

FY 2014 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS SUMMARY

Office of Solid Waste and Emergency Response

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
Issue Area: Operationalize Community Engagement				
Consider utilizing state and local government laboratories to engage public involvement in OSWER's goals. These laboratories are directly connected to the citizens they serve and can be effective outreach tools for disseminating scientific and related information.	Association of Public Health Laboratories	Page 3.	OSWER will consider utilizing government laboratories for future community engagement.	No action taken.
Issue Area: Chemical Risk Management				
Chemical Risk Management. One question that should be considered is "Are common-sense regulatory improvements needed to address this area?"	Tennessee Department of Environment & Conservation	Page 18.	OSWER agrees that common-sense regulatory improvements are a potential consideration, and notes that OSWER has a number of ongoing actions as part of the Agency's Periodic Retrospective Review of Existing Regulations.	No action taken.

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<p>Consider utilizing state and local government laboratories to accomplish OSWER's goals of improving chemical safety and increasing community and public awareness. These laboratories are directly connected to the citizens they serve and can provide the necessary outreach and scientific knowledge for communicating chemical risk management to the public.</p>	<p>Association of Public Health Laboratories</p>	<p>Page 18.</p>	<p>EPA currently utilizes state and local laboratories and will continue to consider them for future needs. For example, EPA's Environmental Response Laboratory Network (ERLN) is a national network of laboratories that can be ramped up as needed to support large scale environmental responses. The ERLN integrates capabilities of accredited/certified state and local government and private sector laboratories to support environmental responses. More information on the ERLN is available at www.epa.gov/erln. OSWER, and OEM in particular, also regularly coordinates with APHL's Environmental Laboratory Sciences Committee to facilitate communication and coordination between EPA's emergency response community and state and local government laboratories.</p>	<p>No action taken.</p>
<p>Issue Area: Emergency Response</p>				
<p>Consider utilizing state and local government laboratories during</p>	<p>Association of Public Health</p>	<p>Page 27.</p>	<p>Please see previous response.</p>	<p>No action taken.</p>

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<p>environmental incident response efforts. On-scene coordinators (OSCs) are not always aware of testing, analyses and related resources available at these government laboratories. Additionally, these laboratories are close to the response area, and can provide response efforts quickly and efficiently. Finally, APHL and its member laboratories are active participants in ERLN and LRN response networks and are familiar with the needs of environmental response activities.</p>	<p>Laboratories</p>			
<p>Issue Area: Superfund Remedial Cleanups</p>				
<p>Consider adding state and local government environmental laboratories to the list of facilities for analytical services. Moreover, state and local environmental laboratories should receive a Tier 2 or higher priority use. These laboratories are highly qualified to conduct the needed analyses and generally serve as the reference laboratory for private operations. OSWER should specifically reference state and local government, environmental</p>	<p>Association of Public Health Laboratories</p>	<p>Page 9.</p>	<p>OSWER will consider adding a specific reference to state and local government environmental laboratories in its FASTAC tiering strategy. OSWER does not exclude state and local government environmental laboratories from its list of analytical service options. State and local government environmental laboratories can enter into IAGs with EPA to provide services.</p>	<p>No action taken.</p>

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laboratories in its list of analytical service options.				
Consider utilizing state and local government, environmental laboratories to accomplish the goals of developing new science and identifying emerging contaminants. These laboratories are already beginning work with new contamination identification including hydraulic fracturing and nanomaterials. Additionally, state and local government environmental laboratories have the expertise and facilities to conduct new science and method research.	Association of Public Health Laboratories	Page 11.	OSWER will consider utilizing state and local government environmental laboratories when developing new science and identifying emerging contaminants.	No action taken.
Consider implementing non-SEDD data reporting schema for Superfund analyses. State and local government laboratories are limited in the amount of Superfund activities they can assist with due to the continued use of SEDD as a data-reporting scheme. Newer and more robust systems now exist that would permit state and local laboratories to more fully participate in accomplishing the goals associated with Superfund remediation activities.	Association of Public Health Laboratories	Page 12.	OSWER does not currently require the Staged Electronic Data Deliverable (SEDD) data reporting schema for all Superfund analyses. The SEDD schema is a uniform format for electronic delivery of analytical data for environmental programs that significantly improves data quality while reducing costs to review data. By establishing uniform processes for delivery, review, storage, and retrieval of laboratory data,	No action taken.

