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Government
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December 11, 2015

The Honorable Gina McCarthy
Administrator
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

On behalf of the LGAC, we are writing to express our support for the EPA proposed Hazardous Waste Generator Rule. From our perspectives as state, local and tribal officials, the proposed rule offers greater flexibility to businesses, gives greater clarity for what is required, and ensures improved public health by removing inadequacies and gaps in previous regulations.

Background: The EPA Administrator signed the proposed Hazardous Waste Generator Improvements Rule on August 31, 2015. The proposed rule is an update to the hazardous waste generator regulations in the Resource Conservation and Recovery Act (RCRA) designed to make it easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, and close important gaps in the regulations.

The proposed rule addresses two key provisions:

1. *Addresses episodic waste to avoid high waste generator provisions, if properly managed, and*
2. *Allows exempt small quantity generator (CESQG) to send its hazardous waste to a large quantity generator under control of the same person.*

The proposed rule also enhances required safety procedures for facilities, employees, and the general public by improving hazardous waste risk communication and ensuring that emergency management requirements are up to date.

Findings and Recommendations:

Finding: Waste generator rules are over thirty years old, and are in need of revision. Currently, waste cannot be consolidated from different sites by the same company. Contingency plans for chemical management do not contain a summary for use in an emergency situation where response time is critical; and agreements with local emergency planning committees aren't required to be written down. Considerations for modern technology have not yet been put into place, nor have considerations for alternative waste collection and clean-up/removal procedures.

Finding: The revisions for §262.11 and other efforts to create "plain English" regulations and waste container labels are useful for both citizens and governments alike. The clarification that contractors can clean up waste releases particularly assists small communities that might not have the resources or infrastructure to do so otherwise. It may prevent health hazards by allowing expedient removal of mishandled or spilled waste, which is a concern for everyone. Businesses also stand to benefit from the waste removal regulation consolidations.

Recommendation: The LGAC recommends that the EPA provide outreach materials to local governments, citizens and businesses to help them better understand the rule and how to protect their community and prevent contamination.

Recommendation: The LGAC realizes that coordination at all levels of government at the state, local and tribal governments are important, especially in implementation of the final rule. Therefore, the LGAC recommends that intergovernmental feedback on implementation should be closely monitored.

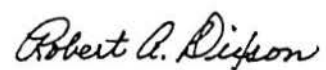
Recommendation: The LGAC recommends that multi-lingual literature and clear, concise "plain-English" communication materials should be provided especially for materials and labeling of waste.

The LGAC considers the added flexibility, security, and clarity on the Waste Generator rule important for local governments. The LGAC also believes that giving more flexibility will ensure a greater degree of compliance and improve the handling and management of hazardous waste and its generators, which will have environmental and public health benefits for our communities.

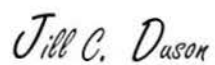
The LGAC acknowledges the interconnectedness of this rule with the Management Standards for Hazardous Waste Pharmaceuticals Rule. The efforts to reduce waste and contamination are important at all aspects of the lifecycle of these products, from creation to waste, and communication remains important for the implementation of these rules at the local level.

Lastly, the LGAC would like to thank you, Administrator McCarthy, for extending the public comment period on this rule and supporting input at all levels of government on this issue. The LGAC looks forward to a final rule and stands ready to assist with outreach materials for local governments and to assist in getting the word out to our intergovernmental networks.

Sincerely,

Handwritten signature of Robert A. Dixon in cursive.

Mayor Bob Dixon
Chairman

Handwritten signature of Jill C. Dason in cursive.

Councilor Jill Dason
Chairwoman, Cleaning Up Our Communities
Workgroup (CUOC)

