

**SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST # 1361.11  
"REPORTING AND RECORDKEEPING REQUIREMENTS FOR  
THE EXPANDED RCRA COMPARABLE FUEL EXCLUSION RULE"**

**May 2007**

# TABLE OF CONTENTS

<b>1.IDENTIFICATION OF THE INFORMATION COLLECTION .....</b>	<b>3</b>
1(A) TITLE OF THE INFORMATION COLLECTION .....	3
1(B) SHORT CHARACTERIZATION/ABSTRACT .....	3
<b>2.NEED FOR AND USE OF THE COLLECTIONS</b>	
2(A) NEED/AUTHORITY FOR THE COLLECTION.....	4
2(B) PRACTICAL UTILITY/USERS OF THE DATA .....	4
<b>3.NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA.....</b>	<b>4</b>
3(A) NONDUPLICATION .....	4
3(B) PUBLIC NOTICE .....	4
3(C) CONSULTATIONS.....	4
3(D) EFFECTS OF LESS FREQUENT COLLECTION .....	5
3(E) GENERAL GUIDELINES.....	5
3(F) CONFIDENTIALITY .....	5
3(G) SENSITIVE QUESTIONS .....	5
<b>4.THE RESPONDENTS AND THE INFORMATION REQUESTED .....</b>	<b>5</b>
4(A) RESPONDENTS SIC/NAICS CODES.....	5
4(B) INFORMATION REQUESTED.....	6
<b>5.INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT .....</b>	<b>25</b>
5(A) AGENCY ACTIVITIES .....	25
5(B) COLLECTION METHODOLOGY AND MANAGEMENT .....	25
5(C) SMALL ENTITY FLEXIBILITY .....	25
5(D) COLLECTION SCHEDULE .....	25
<b>6.ESTIMATING THE BURDEN AND COST OF THE COLLECTION.....</b>	<b>26</b>
6(A) ESTIMATING RESPONDENT BURDEN .....	26
6(B) ESTIMATING RESPONDENT COSTS.....	26
6(C) ESTIMATING AGENCY BURDEN AND COST.....	27
6(D) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS.....	28
6(E) BOTTOM LINE BURDEN HOURS AND COST TABLES .....	32
6(F) REASONS FOR CHANGE IN BURDEN.....	32
6(G) BURDEN STATEMENT.....	33

# **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

## **1(a) TITLE OF THE INFORMATION COLLECTION**

This ICR is entitled "Reporting and Recordkeeping Requirements for the Expanded RCRA Comparable Fuel Exclusion Rule," EPA ICR # 1361.11.

## **1(b) SHORT CHARACTERIZATION/ABSTRACT**

The comparable fuels exclusion was promulgated by EPA on June 19, 1998, and is codified in 40 CFR 261.38 (See 63 FR 33782). The rule excludes certain waste fuels from the definition of solid wastes if they have levels of toxic constituents and physical properties similar to commercial (benchmark) fuels, in particular gasoline and fuel oils. Comparable fuels must meet certain specifications for physical properties and constituents.

EPA is proposing to expand the conditional exclusion from RCRA under 40 CFR 261.38 for fuels that are produced from a hazardous waste but which generate emissions when burned in an industrial boiler that are comparable to emissions from burning fuel oil. Such excluded fuel would be called emission-comparable fuel (ECF). ECF would be subject to the same specifications as of Table 1 of §261.38 that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would be waived. The ECF exclusion would be conditioned on several requirements including: (1) design and operating conditions for the ECF boiler that burns this ECF to ensure burning under the good combustion conditions typical to regulated under the MACT rule ; and (2) ECF is stored in storage in tanks tailored for the hazards that ECF may pose.

The design and operating conditions as detailed in the proposed regulation at 40 CFR 261.38(c)(2) include, a) ECF to be combusted in watertube boiler that is not a stoker, b) boiler must fire at least 50% fossil fuel, c) as-fired heating value of ECF and fossil fuel must exceed 8000 Btu/lb, d) carbon monoxide emissions must be monitored by a continuous emissions monitoring system and e) boiler load must exceed 40%.

ECF storage conditions would include: (1) spill prevention, control and countermeasure (SPCC) requirements of §§112.7, 112.8, 112.20, and 112.21, except for secondary containment; (2) engineered secondary containment and leak detection to be provided by a liner, vault, or double-walled tank; and (3) applying the air emission controls for organic liquids distribution under subpart EEEE, Part 63, to RCRA oxygenates that are not CAA hazardous air pollutants.

This ICR estimates the reporting and recordkeeping burden of the proposed rule for the expanded comparable fuel exclusion. Since the rule is deregulatory, there is a small positive burden that is offset due to a much larger overall burden reduction, as explained in paragraph 3(d) below. This negative burden will be effective when the rule is finalized and promulgated in 2008. At that time, the ICR 2050-0073 will be modified and new burden hours incorporated in the ICRAS system.

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

### **2(a) NEED/AUTHORITY FOR THE COLLECTION**

The information collection requirements of this ICR are required under the Paperwork Reduction Act, 44U.S.C. 3501 et seq. The information collected will help generators and burners of ECF as well as EPA to ensure that the conditions for the exclusion are being met.

The emissions comparable fuels exclusion will be conditioned on requirements including design and operating conditions for the ECF boiler to ensure that ECF is burned under the good combustion conditions typical for oil-fired industrial boilers, and conditions for storage in tanks that are tailored for the hazards that ECF may pose.

### **2(b) PRACTICAL UTILITY/USERS OF THE DATA**

Generators will use the analytical data collected to ascertain if their waste qualifies as ECF while maintenance of inspection records will ensure that required repairs are conducted promptly. Burners will use their operating record to verify if they are in compliance with all the conditions of the exclusion and if exceedance reporting is required. Under this proposal, the respondents are not required to conduct any statistical surveys for the purpose of complying with the conditions of the exclusion.

## **2. 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 organized its ICR structure to eliminate gaps or duplication.

### **3(b) PUBLIC NOTICE**

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register as a part of the proposed rule detailing the burden hours and costs associated with this proposed rule, and requested comments thereon.

### **3(c) CONSULTATIONS**

EPA has made efforts to consult with the regulated community, stakeholders, the public, State and industry officials, and appropriate Federal agencies in the development of this rule. EPA also convened an informal public meeting of stakeholders to discuss the potential revisions of this rule, and obtain their comments. Details of this meeting and the comments received are in the Docket # EPA-HQ-RCRA-2005-0017.

### **3.d) EFFECTS OF LESS FREQUENT COLLECTION**

This rule does not increase the paperwork burden on the facilities. It relaxes some of the existing burden, as some wastes currently designated as hazardous waste will exit the hazardous waste universe and will be spared from more extensive reporting and recordkeeping requirements under RCRA. EPA has carefully considered the burden imposed upon the regulated community for the newly excluded comparable fuel, and believes that the activities required of respondents have been minimized to the extent possible. EPA believes strongly that if these 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**

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act as amended, OMB's implementing regulations, OMB's Information Collection Request Handbook (EPA, February 1999), and other applicable OMB guidance. As noted earlier, the net result of this rule is a reduction of burden on the private sector. Additionally, EPA has taken the following actions to minimize the burden:

- (i) The records required under this proposed rule are to be maintained only for a 3 year period.
- (ii) The reporting, where so specified, can also be done electronically using e-mail.
- (iii) EPA believes that very few small businesses and small entities will be affected by this proposal.
- (iv) EPA will consider any suggested methods to further minimize the burden on the entities.

### **3(f) CONFIDENTIALITY**

EPA proposes to collect information only to the extent necessary for the implementation of the promulgated rule and does not intend to collect any information related to trade secrets of the stake-holders. Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B define EPA's general policy on the public disclosure of information, and contain provisions for confidentiality of business information. EPA protects from public disclosure all Confidential Business Information (CBI) obtained under RCRA, and has provided businesses with procedures to claim confidentiality for such CBI. EPA makes extra efforts to protect the confidentiality of this CBI.

### **3(g) SENSITIVE QUESTIONS**

No questions of a sensitive nature are included in any of the information collection requirements. This ICR complies with the Privacy Act of 1974 and OMB Circular A-130.

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

### **4(a) RESPONDENTS SIC/NAICS CODES**

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes

associated with facilities most likely affected by the information requirements covered in this ICR.

Category	NAICS code	SIC code	Examples of potentially regulated entities
Any industry that generates or combusts hazardous waste as defined in the proposed rule	562	49	Waste Management and Remediation Services
	327	32	Non-metallic Mineral Products Manufacturing
	325	28	Chemical Manufacturing
	324	29	Petroleum and Coal Products Manufacturing
	331	33	Primary Metals Manufacturing
	333	38	Machinery Manufacturing
	326	306	Plastic and Rubber Products Manufacturing
	488, 561	49	Administration and Support Services
	421	50	Scrap and waste materials
	422	51	Wholesale Trade, Non-durable Goods, N.E.C Business Services, N.E.C.
	512, 541, 812	73	Services, N.E.C.
	512, 514, 541, 711	89	Air, Water and Solid Waste Management
	924	95	Transportation Equipment Manufacturing National Security
	336	37	Computer and Electronic Products
	928	97	Air, water and solid waste management
334	35	Manufacturing	
339	38	Miscellaneous Manufacturing	

## 4(b) INFORMATION REQUESTED

### Requirements for Generators and Burners

Under section 3006 of RCRA, EPA has authorized several qualified States to administer the hazardous waste program in lieu of the federal program. We estimate that 1/3rd of the responses under this ICR, designated below as Agency tasks, will be to the State authorities while 2/3rd will be to federal (i.e. regional EPA) authorities.

### Reading the Regulations

#### *Data Items*

There are no data items associated with reading the regulations. However, all respondents must first read the regulations in order to comply with the requirements of the comparable fuel exclusion rule.

