Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 10/19/2016 1:55:41 PM
To: Stephanos, Ann [Stephanos.Ann@epa.gov]
Subject: RE: Quick question -- I want to confirm language with you for Whole Foods CAFO

Thank you for the quick response and for suggesting that Pete review.

From: Stephanos, Ann
Sent: Wednesday, October 19, 2016 9:52 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: Quick question -- I want to confirm language with you for Whole Foods CAFO

Yes. And I think technically your language is accurate for the universal waste stuff because not all of the states have been authorized. So you are probably okay but it doesn't hurt to have Pete look at it.

From: Welles, Laura
Sent: Wednesday, October 19, 2016 9:26 AM
To: Stephanos, Ann <Stephanos.Ann@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: RE: Quick question -- I want to confirm language with you for Whole Foods CAFO

Thanks Ann. I found a similar website that listed the states re: UW, but didn't have the visual map (I like the map -- it's easier to read...). I'll check in with Pete.

Other than the UW portion, did the rest of the draft language look accurate?

Thanks,
Laura

From: Stephanos, Ann
Sent: Wednesday, October 19, 2016 9:19 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: RE: Quick question -- I want to confirm language with you for Whole Foods CAFO

I'm not as well versed in state adoption versus authorization (Pete is a far better expert than I) but I found this on the web and it looks like a lot of states are authorized for the 1995 Universal Waste Rule but only a few have adopted it.

https://www.epa.gov/hw/us-state-universal-waste-programs

From: Welles, Laura
Sent: Wednesday, October 19, 2016 8:51 AM
To: Stephanos, Ann <Stephanos.Ann@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: Quick question -- I want to confirm language with you for Whole Foods CAFO

Ann,

Thanks again for sending along the Walmart CAFO in word – it's really helped with drafting the Whole Foods CAFO. Similar to the R6 Texas CAFO (and other R6 CAFOs with WF), the two violations alleged in the draft WF CAFO = failure to make HW determinations and failure to comply with the UW requirements. The language below mirrors paragraph 12 of the final Walmart CAFO except I've made a few changes to reflect the UW violation, added territories (i.e., Affected States and Territories) because there are WF stores in DC, mentioned Iowa (Alaska is not an "Affected State" because there are not WF stores in Alaska) as not authorized for base RCRA, and mentioned that not all states and territories are UW authorized (it's my understanding that there are a handful of states like Illinois, New Jersey, etc. that adopted state regs., but have not gone through the authorization process). Since you are much more versed in RCRA will you take a look and get back to me with any edits, comments, etc. I'm cc'ing Andy and Diana so we are all on the same page. If you could get back to me today that would be great.

Let me know if you have any questions.

Also – thanks for tracking down info on the Ex. 4 CBI
Ex. 4 CBI

Thanks,
Laura

Paragraph 17 of the WF draft CAFO:
"Each of the Affected States and Territories described herein, with the exception of Iowa,[1] are authorized pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926, to administer the base RCRA hazardous waste program (requirements imposed by the Solid Waste Disposal Act prior to the Hazardous and Solid Waste Amendments of 1984) in lieu of the federal government's program. Not all the Affected States and Territories described herein, are authorized to administer the Universal Waste regulations at 40 C.F.R. Part 273."

FN 1 – The State of Alaska is the only other state not authorized to administer the base RCRA hazardous waste program. As of the effective date of this CAFO, there are no Whole Foods Market Stores located in Alaska.

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

[1] The State of Alaska is the only other state not authorized to administer the base RCRA hazardous waste program. As of the effective date of this CAFO, there are no Whole Foods Market Stores located in Alaska. Thus, Alaska is not an Affected State.