

# ASTSWMO

## QUARTERLY NEWSLETTER

Summer 2011

*To enhance and promote effective State and Territorial programs for waste and materials management, to encourage environmentally sustainable practices and to affect relevant national waste and materials management policies.*

### UPCOMING MEETINGS

**September 13-15, 2011:** [Joint LUST/State Funds Workshop](#) in Chicago, IL.

**October 26-27, 2011:** [Annual Meeting](#) in Bethesda, MD.

**March 19-21, 2012:** National Tanks Conference in St. Louis, MO.

**April 25-26, 2012:** Mid-Year Meeting in Montgomery, AL.

### RECENT PUBLICATIONS

ASTSWMO's Hazardous Waste Subcommittee [requested a 60 extension on the DSW rule comment period](#). An extension was granted, and U.S. EPA will now accept comments through October 20, 2011.

The Corrective Action and Permitting Task Force's [Pricing Factors White Paper](#) and its [corresponding spreadsheet](#) are available under [Hazardous Waste Policies and Publications](#).

The Underground Storage Tank (UST) Task Force [Operator Training Resource Guide](#) and its complimentary [spreadsheet](#) are available now on the [Tanks Policies and Publications](#) page.

### Coal Residuals Reuse and Management Act of 2011

The ["Coal Residuals Reuse and Management Act of 2011"](#) (H.R. 2273) passed the [House Energy and Commerce Committee](#) on July 13, 2011.

The bill passed with a [bipartisan vote of 35-12](#) (29 Republicans & 6 Democrats). The next step is for the bill to go to the House floor, although it is not clear when that will be scheduled.

Opening Statements began on July 11, 2011 and the vote occurred on July 13, 2011. A [webcast](#) of the first day is available on the Committee website.

#### [Highlights of H.R. 2273](#)

Creates a Coal Combustion Residuals Permit Program (CCR PP) that States may choose to adopt and implement Streamlined State adoption process (no EPA approval needed) *if* State:

1. Has an approved MSWLF permit program (4005(c)) or an authorized RCRA program (3006)
2. Notifies EPA within 6 months of enactment that the State will adopt & implement a CCR PP
3. Provides a certification within 36 months of enactment that the State's CCR PP meets the Permit Program specifications in the bill

Streamlined process does not apply (EPA approval *is* required) only if a State:

1. Does not notify EPA within 6 months that it will adopt and implement a CCR PP
2. Decides to take back control of CCR PP from EPA (after EPA has implemented the CCR PP for the State)

*(continued on p.2)*

ASTSWMO newsletters are archived at:

[http://astswmo.org/Pages/Policies and Publications/Newsletter.html](http://astswmo.org/Pages/Policies_and_Publications/Newsletter.html)

### RETIRING?

If you are retiring and would like to keep in touch with ASTSWMO's members and staff, please let us know how to reach you at home. We are working to build a network for retired members.

## **Coal Residuals Reuse and Management Act of 2011**

*(continued from p.1)*

### CCR PP Program Specifications

1. "Revised criteria"
  - a. Part 258 criteria adapted for a CCR PP as identified in the bill for design, groundwater monitoring, corrective action, closure and post closure, and financial assurance
  - b. Part 258 location criteria adapted for a CCR PP as identified in the bill
  - c. Air criteria in 258.24
2. Structural integrity requirements – action to correct, or closure if necessary, required for structures with deficient structural integrity
3. Specifically states that the Part 258 criteria identified in 1. (above) shall be applied to surface impoundments
4. Detection monitoring shall include boron, chloride, conductivity, fluoride, pH, sulphate, sulfide and total dissolved solids (the detection monitoring constituents in the EPA Subtitle D proposal)
5. Inspection of "high hazard" surface impoundments and if necessary, action to correct or closure
6. State must have the authority to inspect structures (landfills, surface impoundments or other land-based units) which receive CCRs

### Closure

- Specifically addresses closure requirements for surface impoundments

### Limited EPA Role

- EPA can only implement a CCR PP in a State if the State does not:
  1. adopt the program
  2. provide the required Certification
  3. maintain approval of a MSWLF permit program (4005(c)) or an authorized RCRA program (3006)
  4. remedy a deficiency in the CCR PP identified by EPA and has exhausted the opportunity for judicial review provided to States in the bill
- EPA must defer to States in regulating CCRs except if the EPA is implementing a State CCR PP
- EPA cannot make any change to a State's approved MSWLF permit program or authorized RCRA program as a result of any role EPA may play in connection with a State CCR PP

### State authority

- State CCR PP may be more stringent and/or broader in scope
- No new federal regulations for CCR – Minimum requirements for State CCR PP based on Part 258 criteria as identified in the bill
- Flexibilities in Part 258 are maintained

### Certification by State

- Contents of a Certification are:
  1. a letter identifying the lead State agency for implementing the CCR PP as well as any other State agencies involved in the CCR PP implementation
  2. a narrative description of how the State CCR PP meets the requirements for a CCR PP identified in the bill
  3. a legal certification that at the time the Certification is submitted to EPA the State has fully effective statutes, regulations or guidance necessary to implement the CCR PP
  4. copies of State statutes, regulations and guidance described in the legal certification

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### JOINT HAZARDOUS AND SOLID WASTE POST-CLOSURE CARE SURVEY

A joint work group of ASTSWMO's Hazardous Waste and Solid Waste Subcommittees is examining issues regarding the 30-year post-closure care period within both the RCRA Subtitle C and Subtitle D programs. A survey developed by the work group to collect information as to how State hazardous and solid waste programs are addressing these issues was recently distributed to both Hazardous and Solid Waste Program Contacts. Survey responses are requested by September 6, 2011. A joint Hazardous and Solid Waste session on Post-Closure Care at the ASTSWMO Annual Meeting will draw upon information from the survey.

