

OSWER FY 2015 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS SUMMARY

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Addendum	NPM Response	Action Taken in Final Addendum
Issue Area: <i>Chemical Plant Safety and Security</i>				
We encourage EPA to do as much advance coordination with the States regarding the roll-out of any guidance specific to this action through ASTSWMO and any other relevant State association to ensure timely and appropriate coordination.	The Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	Page 1, Introduction to guidance addendum.	EPA concurs that advance coordination with states will be of benefit to EPA's efforts. EPA will share guidance with ASTSWMO to facilitate such coordination.	No action required.
Issue Area: <i>Climate Change Adaptation</i>				
Specific to RCRA, the plans are to require incorporation of climate change into Permits. EPA should be encouraged to have advance discussions with ASTSWMO and any other relevant State association on how this is to be implemented to ensure a clear understanding of the States; timely and appropriate coordination is essential since most States are authorized in lieu of EPA to run this part of the Program.	The Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	Page 1, Introduction to guidance addendum.	As part of our climate change adaptation action related to RCRA permitting, we have noted that OSWER will work with states and tribes. We anticipate, as is often our process when working with states, that we will utilize the state associations such as ASTSWMO to facilitate these activities.	No action required.

Issue Area: State, Tribal, and Local Partnerships				
<p>A better alignment with the National Environmental Performance Partnership System will be more effectively advanced with appropriate and timely discussions with ASTSWMO and any other relevant State association.</p>	<p>The Association of State and Territorial Solid Waste Management Officials (ASTSWMO)</p>	<p>Page 1, Introduction to guidance addendum.</p>	<p>We agree. As part of the new, two-year FY 2016-2017 NPM Guidance process, OSWER is exploring options for advancing the alignment with its NPM Guidance and the NEPPS. Appropriate and timely discussions with ASTSWMO and other relevant state associations will be an important part of any process that we adopt.</p>	<p>No action required.</p>
Issue Area: e-Manifest				
<p>EPA intends to develop checklists and related authorization guidance to help the States develop their respective e-Manifest revision applications which are mandatory.</p> <p>Comment: EPA should be encouraged to work collectively through ASTSWMO and any other relevant State association in preparing these checklists and guidance; offer timely training to ensure consistent implementation nation-wide.</p>	<p>The Association of State and Territorial Solid Waste Management Officials (ASTSWMO)</p>	<p>Page 2, Key Changes section.</p>	<p>EPA intends to develop draft authorization checklists and make them available to states as soon as possible. States are welcome to work with their regional contacts or the ORCR contact to address any issues with these checklists. EPA will also work with ASTSWMO and states regarding e-Manifest training and implementation.</p>	<p>No action required.</p>
<p>We request that consideration be given to splitting the fees received with the state and tribal agencies. Since these agencies will be supporting the implementation and enforcement of this system,</p>	<p>Tennessee Department of Environment & Conservation (TDEC)</p>	<p>Page 3, Key Changes section.</p>	<p>EPA is aware of the states' budgetary constraints, however, the agency is constrained by statute to limit expenditures from the fees to the costs of developing and operating the system. Furthermore the statute only allows for federal fees which will be</p>	<p>No action required.</p>

<p>the fees should be split with the states and tribes.</p>			<p>collected by the Dept. of Treasury. By statute this must be formally audited annually to ensure that expenditures are only committed to authorized system development and support activities. In designing and operating the e-Manifest system the EPA will, however, attempt to minimize the cost impacts on state regulators. It is the EPA's goal to ensure states have better (and more cost effective) access to manifest data through this system in order to assist states in the implementation and enforcement of their state manifest programs. We will work closely with states on system interoperability, and when e-Manifest is in place, RCRA 3011 grants will remain a source for states' revenues for RCRA implementation and enforcement.</p>	
<p>We support the concept of EPA partnering with the states, tribes, and public to build a workable system. Making the new system as easy to use and available as feasible is a great goal. Consideration should also be given on how to support and accommodate citizens who do not have a computer and will need paper forms or a contractor or state agency to assist in this area.</p>	<p>Tennessee Department of Environment & Conservation (TDEC)</p>	<p>Page 3, Key Changes section.</p>	<p>We understand that not all citizens who fill out hazardous waste manifests will want to invest in changing their process from paper to electronic. For this reason and more, the e-Manifest Final Rule, which was published in the Federal Register in February of this year provides that electronic manifest is optional, and that people may continue to use the traditional paper method. For people without computers, a paper form will still be available and a contractor and state</p>	<p>No action required.</p>

