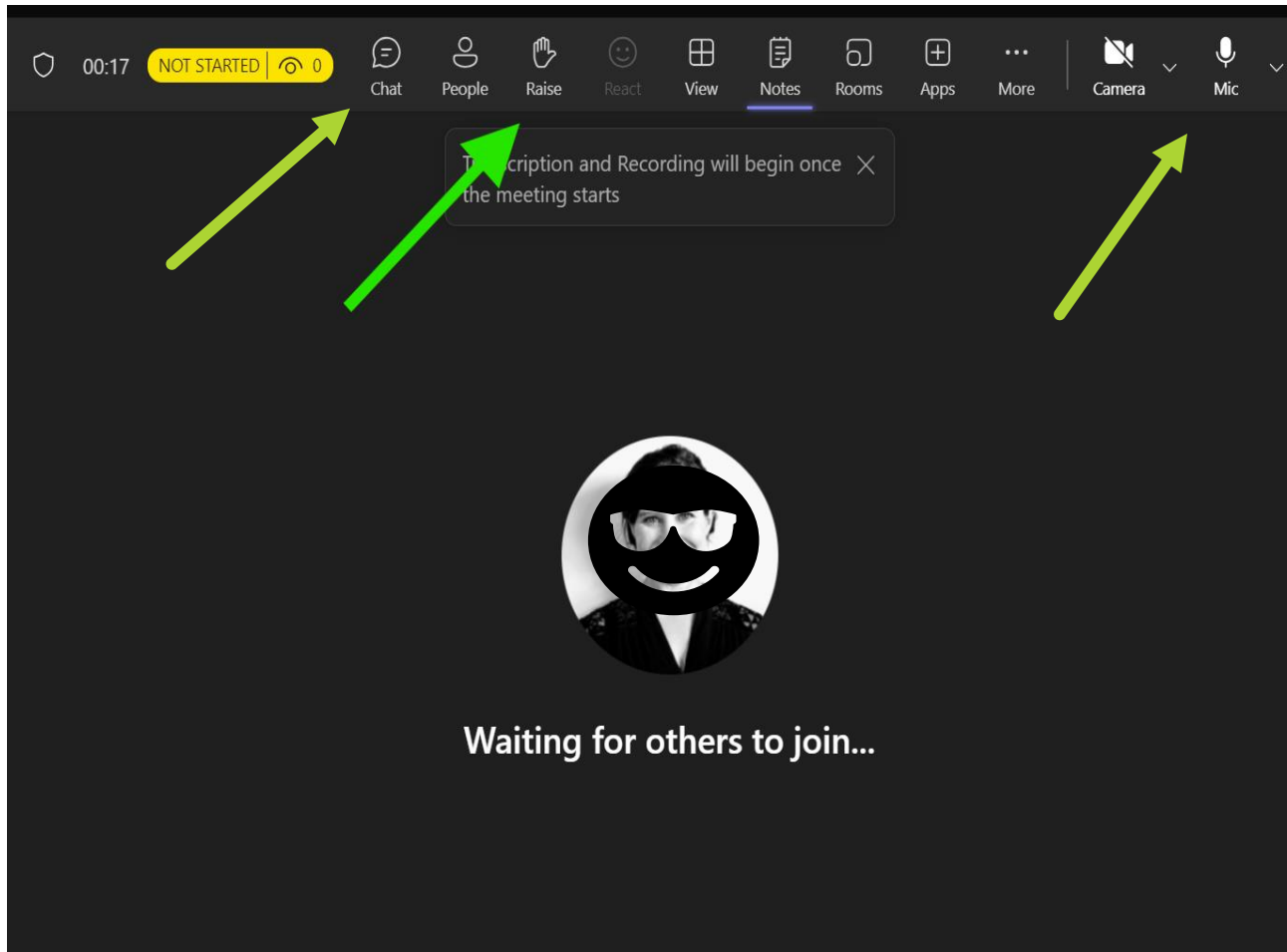


Alaska's Draft Hazardous Waste Program Submission and Request for Authorization under the Resource Conservation and Recovery Act (RCRA)