#### *Respondent Activities*

Read the regulations

### Notices

#### *Data Items*

Under proposed §261.38 b(2)(i) the generator must submit a one-time notice to the Regional or State RCRA and CAA Directors, in whose jurisdiction the exclusion is

being claimed and where the excluded fuel will be burned, certifying compliance with the conditions of the exclusion and providing the following documentation:

- (A) The name, address, and RCRA ID number of the person/facility claiming the exclusion;
- (B) The applicable EPA Hazardous Waste Codes for the hazardous waste;
- (C) The name and address of the units meeting the requirements of paragraphs (b)(3) and (c) of this section, that will burn the excluded fuel;
- (D) An estimate of the average and maximum monthly and annual quantity of waste for which an exclusion would be claimed; and
- (E) The following statement, which shall be signed and submitted by the person claiming the exclusion or his authorized representative:

*“Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 40 CFR 261.38 have been met for all emission-comparable fuel/comparable fuel (specify which) identified in this notification. Copies of the records and information required at 40 CFR 261.38 are available at the I generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

Additionally, under proposed §261.38 b(2)(i) prior to burning an excluded fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled “Notification of Burning a Fuel Excluded Under the Resource Conservation and Recovery Act” and containing the following information:

- (A) Name, address, and RCRA ID number of the generating facility(ies);
- (B) Name of the unit(s) that will burn the excluded fuel;
- (C) A brief, general description of the manufacturing, treatment, or other process generating the excluded fuel;
- (D) An estimate of the average and maximum monthly and annual quantity of the excluded waste to be burned; and
- (E) Name and mailing address of the Regional or State Directors to whom the generator submitted a claim for exclusion.

#### *Respondent Tasks*

- Generators-Prepare and submit one-time notice to Regional/State RCRA or CAA director certifying compliance with the conditions of the exclusion
- Burners - Prepare and publish in a major newspaper, a notification of burning a fuel excluded under RCRA.

#### *Agency Tasks*

Review notice by generator certifying compliance with the exclusion

### **Waste analysis plan for generators**

#### *Data Items*

As per proposed §261.38 (b)(4) the generator of an excluded fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The plan shall be followed and

retained at the facility excluding the waste.

(i) At a minimum, the plan must specify:

(A) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;

(B) The test methods which will be used to test for these parameters;

(C) The sampling method which will be used to obtain a representative sample of the waste to be analyzed;

(D) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

(E) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.

#### *Respondent Tasks*

- Generators must develop and follow a waste analysis plan for their ECF streams specifying parameters to be analyzed, test methods to be used, description of sampling method, and frequency of analysis. However, EPA estimates that the burden of this collection is offset by the waste analysis plans that would have been required had the ECF been handled as a hazardous waste.

#### *Agency Tasks*

None

#### **Analysis plans for burners of ECF**

##### *Data Items*

Under proposed §261.38(b)(5) an emission-comparable fuel burner is subject to the waste analysis plan requirements mentioned in the section above to determine the heating value of the fuel and the benzene and acrolein concentration of the fuel if:

(i) The burner has not received information from the generator for each shipment documenting the heating value of the fuel and the concentration of benzene and acrolein;

(ii) The burner blends or otherwise treats emission-comparable fuel to achieve the 8,000 Btu/lb, as-fired criterion

(iii) The burner blends or otherwise treats emission-comparable fuel to achieve a concentration of benzene or acrolein of two percent or less, as-fired, to avoid the emission-comparable fuel firing rate restrictions for waste containing more than 2% of benzene or acrolein.

#### *Respondent Tasks*

Burners that do not receive information on benzene or acrolein concentration in the excluded fuel or the heating value of the excluded fuel from the generator, or burners that blend waste to meet the specifications must analyze their waste for these parameters.

#### *Agency Tasks*

None

#### **Excluded fuel sampling and analysis**



### **Data Items**

Under proposed §261.38(b)(4)(ii) for each analysis of ECF, the generator shall document the following:

- (A) The dates and times that samples were obtained, and the dates the samples were analyzed;
- (B) The names and qualifications of the person(s) who obtained the samples;
- (C) A description of the temporal and spatial locations of the samples;
- (D) The name and address of the laboratory facility at which analyses of the samples were performed;
- (E) A description of the analytical methods used, including any clean-up and sample preparation methods;
- (F) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and the description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
- (G) All laboratory results demonstrating whether the exclusion specifications have been met for the waste; and
- (H) All laboratory documentation that support the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in paragraph (b)(7) of this section and also provides for the availability of the documentation to the claimant upon request.

Under proposed § 261.38(b)(6), for each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents in appendix VIII of Part 261, except those that the generator determines, based on testing or knowledge, should not be present in the waste, and except for the compounds listed in paragraph § 261.38 (a)(2)(ii)(B). The generator is required to document the basis of each determination that a constituent with an applicable specification should not be present. The generator may not use process knowledge to determine that any of the following categories of constituents with an applicable specification should not be present:

- (A) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 40 CFR 268.40;
- (B) A constituent detected in previous analysis of the waste
- (C) Constituents introduced into the process that generates the waste; or
- (D) Constituents that are byproducts or side reactions to the process that generates the waste

For each waste for which the exclusion is claimed where the generator of the excluded fuel is not the original generator of the hazardous waste, the generator of the excluded fuel may not use process knowledge and must test to determine that all of the constituent specifications have been met.

The excluded fuel generator may use any reliable analytical method to

demonstrate that no constituent of concern is present at concentrations above the specification levels. For the waste to be eligible for exclusion, a generator must demonstrate that:

- (A) The 95% upper confidence limit of the mean concentration for each constituent of concern is not above the specification level; and
- (B) The analyses could have detected the presence of the constituent at or below the specification level.

The generator must conduct sampling and analysis in accordance with the waste analysis plan developed under proposed 261.38(b)(4).

Excluded fuel that has not been blended to meet the kinematic viscosity specification shall be analyzed as generated.

If excluded fuel is blended to meet the kinematic viscosity specification, the generator shall:

- (A) Analyze the waste as generated to ensure that it meets the constituent and heating value specifications, except that emission comparable fuel need not meet the 8,000 Btu/lb, as-fired, heating value criterion of paragraph (a)(2)(i)(A); and
- (B) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all excluded fuel specifications.

Excluded fuel must be re-tested, at a minimum, annually and also after a process change that could change the chemical or physical properties of the waste.

If an emission-comparable fuel burner has not received information from the generator for each shipment documenting the heating value of the fuel and the concentration of benzene and acrolein, the burner must sample and analyze the fuel to determine the heating value and the concentration of benzene and acrolein.

If a burner blends or treats emission-comparable fuel to achieve an as-fired heating value of 8,000 Btu/lb or greater or an as-fired concentration of benzene or acrolein of two percent or lower, the burner shall determine the heating value, benzene concentration, or acrolein concentration, as relevant, by analysis or information from the generator prior to blending and must analyze the fuel after blending or treatment to determine the heating value, benzene concentration, or acrolein concentration, as relevant.

#### *Respondent Tasks*

- Analyze waste for hazardous constituents according to waste analysis plan and determine if constituent levels are within specifications.
- Original generators of excluded fuel may use process knowledge to verify that certain constituents are not present in the fuel.
- Generators blending to meet viscosity specification must re-analyze waste after blending.
- Burners that blend fuel to meet heating value limit or benzene/acrolein concentration must re-analyze the waste after blending

#### *Agency Tasks*

None

## **Recordkeeping**

### *Data Items*

Under proposed § 261.38(b)(8) &(9), the generator must maintain-for three years- records of the following information on-site:

(i) All information required to be submitted to the implementing authority as part of the notification of the claim:

(A) The owner/operator name, address, and RCRA facility ID number of the person claiming the exclusion;

(B) The applicable EPA Hazardous Waste Codes for each hazardous waste excluded as a fuel; and

(C) The certification signed by the person claiming the exclusion or his authorized representative.

(ii) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;

(iii) The monthly and annual quantities of each waste claimed to be excluded;

(iv) Documentation for any claim that a constituent is not present in the hazardous waste as required under paragraph (b)(6) of this section;

(v) The results of all analyses and all detection limits achieved as required under paragraph (b)(4) of this section;

(vi) If the excluded waste was generated through treatment or blending, documentation as required under proposed paragraph §261.38 (a)(4) or (5);

(vii) If the waste is to be shipped off-site, a certification from the burner as required under proposed paragraph 261.38(b)(10);

(viii) The waste analysis plan and documentation of all sampling and analysis results as required by paragraph 261.38(b)(4) of this section; and

(ix) If the generator ships excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:

(A) The name and address of the facility receiving the excluded fuel for burning;

(B) The quantity of excluded fuel shipped and delivered;

(C) The date of shipment or delivery;

(D) A cross-reference to the record of excluded fuel analysis or other information used to make the determination that the excluded fuel meets the specifications as required under paragraph (b)(4) of this section; and

(E) A one-time certification by the burner as required under paragraph (b)(10) of this section.

### *Respondent Tasks*

All ECF Generators must maintain records of,

1. Information to be submitted to the implementing authority (facility info, EPA hazardous waste codes, certification)
2. Description of process.
3. Excluded quantities
4. Documentation for process knowledge based certification
5. Analytical results and waste analysis plan
6. Documentation required for treated/blended ECF

Generators who ship the waste off-site for burning must maintain records of

- For each shipment: Date of shipment, quantity of ECF shipped, info on receiving facility
- One time certification by burner

*Agency Tasks*

None

**Burner Certification**

*Data Items*

Under proposed § 261.38 (b) (10), prior to submitting a notification to the State and Regional Directors, a generator of emission-comparable fuel who intends to ship the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner:

- (A) Certifying that the excluded fuel will be stored under the conditions of paragraph §261.38(c)(1) and burned in a boiler under the conditions of paragraph §261.38(c)(2), and that the burner will comply with the notification, reporting, and recordkeeping conditions of paragraph §261.38 (c)(4);
- (B) Identifying the name and address of the facility that will burn the excluded fuel; and
- (C) Certifying that the state in which the burner is located is authorized to exclude wastes as excluded fuel under the provisions of this section.

