska pursuant to RCRA.

This program description will be reviewed at least every two years by ADEC to ensure it meets program standards and current hazardous waste regulations. It will be updated periodically, as needed, to address any programmatic or regulatory changes. All significant revisions will be submitted to EPA for approval.

REGULATORY SCOPE

The State of Alaska has established the Alaska Hazardous Waste Regulations in Title 18, Chapter 62 of the Alaska Administrative Code (18 AAC 62), effective June 1, 2025, to comply with the requirements of RCRA. The Alaska Hazardous Waste Regulations adopt and incorporate the federal RCRA regulations, with the modifications identified in the Attorney General's Statement, and the Incorporation by Reference (IBR) Checklist, some of which are specifically described below.

States may adopt requirements that are more stringent or broader in scope than the federal requirements. In addition, certain federal regulations are adopted into the state regulations but remain administered by EPA: these include the import and export of hazardous waste, and hazardous waste manifests.

The regulations modify the federal requirements in five areas.

1. Reporting/Notification Requirements – the regulations include additional reporting and notification requirements to help the program establish a better record of the generation and movement of hazardous waste in the state and keep a better record of facilities and contacts. These requirements are more stringent than the federal reporting regulations for each handler.
 - a. Annual notification will be required for the following handlers:
 - Small Quantity Generators (SQGs),
 - Large Quantity Generators (LQGs), and
 - Transporters.

Regulations and Guidance

All federal citations reference 40 CFR (§)

§271.5(a)(2)

18 AAC 62

§271.1(i)(1)

18 AAC 62.301(a)(2)
18 AAC 62.430

- b. Operating TSDFs will be required to complete a full EPA Form 8700-13A/B report by March 1st of each year.
2. Statistical Analysis for Groundwater Monitoring - For purposes of a groundwater monitoring program at a permitted TSDF, the regulations adopt by reference the *Statistical Analysis of Groundwater Monitoring at RCRA Facilities – Unified Guidance*, March 2009 (Unified Guidance) in 18 AAC 62.525(b). This document is used as a guide for determining the most effective statistical methods for analyzing groundwater data for detection and compliance monitoring. By adopting the guidance, some limitations, based on an individual data set, are introduced for the specific methods that may be applied for statistical analysis. These limitations make this more stringent than the federal regulations in situations where the Unified Guidance requires an alternative or more specific approach than the federal requirements for statistical analysis of a particular data set.
3. Standards for Corrective Action - 18 AAC 62.527 requires that corrective action for a release from a Hazardous or Solid Waste Management Unit (SWMU) must satisfy requirements for the corrective action program under RCRA and the state requirements under the Contaminated Sites Program. The state regulations require specific procedural requirements for cleanup, and in some cases more stringent standards for contaminants in soil and groundwater. Where soil or groundwater cleanup standards differ between state Oil and Hazardous Substances Pollution Control regulations and RCRA regulations, the most stringent of the state and federal standards applies. The requirement to compare results to state standards is more stringent than the federal regulations.
4. Electronic Universal Waste - The regulations include the option for a generator to manage hazardous electronic waste as universal waste which results in streamlined handling requirements if the electronic waste is properly recycled. Electronic waste is a fast-growing source of hazardous waste, generated across the spectrum of generators, and presents difficulty in making a hazardous waste determination for the generator, especially in rural and remote parts of Alaska. This will reduce the onus on the generator to make a difficult waste determination, will encourage recycling versus disposal in a landfill, and – because the waste will not be counted toward generator status – will allow SQGs and Very Small Quantity Generators (VSQGs) to maintain a less complex generator status. These requirements are neither broader in scope nor more stringent than the federal regulations as this waste is not specifically addressed. For Alaska, Electronic Universal Waste will be managed under the State regulations.
5. Siting of a New TSDF in Alaska – 18 AAC 63 are longstanding standing State regulations that define a public process and the specific location requirements that must be met prior to permitting a new TSDF. While some of the general siting requirements are similar to the federal location standards, some of the specific requirements are not addressed in federal regulations. These specific setback requirements are below in Table 1.

Regulations and Guidance

18 AAC 62.520(b),
620 (b), & 840(b)

[Statistical Analysis of Groundwater Monitoring at RCRA Facilities – Unified Guidance, March 2009](#)

§264.97- 98
§264.99

§264.97(h)-(i)

18 AAC 62.527

18 AAC 75.300-396

18 AAC 75.340-345
§264.94(a)

18 AAC 62.527(b)).

18 AAC 62.205,
§62.1110,
§62.1135, and
§62.1390

§273

18 AAC 63

Table 1. 18 AAC 63 Setback Requirements

Minimum Setback Requirements (in meters)			
SITING CRITERIA	TYPE OF FACILITY		
	Storage or Treatment	Incineration	Land Disposal or Underground Injection Well
Any property line	25	150	500
Any public right-of-way	50	200	500
Any surface waters	75	250	750
Water supply point of withdrawal	150	1500	3000

For a new facility, these criteria will be addressed in addition to location standards adopted from the federal regulations. As some of the state minimum setback criteria are not addressed in federal regulations, these requirements would be broader in scope than the federal regulations.

§264.18, §265.18,
§267.18, §270.3

In addition to adopting the federal hazardous waste regulations, the state also references requirements of 18 AAC 15 (Administrative Procedures) regarding the appeal of a decision made by the department, which is equivalent to the federal requirements. The state adopts the portions of 40 CFR 124 that apply to RCRA Subtitle C administrative procedures for permits in 18 AAC 62.1020.

18 AAC 15
§124

Updating Regulations

ADEC is required to adopt most new or revised federal RCRA regulations within two years of their promulgation. This is one of the most common changes to state authorized programs. ADEC will strive to update 18 AAC 62 to address required changes in the federal RCRA regulations in a timely manner. In addition, the regulations may be updated for federal RCRA regulations that are optional for state adoption, for clarification, or state-specific changes that are more stringent or broader in scope than the federal regulations. This process will include submitting the proposed regulations and any changes to the Program Description to EPA for review and approval, as well as a review by the ADEC Commissioner and the Department of Law. Changes to regulations also require a public notice process in accordance with the Alaska Administrative Procedure Act, and signature and filing by the Lieutenant Governor.

§271.21(e)

ORGANIZATION AND STRUCTURE

ADEC is a regulatory agency within the executive branch of the Alaska State Government and is responsible for environmental protection in Alaska, including the regulation of hazardous waste management in the state. Appendix A provides the applicable organizational charts related to operations of the Hazardous Waste Program.

Office of the Commissioner

The Office of the Commissioner oversees the activities of all the ADEC Divisions, provides direction for the Department, establishes Department objectives, and assures performance. The Commissioner is appointed by the Governor and serves as spokesperson for the Governor on environmental matters and adopts all ADEC regulations. The RCRA legislation and administrative code provide that all permits be issued by the Commissioner or the Commissioner's designee. The Commissioner retains the final decision-making authority on all agency actions relating to the RCRA program in Alaska. The Department consists of five

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divisions: Administrative Services; Water; Air Quality; Environmental Health; and Spill Prevention and Response.

Division of Administrative Services

The Division of Administrative Services provides several support services for the Department, including finance and accounting, procurement, and preparation of the annual budget. The Division of Administrative Services provides ADEC with planning, human resources, and technical support through a centralized electronic network system, including desktop support and computer hardware and software assistance.

The Environmental Crimes Unit, within the Division of Administrative Services, conducts criminal investigations and, when appropriate, initiates criminal enforcement when violations are intentional, knowing, reckless, or negligent. Working closely with staff and the Department of Law, the Environmental Crimes Unit has statewide responsibility to investigate and prosecute the most egregious violations of environmental law.

Division of Environmental Health

The Division of Environmental Health provides standards and technical assistance to ensure environmental protection, safe food, and safe drinking water for all Alaskans. The Director of Environmental Health oversees the Laboratory Services Program, the Office of the State Veterinarian, the Food Safety Program, the Drinking Water Program, and the Solid Waste Management Program.

Solid Waste Management Program

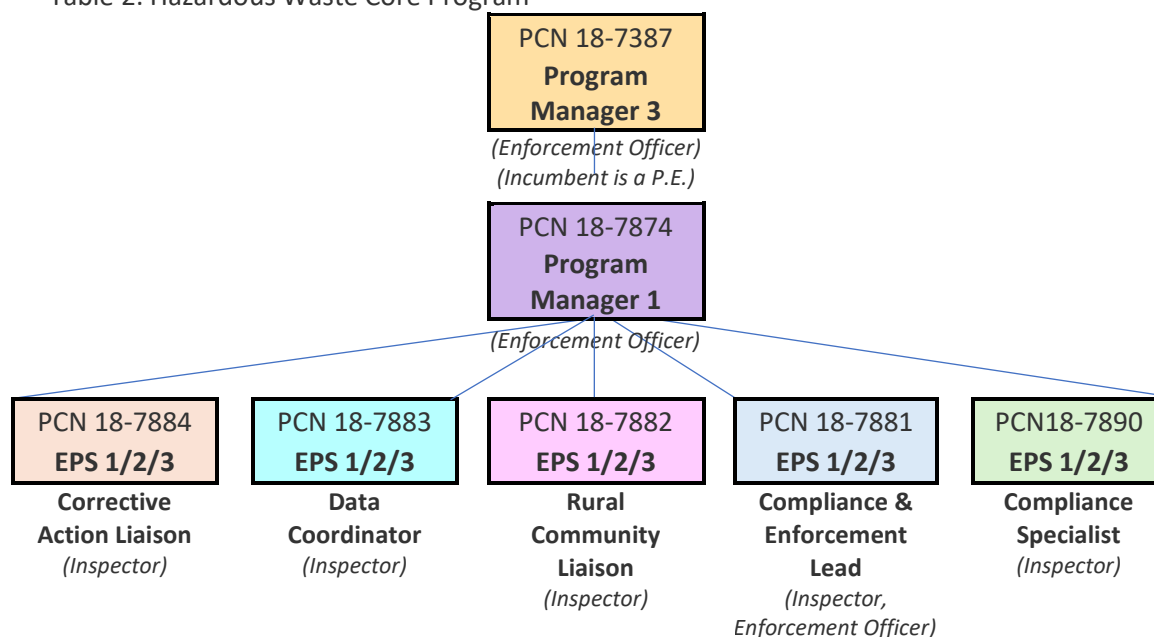
The Solid Waste Management Program is housed within the Division of Environmental Health and includes the Solid Waste Program, the Hazardous Waste Program, and the Pesticides Control Program. The Environmental Program Manager 3 (EPM 3) (PCN 18-7387) provides senior level management over all facets of the three programs.

Hazardous Waste – Core Program

The Hazardous Waste Program is the lead program for implementation of RCRA, Subtitle C (including HSWA) in Alaska. The core program team consists of an EPM 1 (PCN 18-7874) and five Environmental Program Specialists (EPS) (PCNs 18-7881, 18-7882, 18-7883, 18-7884, and 18-7980). The Hazardous Waste Program administers and implements 18 AAC 62 in Alaska and coordinates with EPA for implementation of RCRA. Responsibilities include, but are not limited to, reviewing permit applications and requests for modifications to permits, financial assurance documents, hazardous waste generator and hazardous waste facility compliance inspections, corrective action management, technical assistance, and enforcement.

In this Program Description, the term **Hazardous Waste Program** refers to the management and team members of the core program (Table 2) and specific actions taken in implementation of 18 AAC 62 in Alaska by the management and staff of the core program, unless otherwise indicated. Each position is responsible for an overall knowledge of the program and functions and activities specific to their position (see Table 2). Position descriptions and minimum qualifications for the Hazardous Waste Program team are included in Appendix D.

Table 2. Hazardous Waste Core Program



Other Assisting Programs

Solid Waste Management Program

Staff within the larger Solid Waste Management Program assist the Hazardous Waste Program. The Program Coordinator (PCN 18-7993) works on regulatory process management and research, public notices, and other internal department processes. The Solid Waste Management Program EPS 4 (PCN 18-7576) provides technical expertise on groundwater monitoring, hydrogeology, quality assurance and quality control, and sampling requirements.