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			<p>the scientific integrity of environmental data can be assured. At the same time, the data review process, which can be expensive and time consuming, becomes more cost-effective and time-efficient by employing a uniform format like SEDD which allows systems to automate as much of the process as possible. OSWER will consider additional schema as new technology is implemented to support Superfund analyses.</p>	
Issue Area: Hazardous Waste Management				
<p>Sustainable Materials Management. This is a great initiative. Consideration should be given to adding “statutory and regulatory” amendments (as needed) to the “Activities” to better ensure that this initiative succeeds. If the regulations remain frozen in the past it could impede implementing new program directions.</p>	<p>Tennessee Department of Environment & Conservation</p>	<p>Page 15.</p>	<p>OSWER agrees that integrating SMM concepts and practices into our regulatory activities is an opportunity to drive sustainability across the breadth of our program. We are looking for those integration opportunities, such as extending the useful life of solvents through revisions to the RCRA Definition of Solid Waste (DSW) rule. However, we recognize that creating new regulations and modifying</p>	<p>No action taken.</p>

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			existing regulations is a time consuming process, and we believe that stakeholder collaborations around SMM approaches provide us with the opportunity and flexibility to make improvements in sustainability outcomes in a more timely manner.	
Sustainable Materials Management. This is something that has the potential to greatly benefit the economy, environment, human health, environmental justice, and local communities. Recommend some type of award or incentive system, similar to the “Energy Star” system, be considered. Recommend that tax credits or other similar economic incentives also be considered for this initiative. Recommend that regulatory revisions that can help support this initiative be considered.	Tennessee Department of Environment & Conservation	Page 35.	OSWER agrees that award programs can provide incentives for stakeholders to identify and engage in behavior changes that lead to improved environmental outcomes. For example, participants in EPA’s three SMM Challenges (the Federal Green Challenge, the Food Recovery Challenge and the Federal Electronics Challenges) are eligible for awards based on improvements over the previous year’s performance. Programs like Energy Star, Water Sense and Design for the Environment provide certifications (labels) that specific products have met specific criteria. Aside from the financial issues (Energy	No action taken.

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			<p>Star's 2012 budget was \$50 million), SMM is a design, production and management concept that crosses product categories and covers the entire lifecycle, not one life cycle stage like energy or water consumption in the use phase. OSWER believes that we will have the most influence by reaching out to diverse stakeholders with our SMM message.</p>	
<p>Protecting Communities through RCRA Regulatory and Guidance Actions. Revisions to the RCRA regulations should be considered to address new technologies in a common-sense manner that protects human health and the environment without burdening or impeding the safe implementation of these new technologies. EPA's universal waste and use oil regulations provide a proven model on how to potentially model a simpler regulatory framework for addressing new technologies.</p>	<p>Tennessee Department of Environment & Conservation</p>	<p>Page 41.</p>	<p>OSWER agrees that common-sense regulatory improvements are a potential consideration, and notes that OSWER has a number of ongoing actions as part of the Agency's Periodic Retrospective Review of Existing Regulations.</p>	<p>No action taken.</p>
<p>Recommend adding in the</p>	<p>Tennessee</p>	<p>Page 41.</p>	<p>The public plays an important</p>	<p>On page 41, revised the third</p>