*Respondent Tasks*

ECF generators who ship the excluded fuel offsite must obtain from the burners a certification that the fuel will be stored under conditions of §261.38(c)(1) will be burned under conditions of proposed §261.38(c)(2)

*Agency Tasks*

None

**Special Conditions for Emission-Comparable Fuel**

**Storage – Above ground tank systems**

**SPCC requirements**

*Data Items*

Under §261.38 (c)(ii)(A) Emission-comparable fuel tank systems are subject to the following requirements under 40 CFR Part 112 as though emission-comparable fuel meets the definition of oil under §112.2

- (1) Section 112.7, General Requirements for Spill Prevention, Control, and Countermeasure Plans, except for paragraph (c) (secondary containment) and paragraph (d) (waiver of secondary containment);
- (2) Section 112.8, Spill Prevention, Control, and Countermeasure Plan Requirements for Onshore Facilities, except for paragraph (b) (facility drainage), paragraph (c)(2) (secondary containment for bulk storage containers), and paragraph (c)(11) (secondary containment for mobile containers);
- (3) Section 112.20, Facility Response Plans; and

(4) Section 112.21, Facility Response Training and Drills/Exercises.

*Respondent Tasks*

- Renew existing SPCC plans as needed to incorporate storage of ECF and have plan certified by a professional engineer.
- Generators -replace storage tanks as needed. However, this is not an additional burden since generators would incur this cost if the ECF had continued to have been handled as a hazardous waste.
- Burners- Install new storage tanks for ECF.

*Agency Tasks*

None

**Secondary Containment**

*Data Items*

In order to prevent the release of emission comparable fuel or hazardous constituents to the environment, secondary containment that meets the requirements of this paragraph must be provided under proposed §261.38(c)(1)(B)

(1) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of emission-comparable fuel or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected emission-comparable fuel is removed.

(2) To meet the requirements of 40 CFR 261.38 (c)(1)(ii)(B)(1), secondary containment systems must, at a minimum, be:

(i) Constructed of or lined with materials that are compatible with the emission-comparable fuel to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the materials to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of emission-comparable fuel or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked emission-comparable fuel and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to

human health or the environment, if removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

(3) Secondary containment for tanks must include one or more of the following devices:

(j) A liner (external to the tank) that is:

(A) Designed to contain 100 percent of the capacity of the largest tank within its boundary; and

(B) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with emission-comparable fuel if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of emission-comparable fuel);

(ii) A vault that is:

(A) Designed to contain 100 percent of the capacity of the largest tank within its boundary; and

(B) Provided with an impermeable interior coating or lining that is compatible with the stored emission-comparable fuel and that will prevent migration of emission-comparable fuel into the concrete;

(iii) A double-walled tank that is:

(A) Designed as an integral structure (i.e., an inner tank within an outer shell) so that any release from the inner tank is contained by the outer shell; and

(B) Provided with a built-in, continuous leak detection system capable of detecting a release within 24 hours or at the earliest practicable time, if the owner or operator can document in the record that the existing leak detection technology or site conditions will not allow detection of a release within 24 hours; or

(iv) An equivalent device as approved by the Regional Administrator.

(4) Ancillary equipment such as pumps, valves, and piping must be provided with full secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of paragraphs (c)(1)(ii)(B)(3) of this section except for:

(j) Aboveground piping (exclusive of flanges, joints, valves, and connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

### *Respondent Tasks*

- Generators and burners provide, for all ECF tanks, engineered secondary containment (liner (external to the tank), a vault, a double walled tank, or equivalent) that is:
  1. Designed, installed and operated to prevent any migration of ECF
  2. Capable of detecting and collecting releases.
  
- Ensure that ancillary equipment that are not visually inspected daily have full secondary containment.

Note the above is not an added burden for generators because the requirements are equivalent to those required for hazardous waste generator tanks under 40 CFR 265, subpart J.

*Agency Tasks*

None

**Cessation and Containment of Leaks, Reporting**

*Data Items*

Under §264.196 a tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) *Cessation of use; prevent flow or addition of wastes.* The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) *Removal of waste from tank system or secondary containment system.* (1) If the release was from the tank system, the owner/operator must, within 24 hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

(2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) *Containment of visible releases to the environment.* The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(1) Prevent further migration of the leak or spill to soils or surface water; and

(2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) *Notifications, reports.* (1) Any release to the environment, except as provided in paragraph (d)(2) of this section, must be reported to the Regional Administrator within 24 hours of its detection. If the release has been reported pursuant to 40 CFR part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:

(i) Less than or equal to a quantity of one (1) pound, and

(ii) Immediately contained and cleaned up.

(3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Regional Administrator:

(i) Likely route of migration of the release;

(ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(iii) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Regional Administrator as soon as they become available.

(iv) Proximity to downgradient drinking water, surface water, and populated areas; and

(v) Description of response actions taken or planned.

#### *Respondent Tasks*

Clean up leaks from tanks, valves, piping and other equipment containing ECF. Unless amount of material released is less than 1 lb, and leak is immediately contained and cleaned up:

- a) Notify RA of leak within 24 hours
- b) Provide written report within 30 days

Note this is a new requirement for burners of ECF, but the requirement is identical to what's required for generators of hazardous waste under §264.196

#### *Agency Tasks*

Review the report of leaks from generators or burners and ensure proper procedures were followed.

### **Testing and Maintenance of Equipment**

#### *Data Items*

Under 40 CFR 261.38 (c)(v)(A)(2) the testing and maintenance is necessary to assure proper operation in times of emergency all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment required for the emission-comparable fuel tank systems.

#### *Respondent Tasks*

Test and maintain equipment

#### *Agency Tasks*

None

### **Emergency Procedures**



### *Data Items*

Under 40 CFR 261.38 (c)(v)(B), generators and burners of must follow emergency procedures:

(*i*) Whenever there is an imminent or actual emergency situation relating the emission-comparable fuel tank system, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately activate internal facility alarms or communication systems, where applicable, to notify all facility personnel and notify appropriate State or local agencies with designated response roles if their help is needed.

(*ii*) Whenever there is a release, fire, or explosion relating to the emission-comparable fuel tank system, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records, and, if necessary, by chemical analysis.

(*iii*) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

(*iv*) If the emergency coordinator determines that the facility has had a release, fire, or explosion associated with the emission-comparable fuel tank system which could threaten human health, or the environment outside the facility, he must report his findings as provided by paragraph 261.38 (c)(1)(v)(B)(2)(v).

(v) If the emergency coordinator's assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated, and he must immediately notify either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under part 1510 of this title) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include: the name and telephone number of reporter; the name and address of facility; the time and type of incident (e.g., release, fire); the name and quantity of material(s) involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health, or the environment, outside the facility.

(vi) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other materials at the facility. These measures must include, where applicable, stopping processes and operations and collecting and containing released emission-comparable fuel.

(vii) If the emission-comparable fuel tank system stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(viii) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered emission-comparable fuel, contaminated soil or surface water, or any other material that results from a release, fire, or explosion

at the facility.

[Note: Emission-comparable fuel that is released from the tank system must generally be managed as hazardous waste. See §261.38(b)(15).]

(ix) The emergency coordinator must ensure that, in the affected area(s) of the facility: materials that may be incompatible with the released emission-comparable fuel is treated, stored, or disposed of until cleanup procedures are completed; and all emergency equipment listed in the SPCC plan is cleaned and fit for its intended use before operations are resumed.

(x) Note in the record the time, date, and details of any incident that requires implementing the SPCC plan for the emission-comparable fuel tank system. Within 15 days after the incident, submit a written report on the incident to the Regional Administrator. The report must include: the name, address, and telephone number of the owner or operator; the name, address, and telephone number of the facility; the date, time, and type of incident (e.g., fire, explosion); the name and quantity of material(s) involved; the extent of injuries, if any; an assessment of actual or potential hazards to human health or the environment, where this is applicable; and the estimated quantity and disposition of recovered material that resulted from the incident.

#### *Respondent Tasks*

Ensure that there always is an emergency coordinator onsite or on-call that is familiar with all aspects of the facility's Emergency Procedures

In the event of an actual or imminent emergency, take immediate action that protects human health and the environment

Prepare and submit incident report to RA.

#### *Agency Tasks*

Review incident reports

### **Testing and Maintenance of Equipment**

#### *Data Items*

Under 40 CFR 261.38 (c)(v)(A)(2) testing and maintenance is necessary to assure proper operation in times of emergency all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment required for emission-comparable fuel tank systems.

#### *Respondent Tasks*

Test and maintain the communication/fire protection/spill control and decontamination equipment.

#### *Agency Tasks*

None

## **Air emissions**

### *Data Items*

Under §261.38(c)(1)(C) emission-comparable fuel storage tank systems are subject to the applicable air emission controls for Organic Liquids Distribution under subpart EEEE, Part 63, of this chapter, except that the following compounds must be considered in addition to the organic hazardous air pollutants in Table 1 to subpart EEEE when considering the applicability of that subpart and the organic compounds that must be controlled:

- (1) Allyl alcohol (CAS No. 107-18-6)
- (2) Bis(2-ethylhexyl)phthalate [Di-2-ethylhexyl phthalate] (CAS No.117-81-7)
- (3) Butyl benzyl phthalate (CAS No. 85-68-7)
- (4) Diethyl phthalate (CAS No. 84-66-2)
- (5) 2,4-Dimethylphenol (CAS No. 105-67-9)
- (6) Dimethyl phthalate (CAS No. 131-11-3)
- (7) Di-n-octyl phthalate (CAS No. 117-84-0)
- (8) Endothall (CAS No. 145-73-3)
- (9) Ethyl methacrylate (CAS No. 97-63-2)
- (10) 2-Ethoxyethanol [Ethylene glycol monoethyl ether] (CAS No. 110-80-5)
- (11) Isobutyl alcohol (CAS No. 78-83-1)
- (12) Isosafrole (CAS No. 120-58-1)
- (13) Methyl ethyl ketone [2-Butanone] (CAS No. 78-93-3)
- (14) 1,4-Naphthoquinone (CAS No. 130-15-4)
- (15) Propargyl alcohol [2-Propyn-1-ol] (CAS No. 107-19-7)
- (16) Safrole (CAS No. 94-59-7);

### *Respondent Tasks*

According to 40 CFR part 63 Subpart EEEE, generators and burners must ensure that certain ECF storage tanks would be equipped with level 2 storage controls based on their size and vapor pressure. However, generators face similar requirements for hazardous waste storage tanks and thus will not see a change in burden due to this item.

### *Agency Tasks*

None

## **Underground storage tank systems.**

### *Data Items*

Underground storage tank systems are subject to the requirements under 40 CFR Part 280.

### *Respondent Tasks*

Facilities storing ECF in underground tanks must comply with requirement of 40 CFR

*Agency Tasks*

None

**Management of incompatible waste fuels and other materials***Data Items*

(A) The generator must document in the waste analysis plan under paragraph 261.38(b)(4) how precautions will be taken to prevent mixing of waste fuels and other materials which could result in reactions which:

- (1) Generate extreme heat or pressure, fire or explosions, or violent reactions;
- (2) Produce uncontrolled toxic mists, fumes, dusts, or gases;
- (3) Produce uncontrolled flammable fumes or gases; or
- (4) Damage the structural integrity of the storage unit or facility.

*Respondent Tasks*

The generator must document in the waste analysis plan how precautions will be taken to prevent mixing of incompatible waste fuels and other materials. Given that this is a status quo requirement no additional burden arises from this requirement.

*Agency Tasks*

None

**Burner Operating conditions***Data Items*

ECF burners must meet the following operating requirements under proposed 261.38(c)(2)(ii)

(A) Fossil fuel as primary fuel. A minimum of 50 percent of fuel fired to the device shall be fossil fuel, fuels derived from fossil fuel, or tall oil. Such fuels are termed "primary fuel" for purposes of this section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate shall be determined on a total heat or volume input basis, whichever results in the greater volume feedrate of primary fuel fired

(B) Fuel heating value. Primary fuels and emission-comparable fuel shall have a minimum as-fired heating value of 8,000 Btu/lb, and each material fired in a firing nozzle where hazardous waste is fired must have a heating value of at least 8,000 Btu/lb, as-fired;

(C) CO CEMS. When burning emission-comparable fuel, carbon monoxide emissions must not exceed 100 parts per million by volume, over an hourly rolling average (monitored with a continuous emissions monitoring system (CEMS)), dry basis and corrected to 7 percent oxygen. An oxygen CEMS must be used to continuously correct the carbon monoxide level to 7 percent oxygen. Burner must install, calibrate, maintain, and continuously operate the CEMS in compliance with the quality assurance

procedures provided in the appendix to subpart EEE of 40 CFR part 63 (Quality Assurance Procedures for Continuous Emissions Monitors Used for Hazardous Waste Combustors) and Performance Specification 4B (carbon monoxide and oxygen) in appendix B, 40 CFR Part 60.

(D) Dioxin/furan control--(1) If the boiler is equipped with a dry particulate matter control device and the primary fuel is not coal, the combustion gas temperature at the inlet to the dry particulate matter control device must be monitored, and the gas temperature must not exceed 400°F on an hourly rolling average.

(2) Calibration of thermocouples. The calibration of thermocouples must be verified at a frequency and in a manner consistent with manufacturer specifications, but no less frequently than once per year.

(E) Calculation of rolling averages--(1) Calculation of rolling averages upon intermittent operations. You must ignore periods of time when one-minute values are not available for calculating the hourly rolling average. When one-minute values become available again, the first one-minute value is added to the previous 59 values to calculate the hourly rolling average.

(2) Calculation of rolling averages when the emission-comparable fuel feed is cutoff. You must continue monitoring carbon monoxide and combustion gas temperature at the inlet to the dry particulate matter emission control device when the emission-comparable fuel feed is cutoff, but the source continues operating on other fuels. You must not resume feeding emission-comparable fuel if the emission levels exceed the limits provided in paragraphs (c)(2)(ii)(C) and (D) of this section.

(F) Automatic fuel cutoff system--(1) General. You must operate the boiler with a functioning system that immediately and automatically cuts off the emission-comparable fuel feed, except as provided by paragraph (c)(2)(ii)(F)(7) of this section:

(i) When the hourly rolling average carbon monoxide level exceeds 100 ppmv or the combustion gas temperature at the inlet to the initial dry particulate matter control device exceeds 400°F or lower on an hourly rolling average.

(ii) When the span value of the combustion gas temperature detector is exceeded;

(iii) Upon malfunction of the carbon monoxide CEMS or the gas temperature detector; or

(iv) When any component of the automatic waste feed cutoff system fails.

(2) Failure of the automatic fuel cutoff system. If the automatic emission-comparable fuel cutoff system fails to automatically and immediately cut off the flow of emission-comparable fuel upon exceedance of the carbon monoxide or gas temperature limits, you have failed to comply with the emission-comparable fuel cutoff requirements of this section. If an equipment failure prevents immediate and automatic cutoff of the emission-comparable fuel feed, however, you must cease feeding emission-comparable fuel as quickly as possible.

(3) Corrective measures. If, after any automatic emission-comparable fuel feed cutoff, the carbon monoxide or gas temperature limit was exceeded while emission-comparable fuel remained in the combustion chamber, you must investigate the cause of the automatic emission-comparable fuel feed cutoff, take appropriate corrective measures to minimize future automatic cutoffs, and record the findings and corrective measures in the operating record.

(4) Excessive exceedance reporting. (i) For each set of 10 exceedances of the

carbon monoxide emission limit or the limit on the gas temperature at the inlet to the dry particulate matter control device while emission-comparable fuel remains in the combustion chamber (i.e., when the emission-comparable fuel residence time has not transpired since the emission-comparable fuel feed was cutoff) during a 60-day block period, submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.

(ii) On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period.

(6) Testing. The automatic emission-comparable fuel feed cutoff system and associated alarms must be tested at least weekly to verify operability, unless you document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. Conduct operability testing at least monthly and document and record in the operating record automatic emission-comparable fuel feed cutoff system operability test procedures and results.

(G) Boiler load. Boiler load shall not be less than 40 percent. Boiler load is the ratio at any time of the total heat input to the maximum design heat input.

(H) Fuel atomization. The emission-comparable fuel shall be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system, or a rotary cup atomization system under the following conditions:

(1) Particle size. The emission-comparable fuel must pass through a 200 mesh (74 micron) screen, or equivalent;

(2) Mechanical atomization systems. Fuel pressure within a mechanical atomization system and fuel flow rate shall be maintained within the design range taking into account the viscosity and volatility of the fuel;

(3) Rotary cup atomization systems. Fuel flow rate through a rotary cup atomization system must be maintained within the design range taking into account the viscosity and volatility of the fuel.

(I) Restrictions on benzene and acrolein. If the as-fired concentration of benzene or acrolein in the emission-comparable fuel exceeds 2 percent by mass, the firing rate of emission-comparable fuel cannot exceed 25% of the total fuel input to the boiler on heat or volume input basis, whichever results in a lower volume input of emission-comparable fuel.

### *Respondent Tasks*

- a) ECF Burners must ensure that,
  1. A minimum of 50% percent of fuel fired to the device shall be fossil fuel, fuels derived from fossil fuel or tall oil.
  2. Primary fuels and emission-comparable fuel shall have a minimum as-fired heating value of 8,000 Btu/lb, and each material fired in a firing nozzle where ECF is fired must have a heating value of at least 8,000 Btu/lb, as-fired;
  3. Boiler load is not less than 40 percent.

4. If the as-fired concentration of benzene or acrolein in the emission-comparable fuel exceeds 2 percent by mass, ensure that the firing rate of emission-comparable fuel does not exceed 25% of the total fuel input to the boiler on heat or volume input basis, whichever results in a lower volume input of ECF.
5. Burners must install a functioning AWFCO system that immediately and automatically cuts off the emission-comparable fuel feed when: (1) the emissions limit for CO or the APCD inlet temperature limit is exceeded; (2) if the CO CEMS or the gas temperature detector malfunctions; and (3) when any component of the automatic fuel cutoff system malfunctions.
  - b) Burners must investigate occurrences of automatic feed cutoffs, take corrective measures, and record findings.
  - c) Burners must report excessive exceedances to the Administrator as required under proposed § 261.38(c)(2)(F)
  - d) Burners must install a CO CEMS and when burning emission-comparable fuel, ensure that CO not exceed 100 parts per million by volume, over an hourly rolling average dry basis and corrected to 7 percent oxygen.
  - e) Burners equipped with a dry air pollution control device, monitor the combustion gas temperature at the inlet to the initial dry particulate matter control device, and the gas temperature must not exceed 400°F on an hourly rolling average.
  - f) Burners must install an atomization system such that the ECF shall be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system, or a rotary cup atomization.

*Agency Tasks*

None

**EPA Identification Number.**

*Data Items*

Under proposed §261.38(c)(4) a burner that receives emission-comparable fuel from an offsite generator must obtain an EPA identification number from the Administrator. A burner who has not received an EPA identification number may obtain one by applying to the Administrator using EPA form 8700-12.

*Respondent Tasks*

Obtain EPA identification number

*Agency Tasks*

Review information from burner and provide EPA identification number.

**Notification, reporting, and recordkeeping**

*Data Items*

(i) Initial Notification. A burner that receives emission-comparable fuel from an offsite generator must submit an initial notification to the Regional or State RCRA and CAA Directors prior to receiving the first shipment:

(A) Providing the name, address, and EPA identification number of the burner

(B) Certifying that the excluded fuel will be stored under the conditions of paragraph (c)(1) of this section and burned in a boiler under the conditions of paragraph (c)(2) of this section, and that the burner will comply with the notification, reporting, and recordkeeping conditions of paragraph (c)(3) of this section;

(C) Identifying the specific units that will burn the excluded fuel; and

(D) Certifying that the state in which the burner is located is authorized to exclude wastes as excluded fuel under the provisions of this section.