Environmental Health Director's Office

Administrative support is provided by the Division of Environmental Health's Director's Office. Contributing staff include an Administrative Operations Manager, Accountant 4, Administrative Officer, and Administrative Assistant 3. These staff provide fiscal management, accounting, grant administrative assistance, and personnel assistance. In addition, the Program Coordinator 2 within the Director's Office provides project management support with the RCRA C program authorization effort.

Contaminated Sites Program

The Contaminated Sites Program (CSP) in the ADEC Division of Spill Prevention and Response (SPAR) provides oversight for the characterization and cleanup of releases of hazardous substances. The Hazardous Waste Program coordinates with program senior management and staff level EPS personnel in the CSP to ensure that the cleanup meets RCRA and state statutory and regulatory requirements. CSP EPS positions include individuals with backgrounds in hydrology, geology, chemistry, data quality analysis, and risk assessment that can assist the HWP in technical areas, as well as project managers to provide information on facility histories and ongoing activities.

Alaska Department of Law

The Environmental Section of the Department of Law advises and represents the Department in all aspects of its duties and functions. The Department of Law statewide Environmental Section is staffed by full-time attorneys, a paralegal, and a law office assistant. Program staff work closely with attorneys on several aspects of the Hazardous Waste Program. Hazardous waste regulations are developed in consultation with the Department of Law. The regulations

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are reviewed and approved by an Assistant Attorney General (AAG) and by the statewide Regulations Attorney (see AS 44.62.060). The Department of Law assists with informal reviews, adjudicatory hearings, and with civil enforcement cases. Program staff may consult with Department of Law, as appropriate, in permit drafting and development and in preparing responses to public comments received on draft permits. AAGs familiar with the Hazardous Waste Program will be involved in the review of guidance drafted by the Program.

The Criminal Division of the Department of Law also employs an environmental crimes prosecutor within the Office of Special Prosecutions and Appeals who works with the ADEC Environmental Crimes Unit and is responsible for the criminal enforcement of Alaska's environmental statutes and regulations. The Department of Law charges for legal services via a Reimbursable Services Agreement.

Staffing Estimate

The breakdown below includes an estimate of 11.5 full time equivalents (FTEs) to operate the directives of the Hazardous Waste Program (Table 3). For issues where technical expertise is not available within ADEC, we will hire an appropriate contractor to assist the Hazardous Waste Program. Position descriptions are provided in Appendix B.

Table 3. Program FTE Estimate

Position	FTE	Position	FTE	Position	FTE
SWMP EPM 3	.35	HW EPS 1/2/3	1.0	Accountant 4	.20
HW EPM 1	1.0	HW EPS 1/2/3	1.0	CSP EPM 1	.25
HW EPS 1/2/3	1.0	SWMP PC 2	.25	CSP EPS 3	3.5
HW EPS 1/2/3	1.0	SWMP EPM 4	.25	Attorney 3	.50
HW EPS 1/2/3	1.0	EH AA 3	.20	Total	11.5

PROGRAM COSTS AND FUNDING SOURCES

ADEC anticipates two-year program costs of \$3,825,101, for State Fiscal Years (SFY) 2027 and 2028, broken down into three fund sources: General Fund, Federal Funding, and Cost Recovery. A total of 11.5 full-time equivalent positions are expected to work on administration of the Hazardous Waste Program in Alaska, as listed in Table 2. These positions include staff involved in direct implementation, administrative support, and technical support.

Fund Sources

The Alaska Hazardous Waste Program is anticipated to receive funding from the following fund sources.

General Fund

The Alaska General Fund is one of the fund sources for the Hazardous Waste Program (including Environmental Health Division staff and Solid Waste Management Program staff), listed in Table 3, along with the Department of Law Attorney 3 through a Reimbursable Services Agreement (RSA). General funds cover personal services, travel, commodities, and other costs. General funds can also be used, if necessary, by the ADEC Contaminated Sites Program through an RSA to cover costs not covered through Cost Recovery.

Federal Funding

The Hazardous Waste Program anticipates EPA funding of \$400,000 per year, through a State and Tribal Assistance Grant (STAG), starting in State Fiscal Year 2027, for implementation of Alaska's Hazardous Waste Program. Alaska will contribute 25% matching funds, which will come from the Alaska General Fund. For the purposes of this cost estimate, the matching funds are included in the General Fund totals. The Federal Funding is anticipated to support Hazardous Waste Program costs, in addition to General Funds, and can also be transmitted to the Contaminated Sites Program through an RSA.

Should STAG funding become unavailable, ADEC would continue to use General Funds to cover the lack of federal funds.

Cost Recovery

Implementation of Alaska's regulatory program will include coordination with the ADEC's CSP for RCRA facilities that also require cleanup under state requirements. Funding for CSP work partially comes from the *Oil and Hazardous Substances Release Prevention and Response Fund*, a designated fund which is funded in part from cost recovery under Alaska's statute, AS 46.03.822, as well as grant funds specific to individual projects. Under AS 46.08.070 the state is obligated to seek recovery of its response costs, which are billed to responsible parties for work done in support of state cleanup work. Under the law responsible parties may include federal, state, or local government entities, as well as private entities. For the purposes of this cost estimate, federal funding for cleanup of sites where the federal government is the responsible party are also counted as part of Cost Recovery under the CSP, rather than Federal Funding.

Program Costs for the First Two Years After Authorization

The Hazardous Waste Program anticipates EPA authorization of the Alaska Hazardous Waste Program in 2026. The cost tables cover State Fiscal Years 2027 and 2028.

Table 4: Alaska Hazardous Waste Program Projected Costs – SFY 2027 and SFY 2028

Category Breakdown by Fund Source - SFY 2027				
Category	General Fund	Federal	Cost Recovery	Total
Personal Services	\$789,976	\$295,183	\$510,310	\$1,595,469
Travel	\$9,750	\$29,250	\$7,500	\$46,500
Other	\$26,530	\$0	\$0	\$26,530
Supplies	\$15,000	\$0	\$0	\$15,000
Indirect/CCst	\$59,394	\$75,567	\$25,240	\$160,201
Total	\$900,650	\$400,000	\$543,050	\$1,843,700

Category Breakdown by Fund Source - SFY 2028				
Category	General Fund	Federal	Cost Recovery	Total
Personal Services	\$878,258	\$295,183	\$553,239	\$1,726,680
Travel	\$9,750	\$29,250	\$7,500	\$46,500
Other	\$26,530	\$0	\$0	\$26,530
Supplies	\$15,000	\$0	\$0	\$15,000
Indirect/CCst	\$63,761	\$75,567	\$27,363	\$166,691
Total	\$993,299	\$400,000	\$588,102	\$1,981,401

Breakdown by fund source			
Fund Source	SFY 27	SFY 28	Total - 2 year
General Fund	\$900,650	\$993,299	\$1,893,949
Federal Funding	\$400,000	\$400,000	\$800,000
Cost Recovery	\$543,050	\$588,102	\$1,131,152
Total	\$1,843,700	\$1,981,401	\$3,825,101

Additional details, including the personal services cost details for the FTEs listed in Table 3, can be found in Appendix C.

HAZARDOUS WASTE PROGRAM TRAINING PLAN

Each of the Hazardous Waste Program EPS 1/2/3 positions will receive comprehensive training in all aspects of hazardous waste regulations and management and must complete the requirements of EPA Order 3500.1 for inspectors, including obtaining ADEC inspector credentials – see Table 5. In addition, each individual will specialize in one of the following areas: permitting, compliance and enforcement, corrective action at RCRA regulated units, RCRA data management and regulatory research, or Alaska specific hazardous waste issues.

Each team member is responsible for completing the initial training program in the first year of their work, which will provide the broad base of knowledge. Additional training and mentoring by ADEC, EPA, or other mentors in RCRA requirements and their area of specialization will be provided as they develop their knowledge base.

Table 5. Minimum Initial Training Requirements for a Hazardous Waste EPS

EPS Training
EPA RCRA Training Modules: 32 modules
Fed Talent RCRA Inspector Training:
Field Health & Safety Training - 24 hour
18 Required Courses
6 Elective Courses
On the Job Training (OJT) - Inspector requirements:
Review one completed LQG and one completed TSDF inspection report
Accompany an experienced, credentialed Inspector on at least 1 LQG & 1 TSDF Inspection
Lead at least 1 LQG inspection while being observed by Credentialed Inspector and prepare an inspection report.
Lead at least 1 TSDF inspection while being observed by Credentialed Inspector and prepare an inspection report.
OJT Permitting/Corrective Action requirements:
Review a Corrective Action Plan and Process
Review a TSDF Permit Application or Application Modification and Permit Process
Review a Closure Plan and Process (e.g. shooting range)
Other Online and ADEC Trainings:
Hazwoper 40 Hour
ADEC Basic Inspector Training/Credentials as <i>Inspector</i> or <i>Enforcement Officer</i>
McCoy RCRA
PFAS Training
GW Fate and Transport
GW Monitoring Requirements for Hazardous Waste
GW Report Review (including review of the QAPP and Statistical Analysis)

EPS Training
RCRAInfo LearningZen Training
E-Manifest Training
Western States Enforcement Trainings, as available and applicable.
Training Update Requirements
Hazwoper - Annual 8 hour
Fed Talent Field Health & Safety – Annual 8 hour
McCoy RCRA – repeat or refresher every 3-4 years

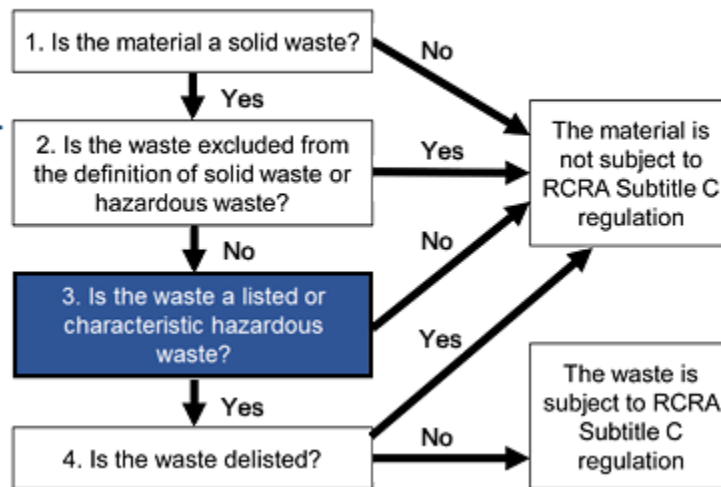
ADEC also supports a rigorous ongoing training program. The Hazardous Waste Program actively participates in regional and national forums that provide access to training, information, and discussion. We also encourage cross-training with other programs, agencies, and issues, as well as taking advantage of online training sites, such as Interstate Technology & Regulatory Council, Western States Project, The Training Exchange Website, the Environmental Response Training Program Virtual University, CLU-IN.org, EPA Guidance and training links. Ongoing training is tracked and reported quarterly via the STAG report to EPA.

PROGRAM PROCEDURES

This section of the Program Description addresses the procedures used by ADEC in implementation of the hazardous waste regulations and the overall program. We have adopted federal regulations to ensure that the state program is as stringent as the federal program. However, in some instances the state statutes may be broader in scope allowing for a broader interpretation. In these cases, the program procedures will follow the adopted regulations in implementing the Hazardous Waste Program. For example:

- **Hazardous Waste Determination** – ADEC will follow the adopted regulations when determining if a waste is a hazardous waste using the federal definitions and hierarchy.

The Hazardous Waste Identification Process



- **Mixed Radiological and Hazardous Waste** – For treatment, storage and disposal of mixed radiological and hazardous waste, while state disposal prohibitions apply, ADEC has adopted the federal conditional exemption for storage, treatment, and transportation of mixed waste materials in 40 C.F.R. part 266, Subpart N (Revised as of July 1, 2022) in 18 AAC 62.750.

In all cases where the statutes are broader in scope, or the Program Description and the regulations conflict, the regulations take precedence.

