

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 1997

Paul R. Pike
Chairman, USWAG Low Volume Waste Committee
Utility Solid Waste Activities Group
c/o Edison Electric Group
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696

Dear Mr. Pike:

I am responding to your letter of March 26, 1997 in which you express dissatisfaction with the Agency's decision not to act on petitions of the Utility Solid Waste Activities Group (USWAG) which request the addition of the following wastes to the Federal universal waste program: mercury-containing equipment, paint and paint-related wastes, and utility access residuals. The Office of Solid Waste (OSW) apologizes for the delay in responding to your petitions. Regrettably, resource constraints continue to limit our ability to address your petitions at this time.

We understand your displeasure with our current position on the review of incoming petitions and appreciate the time, effort and resources that USWAG has expended to develop petitions to expand the Federal universal waste program. Let me assure you that although EPA is currently focusing its resources on other competing projects, we are mindful of the issues raised in your petitions. One such project may mitigate some of your concerns. In April 1996, the Agency reestablished a workgroup charged with revising the hazardous waste manifest requirements. This workgroup is particularly focused on reducing the burden associated with the current manifest system. One proposal that we are considering as part of the manifest revisions effort would allow generators to consolidate waste at central locations. Utility access residuals would be covered under this proposal. The specifics, however, of such a proposal have not been determined at this time.

You also express some concern about a lack of Federal initiative to implement the universal waste program. As you know, resource constraints continue to prevent us from addressing your petitions and others. While a Federal rulemaking to add a waste to the universal waste system has some efficiencies and advantages relative to individual state actions, the universal waste rule explicitly provided flexibility for state additions provided that a state found through rulemaking that other wastes matched the attributes for which the universal waste option prefer adding other waste categories under the auspices of their state governmental hazardous waste program as opposed to the Federal program.

The Agency believes its decision to empower states with the ability to add other waste categories has afforded states opportunities that otherwise would not have been available. Moreover, absent the petition process, states would have been required to await an EPA rulemaking that may not have addressed the state's immediate waste collection needs. Several states have plans to add other waste

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categories or have already taken advantage of the petition process and added other waste categories to their state universal waste program without Federal intervention.

With the exception of some of the issues raised in your "Utility Access Residuals" petition, the Agency does not currently have plans to address your petitions in this fiscal year (FY97). We will, however, consider the effect of addressing your petitions as we make our fiscal year 1998 resource and work planning decisions. If in the future the Agency is able to address the particular wastes discussed in your petitions, we will use the petitions as supporting material in our rulemaking process. I apologize for any inconvenience caused to you and your organization. If you have any further questions, please contact Bryan Groce of my staff on (703)308-8750.

Thank you for your continued interest in the regulation of mercury-containing equipment, paint and paint-related wastes, and utility access residuals and our universal waste management standards.

Sincerely,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste