

US EPA ARCHIVE DOCUMENT

**SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST NUMBER 1442. 17  
“LAND DISPOSAL RESTRICTIONS”**

**March 6, 2000**

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## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### 1 (a) Title and Number of the Information Collection

This ICR is entitled the "Land Disposal Restrictions," EPA ICR number 1442.17.

### 1 (b) Characterization of the Information Collection

The Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, regulates hazardous waste management activities, including generation, treatment, storage, and disposal of hazardous wastes. Sections 3004(d), (e), and (g) of RCRA authorize the U.S. Environmental Protection Agency (EPA) to promulgate regulations that prohibit the land disposal of hazardous waste unless it meets specified treatment standards or is disposed of in a land disposal unit that satisfies the "no-migration" standard. Specifically, HSWA specifies dates when particular groups of hazardous wastes are prohibited from land disposal (except in no-migration units), including:

- c Effective November 8, 1986, HSWA prohibited land disposal (except by deep well injection) of solvent-containing hazardous wastes numbered F001-F005 listed in 40 CFR 261.31 and dioxin-containing hazardous wastes numbered F020-F023 and F026-F028.
- c Effective July 8, 1987, the statute prohibited land disposal (except by deep well injection) of a number of listed or identified wastes set out in RCRA sections 3004(d)(1) and (d)(2) (i.e., California list wastes).
- c Effective August 8, 1988, RCRA section 3004(f) required that EPA prohibit the disposal of solvents, dioxins, and California list wastes in deep wells, unless such disposal had been determined to be protective of human health and the environment for as long as the wastes remained hazardous, or unless a variance had been granted.
- c HSWA required EPA to prepare a schedule and a ranking of hazardous wastes to be restricted from land disposal, including underground injected wastes, listed or identified in 40 CFR Part 261 as of November 8, 1984, excluding solvent- and dioxin-containing wastes and California list wastes. The statute set forth the following deadlines:
  - At least one-third of all listed hazardous wastes would be prohibited from land disposal by August 8, 1988 (First Third);
  - At least two-thirds of all listed hazardous wastes would be prohibited from land disposal by June 8, 1989 (Second Third); and
  - All remaining listed hazardous wastes and all hazardous wastes identified as of November 8, 1984, by one or more of the characteristics defined in 40 CFR Part 261, would be prohibited from land disposal by May 8, 1990 (Third Third).
- c The statute requires EPA to make a land disposal determination for any hazardous waste that is newly identified or listed in 40 CFR Part 261 after November 8, 1984, within six months of the date of identification or listing.

Under this statutory authority, EPA has developed the land disposal restrictions (LDR) program, codified at 40 CFR Part 268. Under Part 268, EPA has established treatment standards and effective dates for scheduled wastes. It has established prohibitions and minimum technical standards for managing restricted wastes, such as requirements for waste characterization and waste tracking (i.e., notifications/certifications). It has also established variances, extensions and other mechanisms that provide flexibility in administering the LDR program.

This ICR is a comprehensive presentation of the information collection requirements of 40 CFR Part 268, through the so-called Phase IV rulemakings. Sections 1 - 5 of the ICR describe the information collection requirements in Part 268. Section 6 presents the Agency's estimates of the annual respondent burden and costs for complying with these requirements. In the following paragraphs, EPA briefly summarizes the information collection requirements covered in this ICR.

### ***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

40 CFR 268.4(a) provides that wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that the owner/operator complies with section 268.4(a).

### ***PROCEDURES FOR CASE-BY-CASE EXTENSION***

40 CFR 268.5(a)-(c) provides that any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to EPA for an extension to the effective date of any applicable restriction established under subpart C of Part 268.

### ***WASTE ANALYSIS AND RECORDKEEPING***

#### **Generator Waste Analysis and Recordkeeping**

Under 40 CFR 268.7(a)(1), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards of 40 CFR 268.40, 268.45, or 268.49. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in the waste's extract (i.e., depending on how the waste's treatment standard is expressed).

Section 268.7(a)(2) through 268.7(a)(4) establish requirements for generators to prepare and send with the initial shipment to each facility receiving the waste or contaminated soil a one-time notice and signed certification (if applicable). The one-time notice and signed certification must describe the waste as specified in the regulations and must be placed in the generator's file. No further notice or certification is needed until such time that the waste or facility change, in which case a new notice and certification (if applicable) must be sent and a copy placed in the generator's files.

Section 268.7(a)(5) requires that, if a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable treatment standards under subpart D of Part 268, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on site in the generator's records.

Sections 268.7(a)(6) through 268.7(a)(8) establish recordkeeping requirements for generators' LDR waste determinations and other paperwork. Section 268.7(a)(6) requires generators to keep all supporting data used to make their LDR waste determinations, including determinations based solely on knowledge of the waste and/or all waste analysis data, as applicable. Section 268.7(a)(7) requires that, if a generator determines that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from subtitle C regulation, under 40 CFR 261.2-261.6 subsequent to the point of generation, he must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from subtitle C regulation, and the disposition of the waste, in the facility's file. Finally, section 268.7(a)(8) requires generators to retain on site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to section 268.7 for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.

Sections 268.7(a)(9) and 268.7(a)(10) establish special notification and recordkeeping requirements for generators wishing to use the alternative treatment standards for lab packs found at 40 CFR 268.42(c) and for small quantity generators (SQGs) with tolling agreements pursuant to 40 CFR 262.20(e). Generators of lab packs wishing to use the alternative treatment standards must submit a one-time notice and signed certification with the initial shipment to the treatment facility and keep a copy of these documents in their files. No further notice or certification is needed until the waste in the lab pack, or the receiving facility, changes. Generators under a tolling agreement are subject to the section 268.7(a) requirements for their initial shipment. Generators must keep a copy of their notification and certification, along with their tolling agreement, in their files for at least three years after the termination or expiration of their agreement.

### **Treatment Facility Waste Analysis and Recordkeeping**

Section 268.7(b) requires that treatment facilities test their wastes and contaminated soils according to the frequency specified in their waste analysis plans as required by 40 CFR 264.13 or section 265.13. Such testing must be performed as provided in section 268.7(b)(1) and (2). [The section 268.7(b)(1) and (2) information collection requirements are addressed in the "General Hazardous Waste Facility Standards ICR," #1571.06 for permitted and interim-status facilities.]

Sections 268.7(b)(3) through 268.7(b)(6) establish one-time notification and certification requirements for treatment facilities. Sections 268.7(b)(3) and (4) require treaters to prepare and send with the initial shipment to the disposer a one-time notification and signed certification describing the waste, residue, or contaminated soil as specified in the regulations. The one-time notice and signed certification must be placed in the generator's file. If the waste or residue or the facility receiving the waste changes, the treater must send and keep records of a new notice and certification. Section 268.7(b)(5) provides that treaters shipping waste or treatment residue for further management at another treatment, storage, or disposal facility (TSDF) must comply with the section 268.7(a) requirements for generators. Finally, where wastes are recyclable materials used in a manner constituting disposal subject to section 266.20(b), the treater must submit with each shipment of such wastes a notice and signed certification to EPA, in accordance with section 268.7(b)(6). The treater also must keep specified records of the entities receiving the hazardous waste-derived product.

## Land Disposal Facility Waste Analysis and Recordkeeping

Section 268.7(c)(1) provides that, except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must have copies of the notice and certification specified in section 268.7(a) or (b). Under section 268.7(c)(2), the disposer also must test the waste or extract of the waste using specified test methods to assure that the wastes or treatment residues are in compliance with the LDR treatment standards. Such testing must be done in accordance with the facility's waste analysis plan developed under 40 CFR 264.13 or 265.13. [The section 268.7(c)(2) information collection requirement is addressed in the "General Hazardous Waste Facility Standards ICR," #1571.06 for permitted and interim-status facilities.]

## Hazardous Debris Requirements

Pursuant to section 268.7(d), generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 268.45, and debris that the Regional Administrator has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris. For debris excluded under section 261.3(f)(1), the owner/operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, section 268.45.

## Contaminated Soil Requirements

Generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to the LDRs as provided in section 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil no longer exhibits a characteristic of hazardous waste must prepare a one-time only documentation of these determinations. They also must maintain this information in their files and other records for a minimum of three years.

## Special Rules for Characteristic Wastes

Pursuant to section 268.9(d), wastes that exhibit a characteristic are also subject to section 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the EPA Region or authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA Region or an authorized State on an annual basis if such changes occur.

## *DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY*

40 CFR 268.42(b) provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.40.

### ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

40 CFR 268.44(a)-(d) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. (See 59 FR 48023 for clarifying guidance.) The petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

Section 268.44(h)-(m) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may apply to EPA, or its delegated representative, for a site-specific variance from the treatment standard.

### ***RECORDKEEPING FOR STORAGE PROHIBITION***

40 CFR 268.50(a) requires that, except as provided in section 268.50, the storage of hazardous wastes restricted from land disposal under subpart C of Part 268 or RCRA section 3004 is prohibited, unless the conditions of section 268.50(a) are met. Section 268.50(a)(2) requires that an owner/operator of a hazardous waste treatment, storage, or disposal facility must store such wastes in tanks, containers, and containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Each container must be clearly marked to identify its contents and the date each period of accumulation begins. Each tank must be clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need and Authority for the Collection**

This section describes the need and authority for each type of information collection included in this ICR.

### ***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

RCRA section 3005(j)(1) provides that, except as provided in RCRA section 3005(j)(2)-(4), each interim-status surface impoundment shall not receive, store, or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of section 3004(o)(1)(A) which would apply to such impoundment if it were new. Under this section, EPA promulgated 40 CFR 268.4, which provides that wastes that would otherwise be prohibited from one or more methods of land disposal may be treated in a surface impoundment that meets certain technological requirements as long as treatment residuals that do not meet the applicable treatment standard (or statutory prohibition levels where no treatment standards are established) are removed for subsequent management within one year of entry into the impoundment and the wastes are not placed into any other surface impoundment. The owner/operator must certify to EPA that the technical requirements have been met and must also submit a copy of the waste analysis plan. EPA



believes the information collection requirements in section 268.4 are essential in certifying to EPA that treatment surface impoundments meet minimum technical standards and that wastes are characterized and managed in accordance with the approved waste analysis plan and accepted methods.

### ***PROCEDURES FOR CASE-BY-CASE EXTENSION***

Under RCRA section 3004(h), EPA can grant case-by-case extensions of the prohibition effective dates for up to one year beyond the applicable deadlines; extensions are renewable once for up to one additional year. [Under section 268.5, the Agency will consider granting up to a one-year extension (renewable only once) of a prohibition effective date on a case-by-case basis. The requirements outlined in section 268.5 must be satisfied, including, among other things, a demonstration that adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste cannot reasonably be made available by the effective date due to circumstances beyond the applicant's control and that the petitioner has entered into a binding contractual commitment to construct or otherwise provide such capacity.] EPA needs the information in section 268.5 to ensure that the extension is written and that the applicant is taking appropriate steps in obtaining needed capacity and in managing the waste.

### ***WASTE ANALYSIS AND RECORDKEEPING***

#### **Generator Waste Analysis and Recordkeeping**

RCRA section 3002(a) authorizes EPA to establish requirements for generators respecting, among other things, recordkeeping practices that accurately identify the quantities of hazardous wastes generated, the constituents thereof, and the disposition of such wastes. EPA is also authorized to develop standards for the use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage or disposal. EPA believes that the one-time LDR tracking requirement is essential in tracking restricted hazardous wastes from cradle to grave, thereby ensuring that threats are minimized. Because the notification and, if applicable, certifications are required only for the initial shipment of waste from the generator, and only must be updated when specified, EPA further believes that its LDR tracking requirements place a minimal burden on generators.

As of the November 22, 1989 proposed Third Third rule, treatment of prohibited wastes conducted in so-called 90-day tanks, containers, and containment buildings regulated under section 262.34 had not been subject to a waste analysis plan requirement. Thus, there was no regulatory vehicle for determining testing frequency in such circumstances. In contrast, under section 268.7(b), treatment facilities treating prohibited wastes were required to test the treatment residues that they generate at a frequency determined by their waste analysis plan in order to ascertain compliance with all applicable standards. In order to close the gap, EPA promulgated section 268.7(a)(5) in the Third Third final rule (55 FR 22687). Section 268.7(a)(5) requires that generators treating prohibited wastes in tanks, containers, and containment buildings must prepare a plan which describes the procedures to be carried out to comply with the treatment standards. Section 268.7(a)(5) assists generators in verifying whether their wastes meet appropriate treatment levels.

#### **Treatment Facility Waste Analysis and Recordkeeping**

RCRA section 3004(a) authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) treatment of all such waste received by the facility pursuant to such operating methods, techniques, and practices as may be satisfactory to EPA. EPA believes it is important

for treatment and disposal facilities to periodically test their waste in order to, among other things, corroborate information provided by the off-site facility delivering the waste and to ensure that the treated waste meets the applicable treatment standards. As required under section 268.7(b)(1)-(2), treatment facilities must conduct periodic detailed physical and chemical analyses of their waste streams to assure that the appropriate 40 CFR Part 268 treatment standards are being met. [The section 268.7(b)(1) and (2) information collection requirements are addressed in the "General Hazardous Waste Facility Standards ICR," #1571.06 for permitted and interim-status facilities.]

RCRA section 3004(a) also authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) maintaining records of all hazardous waste identified or listed under the subtitle which is treated, stored, or disposed of, as the case may be, and the manner in which such wastes were treated, stored or disposed of. EPA believes it is essential that generators and TSDFs conduct one-time LDR tracking in order to track hazardous wastes from cradle to grave to ensure that threats are minimized. Because the notifications and certifications are required only for the initial shipment, and only must be updated when specified, EPA believes that the LDR tracking requirements place a minimal burden on treaters.

### **Land Disposal Facility Waste Analysis and Recordkeeping**

RCRA section 3004(a) authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) maintaining records of all hazardous waste identified or listed under the subtitle which is treated, stored, or disposed of, as the case may be, and the manner in which such wastes were treated, stored or disposed of. As required under section 268.7(c)(1), land disposal facilities must keep records of one-time notices and certifications transmitted from generators and treatment facilities. As required under section 268.7(c)(2), land disposal facilities must conduct periodic detailed physical and chemical analyses of their waste streams to assure that the appropriate 40 CFR Part 268 treatment standards are being met. EPA believes such requirements are needed to ensure that the land disposal facility is notified of the applicable treatment standards and corroborates generator and treater information through periodic testing. [The section 268.7(c)(2) information collection requirements are addressed in the "General Hazardous Waste Facility Standards ICR," #1571.06 for permitted and interim-status facilities.]

### **Hazardous Debris Requirements**

RCRA sections 3002 and 3004 authorize EPA to promulgate regulations establishing standards applicable to hazardous waste generators and TSDFs, respectively, respecting (among other things) recordkeeping practices for their hazardous waste. Under this authority, EPA promulgated section 268.7(d) in the Phase I rule (57 FR 37271), requiring generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) to submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris. Such requirements are needed to ensure that the generator or treater keeps records and notifies EPA of the exclusion.

### **Contaminated Soil Requirements**

Under RCRA Section 3004, EPA established LDR treatment standards for contaminated soil. As part of this LDR rule, EPA also created provisions at §268.7(e) under which generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to the LDRs as provided in section 268.49(a) no longer contains a listed hazardous waste and generators

and treaters who first determine that a contaminated soil no longer exhibits a characteristic of hazardous waste must prepare a one-time only documentation of these determinations. They also must maintain this information in their files and other records for a minimum of three years. EPA believes such recordkeeping is needed for generators and treaters to demonstrate (e.g., to on-site inspectors) that their soils no longer contain the listed waste or exhibit a characteristic.

### **Special Rules for Characteristic Wastes**

In the Third Third final rule (55 FR 22688), EPA amended the tracking requirements for characteristic wastes that no longer exhibit a characteristic. EPA believed that, under the previous tracking system, sending the tracking forms to subtitle D facilities could have counterproductive effects, and determined that the tracking forms should not accompany shipments from the generator to the subtitle D facility. Because of this, EPA amended section 268.9, providing that a one-time notification and certification should be placed in the generator's or treater's files, sent to EPA or authorized State, and updated as needed. This simplified tracking system reduces the burden to the generators and treaters, while at the same time provides a self-regulating mechanism to track these wastes.

#### ***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

RCRA section 3004(m) provides that, if a hazardous waste has been treated to the applicable treatment level or by a specified method, such waste or residue shall not be subject to any prohibition promulgated under subsections (d), (e), (f), or (g) and may be disposed of in a land disposal unit that meets certain requirements. EPA acknowledges that, in special situations, a specified method may not be the most appropriate technology for treating the waste. Therefore, 40 CFR 268.42 provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.40.

#### ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

RCRA section 3004(m) provides that, simultaneously with the promulgation of regulations under subsection (d), (e), (f), and (g) prohibiting one or more methods of land disposal of a particular hazardous waste, EPA shall promulgate regulations specifying those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration. Although EPA believes that most types and amounts of hazardous waste can be treated to appropriate concentration levels, EPA recognizes that there may be cases where the levels cannot be achieved for a particular hazardous waste. In particular, in the Phase II final rules, EPA reinforced its position that hazardous soils would continue to be subject to the LDR treatment standards that apply to the hazardous wastes with which the soils are contaminated. However, the Agency acknowledges that the treatment standards for as-generated wastes are generally inappropriate or unachievable for soils contaminated with these wastes, within the meaning of 40 CFR 268.44(a). For this reason, the Agency has indicated that treatability variances may be warranted for many hazardous soils. Therefore, 40 CFR 268.44 provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard.

#### ***RECORDKEEPING FOR STORAGE PROHIBITION***

RCRA section 3004(j) requires that, in the case of any hazardous waste which is prohibited from one or more methods of land disposal, the storage of such hazardous waste is prohibited unless such storage is solely for the purpose of the accumulation of such quantities of hazardous waste as are

necessary to facilitate proper recovery, treatment, or disposal. 40 CFR 268.50(a) requires that, except as provided in section 268.50, the storage of hazardous wastes restricted from land disposal under subpart C of Part 268 or RCRA section 3004 is prohibited, unless the conditions of section 268.50(a) are met. Section 268.50(a)(2) requires that an owner/operator of a hazardous waste treatment, storage, or disposal facility must store such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Under section 268.50(a)(2), an owner/operator of a tank must clearly mark it with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or keep such information in the operating record at the facility, so that the facility (and EPA, if it desires), can track how long the waste has been in storage.

## **2(b) Use and Users of the Data**

### ***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

Under section 268.4, wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that surface impoundment meets certain technological requirements and that the treatment residuals that do not meet the applicable treatment standard are removed for subsequent management within one year of entry and the wastes are not placed into any other surface impoundment. The owner/operator must also comply with the other section 268.4 requirements. Section 268.4(a)(3) provides that the impoundment must meet the design requirements of section 264.221(c) or 265.221(a), except if the unit is exempted pursuant to section 264.221(d) or (e) or to section 265.221(c) or (d) or if the owner/operator applies to EPA for a waiver or modification of the requirements. EPA will review and evaluate the application based on the criteria outlined in the section (e.g., minimum technical design standards). EPA will make the application available for comment before making a decision.

### ***PROCEDURES FOR CASE-BY-CASE EXTENSION***

Under section 268.5, the Agency will consider granting up to a one-year extension (renewable only once) of a prohibition effective date on a case-by-case basis. The requirements outlined in section 268.5 must be satisfied, including, among other things, a demonstration that adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste cannot reasonably be made available by the effective date due to circumstances beyond the applicant's control and that the petitioner has entered into a binding contractual commitment to construct or otherwise provide such capacity. EPA believes such an application is important in demonstrating to EPA that the extension is truly warranted, that the owner/operator has taken appropriate steps in obtaining needed capacity, and that the waste will be managed in accordance with approved standards. After the applicant has been granted an extension, the applicant must notify EPA as soon as he or she has knowledge of any change in the demonstration made in the petition. In addition, the applicant must also comply with the other requirements as outlined in section 268.5 (e.g., progress reports).

### ***WASTE ANALYSIS AND RECORDKEEPING***

#### **Generator Waste Analysis and Recordkeeping**

The waste determination and waste tracking requirements for generators under section 268.7(a) ensure that generators characterize their waste under Part 268 and notify treaters and land disposal facilities on the restricted waste (e.g., whether it meets the applicable standards). Generators must also certify to the land disposal facility, if applicable, that the waste meets the applicable treatment levels.

Generators must keep records of all notices, certifications, demonstrations, and waste analysis data for their own purposes (and if EPA requests any information).

### **Treatment Facility Waste Analysis and Recordkeeping**

Treatment facilities use the waste analysis data and waste tracking forms to ensure that the treated waste meets applicable treatment standards, to notify the land disposal facility of the waste (e.g., waste type) and, if applicable, to certify to the land disposal facility that the waste meets applicable treatment standards.

### **Land Disposal Facility Waste Analysis and Recordkeeping**

Land disposal facilities use the waste analysis data and waste tracking forms to corroborate the information sent from generators and treatment facilities. Land disposal facilities must keep records of notices and certifications for their own purposes, although EPA may also want to review the facilities files.

### **Hazardous Debris Requirements**

Facilities managing hazardous waste (including debris) use notifications and certifications to ensure that wastes are properly shipped, treated, disposed of, and tracked. Although the facilities themselves are the primary users of these records, EPA may review the files during a facility inspection to make sure that proper records of wastes are being kept.

### **Contaminated Soil Requirements**

EPA believes that the Section 268.7(e) recordkeeping requirements are needed by on-site inspectors to verify that the generator's or treater's soil no longer contain the listed waste or exhibit a characteristic, as determined by EPA (for listed waste) or the generator or treater (for characteristic waste).

### **Special Rules for Characteristic Wastes**

Section 268.9(d) provides that generators or treaters need only keep records of and submit to EPA a one-time notification and certification for characteristic wastes that no longer exhibit a characteristic. These records must be updated as needed. These records are used by facilities and EPA to track wastes that are sent to subtitle D facilities.

### ***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

40 CFR 268.42 provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d). This provision provides flexibility for generators or treaters who wish to propose an alternative treatment method.

### ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

40 CFR 268.44 provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and the waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a

variance from the treatment standard. This provision provides flexibility for generators or treaters who cannot meet the standard to petition EPA for a variance.

**RECORDKEEPING FOR STORAGE PROHIBITION**

40 CFR 268.50(a) requires that, except as provided in section 268.50, the storage of hazardous wastes restricted from land disposal under subpart C of Part 268 or RCRA section 3004 is prohibited, unless the conditions of section 268.50(a) are met. Section 268.50(a)(2) requires that an owner/operator of a hazardous waste treatment, storage, or disposal facility must store such wastes in tanks, containers, and containment buildings, solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Under section 268.50(a)(2), an owner/operator of a tank must clearly mark it with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or keep such information in the operating record at the facility. Such information is used by the facility and EPA (if EPA requests such information) in order to keep track of the amount and type of waste and the duration of storage for each tank.

**3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

**3(a) Nonduplication**

The information collections covered in this ICR are not available from sources other than the respondents. EPA's Office of Solid Waste is the only office within the Agency collecting this information, and no other Federal agency or department collects this information. In addition, the Office of Solid Waste has systematically reorganized its ICR structure to eliminate gaps or duplication.

**3(b) Public Notice Required Prior to ICR Submission to OMB**

In compliance with the Paper Reduction Act of 1995, EPA has issued a public notice in [ADD FR NOTICE DATE AND CITATION]. The public comment period extended through [ENTER DATE]. EPA received [ADD NUMBER OF COMMENTS RECEIVED] public comments. [ADD SUMMARY OF COMMENTS AFTER COMMENT PERIOD ENDS].

[EPA will complete this section in the finalized ICR.]

**3(c) Consultations**

In preparing the respondent burden estimates for this ICR, EPA conducted consultations with the following organizations:

NAME	ORGANIZATION	PHONE NUMBER

[EPA will conduct consultations when finalizing this ICR. Thus, EPA will complete this section in the finalized ICR.]

### **3(d) Effects of Less Frequent Collection**

In an effort to decrease burden for respondents, EPA recently created exclusions from the definition of solid waste for certain waste streams (e.g., wood preserving wastes). As part of the exclusions, EPA also established minimum paperwork to ensure claimants notify EPA of their exclusion.

In addition, EPA recently modified the LDR regulations to decrease the frequency of information collections such as notices and certifications. This decrease in the collection frequency was accomplished by requiring that respondents only send one-time notices and certifications with their initial shipment and that these documents be updated only as needed. Previously, EPA had required that respondents send appropriate notifications and certifications for each shipment. EPA believes that these modifications will still allow for proper tracking and record keeping of hazardous waste while protecting human health and the environment.

EPA carefully considered the burden imposed upon the regulated community by the remaining requirements. EPA is confident that those activities still required of respondents are necessary, and to the extent possible, minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, EPA will be unable to fulfill its Congressional mandate to protect public health and the environment.

### **3(e) General Guidelines**

Information collections performed under this clearance follow all of OMB's General Guidelines regarding Federal data collection.

### **3(f) Confidentiality**

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality. EPA also ensures that the information collection procedures comply with the Privacy Act of 1974 and the OMB Circular 108.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents and NAICS Codes**

Entities affected by this promulgated rulemaking will be generators, treaters, and disposers of mineral processing wastes. The following is a list of NAICS codes associated with generators and TSDFs that may be affected by information collection requirements covered under this ICR:

212210	Iron Ore Mining
212221	Gold Ore Mining
212222	Silver Ore Mining
212231	Lead Ore and Zinc Ore Mining
212234	Copper Ore and Nickel Ore Mining
212291	Uranium-Radium-Vanadium Ore Mining

212299	All other Metal Ore Mining
212322	Industrial Sand Mining
212325	Clay and Ceramic Refractive Minerals Mining
212391	Potash, Soda, and Borate Mineral Mining
212392	Phosphate Rock Mining
212393	Other Chemical and Fertilizer Mineral Mining
22111	Electric Power Generation
22121	Natural Gas Distributors
311	Food Manufacturing
316	Leather and Allied Product Manufacturing
322	Paper Manufacturing
324	Petroleum and Coal Product Manufacturing
325	Chemical Manufacturing
327410	Lime Manufacturing
3279	Other Nonmetallic Mineral Product Manufacturing
331	Primary Metal Manufacturing
332	Fabricated Metal Products Manufacturing
333	Machinery Manufacturing
334	Computer and Electronic Product Manufacturing
335	Electric Equipment Appliance and Component Manufacturing
336	Transportation Equipment Manufacturing
422690	Other Chemical and Allied Wholesalers
481	Air Transportation
482	Rail Transportation
483	Water Transportation
484	Truck Transportation
485	Transit and Ground Passenger Transportation
488999	All other support activities for transportation
493	Warehousing and Storage
812332	Industrial Launderers

**4(b) Information Requested**

***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

**(1) Regulations**

Each person seeking an exemption under §268.4 is expected to read the regulations.

**(2) Treatment Surface Impoundment Exemption**

**(a) Section 268.4(a)(2)(iv) Recordkeeping**

40 CFR 268.4(a) provides that wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that the owner/operator complies with §268.4(a). Section 268.4(a)(2)(iv) requires that the procedures and schedule for the following items must be specified in the facility's waste analysis plan as required under §264.13 or §265.13: (1) sampling of impoundment contents, (2) the analysis of test data, (3) the annual removal of residue which residues which are not listed under § 260.22 or which exhibit a characteristic of hazardous waste and either do not meet applicable treatment standards of Part 268, Subpart D, or where



no treatment standards have been established. Such residues are prohibited from land disposal under § 268.32, RCRA section 3004(d), or under § 268.33(f). [The §268.4(a)(2)(iv) recordkeeping requirement and subsequent burden hours are addressed in the "General Hazardous Waste Facility Standards ICR," #1571.06, for interim-status facilities and the "Part B Permit Application, Permit Modifications, and Special Permits ICR," #1573 for permitted facilities and facilities seeking initial permits.]

**(b) Section 268.4(a)(3)(ii) and (iii) Application for Exemption**

Section 268.4(a)(3) requires that a surface impoundment must meet the design requirements of §264.221 (c) or section 265.221 (a), regardless of whether the unit is new, expanded, or a replacement, and be in compliance with applicable ground-water monitoring requirements of 40 CFR Part 264 or subpart F of part 264, unless the owner/operator makes a demonstration in accordance with §268.4(a)(3)(i)-(iii).

(i) Data item:

c A demonstration showing that either:

- Under §268.4(a)(3)(i), the unit is exempted pursuant to §264.221 (d) or (e), or to §265.221 (c) or (d). [Development and delivery of the demonstration referenced in §268.4(a)(3)(i) and subsequent burden hours are contained in the "Part B Permit Application, Permit Modifications, and Special Permits ICR," #1573 for facilities seeking a permit or permit renewal and in "Hazardous Waste Specific Unit Requirements ICR," #1572 for interim-status facilities.]

or

- Under §268.4(a)(3)(ii), the unit meets the following criteria:

- Has at least one liner, for which there is no evidence that such liner is leaking;
- Is located more than one-quarter mile from an underground source of drinking water; and
- Is in compliance with generally applicable ground-water monitoring requirements for facilities with permits.

or

- Under §268.4(a)(3)(iii), the unit is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any future time.

(ii) Respondent activities:

In order to comply with §268.4(a)(3)(ii) or (iii), the owner/operator must:

- c Develop and submit the application to EPA or the authorized State; and
- c Maintain on-site files of the application.

(c) **Section 268.4(a)(4) Certification**

Section 268.4(a)(4) requires that the owner/operator submit a written certification that the requirements of §268.4(a)(3) have been met. The certification must include the statement described in §268.4(a)(4).

(i) Data item:

- c Under §268.4(a)(4), a written certification that the requirements of §268.4(a)(3) have been met. The certification must include the statement included in §268.4(a)(4).

(ii) Respondent activity:

In order to comply with §268.4(a)(4), the owner/operator must:

- c Complete and submit to EPA or the authorized State, a written certification that the requirements of §268.4(a)(3) have been met. The certification must include the statement described in §268.4(a)(4).

***PROCEDURES FOR CASE-BY-CASE EXTENSION***

**(1) Regulations**

Each person seeking a case-by-case extension under §268.5 is expected to read the regulations.

**(2) Case-by-Case Extension**

**(a) Section 268.5(a)-(c) Application for Extension**

40 CFR 268.5(a)-(c) provides that any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to EPA for an extension to the effective date of any applicable restriction established under subpart C of Part 268. An authorized representative signing an application described under §268.5(a) must make the certification as written in §268.5(b). After receiving an application for an extension, EPA may request any additional information which it deems necessary to evaluate the application.

(i) Data items:

- c Under §268.5(a)-(b), a signed, certified application for an extension to the effective date of any applicable restriction established under subpart C of Part 268. The application must demonstrate the following:
  - A good faith effort to locate and contact with treatment, recovery, or disposal facilities nationwide to manage waste in accordance with the effective date of the applicable restriction established under subpart C of Part 268;

- Binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity;
- Demonstration that, due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date;
- The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application;
- A detailed schedule for obtaining required operating and construction permits or an outline of how and when alternative capacity will be available;
- Arrangements for adequate capacity to manage waste during an extension and documentation as to the location of all sites at which the waste will be managed; and
- Demonstration that any waste managed in a surface impoundment or landfill during the extension period will meet the requirements of §268.5(h)(2).

c Under §268.5(c), any additional information which EPA deems as necessary to evaluate the application.

(ii) Respondent activities:

In applying for an extension to the effective date of any applicable restriction established under subpart C of Part 268, the applicant must undertake the following activities in compliance with §268.5(a)-(c):

- c Complete and submit a signed, certified application for an extension to the effective date of any applicable restriction established under subpart C of Part 268; and
- c Develop and submit any additional information as requested by EPA which it deems as necessary to evaluate the application.

**(b) Section 268.5(e) Renewal of Extension**

Section 268.5(e) also provides that the owner/operator may request an extension of up to one additional year, if the demonstration required in §268.5(a) can be made. In no event will an extension extend beyond 24 months from the applicable effective date specified in subpart C of part 268.

(i) Data item:

- c Under §268.5(e), a request for renewal of the extension for up to one additional year if the demonstration required in §268.5(a) can still be made.

(ii) Respondent activity:

In order to comply with §268.5(e), the owner/operator must:

- c Develop and submit to EPA a request for renewal of the extension for up to one additional year if the demonstration required in §268.5(a) can still be made.

**(c) Section 268.5(f)-(g) Notifications and Progress Reports**

Section 268.5(f)-(g) requires that any person granted an extension under §268.5 must immediately notify EPA as soon as he or she has knowledge of any change in the conditions certified to in the application. Any person granted an extension under the section must submit written progress reports at intervals designated by EPA.

(i) Data items:

- c Under §268.5(f), immediate notification to EPA of any change in the conditions certified to in the application.
- c Under §268.5(g), written progress reports describing:
  - Overall progress made toward constructing or otherwise providing alternative treatment, recovery, or disposal capacity;
  - Identification of any event which may cause or has caused a delay in development of the capacity; and
  - Summary of the steps taken to mitigate the delay.

(ii) Respondent activities:

In order to comply with §268.5(f)-(g), any person granted an extension under §268.5 must:

- c Immediately notify EPA of any change in the conditions certified to in the application; and
- c Provide written progress reports to EPA at intervals designated by EPA.

***WASTE ANALYSIS AND RECORDKEEPING***

**(1) Regulations**

Each person subject to §268.7 and/or §268.9 is expected to read the regulations.

**(2) Generator Waste Analysis and Recordkeeping (§268.7(a))**

**(a) Section 268.7(a)(1) Waste Analysis**

Under 40 CFR 268.7(a)(1), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in § 268.40, § 268.45, or § 268.49. This determination can be made in either of two ways:

- c Testing the waste. Testing normally determines the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in "Test Methods of Evaluating Solid Waste,

Physical/Chemical Methods," EPA Publication SW-846, as referenced in § 260.11, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract.

or

- c Using knowledge of the waste. Some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in § 268.40, and are described in detail in § 268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines he or she is managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, he or she must comply with the special requirements of § 268.9 in addition to any applicable requirements in this section.

- (i) Data item:

- c Testing or process knowledge used to determine if the waste is restricted from land disposal under Part 268.

- (ii) Respondent activities:

In order to comply with §268.7(a)(1), generators must:

- c Test the waste; or
  - c Use process knowledge.

- (b) **Section 268.7(a)(2)-(4) Notification and Certification Requirements**

Section 268.7(a)(2) requires that, if a generator determines that he or she is managing a restricted waste or contaminated soil under Part 268 (including hazardous debris that will be treated to meet the treatment standards for the contaminating wastes in §268.40) and the waste or soil does not meet the applicable treatment standards set forth in subpart D of Part 268, with the initial shipment of waste or soil the generator must notify the treatment or storage facility in writing and must place a copy of that notification in on-site files. If the waste, soil or TSDF changes, the generator must send a new notice to the receiving facility and place a copy in their files. The notice must include the information in column 268.7(a)(2) of the Generator Paperwork Requirements Table in §268.7(a)(4). For contaminated soil, an authorized representative must make a certification as written in 268.7(a)(2)(i).

Section 268.7(a)(3) requires that if a generator determines that a restricted waste or contaminated soil is being managed under Part 268 and that the waste or soil can be land disposed without further treatment, then assuming the composition of the waste or soil does not change, the generator must submit to the land disposal facility receiving the waste or soil a one-time notice stating that the waste meets the applicable treatment standards set forth in subpart D of Part 268. For waste only, the generator must submit with the notice a certification that the waste complies with CFR part 268 subpart D. If the waste, soil, the generator must send a new notice (for both soil and waste) and certification (for waste only) to

the receiving facility and place a copy in the facility files. The notice must include the information in column 268.7(a)(3) of the Generator Paperwork Requirements Table in §268.7(a)(4).

Section 268.7(a)(4) requires that, if a generator's waste or contaminated soil is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste or soil (such as, but not limited to, a case-by-case extension under §268.5, an exemption under §268.6, or a nationwide capacity variance under 40 CFR Part 268 Subpart C), and if the composition of the waste or soil does not change, then the generator must submit to the land disposal facility a one-time notice. If the waste or soil changes, the generator must send a new notice to the receiving facility, and place a copy in the facility files. The notice must include the information in column 268.7(a)(4) of the Generator Paperwork Requirements Table in §268.7(a)(4).

(i) Data Items:

- c For waste and contaminated soil that does not meet the applicable treatment standards set forth in subpart D of Part 268, a one-time notification. The notice must include the information in column 268.7(a)(2) of the Generator Paperwork Requirements Table in §268.7(a)(4). A signed certification must also be included for contaminated soil.
- c For waste and contaminated soil that can be land disposed without further treatment, a one-time notification (for both waste and contaminated soil) and a certification (for waste only) stating that the waste meets the applicable treatment standards set forth in subpart D of Part 268. The notice must include the information in column 268.7(a)(3) of the Generator Paperwork Requirements Table in §268.7(a)(4).
- c For waste or contaminated soil that is exempt from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under §268.5, an exemption under §268.6, or a nationwide capacity variance under subpart C), a one-time notice and certification. The notice must include the information in column 268.7(a)(4) of the Generator Paperwork Requirements Table in §268.7(a)(4).

(ii) Respondent activities:

In order to comply with §268.7(a)(2)-(4), the generators must:

- c For waste or contaminated soil that does not meet the applicable treatment standards set forth in subpart D of Part 268, complete and transmit a one-time written notification (and also a certification for contaminated soil only) to the treatment or storage facility with the first shipment and when the waste soil, or facility change;
- c For waste or contaminated soil that can be land disposed without further treatment, complete and transmit a one-time notice (and also a certification for waste only) to the disposal facility with the first shipment and when the waste, soil or facility change; or

- c For waste or contaminated soil that is exempt from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under §268.5, an exemption under §268.6, or a nationwide capacity variance under subpart C), complete and transmit to the disposal facility a one-time notice.

**(c) Section 268.7(a)(5) Generator Waste Analysis Plan**

Under §268.7(a)(5), if a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable treatment standards under subpart D of Part 268, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will must comply with the treatment standards. However, generators treating hazardous debris under the alternative treatment standards of 40 CFR 268.45, Table 1 are not subject to the waste analysis standards. EPA requires that the waste analysis plan be kept on-site in the generator's records. Wastes shipped off site pursuant to §268.7(a)(5) must comply with the notification and certification requirements of §268.7(a)(3).

**(i) Data items:**

- c Under §268.7(a)(5), a waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of Part 268, including the selected testing frequency.
- c Under §268.7(a)(5)(iii), notifications and certifications for wastes shipped off site. [This information collection requirement and associated burden hours are contained in the section of this ICR entitled, "Section 268.7(a)(2)-(4) Notifications and Certification Requirements."]

**(ii) Respondent activities:**

In order to comply with §268.7(a)(5), generators must:

- c Develop and follow waste analysis plan; and
- c Maintain the waste analysis plan on site.

**(d) Section 268.7(a)(6)-(8) Generator Recordkeeping Requirements**

Section 268.7(a)(6) requires that, if a generator determines whether the waste or contaminated soil is restricted based solely on the generator's knowledge of the waste, all supporting data used to make this determination must be retained in on-site files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, as referenced in §260.11, all waste analysis data must be retained on site in the generator's files.

Section 268.7(a)(7) requires that, if a generator determines that he or she is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or exempt from subtitle

C regulations under 40 CFR 261.2-261.6 subsequent to the point of generation, the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from subtitle C regulation, and the disposition of the waste, in the facility's file.

Section 268.7(a)(8) requires that generators retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to §268.7 for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

(i) Data items:

- c For a generator who determines whether the waste is restricted based solely on knowledge of the waste, all supporting data used to make this determination.
- c For a generator who determines whether the waste is restricted based on testing, the waste analysis data.
- c For a generator who determines that he or she is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from subtitle C regulation, under 40 CFR 261.2-261.6 subsequent to the point of generation, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from subtitle C regulation, and the disposition of the waste.
- c Copies of all notices, certifications, demonstrations, and other documentation produced pursuant to §268.7.

(ii) Respondent activities:

In order to comply with the §268.7(a)(6)-(8) requirements, a generator must:

- c For a generator who determines whether the waste or contaminated soil is restricted based solely on knowledge of the waste, keep records of all supporting data used to make this determination in the generator's files;
- c For a generator who determines whether the waste or contaminated soil is restricted based on testing this waste or an extract developed using test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, keep records of all waste or contaminated soil analysis data in the generator's files;
- c For a generator who determines that he or she is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from subtitle C regulation, under 40 CFR 261.2-261.6 subsequent to the point of generation, develop and place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from subtitle C regulation, and the disposition of the waste, in the facility's file; and



- c Keep records of all notices, certifications, waste analysis data, and other documentation produced pursuant to §268.7(a) for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

**(e) Section 268.7(a)(9)-(10) Notifications and Certifications**

Section 268.7(a)(9) requires that, if a generator is managing a lab pack waste and wishes to use the alternative treatment standard under §268.42(c), with the first shipment of waste the generator must submit a notice to the treatment facility that provides the EPA Hazardous Waste Codes, manifest number, and a signed certification. The facility must also keep a copy of the notification in its files. As long as the contents of the lab pack and the TSDf do not change, no further notification is necessary. If the waste or TSDf changes, the generator must submit a new notice and certification to EPA. The generator must also comply with the requirements of §§ 268.7(a)(6) and 268.7(a)(7). [This information collection requirement and associated burden hours are contained in the section of this ICR entitled “Section 268.7(a)(6)-(8) Generator Recordkeeping Requirements.”] The generator must also submit a signed certification as described in §268.7(a)(9).

Section 268.7(a)(10) requires that SQGs with tolling agreements pursuant to 40 CFR 262.20(e) must comply with the applicable notification and certification requirements of §268.7(a) for the initial shipment of the waste subject to the agreement. [This information collection requirement and associated burden hours are contained in the section of this ICR entitled, “Section 268.7(a)(2)-(4) Notifications and Certification Requirements.”] Such generators must retain on site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

(i) Data items:

- c For a generator who is managing a lab pack waste and who wishes to use the alternate treatment standards under §268.42, a signed notification and certification (the notification requirement is included in a previous section of this ICR entitled "Section 268.7(a)(2)-(4) Notification and Certification Requirements."); and
- c For a SQGs with a tolling agreement pursuant to 40 CFR 262.20(e), a copy of the notification and certification, together with the tolling agreement.

(ii) Respondent activities:

In order to comply with §268.7(a)(9)-(10), the generator must:

- c For a generator who is managing a lab pack waste and who wishes to use the alternate treatment standards under §268.42, submit a signed notification and certification to the treatment facility with the first shipment or when the waste or receiving facility changes; and

- c For a SQGs with a tolling agreement pursuant to 40 CFR 262.20(e), retain on site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

**(3) Treatment Facility Waste Analysis and Recordkeeping (§268.7(b) and §265.13(b))**

**(a) Section 268.7(b)(1)-(2) Waste Analysis**

Section 268.7(b) requires that treatment facilities must amend their waste analysis plan (if necessary) and test their wastes or contaminated soils according to the frequency specified in their waste analysis plans (as required by §264.13 or §265.13) to ensure their treatment residues meet LDR standards. [The section 268.7(b)(1)(2) requirements are addressed in the “General Hazardous Waste Facility Standards ICR,” #1571.06 for permitted and interim-status facilities.]

**(b) Section 268.7(b)(3)-(6) Notifications and Certifications**

Section 268.7(b)(3) requires that a one-time notification be sent with the initial waste shipment to the land disposal facility, except for shipments of debris excluded from the definition of hazardous waste under 40 CFR Part 261.3(e), which must only comply with Section 268.7(d). The notification should include the information described in the Treatment Facility Paperwork Requirements Table in §268.7(b)(3)(ii).

Section 268.7(b)(4) requires the treatment facility to submit a one-time notice and signed certification with the initial shipment of waste or treatment residue of restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable performance standards specified in subpart D of Part 268. If the waste or treatment residue changes or the receiving facility changes, the generator or TSDF shipping the waste must send a new certification to the receiving facility. A copy of all notifications and certifications must be placed in facility files.

Section 268.7(b)(5) requires that, if the waste or treatment residue will be further managed at a different TSDF, the facility sending the waste or residue offsite must comply with the notification and certification requirements for generators. [This information collection requirement and associated burden are contained in the section of this ICR entitled “Section 268.7(a)(2)-(4) Notifications and Certification Requirements.”]

Section 268.7(b)(6) provides that, where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of §266.20(b) regarding treatment standards and prohibition levels, the owner/operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, pursuant to §268.7(b)(3). With each shipment of such wastes, the owner/operator of the recycling facility must submit a certification described in §268.7(b)(4), and a notice which includes the information listed in §268.7(b)(3) (except the manifest number) to EPA, or its delegated representative. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

(i) Data items:

- c Under §268.7(b)(3) and (6), a notice which includes the information listed in the Treatment Facility Paperwork Requirements Table in §268.7(b). (Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of section 266.20(b) regarding treatment standards and prohibition levels, the notice must include the information listed in the Treatment Facility Paperwork Requirements Table in §268.7(b), except for the manifest number.);
- c Under §268.7(b)(4), a signed certification stating that the waste or treatment residue has been treated in compliance with the applicable performance standards specified in subpart D of Part 268. The certification must be worded as described in §268.7(b)(4);
- c Under §268.7(b)(6), for wastes that are recyclable materials, a signed certification that must be worded as described in §268.7(b)(4), and a notice with the information listed in §268.7(b)(3) to EPA or the authorized State; and
- c Under §268.7(b)(6), records of the name and location of each entity receiving the hazardous waste-derived product.

(ii) Respondent activities:

In order to comply with §268.7(b)(3)-(6), the treatment or recycling facility must:

- c Complete and submit a notice and certification with the initial shipment to the land disposal facility and place copies of these items in their on-site files. If the waste or treatment residue changes or the receiving facility changes, the generator or TSDf shipping the waste must send a new certification to the receiving facility;
- c For recyclable materials, complete and submit a notice and certification to EPA or the authorized State with each shipment;
- c For recycling facilities, keep records of the name and location of each entity receiving the hazardous waste-derived products; and
- c Maintain a copy of all notifications and certifications at the facility.

**(4) Land Disposal Facility Waste Analysis and Recordkeeping (§268.7(c))****(a) Section 268.7(c)(1) Recordkeeping**

Section 268.7(c)(1) provides that, except where the owner/operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must have copies of the notice and certification specified in §268.7(a) or (b).

(i) Data item:

- c Under §268.7(c)(1), copies of all notices and certifications specified in §268.7(a) or (b).

(ii) Respondent activity:

In order to comply with §268.7(c)(1), the owner/operator must:

- c Keep copies of all notices and certifications specified in §268.7(a) or (b).

**(b) Section 268.7(c)(2) Waste Analysis**

Section 268.7(c)(2) requires that, except for an owner/operator who is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must test the waste, or an extract of the waste or treatment residue, using the test method described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference in §260.11. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by §264.13 or §265.13. [The section 268.7(c)(2) requirement is burdened in the "General Hazardous Waste Facility Standards ICR," #1571.06 for permitted and interim-status facilities.]"

**(5) Hazardous Debris Requirements (§268.7(d))**

Pursuant to §268.7(d), generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under §261.3(e) (i.e., debris treated by an extraction or destruction technology provided by Table 1, §268.45, and debris that EPA has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under §261.3(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris. For debris excluded under §261.3(e)(1), the owner/operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, §268.45.

(i) Data items:

- c Under §268.7(d), a one-time notification, including:
  - The name and address of the Subtitle D facility receiving the treated debris;
  - A description of the hazardous debris as initially generated, including the EPA Hazardous Waste Number(s); and
  - For debris excluded under §261.3(e)(1), the technology from Table 1, §268.45 used to treat the debris.
- c For debris excluded under §261.3(e)(1), a certification of compliance with the treatment standards of Table 1, §268.45, including:
  - Records of all inspections, evaluations, and analyses of treated debris made to determine compliance;

- Records of data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- For each shipment of treated debris, a certification of compliance, signed by an authorized representative. The certification must state the following: "I certify under penalty of law that the debris has been treated in accordance with the requirements of 40 CFR 268.45. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(ii) Respondent activities:

In order to comply with §268.7(d), the owner/operator must:

- c Prepare and submit to EPA or authorized State a one-time notification;
- c Update the notification if the debris is shipped to a different facility, and, for debris excluded under §261.3(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris;
- c Document and certify compliance with each shipment of treated debris, if excluded under §261.3(e)(1);
- c Keep records of data or information obtained during treatment, if debris is excluded under §261.3(e)(1); and
- c Keep a certification of compliance for each shipment of treated debris, if debris is excluded under §261.3(e)(1).

**(6) Contaminated Soil Requirements (§ 268.7(e))**

Pursuant to §268.7(e), generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to LDRs as provided in § 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil subject to LDRs as provided in § 268.49(a) no longer exhibits a characteristic of hazardous waste must prepare and maintain for three years one-time only documentation of these determinations.

(i) Data items:

- c One-time only documentation of the determinations that the contaminated soil no longer contains a listed hazardous waste.
- c All supporting documentation for this determination.

(ii) Respondent activities:

In order to comply with §268.7(e), the owner/operator must:

- c Prepare a one-time only documentation of the determinations including all supporting information; and

- c Maintain that information in the facility files and other records for a minimum of three years.

**(7) Special Rules for Characteristic Wastes (§ 268.9(d))**

Pursuant to §268.9(d), if generators or treaters have wastes that exhibit a characteristic and are subject to §268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to EPA or the authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. The generator or treater must notify EPA or the authorized State of any changes on an annual basis only, but no later than December 31.

(i) Data item:

- c A notification and certification that includes the following information:
  - Name and address of the RCRA Subtitle D facility receiving the waste shipment;
  - A description of the waste as initially generated, including the applicable EPA Hazardous Waste Code(s), treatability group(s), and underlying hazardous constituents (as defined in §268.2(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying constituents will be treated and monitored there is no requirement to list any of the constituents on the notice; and
  - A certification stating the language found at §268.7(b)(4). (If the treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in §268.7(b)(4)(iv) apply.)

(ii) Respondent activities:

In order to comply with §268.9(d), the owner/operator must:

- c Prepare and submit to EPA a one-time notification and certification;
- c Maintain files of notification and certification in facility files;
- c Update and submit to EPA the notification and certification annually, if any changes occur; and
- c Maintain updated certification and notification.

***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

**(1) Regulations**

Each person seeking a variance under §268.42 is expected to read the regulations.

**(2) Demonstration for Alternative Treatment Technology (§ 268.42)**

40 CFR 268.42(b) provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in §268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. The applicant must submit information demonstrating that his treatment method is in compliance with federal, State, and local requirements and is protective of human health and the environment. On the basis of such information, EPA may approve the use of the alternative treatment method if it finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in §268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as EPA deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination.

(i) Data item:

- c Under §268.42(b), an application demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in §268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. The application should include information demonstrating that the treatment method is in compliance with Federal, State, and local requirements and is protective of human health and the environment.

(ii) Respondent activity:

In order to comply with §268.42(b), the applicant must:

- c Develop and submit to EPA an application demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in §268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris.

***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

**(1) Regulations**

Each person seeking a variance under §268.44 is expected to read the regulations.

**(2) Demonstration for a Variance from a Treatment Standard (§268.44)**

**(a) Section 268.44(a)-(d) Demonstration for a Variance**

40 CFR 268.44(a)-(d) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. The petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods. Each petition must be submitted in accordance with the procedures in §260.20. Each petition must include the statement as described in §268.44(c). The statement must be signed by the petitioner or an authorized representative.

After receiving the petition for a variance from a treatment standard, EPA may request any additional information or samples which it may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected States and EPA Regional offices.

(i) Data items:

- c Under §268.44(a) and (c), a demonstration that because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods. Each petition must include a signed statement as described in §268.44(c).
- c Under §268.44(d), any additional information or samples which EPA may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected States and EPA Regional offices.

(ii) Respondent activity:

In order to comply with §268.44(a)-(d), the applicant must:

- c Develop and submit to EPA a demonstration and any additional information or samples as requested by EPA.

**(b) Section 268.44(h)-(m) Site-Specific Variance**

Section 268.44(h)-(m) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may apply to EPA, or its delegated representative, for a site-specific variance from the treatment standard. The applicant for a site-specific variance must demonstrate that because the physical or chemical properties of the waste differ significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels by the specified method. Each application for a site-specific variance from a treatment standard must include the information in §260.20(b)(1)-(4). After receiving an application for a site-specific variance from a treatment standard, EPA, or its delegated representative, may request any additional information or samples which may be required to evaluate the application.

(i) Data items:

- c Under §268.44(h), a demonstration that because the physical or chemical properties of the waste differ significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified method. Each application for a site-specific variance from a treatment standard must include the information in §260.20(b)(1)-(4).
- c Under §268.44(j), any additional information or samples which may be required to evaluate the application.



(ii) Respondent activity:

In order to comply with §268.44(h)-(m), the applicant must:

- c develop and submit to EPA a demonstration and any other information requested by EPA.

***RECORDKEEPING FOR STORAGE PROHIBITION*****(1) Regulations**

Each person regulated under §268.50 is expected to read the regulations.

**(2) Recordkeeping for Storage Prohibition (§268.50(a)(2))**

40 CFR 268.50(a) prohibits the storage of hazardous wastes restricted from land disposal under subpart C of Part 268, unless the conditions of §268.50(a) are met. Section 268.50(a)(2) allows an owner/operator of a hazardous waste treatment, storage, or disposal facility to store such wastes in tanks, containers, and containment buildings if (1) the waste is stored solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal; (2) each container is clearly marked to identify its contents and the date each period of accumulation begins; and (3) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins; or such information for each tank is recorded and maintained in the operating record at that facility.

(i) Data item:

- c Under §268.50(a)(2), records of the contents, the quantity of each hazardous waste received (for tanks), and the date that accumulation begins.

(ii) Respondent activity:

In order to comply with §268.50(a)(2), the owner/operator must:

- c For each tank or container, develop and keep records of the contents, and the date that accumulation begins; for each tank, owners and operators must also keep records of the quantity of each hazardous waste received.

**5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT****5(a) Agency Activities*****TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

Under §268.4(a)(3)(ii)-(iii), the Agency will:

- c Issue a notice and provide opportunity for comment;

- c Review the demonstration or request for modification and approve/deny the exemption; and
- c Keep records of the demonstration and written certification.

### ***PROCEDURES FOR CASE-BY-CASE EXTENSION***

#### **(1) Section 268.5(a)-(c) Application for Extension**

Under §268.5(a)-(c), the Agency will:

- c Review and keep records of the certified application for an extension to the effective date of any applicable restriction established under subpart C of Part 268;
- c Request, review and keep records of any additional information which it deems as necessary to evaluate the application;
- c Provide notice and opportunity for comment;
- c Consult with appropriate State agencies in all affected States; and
- c Approve or deny extension and publish the decision in the Federal Register.

#### **(2) Section 268.5(e) Renewal of Extension**

Under §268.5(e), the Agency will:

- c Receive, review and keep records of the request for renewal;
- c Consult with appropriate State agencies in all affected States; and
- c Provide notice and opportunity for public comment;
- c Approve or deny renewal of extension and publish the decision in the Federal Register.

#### **(3) Section 268.5(f)-(g) Notifications and Progress Reports**

Under §268.5(f)-(g), the Agency will:

- c Receive and keep records of notification of any change in the conditions certified to in the application; and
- c Receive, review and keep records of written progress reports.

**WASTE ANALYSIS AND RECORDKEEPING****(1) Section 268.7(a)(5) Generator Waste Analysis Plan**

Under §268.7(a)(5)(ii), the Agency will:

- c Inspect the Waste Analysis Plan in the facilities' on-site files.

**(2) Section 268.7(b)(6) Treatment Facility Notifications and Certifications**

Under §268.7(b)(6), the Agency will:

- c Receive, review and keep records of the certification and notice submitted from the recycling facility.

**(3) Section 268.7(d) Hazardous Debris Requirements**

Under §268.7(d)(1)-(2), the Agency will:

- c Receive, review and keep records of one-time notification submitted by owner/operator; and
- c Receive, review and keep records of update sent from owner/operator if: a different type of debris is treated; debris is excluded under §261.2(e); or a different technology is used to treat the debris.

**(4) Section 268.7(e) Contaminated Soil Requirements**

Under §268.7(e), the Agency will:

- c If necessary, make a determination if specified soil is subject to the land disposal restrictions as provided in §268.49(a).

**(5) Section 268.9(d) Special Rules for Characteristic Wastes**

Under §268.9(d), the Agency will:

- c Receive, review, and keep records of one-time notification submitted by owner/operator; and
- c Receive, review and keep records of update sent annually from owner/operator if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes.

**DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY**

Under §268.42(b), the Agency will:

- c Receive, review and keep records of the application for approval of alternative treatment method;

- c Approve or deny the application; and
- c For approved applications, develop a written approval that may contain such provisions and conditions as EPA deems appropriate.

### ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

#### **(1) Section 268.44(a)-(d) Demonstration for a Variance**

Under §268.44(a)-(d), the Agency will:

- c Receive, review and keep records of the petition;
- c Request any additional information or samples which it may require to evaluate the petition;
- c Send additional copies of the petition to the States, if appropriate;
- c Provide notice and provide an opportunity for public comment; and
- c Approve or deny the petition and publish decision in the Federal Register.

#### **(2) Section 268.44(h)-(m) Site-Specific Variance**

Under §268.44(h)-(m), the Agency will:

- c Receive, review and keep records of the petition;
- c Request any additional information or samples which it may require to evaluate the petition; and
- c Provide notice and provide an opportunity for public comment; and
- c Approve or deny the petition.

#### **5(b) Collection Methodology and Management**

In collecting and analyzing the information obtained from generators, treaters, and disposers of mineral processing waste, EPA uses state-of-the-art electronic equipment such as personal computers and applicable data base software, where appropriate.

#### **5(c) Small Entity Flexibility**

EPA expects that in many cases, respondents of small organizations will be able to complete certain recordkeeping, reporting, and application requirements in less time than large organizations because such activities may not be as burdensome. For example, EPA expects that many SQGs (and some LQGs) will use process knowledge, instead of testing, to characterize their waste under the treatment standards, thus reducing their burden. In any case, EPA has taken steps to minimize the burdens for all facilities, regardless of the size of the business.

**5(d) Collection Schedule**

***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

- c There is no collection schedule for the information collection requirements under sections 268.4(a)(3)-(4).

***PROCEDURES FOR CASE-BY-CASE EXTENSION***

- c There is no collection schedule for the information collection requirements under sections 268.5(a)-(c) and 268.5(d).
- c Section 268.5(f) requires that any person granted an extension must immediately notify EPA as soon as he has knowledge of any change in the conditions certified to in the application for a case-by-case extension.
- c Section 268.5(g) requires that any person granted an extension must submit written progress reports at intervals designated by EPA.

***WASTE ANALYSIS AND RECORDKEEPING***

**Generator Waste Analysis and Recordkeeping**

- c Section 268.7(a)(2) requires that, with the initial shipment of waste or contaminated or contaminated soil, generators must send one-time notifications to the treatment or storage facility. [Note: this is a third-party information submittal.]
- c Section 268.7(a)(3)-(4) requires that with the initial shipment of waste or contaminated soil, generators must send one-time notifications and certifications to the disposal facility. [Note: this is a third-party information submittal.]
- c Section 268.7(a)(9) requires that, if a generator is managing a lab pack waste and wishes to use the alternative treatment standard under §268.42(c), with the initial shipment of waste the generator must submit a notice to the treatment facility. [Note: this is a third-party information submittal.]
- c Section 268.7(a)(10) requires that SQGs with tolling agreements pursuant to 40 CFR 262.20(e) must comply with the applicable notification and certification requirements of §268.7(a) for the initial shipment of the waste subject to the agreement. [Note: this is a third-party information submittal.]

**Treatment Facility Waste Analysis and Recordkeeping**

- c Section 268.7(b)(3)-(4) requires that, with the initial waste or contaminated soil shipment, the treatment facility must send a one-time certification and notification to the land disposal facility. [Note: this is a third-party information submittal.]
- c Section 268.7(b)(6) requires that where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of §268.20(b) regarding treatment standards and prohibition levels, with each shipment of such wastes, the owner/operator

of the recycling facility must submit a certification described in §268.7(b)(4), and a notice which includes the information listed in the Notification Requirements Table in §268.7(b) to EPA, or its delegated representative.

### **Hazardous Debris Requirements**

- c Section 268.7(d) requires that generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under §261.3(e) (i.e., debris treated by an extraction or destruction technology provided by Table 1, §268.45, and debris that the Regional Administrator or Authorized State has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under §261.3(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

### **Special Rules for Characteristic Wastes**

- c Section 268.9(d) requires that wastes that exhibit a characteristic are also subject to §268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the EPA Region or authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA Region or an authorized State on an annual basis if such changes occur.

#### ***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

- c There is no collection schedule for the information collection requirements of section 268.42.

#### ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

- c There is no collection schedule for the information collection requirements of section 268.44.

#### ***RECORDKEEPING FOR STORAGE PROHIBITION***

- c There is no collection schedule for the information collection requirements of section 268.50.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

### **6(a) Estimating Respondent Burden**

EPA estimated respondent burden hours associated with all of the requirements covered in this ICR in Exhibits 1 through 6. These exhibits address the following requirements:

- c Exhibit 1 - Treatment Surface Impoundment Exemption;

- c Exhibit 2 - Procedures for a Case-by-Case Exemption;
- c Exhibit 3 - Waste Analysis and Recordkeeping;
- c Exhibit 4 - Demonstration for Alternative Treatment Technology;
- c Exhibit 5 - Demonstration for a Variance from a Treatment Standard; and
- c Exhibit 6 - Recordkeeping for Storage Prohibition.

Exhibits 1 through 6 present the number of hours required to conduct each individual information collection activity. Exhibit 7 summarizes the burden hours for each exhibit and presents the annual respondent bottom-line burden hours for all information collection requirements in this ICR. In revising this ICR, EPA will conduct consultations with members of the regulated community to review burden estimates for information collection requirements covered in this ICR. This information will be incorporated into the finalized ICR, along with any input received during the public comment period.

#### **6(b) Estimating Respondent Costs**

Exhibits 1 through 6 present the costs (labor, capital, and O&M) associated with each individual information collection activity. Exhibit 7 summarizes these costs for each exhibit and cost category; Exhibit 7 also presents the annual respondent bottom-line costs for all information collection requirements in this ICR. In revising this ICR, EPA will conduct consultations with members of the regulated community to review cost estimates for information collection requirements covered in this ICR. This information will be incorporated into the finalized ICR, along with any input received during the public comment period. Below, EPA describes assumptions for and sources of cost estimates in these exhibits.

##### ***Labor Costs***

For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$102 for legal staff, \$73 for managerial staff, \$53 for technical staff, and \$27 for clerical staff. To arrive at these estimates, EPA consulted the *Handbook of U.S. Labor Statistics, Second Edition*<sup>1</sup>, and the EPA report *Estimating Costs for the Economic Benefits of RCRA Noncompliance*.<sup>2</sup> These publications summarize the unloaded (base) hourly rate for various labor categories in U.S. firms. EPA then applied an overhead factor of 2.3 for non-legal staff and 3.0 for legal staff to derive their loaded hourly rates. Therefore, these loaded hourly rates include salary, fringe benefits, and other overhead.

##### ***Capital Costs***

EPA estimates that all respondents (generators, treaters, and disposers) will incur capital costs associated with purchasing file storage systems for maintaining LDR records, including notifications, certifications, LDR waste determinations, and waste analysis plans (generators only). EPA realizes that

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<sup>1</sup> EPA obtained the data from Table 3-2 "Wage Ranges of Average (Mean) Wages by Occupation." The book was edited by Eva Jacobs, and was published in 1998 by Bernan Press.

<sup>2</sup> The report was authored by U.S. EPA, RCRA Enforcement Division, Office of Regulatory Enforcement, and was published in February 1997.

respondents will likely use different and various file storage systems (e.g., file cabinets, CD-ROM, off-site storage, etc) and store their files on different media (paper, microfiche, electronic files, etc). For purposes of estimating these capital costs across all facilities, EPA has made the conservative assumption that every respondent will store their files in paper form in file cabinets.

In addition, EPA estimates that each year all respondents together will store a total of 431,677 pieces of paper.<sup>3</sup> All of these respondents are required to keep LDR records for a period of three years. As such, EPA also estimates that each year approximately the same total number of LDR records (431,677) that been kept for 3 years will no longer need to be kept. Therefore, EPA assumes a steady state of LDR records going into and coming out of storage each year.

Given that a standard-size, five-drawer, lateral file cabinet holds approximately 16,000 pieces of paper, all respondents together will need to use a approximately 27 file cabinets each year (i.e., 431,667 / 16,000). As the current market price for such a file cabinet is \$549, all respondents together would use a total of 27 file cabinets each year with a total present value of \$14,823.

To calculate the annualized net present value of this total capital cost of \$14,823, EPA assumed a discount rate of 7 percent and a discount period of 15 years (based on the average life of file cabinets). As such, the present value factor for this discount rate and period would be 9.1079. Thus, EPA estimates the annualized net present value of this total capital cost as \$1,627 for all respondents together.

As EPA estimated these total capital costs across all respondents, EPA presents the total annualized net present value of 1,627 in Exhibit 7, instead of individually, for each respondent, in Exhibits 1 - 6. In the last row of Exhibit 7, EPA added an activity for purchasing file storage systems. As such, EPA has accounted for all file maintenance capital costs in this one exhibit and line item.

### ***Operation and Maintenance Costs***

Operation and maintenance costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as "the recurring dollar amount of cost associated with operation and maintenance or purchasing services." For this ICR, operation and maintenance typically cover postage costs (estimated at \$0.33 per one ounce letter plus \$0.03 per envelope) and copying costs (\$0.10 per copy). When applicable, an operation and maintenance cost of \$3.20 is used if it is expected that the respondent will be mailing a larger package (greater than 2 pounds) by registered mail. These operation and maintenance costs are shown in Exhibits 1 through 6 for all applicable respondent activities. In Exhibit 4, EPA estimates that each generator testing his or her waste will spend \$1,800 per year in commercial laboratory testing costs.

### **6(c) Estimating Agency Burden and Cost**

Exhibit 8 presents Agency burden hours and costs associated with each individual information collection submittal as described in Exhibits 1 - 5. Exhibit 9 summarizes Agency burden hours and costs for each of these exhibits and cost category; it also presents the annual Agency bottom-line burden and cost for all information collection submittals in this ICR. As shown in Exhibit 8 and 9, the annual burden to the Agency is estimated to be 5,290 hours at an annual cost of \$148,976.

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<sup>3</sup> Based on its best professional judgement, EPA estimates that the average LDR notification, certification or documentation on LDR waste determinations consist of one page. Further based on the EPA publication, *Waste Analysis at Facilities That Generate, Treat and Store, and Dispose of Hazardous Waste* (OSWER 9938.4-03). EPA estimates that the typical generator's waste analysis plan consists of 25 pages.



EPA estimates average Agency hourly labor rates of \$59.70 for legal staff, \$42.95 for managerial staff, \$30.13 for technical staff, and \$18.32 for clerical staff. To derive these estimates, EPA used 2000 Federal Pay Schedule salary figures to estimate the annual compensation of these staff. For the purposes of this ICR, EPA used the following government service levels:

c	Legal staff	GS-15, Step 1
c	Managerial staff	GS-13, Step 1
c	Technical staff	GS-11, Step 1
c	Clerical staff	GS-06, Step 1

To derive these hourly estimates, EPA divided annual compensation estimates by 2,080, which is the number of hours in the Federal work-year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6.

#### **6(d) Respondent Universe and Total Respondent Burden and Cost**

##### ***Respondent Universe***

In Exhibits 1 - 6, EPA presents estimates of the annual number of respondents expected to conduct each individual information collection activity. EPA uses these universe estimates to calculate the total annual respondent burden and cost. Below, EPA describes assumptions for and sources of the annual respondent universe estimates in these exhibits.

##### ***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

As shown in Exhibit 1, EPA estimates that one facility will seek a treatment surface impoundment exemption each year. This facility must read the regulations and prepare and submit an application and other required paperwork.

##### ***PROCEDURES FOR CASE-BY-CASE EXTENSION***

As shown in Exhibit 2, EPA expects that few, if any, new LDR treatment standards will be published during the three-year effective life of this ICR. Thus, the Agency does not expect any person to petition EPA for an extension to an effective date for a treatment standard.

##### ***WASTE ANALYSIS AND RECORDKEEPING***

As shown in Exhibit 3, EPA estimates the universe of respondents expected to comply with waste analysis and recordkeeping requirements, as described below.

#### **(1) Reading the Regulations**

Based on 1997 BRS data, EPA estimates that approximately 167,226 generators and treatment facilities, together, are subject to waste analysis and recordkeeping requirements.<sup>4</sup> In addition, EPA estimates, based on these same 1997 BRS data, that an additional 127 land disposal facilities also are subject to these information collection requirements. Therefore, EPA estimates that a total of 167,353

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<sup>4</sup> EPA acknowledges that a number of these generators are also treatment facilities acting as generators (e.g., facilities generating a hazardous waste during treatment).

respondents (generators, treaters, and disposers) are subject to the information collection requirements of 40 CFR 268.7 and as such, are expected to read these regulations each year.

**(2) Generator Waste Analysis and Recordkeeping**

**(a) Section 268.7(a) Waste Analysis**

EPA believes that waste testing will be performed to a greater extent by LQGs than SQGs, because LQGs generate greater hazardous waste volumes requiring characterization. EPA also believes such wastes are often complex and difficult to characterize solely through process knowledge. On the other hand, because many SQGs are small businesses that generate fewer waste streams and lower volumes of hazardous waste, EPA believes that many SQGs will be able to adequately characterize their waste streams using process knowledge.

For purposes of this analysis, EPA estimates that, of the approximately 20,314 LQGs , approximately 50 percent, or 10,157 will test their waste and the other 50 percent will use process knowledge in order to determine if their waste is restricted from land disposal. EPA also estimates that, of the approximately 146,912 SQGs, 20 percent, or 29,382, will test their waste (at 20 hours per year) and 80 percent, or 117,530, will use process knowledge (at 0.5 hours per year). In total EPA expects that approximately 39,539 LQGs and SQGs will test their waste and that approximately 127,687 LQGs and SQGs will use process knowledge. In addition, EPA assumes each generator testing his or her waste will spend \$1,800 per year in commercial laboratory or one-time testing costs. EPA assumes each generator will average one determination a year for their waste streams.

**(b) Section 268.7(a)(2)-(4) Notification and Certification Requirements**

Based on 1997 BRS data, EPA estimates that, annually, 384,751 generated waste streams will not meet the existing applicable treatment standards. EPA derived this estimate by identifying in the BRS all waste streams sent directly to the treatment facilities and assuming these streams did not meet applicable treatment standards. Based on its best professional judgement, EPA assumes that each year 20 percent of the estimated 384,751 waste streams change (or the receiving facility changes), thereby requiring completion and delivery of a new one-time notification. Thus, the total annual number of notifications prepared and submitted by generators with waste streams not meeting the treatment standards is estimated to be 76,950.

Note that this ICR examines the section 268.7(a)(3) requirement for generator notifications and certifications later in this section. (See Subsection 3(a), “Treatment Facility Waste Analysis and Recordkeeping: Section 268.7(b)(3)-(6) Notifications and Certifications.”) Specifically, in reviewing BRS data on waste shipments meeting the LDR treatment standards, EPA was unable to distinguish between generator-initiated shipments (of as-generated wastes) versus treater-initiated shipments (of treated waste or residue). Thus, in the subsection noted above, EPA examines all shipments of as-generated and treated wastes that meet the LDR treatment standards.

Because EPA believes that no generators will submit applications for case by case extensions, EPA expects that no respondents will submit notices as required under section 268.7(a)(4).

**(c) Section 268.7(a)(5) Generator Waste Analysis Plan**

Section 268.7(a)(5) requires generators to develop and follow a waste analysis plan if they manage and treat prohibited waste in tanks, containers, or containment buildings to meet the applicable

treatment standards. Based on best professional judgement, EPA estimates that only one percent of all LQGs (203 facilities) will need to develop a waste analysis plan each year. The Agency assumes that no SQGs will be managing prohibited waste on-site under these conditions. Additionally, EPA further expects that 10 percent of all LQGs, or 2,031, will follow the waste analysis plan each year.

**(d) Section 268.7(a)(6)-(8) Generator Recordkeeping Requirements**

As discussed, EPA estimates that approximately 39,539 generators will test their waste and 127,687 generators will use process knowledge to determine if the wastes are restricted under Part 268. These generators must keep records of their process knowledge determinations or analytical testing results as required under §268.7(a)(6) each year. EPA expects that 127,687 generators will have to keep records of process knowledge determinations and 39,539 generators will keep analytical test records.

EPA expects that no generators will send exemption notices, as required under 268.7(a)(4). Therefore, no generators will have to keep records of notices regarding LDR exclusions.

Under §268.7(a)(8), generators regulated under current regulations are required to keep copies of all other documentation produced pursuant to §268.7(a) for at least three years. Thus, EPA estimates that 76,950 generators will have to maintain the necessary documents (i.e., LDR notices and certifications).

**(e) Section 268.7(a)(9)-(10) Notifications and Certifications**

Based on 1997 BRS data, EPA estimates that annually, 99,113 lab pack waste streams are generated. EPA assumes that all generators producing these waste streams will wish to use the alternate treatment standards under section 268.42(c). Pursuant to section 268.7(a)(9), with each initial shipment, these generators must send a notice and certification to the treatment facility. Generators must also send a new notification and certification if the waste or receiving facility changes. EPA estimates that 20 percent of these 99,113 waste streams will change annually (or the receiving facility will change) and therefore generators will submit approximately 19,823 notifications and certifications each year.

EPA estimates that there are approximately 1,044 SQGs with tolling agreements.<sup>5</sup> As required under section 268.7(a)(10), those SQGs with a tolling agreement pursuant to 40 CFR 262.20(e) are required to comply with the applicable notification and certification requirements of section 268.7(a) for the initial shipment of waste subject to the agreement. [This information collection requirement and subsequent burden hours are contained in the section of this ICR entitled "Section 268.7(a)(2)-(4) Notification and Certification Requirements."] They also must keep records of the notification and certification along with their tolling agreements for three years. EPA believes that, of these 1,044 SQGs, only 20 percent, or 209, will send a notification and certification each year and thus be required to keep copies.

**(3) Treatment Facility Waste Analysis and Recordkeeping: Section 268.7(b)(3)-(6) Notifications and Certifications**

Based on 1997 BRS data, EPA estimates that, each year, 30,288 as-generated wastes and treated wastes/residues meet the LDR treatment standards and are shipped to disposal facilities. As mentioned, EPA was unable to distinguish between the as-generated streams versus the treated streams for purposes of this analysis; and thus, the Agency examines both types of streams in this subsection of the ICR.

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<sup>5</sup> Based on the supporting statement entitled, "Requirements for Generators, Transporters, and Waste Management Facilities under the RCRA Hazardous Waste Manifest System," ICR, No. 801, October 22, 1999.

**EXHIBIT 1  
LAND DISPOSAL RESTRICTIONS ICR #1442.17  
ESTIMATED ANNUAL RESPONDENT BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs		
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year		
<b>TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>													
Regulations (268.4)	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	1	1.00	\$70		
Read the Regulations													
Application for Exemption and Certification (268.4(a)(3-4))	0.00	1.00	8.00	2.00	11.00	\$551.00	\$0.00	\$3.20	1	11.00	\$554		
Develop/submit application													
Maintain files of the application	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.30	1	0.10	\$3		
Complete/submit certification	0.25	0.25	1.00	0.50	2.00	\$110.25	\$0.00	\$0.36	1	2.00	\$111		
TOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	1	14.10	\$738		

**EXHIBIT 2  
LAND DISPOSAL RESTRICTIONS ICR #1442.17  
ESTIMATED ANNUAL RESPONDENT BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs		
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year		
<b>PROCEDURES FOR CASE-BY-CASE EXTENSION</b>													
Regulations (268.5)	0.25	0.25	0.50	0.00	1.00	\$70.25	\$0.00	\$0.00	0	0.00	\$0		
Read the Regulations													
Application for Extension (268.5(a)-(c))	0.50	1.00	8.00	2.00	11.50	\$602.00	\$0.00	\$3.20	0	0.00	\$0		
Complete/submit certified application													
Develop/submit additional information	0.00	0.25	1.00	0.50	1.75	\$84.75	\$0.00	\$0.36	0	0.00	\$0		
Renewal of Extension (268.5(e))	0.25	0.25	2.00	0.50	3.00	\$163.25	\$0.00	\$0.36	0	0.00	\$0		
Develop/submit renewal request													
Notifications and Progress Reports (268.5(f)-(g))	0.00	0.25	0.50	0.50	1.25	\$58.25	\$0.00	\$0.36	0	0.00	\$0		
Notify EPA of any changes													
Provide written progress reports	0.00	0.25	0.50	0.50	1.25	\$58.25	\$0.00	\$0.36	0	0.00	\$0		
TOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	0	0.00	\$0		

**EXHIBIT 3  
LAND DISPOSAL RESTRICTIONS ICR #1442.17  
ESTIMATED ANNUAL RESPONDENT BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity							Total Hours and Costs			
	Leg. \$102.00/Year	Mgr. \$73.00/Year	Tech. \$53.00/Year	Cler. \$27.00/Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Regulations (268.7)</b>											
Read the regulations	0.00	0.50	1.00	0.00	1.50	\$89.50	\$0.00	\$0.00	167,353	251,029.50	\$14,978,094
<b>Generator Waste Analysis (268.7(a)(1))</b>											
Test the waste	0.00	0.00	20.00	0.00	20.00	\$1,060.00	\$0.00	\$1,800.00	39,539	790,788.00	\$113,082,684
Use process knowledge	0.00	0.00	0.50	0.00	0.50	\$26.50	\$0.00	\$0.00	127,687	63,843.30	\$3,383,695
<b>Generator Notification and Certification Requirements (268.7(a)(2)-(4))</b>											
For waste/contaminated soil above the standards, complete/transmit one-time notification	0.00	0.00	0.20	0.25	0.45	\$17.35	\$0.00	\$0.36	76,950	34,627.59	\$1,362,788
For waste/contaminated soil that meets the standards, complete/transmit a one-time notice and certification	0.00	0.00	0.20	0.25	0.45	\$17.35	\$0.00	\$0.36	0	0.00	\$0
For waste/contaminated soil subject to an exemption, complete/transmit notice	0.00	0.00	1.20	0.25	1.45	\$70.35	\$0.00	\$0.36	0	0.00	\$0
<b>Generator Waste Analysis Plan (268.7(a)(5))</b>											
Develop and follow waste analysis plan	0.00	0.25	4.00	0.50	4.75	\$243.75	\$0.00	\$0.00	203	964.92	\$49,515
Maintain the waste analysis plan on-site	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.00	2,031	203.14	\$5,485
<b>Generator Recordkeeping Requirements (268.7(a)(6)-(8))</b>											
Keep records of all supporting data of waste/contaminated soil based on expert knowledge	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.00	127,687	12,768.66	\$344,754
Keep records of all waste/contaminated soil analysis data based on testing	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.00	39,539	3,953.94	\$106,756
Develop/keep records of notice of generation, exclusion from regulation, and disposition of excluded waste	0.00	0.00	0.50	0.10	0.60	\$29.20	\$0.00	\$0.10	0	0.00	\$0
Keep records of all other documentation	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	76,950	7,695.02	\$215,461
<b>Lab Pack and Toll Agreement Generator Requirements (268.7(a)(9)-(10))</b>											
For generators of lab packs, transmit notification and certification	0.00	0.00	0.20	0.25	0.45	\$17.35	\$0.00	\$0.56	19,823	8,920.17	\$355,023
For SQGs in a tolling agreement, retain copy of notification and certification for three years	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.20	209	20.88	\$606

\* Generator waste streams subject to 268.7(a)(3) are captured under 268.7(b)(3) and (b)(4) of this Exhibit. That is, the estimate of 6,058 LDR notifications and certifications includes both generators and treater-initiated transmittals.

EXHIBIT 3 (cont.)  
 LAND DISPOSAL RESTRICTIONS ICR #1442.17  
 ESTIMATED ANNUAL RESPONDENT BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs	
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year	
<b>Treatment Facility Notifications and Certifications (268.7(b)(3)-(6))</b>												
Complete and submit one-time notice and certification to disposal facility <sup>1</sup>	0.00	0.00	0.20	0.25	0.45	\$17.35	\$0.00	\$0.36	6,058	2,725.92	\$107,280	
Complete/submit a recycling notice and certification to EPA with each shipment	0.00	0.00	0.20	0.25	0.45	\$17.35	\$0.00	\$0.36	3,225	1,451.25	\$57,115	
Maintain records of entities receiving hazardous waste-derived products	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	43	4.30	\$120	
Maintain a copy of all notifications and certifications at the facility	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.20	9,283	928.26	\$26,920	
<b>Land Disposal Facility Recordkeeping (268.7(c)(1))</b>												
Keep copies of notices/certifications	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	6,058	605.76	\$16,961	
<b>Hazardous Debris Requirements (268.7(d))</b>												
Prepare/submit one-time notification	0.00	0.50	0.50	0.25	1.25	\$69.75	\$0.00	\$0.36	0	0.00	\$0	
Update notification with changes	0.00	0.00	0.25	0.00	0.25	\$14.14	\$0.00	\$0.36	14	3.60	\$209	
Document and certify compliance with each shipment	0.00	0.00	0.25	0.00	0.25	\$14.14	\$0.00	\$0.00	288	72.00	\$4,072	
Keep records obtained during treatment for excluded debris	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	288	28.80	\$806	
Keep certification of compliance for excluded debris	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	864	86.40	\$2,419	
<b>Contaminated Soil Requirements (268.7(e))</b>												
Prepare one-time documentation	0.00	0.00	0.25	0.00	0.25	\$14.14	\$0.00	\$0.10	1,672	418.00	\$23,809	
Maintain documentation of contaminated soil	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.00	1,672	167.20	\$4,514	
<b>Special Rules for Characteristic Wastes (268.9(d))</b>												
Prepare and submit a one-time notification and certification to EPA	0.00	0.00	0.40	0.50	0.90	\$34.70	\$0.00	\$0.36	0	0.00	\$0	
Maintain files of notification and certification	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	0	0.00	\$0	
Update and submit to EPA the notification and certification annually, if changes occur	0.00	0.00	0.40	0.50	0.90	\$34.70	\$0.00	\$0.36	645	580.86	\$22,628	
Maintain updated certification and notification	0.00	0.00	0.00	0.10	0.10	\$2.70	\$0.00	\$0.10	645	64.54	\$1,807	
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	1,181,952.01	\$134,153,521	

<sup>1</sup> Generator waste streams subject to 268.7(a)(3) are captured under 268.7(b)(3) and (b)(4) of this Exhibit. That is, the estimate of 6,058 LDR notifications and certifications includes both generators and treater-initiated transmittals.

Specifically, generators and treaters shipping such wastes must send a one-time notice and certification with the initial shipment to the disposal facility. They also must send a new notification and certification if the waste or receiving facility changes. EPA estimates that, each year, 20 percent of these streams warrant a new notice and certification because they have changed or the receiving facility has changed (6,058 streams).

Section 268.7(b)(5) requires that, if the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage or disposal facility sending the waste or treatment residue offsite must comply with the notice and certification requirements applicable to generators under section 268.7(a)(2)-(4). [This information collection requirement and subsequent burden hours are contained in the sub-section of Section 6 of this ICR entitled "Section 268.7(a)(2)-(4) Notification and Certification Requirements."]

Based on the available BRS data, EPA also estimates that approximately 43 treatment facilities acting as recyclers will be required to transmit a notice and certification to EPA with each shipment in accordance with section 268.7(b)(6). Based on its best professional judgement, EPA estimates that, on average, the 43 treatment facilities acting as recyclers will be required to complete and transmit approximately 3,225 notices and certifications annually to EPA or authorized State.

These 43 treatment facilities acting as recyclers will be required to keep records of the name and location of each entity receiving the hazardous waste-derived product.

Section 268.7(b)(3) to (b)(5) also require that treatment facilities maintain a copy of all notifications and certifications at the facility. Therefore, EPA believes that approximately 9,283 copies of notifications and certifications will need to be maintained each year ( $6,058 + 3,225 = 9,283$ ).

#### **(4) Land Disposal Facility Waste Analysis and Recordkeeping**

As described earlier, EPA estimates that generators and treaters will transmit approximately 6,058 notices and certifications annually to the land disposal facility. In total, EPA estimates that land disposal facilities will be required to keep copies of approximately 6,058 notices and certifications annually, as required under section 268.7(c)(1).

#### **(5) Hazardous Debris Requirements**

EPA estimates that 72 generators or treaters will treat their contaminated debris on site using a required extraction or destruction technology and claim an exclusion under Section 261.3(e). Section 268.7(d)(1) requires the generator and treater to submit a one-time notification when claiming the exclusion. However, EPA believes that they have already submitted the required one-time notification and that no new notifications will be submitted. Of these 72 generators or treaters, EPA estimates that, each year, approximately 20 percent, or 14, will need to update their notifications annually because: 1) a different type of debris is treated; 2) or a different treatment technology is employed, or 3) because the treater ships the excluded waste to a different Subtitle D facility.

EPA acknowledges that all 72 facilities applying for the exclusion will have to maintain the records required in 40 CFR 268.7(d)(3) and that information will have to be recorded more frequently than once per year. The Agency has taken the frequency of activities into account in formulating its estimates of the number of hours taken for each activity. EPA expects that inspections, evaluations, and analyses of treated debris will be recorded four times per year ( $72 \times 4 = 288$ ). EPA expects that treatment

data will be recorded quarterly ( $72 \times 4 = 288$ ). EPA expects that certifications of compliance for shipments will be recorded monthly ( $72 \times 12 = 864$ ).

**(6) Contaminated Soil Requirements**

In general, EPA believes that few generators receive a determination that the contaminated soil they are handling, which is subject to the LDRs, no longer contains a hazardous waste or no longer exhibits a characteristic hazardous waste. Therefore, EPA estimates that only one percent of generators (1,672) will receive this determination each year and therefore prepare a one-time only documentation of the approved determination each year. This same generator will have to maintain the records for three years.

**(7) Special Rules for Characteristic Wastes**

Based 1997 BRS data, EPA believes that, of the approximately 20,314 LQGs and 146,912 SQGs in the U.S. that are subject to the land disposal restrictions, 3,227 will generate a solely characteristic waste stream that could potentially require the submittal of a 268.9(d) one-time notification and certification to EPA or the State. EPA estimates that all 3,227 of these generators have already submitted their original one-time notification and certification and that no new generators will have to comply with the 268.9 (d) one-time notification and certification requirement. However, EPA does believe that 20 percent of these generators, or 645, will have to update their certifications and notifications annually because the process generating the waste and/or the facility receiving the waste changes. These same 645 generators will have to notify EPA annually by forwarding the new notifications and certifications and keep records.

***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

As shown in Exhibit 4, EPA estimates that four facilities will seek a variance from a specified treatment method each year. These facilities must read the regulations and prepare and submit a demonstration and other required paperwork.

***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

As shown in Exhibit 5, EPA estimates the universe of respondents expected to seek a variance from a treatment standard, as described below.

**(1) Regulations**

EPA expects ten persons seeking a variance under section 268.44 to read the regulations in the section.

**(2) Demonstration for a Variance from a Treatment Standard**

**(a) Section 268.44(a)-(d) Demonstration for a Variance**

EPA estimates that seven persons will seek a variance from a treatment standard, as provided under section 268.44(a)-(d). These seven persons are expected to develop and submit to EPA a demonstration and any other information as requested by EPA.



**EXHIBIT 4  
LAND DISPOSAL RESTRICTIONS ICR #1442.17  
ESTIMATED ANNUAL RESPONDENT BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs		
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year		
<b>DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY</b>													
Regulations (268.42)	0.00	0.50	1.00	0.00	1.50	\$89.50	\$0.00	\$0.00	4	6.00	\$358		
<b>Demonstration for Alternative Treatment Technology (268.42(b))</b>													
Develop/submit application	0.00	1.00	8.00	2.00	11.00	\$551.00	\$0.00	\$3.20	4	44.00	\$2,217		
<b>TOTAL</b>	0.00	Varies	Varies	Varies	Varies	Varies	Varies	Varies	4	50.00	\$2,575		

**EXHIBIT 5  
LAND DISPOSAL RESTRICTIONS ICR #1442.17  
ESTIMATED ANNUAL RESPONDENT BURDEN AND COST**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs		
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year		
<b>DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD</b>													
Regulations (268.44)	0.00	0.50	0.00	1.00	1.50	\$63.50	\$0.00	\$0.00	10	15.00	\$635		
<b>Demonstration for a Variance (268.44(a)-(d))</b>													
Develop/submit a demonstration and additional information	0.00	1.00	8.00	2.00	11.00	\$551.00	\$0.00	\$3.20	7	77.00	\$3,879		
<b>Site-Specific Variance (268.44(h)-(m))</b>													
Develop/submit a demonstration and additional information	0.00	1.00	8.00	2.00	11.00	\$580.25	\$0.00	\$3.20	3	33.00	\$1,750		
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	125.00	\$6,265		

EXHIBIT 6  
 LAND DISPOSAL RESTRICTIONS ICR #1442.17  
 ESTIMATED ANNUAL RESPONDENT BURDEN AND COST

ACTIVITY	Hours and Costs Per Respondent Per Activity					Total Hours and Costs					
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Year	Labor Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>RECORDKEEPING FOR STORAGE PROHIBITION</b>											
Regulations (268.50)											
Read the Regulations	0.00	0.50	1.00	0.00	1.50	\$89.50	\$0.00	\$0.00	126	189.00	\$11,277
Prohibitions on Storage - Recordkeeping (268.50(a)(2))											
Develop/keep records of data	0.00	0.00	0.50	0.25	0.75	\$33.25	\$0.00	\$0.00	504	378.00	\$16,758
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	567.00	\$28,035

**(b) Section 268.44(h)-(m) Site-Specific Variance**

EPA expects three generators or treatment facilities to seek a site-specific variance under section 268.44(h)-(m).

***RECORDKEEPING FOR STORAGE PROHIBITION***

As shown in Exhibit 6, EPA estimates the universe of respondents expected to keep records under the storage prohibition, as described below.

**(1) Regulations**

EPA estimates that approximately 126 facilities will need to keep records as provided in section 268.50(a)(2) and to read the regulations in the section.

**(2) Recordkeeping for Storage Prohibition**

EPA estimates that approximately 126 generators or treaters will be required, for each tank, to develop and keep records in the operating record of the contents, the quantity of each hazardous waste received, and the date that accumulation begins, as required under section 268.50(a)(2). EPA estimates that each of these 126 treaters will perform these tasks four times per year, or 504 times (126 \* 4 = 504).

***Total Respondent Burden and Cost***

Exhibit 7 illustrates the total respondent burden and costs associated with all of the information collection activities covered in this ICR. As shown in Exhibit 7, EPA estimates that the total annual respondent burden for all activities covered in the ICR is approximately 1,182,708 hours, at an annual cost of \$134,192,761.

**6(e) Bottom Line Burden and Cost**

Exhibits 7 and 9 show the aggregate burden and cost to respondents and the government, respectively. The bottom line burden to respondents over three years is 3,548,124 hours, with a cost of 402,578,283. The bottom line burden to the Agency over three years is 15,870 hours, at a cost of \$446,928.

**6(f) Reasons for Change in Burden**

The total annual respondent burden of the LDR program through the Phase IV Second Supplemental Rulemaking is estimated to be 3,402,862 hours. This includes the burden from four LDR ICRs: 1442.09, 1442.13, 1442.14, and 1442.16. This ICR updates the universe of affected entities under the LDR program from all four ICRs. As such, the burden in this ICR will not be added to, or subtracted from, ICR No. 1442.16. Rather, the burden from this current ICR (No. 1442.17) will replace the burden from each of these four ICRs and will become the new LDR Base ICR.

The total annual respondent burden in this ICR (No. 1442.17) has decreased from the current OMB inventory of 3,402,862 hours. The current ICR estimates a total annual respondent burden of 1,182,708 hours. This is a decrease of 2,220,154 from the previous ICR (No. 1442.16). The number of hours has decreased because of a decrease in both the annual number of generators and the annual number of their waste streams subject to the LDR program's recordkeeping and reporting requirements.

EXHIBIT 7  
 LAND DISPOSAL RESTRICTIONS ICR #1442.17  
 TOTAL ESTIMATED ANNUAL RESPONDENT BURDEN AND COST SUMMARY

EXHIBIT	Annual Capital/Startup Costs	Annual O & M Costs	Total Hours per Year	Total Labor Cost per Year	Total Cost per Year
Exhibit 1 Treatment Surface Impoundment Exemption	\$0	\$4	14	\$734.20	\$738
Exhibit 2 Procedures for Case-By-Case Extension	\$0	\$0	0	\$0	\$0
Exhibit 3 Waste Analysis and Recordkeeping	\$0	\$71,223,783	1,181,952	\$62,929,668.66	\$134,153,521
Exhibit 4 Demonstration for Alternative Treatment Technology	\$0	\$13	50	\$2,562.00	\$2,575
Exhibit 5 Demonstration for a Variance from a Treatment Standard	\$0	\$22	125	\$6,232.75	\$6,265
Exhibit 6 Recordkeeping for Storage Prohibition	\$0	\$0	567	\$28,035.00	\$28,035
Annual Net Present Value of File Cabinets	\$1,627	NA	NA	NA	\$1,627
<b>TOTAL</b>	<b>\$1,627</b>	<b>\$71,223,822</b>	<b>1,182,708</b>	<b>\$62,967,233</b>	<b>\$134,192,761</b>

EXHIBIT 8  
 LAND DISPOSAL RESTRICTIONS ICR 1442.17  
 ESTIMATED ANNUAL AGENCY BURDEN AND COST

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity										Total Hours and Costs	
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Hours/Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year	
<b>TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>												
<b>Public Comment (268.4)</b>												
Issue notice and provide opportunity for comment	0.00	0.25	2.00	0.50	2.75	\$80.17	\$0.00	\$0.00	1	2.75	\$80	
Review demonstration and approve/deny exemption	0.00	0.50	4.00	0.00	4.50	\$142.02	\$0.00	\$0.00	1	4.50	\$142	
Keep records of demonstration and written certification	0.00	0.00	0.00	0.00	0.10	\$0.00	\$0.00	\$0.00	1	0.00	\$0	
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	7.25	\$222	
<b>PROCEDURES FOR CASE-BY-CASE EXTENSION</b>												
<b>Application for Extension (268.5(a)-(c))</b>												
Review/keep records of application	1.00	0.50	6.00	0.25	7.75	\$266.57	\$0.00	\$0.00	0	0.00	\$0	
Request, review, and keep records of any additional information	1.00	0.25	4.00	0.50	5.75	\$200.14	\$0.00	\$0.00	0	0.00	\$0	
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$129.35	\$0.00	\$0.00	0	0.00	\$0	
Consult with state agencies	0.25	0.25	2.00	0.00	2.50	\$85.93	\$0.00	\$0.00	0	0.00	\$0	
Approve/deny extension and publish decision	1.00	0.50	32.00	1.00	34.50	\$1,063.85	\$0.00	\$0.00	0	0.00	\$0	
<b>Renewal of Extension (268.5(e))</b>												
Receive, review, and keep records of the renewal request	1.00	0.25	4.00	0.25	5.50	\$195.56	\$0.00	\$0.00	0	0.00	\$0	
Consult with state agencies	1.00	0.25	1.50	0.00	2.75	\$115.64	\$0.00	\$0.00	0	0.00	\$0	
Issue notice and provide opportunity for comment	1.50	0.50	32.00	1.00	35.00	\$1,093.70	\$0.00	\$0.00	0	0.00	\$0	
Approve/deny extension and publish decision	1.00	0.50	32.00	1.00	34.50	\$1,063.85	\$0.00	\$0.00	0	0.00	\$0	
<b>Notifications and Reports (268.5(f)-(g))</b>												
Receive/keep records of any changes	0.00	0.25	0.00	0.10	0.35	\$12.57	\$0.00	\$0.00	0	0.00	\$0	
Receive, review, and keep records of progress reports	0.00	0.25	0.50	0.10	0.85	\$27.64	\$0.00	\$0.00	0	0.00	\$0	
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	0.00	\$0	

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity					Total Hours and Costs					
	Leg. Year	Mgr. Year	Tech. Year	Cler. Year	Respon. Year	Labor Cost/Year	Capital/Startup Cost	O & M Cost	Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Generator Waste Analysis Plan (268.7(a)(5))</b>											
Inspect waste analysis plan in the facility's on-site files	0.00	0.00	0.50	0.25	0.75	\$19.65	\$0.00	\$0.00	203	152.36	\$3,991
<b>Treatment Facility Notifications and Certifications (268.7(b)(6))</b>											
Receive, review, and keep records of the notification and certification submitted by the recycling facility with each shipment	0.00	0.00	0.50	0.25	0.75	\$19.65	\$0.00	\$0.00	3,225	2,418.75	\$63,365
<b>Hazardous Debris Requirements (268.7(d))</b>											
Receive, review, and keep records of one-time notification	0.00	0.00	0.25	0.25	0.50	\$12.11	\$0.00	\$0.00	0	0.00	\$0
Receive, review, and keep records of updates sent from owner/operator	0.00	0.00	0.25	0.25	0.50	\$12.11	\$0.00	\$0.00	14	7.20	\$174
<b>Contaminated Soil Requirements (268.7(e))</b>											
Determination that contaminated soil does not contain hazardous waste	0.00	0.25	0.50	0.25	1.00	\$30.39	\$0.00	\$0.00	1,672	1,672.00	\$50,805
<b>Special Notification Rules for Characteristic Wastes (268.9(d))</b>											
Receive, review, and file notification and certification	0.00	0.25	0.50	0.25	1.00	\$30.39	\$0.00	\$0.00	0	0.00	\$0
Receive, review, and update notification and certification with annual changes	0.00	0.00	0.50	0.25	0.75	\$19.65	\$0.00	\$0.00	645	484.05	\$12,681
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	4,734.36	\$131,016
<b>DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY</b>											
<b>Demonstration (268.42(b))</b>											
Receive, review, and keep records of the application	0.00	0.50	4.00	0.25	4.75	\$146.60	\$0.00	\$0.00	4	19.00	\$586
Approve/deny application	0.00	0.25	1.00	0.50	1.75	\$50.03	\$0.00	\$0.00	4	7.00	\$200
Develop written approval	0.00	0.25	2.00	0.50	2.75	\$80.17	\$0.00	\$0.00	4	11.00	\$321
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	4	37.00	\$1,107
<b>DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD</b>											
<b>Demonstration for a Variance (268.44(a)-(d))</b>											
Receive, review, and keep records of the petition	1.00	0.50	6.00	0.25	7.75	\$266.57	\$0.00	\$0.00	7	54.25	\$1,866
Request additional information or samples if required	1.00	0.25	4.00	0.50	5.75	\$200.14	\$0.00	\$0.00	7	40.25	\$1,401
Send additional copies to the states	0.00	0.00	0.00	0.25	0.25	\$4.58	\$0.00	\$0.00	7	1.75	\$32
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$129.35	\$0.00	\$0.00	7	21.00	\$905
Approve/deny petition and publish decision	1.00	0.50	32.00	1.00	34.50	\$1,063.85	\$0.00	\$0.00	7	241.50	\$7,447
<b>Site-Specific Variance (268.44(h)-(m))</b>											
Receive, review, and keep records of the petition	1.00	0.50	6.00	0.25	7.75	\$266.57	\$0.00	\$0.00	3	23.25	\$800
Request additional information or samples if required	1.00	0.25	4.00	0.50	5.75	\$200.14	\$0.00	\$0.00	3	17.25	\$600
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$129.35	\$0.00	\$0.00	3	9.00	\$388
Approve/deny petition	1.00	0.50	32.00	1.00	34.50	\$1,063.85	\$0.00	\$0.00	3	103.50	\$3,192
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	511.75	\$16,631
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	5,290.36	\$148,976

EXHIBIT 9  
 LAND DISPOSAL RESTRICTIONS ICR #1442.17  
 TOTAL ESTIMATED ANNUAL AGENCY BURDEN AND COST SUMMARY

	Annual Capital/Startup Costs	Annual O & M Costs	Total Hours per Year	Total Labor Cost per Year	Total Cost per Year
Treatment Surface Impoundment Exemption	\$0	\$0	7	\$222.19	\$222.19
Procedures for Case-By-Case Extension	\$0	\$0	0	\$0	\$0
Waste Analysis and Recordkeeping	\$0	\$0	4,734	\$131,015.91	\$131,015.91
Demonstration for Alternative Treatment Technology	\$0	\$0	37	\$1,107.21	\$1,107.21
Demonstration for a Variance from a Treatment Standard	\$0	\$0	512	\$16,631.11	\$16,631.11
<b>TOTAL</b>	\$0	\$0	5,290	\$148,976	\$148,976

**6(g) Burden Statement**

***TREATMENT SURFACE IMPOUNDMENT EXEMPTION***

The public reporting burden for respondents under the section 268.4 treatment surface impoundment exemption is estimated to be approximately 2 hours and 10 minutes per facility. This includes time for developing and submitting the application and completing and submitting the certification. The recordkeeping burden for these facilities is expected to be one hour and 10 minutes. This includes time for reading the regulations and maintaining files of the application.

***PROCEDURES FOR CASE-BY-CASE EXTENSION***

It is expected that there will be no public reporting or recordkeeping burden for respondents since there will be no facilities subject to section 268.5.

***WASTE ANALYSIS AND RECORDKEEPING***

**Generator Waste Analysis and Recordkeeping**

The recordkeeping burden for respondents under section 268.7(a)(1) is estimated by the Agency to be 5 hours and 30 minutes annually for generators who test their waste and 40 minutes annually for generators who use only process knowledge. This includes time for reading the regulations. There is no respondent reporting burden associated with this section.

The reporting burden for respondents under section 268.7(a)(2)-(4) is estimated to be approximately 20 minutes annually per facility. This includes time for completing and transmitting the one-time notification for waste streams sent to treatment facilities. Generator waste streams that meet the LDRs (subject to 268.7(a)(3)) are captured under 268.7(b)(3) and 268.7(b)(4) (see “Treatment Facility Waste Analysis and Recordkeeping”). There is no respondent recordkeeping burden associated with this section.

The recordkeeping burden for respondents under section 268.7(a)(5) is estimated to be 4 hours and 50 minutes annually. This includes time for developing and following the waste analysis plan. There is no reporting burden associated for respondents under 268.7(a)(5).

There is no reporting burden for respondents under 268.7(a)(6)-(8). The recordkeeping burden for respondents under 268.7(a)(6)-(8) is estimated to be 10 minutes annually per facility.

The reporting burden for respondents under 268.7(a)(9)-(10) is 40 minutes. This includes time for transmittal of notification and certification. There is no recordkeeping burden for respondents under 268.7(a)(6)-(8).

**Treatment Facility Waste Analysis and Recordkeeping**

The reporting burden for respondents under section 268.7(b)(3)-(6) is estimated to be 33 hours and 30 minutes annually per facility. This includes time for completing and transmitting the notification and certification to the land disposal facility and to EPA. The recordkeeping burden for respondents is estimated to be 3 hours annually per facility.



## **Land Disposal Facility Waste Analysis and Recordkeeping**

There is no reporting burden for respondents under section 268.7(c)(1). The recordkeeping burden for respondents is estimated to be 40 minutes annually per facility.

## **Hazardous Debris Requirements**

The reporting burden for respondents under section 268.7(d) is estimated to range from 5 to 10 minutes annually per facility. This includes time for completing and submitting the one-time notification and certification and making updates, if needed. The recordkeeping burden for respondents is estimated to be 2 hours and 15 minutes annually per facility.

## **Contaminated Soil Requirements**

The reporting burden for respondents under section 268.7(e) is estimated to be 30 minutes annually per facility. This includes time for maintaining the documentation concerning contaminated soil. The recordkeeping burden for respondents is estimated to be 10 minutes annually per facility.

## **Special Rules for Characteristic Wastes**

The reporting burden for respondents under section 268.9(d) is estimated to be 5 minutes annually per facility. This includes time for submitting the notification and updating it, if needed. The recordkeeping burden is also estimated to be 5 minutes annually per facility.

## ***DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY***

The reporting burden for respondents under section 268.42 is estimated to be 11 hours per respondent annually. This includes time for developing and submitting the application. The recordkeeping burden for respondents is estimated to be one hour and 30 minutes annually. This includes time for reading the regulations.

## ***DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD***

The reporting burdens for respondents under sections 268.44(a)-(d) and 268.44(h)-(m) is estimated to be 10 hours and 40 minutes per respondent annually. This includes time for developing and submitting the application and providing additional information if necessary. The recordkeeping burden for respondents is estimated to be one hour and 30 minutes annually. This includes time for reading the regulations.

## ***RECORDKEEPING FOR STORAGE PROHIBITION***

The recordkeeping burden for respondents under section 268.50(a)(2) is estimated to be four hours and 30 minutes. This includes time for reading the regulations. There is no estimated reporting burden.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously

applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. This ICR is also available electronically on EPA's ICR world wide web page at <http://www.epa.gov/icr/>.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and the OMB control number in any correspondence.