

Chemical Data Reporting (CDR) Inorganic Byproducts Meeting Negotiated Rulemaking Committee

August 16-17, 2017

**U.S. Environmental Protection Agency
William Jefferson Clinton East Building, Room 1153
1201 Constitution Avenue NW, Washington, DC**
(Enter at the NW corner of Constitution Avenue and 12th Street NW)

Agenda

Pre-Meeting Notes

- Please enter at the NW corner of Constitution Avenue and 12th Street NW, bring a valid photo ID, and allow time to go through security. Either Tom Smith (202-564-7200) or Robin Sessoms (202-564-6667) will be your EPA escort. If you are attending as an observer, please send your name and affiliation in advance to lsneeringer@cbuilding.org in order to streamline the security process.
- A workgroup updated the Operating Agreement and there have been no additional comments on the revised draft. A brief approval discussion is expected. If there are remaining concerns, please send them to the facilitators (lsneeringer@cbuilding.org; cmoore@mediate.org) so they can plan accordingly.
- In order to maximize in-person time, Committee Members are expected to review the initial approaches closely before the meeting and be prepared to share clarification questions, strengths and concerns/considerations.
- Additional caucus time may be needed in the evening, early morning and over lunch. Caucus rooms will be available adjacent to the main meeting room. Building access will be available through 6 PM on August 16 and will begin at 8 AM on August 17.

Meeting Objectives

- Discuss potential approaches identified by the Substantive Workgroup
- Identify strengths and concerns for initial approaches and ways to address concerns
- Determine which approaches or combination of approaches to explore further
- Explore or clarify any refinements that need to be addressed before the September 13-14 meeting

Wednesday, August 16 (9:00 AM – 5:00 PM)

Welcome, Introductions and Agenda Review (9:00 – 9:30 AM)

Approve Operating Protocol and Meeting Summary (9:30–9:50 AM)

Overview of Substantive Workgroup Activities and Approaches Considered (9:50–10:10 AM)

Overview of Substantive Workgroup mandate and activities and high-level overview of approaches that will be presented.

Discussion on Approach A - Simplify Reporting (10:10-11:45 AM)

Susan Sharkey, U.S. Environmental Protection Agency (EPA), will provide an overview of this approach that simplifies reporting by removing need to consider exemptions, enabling reporting in

categories, and reporting reduced processing and use information for inorganic byproducts that are recycled, reused, or reprocessed. The group will discuss questions of clarification and share initial perspectives on strengths and considerations/concerns.

Lunch (11:45-1:00 PM)

Discussion on Approach B - Expand Commercial Use Exemptions (1:00-1:40 PM)

Kathleen Roberts, North American Metals Council (NAMC), will describe this approach that adds an exemption for inorganic byproducts that are recycled, reused, or reprocessed and reacted to form a different chemical or molecular form of the initial inorganic component chemical. The group will discuss questions of clarification and share initial perspectives on strengths and considerations/concerns.

Discussion on Approach C - Limit Processing & Use Reporting (1:40-2:20 PM)

Doug Green, Utility Solid Waste Activities Group (USWAG), will describe this approach that partially exempts inorganic byproducts that are recycled, reused, or reprocessed from reporting processing and use information under part 3 of CDR Form U, unless specifically listed for full reporting. The group will discuss questions of clarification and share initial perspectives on strengths and considerations/concerns.

Discussion on Approach D - Improve Data (2:20-3:00 PM)

Rick Reibstein, National Pollution Prevention Roundtable (NPPR), will describe this approach that improves data by eliminating the byproduct exemptions and requiring the reporting of processing and use information from processors instead of byproduct manufacturers, for inorganic byproducts that are recycled, reused, or reprocessed. The group will discuss questions of clarification and share initial perspectives on strengths and considerations/concerns.

Break (3:00-3:15 PM)

Discussion on Approach E – Limit Reporting for Site-Specific Recycling (3:15-4:15 PM)

Jim Cooper, American Fuel and Petrochemical Manufacturers (AFPM), will describe this approach, which limits reporting for inorganic byproducts that are recycled, reused, or reprocessed either at the site of byproduct manufacture or at a different site but returned to the site of manufacture for further use or processing. The group will discuss questions of clarification and share initial perspectives on strengths and considerations/concerns.

Public Comment Period (4:15-4:30 PM)

Caucus Discussions (4:30-5:00 PM)

Caucus groups will discuss approaches in order to share feedback on which approaches (or components of them) have a potential for consensus and why. Groups may want to review each approach and discuss the following questions:

- Where do you agree with the approach and why?
- Could you agree with the approach with modifications? If so, what modifications would be needed?
- Where do you disagree with the approach and why?
- What additional information is needed to make a decision, and how and who will get it?

Additional questions may include:

- How could identified issues/concerns of the approaches be addressed? Consider how to reduce burden and ensure quality and utility of data that is reported/collected.
- Are there ways to combine approaches or combine them into a package? What ideas do you have for doing this?
- Are there other issues that these approaches do not address that the Committee needs to consider?

Thursday, August 17 (9:00 AM -3:00 PM)

Caucus Discussions - Continued (9:00-10:00 AM)

Recap of Day 1 and Agenda Review (10:00-10:10 AM)

Caucus Report Out (10:10-10:45 AM)

Caucus groups will report out on which approaches (or components of approaches) have a potential for consensus and why.

Discussion on which Approach(s) to Proceed With (10:45 AM-11:45 AM)

The Committee will discuss: modifications that may be needed; any additional issues that need to be discussed not covered by approaches; and initial ideas on if/how to combine approaches.

Lunch/ Caucus Time (11:45-1:00 PM)

Public Comment Period (1:00-1:15 PM)

Identify which Approach(s) to Proceed With (1:15-2:15 PM)

The Facilitators will summarize the morning discussion and the Committee will refine which approach(s) to proceed with.

Clarify Next Steps for Refining Approaches (2:15-2:50 PM)

- What components need to be refined?
- What definitions need to be addressed (e.g., “recycled, reprocessed or reused”)?
- How/who/when will refinements be made (e.g., Substantive Workgroup, new workgroups)?

Meeting Wrap-Up, Review of Next Step and Closure (2:50–3:00 PM)