

CHAPTER 12 - THE FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET

12-1. Purpose. This chapter establishes policy for compliance with the Federal Agency Hazardous Waste Compliance Docket (docket). The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, requires the Environmental Protection Agency (EPA) to develop and periodically update the docket for Federal facilities that manage hazardous waste, or from which hazardous substances have been, or may be released. The docket serves three major purposes: (1) to identify the universe of Federal facilities that must be evaluated to determine whether they pose a risk to human health and the environment sufficient to warrant inclusion on the National Priorities List; (2) to compile and maintain the information submitted to EPA on these facilities under the provisions of CERCLA; and (3) to provide a mechanism to make the information available to the public. A facility can be listed on the docket if one or more of the following circumstances apply:

- a. Pursuant to Section 103(a) of CERCLA, the National Response Center has been notified of a release of hazardous substances in reportable quantities.
- b. Pursuant to Section 103(c) of CERCLA, EPA has been notified of the existence of a facility where there are hazardous substances or where hazardous substances have been stored, treated or disposed of, and the existence of known or suspected releases of hazardous substances at such facilities.
- c. Pursuant to Section 3005 of RCRA, the facility applied for a permit for certain hazardous waste treatment, storage or disposal (TSD) facilities.
- d. Pursuant to Section 3010 of RCRA, notification is given to EPA that the facility is generating or transporting hazardous waste, or it is operating as a TSD facility.
- e. Pursuant to Section 3016 of RCRA, the site is included in the agency inventory of hazardous waste TSD sites which the agency owns or operates, and sites at which hazardous waste had been disposed of at any time.

12-2. Applicability. This chapter applies to all USACE commands. Although the terms MSC commander and district commander are used throughout this guidance, Research and Development Laboratory Commanders and commanders or directors of other facilities outside the district structure will adapt this guidance to their organization.

12-3. Policy.

- a. USACE will comply with docket requirements as published in the Federal Register.
- b. The Environmental Compliance Branch (CECW-OA) is the HQUSACE point of contact regarding MACOM docket issues.
- c. MSC Commanders will provide oversight to assure that district commands meet the deadlines and other requirements associated with the listing of USACE facilities on the docket. The MSC Environmental Compliance Coordinator in the Operations element will be the point of contact for MSC docket inquiries and upward reporting requirements.

d. Each District Commander with a facility or facilities listed on the docket will implement and maintain a management system to assure that deadlines and other requirements associated with the docket are met. District Environmental Compliance Coordinators will be their points of contact for docket inquiries and upward reporting requirements. Commanders of research laboratories and other facilities not under district commands will develop similar management mechanisms.

e. Commanders or senior management will assure that action is taken to have the responsible EPA region remove from the docket facilities that are incorrectly attributed to USACE or do not meet the requirements in paragraph 12-1 of this regulation, in a timely manner. The EPA Region must approve removal before Headquarters EPA will delist a facility.

f. For each valid addition to the docket the applicable district, laboratory or other responsible USACE organization will, within 18 months of docket update publication in the Federal Register, submit a preliminary assessment and if warranted, a site inspection, to the EPA Region having jurisdiction over the site. CECW-OA will be informed, through the chain of command, within 30 days after this requirement is met. A brief summary of the outcome, including further action required, if necessary will be included.

g. The USACE element responsible for operation of each facility listed on the docket is responsible for funding any preliminary assessments, site inspections and other follow up evaluation and/or site restoration work required.

h. Office of Counsel will be informed of docket listings.

i. Public Affairs offices of organizations with listed facilities should be prepared to respond to queries regarding the facilities, reasons for their being listed on the docket, and actions planned or underway.