INFORMATIONAL WEBINAR FOR ALASKA TRIBES AND ANCSA CORPORATIONS



August 29, 2024



Webinar Logistics

Agenda



Overview of the Resource Conservation and Recovery Hazardous Waste Program and Hazardous Waste in Alaska



Overview of State Authorization



Alaska's Resource Conservation and Recovery Act Draft Hazardous Waste Program Submission and Request for Authorization



Alaska Authorization Timeline and Next Steps



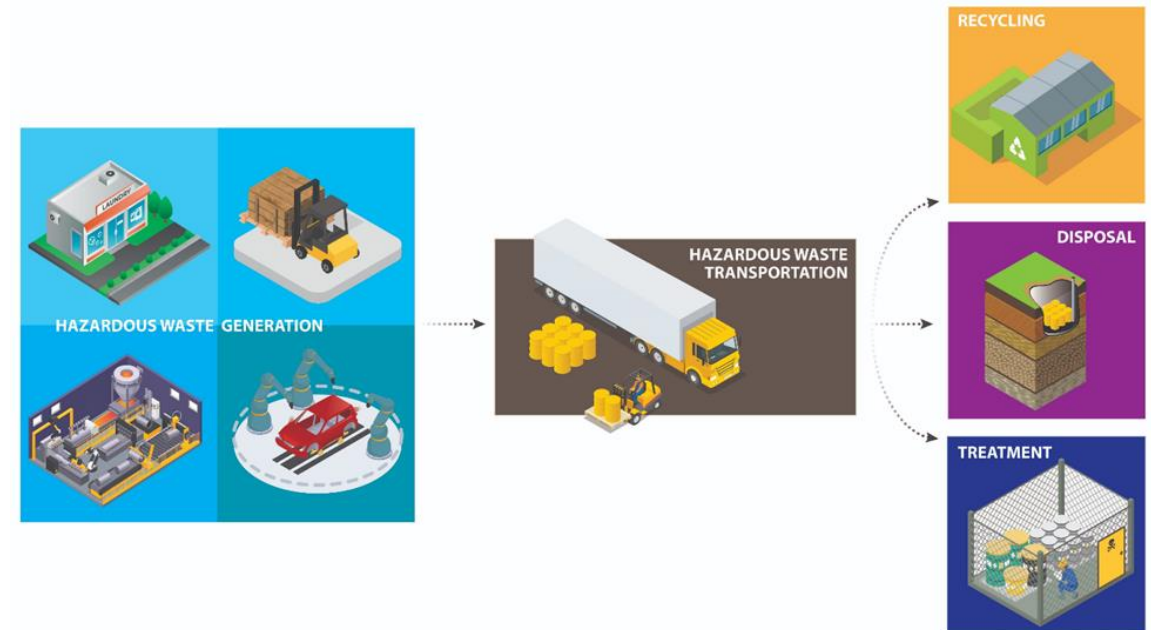
Question and Answers

Resource Conservation and Recovery Act Hazardous Waste Overview

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- ▶ The federal hazardous waste program, commonly referred to as RCRA Subtitle C, is implemented through the authority granted to the EPA by the 1976 **Resource Conservation and Recovery Act (RCRA)** and its amendments, including the **Hazardous and Solid Waste Amendments of 1984 (HSWA)**.
- ▶ **RCRA** is a comprehensive program to ensure that hazardous waste is managed safely from the moment it is generated; while it is transported, treated or stored; until the moment it is finally disposed. This is known as “cradle-to-grave” hazardous waste management.
- ▶ The EPA Region 10 (EPA) implements the RCRA Hazardous Waste program in Alaska.
- ▶ RCRA provides for state hazardous waste program authorization.