(ii) Reporting. The burner must submit to the Administrator excessive CO exceedance reports required under paragraph (c)(2)(ii)(F)(5) of this section.

(iii) Recordkeeping. (A) Records of shipments. If the burner receives a shipment of emission-comparable fuel from an offsite generator, the burner must retain for each shipment the following information on-site:

(1) The name, address, and RCRA ID number of the generator shipping the excluded fuel;

(2) The quantity of excluded fuel delivered; and

(3) The date of delivery;

(B) Boiler operating data. The burner must retain records of information required to comply with the operating requirements of paragraph (c)(2) of this section.

(C) Records retention. The burner must retain records at the facility for three years.

#### *Respondent Tasks*

Burners receiving ECF must,

- Submit one-time notification to state /regional implementing authority
- If necessary excessive CO exceedance reports to the administrator.

#### *Agency Tasks*

- Review one-time notice from burner
- Review excessive CO exceedance reports

## **4. INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) AGENCY ACTIVITIES**

Agency activities include reviewing one-time notice provided by generators (facility information, excluded waste quantities, and signed statement), reviewing facility response plans, providing EPA identification numbers to ECF burners, and reviewing information provided by burners in the initial notification.

### **5(b) COLLECTION METHODOLOGY AND MANAGEMENT**



In collecting and analyzing information under this regulation pertaining to the expansion of the comparable fuel expansion, EPA promotes and uses state-of-the-art equipment and reporting methodology, including the processing of information in a manner which shall enhance the utility of the information to agencies and the public.

### **5(c) SMALL ENTITY FLEXIBILITY**

There are very few small entities that are affected by this rule. A regulatory impact analysis (RIA) <sup>1</sup> has been prepared for this rule and a copy thereof has also been placed in the Docket for this rule. No significant adverse impact has been found on any small entity. Since this rule is deregulatory, there is an overall burden reduction – not an increase.

### **5.d) COLLECTION SCHEDULE**

Records of shipments of ECF must be maintained at the generator and the burner. The generator must also maintain records of ECF analyses, and both the generator and burner must keep records of inspections of tanks, secondary containment systems, air emissions controls, pumps, valves and other ancillary equipment. Additionally, the burner must maintain a boiler operating record indicating compliance with the special boiler conditions for combustion of ECF. Discussion of collection schedule of these items is not applicable.

The ECF generators must obtain a certification from a potential offsite burner (if the ECF is to be combusted offsite) and submit a one time notification to the implementing authority and receive an approval of the exclusion prior to managing an excluded hazardous waste as ECF

The ECF burners must publish a notice in a major newspaper and provide notification to implementing authorities prior to receiving and burning ECF.

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

### **6(a) ESTIMATING RESPONDENT BURDEN**

EPA estimates respondent burden hours associated with all of the information collection requirements covered in this ICR in Exhibit 2. This exhibit shows the average number of hours required to conduct the information collection activity and the average cost associated with each requirement. Exhibit 2 also shows savings associated with no longer managing the excluded fuel as a hazardous waste.<sup>2</sup>

The estimated burden and cost represents the average burden and cost incurred by a generator and/or burner of ECF. In developing these estimates, EPA recognizes

---

<sup>1</sup> USEPA, “Assessment of the Potential Costs, Benefits, and other Impacts of the Expansion of the RCRA Comparable Fuels Exclusion- Proposed Rule,” Dec 2006. p.42

<sup>2</sup> Note savings are shown in red font as negative numbers.

that the burden for each facility will vary, depending on the number, capacity, and complexity of the units at the facility. Consequently, the burden estimates included in this ICR neither supersede existing technical guidance nor constitute new guidance on the frequency or cost of complying with the information collection requirements associated with RCRA regulations.

## **6(b) ESTIMATING RESPONDENT COSTS**

### **Labor Costs**

For the purposes of this ICR, labor costs have been taken from the ICR for the BIF rule<sup>3</sup> and adjusted to March 2006 levels by increasing the labor rates based on the increase in consumer price index.<sup>4</sup> EPA estimates the burdened labor rates to be \$33.58/hour for clerical support, \$69.75/hour for technical support, \$90.67/hour for a manager and \$119.18/hour for legal/consultant support.

### **Annual Capital and Operation & Maintenance Costs**

Capital costs include any produced physical goods needed to provide the needed information, such as machinery, computers, and other equipment. Capital costs incurred by respondents in this ICR include the cost to install/replace storage tanks, and for the secondary containment of the ECF.

Operation and maintenance (O&M) costs include 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 costs associated with O&M or purchasing services.” O&M costs covered in this ICR include the following:

- Mailing costs or long-distance phone call costs
- Photocopying and document storage overhead and
- Laboratory analysis (For example, EPA estimates that a complete analysis of the constituents and properties of ECF fuel sample costs \$8100).

These costs are based on O&M costs used in ICR #1361.09, and have been updated to 2006 levels using the Consumer Price Index.

### **One Time Costs**

Some costs that are incurred by generators and burners of ECF occur only one time while others occur infrequently. For example, obtaining an EPA ID number is a one-time cost and replacement of ECF storage tanks and associated equipment is scheduled to occur once every 15 years which is the estimated lifetime of a storage tank.

These costs are annualized using a capital recovery factor (CRF). The CRF is given by:

---

<sup>3</sup> USEPA, “Supporting Statement for EPA ICR 1361.10,” October 2005.

<sup>4</sup> <ftp://ftp.bls.gov/pub/special.requests/cpi/cpiai.tx>

$$CRF = \{R * (1+R)^N\} / \{(1+R)^N - 1\}$$

Where R is the annual interest rate and N is the number of years. We assumed an interest rate of 7%. Therefore the CRF is 0.244 for 5 years, 0.142 for 10 years, 0.110 for 15 years and 0.094 for 20 years. Note that we assumed a boiler facility life of 20 years, thus their one time costs were annualized over 20 years.

### **6(c) ESTIMATING AGENCY BURDEN AND COST**

EPA estimates the annual Agency burden hours and costs associated with all the requirements covered in this ICR in Exhibit 4.

Hourly wage rates for the Agency are estimated at \$70.16 for legal staff, \$65.60 for managerial staff, \$48.10 for technical staff, \$22.52 for clerical staff, and \$49.44 for consultants. Rates are based on the Federal employee labor rates “Salary Table 2006-GS,” available at [http://www.opm.gov/oca/06tables/pdf/g\\_s\\_h.pdf](http://www.opm.gov/oca/06tables/pdf/g_s_h.pdf), and a standard government overhead rate of 1.6 EPA OSW Headquarters, Regional, and State offices will be involved in these activities. For purposes of this ICR, we assume the assigned staff at the following government services levels:

- Legal Staff               GS-15, Step1
- Managerial Staff       GS-14, Step 4
- Technical Staff         GS-12, Step 5
- Clerical Staff           GS-5, Step 6

The agency burden is due to review of plans, petitions, notifications, and requests. As stated in para 4 (b) above, some of this burden will be shared by the the States authorized to administer their own RCRA program (under section 3006 of RCRA)

### **6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS**

The respondent universe is estimated from information provided in the RIA referenced in Section 5 (c).

EPA estimates that 107 generators of hazardous waste will use the ECF exclusion. These generators belong to three broad categories. It is estimated that approximately 95 of these generators are facilities that currently incur hazardous waste disposal costs for qualifying ECF also known as Type 1 facilities.<sup>5</sup> These generators will burn ECF in a fossil fuel fired watertube boiler that previously did not burn hazardous waste. As a result of the savings, Type 1 generators will save on hazardous waste disposal costs. Moreover, since ECF will displace fossil fuel, burners of ECF will also save on fuel costs.

---

<sup>5</sup> These facilities are paying disposal fees to incinerators, kilns or other entities. The number of Type 1 facilities was estimated from the RIA based on information provided for boiler control costs. Total costs are \$3.02 million at an approx cost of \$32,000 per boiler.

Type 2 and Type 3 facilities do not currently pay disposal fees for their ECF, i.e. they are burning the “to be excluded” ECF as a hazardous waste onsite or at an affiliated unit offsite. Type 2 facilities are those that will take the exclusion but will continue to burn ECF in a boiler that remains a hazardous waste boiler. We estimate that there are approximately 10 (9% of ECF generator universe) generators that can be classified as type 2. Although these generators will see very little measurable benefits from the exclusion, they will nonetheless take the exclusion because of intangibles.<sup>6</sup>

Type 3 facilities are those that will exit the BIF/MACT universe as a result of the comparable fuel expansion. We estimate that 2 generators qualify for this category. They burn the waste onsite in a hazardous waste boiler and will exit the BIF/MACT regulatory system because all the generated and burned hazardous waste will qualify as ECF. Exhibit 1 shows the respondent universe by type of generator.

**EXHIBIT 1: RESPONDENT UNIVERSE**

	<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>	<b>TOTAL</b>
<b># of Generators using exclusion</b>	<b>95</b>	<b>10</b>	<b>2</b>	<b>107</b>
<b># of ECF Burners</b>	<b>95</b>	<b>10</b>	<b>2</b>	<b>107</b>
<b># of offsite ECF Burners</b>	<b>45</b>	<b>4</b>	<b>0</b>	<b>49</b>

Additionally, for the purposes of this ICR we estimate that:

- Each generator of ECF generates, on average, three qualifying streams and a total ECF quantity of 1000 tons per year.<sup>7</sup>
- All ECF streams from a single generator go to a single “qualifying” boiler and each boiler receives waste only from a single generator. Thus 107 generators using ECF exclusion will send ECF to 107 boilers for burning.
- About 47% of type 1 and 2 boilers (49 boilers in total) are located offsite from the ECF generators.

Thus the 107 generators of ECF and the 49 offsite burners of ECF constitute the 156 respondents to the expanded comparable fuels exclusion.

The following sections detail costs and savings that will be incurred by respondents. Note only costs incremental to those currently incurred have been shown.

