SUPPORTING STATEMENT FOR

EPA INFORMATION COLLECTION REQUEST NUMBER 1189.20

IDENTIFICATION, LISTING AND RULEMAKING PETITIONS (RENEWAL)

December 2007

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION

This information collection request (ICR) is entitled "Identification, Listing, and Rulemaking Petitions (Renewal)," ICR #1189.20.

1(b) SHORT CHARACTERIZATION

Under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, Congress directed the U.S. Environmental Protection Agency (EPA) to implement a comprehensive program for the safe management of hazardous waste. In addition, Congress wrote that "[a]ny person may petition the Administrator for the promulgation, amendment or repeal of any regulation" under RCRA (section 7004(a)).

40 CFR Parts 260 and 261 contain provisions that allow regulated entities to apply for petitions, variances, exclusions, and exemptions from various RCRA requirements. In Sections 1 through 5 of this ICR, EPA presents a comprehensive description of these paperwork requirements. In Section 6, EPA estimates the total annual burden and cost to respondents and the government associated with these paperwork requirements.

In preparing this ICR, EPA consolidated four previously approved ICRs as described in the following. The ICR entitled, "Identification, Listing and Rulemaking Petitions," ICR #1189.14, was the previously approved "base" ICR for the Parts 260 and 261 paperwork requirements. The ICR entitled, "Hazardous Waste Listing for Organic Dyes and/or Pigments Production Wastes," ICR #1189.15, was a new ICR.[1] The ICR entitled, "Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations," ICR #1189.16, was a new ICR.[2] The ICR entitled, "Revision of RCRA Wastewater Treatment Exclusions for Hazardous Waste Mixtures," ICR #1189.17, was an amendment ICR.[3] This current ICR (#1189.20) replaces these four ICRs and therefore becomes the new "base" ICR for the Parts 260 and 261 paperwork requirements.

In the following paragraphs, EPA briefly describes the 40 CFR Parts 260 and 261 paperwork requirements.

RULEMAKING PETITIONS

In section 7004(b)(1) of RCRA, Congress directed the Administrator to develop and publish minimum guidelines for public participation in rulemaking petition processes. 40 CFR Part 260, Subpart C establishes procedures for submitting rulemaking petitions. Under section

1 ICR #1189.15 addressed the paperwork requirements at 40 CFR 261.32(d).

2 ICR #1189.16 addressed the paperwork requirements at 40 CFR 261.39(a) and 261.41.

3 ICR #1189.17 addressed the paperwork requirements at 40 CFR 261.3(a)(2)(iv).

260.20(b), all rulemaking petitioners must submit basic information with their demonstrations, including name, address, and statement of interest in the proposed action. Under section 260.21, all petitioners for equivalent testing or analytical methods must include specific information in their petitions and demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Under section 260.22, petitions to amend Part 261 to exclude a waste produced at a particular facility (more simply, to delist a waste) must meet extensive informational requirements. When a petition is submitted, the Agency reviews materials, deliberates, publishes its tentative decision in the Federal Register, and requests public comment. EPA also may hold informal public hearings (if requested by an interested person or at the discretion of the Administrator) to hear oral comments on its tentative decision. After evaluating all comments, EPA publishes its final decision in the Federal Register.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

In 1985, EPA promulgated regulations governing procedures and informational requirements for variances from classification as a solid waste or for classification as a boiler in sections 260.30 - 260.33. Sections 260.30, 260.31, and 260.33 comprise the standards, criteria, and procedures for variances from classification as a solid waste for three types of materials: materials that are collected speculatively without sufficient amounts being recycled; materials that are reclaimed and then reused within the original primary production process in which they were generated; and materials that have been reclaimed, but must be reclaimed further before the materials are completely recovered. In sections 260.32 and 260.33, EPA promulgated regulations governing the procedures and criteria for obtaining a variance for classification as a boiler. This variance is available to owner or operators of enclosed flame combustion devices.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3 and 261.4 contain provisions that allow generators to obtain a solid or hazardous waste exclusion for certain types of wastes. Facilities applying for these exclusions must either submit supporting information or keep detailed records.

Under section 261.3(a)(2)(iv), generators may obtain a hazardous waste exclusion for wastewater mixtures subject to Clean Water Act regulation. In 2005, EPA revised the Wastewater Treatment Exemptions for Hazardous Waste Mixtures, also known as the "Headworks Rule" under 40 CFR 261.3(a)(2)(iv) (A), (B), (D), (F), or (G). This Headworks Exclusion final rule (70 FR 57769, October 4, 2005) added benzene and 2-ethoxyethanol to the existing list of solvents that are eligible for the exemptions. The scrubber waters derived-from the combustion of any of the exempted solvents also are included in the exemption. In addition, this rule added an option to allow generators to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Finally, this rule extended the eligibility for the *de minimis* exemption to other listed hazardous wastes (beyond discarded commercial chemical products) and to non-manufacturing facilities.

Under section 261.3(c)(2)(ii)(C), generators may obtain an exclusion for certain nonwastewater residues resulting from high metals recovery processing (HTMR) of K061, K062, and F006 waste.

In addition, under section 261.4(a)(9), generators may claim a solid waste exclusion for spent wood preserving solutions and wastewaters from the wood preserving process, as specified. Section 261.4(a)(17) provides that secondary materials, other than listed hazardous wastes, generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or beneficiation, are excluded from being a solid waste so long as certain criteria are met.[4] Under section 261.4(a)(20)(ii)(A), generators and intermediate handlers may obtain a hazardous waste exclusion for zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers. Section 261,4(a)(20)(iii)(B), allows manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to obtain a hazardous waste exclusion. Under section 261.4(b)(6), generators of chromium-containing waste may obtain a hazardous waste exclusion under certain conditions.

Also addressed under this section is the shipment of samples between generators and laboratories for the purpose of testing to determine its characteristics or composition. Sample handlers who are not subject to U.S. Department of Transportation (DOT) or U.S. Postal Service (USPS) shipping requirements must comply with the information requirements of section 261.4(d)(2).

4 Note that this exclusion was originally promulgated at 40 CFR 261.4(a)(15). EPA subsequently moved it to 40 CFR 261.4(a)(17).

In 1988, EPA promulgated regulations for generators, collectors, and testers of treatability study samples in sections 261.4(e) and (f). When intended for treatability studies, hazardous waste otherwise subject to regulation under Subtitle C of RCRA is exempted from these regulations, provided that the requirements in sections 261.4(e) and (f) are met, including the following information requests: initial notification, recordkeeping, reporting, and final notification. In addition, generators and collectors of treatability study samples also may request quantity limit increases and time extensions, as specified in section 261.4(e)(3).

In 2006, EPA amended the RCRA hazardous waste regulations by establishing a conditional exclusion for used cathode ray tubes (CRTs) under 40 CFR 261.39, 261.40 and 261.41, to encourage greater reuse, recycling, and better management of this growing waste stream (see 71 FR 42928; July 28, 2006). Under this conditional exclusion, used CRTs and glass removed from CRTs sent for recycling or reuse are excluded from the definition of solid waste, if they meet specified conditions.

HAZARDOUS WASTE LISTING EXEMPTION

In 1990, EPA promulgated regulations under 40 CFR 261.31(b)(2)(ii) governing procedures and informational requirements for generators and treatment, storage and disposal facilities proving their sludges are exempt from listing as F037 and F038 wastes. Sections 261.35 (b) and (c), which were also promulgated in 1990, govern procedures and informational requirements for the cleaning or replacement of all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams.

In 1990, EPA promulgated (and amended in 1991 and 2005) regulations in 40 CFR 261.35 exempting wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives from being listed as F032 wastes once the generator has met the established requirements.

