



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 19 2010

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dr. Jamie S. Jonker
Vice President, Scientific and Regulatory Affairs
National Milk Producers Federation
2101 Wilson Boulevard
Suite 400
Arlington, VA 22201

Dear Dr. Jonker:

Thank you for your letter of May 20, 2010, to Administrator Lisa Jackson in which you conveyed your views about the U.S. Environmental Protection Agency (EPA) action under the Spill Prevention Control and Countermeasure (SPCC) rule as it pertains to the dairy industry. The Administrator has asked me to respond to the issues you raised and I am pleased to do so.

We are in the process of taking two actions that relate directly to the issues you raised. First, as was indicated in the final SPCC rulemaking promulgated on November 5, 2009, we will be proposing in the near future an extension to the compliance date for specific facilities. That extension will include provisions that extend the compliance date for facilities with milk storage containers at least until a second action is taken on the January 15, 2009 proposed rule in which the Agency proposed to exempt milk storage containers and associated piping and appurtenances from the SPCC requirements provided certain conditions were met. As you noted, a rule exempting dairy containers has been proposed and comments on that rule have been received. EPA is moving forward to take final action on that proposed rulemaking as expeditiously as possible and we hope to have that process completed by early 2011. Again, as I mentioned, we have committed to extending the compliance date for facilities with milk storage containers in order to provide time for completing the proposed rulemaking.

Thank you again for your letter. Please feel free to contact me if you have any further comments or questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator