

US EPA ARCHIVE DOCUMENT

MEMORANDUM

TO: The RCRA docket

RE: The Land Disposal Restrictions Base ICR Renewal

EPA would like to solicit comment on the following estimates and assumptions given in this ICR.

A. *Generator Requirements*

1. Waste Analysis and Recordkeeping

Under 40 CFR 268.7(a)(1), generators must test their waste (including contaminated soil), or use knowledge of the waste, to determine if the waste is restricted from land disposal under the LDR treatment standards. Based on 1997 Biennial Reporting System (BRS) data, the LDR ICR estimates that there are 20,314 large quantity generators (LQGs) and 146,912 small quantity generators (SQGs) under the LDR program (167,226 generators in total). The ICR assumes the following:

- That each year, 50 percent of LQGs and 20 percent of SQGs test their waste streams in making the LDR determinations. The ICR assumes that each generator takes about 20 hours annually, on average, to test their streams.¹
- That LQGs and SQGs testing their waste spend, on average, about \$1,800 in operation and maintenance (O&M) costs annually. These O&M costs include commercial laboratory costs (for generators who send their samples for offsite testing) or in-house laboratory costs (for generators who test their waste on site).
- That each year, the remaining 50 percent of LQGs and 80 percent of SQGs use their knowledge to make the LDR determinations for their waste streams. The ICR assumes that each generator takes about 30 minutes annually, on average, to make these determinations and that no O&M costs are incurred.

2. Notifications

Section 268.7(a)(2) requires generators to submit a one-time notification (including a signed certification for contaminated soils) with the initial shipment to each treater if the waste or contaminated soil does not meet applicable LDR treatment standards. The generator must send an updated notification if the waste or the facility receiving the waste changes. Based on 1997 BRS data, the ICR estimates that, each year, 114,939 generators ship to treaters a total of 384,751 hazardous waste

¹This hourly burden of 20 hours includes time for both the generator and its commercial laboratory (if used by the generator) to make these determinations.

streams exceeding the LDR treatment standards (i.e., 3.35 waste streams per generator per year). The ICR assumes the following:

- That each year, approximately 20 percent of each generator's waste streams (i.e., 0.67 waste stream per generator per year) will warrant an initial notice or an updated notice because the waste or the receiving facility has changed. Over the three-year period covered by the ICR, this equates to approximately two notifications per generator (i.e., 0.67 notifications/year x 3 years).²
- That each generator takes about 27 minutes to prepare and send an initial or updated notification.

3. Generator Waste Analysis Plan

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 the LDR treatment standards, the generator must develop, follow, and keep records of a written waste analysis plan. The ICR also estimates that, in total, 10 percent of LQGs (2,031 LQGs) must follow the plan in testing their treated waste and keep records of the plan each year. The ICR assumes the following:

- That one percent of LQGs (203 LQGs) will prepare a waste analysis plan each year in order to begin treating waste on site.
- That each LQG takes about 4.75 hours to prepare a waste analysis plan each year.
- That no SQGs will treat prohibited waste on site under section 262.34.

B. *Treater Requirements*

1. Notifications for Treaters

Sections 268.7(b)(3) and (b)(4) require that, for waste or contaminated soil that meets the LDR treatment standards, the treater must send a one-time notice and signed certification with the initial shipment of the waste or contaminated soil to the land disposal facility. The treater must update this notification and signed certification if the waste, treatment residue, or receiving facility changes. Based on 1997 BRS data, the ICR estimates that, each year, 7,586 facilities ship off site to disposal facilities a total of 30,288 as-generated wastes or treated wastes/residues meeting the LDR treatment standards

²Under section 268.7, a generator's or treater's "initial" shipment is defined as the first shipment of waste to a treatment or disposal facility after the effective date of the May 12, 1999 Phase IV Final "Mini" Rule (62 FR 25997). A generator's or treater's waste has "changed" if an updated notification/certification needs to be prepared for that waste, given applicable requirements (e.g., when a subcategory within a waste code changes). For example, see the "Generator Paperwork Requirements Table" at 40 CFR 268.7(a)(4) for generator notification requirements.

(i.e., 4 waste streams per facility per year).³ The ICR assumes the following:

- That each year, 20 percent of these waste streams warrant a new notice/certification or an updated notice/certification because the waste or the receiving facility has changed (i.e., 0.8 waste streams per facility per year), as required under sections 268.7(b)(3) and (b)(4). Over a three-year period, this equates to approximately two notifications and certifications per facility.
- That each facility takes about 27 minutes to prepare and send one notice and certification.

2. Notifications for Recyclers

Section 268.7(b)(6) requires that, where the wastes are recyclable materials used in a manner constituting disposal, the recycler must send with each shipment a notice and signed certification to EPA or authorized state. The ICR estimates that 43 treatment facilities acting as recyclers will be required to transmit a notice and signed certification to EPA or authorized state with each shipment in accordance with section 268.7(b)(6). The ICR assumes that:

- That each recycler prepares and sends, on average, 75 notices and signed certifications to EPA or authorized state annually. Over a three-year period, this equates to approximately 225 notifications and certifications per facility.
- That each recycler takes about 27 minutes to prepare and send one notice and certification.

C. *Special Rules for Characteristic Wastes*

Section 268.9(d) provides that wastes that exhibit a characteristic are subject to the section 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and signed certification must be placed in the generator's or treater's files and sent to EPA or authorized state. The generator or treater must submit an updated notification and signed certification to EPA or authorized state on an annual basis if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. Based on 1997 BRS data, the ICR estimates that, each year, 3,227 generators and treaters treat 29,128 solely characteristic waste streams and render them non-hazardous (i.e., 9 waste streams per generator or treater). The ICR assumes:

- That all of these 3,227 generators and treaters have already submitted their original one-time notification and signed certification.
- That 20 percent of the generator's or treaters' waste streams will warrant an updated notice and signed certification annually because the process generating the waste and/or the facility

³EPA notes that generator waste streams that meet the treatment standards are subject to the 268.7(a)(3) requirements, whereas waste streams that are treated by treatment facilities to meet the treatment standards are subject to 268.7(b)(3) and (b)(4). In developing the ICR, EPA was unable to distinguish between generator versus treatment facility waste streams. Thus, the ICR estimates the collective burden to generators and treaters for complying with their respective paperwork requirements for all of these waste streams.

receiving the waste has changed. Over a three-year period, this equates to approximately 27 notifications per generator or treater.

- That each generator or treater takes about 54 minutes to prepare and send one notice and certification.