### TANKS SUBCOMMITTEE

The Tanks Subcommittee began outlining its strategy for developing a Tanks Core Needs – Program Implementation Costs Report. Members from the UST, LUST, and State Funds Task Force will be jointly working to evaluate State programs to determine the nature and costs of implementing a complete and adequate Tanks program. The Report will be completed in 2012.

### SOCIAL NETWORKING LINKS



### CERCLA AND BROWNFIELDS RESEARCH CENTER

The Association's Site Evaluation Focus Group recently published a report titled ["Superfund Site Assessment Program: Benefits Beyond NPL Listing"](#) to highlight the beneficial outcomes not traditionally captured, e.g., State site cleanups that result from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Site Assessment Program, commonly known as the Superfund Site Assessment (SA) Program. The report shows that funds spent on Superfund site assessments result in benefits that go beyond National Priorities List (NPL) listing and that the overall success of the Superfund program should not be measured solely by the number of NPL listings or cleanups.

### FEDERAL FACILITIES RESEARCH CENTER

Ramona Huckstep (MO) and Marilyn Null (CO) of the Community Involvement Focus Group conducted a well attended and successful training on the **Measuring Effectiveness of State Stakeholder Engagement and Partnering Efforts** tool at the U.S. EPA Community Involvement Training Conference in July 2011. The tool was developed by the Focus Group and endorsed by the ASTSWMO Board of Directors in April 2011. Also during the conference, Wilmarie Rivera (PR), pictured below, a member of the Emerging Issues Focus Group, won the People's Choice Award for her poster presentation on Puerto Rico's Munitions Awareness Education Program at Vieques Island.



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### **MATERIALS MANAGEMENT AND CLIMATE CHANGE TOOLKIT**

The [West Coast Climate and Materials Management Forum](#) recently produced a [Materials Management and Climate Change Toolkit](#) to provide resources to integrate material conservation into greenhouse gas (GHG) inventories and climate action planning. The Toolkit includes:

- New approaches to GHG inventories that quantifies impacts from materials
- Model Climate Action Plans that include materials conservation
- Innovative policies that can reduce material consumption and increase recycling and composting
- Example ordinances, standards, and policies to drive GHG reductions through materials management

### **PROGRAM AND INFORMATION EXCHANGE SUBCOMMITTEE**

The Communications Technology Task Force is seeking additional members. If you are a communications or technology professional or hobbyist, please contact [Allison Goldberg](#).

### **SUSTAINABILITY SUBCOMMITTEE**

The Greener Cleanups Task Force recently conducted a survey regarding barriers to greener cleanups, as a complement to their previous work addressing incentives to green remediation. The survey was broadly distributed to ASTSWMO's various State program contacts, and individuals working in a variety of programs provided constructive feedback to the Task Force.

Respondents noted that the biggest barriers to developing policy on or implementing greener cleanups were:

- Economics - real or perceived cost concerns,
- Not explicitly included in existing regulations/perceived lack of authority, and
- Current acceptance/comfort with conventional practices.

Moreover, respondents stated that the easiest barriers to overcome are:

- Lack of knowledge/awareness/education/experience regarding greener cleanup practices,
- Current acceptance/comfort with conventional practices, and
- Lack of communication/coordination between cleanup programs and related programs.

As a final point, a very small percentage of respondents indicated that their States have legislation or policy directives that require either green or sustainable remediation. A slight majority of respondents had experienced some form of training on greener cleanups. The Greener Cleanups Task Force will use the survey findings to inform their future work regarding barriers to greener cleanups.

### **HAZARDOUS WASTE SUBCOMMITTEE**

The 2011 Hazardous Waste Training and Conference, held in June, had 105 attendees from 38 States and Territories, U.S. EPA Headquarters, and three U.S. EPA Regions. Several plenary sessions were offered, and breakout sessions were divided into two separate tracks for more (Track B) and less (Track A) experienced RCRA C managers. [Presentations are available online](#). Plenary session and Track A session video will be available online soon.

Coming soon: ASTSWMO RCRAInfo Manual

### **VOLUNTEERING WITH ASTSWMO**

Visit our [Members](#) pages to find current group openings. The Members in Action Guidance Document is coming soon.

QUESTION OR COMMENT ABOUT THE NEWSLETTER? PLEASE CONTACT DANIA RODRIGUEZ ([DANIAR@ASTSWMO.ORG](mailto:DANIAR@ASTSWMO.ORG)) OR ALLISON GOLDBERG ([ALLISONG@ASTSWMO.ORG](mailto:ALLISONG@ASTSWMO.ORG)) AT ASTSWMO, 444 NORTH CAPITOL STREET NW, SUITE 315, WASHINGTON, DC 20001; BY PHONE AT (202) 624-5828; OR BY FAX AT (202) 624-7875.