

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL**

5.1 What is the purpose of this chapter? This chapter describes the Federal Agency Hazardous Waste Compliance Docket (Docket) and provides general guidance for listing, investigating, documenting, and reporting the status of Service facilities.

5.2 What are the authorities for this chapter?

A. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, (Public Law 96-510, 42 U.S.C. 9615 *et seq.*), especially Section 120 - Federal Facilities.

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 or NCP), 40 CFR 300 *et seq.*

E. Executive Order 12580, Superfund Implementation, as amended, (52 Federal Register 2923, January 29, 1987).

5.3 What is the Federal Agency Hazardous Waste Compliance Docket? The Docket is a comprehensive record of those Federal facilities where hazardous waste is managed; from which hazardous substances, pollutants, or contaminants have been released; or from which there is the potential for a release of hazardous substances, pollutants, or contaminants into the environment. CERCLA Section 120(c) required the Environmental Protection Agency (EPA) to establish the Docket. All information submitted to EPA on identified facilities and correspondence relevant to the reporting provisions for each facility is compiled and maintained in the Docket, which serves as a repository of information on Federal facilities for the public and is available for public inspection. The Docket repositories are physically located in the EPA Regional Office where the facility is found.

5.4 How does a Federal facility get on the Docket?

A. Each Federal agency that owns or operates a facility notifies EPA of hazardous waste activity under (1) RCRA Section 3005 (permitting authority for hazardous waste treatment, storage, and disposal facilities); (2) RCRA Section 3010 (notification of hazardous waste activity for generators, transporters, and treatment, storage, and disposal facilities); (3) RCRA Section 3016 (biennial inventory of Federal hazardous waste facilities); and/or

(4) CERCLA Section 103 (notification of facility at which hazardous substances are or have been stored, treated, or disposed of and the existence of known, suspected, or potential releases of hazardous substances at such facilities).

B. Every 6 months EPA scans four databases—the Emergency Response Notification System (ERNS); the Biennial Inventory of Federal Agency Hazardous Waste Activities; the Resource Conservation and Recovery Information System (RCRIS); and the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)—that contain information about Federal facilities submitted under the four provisions listed above for newly identified Federal facilities. EPA generally provides agencies the proposed list of facilities to be added to the Docket for their review and comment prior to publication in the Federal Register.

C. The Division of Engineering coordinates our review of the proposed draft Docket update. The Division of Engineering transmits formal comments to EPA Headquarters.

D. The list published in the Federal Register is for those Federal facilities that have been included on the Docket during the preceding 6-month period. Thus, Federal facilities are not placed directly on the Docket, but originate in one of these other reporting systems.

5.5 Are there categories of facilities that are not included on the Docket? Because EPA wants to focus on facilities likely to pose the greatest threat to public health and the environment, certain facilities deemed to pose a lesser threat are currently exempt from inclusion on the Docket. The Docket does not currently include:

A. Facilities formerly owned by a Federal agency and now privately owned. However, facilities that have been transferred to another Federal agency remain on the Docket and are listed as the responsibility of the current land administrator. Federal facilities that are still active, but are located on the lands of another Federal agency, are listed as the responsibility of the active occupant.

B. Facilities that are small quantity generators (SQG) and have never produced more than 1000kg of hazardous waste in any month, and have never reported releases under Section 103 of CERCLA or other hazardous waste activities under Section 3016 of RCRA.

C. Facilities that are solely transporters as reported under Section 3010 of RCRA.

5.6 Once on the Docket, does a facility ever come off? Once a facility is placed on the Docket, there is no way to remove it unless it was wrongly listed or ownership has been transferred and it is no longer a Federal facility. Therefore, the Division of Engineering will periodically review all proposed and newly published listings to verify that facilities attributed to the Service are correctly identified and listed.

5.7 What happens when a Service facility is listed on the Docket? When a Service facility is added to the Docket list, we have 18 months from the time the Docket update is published in the Federal Register to evaluate the facility's threat to public health and the environment by conducting a preliminary assessment (PA) and, if required, a site inspection (SI).