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<p>“public” to the list of who should provide comments on during the rule and guidance development process. By debating alternatives and soliciting input, there is a better chance of greater buy-in and universal acceptance of needed regulatory and policy improvements.</p>	<p>Department of Environment & Conservation</p>		<p>role in the regulation and guidance development process and their involvement is an important part of the process. EPA directs the National Program Mangers’ Guidance toward EPA regions and, in some cases, states and tribes; thus specific roles and responsibilities for other parties are not outlined here. However, the third bullet on page 41 discusses community engagement during the regulation and guidance development process, and we have modified this language to note that EPA is continuing to explore ways of improving our engagement with communities.</p>	<p>bullet on page to read: “EPA will continue to explore and document methods for engaging communities during the regulation and guidance development process. “</p>
<p>For Coal Combustion Residuals, we recommend that EPA analyze the European system which has a recycling rate that is more than double the U.S. recycling rate. Every ton that is recycled is one less ton to landfill. What can be learned from Europe in regard to increasing legitimate recycling here in the U.S.?</p>	<p>Tennessee Department of Environment & Conservation</p>	<p>Page 42.</p>	<p>OSWER is familiar with the European systems for managing coal combustion residuals, and we are in contact with them as they continue to evaluate their practices with respect to safe and environmentally sound management.</p>	<p>No action taken.</p>

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<p>Recommend that an exchange program be resumed for the tribes and states with EPA.</p>	<p>Tennessee Department of Environment & Conservation</p>	<p>Page 48.</p>	<p>OSWER participates in the Intergovernmental Personnel Act (IPA) Mobility program which provides agreements between two groups: 1) EPA employees going to state, local, or tribal governments, or institutions of higher learning; or 2) individuals coming into EPA from those same organizations. The assignments are used to strengthen management capabilities, assist in the transfer and use of new technologies and approaches, and facilitate an effective means of involving state and local officials in developing and implementing Federal policies and programs. IPAs are not centrally advertised or coordinated. They are established on a case-by-case basis for specific needs and arranged by the individual entities involved. Specific information about IPAs can be found on the Office of Personnel Management's website at: http://www.opm.gov/policy-</p>	<p>No action taken.</p>

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			data-oversight/hiring-authorities/intergovernment-personnel-act/#url=PurposeOfProgram	
<p>OSWER FY 2014 Grants Management Guidelines. This section has excellent insights into managing and improving the grant process. Funding is critical to supporting new initiatives and improvements. Logistics can make or break plans. With the new E-Manifest and E-Enterprise initiatives and the move away from the traditional environmental regulatory paradigm to a more complete and holistic approach to environmental regulation, we request that EPA take a step back and look at if the basic amount of funding provided to the states accurately addresses the new requirements and initiatives. In order for these new approaches to succeed, it would be beneficial if additional funding was available to support all of the states and tribes in supporting the new national approach to regulatory compliance.</p>	<p>Tennessee Department of Environment & Conservation</p>	<p>Appendix III.</p>	<p>OSWER is hopeful that states will be able to achieve cost savings by leveraging the national eManifest system. We will work closely with our state partners throughout the planning process to ensure their needs are met and their resource constraints are considered.</p>	

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<p>The Wyoming HW Program submitted comments to R8 in 2010 re: our inability to apply the CA550 OF code based on the stringent definitions. EPA response has been that there is latitude in the definitions that should be considered, and therefore, the code can be used. Suggest EPA provide guidance on the code and the definitions that is clear on the intent and latitude so the code can be considered in Wyoming.</p>	<p>Wyoming Department of Environmental Quality</p>	<p>Page 6.</p>	<p>EPA is working with Wyoming and other states to review the need for guidance. If necessary, EPA will issue guidance for the CA550OF code.</p>	<p>No action taken.</p>
<p>NESCA – If used at state-led sites, there is concern that encouragement of federal enforcement actions to move federal sites to remedy hinders a state’s ability to move corrective action forward, make meaningful cleanup progress and promote cooperation. These actions also use funds that could be used for remediation. These actions are also contrary to allowing states to implement their authorized programs. States’ enforcement ability should be considered by EPA as the primary authority to address corrective action issues.</p>	<p>Wyoming Department of Environmental Quality</p>	<p>Page 39.</p>	<p>The following response was provided by our colleagues in EPA’s Office of Enforcement and Compliance Assurance: “EPA generally looks to the states that are authorized to implement the RCRA corrective action program to enforce corrective action requirements at state-lead facilities.”</p>	<p>No action taken.</p>
<p>Issue Area: Underground Storage Tanks</p>				