In 2005, EPA promulgated a mass loadings-based hazardous waste listing (i.e., K181) for certain organic dyes and/or pigments manufacturing wastes in 40 CFR section 261.32 (see 70 FR 9138, February 24, 2005). Under this listing approach, these wastes are hazardous if they contain any of seven specific constituents of concern (CoCs) at annual mass loading levels that meet or exceed the specified regulatory levels. If generators determine that their wastes are below regulatory levels for all CoCs, then their wastes are nonhazardous. If their wastes meet or exceed the regulatory levels for any of the CoCs, the wastes must be managed as K181 hazardous wastes unless they are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in §258.40, (ii) disposed in a Subtitle C landfill unit subject to either §264.301 or §265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in §258.40, §264.301, or §265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an onsite combustion unit that is permitted under the Clean Air Act.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED AND AUTHORITY FOR THE COLLECTION

EPA promulgated the provisions for identification, listing, and rulemaking petitions under the authority of Subtitle C of RCRA.

RULEMAKING PETITIONS

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. This information is used by EPA to determine each petitioner's interest in the proposed rulemaking petition, and contributes to EPA's goal of comprehensively protecting human health and the environment.

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA needs this information to determine whether the proposed method is equivalent or superior to the specified method. This requirement contributes to EPA's goal of preventing contamination to the environment.

Section 260.22 requires petitioners seeking to delist a specific waste to demonstrate that the waste does not meet any hazardous waste criteria. The delisting petition provides an alternative to facilities whose wastes are generally described (listed) in Subpart D of Part 261, yet may not be hazardous. EPA needs the information to evaluate the accuracy of each delisting petition and determine whether an exclusion is warranted.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

Section 260.33 requires persons requesting variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the relevant criteria contained in section 260.31. EPA needs this information to ensure that these materials are actually being recycled and not being accumulated to evade hazardous waste regulation. The practice of recycling specific materials from waste streams reduces the need to use natural resources, energy, and disposal capacity. By allowing legitimate recyclers an opportunity to exempt specific recycled materials from hazardous waste regulation, EPA promotes this environmentally and socially beneficial practice.

Section 260.33 requires persons requesting variances for classification as a boiler (for enclosed devices using controlled flame combustion) to submit demonstrations that address the relevant criteria detailed in section 260.32. EPA needs this information to evaluate the compatibility of the proposed device to classification as a boiler. Because boilers may be used to treat hazardous wastes (boilers that treat hazardous wastes are subject to substantive requirements in 40 CFR Part 266), the specific petition informational requirements aid in realizing EPA's goal of insuring that only properly designed hazardous waste treatment units are in operation.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3(a)(2)(iv) and 261.3(c)(2)(ii)(C) require facilities to prepare and submit materials in support of a wastewater or nonwastewater exemption, respectively. EPA needs to collect this information to ensure that facilities qualify for the exemption and can manage these wastes in a manner protective of human health and the environment.

Under the revised headworks exclusion (see 70 FR 57769, October 4, 2005), facilities may choose to comply with certain of the exemptions at 261.3(a)(2)(iv) by directly measuring solvent chemical concentration levels at the headworks of the wastewater treatment system. Facilities choosing direct monitoring must develop and follow a sampling and analysis plan that meets the weekly average standards set for the appropriate wastes. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. Facilities must submit a copy of the sampling plan to the appropriate regulatory authority. Prior to commencement of direct monitoring, the facility must confirm that the plan has been received by the overseeing agency (e.g., by certified mail return receipt). Upon confirmation that the plan has been delivered successfully, the facility will be allowed to commence direct monitoring to demonstrate compliance. Facilities are required to keep a copy of their sampling plan on-site. EPA is not requiring any other formal notification to the agency, unless a change in the facility's operations mandates a change in its monitoring.

Under the revised headworks exclusion at Section 261.3(a)(2)(iv)(D), all manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes and all non-manufacturing facilities claiming a *de minimis* loss of any listed hazardous waste must include in their Clean Water Act (CWA) permit application (or for indirect dischargers to publicly owned treatment works (POTWs), the submission to their pretreatment control authority) a list of the Appendix VII hazardous constituents and the land disposal restrictions (LDR) constituents associated with each listed waste. In addition, facilities are required to keep a copy of the CWA permit application or POTW submission on site to demonstrate to inspectors that the permit writer or control authority was notified of the possible *de minimis* releases of hazardous constituents.

Section 261.4(a)(9) allows facilities to obtain a solid waste exclusion for spent wood preserving solutions, as specified, and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood. EPA needs to be notified of this exclusion to ensure that the materials handled by the facility qualify for the exclusion and that facilities can manage these wastes in a manner protective of human health and the environment.