5.8 What is a PA? The PA helps determine if a hazardous substance has been released or if a significant threat of a release is present and if the facility should be evaluated further. Since, for the purpose of the Docket listing, EPA defines a Federal facility as all contiguous land that is owned by a department, agency, or instrumentality of the United States, more than one hazardous waste activity or site may occur on a facility. The only exception to this definition, within the 48 contiguous States, is for the Bureau of Land Management, where sites are listed as facilities. In the State of Alaska, sites are listed as facilities for all Federal agencies. Because the Docket generally lists the Federal facility, not just the portions or units of the facility that may have been reported as having hazardous waste activity, EPA believes that the PA should be completed for the entire Federal facility. The PA includes a review of available information and a reconnaissance visit to the facility. If the PA indicates that additional evaluation of the facility is necessary, we must conduct an SI.

5.9 What does an SI involve? An SI usually involves collecting samples and gathering sufficient information to identify waste handling practices at the facility, describing known contaminants and the surrounding area, and pinpointing potential human and environmental targets of contamination.

5.10 What is the Hazard Ranking System? Following completion of the PA or PA/SI, EPA uses the Hazard Ranking System (HRS) to score the facility. The HRS is a screening mechanism that EPA uses to determine whether or not the Federal facility should be placed on the National Priority List (NPL). If the HRS score is below 28.5, the facility remains on the Docket but will not be proposed for the NPL. If the HRS score is 28.5 or greater, EPA will propose that the facility be listed on the NPL. The Service is responsible for the cleanup of all its facilities whether or not the facility is proposed for the

NPL. See 561 FW 10 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. Details on reporting of funding requirements are provided in 560 FW 6.

5.11 What is the Service Docket? Since Docket listings do not indicate the cleanup status of the facility, the public and other casual readers do not know whether or not a facility is cleaned up. This information is only included within the EPA Docket itself, rather than in the published list. Therefore, we will maintain our own Docket for each Service facility listed on the Docket. Each Service Docket will include all relevant information about the site, including such things as: correspondence, historical and background data, site studies and monitoring results, cleanup progress and completion reports, and administrative and budget information. An index will be placed in the front of the Docket that lists the contents of the Docket in chronological order.

5.12 Which office is responsible for maintaining the Service Docket and where is it located? The official Service Dockets will be maintained by the Service office responsible for performing the PA/SI and any resultant cleanup or the office responsible for oversight of the project if performed by another Federal agency. The Service Docket will be located in the responsible Service office; however, a complete duplicate will be maintained at the Service field facility where the contaminated site is located. The responsible Service office will periodically cross-check the duplicate indexes maintained at the facility level against the original indexes at the facility level to assure that the Dockets are complete. For all facilities where the Federal Agency Docket does not contain the required evidence that the facility either has no hazardous substances present or that such substances have been satisfactorily cleaned up, the responsible Service office will annually visit the appropriate EPA regional office and inspect the Docket to verify that both the Service and Federal Agency Dockets contain all relevant and necessary information. Information missing from a Service Docket will be copied from the Federal Agency Docket, and any Service information missing from the Federal Docket will be formally transmitted to EPA immediately following the visit. These visits are particularly appropriate where another Federal agency is responsible for cleaning up a site on a Service facility.

5.13 Are there any requirements for an annual report on facilities listed on the Docket? In accordance with Section 120(e)(5) of CERCLA, the Department must furnish an annual report to the Congress and all affected States concerning its progress in complying with Section 120. For each facility on the NPL, the annual report must

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include progress in reaching interagency agreements; cost estimates and budgeting proposals included in interagency agreements; summaries of public comments on proposed interagency agreements; descriptions of instances where no agreement has been reached and why; progress in conducting investigations and studies; and, progress in conducting remedial actions. For non-NPL facilities, the annual report will include a State-by-State description of the hazard present and the status of investigations and cleanup at each facility.

5.14 Which office is responsible for compiling the annual report? The Division of Engineering will track the status of all facilities/sites on the Federal Agency Hazardous Waste Compliance Docket, and will request status information from the responsible offices at the end of each fiscal year in order to provide input to the Department's report before the end of the calendar year.