**COSTS**

**Reading the Regulations**

EPA estimates that all 156 respondents will read the regulations

**Notices**

<sup>6</sup> For example, facilities may consider it beneficial to reduce the quantity of hazardous waste they are handling.

<sup>7</sup> Based on 107 ECF generators and a total excluded waste quantity (RIA Estimate) of 166,500 tons per year

EPA estimates that all 107 generators will prepare and submit a one-time notice to Regional/State RCRA or CAA director certifying compliance with the conditions of the exclusion. Additionally, 97 burners (Type I and Type III) will prepare and publish in a major newspaper, a notification of burning a fuel excluded under RCRA.

### **Analysis plans for burners of ECF**

Burners that do not receive information on benzene or acrolein concentration or heating value of ECF from the generator and burners that blend waste to meet the specifications must re-analyze the ECF. EPA estimates that 5% of all burners (or 5 burners) fit this category and will re-analyze their waste

### **Excluded fuel sampling and analysis**

EPA estimates that 95 generators will perform annual analysis on ECF for hazardous constituents according to the waste analysis plan and determine if constituents are within specifications levels. We assume three ECF streams per generator and that 50% of streams will be analyzed annually while 50% will be analyzed semi-annually.

EPA estimates that 5 offsite burners will blend fuel to meet either the heating value limit or benzene/acrolein concentration must re-analyze the waste after blending

### **Records**

EPA estimates that all ECF generators will maintain records of analysis on their ECF streams.

EPA estimates that 47% of generators of ECF will ship the waste off-site for burning and must maintain records of shipments on file. We estimate an average of 17 ECF shipments will occur per generator annually.

### **Burner Certification**

EPA estimates that 47% of total 95 ECF generators who ship the excluded fuel offsite must obtain from the burners a certification that the fuel will be stored under conditions of proposed §261.38(c)(1) will be burned under conditions of §261.38(c)(2)

### **Above ground tank systems**

#### **SPCC requirements**

EPA estimates that 95 generators and 47 offsite burners must renew existing SPCC plans as needed to incorporate storage of ECF and have plan certified by a professional engineer and submit response plan to RA. We assume that SPCC plans will be revised every 10 years.

EPA estimates that 95 burners will install storage tanks for ECF and that the life of a

storage tank is 15 years.

## **Secondary Containment**

EPA estimates that 95 burners will install engineered secondary containment for all storage tanks as the tanks are replaced at the end of its useful life.

EPA estimates that 95 ECF burners will perform daily inspection of tanks, weekly inspections of piping and equipment and monthly VOC monitoring.

## **Cessation and Containment of Leaks, Notification, Reporting**

EPA estimates that 45 offsite burners will need to clean-up equipment leaks and report leaks to RA 3 times a year.

## **Air emissions**

EPA estimates that 75% of type 1 ECF burners will equip their tanks with level 2 storage controls based on size and vapor pressure as the tanks are replaced at the end of their useful life.

EPA estimates that all type 1 ECF burners must maintain records of inspections, performance tests (on air emissions controls) and defective equipment.

## **Underground storage tank systems**

EPA estimates that no ECF will be stored in underground storage tank systems.

## **Burner Operating Conditions**

EPA estimates that all 95 type 1 ECF burners will install an automatic feed cutoff system (AWFCO) for their ECF. We estimate 50% of ECF burners will have a waste feed cutoff and investigate reason for AWFCO and take corrective action and 1% of ECF burners will submit a written report for 10 exceedances of the CO emission limit.

EPA estimates that 95 ECF burners must perform weekly test (52 weeks/year) the automatic ECF feed cutoff system.

EPA estimates that 95 ECF burners must install CO CEMS to ensure that CO not exceed 100 parts per million by volume, over an hourly rolling average dry basis and corrected to 7 percent oxygen. 95 ECF burners must daily (365 days/ year) maintain and calibrate the CO CEMS.

For dioxin control, EPA estimates that only 10% of 95 ECF burners need to install the temperature monitoring and 50% out of 95 type 1 ECF burners 50% will install an atomization system for firing liquid ECF.

EPA estimates that the CO CEMS, AWFCO and temperature monitoring system will have a 10 year life.

### **EPA Identification Number**

EPA estimates that 95 ECF Burners will obtain an EPA identification number. This is a one time cost.

### **Notification, reporting, and recordkeeping**

EPA estimates that 95 ECF burners receiving ECF must submit one-time notification to state /regional implementing authority

### **SAVINGS**

- EPA estimates 95 generators will save on hazardous waste disposal costs at an average of \$252 per ton of ECF. It is estimated that 20% of these savings can be attributed to labor and 20% is an O&M cost that could be considered “paperwork” savings.
- EPA estimates that 47 generators who ship their ECF offsite will save on manifest preparation and retention costs for an average of 27 shipments per generator annually.
- EPA estimates 2 hazardous waste burning boilers will exit the BIF/MACT regulatory system and save on compliance costs ( Including comprehensive performance testing, and site specific risk assessments)

## **6(e) BOTTOM LINE BURDEN HOURS AND COST TABLES**

### **(i) Respondent Tally**

Exhibit 2 details the annual burden to respondents generating and burning ECF under the proposed expansion of the comparable fuels exclusion. However, generators of ECF will also have a reduction in burden due to these wastes exiting the hazardous waste universe, and being spared from paperwork, reporting, and recordkeeping requirements needed for hazardous wastes under RCRA<sup>8</sup>.

As shown in exhibit 2, there are a total of 68,130 responses/activities, or the 156 respondents will average 436 responses per respondent annually. The proposed rule will result in a burden reduction of 21,206 hours and savings of \$3,186,590 in capital and O&M costs. Dividing the net burden reduction and cost savings by the number of responses provides the “per response” values for these items. Exhibit 2 further breaks down all data items into reporting (RP) and recordkeeping (RK) costs noted in column Q of the exhibit.<sup>9</sup> Tables 1A and 1B summarize separately the hour and cost burden for the respondents needed to comply with this rule, and the savings occurring upon complying. Table 1C shows the net overall effect of complying with the rule.

---

<sup>8</sup> Burden reductions are shown in red in exhibit 2.

<sup>9</sup> On occasion some items are listed as RP/RK. Here the 50% of the costs/savings are assigned to reporting and 50% is assigned to recordkeeping.

Table 1A- Private Sector Burden

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (36499 responses)	1.39	50,881	\$2	\$85,526
Recordkeeping (33048 responses)	0.74	24,403	\$121	\$3,985,816
Third Party Disclosure				
Total (69547 responses)	1.08	75,284	\$59	\$4,071,341

Table 1B- Private Sector Savings

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (55 responses)	(868.5)	(47,770)	(\$66,731)	(\$3,670,231)
Recordkeeping (1362 responses)	(35.8)	(48,720)	(\$2,634)	(\$3,587,700)
Third Party Disclosure				
Total (1417 responses)	(68.1)	(96,490)	(\$5,122)	(\$7,257,931)

Table 1C- Private Sector Net Burden

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (36444 responses)	0.09	3111	(\$98)	(\$3,584,705)
Recordkeeping (31686 responses)	(0.77)	(24317)	\$13	\$398,116
Third Party Disclosure				
Total (68130 responses)	(0.31)	(21,206)	(\$47)	(\$3,186,590)

**(ii) Agency Tally**

The annual burden to the Agency under the under the proposed rule is estimated to be 348 hours, while the capital and O&M costs to the agency are estimated to be \$1500. The hour and cost burden is due to a total of 745 responses from the 156 respondents. As stated in para 4 (b) above, some of this burden will be shared by the States authorized to administer their own RCRA program (under section 3006 of RCRA). We estimate that 2/3rd of this burden and costs will be incurred by the federal government (i.e., EPA regional offices) while 1/3rd will be incurred by the authorized States. Exhibits 3a and 3b list these hours and costs for the States and the federal government. Tables 2 and 3 summarize this information of Exhibits 3a and 3b.

**Table 2- Hour and Cost Burden- States**

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
--	--------------------	--------------------------	--	---



Reporting	1.16	39	\$3.00	\$101
Recordkeeping	0.36	77	\$1.86	\$399
Third Party Disclosure				
Total	0.47	116	\$2.01	\$500

**Table 3: Hour and Cost Burden- Federal Government**

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting	1.16	78	\$3.00	\$202
Recordkeeping	0.36	154	\$1.86	\$798
Third Party Disclosure				
Total	0.47	232	\$2.01	\$1,000

## 6(f) REASONS FOR CHANGE IN BURDEN

This ICR has been prepared to show the paperwork burden as a result of a proposed rule. The additional burden associated with this proposed rule, is offset by the fact that there is an overall burden reduction associated with this rule, since the rule is deregulatory. The excluded comparable fuel will exit the hazardous waste universe, and will not be required to comply with the paperwork, reporting and recordkeeping requirements for hazardous wastes under RCRA. This negative burden will be effective when the rule is finalized and promulgated, some time in 2008. At that time, based on the approved rule provisions, the current ICR will be revised and the new burden hours incorporated in the ICRAS system.

## 6(g) BURDEN STATEMENT

As described in section 6(e) and Exhibit 2, the respondents generating and burning ECF under the proposed expansion of the comparable fuels exclusion will incur both capital and operating and maintenance costs to comply with the conditions of the exclusion. However, generators of ECF will also have a reduction in burden due to these wastes exiting the hazardous waste universe, and being spared from paperwork, reporting, and recordkeeping requirements needed for hazardous wastes under RCRA. The proposed rule will result in a burden reduction of 136 hours per respondent for a total of 21,206 hours and savings of \$3,186,590 in capital and O&M costs.

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 in 40 CFR are listed in 40 CFR Part 9.