Technical Assistance

Providing technical assistance for hazardous waste handlers and the public who have questions or request information regarding hazardous waste management is one of the most impactful functions of the Hazardous Waste Program. ADEC will maintain appropriate resources, whether in print, electronic, or human, to ensure that the Hazardous Waste Program can provide the most up to date guidance on technical questions and public concerns. This will also be supported by producing written Alaska-specific guidance and providing links to other relevant guidance on our website regarding typical hazardous waste management issues in Alaska.

Permitting

Owners and/or operators of facilities that treat, store, and/or dispose of hazardous waste are required to obtain a permit for their activities. The purpose of permitting TSDFs is to ensure that all facilities are constructed and operated in a manner that will protect human health and the environment.

18 AAC 62.1000
§270.1(c)

ADEC Hazardous Waste Program Description

ADEC oversees the permitting of hazardous waste facilities. This includes issuing new permits, renewing expiring permits, and permit modifications. Additionally, changes in operations or an enforcement action may necessitate requiring a permit for an existing facility. Unless stated otherwise, the permit requirements apply to both new and existing units regulated under RCRA. This section outlines the permitting process and the various permit processes for a Hazardous Waste Permit.

Siting of New TSDF in Alaska

For a new facility, in addition to the requirements of 18 AAC 62, the Hazardous Waste Program manages the requirements of 18 AAC 63, for the Siting of a Hazardous Waste Management facility, prior to considering a full permit application. It is recommended that a facility owner requests a pre-application meeting at least one year prior to intended construction of the facility to discuss location and permitting requirements. Under Alaska law, the location of a new hazardous waste facility must receive approval under Siting of Hazardous Waste Management Facilities in 18 AAC 63 prior to submitting a final TSDF permit application. The requirements of 18 AAC 63 are not applicable to an existing facility. The location requirements of 18 AAC 63 are state-specific and include specific setbacks that are not referenced in the federal location requirements of a TSDF.

RCRA Permit Application

The permit application for a TSDF includes two segments: Part A and Part B. The Part A application (270.13) includes the site identification form and additional fundamental information about the facility, including location information, activities requiring a permit, identification of owner and operator, maps, and information on the hazardous wastes that will be generated and managed.

Part B of the application includes a more detailed narrative discussion of the facility that indicates how the facility will meet the regulatory requirements.

Permit Pre-Application Requirements

Prior to submitting a Part B permit application for an initial permit or a permit renewal that includes a significant (Class 3) permit modification, the applicant must hold at least one public meeting to inform the community and solicit questions regarding the hazardous waste management activities. Public notice of the meeting must be provided at least 30 days prior to the meeting, and a summary of the meeting, including the list of attendees, shared materials, and any written comments received, must be included in Part B of the application. For a new facility, the public meeting, with the appropriate information, may serve both the requirements for siting under 18 AAC 63 and the permit process.

Permit Application Process

RCRA requires the owner/operator of a facility where hazardous waste is treated, stored, or disposed of to obtain a permit and maintain that permit throughout the active life, closure, and post closure periods of the facility. The regulations exempt some hazardous waste generators and facilities from general and specific permit application requirements if they meet certain conditions.

For a facility seeking a permit or permit renewal, the owner/operator must submit a Part A permit application including EPA Form 8700-23 that includes all requirements of 270.13. Part B of the application, where required, must include the additional requirements of 270, Subpart B. An application checklist is available to assist with completing the application.

Regulations and Guidance

18 AAC 62, Art. 5
18 AAC 62, Art. 10
§264
§270

18 AAC 62.1010
18 AAC 63

§264.18
§265.18
§267.18
§270.14(b)(11)

18 AAC 62.1030
§270.14 – 270.28

Optional Part B Application Checklist

18 AAC 62.1020
§124.31

18 AAC 62.1020
18 AAC 62.1030

ADEC Hazardous Waste Program Description

For new facilities, both parts of the application must be submitted at least 180 Days prior to when construction of a facility is expected to begin, and the facility may not be constructed until a permit is issued by ADEC.

ADEC will conduct a comprehensive review of the details of a permit application for applicability and completeness. For an incomplete application, ADEC will notify the applicant in writing, identify any deficiencies in the application, and require that the applicant revise the application to provide any missing information. The review and revision process will continue until ADEC determines that all details have been addressed, and the application is complete.

Permit Decision

After an application is determined to be complete, ADEC will make a tentative decision to approve or deny a permit application. In the case of a tentative denial, proposed revocation, or termination of a permit, a notice of intent to deny the permit will be issued to the applicant, noticed to the public, and will include a statement of basis and/or fact sheet that provides the basis, facts, and legal or policy issues considered in denying that permit. If the final decision is that the tentative decision to deny the permit was incorrect, the notice of intent to deny will be withdrawn and the process will proceed to preparing a draft permit. If the decision to deny the permit stands, a final denial statement will be issued.

For a tentative approval of a TSDF permit ADEC will prepare a draft permit based on the information in the permit application and other information gathered in the comprehensive review, according to. A decision document and/or permit fact sheet that provides the basis, facts, and legal or policy issues considered in preparing the permit will also be prepared. Prior to public notice of the draft permit, ADEC will allow the applicant 10 working days to review and identify any errors in the draft permit. ADEC will make revisions to the draft permit where appropriate prior to public notice.

Permits may be issued for no more than ten years but will be reviewed by the Hazardous Waste Program at least every 5 years to assess the permit conditions and the need for modification, revocation, or reissuance of the permit. A permit may be renewed by the facility submitting a new permit application (or notification for a Standardized Permit) no later than 180 days prior to the expiration date of the existing permit. If the permit application is submitted accordingly, the existing permit remains in effect until the effective date or denial of the new permit.

All TSDF permits will be signed by the Solid Waste Management Program EPM 3 as designee for the Commissioner. Non-permit decisions may be signed by the EPM 3, the Program Manager (EPS 1), or a qualified EPS 3 in the core program.

Other Permit Actions

- Permit Modification

Permits may be modified or revoked at the request of the permittee, due to facility or regulatory changes. When proposed modifications are requested by the permittee, they are categorized as Class 1, Class 2, or Class 3 based on the chart in Appendix 1 of 40 CFR 270.42. The classifications and requirements are based upon the magnitude of impact to the facility, human health, and the environment, with Class 3 modifications being the most significant changes. ADEC may also initiate a permit modification pursuant to 40 CFR 270.41.

All permit modifications requested by the permittee require notification to ADEC of the permit conditions impacted by the change, information supporting the change,

Regulations and Guidance

§270.10(f)

§124.10 – §124.14

18 AAC 62.1050
§270.42

ADEC Hazardous Waste Program Description

and the appropriate adjustments to the permit application. In addition, the permittee is responsible for providing notice to other agencies and individuals based on the class of modification. ADEC will review the information and permit conditions relevant to the proposed modification and ensure that the permittee has met the appropriate notification requirements. ADEC will provide a permit modification process checklist to assist permittees.

- *Permit Revocation and Reissuance*

ADEC may revoke (and may reissue) a permit for applicable cause, including transfer of a permit, non-compliance, failure to disclose or misrepresentation of relevant facts, or a determination that the facility endangers human health or the environment.

Public Notice/Public Participation

For permits, hazardous waste cleanup projects, and other significant decisions for hazardous waste facilities, ADEC will provide the public the opportunity to review proposed decision documents and provide comments regarding ADEC decisions. This will be accomplished through the required public notice procedures as well as other opportunities for information sharing and receiving and addressing concerns and comments.

ADEC will publish public notice of a draft permit or notice to deny or terminate a permit, including a decision document and/or factsheet and allow at least 45 days for public comment. Additional notice time may be considered if ADEC deems it necessary to allow for robust public participation. The public notice will be published in at least two consecutive issues of a major newspaper in the affected area, on the State of Alaska website, announced on local radio stations, and via other appropriate methods (e.g. fax, telephone, conferences, local meetings, etc.) to reach the affected population. In addition, the notice will be emailed to any parties expressing interest in the facility, applicable state agencies, potentially impacted communities and tribal organizations, and the hazardous waste listserv.

For a draft permit that engenders a significant degree of public interest or opposition, and where a public hearing is requested within 45 days of the public notice, the ADEC will hold a public hearing. Public notice of the hearing must also be published at least 30 days prior to the hearing. Testimony received at a public hearing will be recorded and considered part of the public comment record.

For permits, ADEC will include a summary of the public comments, a response to significant issues raised during the public comment period or at a public hearing, and any changes made to the permit based on comments at the time the permit is issued or denied. ADEC will also maintain electronic access, for the public, to all relevant permit application information and public comment.

For complex permits or other decisions, ADEC may publish public notice at other points in the decision process or engage directly with an affected community regarding their concerns via an in person or virtual public meeting or with an individual in person, in writing, or via telephone or internet. ADEC may also publish or require the applicant to publish informational documentation addressing questions or comments regarding a facility, and will endeavor, when possible, to provide timely answers to any concerns or questions raised by the public.

Regulations and Guidance

\$270.41

18 AAC 62.1020
§124, Subparts A,
B, & G

18 AAC 62.1020
124.4 to 124.10

124.12

Other Permit Options

In addition to traditional TSDF permits, ADEC may allow some flexibility in application requirements or issue other forms of a permit to address specific situations. Unless noted, these variations have similar public notice requirements to a traditional permit process.

- **Standardized Permits**

One permitting option for some facilities is a standardized permit. This permit is designed for facilities that only store or non-thermally treat hazardous waste on-site in tanks, containers, or containment buildings. The Hazardous Waste Program can issue a standardized permit, which contains a uniform portion related to the type of facility and a supplemental portion that is specific to the facility.

The owner or operator of a facility must submit a written Notice of Intent to operate under a standardized permit that has been developed by the Hazardous Waste Program, including all the information required in 40 CFR 270, Subpart J. ADEC will review the Notice of Intent and determine if the facility qualifies for a standardized permit and will public notice the permit. Alternately, if the facility does not qualify, a complete permit application will be required. Most general requirements for the permit process apply for a standardized permit.

- **Cleanup Permit**

ADEC may issue a Cleanup Permit for unpermitted facilities or regulated units that require corrective action that are no longer operating but that operated at any time as a TSDF. It allows for regulatory control over the facility without a full operating permit during corrective action and post-closure to ensure protection of human health and the environment. The facility must operate within the parameters established in 40 CFR 265 – Interim Status and submit a “Part A” permit application (EPA Form 8700-23). The interim status facility is required to perform a RCRA Facility Assessment (RFA) to identify regulated units at the facility, as well as for areas beyond the facility boundary, where necessary to protect human health and the environment. For each identified Hazardous or Solid Waste Management Unit (SWMU) a RCRA Facility Investigation (RFI) must be performed. Other facility-specific RCRA requirements, including Financial Assurance, Liability Insurance, Groundwater Monitoring, and RCRA-specific closure requirements will be detailed in the conditions of the permit and may be documented in an enforceable order adopted into the permit. ADEC will provide a 45-day public comment period for a draft Cleanup Permit for the selected corrective measures and will issue a final Cleanup Permit including consideration of the comments.

Interim Status may be applied to existing unpermitted facilities that are operational or require corrective action. The facility must submit a Part A application and ADEC may require all or part of a Part B application. A facility in interim status is subject to the requirements of 40 CFR 265, and interim status will apply until a permit is issued or until a facility can meet the applicable cleanup standards for all RCRA units.

- **Emergency Permit**

A temporary Emergency Permit may be issued in cases of imminent and substantial endangerment to human health or the environment. The permit is valid for 90 days and incorporates the relevant conditions of a permit. The permit must be accompanied by public notice.

Regulations and Guidance

18 AAC 62.1090
§270, Subpart J

18 AAC 62, Article 8
§267

18 AAC 62.1000
§270.1(c)(7)

18 AAC 62.1075
§270, subpart G

18 AAC 62, Article 6
§265

§270.61

ADEC Hazardous Waste Program Description

- *Permit by Rule*

These permits are self-implementing and only require that the permittee meet the requirements of their specific section. No application or public notice is required.

