

**FY 2016-2017 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Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
<b>Issue Area: General</b>				
ASTSWMO wants to stress the importance and need for flexibility in the work plan commitments.	Association of State and Territorial Solid Waste Management Officials	N/A	OSWER agrees. In addition to program flexibilities provided through Performance Partnership Grants (PPGs), delegated or authorized state and tribal agencies may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their grant work plans.	No action required.
<b>Issue Area: E-Manifest System and E-Enterprise</b>				
We support the E-Enterprise for the environment concepts: joint governance and joint decision-making and finding ways to advance these concepts.	Association of State and Territorial Solid Waste Management Officials	Pages 14-15	Thank you for your support.	No action required.
We support the development of the e-Manifest program system.	Association of State and Territorial Solid Waste Management Officials	Pages 14-15	Thank you for your support.	No action required.

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<p>ECOS urges EPA to include in all final NPM Guidance documents clear reference to the E-Enterprise for the Environment joint governance initiative between states and EPA. Specifically, ECOS requests each NPM include language generally defining EEnterprise; language regarding how E-Enterprise concepts are being incorporated into each NPM’s work; language explicitly recognizing that states need flexibility to adjust their work commitments and required outputs to be able to devote time to continuous process improvement efforts, including joint efforts with other states, tribes and EPA in support of E-Enterprise aligned activities; and language discussing that states may use categorical grant dollars to advance E-Enterprise aligned projects. ECOS also asks each NPM to provide examples in its final Guidance of specific EEnterprise aligned work it is undertaking and examples of projects that states may similarly be undertaking. This may include efforts such as shared services development or implementation, LEAN and streamlining initiatives, e-permitting, EEnterprise scoping team participation, development of E-Enterprise architecture</p>	<p>The Environmental Council of the States</p>	<p>OAR, OW, OSWER, OECA, OCSPP, OEI, NEPPS Guidances</p>	<p>EPA agrees with your comments and has addressed the items raised through the addition of an E-Enterprise Section V within the EPA Overview to the NPM Guidances (managed by OCFO) and through more specific examples provided within each of the program guidances. Additionally, in the final NPM Guidances, OSWER and each NPM have included standard language addressing E-Enterprise, links to the EPA Overview and appendices listing relevant E-Enterprise projects. OSWER’s NPM Guidance also highlights this strategy within its National Area of Focus, “E-Manifest System and E-Enterprise,” which primarily describes expectations and milestones for E-Manifest implementation but also cross-references additional E-Enterprise projects in which OSWER is partnering with the states.</p>	<p>In OSWER’s Introduction on page 2, added the following text:</p> <p>“Consistent with Section V of EPA’s Overview to the FY 2016-2017 NPM Guidances, Appendix V of this NPM Guidance identifies and describes projects that OSWER is leading, supporting, or evaluating. These are current examples of priority activities — at different stages of definition and progress — which align with the E-Enterprise goals.<sup>1</sup> Over the period of this NPM Guidance, we will complete some of these activities, substantially modify others, and develop and implement new projects. OSWER encourages states, tribes and other offices to coordinate with or participate in these projects where they see complementary priorities, processes or objectives. Additional detail concerning</p>

<sup>1</sup> See “About E-Enterprise for the Environment” at: <http://www2.epa.gov/e-enterprise/about-e-enterprise-environment>

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and identity management, portal development, and other activities.				<p>OSWER’s efforts in this important area can be found under the National Area of Focus, “E-Manifest and E-Enterprise,” on pages 14-15 of this guidance. “</p> <p>On page 14, added the following text:</p> <p>“Through joint governance with the states, OSWER is partnering on feasibility studies, listed in Appendix V of this guidance, for decision support software in waste generation determinations, examining the barriers to electronic permitting in all media programs, and modernizing the tracking of waste exports.”</p> <p>We also have added an Appendix V, which lists the E-Enterprise efforts in which OSWER is involved.</p>

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<b>Issue Area: Superfund Federal Facility Response Program</b>				
<p>We fully support the continued funding of the ASTSWMO Federal Facilities Cooperative Agreement. This funding supports the EPA-State partnership and promotes the dialogue and advancement of federal facility cleanups. ASTSWMO continues to play a critical role in facilitating communication between States and federal agencies involved in cleanup of contaminated sites. Working through ASTSWMO has provided States much more access to and dialogue with federal cleanup program managers and allows individual State program managers to work with peers from other States to share ideas, expertise and lessons learned on a wide range of cleanup issues.</p>	<p>Association of State and Territorial Solid Waste Management Officials</p>	<p>Page 23</p>	<p>OSWER agrees with this comment.</p>	<p>On page 23, the text concerning the EPA funding agreement with ASTSWMO has been updated to include the following sentence:</p> <p>“This funding supports the EPA-state partnership and promotes the dialogue and advancement of federal facility cleanups. It also allows individual state program managers to share ideas, expertise and lessons learned on a wide range of cleanup issues.”</p>