Section 261.4(a)(17) provides that secondary materials (i.e., sludges, by-products, and spent materials as defined in section 261.1) (other than listed hazardous wastes) generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or beneficiation, are excluded from being a solid waste so long as certain criteria are met. EPA needs specified paperwork (e.g., one-time

notification and application) to learn about the exclusion claim and, if necessary, to make a site-specific determination regarding on-site units.

Section 261.4(a)(20) establishes conditions for excluding zinc fertilizers made from recycled hazardous secondary materials. EPA needs specified paperwork (e.g., one-time notification and appropriate records) to track the exclusions and to ensure that they are warranted.

Section 261.4(b)(6) allows facilities to obtain a hazardous waste exclusion for chromium-containing waste under certain conditions. EPA needs this information to determine whether an exclusion is appropriate.

Section 261.4(d) requires persons who generate or collect samples for the sole purpose of testing to determine its characteristics or composition comply with all applicable DOT, USPS or other applicable shipping requirements. EPA needs the generator and laboratory to maintain appropriate shipping records to ensure that the package does not leak, spill, or vaporize from its packaging into the environment.

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational provisions. EPA needs this information to document the legitimate activities of sample generators or collectors and to track these wastes to ensure their proper handling and management. Section 261.4(e)(3) contains provisions for generators and collectors to increase the sample quantity limits or receive a time extension. EPA needs to collect this information to ensure that an increase or extension is warranted.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA needs the information in sections 261.1 (e) and (f) to document that only the legitimate users of treatability samples obtain relief from comprehensive hazardous waste regulation. By requiring treatability study sample generators, collectors, and testing facilities to comply with alternate provisions, EPA promotes the development and research of new, less expensive, and more environmentally benign treatment technologies. These new technologies, in turn, will aid in the reduction of environmental contamination and safeguard human health and the environment.

Section 261.39(a)(2) requires generators of used CRTs destined for recycling to label or mark clearly each container in which used, broken CRTs are contained with one of the following phrases: “Used cathode ray tube(s) - contains leaded glass” or “Used cathode ray tube(s) - contains leaded glass from televisions or computers.” Generators also must label each container with the words: “Do not mix with other glass materials.”

Section 261.39(a)(5) requires exporters of used, broken CRTs to provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. Upon request by EPA, the exporter must furnish to EPA any additional information that a receiving country requests in order to respond to a notification. Exporters must keep copies of notifications and consents for a period of three years following receipt of the consent. In addition, section 261.40 requires exporters of used, intact CRTs destined for recycling to meet the conditions of section 261.39(a)(5).

Section 261.41 requires exporters of used, intact CRTs for reuse to send a one-time notification to EPA. In addition, they must keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

HAZARDOUS WASTE LISTING EXEMPTIONS

Section 261.31(b)(2)(ii) requires generators and treatment, storage and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes. These persons must maintain in their operating or other on-site records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit. EPA needs this information to document these legitimate activities and to ensure proper handling and management.

Section 261.32(d) establishes the procedures for demonstrating that organic dyes and/or pigment production nonwastewaters are not K181. Section 261.32(d)(1) allows generators that have knowledge that their waste contains none of the K181 constituents identified in section 261.32(c) can use their knowledge to determine that their waste is not K181. Generators must keep documentation supporting this annual determination on site for three years.

Section 261.32(d)(2) allows generators to use knowledge of their wastes to conclude that mass loadings for the K181 constituents are below the listing levels, if the total annual generation quantity of organic dyes and/or pigments production nonwastewaters is 1,000 metric tons or less. To make this determination, generators must document that the annual quantity of nonwastewaters expected to be generated is 1,000 metric tons or less, track the actual quantity of nonwastewaters generated over the course of the calendar year, keep a running total of the K181 constituent mass loadings over the course of the calendar year, and keep specified records on site for three years.

