

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

Pollution Control

Part 560 Pollution at FWS Facilities

Chapter 5 The Federal Agency Hazardous Waste Compliance Docket

560 FW 5

5.1 What is the purpose of this chapter? This chapter:

- A. Describes the Federal Agency Hazardous Waste Compliance Docket (Docket) that the U.S. Environmental Protection Agency (EPA) maintains, and
- B. Provides guidance for our employees about listing, investigating, documenting, and reporting the status of Service facilities on the Docket.

5.2 What are the authorities for this chapter?

- A. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 96-510, 42 U.S.C. 9615 *et seq.*).
- B. Resource Conservation and Recovery Act (RCRA), as amended, (Public Law 94-580, 42 U.S.C. 6901 *et seq.*)
- C. Federal Facility Compliance Act of 1992 (Public Law 102-386).
- D. National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan/NCP) (40 CFR 300 *et seq.*).
- E. Executive Order 12580, Superfund Implementation, as amended.

5.3 What is the Federal Agency Hazardous Waste Compliance Docket (Docket)? The Docket is a comprehensive record of information about hazardous substances at Federal facilities that all Federal agencies must report to EPA. CERCLA requires EPA to establish and maintain the Docket, which is available for public inspection. It includes information about:

- A. Facilities where hazardous wastes are managed;
- B. Releases of hazardous substances, pollutants, or contaminants; and
- C. Facilities where the potential exists for a release of hazardous substances, pollutants, or contaminants into the environment.

5.4 What information do agencies report for the Docket?

- A. Following is the information that agencies report:
 - (1) Facilities where they have stored, treated, or disposed of hazardous substances, and the existence of suspected or likely releases of hazardous substances (CERCLA Section 103);
 - (2) Permitting of hazardous waste treatment, storage, and disposal facilities (RCRA Section 3005);
 - (3) Hazardous waste activity for generators; transporters; and treatment, storage, and disposal facilities (RCRA Section 3010); and
 - (4) A biennial inventory of hazardous waste treatment, storage, and disposal facilities (RCRA Section 3016).

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B. EPA reviews the information agencies enter in the databases listed below and creates a list of potential Docket additions, corrections, and deletions every 6 months:

- (1) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS):** CERCLIS contains information on hazardous substance sites, potentially hazardous substance sites, and cleanup activities.
- (2) RCRAInfo:** RCRAInfo is a national program management and inventory system that contains information about hazardous waste handlers.
- (3) RCRA 3016 Inventory:** The RCRA 3016 Inventory contains information about each site an agency owns or operates, or has owned or operated, at which they store, treat, or dispose of (or have disposed of) hazardous waste.
- (4) Emergency Response Notification System (ERNS):** EPA and the U.S. Coast Guard maintain ERNS. ERNS contains information on spills of oil and hazardous substances reported to the National Response Center.

C. EPA:

- (1)** Provides agencies the proposed list of facilities that EPA will add to the Docket for the agencies' review and comment. EPA does this before it publishes the information in the *Federal Register*; and
- (2)** Maintains Docket repository files in its Regional offices.

5.5 Who is responsible for administering the Docket program? Table 5-1 describes the responsibilities for this program.

Table 5-1: Responsibilities	
These employees...	Are responsible for...
A. The Director	Approving policy for our Docket program.
B. The Assistant Director – Business Management and Operations	Ensuring that policy is in place for the Docket program.
C. The Chief, Division of Engineering	<ul style="list-style-type: none"> (1) Developing policy for complying with Docket requirements, (2) Coordinating review of proposed draft Docket updates and sending formal comments to the Department of the Interior and EPA, and (3) Coordinating sending the biennial inventory of hazardous waste treatment, storage, and disposal facilities reports (RCRA Section 3016) to EPA.
D. Regional Environmental Compliance Coordinators or their designees:	<ul style="list-style-type: none"> (1) Sending completed Preliminary Assessment (PA) and Site Inspection (SI) and other site information to the EPA Regional Docket Coordinator within a reasonable timeframe; and (2) Maintaining the official file for Docket sites in their Regions or designating another appropriate location, such

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Table 5-1: Responsibilities	
These employees...	Are responsible for...
	as: (a) The Service office responsible for performing the PA/SI and any cleanup, or (b) The office responsible for oversight of projects another Federal agency performs (see section 5.12).

5.6 What happens when a Service facility is listed on the Docket?

- A.** When EPA adds a Service facility to the Docket, we must prepare and send them a PA, and if required, an SI, within a reasonable timeframe.
- B.** For Docket listings under CERCLA, a site is generally the entire Federal facility, not just the portions or units of the facility that we may have reported as having hazardous substance activity. The facility is listed on the Docket only once, even if it contains multiple areas of contamination.

5.7 What is a Preliminary Assessment (PA)?

- A.** A PA is a review of available information and a reconnaissance visit to a facility to determine whether further action at a site is necessary, or if EPA can remove a site from further consideration for response.
- B.** When we conduct a PA, it should include all of the known or expected areas of contamination within the facility.
- C.** If the PA indicates that additional evaluation of the facility is necessary, we must conduct an SI (see section 5.8).

5.8 What is a Site Investigation (SI)? To conduct an SI, we review the information we collected during the PA and then collect samples and gather sufficient information to:

- A.** Identify waste handling practices at the facility,
- B.** Describe known contaminants and pathways of migration, and
- C.** Pinpoint potential human and environmental targets of contamination.

5.9 What happens once the PA/SI is complete?

- A.** Following completion of the PA/SI, EPA uses the Hazard Ranking System (HRS) to score the facility. The HRS is a screening mechanism that helps EPA to determine whether or not to place the Federal facility on the National Priority List (NPL).
- (1)** If the HRS score is below 28.5, the facility remains on the Docket, but EPA will not propose it for the NPL.

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(2) If the HRS score is 28.5 or greater, EPA may propose to list the facility on the NPL. When EPA lists a site on the NPL, certain regulatory requirements regarding community involvement, site investigation, and remedy selection apply.

B. We must clean up all of our facilities, whether or not EPA proposes the facility for the NPL.

(1) See 561 FW 10, CERCLA Site Cleanup, for details on CERCLA and NCP requirements for performing the PA/SI, additional studies that may be necessary, public involvement, records requirements, remedy selection, etc.

(2) You can find information about funding sources for site cleanup in 560 FW 6, Remediation, Abatement, and Environmental Compliance Funding.

5.10 Are there categories of facilities that EPA does not include on the Docket? Yes.

A. Because EPA wants to focus on facilities likely to pose the greatest threat to public health and the environment, certain facilities that pose a lesser threat are exempt from inclusion on the Docket. The Docket does not include:

(1) Facilities formerly owned by a Federal agency and now privately owned. If a facility is transferred to another Federal agency, it remains on the Docket and EPA lists it as the responsibility of the current land administrator. EPA lists Federal facilities that are still active but on the lands of another Federal agency as the responsibility of the agency that occupies the facility.

(2) Facilities that are small quantity generators and have never:

(a) Produced more than 1,000 kg of hazardous waste in any month, and

(b) Reported releases under Section 103 of CERCLA or other hazardous waste activities under Section 3016 of RCRA.

(3) Facilities that are solely transporters (reporting under RCRA Section 3010).

B. Mixed ownership mine or mill sites are sometimes exempt from the Docket. EPA determines on a site-by-site basis whether to include mixed ownership mine or mill sites, created as a result of the General Mining Law of 1872, on the Docket.

5.11 Once on the Docket, does a facility ever come off? Once EPA puts a facility on the Docket, there is no way to remove it unless EPA should not have listed it, or the agency transfers ownership and it is no longer a Federal facility. The Division of Engineering works with the Department of the Interior to review all proposed and newly published listings to verify that EPA has correctly identified and listed our facilities.

5.12 What documentation does the Service maintain? Because the public needs to know the status of cleanups, our Regional Environmental Compliance Coordinators or their designees maintain an official file for each site on the Docket. The files include an index in the front of the file that lists the contents in chronological order and the following information when it is relevant to decisionmaking about cleanup of a Service facility:

A. Correspondence,

B. Historical and background data,

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- C. Site studies and monitoring results,
- D. Cleanup progress, and
- E. Completion reports.

5.13 Are there any guidance materials on the Hazardous Waste Compliance Docket? Yes, EPA has developed the following relevant guidance documents, which are available on their Federal Facilities Restoration and Reuse [Web site](#):

- A. U.S. EPA, Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket, March 2007;
- B. U.S. EPA, Federal Facilities Remedial Preliminary Assessment (PA) Summary Guide, July 21, 2005; and
- C. U.S. EPA, Federal Facilities Remedial Site Inspection (SI) Summary Guide, July 21, 2005.

/sgd/ Rowan W. Gould
DEPUTY DIRECTOR

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