- Ocean disposal from barges or vessels
- Injection wells
- Publicly owned treatment works

- *Hazardous Waste Incinerator Permit*

A permit application for a hazardous waste incinerator permit, will be coordinated with the ADEC Air Quality Division to ensure that all regulatory requirements for RCRA and state Air Quality are met.

- *Boilers and Industrial Furnaces Burning Hazardous Waste Permit*

A permit application for a boiler or furnace to burn hazardous waste , will be coordinated with the Air Quality Program to ensure that all regulatory requirements for RCRA and state Air Quality are met and process the application accordingly.

- *Land Treatment Demonstration Permit*

To allow a facility to meet the land treatment demonstration requirements, ADEC may issue a treatment demonstration permit that contains the requirements necessary to meet the standards for field tests and laboratory analyses. This will be a two-phase permit, with the first phase identifying the requirements for the demonstration, and the second phase of the permit will include conditions to meet all the applicable requirements, including unit design, construction, operation, and maintenance. The conditions of the second phase of the permit may be modified based on the results of the treatment demonstration; the final permit decision will be issued with the necessary modifications.

- *Research, Development, and Demonstration Permit*

The Hazardous Waste Program may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes utilizing an innovative and experimental hazardous waste treatment technology or process for which permit standards for the activity have not been promulgated. The permit would provide for the construction and operation of a facility, include the necessary requirements to protect human health and the environment, and be limited to a one-year duration with the possibility of three additional renewals.

- *Remedial Action Plans*

A remedial action permit may be issued to authorize the treatment storage or disposal of hazardous remediation waste at a remediation waste management site. Where this is allowable, and all the required information is submitted, it will be included as part of the overall corrective action approval process for ADEC and include the appropriate public notice process.

- *Post-Closure Permit*

A post-closure permit is used for a facility that is no longer operating and has not met the approved standards for removal and decontamination for each regulated unit or requires post-closure monitoring to ensure that the facility is protective of human health and the environment. The post-closure permit may be used for facilities that were permitted during their active life, or that did not have an operating permit. The permit requires either a modification of an existing permit, or a Part A application, as well as specific information as outlined in 40 CFR 270.28, including, but not limited to

Regulations and Guidance

§270.60

§270.62

§270.66

§270.63

18 AAC 62.550
§264, Subpart M

§270.65

§270.68

18 AAC 63.1080
§270, Subpart H

ADEC Hazardous Waste Program Description

detailed processes and timelines for decontamination at the facility, protection of groundwater, financial assurance and any engineering and institutional controls.
(264/265)

Financial Assurance

Facilities, other than federal facilities, that require a permit or corrective action must also demonstrate financial assurance for the cost of closure, post-closure, and corrective action requirements of the facility. Estimates for the cost of closure and post-closure must include the cost calculated for a third party to perform closure, post-closure, and corrective action at the facility and must be approved by ADEC. The estimates for financial assurance must be updated annually and reported to ADEC.

In addition, the facility is required to demonstrate financial responsibility for bodily injury and property damage to third parties arising from operations. For sudden accidental occurrences, liability coverage must cover at least \$1 million per occurrence with an annual aggregate of at least \$2 million. For non-sudden accidental occurrences, the minimum coverage is \$4 million per occurrence and \$8 million annual aggregate.

The regulations offer multiple mechanisms for meeting both closure and post-closure financial assurance and liability coverage. Each option includes specific demonstration and reporting requirements. ADEC will review financial assurance documentation as part of a comprehensive inspection of a facility and/or as part of a permit application, a request for permit modification, annual corrective action reporting, or annual updates.

Appeal of a Decision

A person authorized under 18 AAC 15.200 may request an informal review under 18 AAC 15.185 or an adjudicatory hearing under 18 AAC 15.195 - 18 AAC 15.340 to review a final decision made under 18 AAC 62 (Hazardous Waste). The regulations in 18 AAC 15 govern ADEC administrative procedures, including administrative appeals. The regulation 18 AAC 15.200 sets out the requirements for requesting an adjudicatory hearing, including the requester's contact information, the nature of their interests, the contested issues of disputed facts and law, and so forth. The following language is included in each final decision:

A person authorized under a provision of 18 AAC 15 may request an informal review of a contested decision by the Division Director in accordance with 18 AAC 15.185 and/or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. See ADEC's "Appeal a DEC Decision" web page <https://dec.alaska.gov/commish/review-guidance/> for access to the required forms and guidance on the appeal process. Please provide a courtesy copy of the adjudicatory hearing request in an electronic format to the parties required to be served under 18 AAC 15.200. Requests must be submitted no later than the deadline specified in 18 AAC 15.

Informal Review

Under 18 AAC 15.185, a person may request informal review of a final decision by the Environmental Health Division director. The director will grant or deny a request for informal review. If the request is granted, in making a final decision, the director may affirm the contested decision, remand the entire decision to staff, or change the contested decision. As part of the final decision, the director will inform the requester and other parties of their right to seek an adjudicatory hearing under 18 AAC 15.200. An informal review is not required before requesting an adjudicatory hearing before the Commissioner.

Regulations and Guidance

18 AAC 62.250
§261, Subpart H
18 AAC 62.535
§264, Subpart H
18 AAC 62.635
§265, Subpart H
18 AAC 62.870
§267, Subpart H

18 AAC 62.1300
18 AAC 15

18 AAC 15.195-340
§124.19

Adjudicatory Hearing

Under 18 AAC 15.195 – 18 AAC 15.340, a person may request an adjudicatory hearing of a final decision before the Commissioner, as well as a stay. The Commissioner will deny or conditionally approve the request and refer it to the Office of Administrative Hearings for a recommended decision on whether the request meets requirements. If the Commissioner ultimately grants a request for an adjudicatory hearing, the department will publish notice of the action and the Commissioner will refer the matter to the Office of Administrative Hearings for briefing, completing the administrative record, and the hearing. The Office of Administrative Hearings will render a recommended decision, and the Commissioner will render a final decision. The hearing requester may appeal this final decision to state superior court.

Under 18 AAC 15.210, a final decision is effective when issued and is not automatically stayed during an informal review or adjudicatory hearing. A stay may be requested from the commissioner, who will make a final decision on the stay request in accordance with the factors listed in 18 AAC 15.210. Unless a stay is granted, the requirements of the permit remain in force.

Monitoring Environmental Conditions

Monitoring at hazardous waste facilities and units is an important part of maintaining compliance and ensuring protection of human health and the environment. Monitoring may include visual monitoring, water monitoring, air monitoring, thermal monitoring, or other monitoring of conditions relevant to the potential impacts of the unit. The goal of each type of monitoring is to identify potential, past, or current conditions that may cause or indicate a release of hazardous constituents and to use the data to evaluate the potential impact to human health and the environment and compliance with the regulations.

Visual

ADEC will provide outreach, technical assistance, and enforcement to ensure that hazardous waste handlers are in compliance with the requirements for regular visual monitoring. For permitted facilities, the permit application must include a description, timeline, and checklist of visual monitoring activities. SQGs and LQGs must document visual monitoring under 40 CFR 262.16 or 40 CFR 262.17 [18 AAC 62.301] at least weekly, and storage tanks must be measured daily and inspected weekly for construction integrity. Hazardous waste handlers are required to save visual monitoring checklists and reports in the facility record for at least three years. Records will be reviewed during inspections and record audits.

18 AAC 62.505
40 CFR 264.15

Groundwater

ADEC may require groundwater monitoring for hazardous waste units to demonstrate that the land based regulated units are not impacting groundwater or that any impacts are mitigated. Groundwater monitoring reports must be submitted to the Hazardous Waste Program within 90 days of a monitoring event, or as identified in a permit, order, or 40 CFR Part 264 and 265 Subpart F. A Hazardous Waste Program EPS, with appropriate training and oversight from the Solid Waste Management Program EPS 4, will review monitoring reports to ensure that the monitoring plan and Quality Assurance Project Plan (QAPP) are being followed, and to address whether any change in constituent concentrations reflect impacts from the facility.

18 AAC 62.525
§264, Subpart F
18 AAC 62.625
§265, Subpart F

Groundwater monitoring report reviews include a review to determine if there is a statistically significant change to groundwater quality and a transition to compliance monitoring or corrective action is required. Any required change in a facility groundwater monitoring program will be communicated to the facility owner/operator as soon as it is identified, and any required timelines will be initiated.

A more detailed review that includes any notable problems in the monitoring activities, analyses, or reporting, including requirements for resolution will be submitted to the owner/operator, ideally prior to the next monitoring event.

Surface Water

In some cases, where a primary drinking water source is surface water, or for facilities in permafrost areas, the Hazardous Waste Program may monitor surface water bodies that may be impacted by the facility. Surface water results are compared to the applicable Water Quality Standards. In the case of conflicting or missing standards, the Hazardous Waste Program will use the most stringent of EPA Water Quality Standards, Alaska Water Quality Standards, and the Groundwater Human Health Cleanup Level in 18 AAC 75.345, Table C for hazardous constituents listed in Appendix VIII. As with groundwater monitoring, reports must be submitted within 90 days of the monitoring event, or other intervals as identified in a permit or order. A Hazardous Waste Program EPS, with appropriate training and oversight from the Solid Waste Management Program EPS 4, will review monitoring reports to determine if any samples exceed the water quality standards and whether the exceedance is likely to be related to the facility. Any exceedances will also be reported to the ADEC Water Quality Program, and the Hazardous Waste Program will work in concert to determine compliance or enforcement measures.

§264.90(f)(2)

18 AAC 62.527
18 AAC 75.345

Air Emissions

ADEC will require air emissions monitoring for certain facilities. The requirements will be documented via a permit or compliance order. Reports of any exceedances of emission standards must be submitted to ADEC at least semi-annually. These reports will be reviewed to ensure that the owner/operator responded to any exceedances in a timely and effective manner as required in the regulations. Any regular or ongoing exceedances will be reviewed for possible enforcement action.

18 AAC 62.570 – 572
18 AAC 62.691 – 693§264 and §265,
Subparts AA, BB, or
CC

Thermal

Thermal monitoring may be required for RCRA regulated facilities located on permafrost to evaluate impacts of the facility to the stability of the underlying permafrost. This may be documented by permit, compliance order, or other agreement. Reports will be reviewed to ensure that the facility is not impacting the underlying permafrost, and that permafrost degradation is not likely to impact stability or containment at the facility.

§264.90(f)(2)

Compliance Monitoring Evaluations (Inspections)

Compliance Monitoring Evaluations of RCRA generators, transporters, and TSDFs are one of the primary methods for ensuring that hazardous waste handlers are complying with the regulations. Compliance monitoring includes onsite inspections and/or offsite reviews that can include but are not limited to, records audits, groundwater monitoring, facility monitoring review, and review of financial assurance. Onsite inspections may include comprehensive compliance evaluation inspections designed to assess the entire facility or targeted compliance evaluation inspections that focus on a portion of the facility, specific process, or regulatory requirements.

<https://www.epa.gov/system/files/documents/2021-12/rcracms.pdf>

Compliance Evaluation Inspection Goals

Each SFY the Hazardous Waste Program will perform onsite inspections of various hazardous waste handlers. Our proposed inspection frequency goals are included below in Table 5. At a minimum, ADEC will meet the inspection goals listed in the 2021 (and future editions of) RCRA Compliance Monitoring Strategy (CMS).

