



REGION 10

SEATTLE, WA 98101

August 1, 2024

Dear Alaska Native Corporation Executive:

The U.S. Environmental Protection Agency Region 10 (EPA) invites consultation and coordination with Alaska Native Claims Settlement Act (ANCSA) Corporations on an upcoming hazardous waste issue. The State of Alaska, through the Alaska Department of Environmental Conservation (ADEC), seeks Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste program authorization from the EPA. The EPA would like to ensure that we are fully informed of potential ANCSA Corporation interests as we proceed with the review of Alaska's draft hazardous waste program submission.

It is the EPA's practice to consult with ANCSA Corporations when the Agency's actions and decisions may affect them. This consultation process is distinct from the EPA's consultation with federally recognized Indian Tribes under [the EPA Policy on Consultation with Indian Tribes](#). The EPA invites you and/or your designated consultation representative(s) to participate in this process.

Background

Currently, the EPA, directly implements the RCRA Subtitle C hazardous waste program in the State of Alaska, regulating entities who generate, treat, store, and dispose of hazardous waste subject to RCRA. The EPA is also the RCRA corrective action regulator in Alaska. Corrective action is the part of the RCRA hazardous waste program that governs cleanups. ADEC currently manages the RCRA Subtitle D solid waste program—including household hazardous waste—but the state is not yet authorized to implement the RCRA C hazardous waste program. Section 3006 of RCRA provides statutory authority for states to seek hazardous waste program authorization from the federal government. Most other states pursued hazardous waste program authorization in the 1980s and 1990s. Alaska is one of the last two states not authorized to implement RCRA Subtitle C and is now seeking RCRA hazardous waste program authorization.

In November 2023, ADEC provided the EPA a draft program submission to regulate hazardous waste in the State of Alaska in lieu of the federal government. ADEC's draft application includes a draft Attorney General's Statement, draft Program Description, draft Memorandum of Agreement, and state regulations.

The EPA seeks input from ANCSA Corporations while we review this draft program submission, so that meaningful consultation can occur before the EPA provides final draft comments to the State of Alaska. Your insights will help ensure that the authorization process is responsive to the unique needs and concerns of ANCSA Corporations. You are also welcome to share comments during the public comment period once ADEC provides a final program submission and the EPA makes a determination as to whether to approve the state program in accordance with the process described in 40 Code of Federal Register 271.20.

Opportunities for Tribal and ANCSA Corporation Engagement and Consultation

The EPA will host an informational webinar for interested ANCSA Corporation representatives in August 2024 to provide background on RCRA, the authorization process, and to answer questions.

The following provides access details and [a registration link](#) for the informational webinar on August 29, 2024 at 12:00 – 1:00 p.m. PDT:

Microsoft Teams meeting, join on your computer or mobile app

Computer link: [Click here to join the meeting](#)

Or, Call-in (audio only): +1 (202) 991-0477 ID:470 243 742#

This informational webinar is intended to assist in your decision regarding whether you would like to engage in consultation and is not a substitute for consultation.

If you would like to request consultation on the matters described in this letter, please have your staff contact the EPA at AlaskaHazardousWasteAuthorization@epa.gov, by September 30, 2024. To ensure the EPA can finalize comments based on ANCSA Corporation input and provide final comments to ADEC in a timely manner, the EPA seeks to conclude consultation by November 30, 2024. Please provide the EPA with your ANCSA Corporation's representative's contact information for planning purposes. We also request that you provide available days and times for the consultation meeting, and any consultation policies or procedures that you may have regarding consultation with the EPA. As you consider whether you would like to consult on this matter, please consider the high likelihood of a remote consultation (for example, telephone or video conference). The EPA will work with your staff to schedule the consultation meetings with your ANCSA Corporation as requests are received.

Consistent with the federal government's unique legal relationship with federally recognized Tribes, the EPA will provide separate consultation opportunities for federally recognized Tribes in Alaska. We recognize that Tribal governments hold a unique position and relationship with the United States government. The ANCSA Corporation consultation offered in this letter is distinct from Tribal government consultation.

Thank you for your interest in the State of Alaska's application to regulate hazardous waste in lieu of the federal government. If you have questions or wish to discuss further, please contact the EPA at AlaskaHazardousWasteAuthorization@epa.gov.

Sincerely,

Timothy B. Hamlin
Director
Land, Chemical and Redevelopment Division