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<p>In the FY14 President’s Budget request, State and Tribal Assistance Grant (STAG) UST funds are proposed to be cut by \$58,000, and Leaking Underground Storage Tank (LUST) funds are proposed to be cut by \$4.9M from FY12 enacted. A more frequent review cycle can add to state administrative burden. Given the current federal and state budget environment, states will have difficulty meeting additional workload and resource burdens. ECOS recommends EPA working jointly with states consider a less frequent review cycle, perhaps every other year, with an annual review cycle limited to states with demonstrated difficulties.</p>	<p>Environmental Council of the States (ECOS)</p>	<p>Page 46.</p>	<p>State funds play an essential role in cleaning up LUST sites, but some state funds have experienced debilitating solvency problems recent years leading to stalled cleanups in many cases. As a result, in 2012, OSWER re-initiated a process that had been dormant for many years. While this is envisioned as being a relatively simple annual check (for sound funds), if a state shows a pattern of solvency over a few years we may consider less frequent reviews.</p>	<p>No action taken. However, OSWER will re-evaluate the need for annual reviews where states show a pattern of solvency over a few years.</p>
<p>Issue: Tribal Programs</p>				
<p>There needs to be funding available to Tribes for implementation of Integrated Waste Management Plans. It states that implementation of the plans is a priority activity but there is no funding for actual implementation.</p>	<p>Washoe Tribe of NV and CA, Environmental Protection Department</p>	<p>Page 37.</p>	<p>Funding for the implementation of tribal solid waste programs is addressed in the recently issued “Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia.” For more</p>	<p>No action taken.</p>

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			information, please see http://www.epa.gov/indian/index.htm	
Guidance states that there are key focus areas to help improve tribal programs but there needs to be funding available to Tribes for this. There needs to be funding available to Tribes for implementation of Integrated Waste Management Plans. There needs to be funding available to Tribes for developing new technologies, opportunities, and technical assistance for tribal outreach and mining impacts. There needs to be funding available to Tribes for support through OSWER through cooperative agreements.	Washoe Tribe of NV and CA, Environmental Protection Department	Page 48.	See previous response.	No action taken.
There needs to be more funding available to Tribes to implement Environmental Justice programs. Tribes are disproportionately overburdened and underserved.	Washoe Tribe of NV and CA, Environmental Protection Department	Page 49.	EPA will continue to provide assistance to help address environmental challenges facing tribal communities. For example, OSWER's Brownfields program provides grants to tribes, states, and territories using its CERCLA Section 128 authority to help establish and enhance response and cleanup	No action taken.

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			programs. The President's FY 2014 budget proposes \$47.6 million for this program.	
Would like to see more funding opportunities for Tribes to participate in Sustainable Materials Management.	Washoe Tribe of NV and CA, Environmental Protection Department	Page 35.	EPA does not have a grant program specific to Sustainable Materials management. However, funding for the implementation of tribal solid waste programs is addressed in the recently issued "Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia." For more information, please see http://www.epa.gov/indian/index.htm	No action taken.
How will moving to Contracts 2010 strategy to restructure Superfund Contracts impact funding and project work at Superfund sites?	Washoe Tribe of NV and CA, Environmental Protection Department	Page 5 .	The Contracts 2010 strategy has evolved into the Remedial Acquisition Framework. This framework should not impact funding and project work from a resources perspective. The framework guides how Superfund will procure and manage the acquisition vehicles for conducting	No action taken.