Table 5. ADEC Compliance Monitoring Evaluation (CME) Plan

Site Type	Frequency of Inspection	Expected Annual Inspections
CME for Operating Permitted Treatment, Storage, or Disposal Facilities (TSDF)	All active facilities inspected annually	2
Corrective Action Compliance Evaluation (CAC), Groundwater Monitoring Evaluation (GME), or Operations and Maintenance (OAM) inspection.	30% of facilities inspected annually	4
Large Quantity Generators (LQG) and Pharmaceutical Reverse Distributors	25% of known active handlers annually	8
Small Quantity Generators (SQG)	10% of known active handlers, annually	Insufficient Data
Transporters and 10-day Transfer sites	Minimum of 10 inspected annually	10
Very Small Quantity Generators (VSQG)		
Other RCRA Handlers		
Suspected Non-Compliers		
Other Inspections to address EPA or ADEC priority areas	Inspected on an as needed basis	N/A
Complaints		

Identifying Evaluation Sites

ADEC will identify facilities for Compliance Monitoring Evaluations for the SFY, beginning July 1, by March 1 of the previous SFY. The following factors will be considered when determining which facilities to address each year to meet the overall evaluation plan:

- SQGs or LQGs that have never been inspected
- LQGs not inspected in the past 5 years
- Enforcement follow up
- Corrective Action sites to confirm change in status
- EPA or ADEC evaluation directives
- Potential degree of harm to human and environmental health
- Previous violations – severity and pattern

The Hazardous Waste EPM 1 and the Compliance and Enforcement Lead will create the list of potential facilities to be inspected in the coming SFY with input from the team. Once the list is finalized, a credentialed inspector will be assigned to lead each inspection. Facilities may be added to or removed from the list as needed to address inspection goals.

On-Site Inspection

On-site compliance monitoring activities may include either compliance evaluation inspections (CEIs) designed to assess compliance of the whole facility (i.e., CEIs including an in-depth, process-based inspection that comprehensively evaluates the facility's waste management practices, or focused compliance inspections targeted to concentrate on a portion of a facility or a specific process, pollutant, or regulatory requirement. An on-site inspection is used to determine compliance of a hazardous waste generator, transporter, or TSDF with the regulations and/or applicable permit conditions. Inspections will be conducted by a credentialed ADEC Hazardous Waste Program inspector or enforcement officer who has completed RCRA inspector training, additional assigned ADEC training, and an inspection practicum with an EPA or other senior inspector. In most cases, inspections will be unannounced, except where it is impractical due to transportation, remote location, or other

concerns. Site entry and information gathering will be performed in accordance with the ADEC Compliance and Enforcement Manual (Appendix E).

Inspections require preparation and planning. Inspection preparation includes, but is not limited to: travel planning, reviewing site detail and history in RCRAInfo, ECHO, ADEC file and reviewing applicable regulations.

Inspections will be recorded using available hardcopy or electronic inspection checklists and field notebooks to document observations. We are currently developing an inspection report template to be used once authorized.

A typical inspection will include, at a minimum, the following main points:

- Site verification – Confirming the location and operation of the facility via data, aerial images, or pre-inspection visual observations.
- Site Entry – Inspectors will identify themselves and present their credentials, request consent to access the facility and conduct an inspection. Inspectors will make note of the individual that grants or denies access. If access is denied the inspector will work with management and the Department of Law to obtain a warrant and if deemed necessary, enlist the assistance of the Alaska State Troopers.
- Opening conference – Meeting the facility point of contact and discussing the reason for the inspection and scope of the inspection.
- Records review – Inspecting records such as hazardous waste operators training, hazardous waste manifests, waste determination records, waste analysis plan, facility inspections, weekly inspections, and contingency plan.
- Site walk-through – Examining the facility's processes, hazardous waste management practices, generation points, and accumulation areas. Inspecting satellite accumulations areas, the central accumulation area, and checking type and quantity of spill response equipment. Look for waste that the facility representative has not yet identified or designated as hazardous.
- Staff interviews – Talking with staff to determine knowledge of hazardous waste management as it pertains to their work tasks.
- Closing conference – Meeting with facility staff to go over the areas of concern identified during the inspection and discuss documents the facility needs to provide, and/or actions that the facility needs to take.

All areas of concern noted will be documented both photographically and narratively where possible, discussed at the closing conference, and included in the Inspection Report.

When multiple ADEC inspectors are assigned to an inspection, one inspector will function as the lead inspector while the other inspector(s) will assist. The lead inspector will conduct the opening and closing conferences, define the scope of the inspection, and determine what records will be reviewed. The lead inspector will conduct the site walk through while an accompanying inspector, if present, will take photographs, notes, help the lead inspector identify areas of concern, and assist with reviewing records.

Any environmental sampling that is performed by ADEC as part of the inspection will be performed by an ADEC qualified sampler or contracted to a third party.

Inspection Report

A written report documenting the findings of an inspection will be sent to the facility. The report will include:

18 AAC 75.333(c)

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- The date(s), scope, and purpose of the inspection.
- A list of the participating individuals.
- A list of locations/buildings inspected
- A brief discussion of the type of site and its compliance history.
- Identification and description of all areas of concern at the facility,
- Recognition of corrections made by the operator during the inspection or documented since the inspection, and
- A photo log documenting observations made during the inspection.

The final report will be sent to the facility and will also be forwarded to the Program Compliance and Enforcement Lead and/or Hazardous Waste Program Manager 1, if warranted, for compliance analysis and enforcement consideration.

Records Audit

The Hazardous Waste Program may choose to perform a records audit in lieu of an on-site inspection if an on-site inspection is not possible or to address concerns with recordkeeping. This is particularly useful if travel must be canceled or postponed. However, this will not substitute for an onsite inspection and an onsite inspection will be scheduled for a later date, if possible. The records audit will be a comprehensive review of the facility's required records for the previous 3 years. Records may be reviewed based on previous required submittals and/or requested from the facility. This will include all records required to be kept in the operating record, including, but not limited to:

- Generator Recordkeeping Requirements
- Permit, permit application, permit conditions, and modifications
- Previous facility inspections
- Manifests and manifest exception reports
- Land Disposal Requirements records
- Facility monitoring reports
- Waste Analysis Plans
- Emissions reporting
- Hazardous waste cleanup records and reports
- Financial Assurance records

Complaint Response

Complaints from the public can be a valuable source of compliance information. The Hazardous Waste Program is committed to receiving, understanding, and properly addressing public complaints related to mishandling of hazardous waste.

A single individual will be assigned as the point of contact for public complaints. These may be registered via the ADEC website "Report a Suspected Violation" or "Report a Spill" web pages, or directly via phone or email. Figure A provides a guide for the ADEC point of contact to evaluate and recommend an initial response to a complaint.

Information helpful to evaluate a complaint includes, but is not limited to:

- Complainant name and contact information
- Name and contact information for the alleged violator
- Location of the alleged violation
- Date/time of the alleged violation
- Details of the alleged violation
- Relationship of the complainant to the alleged violator
- The ADEC point of contact will be responsible for following up with the complainant, if needed.

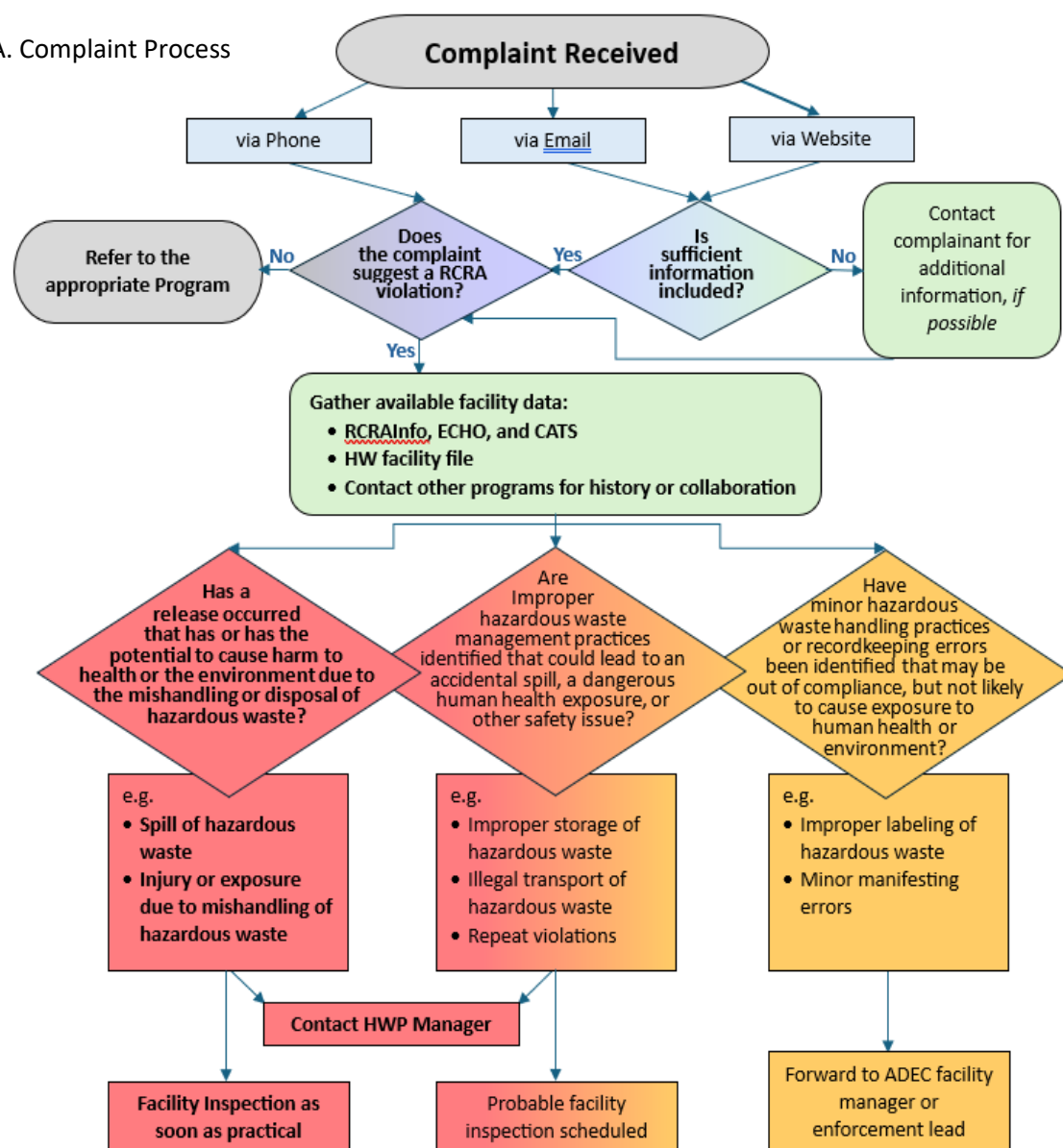
ADEC Hazardous Waste Program Description

Once a complaint is forwarded to the Hazardous Waste Program Manager, ADEC facility manager, or Compliance and Enforcement Lead, the process will proceed based on the results of any inspection and/or other information regarding the facility.

Self-Reported Violations

When a facility self-reports a violation, ADEC will gather the appropriate information regarding the violation and efforts to correct the violation and evaluate the need for an inspection and/or enforcement action. Self-reported violations that are remedied in a timely manner may receive a degree of assessment mitigation in the enforcement process.

Figure A. Complaint Process



Enforcement Response

The Hazardous Waste Program is responsible for the enforcement of the RCRA Subtitle C regulations as codified in 18 AAC 62. The primary goal of the program is to ensure that hazardous waste handlers comply with the regulations in 18 AAC 62 and permit requirements issued by the department or EPA at RCRA regulated facilities. Enforcement actions taken by the Hazardous Waste Program are intended to promote compliance to protect human health and the environment, and to deter noncompliance.

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Enforcement should be timely, consistent, predictable, and address the nature and severity of the violation. The selection of an appropriate enforcement response is an integral component of the Hazardous Waste Program enforcement and compliance assurance program. An appropriate response should achieve a timely return to compliance and serve as a deterrent to future non-compliance by eliminating any economic advantage received by the violator. The goal of enforcement is to attain and maintain compliance. This is achieved by consistently applying enforcement options to bring violators into compliance and the use of civil enforcement assessments to address potential harm to human health and the environment, harm to the RCRA program, and remove any economic advantage to deter future non-compliance within the regulated community.

To help select the appropriate enforcement response, several factors must be considered, including, but not limited to:

- the potential or actual harm to human health or the environment caused by the violation;
- the number of violations at the facility or by the handler;
- the willfulness and/or negligence of the violator;
- the compliance history of the violator;
- whether the violation was self-reported;
- whether and how quickly the violation was corrected; and,
- enforcement consistency by ADEC for regulatory integrity.

