

August 4, 2011

[RCRA-docket@epa.gov](mailto:RCRA-docket@epa.gov)

Attention: Docket ID No. EPA-HQ-RCRA 2010-0742

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Hazardous Waste Subcommittee respectfully requests a 60-day extension of the comment period for the Environmental Protection Agency's (EPA) supplemental proposal to revise the definition of solid waste (DSW) rule. The current 60-day comment period is insufficient to allow full analysis and debate among State waste managers, and so we are formally requesting an extension. The extended comment period would end November 29, 2011. EPA has committed to publishing a final rule by December 31, 2012. Therefore, granting a 60-day extension will still allow EPA plenty of time to review comments and publish a final rule.

Revising the rules pertaining to the recycling of hazardous secondary materials has been and continues to be of great importance to State members who depend on ASTSWMO's expert Task Force members to analyze the proposal and suggest comments or identify areas that deserve strong State support. We plan on utilizing the expertise of three different groups within ASTSWMO to review and coordinate comments on the rule. Our volunteer Task Forces plan on commenting on this proposal, but they require more time than the current deadline of September 20 will afford. These Task Forces will review the rule in terms of differences between the 2003, 2008 and current 2011 proposals; the impact the rule will have on RCRAInfo; and the Environmental Justice (EJ) analysis that was conducted on the rule. This rule was the first rule to undergo the EJ analysis and further time will allow our members the opportunity to fully review the entire 355 pages of the analysis.

Furthermore, EPA is asking for specific comment on several proposals that go beyond the proposed rule text. For instance, EPA is asking for comment on a proposed remanufacturing exclusion for which only a concept but no regulatory text has been provided. Our experience is that there will be need for consultation with States, the exchange of numerous drafts, and a number of conference calls. The extended comment period will provide ASTSWMO and its State members adequate time to evaluate and consider the multiple issues presented in the re-proposal to prepare a coordinated States' response.

We understand that EPA is committed to providing a fair and open process and getting input from all sides of the issues. However, since the DSW proposal went through an extensive regulatory review along with it being the first rule to go through the new EJ analysis, extending the comment period 60 days should not pose a hardship for the Agency.

I can be reached at (501) 682-0856 or [hynum@adeq.state.ar.us](mailto:hynum@adeq.state.ar.us). Thank you for your consideration of ASTSWMO's request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tammie Hynum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tammie Hynum (AR)  
Chair, ASTSWMO Hazardous Waste Subcommittee

cc: Sonya Sasseville, EPA ORCR  
Charlotte Mooney, EPA ORCR  
ASTSWMO Hazardous Waste Subcommittee