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			Superfund activities in a coordinated and efficient manner, including increasing competition, decreasing high risk contracting types and supporting small businesses.	
Community Engagement Tools and Processes (CE) can go far in making the public and other entities partners in environmental decisions and removing the “Fed” storming into town perception. Some Tribal programs have small superfund cooperative agreements of which community outreach and education components are important task. These programs could be resources for the evaluations and training discussed on these pages.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Pages 3-4.	OSWER concurs with this recommendation and will seek opportunities to encourage inclusion of such evaluation and training in tribal Superfund cooperative agreements’ statements of work, when appropriate.	No action taken.
The Tribal Superfund Working Group and the annual Tribal Lands and the Environment Forum are efficient and effective avenues to EPA to communicate the progress of the NPL and RCRA Corrective Action Sites.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 6.	OSWER agrees with the comment that these are effective avenues to communicate the progress of NPL and corrective action work.	No action taken.
The National Tribal Waste and Response Steering Committee and the above mentioned Tribal	Santa Clara Pueblo, EPA Region 6 Tribal	Page 9.	OSWER agrees with the comment.	No action taken.

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Lands Forum are idea resources to enhance the communication efforts to be undertaken by EPA regarding the benefits to Superfund work. Many communities have been helped greatly by the tribal assistance grants provided by EPA along with the ongoing technical assistance regarding the sites affecting rural communities.	Operations Committee			
The bullets under the Improve Business Process section are good starting points and can be supported through active and ongoing engagement with the other partners.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 9.	OSWER agrees with these comments and is working to incorporate new ideas from our state and tribal partners.	No action taken.
Regarding the first bullet under Implement An Acquisition Framework, a thorough examination of the typical costs and needed services of sites should be collected. This task also needs to consider differences in regional economies and markets. Cannot take a cookie cutter approach to say what cost X dollars in NE should cost the same in rural SW USA.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 9.	OSWER agrees with the commenter that in preparing for the next round of acquisitions, we should examine typical costs for needed services, including differences due to geographical location. We will be doing this type of analysis under the auspices of our strategic sourcing group, in addition to preparing cost analyses within national workgroups that will be developing and awarding our	No action taken.

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Comments have been provided in February to the draft IC document	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 10.	next round of contracts. Although the comment from Santa Clara Pueblo references two Institutional Controls (IC) guidance documents drafted by OSWER, the comment itself is in response to an OECA draft guidance, Implementing ICs in Indian Country. This OECA guidance was out for tribal review at that time. The two OSWER -led IC guidance documents were already finalized at that time (December 2012). OECA plans to respond to Santa Clara Pueblo's comments in June 2013.	No action taken.
Engage industry and commercial haulers early to promote benefits of the E - manifests. This could facilitate buy in and support from those most directly affected.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 14.	EPA has conducted extensive outreach and coordination efforts with the waste transportation industry and will continue these efforts in the future.	No action taken.
The TAGS and TASCs can play a vital role in helping communities address concerns and play a role in Superfund Remediation activities. Expanding the TASC is a good plan.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 23.	OSWER is committed to maintaining communities' access to technical assistance— particularly through the TASC program. To that end, OSWER has developed a Technical	No action taken.

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			Assistance Needs Assessment (TANA) to help direct technical assistance in such a way that it meets a community's greatest need.	
The work group efforts to prepare the Best Practices manual for regional consultation with tribes can be greatly enhanced by working with Superfund impacted tribes and the National Tribal Waste and Response Steering Committee for input and review.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 23.	OSWER agrees that tribal input is important and will change the focus of the activity to which you refer.	On page 23, revised EPA headquarters and regional activity to read, as follows: "Focus on the ongoing exchange of best practices for regional consultation with tribes at the Tribal Superfund Working Group and the annual Tribal Lands and the Environment Forum.
Increasing membership in the Tribal Superfund Working Group can be helped by promoting the group at the National Tribal Lands Forum. Depth of discussion during conference calls can be enhanced by adding to the agenda current tasks and items from this NPM, such as the Consultation manual.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 24.	OSWER believes the suggestions are good and we will promote the Tribal Superfund Working Group at the National Tribal Lands Forum and better coordinate our conference calls with items from the NPM.	No action taken.
Brownfield and Land Revitalization Program is doing good things for impacted communities and allows for development of very productive programs. The first bullet for the	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Pages 31 -32.	OSWER concurs with this comment.	No action taken.

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CERCLA 128a Response programs is especially encouraging with its mention of clean ups and long term stewardship activities.				
Multiple comments to the EPA Agency Wide Plan were submitted and it is hoped they will be considered when EPA implements the action items and priorities.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 37.	EPA is considering comments on the draft Agency-Wide Plan, and will prepare a Response to Comments document to share how your comments were considered for the plan.	No action taken.
Presentation of the Definition of Solid Waste Rule should be conducted to clearly state the changes and need for the rule. This could encourage solid waste managers to heartily embrace the rule.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 42.	EPA intends to conduct extensive outreach with our partners after the final rule is published.	No action taken.
Underground Storage Tank Program. The compliance assistance programs continue to be a most efficient resource to encourage compliance and provide vital technical assistance. The EPA success in this media is a result of ongoing and active sponsorship from the HQ level which filters down to the regions. The tribal UST group and National Tribal Steering	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Pages 45-47.	OSWER will continue to work with these groups and values their input.	No action taken.

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Committee are and should continue to be utilized to provide feedback and input into the various bulleted items relevant to tribal programs.				
This section is somewhat unique and not often found in federal agency guidance documents. EPA leads in these efforts.	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 48.	EPA thanks the commenter and will strive to continue to improve NPM guidance to provide salient information in future years.	No action taken.
What will be the actions and capacity building resources used to support tribal community engagement efforts across OSWER?	Santa Clara Pueblo, EPA Region 6 Tribal Operations Committee	Page 48.	OSWER will implement the Community Engagement Initiative, which is designed to enhance OSWER and regional offices' engagement with local communities (including tribal communities) and stakeholders to help them meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste. For more information about our specific actions, please see: http://www.epa.gov/oswer/engagementinitiative/	No action taken.
The TWRAP Steering Committee supports the intent of the Tribal	National Tribal Waste and	Page 48.	The upcoming Environmental Protection Agency-Wide Plan	No action taken.

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<p>Program Development section including actions that assist tribes in developing ISWMPs, capacity building, implementation, and development of new technologies and technical assistance for tribes and can serve as a conduit for the assistance listed. The TWRAP steering Committee also appreciates and supports continuing the cooperative agreement including the Tribal Lands Forum and the training provided under the agreement. The Steering Committee strongly requests that training opportunities and technical assistance be increased due to overwhelming demand for solid waste related training demonstrated through the number of tribes registering for existing trainings and requests for additional trainings. The Steering Committee also suggests ACS measures in addition to TR1 and TR2 such as TR3 - Increase the number of tribal staff receiving training by 50%, and TR4 - Increase the number of technical assistance provided by</p>	<p>Response Steering Committee</p>		<p>to Provide Solid Waste Management Capacity Assistance to Tribes (the Plan) will address EPA’s approach to providing technical assistance and training opportunities to tribes. EPA appreciates the TWRAP Steering Committee’s suggestions for performance measures. The Plan will also discuss EPA’s performance measures and provides an approach for future measures.</p>	

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25%.				
Issue Area: Grant Guidelines				
<p>Regarding the statement “The agency and members of ECOS have had ongoing discussion as to whether there is utility in identifying a set of common measures that reflect the primary functional work areas under each of the 14 categorical grant,” Wyoming has spent hundreds of thousands of dollars developing and maintaining a database that captures the current tank measures entered into LUST-4 and submitted manually to EPA for “Indian Country” measures. If these measures change, Wyoming will likely be required to expend funds for further database modifications to track these new measures. As long as current measures are providing an adequate reflection of work being performed, the measures should remain separate for each grant.</p>	Wyoming Department of Environmental Quality	Appendix III, page 2.	EPA's Office of the Chief Financial Officer has updated the status of these discussions indicating that the effort has concluded without identifying a common set of measures.	Appendix III, page 2, reference to identifying a common set of measures has been deleted.
Issue: General Comments				
Our program (DSWM) would like to thank the U.S. Environmental Protection Agency (EPA) for the opportunity to comment on these	Tennessee Department of Environment & Conservation	Entire Series of Documents	Thank you for your words of support.	No Action taken.