The Hazardous Waste Program will use this and any additional relevant information to select an appropriate enforcement response to address all violations. This section establishes the criteria for determining when formal and informal enforcement responses are appropriate. The program reserves the right to exercise enforcement discretion on a case-by-case basis.

Informal Enforcement

ADEC will employ informal enforcement for lesser violations where a formal enforcement response is not necessary to bring the violator into compliance or conditions exist where formal enforcement would not produce a better result. Informal enforcement will be recorded as a compliance letter or report, or a Notice of Violation (NOV), that identifies the violations, the applicable statutes and regulations, and recognizes if the handler has already come into compliance or establishes the requirements to do so. ADEC may also employ compliance assistance for informal enforcement, such as helping the handler to develop a plan, steps, and timelines to come into compliance.

Informal enforcement is documented in RCRAInfo and the facility file and if an NOV is issued, in the ADEC Compliance Action Tracking System (CATS) database. ADEC will track ongoing compliance actions and may elevate the response to formal enforcement and levy civil assessments or criminal penalties for failure to achieve compliance.

Significant Non-Complier

In the Data Elements Dictionary for RCRAInfo, EPA defines a Significant Non-Complier as:

...a site that has caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; is a chronic or recalcitrant violator; or deviates substantially from the terms of a permit, order, agreement or from RCRA statutory or regulatory requirements. In evaluating whether there has been actual or likely exposure to hazardous waste or hazardous waste constituents, implementers should consider both environmental and human health concerns. However, environmental impact or a substantial likelihood of impact alone is sufficient to cause a violator to be an SNC, particularly when the environmental media affected require special protection (e.g., wetlands or sources of underground

drinking water). Additionally, when deciding whether a violator meets this criterion, implementers should consider the potential exposure of workers to hazardous waste or hazardous waste constituents.

In considering designating a hazardous waste handler a Significant Non-Complier (SNC), ADEC will provide a determination based upon, but not limited to, the definition and the following:

- A history of environmental violations, especially similar ones;
- Multiple violations at a single site or multiple sites owned or operated by the handler;
- A violation that has impacted, or threatens to impact, human health or the environment;
- Failure to take immediate steps necessary to mitigate the violation; or
- An obvious or egregious violation.

A SNC will be recorded in RCRAInfo and any violations will be addressed through formal enforcement. The formal enforcement response will mandate compliance and initiate administrative or civil action that results in an enforceable agreement or compliance order and will impose sanctions. The formal enforcement response will seek injunctive relief that ensures that the violator resolves its violations and expeditiously returns to compliance. Removal of the SNC designation will occur when the handler demonstrates full compliance with the enforceable agreement or order.

Formal Enforcement

When a violation poses an imminent risk to human health or the environment, the owner/operator has failed to respond to informal enforcement action, or is a serious repeat environmental violator, formal enforcement may be appropriate. Formal enforcement involves a referral to the Department of Law. ADEC's Compliance and Enforcement Manual describes the procedures to make such a referral.

Formal enforcement may include a civil assessment pursuant to AS 46.03.760(e). The Hazardous Waste Program can assess civil assessments up to \$100,000 for an initial violation and up to \$10,000 per day per violation. Assessments will be calculated using EPA penalty and financial models.

In formal enforcement, the most common mechanism to address the violation is a Compliance Order by Consent (COBC) where the violator agrees to complete a specific series of actions to come into compliance with the regulations, but other mechanisms, as listed below, may be implemented. COBCs may include stipulated penalties for missed deadlines, avoidable delays, or other violations of the order.

In addition to COBCs, options for formal enforcement include:

- Compliance Order under AS 46.03.850 is an administrative order that establishes steps that the violator must undertake in order to abate a violation. The Compliance Order is a unilateral, non-judicial enforcement tool that differs from the Compliance Order by Consent in that it is not consensual.
- Nuisance Abatement Order under AS 46.03.810 is an administrative order that allows the Department to require a person guilty of creating or maintaining an air or land nuisance to abate the nuisance. If a person neglects or refuses to follow the abatement order, they may be charged with a class A misdemeanor.

- Emergency Order under AS 46.03.820 is an administrative order that temporarily abrogates the rights of the person upon whom the order is served. An Emergency Order will immediately stop an activity that presents an imminent danger to human health or welfare or that is likely to cause serious damage to natural resources or the environment.
- Settlement Agreement under AS 46.03.020 is a contract between the violator and the state to settle an action before or after filing a civil complaint and is generally used when further remedial actions are unnecessary to resolve a case. Settlement agreements can include a civil assessment and may be expedited as appropriate.
- Permit termination is an enforcement action that may be pursued instead of or in addition to other administrative remedies when appropriate and in accordance with applicable regulations. For use as an enforcement tool, staff must first consult with the Department of Law before proceeding to ensure that the permittee is given due process.

Civil Remedies

Where necessary, the Hazardous Waste Program with the Department of Law may use the courts for enforcement. These actions may include the following:

- A Civil Suit under AS 46.03.760(e) is a civil action that can seek damages, costs, and civil assessments for violations. A civil action is filed by an Assistant Attorney General in consultation with the Department.
- A Consent Decree under AS 46.03.020 is a judgment enforced by the court that addresses serious civil violations and can include civil assessments, response actions, cost recovery provisions, and payment of damages by the violator. A consent decree is very similar to a COBC except that the consent decree is filed in court, and once approved by the court as an agreed upon settlement, is enforceable as a court order.
- Temporary Restraining Order and Preliminary Injunction under AS 46.03.765 are extraordinary court orders that the court modifies to address specific situations that may require certain actions be taken by the defendant, standards be met, or acts not be performed during the period prior to a trial. These orders are available early in a civil suit to protect human health or the environment.

Criminal Remedies

A Criminal Complaint will be considered where proof of a violation is compelling, there is evidence of negligence or intent, and the identity of the alleged violator is clear. In criminal cases, fines can be assessed by the court and violators can be imprisoned. All allegations of environmental crimes are referred by the Department to the Environmental Crimes Unit (ECU). The Department's Compliance and Enforcement Manual (2015) describes the procedures to refer a potential criminal action to ECU.

Timing of Enforcement Response

All significant noncompliance will be responded to in a timely and appropriate manner by ADEC. The response will reflect the nature and severity of the violation. Unless there is supportable justification, the response must be a formal enforcement action and/or must require a return to compliance by the regulated entity, generally within 90 days of the date that the violation is first reported. In instances when formal enforcement action is not taken in response, ADEC will keep a written record that clearly justifies why the alternative action

ADEC Hazardous Waste Program Description

(e.g. informal enforcement or a permit modification) was the more appropriate action to take.

There is no specific timeframe established to initiate and complete an enforcement process. However, ADEC's general guideline is that within 45 days of identifying a violation, the appropriate response will be determined and the action initiated, or if not initiated, documented. ADEC will take into consideration the appropriate formal enforcement response in those instances when noncompliance continues beyond what is considered a reasonable time.

Compliance Tracking

The Hazardous Waste Program uses the EPA RCRAInfo database to record compliance and enforcement actions as well as ADEC's CATS database. All enforcement actions will be entered in the federal RCRAInfo database; an NOV or any formal enforcement actions will also be entered in CATS.

Hazardous Waste Cleanup

(For the purposes of this section, the term "Cleanup" will refer to any action under RCRA or State regulations for addressing removal of contamination. "Corrective Action" will refer to specific actions required under RCRA, Subtitle C.)

The Hazardous Waste Cleanup Program under RCRA requires ADEC to ensure that facilities protect human health and the environment by investigating and requiring cleanup of releases of hazardous constituents into soil, groundwater, surface water, or air. This requirement is applicable to both permitted and non-permitted RCRA TSDFs and is implemented via permits, corrective action plans, and compliance orders. Releases must be addressed on a facility-wide basis, as well as for areas beyond the facility boundary, where necessary, to protect human health and the environment.

RCRA Corrective Action is a results-driven program that is required by federal statute and implemented through guidance and policy and is designed to be implemented flexibly. This flexibility supports accomplishing the overall goals of the National Hazardous Waste Cleanup Program, achieving interim milestones under those goals, and completing facility cleanup in support of healthy and sustainable communities where people and the environment are protected from releases of hazardous constituents and state regulated hazardous substances.

For RCRA facilities in Alaska, ADEC's Hazardous Waste Program (HWP) will ensure that releases of hazardous constituents are characterized and cleaned up in a manner that meets the RCRA requirements and protects human health and the environment.

Corrective action planning and implementation at a RCRA facility will include some or all the following actions:

- **Identification of a release** of a hazardous constituent.
- The HWP may require **interim measures** needed to protect human health and the environment. This can occur at any point throughout the cleanup process.
- **RCRA Facility Assessment** to identify Hazardous and Solid Waste Management Units (SWMUs) at the facility and identify any potential impacts beyond the facility
- **RCRA Facility Investigation** to identify the nature and extent of releases of hazardous constituents at any of the SWMUs

Regulations and Guidance

EPA Guidance

RCRA First Approach

18 AAC 62.299
§40 CFR 261,
Appendix VIII

18 AAC 62.525-535
§264, Subparts
F, G, & H

18 AAC 62.625-635
§265, Subparts
F, G, & H

- A **Corrective Measures Study** to identify and evaluate alternatives for cleanup of a facility and identify a preferred remedy. Once the remedy is approved, a detailed workplan will be required.
- **Remedy Construction** of the HWP approved remedy by the owner/operator. The requirements will be documented in a permit, Compliance Order, or plan approval.
- **Tracking Progress** of the cleanup – The HWP monitors the project to ensure it is implemented in accordance with the approved remedy and schedule and ensures that adequate financial assurance is maintained.
- **Corrective Action Standards Attained** is documented when a corrective action has reduced all contaminants to or below the approved cleanup standards for a SWMU or facility.
- **Long Term Stewardship** is required if waste or contamination is left in place exceeding the approved standards. This will be addressed in a post-closure plan, permit, environmental covenant, or notice of activity and use limitations (for federal facilities) identifying items such as required monitoring activities, engineering and institutional controls, and the duration of post closure care.

Each of these steps may not always be required, can overlap, and can occur in a different order given the inherent flexibility of the Corrective Action program. It is important to engage early in the process with the owner/operator of the facility to communicate the general process and potential flexibility to ensure that RCRA requirements may be met in the most effective and efficient manner. Details on how coordination of the corrective action process will proceed between the HWP and the Contaminated Sites Program (CSP) is discussed below in the section titled “Coordination Between the Hazardous Waste and Contaminated Sites Programs”.

Identification of a Release

The first step in the RCRA corrective action process involves the identification of possible or probable releases of hazardous constituents to the environment. Sources for identifying releases may include a RCRA Facility Assessment and investigation as described below, reports from a facility, citizen complaints, the ADEC Spill Prevention and Response (SPAR) Division spill reporting system, or other reporting systems. For RCRA facilities, the identification of a release of hazardous constituents to the environment will trigger requirements for corrective action. If a facility operated entirely prior to 1982, corrective action will be addressed under §§264.101 or 265.101. For facilities that operated in or beyond 1982, corrective action will be addressed under §§264.91-100 or 265.91-100. For those facilities not already identified in the RCRAInfo database, the first requirement is for the owner/operator to submit a site ID form and obtain a RCRA ID number.