To comment 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, EPA has established a public docket for this rule, which includes this ICR, under Docket ID number EPA-HQ-RCRA-2005-0017. Submit any comments related to the ICR for this proposed rule to EPA and OMB. See 'Addresses' section at the beginning of the Federal Register notice for where to submit comments to EPA. Send comments to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. within 30 days after the publication in the FEDERAL REGISTER. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
2	Supporting Statement for EPA ICR 1361.11																						
3	May-07																						
4	EXHIBIT 2: Respondent Net Burden																						
6		Hours and Costs (or Savings) Per Respondent or Activity									Total Hours and Costs (or Savings)			Total Cost (or Savings) Breakdown			Reporting (RP) vs. Recordkeeping (RK)	Reporting vs. Recordkeeping					
7																							
8		Legal	Manager	Technical	Clerical/Maint	Respon.	Labor	Capital/		No of	Total	Total											
9		\$119.18	\$90.67	\$69.75	\$33.58	Hours per Activity	Cost per Activity	Startup Cost	O & M Cost	Respondents or Activities	Hours per Year	Cost per Year	Labor	Capital	O&M								
10	<b>INFORMATION COLLECTION ACTIVITY</b>																						
11	Reading the Regulations																						
12	Read the Regulation	0.0	1.0	0.0	0.0	1.0	\$91	\$0	\$0	156	156	\$14,155	\$14,155	\$0	\$0	RK					156	156	\$0
13																							
14	SUBTOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies		156	156	\$14,155	\$14,155	\$0	\$0					156	156	\$0
15																							
16	Notices 261.38(b)(2)																						
17	(i) Generator-One time notice to Regional or State RCRA and CAA Directors	0.0	1.0	0.0	2.0	3.0	\$158	\$0	\$0	107	30	\$1,594	\$1,594	\$0	\$0	RP	107	30	\$0				
18	(ii) Burner- Publish public notice in major newspaper	0.0	0.5	0.0	0.0	0.5	\$45	\$500	\$0	97	5	\$4,988	\$415	\$4,573	\$0	RP	97	5	\$4,573				
19																							
20	SUBTOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies		204	35	\$6,582	\$2,009	\$4,573	\$0		204	35	\$4,573	0	0	\$0
21																							
22	ECF analysis plans for burners of ECF 261.38(b)(5)																						
23	Burners -Test for benzene, acrolein composition and Heating value	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$300	5	0	\$1,473	\$0	\$0	\$1,473	RK					5	0	\$1,473
24	Emission-comparable fuel sampling and analysis 261.38(b)(6)																						
25	Generators-Annual testing for constituents	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$8,100	428	0	\$3,462,750	\$0	\$0	\$3,462,750	RK					428	0	\$3,462,750
26																							
27	SUBTOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies		432.4	0.0	\$3,464,223	\$0	\$0	\$3,464,223					432.4	0.0	\$3,464,223
28																							
29																							
30	Records 261.38(b)(8)																						
31	(i)-(viii) Maintain records of information submitted to implementing authority, facility info,process description, waste codes/quantities, waste analysis plan, analytical methods/results/detection limits, process knowledge certification	0.0	1.0	8.0	16.0	25.0	\$1,186	\$0	\$0	285	7,125	\$338,020	\$338,020	\$0	\$0	RK					285	7,125	\$0
32	(vii) If the waste is to be shipped off-site, maintain a certification from the burner as required under paragraph 261.38(b)(10)	0.0	0.0	0.0	0.5	0.5	\$17	\$0	\$0	45	22	\$750	\$750	\$0	\$0	RK					45	22	\$0
33	Manifests of HW shipments	0.0	0.3	0.0	0.9	1.1	\$51	\$0	\$0	-1,313	-1,444	-\$67,246	-\$67,246	\$0	\$0	RK					-1,313	-1,444	\$0
34	Burner certification 261.38(b)(10)																						
35	For offsite shipments generators obtain 1-time certification from burner stipulating that ECF will be stored in accordance with 261.38 (c) (1) and burned as stipulated in 261.38 9(c) (2)	0.0	1.0	2.0	0.0	3.0	\$230	\$0	\$0	45	13	\$970	\$970	\$0	\$0	RK					45	13	\$0
36																							
37	SUBTOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies		-939	5,716	\$272,494	\$272,494	\$0	\$0					-939	5,716	\$0
38																							
39																							
40	Special conditions for emission-comparable fuel 261.38(c)																						
41	<b>Storage - Above Ground Tank Systems 261.38(c)(ii)</b>																						
42	(A) SPCC Requirements																						
43	Renewal of SPCC Plan per 112.7: Including physical layout of the facility,describing discharge prevention measures and discharge/drainage controls, Countermeasures for discharge discovery, response and cleanup and disposal methods	0.0	1.1	8.7	1.6	11.5	\$763	\$0	\$0	156	255	\$16,969	\$16,969	\$0	\$0	RP	156	255	\$0				
44	Obtain PE Certification for SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$290	156	0	\$6,451	\$0	\$0	\$6,451	RK					156	0	\$6,451

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
	Hours and Costs (or Savings) Per Respondent or Activity									Total Hours and Costs (or Savings)			Total Cost (or Savings) Breakdown			Reporting (RP) vs. Recordkeeping (RK)	Reporting vs. Recordkeeping						
	Legal	Manager	Technical	Clerical/Maint	Respon.	Labor	Capital/			No of	Total	Total	Labor	Capital	O&M		Reporting			Recordkeeping			
					Hours per Activity	Cost per Activity	Startup Cost	O & M Cost		Respondents or Activities	Hours per Year	Cost per Year					No. Responses	Total Hours	Capital/O&M	No. Responses	Total Hours	Capital/O&M	
6																							
7																							
8																							
9		\$119.18	\$90.67	\$69.75	\$33.58																		
45	Install/modify storage tanks with with discharge prevention (e.g liquid level sensing devices)-Burners	0.0	0.0	0.0	0.0	0.0	\$0	\$22,043	\$0	95	0	\$229,924	\$0	\$229,924	\$0	RK					95	0	\$229,924
46																							
47	SUBTOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies		407	255	\$253,345	\$16,969	\$229,924	\$6,451		156	255	\$0	251	0	\$236,376
48																							
49	(B) Containment and detection of releases																						
50	Secondary containment systems																						
51	Install engineered secondary containment for all storage tanks (E.g A liner (external to the tank) , a vault, a double wall) with built in continuous leak detection per 261.38 (c)(1)(ii)(B) - burners	0.0	0.0	0.0	0.0	0.0	\$0	\$9,833	\$0	95	0	\$102,561	\$0	\$102,561	\$0	RK					95	0	\$102,561
52	Inspect tanks, piping, and ancillary equipment (pumps/valves) and VOC monitoring - Burners	0.0	0.0	0.1	0.3	0.4	\$16	\$0	\$0	31,208	12,372	\$490,732	\$490,732	\$0	\$0	RK					31,208	12,372	\$0
53	Security-Generators and burners 261.38 ( c ) (1)(iii)(D)	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$300	45	0	\$13,395	\$0	\$0	\$13,395	RK					45	0	\$13,395
54	Testing/Maintenance of equipment 261.38 (c)(1)(v)(A)(2) - Burners	0.0	0.5	0.0	2.0	2.5	\$113	\$0	\$100	45	112	\$9,488	\$5,023	\$0	\$4,465	RK					45	112	\$4,465
55	Emergency response 261.38 (c)(1)(v)(B)(2) - Burners	0.0	0.5	1.0	2.0	3.5	\$182	\$0	\$0	9	31	\$1,628	\$1,628	\$0	\$0	RP	9	31	\$0				
56	Cessation and containment of leaks	0.0	8.0	4.0	4.0	16.0	\$1,139	\$0	\$471	134	2,143	\$215,650	\$152,528	\$0	\$63,123	RK					134	2,143	\$63,123
57	Notification and reporting of leaks	0.0	9.0	4.0	5.0	18.0	\$1,263	\$0	\$0	134	2,411	\$169,171	\$169,171	\$0	\$0	RP	134	2,411	\$0				
58																							
59	SUBTOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies		31,669	17,069	\$1,002,626	\$819,082	\$102,561	\$80,983		143	2,442	\$0	31,526	14,626	\$183,543
60																							
61																							
62	Air emissions Controls 261.38(c) (1)(ii)(C)																						
63	Install level 2 air emissions controls under the Organic Liquids Distribution NESHAP 40 CFR , Part 63, subpart EEEE - Burners	0.0	0.0	0.0	0.0	0.0	\$0	\$6,427	\$0	71	0	\$50,275	\$0	\$50,275	\$0	RK					71	0	\$50,275
64	Maintain records of inspections, performance tests, & defective equipment - Burners	0.0	3.0	11.1	10.3	24.4	\$1,392	\$0	\$0	95	2,318	\$132,257	\$132,257	\$0	\$0	RK					95	2,318	\$0
65	Hazardous Waste Disposal Savings	15.0	80	300	600	995.0	\$50,117	\$0	\$75,531	-95	-94,525	-\$11,936,554	-\$4,761,154	\$0	-\$7,175,400	RP/RK	-48	-47,263	-\$3,587,700	-48	-47,263	-\$3,587,700	
66																							
67	SUBTOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies		71	-92,207	-\$11,754,021	-\$4,628,896	\$50,275	-\$7,175,400		-48	-47,263	-\$3,587,700	119	-44,945	-\$3,537,425
68																							
69																							
70	Burning 261.38(c) (2)																						
71	Automatic Waste Fuel Cutoff 261.38(c) (2)(F)																						
72	Install AWFCO	0.0	0.0	0.0	0.0	0.0	\$0	\$3,800	\$0	95	0	\$51,398	\$0	\$51,398	\$0	RK					95	0	\$51,398
73	Investigate instances when AWFCO occurs and take corrective action	0.0	0.0	1.0	2.0	3.0	\$137	\$0	\$0	48	143	\$6,504	\$6,504	\$0	\$0	RK					48	143	\$0
74	Submit a written report within 5 calendar days for each of 10 exceedances of the CO emission limit	0.0	0.5	3.0	0.0	3.5	\$255	\$0	\$0	1	3	\$242	\$242	\$0	\$0	RP	1	3	\$0				
75	Test the automatic emission-comparable fuel feed cutoff system and associated alarms weekly	0.0	0.0	0.0	0.3	0.3	\$8	\$0	\$0	4,446	1,112	\$37,328	\$37,328	\$0	\$0	RP	4,446	1,112	\$0				
76	CO CEMS 261.38(c) (2)(C)																						
77	Install CO CEMS.	0.0	0.0	0.0	0.0	0.0	\$0	\$2,900	\$2,900	95	0	\$78,450	\$0	\$39,225	\$39,225	RP	95	0	\$78,450				
78	Maintain, calibrate CO CEMS and record data	0.0	0.3	0.5	0.8	1.5	\$83	\$0	\$0	31,208	46,811	\$2,581,846	\$2,581,846	\$0	\$0	RP	31,208	46,811	\$0				
79	Dioxin/furan control 261.38(c) (2)(D)																						
80	Install temperature monitoring device	0.0	0.0	0.0	1.0	1.0	\$34	\$50	\$50	10	1	\$181	\$45	\$68	\$68	RP	10	1	\$135				
81	Atomization Systems																						
82	Install atomization system	0.0	0.5	0.5	1.0	2.0	\$114	\$263	\$88	48	14	\$3,137	\$770	\$1,775	\$592	RP	48	14	\$2,367				
83																							
84	SUBTOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies		35,949	48,083	\$2,759,086	\$2,626,735	\$92,466	\$39,884		35,806	47,941	\$80,952	143	143	\$51,398
85																							
86	BIF/MACT COMPLIANCE SAVINGS																						

