



December 22, 2015

Mr. Jim O'Leary  
U.S. Environmental Protection Agency  
Office of Resource Conservation and Recovery (MC: 5304P)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Docket EPA-HQ-RCRA-2012-0121

Dear Mr. O'Leary:

On behalf of the undersigned associations, the National Association of College and University Business Officers (NACUBO) submits the following comments on the notice of proposed rulemaking (NPRM) on Hazardous Waste Generator Improvements published by the Environmental Protection Agency in the *Federal Register* on September 25, 2015. NACUBO is a nonprofit association representing chief administrative and financial officers at more than 2,100 public and nonprofit colleges and universities across the country.

NACUBO has long advocated, along with others, for recognition of the differences between academic institutions and many other generators of hazardous waste in EPA rules. These efforts culminated in EPA's adoption seven years ago of Subpart K of 40 CFR part 262. Unfortunately, many schools have been unable to take advantage of this alternative. The characteristics of hazardous waste generation at academic institutions that led to those rules remain relevant to the current NPRM. Colleges and universities tend to generate a large and ever-changing variety of hazardous wastes mostly in small quantities, from multiple facilities. The personnel involved are often faculty and students. Most higher education institutions have worked to build capable, professional dedicated environmental health and safety (EHS) staff to ensure regulatory compliance.

NACUBO is concerned that several provisions in the proposed rules will adversely affect colleges and universities and urges EPA to consider allowing additional flexibility for academic institutions, along the lines of the approach the agency took in Subpart K. We are especially concerned about the provisions that would:

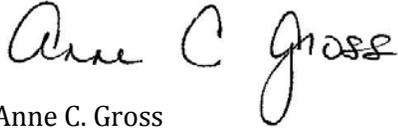
- Require hazardous waste determinations to be made at the point of generation, rather than allowing EHS professionals to make the determination at a central accumulation area.
- Mandate additional labeling for containers of hazardous waste, which will likely exceed space available on the many small vials and containers.
- Impose significant new recordkeeping and retention requirements for all hazardous waste determinations including instances where a solid waste is not hazardous.

We support provisions in the rule that would allow conditionally exempt small quantity generators to consolidate their waste with large quantity generators under common control and that would allow smaller generators who occasionally exceed the relevant monthly volume limits on hazardous waste to maintain their status. However, NACUBO recommends that the time limit for shipping waste generated by an episodic event be extended from 45 days to 90 days. Especially for an unplanned event, this would allow a more reasonable time to follow bidding processes, often required for public institutions.

NACUBO endorses the comments filed by the Campus Safety Health and Environmental Management Association and the American Chemical Society, which provide greater detail about our concerns.

We appreciate the opportunity to comment on the proposed revisions to these important regulations. Please contact me at [anne.gross@nacubo.org](mailto:anne.gross@nacubo.org) or 202.861.2544 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Anne C. Gross". The signature is written in a cursive style with a large, looped "A" and "G".

Anne C. Gross  
Vice President, Regulatory Affairs

The following associations join in these comments:

American Council on Education  
Association of American Universities  
Association of Public and Land-grant Universities