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<p>drafts and also for EPA's initiative to strive to improve the environmental protection of the nation in new and improved ways. We would also like to commend the time, effort, and thought that went into these drafts and the willingness of EPA to solicit comments on how to make good drafts even better. Bold initiatives, coupled with taking advice from others, reflect some of the things that set the U.S. apart from other nations.</p> <p>We would also like to thank EPA for the overall move to looking at environmental protection in a more holistic approach that considers not only the regulations and pollution, but product life cycles, sustainability, human health, communities, economic impacts, environmental justice, and ecosystems. Looking at the big picture is something that any national program should always consider.</p> <p>It should be noted that these Division comments, from our program, are primarily confined</p>				

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<p>to RCRA issues and general topics that include and/or impact on RCRA issues that we work with on a daily basis (such as the product life cycle approach). Our comments are confined to the areas we work with and to those specific issues that impact on the subject of waste generation and waste management. Therefore we have not commented on UST, Remediation, Air, Water, etc. issues.</p>				
<p>OSWER guidance notes, “Regions should allocate FTE and extramural resources as needed to achieve these national goals. Further, resources should be devoted as reflected in the final FY 2014 operating plan.” [Again,] no mention of state resources or possible limitations. ECOS recommends all NPM guidance documents include a statement regarding both potential state and federal resource limitations and that explicitly allows for exploration in state-region negotiations to fit local priorities in recognition of these limited</p>	<p>The Environmental Council of the States</p>	<p>Page 1.</p>	<p>The statement to which you refer is direction specifically intended for EPA regions to focus resources on achieving national goals. On page 2, OSWER’s guidance already provides flexibility concerning regional strategies to address local priorities. We have revised this narrative to recognize resource constraints.</p>	<p>On page 2, revised narrative to read, “OSWER works with EPA’s other headquarters media program offices and with the ten regional offices, states, tribes and other partners, to achieve its national goals. Regional offices also undertake efforts with our partners to address region-specific environmental conditions or concerns, often with constrained budgets. OSWER recognizes these challenges and strives to provide flexibility and</p>

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resources.				support for regional strategies that align with our shared priorities and goals. Further, delegated or authorized state and tribal agencies that are facing resource constraints may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their work plans.”
ECOS urges all NPM offices employ a uniform format throughout each NPM office guidance document of identifying activities by audience, and recommends OCFO work with all NPM offices to help them do so. Such an approach will aid state readers to quickly identify expected state activities for various programs.	The Environmental Council of the States	Entire document.	While our primary audience is the EPA’s regional offices, OSWER’s guidance specifically identifies expectations of our state partners, where such direction is needed. However, OSWER will continue to explore ways to improve the readability of its guidance.	No action taken.
It would be helpful to include how the Climate Change Adaption Plan will impact programs; without that information it is impossible to provide comments.	Wyoming Department of Environmental Quality	Page 31.	OSWER’s Climate Change Adaptation Plan is not finalized and will be available for review by states later in FY 2013.	No action taken.
Recommend expanding the “concept” section to better reflect	Tennessee Department of	Page 1.	The overview of OSWER’s National Areas of Focus is	No action taken.

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<p>the “big picture” of what the draft guidance is attempting to accomplish on page 1. That is expanding on why this initiative is needed and expanding on what EPA is trying to accomplish and what EPA also wants to avoid. Sometimes explaining what is trying to be avoided helps provide the clarity that is needed to communicate the vision and scope of the program’s direction. A section on the expected cost and economic impact would also be good.</p>	<p>Environment & Conservation</p>		<p>intended to provide a high-level view of important initiatives or programs to be undertaken during FY 2014. Each of these areas has its own section in the guidance with a concise description of the effort and expectations for program implementers.</p>	