From: Steve Vargo
To: Edwin Quinones
Subject: Fw: Fw: Waste Plan
Date: 05/26/2010 04:00 PM
Attachments: onegulfplan.pdf

Sent by EPA Wireless E-Mail Services
▼ Steve Mason

----- Original Message -----
From: Steve Mason
Sent: 05/26/2010 03:53 PM CDT
To: Lawrence Starfield; Al Armendariz; Steve Vargo
Subject: Re: Fw: Waste Plan

Here is the copy of the ACP....

I can talk to the USCG contact for changing the plan to add the language... just let me know....

Faithfully yours
Steve

"Frequently, my thoughts get bored and walk
down to my mouth. Often, this is a bad thing."

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

▼ Lawrence Starfield---05/26/2010 03:44:25 PM---Sent by EPA Wireless E-Mail Services ----- Original Message -----

From: Lawrence Starfield/R6/USEPA/US
To: Steve Mason/R6/USEPA/US@EPA
Date: 05/26/2010 03:44 PM
Subject: Fw: Waste Plan

Sent by EPA Wireless E-Mail Services
▼ Lawrence Starfield

----- Original Message -----
From: Lawrence Starfield
Sent: 05/26/2010 10:57 AM CDT
To: Al Armendariz
Cc: Steve Vargo; Edwin Quinones; edlund.carl@epa.gov;

Suzanne Murray; Bruced Jones; Ben Harrison
Subject: Waste Plan

Al,

As you continue your meetings today with Coast Guard and BP on the waste plan, I wanted to share with you our latest discussion of legal issues.

We think we can accommodate Mathy's desire for an "EJ screen" in selecting disposal/staging options, by relying on language from 40 CFR 330.310(c), which says:

"(c) Oil and contaminated materials recovered in cleanup operations shall be disposed of in accordance with the RCP [Regional Contingency Plan], ACP [Area Contingency Plan], and any applicable laws, regulations, or requirements. RRT and Area Committee guidelines may identify the disposal options.... **The ACPs may identify a hierarchy of preferences** for disposal alternatives, with recycling (re-processing) being the most preferred, **and other alternatives preferred based on priorities** for health or the environment."

Although to date, the "preference" discussed in the regulations has generally referred to the waste pyramid (recycling, then treatment, then landfill), we'd suggest that the Coast Guard consider adding a preference for not sending waste to LFs or staging areas in communities that are already "heavily impacted" by environmental stressors. Not adding to already-burdened communities is certainly an Agency "priority" relating to community welfare. Right now, we are recommending that the Agency limit this interpretation to actions under 40 CFR 300.310 -- that is, oil spill cleanups. By doing so, we think we can avoid calling into question the protectiveness of the State's solid waste program.

The addition of this preference to avoid sending wastes to impacted communities, should ideally be included in the One Gulf Plan, the Area Contingency Plan, and the Waste Management Plan. Steve Vargo will work with folks in Robert or Houma to explore that idea, but you should be aware for your discussions with the Coast Guard.

We also will ask OEJTA to help come up with criteria for "heavily impacted, highly populated" communities.

As you work with folks on the Waste Plan, you may want to add this to the list of elements that EPA wants to add:
1. Waste characterization (split samples)
2. Oversight (site visits)
3. Outeach (community meetings at LF/Staging area sites)
4. Preference for disposal that doesn't add tot he burden of already-impacted communities.

I hope this information is helpful for your meetings.

Larry