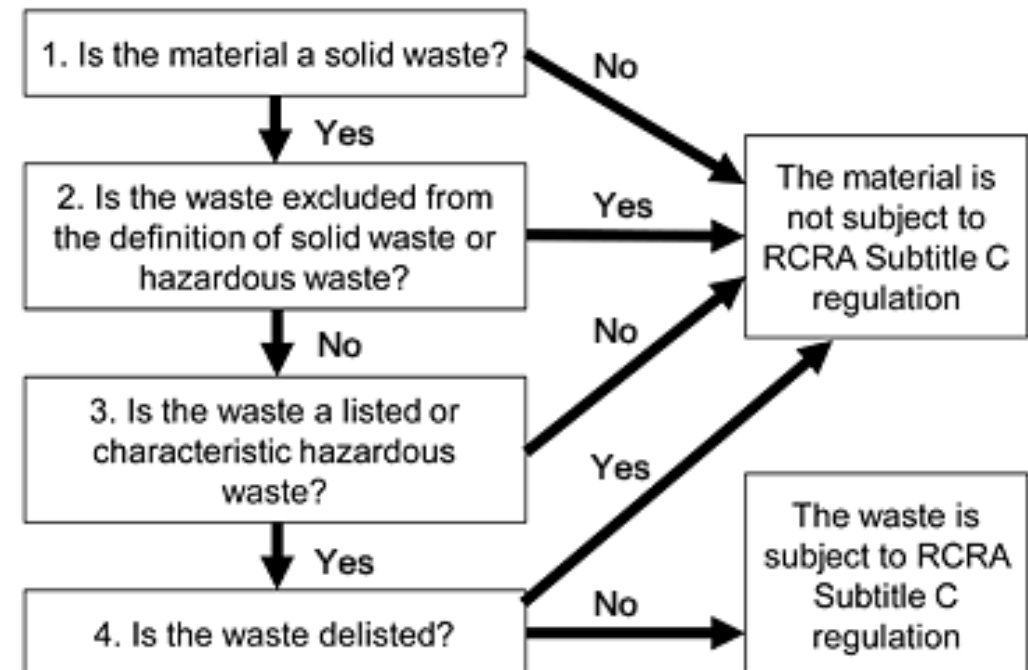
Cradle-to-Grave Hazardous Waste Management



What is Hazardous Waste?

- ▶ Simply defined, a hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment.
- ▶ Hazardous waste may come in many forms, including liquids, solids, gases, and sludges.
- ▶ Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to pharmacies.
- ▶ In Alaska, some examples of hazardous wastes are generated at mining facilities, oil and gas facilities including refineries, small engine repair shops, laboratories, and dry cleaners. Common products that contain hazardous waste include waste paints, batteries, waste solvents, waste oils, and mercury-containing lamps.

The Hazardous Waste Identification Process



Hazardous Waste Generation in Alaska

5,342 Tons of Hazardous Waste produced in Alaska according to 2021 Biennial report

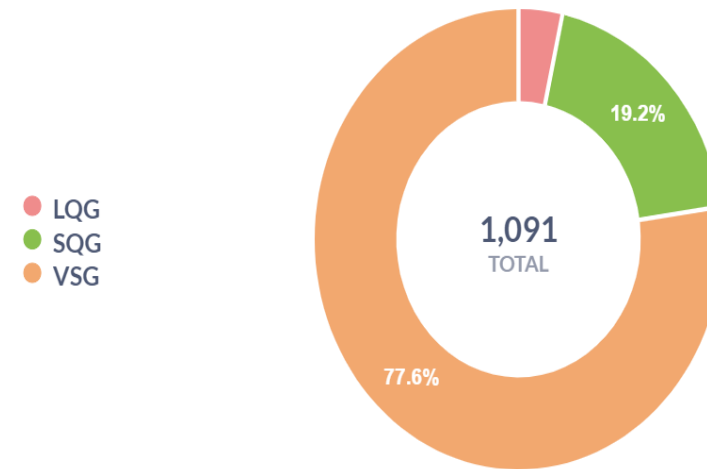
Large Quantity Generators (LQGs) generate 1,000 kilograms per month or more of hazardous waste or more than one kilogram per month of acutely hazardous waste.

Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms of hazardous waste per month.

Very Small Quantity Generators (VSQGs) generate 100 kilograms or less per month of hazardous waste or one kilogram or less per month of acutely hazardous waste

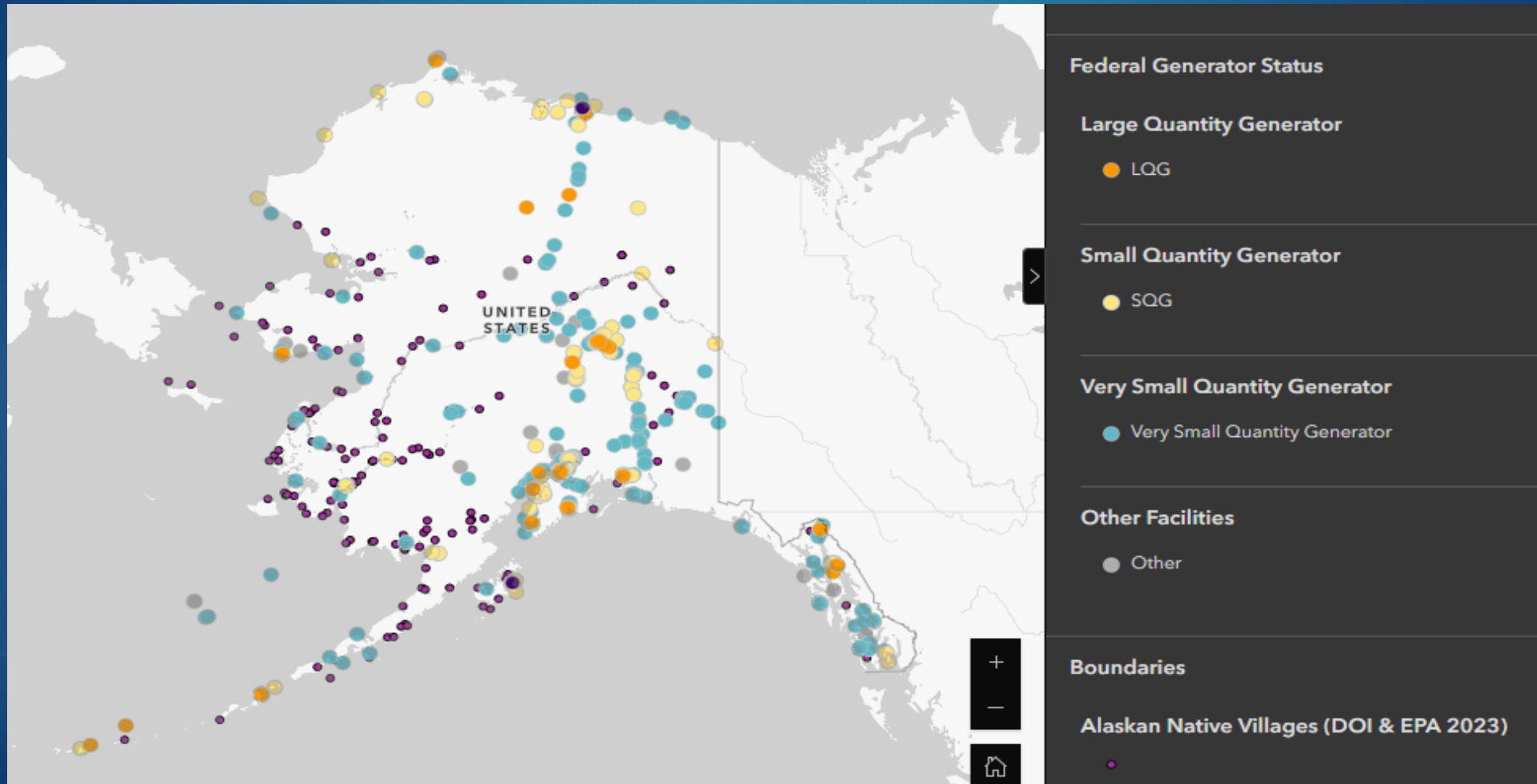
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Active Sites in Alaska by Generator Status



Hazardous Waste Generators In Alaska by Location

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RCRA Hazardous Waste Permits, Corrective Action and Compliance and Enforcement



Permitting: RCRA requires that facility owners and operators obtain a permit to treat, store, or dispose of hazardous waste. The permit includes specific requirements needed to manage hazardous waste safely.



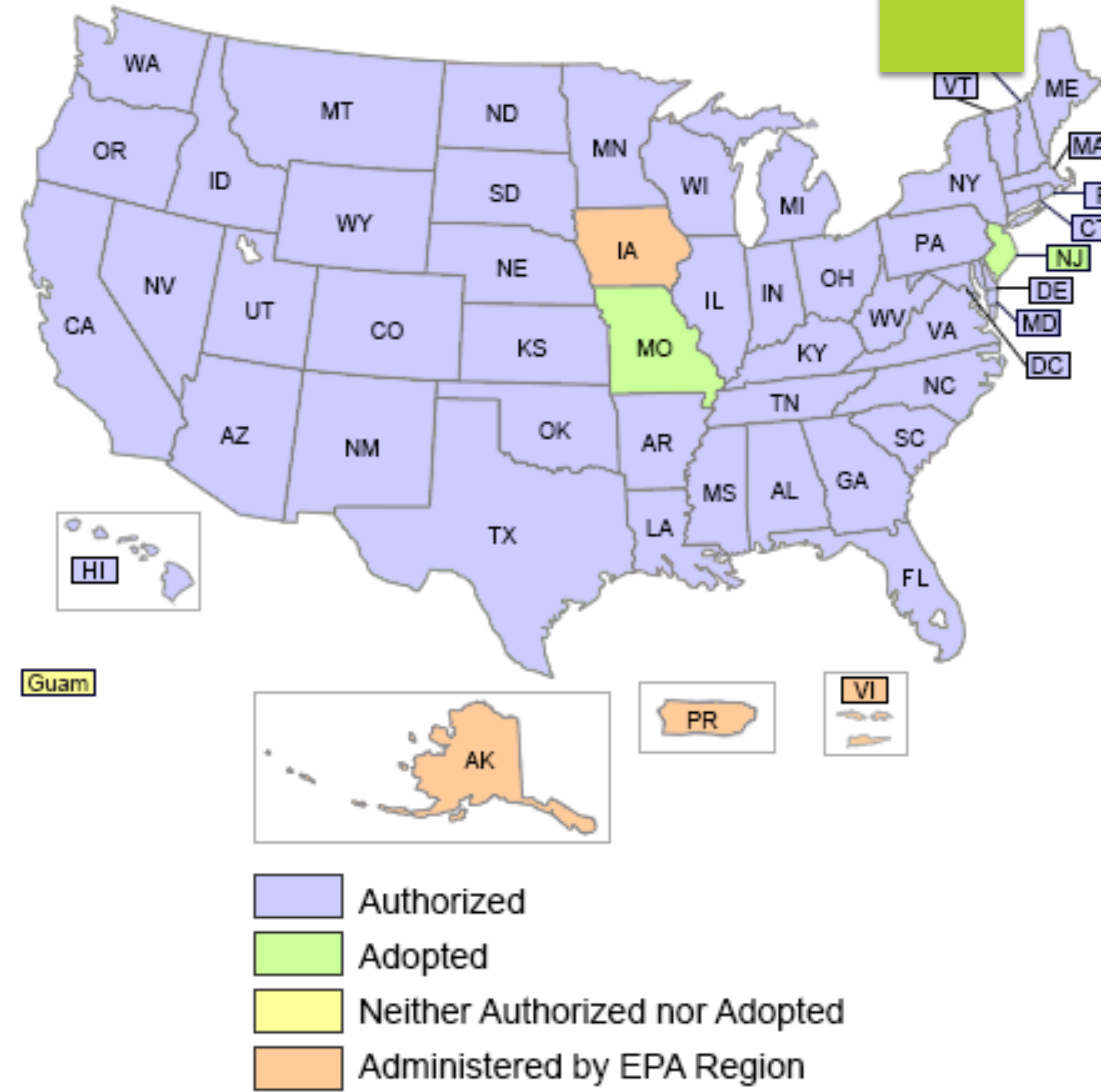
Corrective Action: Hazardous waste management sometimes results in spills or releases into the environment. The corrective action program is designed to guide the cleanup of any contaminated air, groundwater, or soil.



