

Two commenters, the University of Missouri, and the University of Nevada, sent identical comments on this ICR renewal. The commenters feel that the LDR generator notification requirement found at 40 CFR 268.7(a)(2) is an unnecessary burden. As the commenters point out, the proposed Burden Reduction (BR) rule (67 FR 2517, January 17, 2002) considered deleting the generator notification. However, when the BR rule went final on April 4, 2006 (71 FR 16861), the generator notification was retained but revised to allow the generator to defer to the treatment, storage, and disposal facilities (TSDFs) to perform any waste analysis. In deciding to retain the generator notification, EPA had to balance the needs of some generators, who wished the TSDFs to make all waste determinations, and the TSDFs, who claim they rely on generator knowledge of the waste they produce.

Previously to the BR rule, EPA had reduced burden for generators by changing the requirements from the generator notification accompanying each shipment of waste, with a full listing of each EPA hazardous waste codes in the shipment, to the one-time notification that is currently in place. The commenters point out that for university laboratories, as opposed to industrial generators, waste streams vary widely, and the one-time notification does not provide them the same relief it does for more homogeneous waste streams. The Agency appreciates the unique challenges faced by university laboratories, and has proposed alternative generator standards under RCRA for them (see 71 FR 29712, May 23, 2006).

Finally, the commenters state that the burden estimates for the LDR ICR are too low. The burden estimates are an average of all the 188,181 respondents to the LDR ICR. Universities only account for approximately 0.15% of the total universe of respondents.