

Allowing Modern Alternatives for Public Notification for RCRA Hazardous Waste Permitting and other Actions

2021 Tribal Consultation Webinar

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Recovery

Purpose

- Purpose of today's webinar is to provide an overview of an upcoming Federal Register notice which EPA intends to use to modernize public notice in hazardous waste permitting and other actions.
- This webinar will provide information to tribes to determine if they would like to consult with the Agency on this action.

Overview of Topics

Objective of Federal Register Notice

Background on RCRA Permitting

Issue to Address

Benefits of Online Notice

Scope of the Federal Register Notice

Potential Tribal Interests

Public Comments

Tribal Implications and Consultation

Questions

Objective of Federal Register Notice

- The Federal Register notice will provide notice and invite public comment on allowing modern electronic alternatives for newspaper notice in EPA's hazardous waste regulations.
- This is not a proposed rule.

Background on RCRA Permitting

- Under the Resource Conservation and Recovery Act (RCRA), permits are required for the treatment, storage, and disposal of hazardous waste.
- These permits include facility-specific requirements, based on the applicable RCRA regulations, for the management of hazardous wastes. The permits are issued by authorized states or EPA regional offices.
- Permitting agencies are required to publish notices as part of the permitting process; for example, an authorized state would publish notice that a draft permit is available for public comment.

Issue to Address

- Section 7004(b)(2) of RCRA requires public notice in a “major local newspaper of general circulation,” as part of hazardous waste permit issuance. The regulations also require newspaper notice for permit issuance and other permit actions (permit modifications for example).
- Traditionally, this has meant notice in a printed newspaper. However, print newspapers are not available in all communities and, where they are available, are not representative of how most people consume news today.

Issue to Address: Lack of Local Newspapers

Communities with no local newspaper.

- According to a study in 2018 by the University of North Carolina Hussman School of Media and Journalism (UNC Hussman), nationally 171 counties with 3.2 million residents had no local newspaper.¹
- The counties without newspaper have now increased to more than 200 according to their updated report (2020 UNC Hussman report).²

¹ Abernathy, P. 2018 "The Expanding News Desert" https://www.cislm.org/wp-content/uploads/2018/10/The-Expanding-News-Desert-10_14-Web.pdf

² Abernathy, P, 2020, "News Deserts and Ghost Newspapers: Will Local News Survive?" https://www.usnewsdeserts.com/wp-content/uploads/2020/06/2020_News_Deserts_and_Ghost_Newspapers.pdf.

Issue to Address: Lack of Local Newspapers

Recent trend of newspaper reductions:

- The 2020 UNC Hussman report also concluded that, in the past 15 years, the U.S. has lost one-fourth (2,100) of its newspapers “leaving at least 1,800 communities that had a local news outlet in 2004 without any at the beginning of 2020.”
- Most of these losses were sustained in economically struggling communities; however, some were also in larger cities with more affluent readership.
- UNC Hussman also found that the economic fallout from the COVID-19 pandemic has dramatically increased the decline – with at least 30 newspapers that closed or merged in April and May of 2020, and dozens of newspapers switched to online-only delivery of news.

Issue to Address: Decline in Readership of Printed Newspapers

Circulation reduction trends:

- Nationally, existing newspapers have experienced reduced circulation.
- The same 2020 UNC Hussman report stated that total newspaper circulation decreased by 55 million between 2004 and the end of 2019. An estimated “half of newspaper readers have vanished over the past 15 years.” Between 2004 and 2019, total weekday circulation – including both dailies and weeklies – declined 45 percent, from more than 122 million to 68 million.
- Daily papers lost 22 million print readers. Only 39 dailies had a circulation of more than 100,000 in 2019, compared with 104 in 2004. Most of the drop in daily circulation resulted from decisions by owners of dailies to pare back distribution of the print paper, especially in outlying areas.

Benefits of Online Notice

- Two other EPA permitting programs have changed their regulations to replace newspaper notice with Agency website notifications. Cited benefits include:
 - (1) Significantly improve communication with the public on permit actions in comparison to a one-day newspaper notice;
 - (2) result in broader and better-informed public participation;
 - (3) reduce costs and conserve agency resources;
 - (4) improve public access by making permit actions immediately available through convenient and reliable electronic media outlets;
 - (5) improve communication with environmental justice (EJ) communities and other target audiences;
 - (6) allow for information to be made available for an extended time period; and
 - (7) provide flexibility for permitting authorities and sources by avoiding time delays associated with newspaper publication and allowing for faster correction of errors and rescheduling of events.

Scope of the Federal Register Notice

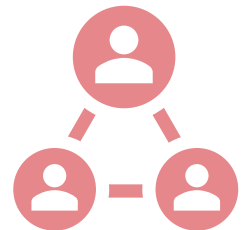
- EPA is developing this notice to provide for modern alternatives for public notification in its hazardous waste regulations.
- EPA intends to address permit actions subject to RCRA 7004(b)(2), such as initial permit and renewal permit issuance.
- EPA also intends to address actions not subject to this statutory requirement (and for which the Agency has more flexibility), such as permit modifications.

Potential Tribal Interests

- To the extent that facilities on tribal lands are subject to RCRA hazardous waste permitting requirements, this interpretation would clarify acceptable alternatives for EPA to use to provide public notice of permit actions at these facilities.
- While there is only one RCRA hazardous waste permitting facility on tribal lands, tribes may have interest in public comment on permit actions at facilities outside tribal lands.

Public Comment

- EPA will accept public comments on the Federal Register Notice for 60 days after publication.
- Tribes are encouraged to submit comments to the docket.
- All comments must be received no later than the end of the public comment period. The specific dates for the submittal of public comments will be available on EPA's website at:
<https://www.epa.gov/hwpermitting/modernizing-public-notice-rcra-hazardous-waste-permitting>



Tribal Implications and Consultation

- The consultation process for the *Federal Register* notice is being conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes (<https://www.epa.gov/tribal/forms/consultation-andcoordination-tribes>).
- EPA does not expect that this notice would have tribal implications as specified in Executive Order 13175.
- To initiate government-to-government consultation with EPA or if you have questions related to the notice, please contact Jeff Gaines by phone at (703) 308-8655 (will be changing to 202-566-0332 with office move) or by email at gaines.jeff@epa.gov by October 29, 2021.

Questions?

