



REGION 10

SEATTLE, WA 98101

August 1, 2024

Dear Honorable Leader:

The U.S. Environmental Protection Agency Region 10 (EPA) invites government-to-government consultation and coordination with federally recognized Tribes in the State of Alaska 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 Tribal interests as we proceed with the review of Alaska's draft hazardous waste program submission.

It is the EPA's policy to consult on a government-to-government basis with federally recognized Tribal governments when the Agency's actions and decisions may affect Tribes. The consultation process will be conducted consistent with [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 also is 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 Alaskan Tribal Governments while we review this draft program submission, so 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 Alaskan Tribal Governments. 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 Engagement

The EPA will host two informational webinars with the same content for interested Tribal governments in August and September 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 9:30 – 10:30 a.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:108 417 49#

The following provides access details and [a registration link](#) for the informational webinar on September 19, 2024 at 10:00-11:00 a.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: 882 022 892#

These informational webinars are intended to assist in your decision regarding whether you would like to engage in consultation and are not a substitute for government-to-government consultation.

Government-to-Government Consultation

The EPA recognizes the U.S. federal government's unique legal relationship with Tribal governments. Consistent with our obligations to Tribal nations and the EPA Policy on Consultation with Indian Tribes, we invite you to consult on ADEC's draft RCRA hazardous waste program submission.

If you would like to request government-to-government 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 Tribal 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 Tribal government 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 Tribal government as requests are received.

The EPA will host a separate webinar opportunity and consultation opportunity for Alaska Native Claims Settlement Act Corporations, consistent with the EPA, Region 10's practices. We recognize that Tribal governments hold a unique position and relationship with the United States government. ANCSA Corporation consultation is distinct from Tribal government consultation and is not based upon the government-to-government relationship.

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, Chemicals and Redevelopment Division