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
6	Hours and Costs (or Savings) Per Respondent or Activity									Total Hours and Costs (or Savings)			Total Cost (or Savings) Breakdown			Reporting (RP) vs. Recordkeeping (RK)	Reporting vs. Recordkeeping					
7																	Reporting			Recordkeeping		
8	Legal	Manager	Technical	Clerical/Maint	Respon.	Labor	Capital/			No of	Total	Total										
9	\$119.18	\$90.67	\$69.75	\$33.58	Hours per Activity	Cost per Activity	Startup Cost	O & M Cost	Respondents or Activities	Hours per Year	Cost per Year	Labor	Capital	O&M	No. Responses		Total Hours	Capital/O&M	No. Responses	Total Hours	Capital/O&M	
87	Comprehensive Performance Test 63.1207(b)	0.0	702.5	242.0	94.0	1039	\$83,731	\$0	\$60,058	-2	-481	-\$66,631	-\$38,800	\$0	-\$27,830	RP	-2	-481	-\$27,830			
88	One Time DF Test 63.1207(b)	0.0	5.0	30.0	5.0	40	\$2,714	\$0	\$5,000	-2	-7	-\$1,383	-\$487	\$0	-\$897	RP	-2	-7	-\$897			
89	Site Specific Risk Assessment	0.0	0.0	0.0	0.0	0	\$0	\$0	\$300,000	-2	0	-\$53,804	\$0	\$0	-\$53,804	RP	-2	0	-\$53,804			
90	Startup-Shutdown & Malfunction Plan (63.1206 (c))	0.0	7.0	55.0	11.5	74	\$4,857	\$0	\$0	-2	-13	-\$871	-\$871	\$0	\$0	RK				-2	-13	\$0
91	Initial Notification & Documentation of Compliance	0.0	15.5	86.0	5.0	107	\$7,572	\$0	\$0	-2	-19	-\$1,358	-\$1,358	\$0	\$0	RP	-2	-19	\$0			
92																						
93	SUBTOTAL	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	-10	-521	-\$124,048	-\$41,516	\$0	-\$82,531		-8	-508	-\$82,531	-2	-13	\$0
94																						
95	EPA Identification Number 261.38(c )(4)																					
96	Burners-Obtain an EPA identification number	0.0	1.0	1.0	0.0	2.0	\$160	\$0	\$0	95	190	\$1,439	\$1,439	\$0	\$0	RP	95	190	\$0			
97	Notification, reporting, and recordkeeping 261.38(c )(5)																					
98	Burner provide Initial notification and certification of storage and operating Conditions to RCRA or CAA authority	0.0	1.0	1.0	0.0	2.0	\$160	\$0	\$0	95	18	\$1,439	\$1,439	\$0	\$0	RP	95	18	\$0			
99																						
100	SUBTOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies	190	208	\$2,877	\$2,877	\$0	\$0		190	208	\$0			
101																						
102	TOTAL		Varies	Varies	Varies	Varies	Varies	Varies	Varies	68,130	(21,206)	(4,102,682)	(916,092)	479,799	(3,666,389)		36,444	3,111	(3,584,705)	31,686	(24,317)	398,116
103																						

	Hours and Costs Per Respondent or Activity								Total Hours and Costs				Reporting (RP) vs. Recordkeeping (RK)	Reporting vs. Recordkeeping					
	Legal	Manager	Technical	Clerical/Maint	Total	Labor	Capital	Capital/O&M	No of	Total	Total	Total		Reporting			Recordkeeping		
	\$70.16	\$65.60	\$48.10	\$22.52	Hours per	Cost per	Startup	O&M Costs/Yr	respondents/activities	Hours per Year	Cost Per Year	Capital/O&M Costs/Yr		No. Responses	Total Hours	Capital/ O&M Costs/Yr	No. Responses	Total Hours	Capital/ O&M Costs/Yr
<b>INFORMATION COLLECTION ACTIVITY</b>																			
<b>Notices 261.38(b)(2)</b>																			
Review notice by generator certifying compliance with the exclusion	0.0	1.0	3.0	5.0	9.0	\$323	\$0	\$3	36	30	\$1,096	\$107	RP/RK	18	15	\$54	18	15	\$54
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	36	30	\$1,096	\$107		18	15	\$54	18	15	\$54
<b>Special conditions for emission-comparable fuel 261.38(c)</b>																			
<b>Storage - Above Ground Tank Systems 261.38(c)(ii)</b>																			
<b>Secondary Containment - Cessation and containment of leaks, reporting</b>																			
Review the report of leaks from generators or burners and ensure proper procedures were followed.	0.0	0.0	1.0	0.3	1.3	\$54	\$0	\$2	140	25	\$1,108	\$279	RK				140	25	\$279
<b>Emergency procedure</b>																			
Review incident reports	0.0	0.5	1.0	0.5	2.0	\$92	\$0	\$2	9	3	\$125	\$19	RK				9	3	\$19
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	149	28	\$1,233	\$298		0	0	\$0	149	28	\$298
<b>EPA Identification Number 261.38(c)(4)</b>																			
Review information from burner and provide EPA identification number	0.0	0.0	0.5	1.0	1.5	\$47	\$0	\$3	32	48	\$148	\$95	RP/RK	16	24	\$48	16	24	\$48
<b>Notification, reporting, and recordkeeping 261.38(c)(5)</b>																			
Review one-time notice from burners	0.0	0.5	1.0	2.0	3.5	\$126	\$0	\$0	32	10	\$376	\$0	RK				32	10	\$0
Review excessive CO exceedence reports	0.0	0.5	2.0	2.0	4.5	\$174	\$0	\$0	0.3	0	\$5	\$0	RK				0	0	\$0
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	64	58	\$530	\$95		16	24	\$48	48	34	\$48
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	248	116	\$2,859	\$500		34	39	\$101	215	77	\$399

	Hours and Costs Per Respondent or Activity								Total Hours and Costs				Reporting (RP) vs. Recordkeeping (RK)	Reporting vs. Recordkeeping						
	Legal	Manager	Technical	Clerical/Maint	Total respondents/activities	Labor Hours per Year	Capital Cost Per Year	Capital/O&M Costs/Yr	No of Activities	Total Hours per Year	Total Cost Per Yr	Total Capital/O&M Costs/Yr		Reporting			Recordkeeping			
														No. Responses	Total Hours	Capital/ O&M Costs/Yr	No. Responses	Total Hours	Capital/ O&M Costs/Yr	
	\$70.16	\$65.60	\$48.10	\$22.52																
<b>INFORMATION COLLECTION ACTIVITY</b>																				
Notices 261.38(b)(2)																				
Review notice by generator certifying compliance with the exclusion	0.0	1.0	3.0	5.0	9.0	\$323	\$0	\$3	71	61	\$2,192	\$214	RP/RK	36	30	\$107	36	30	\$107	
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	71	61	\$2,192	\$214		36	30	\$107	36	30	\$107	
Special conditions for emission-comparable fuel 261.38(c)																				
<b>Storage - Above Ground Tank Systems 261.38(c)(ii)</b>																				
<b>Secondary Containment - Cessation and containment of leaks, reporting</b>																				
Review the report of leaks from generators or burners and ensure proper procedures were followed.	0.0	0.0	1.0	0.3	1.3	\$54	\$0	\$2	279	50	\$2,216	\$559	RK				279	50	\$559	
<b>Emergency procedure</b>																				
Review incident reports	0.0	0.5	1.0	0.5	2.0	\$92	\$0	\$2	19	5	\$250	\$37	RK				19	5	\$37	
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	298	55	\$2,466	\$596		0	0	\$0	298	55	\$596	
EPA Identification Number 261.38(c)(4)																				
Review information from burner and provide EPA identification number	0.0	0.0	0.5	1.0	1.5	\$47	\$0	\$3	63	95	\$296	\$190	RP/RK	32	48	\$95	32	48	\$95	
<b>Notification, reporting, and recordkeeping 261.38(c)(5)</b>																				
Review one-time notice from burners	0.0	0.5	1.0	2.0	3.5	\$126	\$0	\$0	63	21	\$753	\$0	RK				63	21	\$0	
Review excessive CO exceedance reports	0.0	0.5	2.0	2.0	4.5	\$174	\$0	\$0	0.7	0	\$11	\$0	RK				1	0	\$0	
<b>SUBTOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	127	116	\$1,060	\$190		32	48	\$95	96	68	\$95	
<b>TOTAL</b>	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies	497	232	\$5,718	\$1,000		67	78	\$202	429	154	\$798	