			may continue to assist in this area. EPA's goal is to eventually shift the system to e-manifests rather than paper, while providing a period of transition.	
Page 7, The concept of partnering with other offices in EPA is a great idea in order to better ensure beneficial coordination and better products for the public.	Tennessee Department of Environment & Conservation (TDEC)	Page 7, Key Changes section.	EPA appreciates these comments.	No action required.
Page 7, We support EPA's efforts to better document efforts on how to use permitting and permit modifications to support better sustainability results.	Tennessee Department of Environment & Conservation (TDEC)	Page 7, Key Changes section.	EPA appreciates these comments.	No action required.
Page 8, The proposed wording for the Community Engagement Initiative better explains this initiative in a more positive light.	Tennessee Department of Environment & Conservation (TDEC)	Page 8, Key Changes section.	EPA appreciates these comments.	No action required.
Issue Area: <i>New RCRA Corrective Action Performance Standards Attained Performance Measure</i>				
EPA's most recent official guidance on completion determinations is from the notice published in the Federal Register, February 25, 2003. However, the	Washington State Department of Ecology	Page 8, Key Changes section.	EPA will provide guidance to states describing the qualifications for the RCRAInfo codes CA900 and CA999 used to determine GPRA status for a facility. EPA headquarters will work with our	No action required.

<p>nationally defined values in RCRAInfo for the CA900 and CA999 event codes have been revised since 2003. The lack of consistent updated guidance could lead to confusion about which guidance to use when states determine whether corrective action is complete. EPA should update existing guidance to reflect those revisions and clearly outline what EPA considers “proper procedures” for completion determinations.</p>			<p>regional offices and state partners on any guidance developed in this area.</p>	
<p>The revised guidance should state whether past completeness determinations should be reviewed. CA900 and CA999 event codes were entered over a decade ago for some 2020 Baseline facilities in Washington state. Washington state does not plan to revisit completion determinations for those facilities, unless there are indications of new and significant threats to human health and the environment. Our priority is on remedy construction activities which reduce risks at our 2020 Baseline sites.</p>	<p>Washington State Department of Ecology</p>	<p>Page 8, Key Changes section.</p>	<p>EPA agrees with Washington State and acknowledges there will be some historic data that will be counted in the first year of a new measure.</p>	<p>No action required.</p>
<p>Before it is final, states should be given adequate time to comment on any updated guidance on corrective action completion</p>	<p>Washington State Department of Ecology</p>	<p>Page 8, Key Changes section.</p>	<p>Any guidance developed related to this area will be made available to the states for review before becoming final.</p>	<p>No action required.</p>

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Issue Area: RCRA program, general				
<p>Our program (DSWM) would like to thank the U.S. Environmental Protection Agency (EPA) for the opportunity to comment on this draft addendum 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 draft addendums and the willingness of EPA to solicit comments on how to make a good draft even better.</p> <p>It should be noted that these limited Division comments, from our program, are primarily confined to RCRA type 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 primarily confined to the areas we work with and to those specific issues that impact on the subject of waste generation and waste management.</p>	<p>Tennessee Department of Environment & Conservation (TDEC)</p>	<p>Page 1, Introduction to guidance addendum.</p>	<p>EPA appreciates these comments</p>	<p>No action required.</p>

Guidance can become too limiting. Need to ensure that grant guidance for SMM grants reflects the whole breadth of nation program guidance as opposed to narrowly limiting scope of work.	Minnesota Pollution Control Agency	Page 7, Key Changes section.	OSWER does not offer or fund grants supporting Sustainable Materials Management.	No action required.
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