The initial analysis of the release and communication with the owner/operator will help to determine some facility-specific options for addressing a release at a hazardous waste facility. These options will include clean closure, a cleanup permit, or an operating or post-closure permit. If a release is identified that can immediately be cleaned to approved standards, no permit may be required and ADEC may approve clean closure as the pursued pathway. If an identified release is unable to be cleaned up entirely to clean closure standards, the facility (that operated after 1984) will require either a cleanup permit, a new operating permit, or the modification of an existing operating permit, older facilities may be addressed with another enforceable mechanism for corrective action. The following bullets describe these options in more detail:

- Clean Closure – This first option may be used to address SWMUs that are relatively isolated (physically and chemically), that do not warrant an RFA, and where all wastes are removed and remaining equipment, structures and surrounding soils are decontaminated. This allows the owner/operator to clean close the unit under an approved closure plan. Clean closure requires removal of all hazardous waste and related contamination to the most restrictive applicable state or federal standards. The owner/operator must remove or decontaminate all hazardous waste, liners, and environmental media contaminated by releases from the unit. Any hazardous constituents remaining onsite may not pose a risk to human health or the environment. This will be a coordinated project between HWP and CSP. The HWP will provide a 45-day public comment period for the closure plan and written approval that addresses any comments and will issue a related enforceable order.
- Cleanup Permit – This option is available for individual or multiple units that require corrective action that are no longer operating but that operated at any time as a TSD. It allows for regulatory control over the facility without a full operating permit during corrective action and post-closure. The facility must operate within the parameters established in 40 CFR 265 – Interim Status and submit a “Part A” permit application (EPA Form 8700-23). The interim status facility is required to perform an RFA for the facility and an RFI for each identified Hazardous or Solid Waste Management Unit (SWMU), on a facility-wide basis, as well as for areas beyond the facility boundary, where necessary, to protect human health and the environment. Other facility-specific RCRA requirements, including Financial Assurance, Liability Insurance, Groundwater Monitoring, and RCRA-specific completion requirements will be detailed in the conditions of the permit, and/or documented in an enforceable order that may be adopted into the permit. The HWP will provide a 45-day public comment period for a draft Cleanup Permit for the selected remedy and will issue a final Cleanup Permit including consideration of the comments.
- Operating Permit – For facilities that are operational and have or require a current operating permit, a full permit application, parts A and B, must be submitted, or an existing permit may be modified to address the operations and corrective action at the facility. The permit would ensure that the facility operates under the requirements of 40 CFR 264 for the period of the cleanup. Operating permits are required to have conditions for corrective action. The permit conditions will detail the corrective action requirements and may be adopted into the permit from a closure plan or compliance order. ADEC will provide a 45-day public comment period for a draft permit and issue a final permit and may revise conditions based on those comments.

The ADEC decision as to which of the above options, or other enforceable orders may be implemented to address corrective action at a unit or facility may change at any time in the process based upon site-specific conditions, or the action or inaction of the owner/operator.

Interim Measures

Interim measures, as necessary to prevent human exposure to a hazardous constituent or migration of a hazardous constituent at or from the facility, or to protect health and safety may be required at any point in the corrective action to control or abate ongoing risks to human health or the environment.

RCRA Facility Assessment (RFA)

For RCRA regulated facilities operating under interim status or a permit, the owner/operator (under the oversight of ADEC), a third-party, or ADEC HWP will perform an RFA. This may be initiated in “Part B” of the permit application or modification, under a closure plan, or under

Regulations and Guidance

§264.91-100
§264.101
§265.91-94

18 AAC 62.1000
§270.1(c)(7)

§265.121
18 AAC 62.527

18 AAC 62.625-635
§265, Subparts
F , G , & H

18 AAC 62. Article 5
§264
18 AAC 62, Article 9
§270

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a Cleanup Permit. The purpose of the RFA is to identify and gather information on all areas of concern and identify SWMUs at a facility including “all other contiguous land, structures, other appurtenances, and improvements on the land”.

The process for performing the RFA includes:

- Gathering and reviewing current and historical information on the facility and potential releases;
- Evaluating hazardous or solid waste management units (SWMUs) and further areas of concern for releases; and
- Making preliminary determinations regarding releases and areas of concern and the need for further investigation or interim measures.

The assessment will include physical and chemical characteristics of the facility and each potential SWMU or area of concern. The final report will identify type and location of waste treated, stored, or disposed of at the facility, examine geology and hydrology at the facility to identify likely pollutant migration pathways, identify any evidence of releases, and evaluate the potential for exposure from any potential releases.

RCRA Facility Investigation (RFI)

The facility owner/operator will perform an RFI to characterize SWMUs with known or suspected releases of hazardous constituents to the environment. The RFI is used to determine the nature and extent of hazardous constituent releases in all media (surface water, groundwater, soils, and air) or other areas of concern at a SWMU. The RFI helps to identify the presence, movement, fate, and risks to human health and the environment associated with the contamination at SWMU.

The RFI involves the collection of specific data from a SWMU or group of SWMUs to evaluate any releases, evaluate potential human health and/or ecological impacts of contamination, and to explain the chemical and physical properties of the facility that are likely to influence contamination migration and cleanup. It also identifies Environmental Indicators, such as such as human health exposures or groundwater contamination that will be used to track progress of a cleanup. These findings support the selection and implementation of interim and corrective measures.

The RFI consists of four main tasks:

1. Current Conditions
A description of current conditions includes a discussion of the facility background, the nature and extent of known contamination, the implementation of any interim measures, the status of environmental indicators, and how they will be used to track progress of cleanup.
2. RFI Workplan
The workplan sets out the specifics of the RFI activities and should include the necessary steps to locate and evaluate releases of hazardous contaminants to the environment. These include but are not limited to the project management plan, the data collection quality assurance project plan, the data management plan, and the community relations plan. ADEC will review the document to ensure that all RCRA requirements are met and will effectively evaluate the facility.

The main elements of the RFI include details for:

- Examination of the environmental setting of the facility,
- Contaminant source characterization,
- Contaminant characterization,
- Potential receptor identification,

- Assessment of risks to health, safety, and environment, and
- Data analysis.

3. Reports

The RFI report will evaluate the data collected toward determining appropriate corrective measures. In addition, at this point, the owner/ operator shall begin submitting bimonthly progress reports on activities related to findings and activities at the facility.

The data collected during the RFI also supports the environmental indicator evaluation and the need for a Corrective Measure Study (CMS) prior to proceeding with cleanup for each SWMU.

Corrective Measures Study (CMS)

A CMS is required where the HWP determines the RFI identifies the need for a CMS, the owner/operator must develop one. In the CMS, the owner/operator will identify and evaluate several corrective measure alternatives for implementation as a final remedy at the facility, examine the advantages and disadvantages of each alternative relative to facility-specific conditions, and select a preferred remedy for implementation. The HWP will review the CMS to ensure that the alternatives have been properly evaluated, and the final remedy meets the threshold criteria for protecting human health and the environment, achieving media cleanup objectives, controlling the source of releases, and protecting groundwater. It is important that the final remedy ensures that contaminated groundwater does not migrate above levels of concern and beyond the boundaries of the facility.

A formal CMS is not required in every corrective action scenario and may be avoidable in cases such as those involving low-risk facilities, facilities with excavation/ removal remedies, and facilities where presumptive remedies/proven effective remedies have been used successfully in similar cases.

In scenarios where a CMS is required, four central tasks should be considered and addressed. These include:

1. Description of the current conditions at the facility, establishment of cleanup objectives, and identification of the corrective measure alternatives.
2. Evaluation of each corrective measure alternatives
Some criteria to be considered in the evaluation are:
 - Long term effectiveness
 - Reduction in toxicity, mobility, or volume of waste
 - Short term effectiveness
 - Ability to implement
 - Community acceptance
 - State acceptance
 - Cost
3. Justification and recommendation of the selected final remedy
4. Reports
 - Corrective measure report
 - Bimonthly progress reports

The CMS can often be a time-consuming procedural step in the corrective action process. The RCRA FIRST approach will be implemented by ADEC, where possible, to help ensure efficient use of resources. The CMS is addressed in the third phase of RCRA FIRST titled "Remedy Selection Phase" and is used to determine if a formal CMS is needed. Under this approach

three pathways exist for remedy selection. These are: “No CMS”, “Limited CMS”, and “Full CMS”.

The “No CMS” pathway is the most direct and allows facilities to move straight to remedy selection without the need for development of several corrective measure alternatives. This pathway is often utilized by facilities that have interim measures in place that are suitable for final remedy, when post-closure at a facility will include provisions for corrective action, or when the only additional requirements for a facility are institutional controls. The “Limited CMS” pathway is one in which some additional data collection or pilot studies are needed to support a proposed remedy, but this can be accomplished without a formal CMS. Finally, the “Full CMS” pathway is the traditional CMS pathway for a highly complex facility, in which multiple corrective measure alternatives are evaluated, and a final remedy is selected from those presented.

Once the final remedy is agreed upon, ADEC will post public notice and accept comments for at least 45 days. A review of comments and approval or denial of the proposed corrective measures will be issued by HWP. The corrective measures will then be implemented as the final remedy.

Corrective Measures Implementation

Remedy implementation for each SWMU involves a proposed design, construction, operation and maintenance, institutional controls, media sampling, long-term monitoring, and completion at each unit. The details of the final remedy may be presented in the RFI report, the CMS report, or a separate corrective action plan. This may include a phased approach to the cleanup. The owner/operator will continue to provide reports to ADEC regarding any issues with implementation or changes to the plan. Additionally, annual reports will be required by the HWP that document progress made, goals achieved, and continued goals. Government Performance and Results Act (GPRA) and National Corrective Action Prioritization System (NCAPS) goals will also be addressed as required with data entry into RCRAInfo. This will ensure that goals are being met, and that corrective action is occurring in a transparent manner.

Corrective Action Standards Attained

The goal of any RCRA cleanup is to meet the standards approved in the final remedy for the unit or facility. The owner/operator must document this in a corrective action completion report that includes the facility information, details of the corrective action process, sampling results, and a demonstration that the approved remedies have been fully implemented and cleanup levels have been attained. Certification that the unit has met the corrective action requirements must be submitted and signed by the owner/operator and signed and stamped by a Professional Engineer. The HWP will issue a completion approval for any SWMU that has met the requirements and for the facility once all SWMUs are complete. Any facility where corrective action results in hazardous or solid waste remaining in place or levels of contamination exceeding the approved cleanup standards will require long-term stewardship.

Long-Term Stewardship

Any facility that is closed with hazardous or solid waste remaining in place or levels of contamination exceeding the approved cleanup standards, will require some type of engineering and/or institutional controls such as ongoing monitoring and maintenance, access controls, facility restrictions, or other facility-specific requirements that will ensure protection of human health and the environment. Long-term stewardship will be addressed in a post-closure plan that will identify the activities required after completion of cleanup of each SWMU, and the frequency of these activities. The post-closure activities will be

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documented in a post-closure permit or enforceable order and include financial assurance. In addition, ADEC may enter into an agreement under the Universal Environmental Covenants Act (UECA) to ensure that all conditions remain in effect for future landowners.

ADEC will ensure that the public has the opportunity for input on the post closure permit or plan. ADEC will provide a 45-day comment period, formal public hearings if requested, or informal public meetings conducted by ADEC and/or the facility owner/operator.

ADEC will also ensure that the owner/operator maintains adequate financial assurance for the post-closure care of the facility and provides the necessary maintenance, monitoring, and recordkeeping to for the controls to remain effective at the facility. ADEC will conduct compliance inspections and enforcement for non-compliance throughout the post-closure period. ADEC may approve or deny termination of corrective action and institutional controls based on the information gathered and reported.

Coordination between the Hazardous Waste and Contaminated Sites Programs

In the State of Alaska, ADEC has authority to require characterization and cleanup of releases of hazardous waste in accordance with the federal corrective action regulations adopted by reference in 18 AAC 62. Relatedly, ADEC also has the authority to require cleanup of hazardous substances in accordance with 18 AAC 75. Hazardous substances are defined in AS 46.03.826 to include definitions from 42 U.S.C. 9601, which includes hazardous waste under RCRA. Since its program inception, the CSP has overseen response actions at over 8,000 contaminated sites in coordination with state and federal agencies, municipalities, and various private entities.

18 AAC 62.527

For RCRA facilities, HWP will coordinate with CSP to ensure that the state cleanup rules and the RCRA requirements are met during the cleanup process.

For RCRA facilities, each step of the process, the HWP will review documents submitted by the owner/operator for compliance under RCRA and will provide comments related to the RCRA requirements for corrective action and provide an approval or denial where warranted.

