**NSC Technical Subcommittee Call Minutes –March 17, 2015**

Temporary Tech-Subcommittee folder:

<https://upenn.box.com/s/doptddztmkcv98zefar7>

**Attending:**

Reg 1: Sara Johnson – NH

Reg 2: Ed Bakos –NJ; Harry Ching -NY

Reg 3: Jeremy Hancher, Nancy Crickman, Susan Foster – PA

Reg 4: Jessica Dalton – FL; Mary Talukder - GA; Tony Pendola – NC; Emily Ohde -KY; Melissa Collier-MS

Reg 5: Renee Lesjak-Bashel, Lisa Ashenbrenner, Jennifer Hamill – WI; Rick Carleski – OH; Christine Grossman – MI; Hien Le - MN

Reg 6: Sandy Spon – NM; Dianne Wilkins - OK

Reg 7: Barb Goode - KS

Reg 8: John Podolinsky - MT

Reg 9: Jenna Latt – CA; Mark Hubbard - AZ

Reg 10:

EPA: Paula Hoag, Traci Atagi

**EPA Definition of Solid Waste, January 15, 2015 Rulemaking – Tracy Atagi, EPA:**

Jeremy introduced Tracy and provided a brief overview of the subcommittee members in attendance, adding not all state SBEAP s are multimedia but many are. Tracy: Solid waste definition determines what is regulated under RCRA, Part C, with some exclusions for recycled CRTs, processed scrap metal, and zinc-containing fertilizer. Last rulemaking in 2008 broadened hazardous waste definition for recycling of materials. Final January 15, 2015 rulemaking clears up issues and defines legitimate recycling. For small businesses, codified definition of legitimacy includes business practices to prevent negative consequences, for example putting hazardous secondary material back into process means no testing or other proof of legitimacy is required. If recycling to meet commodity specifications, then no further analysis needed. But if material doesn’t meet commodity specs, such as spent foundry sand trying to pass for playground sand, more testing and legitimacy demonstration documentation is needed.

The biggest change is the exclusion for the verified recycler. A verified recycler must have RCRA permit and be able to demonstrate financial assurance. Businesses should benefit by just having to maintain shipping records to these facilities. Businesses (i.e., generators,) can accumulate more to make larger shipments to save money and don’t have to manifest because it is being recycled. Jeremy (PA) - what type of business records needed? Tracy- shipping records OK (manifests not required), bill of lading OK, also can use paperwork for current recycling. Generator controlled exclusions include recycling done onsite, but not by third party (but onsite contractor doing the recycling is allowed). Remanufacturing exclusion example – waste solvents from Company A are used as reactants/carriers in other products made by Company B per manufacturing agreement between the two companies. Christine (MI) - how do states verify waste is being remanufactured? Tracy- should be in company’s manufacturing agreement language. Also, if waste is hazardous due to lead, it could be shipped to a RCRA permitted facility. If facility is covered by variance, need proof of variance and ongoing documenting of legitimacy. Non-waste determination administrative procedures have ten year limit to renew variances; facilities already granted variances were grandfathered in, but states may have own deadlines for renewal.

Tracy outlined the “legitimacy” criteria: 1) must make valuable contribution, 2) has to be valuable product, 3) must be managed as a valuable commodity analogous to managing methods for raw material, or meeting containment standard of unique material, and 4) recycled products must compare to product made of virgin material. Also, a widely recognized material like scrap metal is already a recognized commodity in general. Effective date of rule is July 13, 2015, but won’t go into effect until most states change own rules, if required. Four states, NJ, IL, PA, ID, have adopted 2008 rule. For IA, AK, and Indian tribal areas, rule is effective on July 13 date.

Common misunderstanding is that everyone recycling needs a RCRA permit. This is not true, and same permit required as before. Christina (MI) - will there be mobile recycling companies doing recycling onsite? Tracy – not sure, as it mostly depends on costs. Jeremy (PA) - will EPA put together FAQ/fact/sheet ? Tracy - yes, still assembling questions but will get something out. Tracy added inspection checklists, outreach to states, and user implementation workgroup planned.

Also see Tracy’s slides for webinar, fact sheet, and other info at <http://epa.gov/waste/hazard/dsw/rulemaking.htm>

For any other questions, contact:

Tracy Atagi**,** Office of Solid Waste, Hazardous Waste Identification Division, MC 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, at (703) 308-8672 (atagi.tracy@epa.gov)

**Annual 507 Training, Raleigh, NC, June 24-26** in conjunction with [A&WMA conference](http://ace2015.awma.org/)

6/25 Thursday session w/AWMA - still arranging panel session speakers.

6/26 Friday technical session (SBEAP) only – still arranging printing industry speaker (Gary Jones of PIA or Deb Jacobson of ISTC) and investigating possibility of same person doing both sessions.

Tony (NC): Deb Jacobson, Illinois Sustainable Technology Center, maintains the Printer’s National Environmental Assistance Center (PNEAC) and wants to raise awareness of PNEAC resources and build momentum to rejuvenate EPA funding. Tony (NC)-pre-conference survey indicates 35 of 50 respondents so far want to attend and price is good. Sara (NH) – hoping for more responses and confirmations. Training committee call is next week, so send Jeremy any questions or suggestions you have.

**EPA Requests for Comment – Review of Regulations & Proposed rules for streamlining**

<http://www.regulations.gov/#!documentDetail;D=EPA_FRDOC_0001-17008>

Do we want to provide comments similar to how NSC responded in the April 4, 2011 letter? Sara (NH): reviewed request and thought it seemed to focus on Next Generation concepts like electronic reporting, reducing paper reports, alternative monitoring options, etc. Renee (WI) and Christine (MI) are interested in commenting on the proposed rules for streamlining. Sara (NH): comments for NSPS electronic reporting could be same or similar. Jeremy (PA) agreed to set up separate call for those interested in formulating comments.

**Recent Federal Register Notices: Proposed NSPS electronic reporting notice request for comment**

<http://www.epa.gov/ttn/atw/ereporting/20150302aerrproposal.pdf>

Do we want to comment? Renee (WI) – has consultant experience in using ERT to submit stack test results; we should comment. CDX/CEDRI is not prepared to accept all the reports they’re talking about. CDX has predefined list of reports, which has to be expanded first or people will be confused. Christine (MI): has helped people with boiler 6J report submittals through CEDRI and not all reports able to be submitted. Not sure how many states rely on it as many may be requiring redundant paper copy submittals, too. A standardized report list would help submittals. Comments due April 28, 2015, and NSC needs any subcommittee comments by April 24 per Sara.

**Open discussion**

Christine (MI): MI DEQ’s online boiler Q&A tool almost ready, and will send it to tech sub members to try out. John (MT): state air quality program wants to develop GIS app to show facilities with permits. Which states have similar online tools? Jenna (CA): South Coast AQMD has “Find” search by facility name, address, area, ID number, etc., that lists violations, emission reports, and other info. Jenna will send link. Christine (MI): MI has company searches for NOVs, permits, emission data, etc. Melissa (MS): MS online tool pulls from internal databases for pubic notices, permits, and some compliance info across all media programs. Hein (MN): MN’s “What’s In Our Neighborhood” link has some air quality and facility info and can search by address. Jeremy (PA): has eFacts in PA, to look up compliance history, but companies not aware of it, and Christine (MI) echoed that. Rick (OH) has several divisions with search tools for permits and “eDocs” search tool that pulls in all official documents like NOVs and inspection letters issued to a facility. Mark (AZ): working on more GIS based system for this info. Tony (NC): NC has app integrating GIS, but be careful of latitude/longitude data accuracy to make sure it makes sense before you publish online. Initial trials had facility coordinates for areas in Greenland!

**Next Call: April 21**, 2015

2-3pm EST (3rd Tuesday of month)

Minutes prepared by Rick Carleski, (OH), Technical Subcommittee Co-Chair