Compliance and Enforcement: To ensure RCRA-regulated entities from generators to treatment, storage and disposal facilities, comply with regulations, RCRA provides EPA and authorized states with the authority to enforce provisions of RCRA by closely monitoring regulated entities (e.g., facility inspections), taking legal action (e.g., administrative order or civil or criminal lawsuit) when compliance is needed, and providing compliance incentives and assistance (e.g., audit protocols).

Authorization

- ▶ RCRA §3006 allows states to be authorized to administer RCRA hazardous waste programs in lieu of the federal government if certain conditions are met.
- ▶ However, EPA has the authority to independently enforce.
- ▶ History – majority of states authorized by 1990. Only unauthorized states are Alaska and Iowa.
- ▶ EPA currently implements the RCRA Hazardous Waste program in Alaska.



Elements of a RCRA Hazardous Waste Program Submission (40 CFR 271.5)



Letter from the Governor of the state: requesting program approval.
40 CFR 271.5(a)(1)



Program Description: describes how states intend to carry out program responsibilities including permitting, corrective action and compliance and enforcement; staffing and funding resources; manifest tracking system; and differences, if any, and between state and federal programs. **40 CFR 271.6**



Attorney General Statement: identifies state legal authorities; interprets state law; and certifies equivalence to federal regulations.
40 CFR 271.7

Elements of a RCRA Hazardous Waste Program Submission (40 CFR 271.5)

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Memorandum of Agreement: defines roles and responsibilities of the EPA and the state and outlines coordination between the EPA and the state. **40 CFR 271.8**



State Hazardous Waste Regulations and Statutes 40 CFR.5(a)(5)

Checklists: compare the state's program and applicable federal statutes and regulations.



Showing of the state's Public Participation of no less than 30 days during which time members of the public can express their views on the proposed program **40 CFR 271.5(a)(6)**

RCRA Hazardous Waste State Authorization Requirements

To be authorized, a state program must:

- Be equivalent to and at least as stringent as the federal rules;
- Be consistent with the federal program and other authorized state programs.
- Contain adequate enforcement authority; and
- Provide for public participation and availability of information.

Proposed Changes from Federal Program to State Program

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Alaska proposes to adopt and incorporate by reference, with some changes, the federal hazardous waste regulations in 40 CFR 260 – 279, and administrative requirements of 40 CFR 124.

Alaska's proposed changes to the federal hazardous waste requirements:

- **Reporting:** AK will require annual notification for LQGs, SQGs, transporters, and Treatment Storage and Disposal Facilities. Notification and reporting requirements are more frequent than the federal reporting requirements for LQGs and SQGs. TSDFs will be required to annually submit a hazardous waste report for the first five years of the state program. The state characterizes these changes are more stringent than the federal government.
- **Groundwater monitoring:** AK proposes adopting EPA's *Statistical Analysis of Groundwater Monitoring at RCRA Facilities, Unified Guidance*, March 2009 to determine the most effective statistical method for analyzing groundwater data for detection monitoring, which the state identifies as more stringent than the EPA.