- **Identification** –Following a release identified to HWP, we will review any available facility/site history, current operations, and the contaminants involved to determine whether at any time the facility has or should have been managed under RCRA regulations. This would typically include assessing whether hazardous waste was stored, treated, or disposed of at the location and when this occurred. HWP will determine if the facility/site includes a RCRA regulated unit or requires corrective action under RCRA regulations.

If the facility includes a RCRA unit, HWP will identify an owner/operator under the Hazardous Waste Regulations, and SPAR will identify a responsible person (RP) under their regulations. From this point forward, representatives of both SPAR and HWP will be included in meetings and substantive discussions with the owner/operator, RP, contractors, or other agencies, unless agreed otherwise in advance. In addition, HWP and SPAR will coordinate on actions proposed for the facility to ensure that they effectively address the cleanup goals of both programs.

- **Interim Measures** – With the exception of emergency response measures implemented by SPAR under 18 AAC 75, the HWP and CSP will consult on any interim measures required by ADEC.
- **RFA** – This step is not required by SPAR regulations and will be addressed only by the HWP. However, any previously unknown releases identified during the RFA will be reported to SPAR.

- **RFI** – The RFI, or site characterization, must meet the requirements under RCRA and under 18 AAC 75.335. ADEC recommends the owner/operator/RP include all requirements in the Site Characterization workplan and site characterization report and submit to both CSP and HWP rather than develop separate documents. The project managers for both CSP and HWP will coordinate to review the submitted document(s). The HWP will provide relevant comments on the work plan to CSP within agreed upon timeframes and provide a coordinated response to the owner/operator/RP where possible. Although HWP does not require issuing a separate approval of the RFI workplan when coordinating with CSP, if deemed necessary, HWP will issue a separate approval for RCRA requirements clarity. Note: The RFI for individual SWMUs may run concurrently with identifying other SWMUs via the RFA.
- **Corrective Measures Study** – A proposed final remedy may be identified in the RFI/Site Characterization. If a SWMU or group of SWMUs warrant further discussion of alternative corrective measures, this will be identified by HWP as early as possible in the process. HWP will require the elements of a corrective measures study to be developed separately or as part of the site characterization and review it accordingly. Regardless of level of CMS, HWP will provide a 30-day public comment period for the selected final remedy. A denial or approval letter of the selected remedy that may include stipulations based on comments received, will be issued by the HWP.
- **Corrective Measures Implementation** – Implementation of the selected remedy must meet both RCRA and Alaska cleanup regulations and will be reviewed and monitored collaboratively. Both HWP and CSP will be included in all discussions and meetings regarding implementation, issues, and changes to the selected remedy. Certain changes may require written approval, and major changes may require additional public notice under RCRA.
- **Corrective Action Standards Attained** – The facility/unit/site must complete cleanup under both CSP and HWP. Project managers from each program will coordinate throughout the process to ensure that their individual regulations and the cleanup requirements have been met. Approvals will be issued by each individual program to document that the applicable requirements have been met, and any additional post-closure requirements. HWP will not issue a Corrective Action Termination approval until all RCRA and SPAR requirements and appropriate RCRA public involvement requirements have been met.
- **Long-Term Stewardship** – Longterm Stewardship requirements will be documented in a RCRA post-closure permit and in covenants or NAULs under UECA. Both HWP and CS will maintain responsibility for monitoring aspects of long-term stewardship and will continue to coordinate to ensure that appropriate conditions are maintained.
- **Coordination Meetings** – In addition to site-specific meetings between the project managers, The HWP Corrective Action Coordinator will schedule semi-annual meetings with appropriate program managers and project managers to review progress of cross-over cleanup projects.

Remediation Waste Management Under RCRA

Cleanup usually produces remediation wastes as defined in 40 CFR 260.10, such as solid and hazardous wastes, contaminated media (including groundwater, surface water, soils, and sediments), and debris, that are managed for implementing cleanup. All remediation waste must be properly managed under RCRA, including treatment and disposal of hazardous waste. Options for onsite storage and treatment of remediation wastes that reduce regulatory burdens and promote efficient and protective cleanup are available. These include

Regulations and Guidance

[AS 46.04, Article 3](#)

18 AAC 62.565
§264, Subpart S

[EPA Remediation Waste Management Guidance](#)

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Corrective Action Management Units (CAMUs), temporary units, including tanks, container storage areas, or staging piles that can be proposed under a permit or permit modification, an approved workplan, closure plan, or modification thereof, or a remedial action plan (RAP) to be reviewed and approved by the HWP.

Contained-In Policy

Environmental media contaminated with hazardous waste must be managed as hazardous waste until it no longer contains the listed waste, no longer exhibits a characteristic, or is delisted. In order for environmental media contaminated with a listed waste to no longer be considered hazardous, the handler must demonstrate to HWP's satisfaction that the media no longer poses a sufficient health threat to merit management as a hazardous waste. There are no established concentrations at which contained-in determinations can be made, but the HWP will review each request for a contained-in determination on a facility-specific basis. A request must, at a minimum, include information on the physical and chemical characteristics of the waste, identification and characterization of the proposed disposal site, all sampling data, and an evaluation and/or modeling indicating that the hazardous constituents will not be released to the environment once disposal has occurred.

INFORMATION MANAGEMENT

Recording and managing facility information accurately is important to ensure that ADEC maintains a clear understanding of the hazardous waste generated and managed in Alaska. ADEC will continue to use the federal RCRAInfo database to manage facility information, and allow data entered to be available to EPA for review. Facility documents will all be stored electronically in the ADEC G: Drive and will be shared with EPA upon request. The Memorandum of Agreement (MOA) between EPA and ADEC, Appendix D, RCRA Data Management will provide more details regarding the specific requirements for data entry and sharing.

RCRAInfo Database

RCRAInfo includes a user-friendly industry interface for handlers to enter data, notifications, or reports. ADEC may also enter data in RCRAInfo for each handler and facility. The system allows for a variety of search options and provides a plethora of reports for ADEC that will provide accurate accounting of hazardous waste within the state.

Agency information management

Assigned ADEC users can create, access, and modify data. The responsibility for entering hazardous waste data is that of the agency collecting the data, as per the most current version of the RCRAInfo Data Element Dictionary (DED).

ADEC will appoint one individual to be the ADEC RCRAInfo Data Administrator with Administrator permissions; The ADEC Hazardous Waste Program Manager will also maintain Administrator status in RCRAInfo. The ADEC RCRAInfo Data Administrator will serve as the technical contact and data coordinator for RCRAInfo and is responsible for communicating with the EPA regarding data management, analysis, reporting, and technical issues. The ADEC Data Administrator is also responsible for training ADEC staff and assisting RCRAInfo Industry users, assuring all data is entered in accordance with specified timeframes, keeping state-specific documentation up-to-date, providing guidance to state managers on data-related policy issues, and communicating the names of all data-related contacts to the EPA. Other ADEC users may have add/update permissions and be trained in reviewing and correcting RCRAInfo data and will be responsible for entering accurate data in a timely manner.

ADEC Hazardous Waste Program Description

EPA Region 10 and the ADEC will share all data within the RCRAInfo handler, compliance/monitoring/enforcement, permitting, corrective action, and waste activity modules. The ADEC RCRAInfo Data Administrator and the EPA RCRAInfo Data Manager will work together to ensure that RCRAInfo data management is successful. The EPA RCRAInfo Data Manager will assist and support both ADEC and the EPA Region 10 staff when problem solving and interpreting RCRAInfo requirements. The ADEC RCRAInfo Data Administrator will be responsible for communicating needs and changes to the ADEC Hazardous Waste Program Team. The EPA and ADEC agree to consult with each other about data decisions that are new or unusual.

Handler information management

All TSDFs, LQGs, SQGs, transporters, some VSQGs, and other handlers are required to file notifications of their activities in RCRAInfo under their assigned hazardous waste identification number and update that information annually. TSDFs are also required to submit annual reports of their hazardous waste activities. Standard notifications and reporting can be submitted through the Hazardous Waste Information Platform (HWIP). Where necessary, information may be submitted electronically or in hard copy and the Hazardous Waste Program will enter it in RCRAInfo.

Other ADEC departments such as the Contaminated Sites Program will not have responsibility for entering or reviewing information in RCRAInfo. Relevant corrective action data will be entered by HWP and shared with the appropriate parties upon request.

Manifest Tracking System

Shipments of hazardous waste must be managed in the E-manifest system. Data may be entered by the generator or the transporter but must be signed by both. As required, the Hazardous Waste Program will continue to use the EPA e-manifest tracking system and required EPA forms for hazardous waste in Alaska.

Manifest information in RCRAInfo will be reviewed regularly to identify transport exceptions or manifest discrepancies. Once identified, they will be forwarded to the appropriate staff for additional research, technical assistance, or referral for enforcement.

Interstate Coordination

Since Alaska does not currently have any hazardous waste disposal facilities, all waste is shipped to other states for disposal. ADEC commits to coordinating with all receiving states to ensure that e-manifest requirements are met, including informing other states of any exception or discrepancy reports, or other issues with waste shipments. ADEC will also ensure that any information regarding international shipping is appropriately forwarded to EPA.

State-Only Tracking

ADEC will maintain electronic files of all information for each handler issued a RCRA ID in accordance with the state's record retention requirements, and a hard file for any original notifications or Cross-Media Electronic Reporting Rule (CROMERR) agreements mailed to ADEC. Any person performing data review, entry, or acceptance will provide internal RCRAInfo notes, when necessary, for the record. The Hazardous Waste Program may develop spreadsheets or databases as needed to track additional information that the program decides to collect and analyze.

OUTREACH PLAN

Regulations and Guidance

<https://rcrapublic.epa.gov/rcra-hwip/>

The Hazardous Waste Program will include a significant outreach component to ensure that hazardous waste handlers statewide are aware of their responsibilities under the regulations as well as the resources available to them, and to allow for stakeholder input into the program.

Once authorized, the Hazardous Waste Program will initiate several different outreach campaigns. The following list is non-exhaustive and will be expanded to include additional campaigns as the program matures.

1. Very Small Quantity Generators (VSQGs) – This will focus on information regarding the responsibilities of VSQGs and using the episodic generator rule to remain a VSQG. This will include working with small businesses and rural communities via website, emailed information, and in person presentations.
2. Small Quantity Generators (SQGs) – This will initially consist of an email campaign to inform SQGs of the transition from EPA to ADEC and to clarify their responsibilities, including annual notification via RCRAInfo. As the program progresses, more individual contact will be initiated.
3. Large Quantity Generators (LQGs) – Initial contact will generally be direct, either by phone or email. We will clarify whether the entity is indeed still an LQG, or if they were registered due to an episodic generation. We will provide a copy of the regulations and assistance via an individual ADEC program specialist.
4. Treatment Storage and Disposal Facilities (TSDFs) – Each active TSDF will be contacted by an assigned ADEC program specialist for direct contact.
5. Hazardous Waste Cleanup – The Hazardous Waste Program Corrective Action Liaison will work with the CSP on corrective action at RCRA facilities and will contact each individual project manager with information regarding any changes that may affect them.
6. Transporters – This will consist of an email campaign to all registered transporters regarding ADEC authorization to implement and enforce hazardous waste regulations in lieu of EPA, and the requirement for annual notification via RCRAInfo. Additionally, efforts will be made to distribute information through associations to ensure that any transporters handling hazardous waste have obtained an EPA ID number.

Ongoing outreach will be focused on specific issues that arise frequently, changes to regulations, and common errors in managing hazardous waste. Most outreach will be via email and the listserv and include guidance documents on various subjects. Guidance will also be available on the ADEC Hazardous Waste Program webpage. In addition, the program will offer presentations regarding the program and applicable regulations.

Appendix A

ADEC Organization Charts

Appendix B

**Hazardous Waste &
Contaminated Sites Program
Position Duties**

Appendix C

Hazardous Waste Program Costs

Appendix D

Referenced ADEC Regulations and Statutes

Appendix E

ADEC Compliance and Enforcement Manual 2015

Appendix F

Current Handler and Facility Data (10/15/2025)