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December 14, 2015

RCRA Docket
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Docket ID No. EPA-HQ-RCRA-2015-0126

Dear Sir/Madam:

The Solid Waste Disposal and Conversion Task Force within the Materials Management Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency (EPA) proposed rule, Revision to the Research, Development and Demonstration (RD&D) Permits Rule for Municipal Solid Waste Landfills, published in the Federal Register on November 13, 2015 (80 FR 70180). These comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial solid waste programs may also provide comments based on their own perspectives and experiences.

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State waste program experts in the management and regulation of solid and hazardous waste.

In general, the ASTSWMO Solid Waste Disposal and Conversion Task Force supports EPA's efforts to maintain the RD&D Rule and increase the number of available permit renewals from three to six, which would increase the maximum permit term from 12 to 21 years. We also support the revision of the Part 258 Municipal Solid Waste Landfill Criteria to authorize bioreactor operation on a permanent basis, and we would look forward to working with EPA to consider this and other potential changes to the national criteria.

We do note that the Task Force received comments from States indicating the preference that, instead of increasing the number of permit renewals, EPA develop regulations now that establish a mechanism for RD&D permits to allow for permanent designs and operational practices, subject to appropriate monitoring and performance standards. Uncertain time limits can be a significant deterrent to the development of RD&D projects, and are not necessary for practices that have proven to be protective of human health and the environment. In some cases, certain innovative and new component designs being considered by permit holders involve large capital expenditures and the time limit associated with the RD&D permit implies

that these innovative designs (e.g., alternative covers) may need to be removed and replaced at the conclusion of the RD&D permit term. Without the assurance, assuming no identified technical or risk warranted corrective action, that a major investment would result in a permanent structure, a business or local government may delay or suspend plans for a RD&D project. Individual States are expected to submit comment letters to EPA recommending revising this rule to implement a permanent approach.

Thank you for your consideration of these views. If you have any questions, please contact me at 307-473-3468 or bob.doctor@wyo.gov, or Kerry Callahan, ASTSWMO staff, at 202-640-1062 or kerryc@astswmo.org.

Sincerely,



Robert A. Doctor (WY), Chair
Solid Waste Disposal and Conversion Task Force
ASTSWMO Materials Management Subcommittee