Proposed Changes from Federal Program to State Program

Alaska's proposed changes to the federal hazardous waste requirements (continued):

- **Corrective Action:** where cleanup standards differ between RCRA Corrective Action requirements and state Contaminated Sites requirements, the more stringent standard will apply. The state characterizes this approach as more stringent than the federal government's requirements.
- **Universal Waste:** including electronic waste as universal waste, which Alaska characterizes as broader in scope than the federal government, which does not regulate electronic waste as a universal waste.

Alaska **Draft** RCRA Subtitle C Program Submission and Review Timeline - Overview

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ADEC submitted a draft RCRA C program submission to the EPA Region 10 for review in November 2023.

ADEC's draft submission includes a Program Description, Attorney General Statement, Memorandum of Agreement between ADEC and EPA, and draft state hazardous waste regulations.

The EPA is reviewing the draft and seeking Tribal consultation before sending final comments on the draft program submission to ADEC.

The EPA will submit final comments on the draft program submission to ADEC, including input from Tribal and ANCSA Consultation. ADEC may revise their program submission and submit to the EPA as a final program submission with all the program submission elements described in 40 CFR 271.5.

Alaska Hazardous Waste - Authorization Timeline

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- Spring – Summer 2025
 - ADEC Revises Draft for Final Submittal

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- No less than 30 Days Duration
 - Alaska-led State Public Comment Period on intent to seek hazardous waste program approval from EPA
 - 40 CFR 271.20(a)

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- Fall 2025
 - ADEC sends Full Hazardous Waste Program Authorization Proposal Sent to EPA with Public Comments
 - 40 CFR 271.20(b)

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- Winter 2025/90 Days After ADEC Sends Complete Proposal to EPA
 - EPA makes Tentative Determination about Whether or Not to Grant Authorization and Give Notice in the Federal Register
 - 40 CFR 270.20(d)

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- Winter 2025 - 30 Days After EPA's Tentative Determination
 - EPA-Led Public Comment Period
 - During this period, EPA may also hold a public hearing no earlier than 30 days after the tentative determination
 - 40 CFR 271.20(d)(1-3)

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- Early 2026/ 90 days after the tentative determination and 180 Days After EPA receives ADEC's Full Hazardous Waste Program Proposal
 - EPA makes a Final Decision on Program Approval
 - 40 CFR 271.20(e)

* All timeline dates are estimates as of summer 2024

Question and Answer

For example:

- ▶ Q: Will the ADEC taking on the RCRA Subtitle C hazardous waste program have any impact on Alaska's Subtitle D nonhazardous solid waste program?
 - ▶ A: No. Alaska will continue to implement the Subtitle D solid waste program.

- ▶ Q: Why will the EPA still implement Subtitle C in the Metlakatla's Annette Islands Indian Reserve?
 - ▶ A: EPA administers Subtitle C in federally-designated Indian Country.

- ▶ Q: How do I request consultation from the EPA?
 - ▶ A: If you would like to request consultation on Alaska's Draft Hazardous Waste Program Submission and Request for Authorization under the Resource Conservation and Recovery Act (RCRA), please contact the EPA at AlaskaHazardousWaste@epa.gov by September 30, 2024.

If you have questions, would like to request consultation, or request review of the draft documents associated with this authorization, please contact the EPA at: AlaskaHazardousWaste@epa.gov

- ▶ For more information about the Resource Conservation and Recovery Act please visit the EPA's [RCRA Overview Page](#)
- ▶ For more information about Hazardous Waste please visit the EPA's [Hazardous Waste Info Page](#)
- ▶ To review our policies on Tribal Consultation Process please visit the EPA's [Consultation with Tribes](#) page.
- ▶ ADEC has [additional information](#) about their Draft RCRA hazardous waste Program Submission.

Contact Information

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