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<b>Issue Area: Cleaning Up Contaminated Sites and Promoting Reuse</b>				
The ASTSWMO CERCLA and Brownfields, Federal Facilities and Hazardous Waste Subcommittees are ready to work with EPA to remove the barriers to streamlining PCB cleanups.	Association of State and Territorial Solid Waste Management Officials	Page 38	OSWER looks forward to working with its state partners on removing barriers to streamlining PCB cleanups.	No action required.
“In FY 2015, and as needed in FYs 2016 and 2017, the EPA will implement changes to targets, workload, and /or resources.” When will updated information from EPA HQ on the RCRA STAG allocation results be provided to the states?	Louisiana Department of Environmental Quality	Page 38	The memorandum, “New Hazardous Waste State Grant Distribution Methodology and FY 2016 Allocation” was signed on March 26, 2015, by Barnes Johnson, Director of the Office of Resource Conservation and Recovery. The memorandum was sent to the Association of State and Territorial Solid Waste Management Officials on March 27, 2015.	No action required.

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<p>Under the RCRA corrective action program, EPA’s aspirational goal is to achieve 95% completion of the three strategic goals -- human exposures controlled (CA 725), migration of contaminated groundwater under control (CA 750) and final remedies constructed (CA 550) -- by the end of FY 2020, and reach specific percentages for FY 2016 for these three plus corrective action performance standards attained (CA 900). It is unlikely that Louisiana’s progress in FY 2016 will reflect the national goals listed in the Guidance Measures Appendix for CA 550 and 900.</p>	<p>Louisiana Department of Environmental Quality</p>	<p>Appendix 1, Page 3</p>	<p>The 2020 aspirational goal is to achieve 95 % complete nationwide, we realize the state and regional accomplishments may be less than the national percent in some cases.</p>	<p>No action required.</p>
<p>Will annual goals be set in Louisiana’s PPG Grant work plan for FY 2016 (and FY2017 if a two-year cycle is instituted) for “Ready for Anticipated Use” (CA 800)</p>	<p>Louisiana Department of Environmental Quality</p>	<p>Pages 38-39</p>	<p>For FY 2016, states should continue to consult their EPA regional office to determine if and when annual targets for CA 800 should be set for the upcoming fiscal year. OSWER currently allocates funding for RCRA corrective action annually and does not anticipate moving to a two-year cycle.</p>	<p>No action required.</p>

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<p>Setting goals for final facility-wide remedies selected and then constructed (CA 550) is difficult to predict for a one-year work plan. Delays caused by such things as facility bankruptcy, discovery of additional previously unknown contamination, weather, changes to the previously approved remedy, property sale/purchase, etc. are common. What kind of flexibility will be allowed for work plan goal predictions made at least two years in advance?</p>	<p>Louisiana Department of Environmental Quality</p>	<p>Pages 38-39</p>	<p>OSWER currently allocates funding for RCRA corrective action annually and does not anticipate moving to a two-year cycle for funding or associated work plan commitments.</p>	<p>No action required.</p>
<p><b>Issue Area: Emergency Response and Prevention Program, and Brownfields and Land Revitalization Program</b></p>				
<p>We believe there should be clarity about the purpose of EJ Screen, that is, it should be used as a tool (in addition to other information) to determine if a facility is within a community with EJ concerns, and not used to define EJ communities.</p>	<p>Association of State and Territorial Solid Waste Management Officials</p>	<p>Pages 26 and 32</p>	<p>The program has updated the language on page 26 and 32 for clarity.</p>	<p>Change sentence to: Brownfields will integrate the use of EJSCREEN into the program by using the tool to better characterize the community demographics and potential environmental concerns around impacted areas, target outreach to</p>

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				underserved communities, and other programmatic applications.
<p>On the March 5<sup>th</sup> OSWER/States conference call to go over the draft NPMG, David Lloyd indicated that there would be a stronger preference for “on the ground measureable results” in the Brownfields 128a state grant program. He mentioned site specific work. It wasn’t clear whether he was saying that EPA would be giving preference for funding to states that used more of their 128a funding to do site specific work as an indication of more “on the ground measureable results”. We submit these comments in the event that is where EPA is moving with the 128a program. MassDEP has received 128a grant funding from the start and we have historically used the funds to fund staff to establish and enhance our cleanup program, and also used a small percentage of the funding to do site specific work. In response to funding cuts over the last several years, we have had to cut back</p>	<p>Massachusetts Department of Environmental Protection</p>	<p>Page 32</p>	<p>The program would like to see the 128a funds used for “on the ground measureable results,” related to states and tribes establishing and enhancing their response programs. This does not necessarily translate to an increase in site specific work performed directly by a state or tribe. The activities you describe, “assist communities, municipalities and other parties conducting BF site assessment and cleanup, and to develop the necessary standards, policies, and guidance to help them navigate the work more quickly and with more certainty...” appears to be consistent with our goal of using these funds for on the ground measureable results, since there are measureable outcomes for the work you are doing.</p>	<p>No action required.</p>



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<p>and eventually eliminate the site specific work and also reduced the staff supported by the grant. In deciding how best to use the grant funding and where to cut back, we decided that maintaining staff to assist communities, municipalities and other parties conducting BF site assessment and cleanup, and to develop the necessary standards, policies, and guidance to help them navigate the work more quickly and with more certainty</p>				