Section 261.32(d)(3) requires generators with a total annual generation quantity of organic dyes and/or pigments production nonwastewaters greater than 1,000 metric tons to comply with the testing requirements to make a determination that their wastes are not K181. These generators must develop and follow a waste sampling and analysis plan (or modify an

existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes based on knowledge of the wastes. In addition, generators must record the analytical results, record the waste quantity represented by the sampling and analysis results, calculate constituent-specific mass loadings, keep a running total of the K181 constituent mass loadings over the course of the calendar year, and determine whether the mass of any of the K181 constituents is below the K181 listing levels. Generators must keep specified documentation on site for three years.

Section 261.32(d)(4) for the K181 landfill disposal and combustion exemptions requires generators to maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit subject to or meets the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

Sections 261.35 (b) and (c) require generators of wood preserving process wastes to clean or replace all process equipment that may come into contact with chlorophenolic formulations or constituents thereof in order to avoid a F032 hazardous waste listing. EPA needs the generator to prepare and demonstrate compliance with an equipment cleaning or replacement plan in order to validate the claims that the wood preserving process wastes equipment has been cleaned or replaced in a manner that precludes it from being listed as a F032 waste.

2(b) PRACTICAL UTILITY AND USERS OF THE DATA

RULEMAKING PETITIONS

EPA uses the general informational requirements required under section 260.20 to obtain basic information on petitioners and on each petitioner's interest in the proposed rulemaking petition. EPA uses petitions for equivalent testing or analytical methods to determine that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA uses delisting petitions to evaluate whether a waste meets the hazardous waste criteria.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

EPA uses the information contained in requests for variances from classification as a solid waste to substantiate that these materials actually are recycled and are not accumulated to evade hazardous waste regulations. EPA uses the information contained in requests for variances from classification as a boiler to ascertain the compatibility of the proposed device to classification as a boiler.

HAZARDOUS WASTE EXCLUSIONS

EPA uses the various information required under sections 261.3, 261.4, 261.39(a) and 261.41 to ensure that hazardous waste exclusions and exemptions are granted only under certain protective conditions.

HAZARDOUS WASTE LISTING EXEMPTIONS

EPA uses the information maintained under sections 261.31(b)(2)(ii), 261.32(d) and 261.35(b) and (c) to substantiate and confirm the proper handling and management of these materials according to prescribed conditions.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) NONDUPLICATION

None of the information required by the regulations covered in this ICR is available from any source but the respondents. None of the regulations are duplicative of any other EPA regulations.

3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSIONS TO OMB

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency issued a notice in the Federal Register on September 7, 2007, soliciting public comments on the accuracy of the burden estimates in this supporting statement (72 FR 51439). No comments were received.

3(c) CONSULTATIONS

The regulations covered by this ICR were promulgated using proper rulemaking procedures. In updating this ICR, EPA spoke with Agency staff in Headquarters and the Regions, State representatives, and industry representatives. Their feedback is reflected in this ICR. EPA's Burden Estimate Methodology, which is attached to this Supporting Statement, provides information on the consultations. Members of the States and regulated community who were contacted include:

- Edward Hammerberg, Maryland Department of the Environment (410-537-3356)
- Shih Chang, New Jersey Department of Environmental Protection (609-292-8341)
- Ed Lim, Ohio Environmental Protection Agency (614-644-2824)
- Yan Li, Rhode Island Department of Environmental Management (401-222-2797)

- Renee Hudson Goodley (404-657-8828), Jim McNamara (404-657-8620) and Jim Brown (404-656-7802), Georgia Environmental Protection Division
- Dave Berrey (317-308-3341) and Victor Windle (317-232-3242), Indiana Deptment of Environmental Management
- Larry Merritt, Ford Motor Company (313-322-5548)
- William Miller, General Motors (931-486-7471)
- Glenn Sabadosa, Bayer Polymers/Bayer Material Science (281-283-6454)

3(d) EFFECTS OF LESS FREQUENT COLLECTION

EPA has carefully considered the burden imposed upon the regulated community by these regulations. EPA is confident that those activities required of respondents are necessary, and to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, EPA can not ensure that hazardous wastes are properly managed and do not pose a serious threat to human health and the environment.

3(e) GENERAL GUIDELINES

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, OMB's Information Collection Review Handbook, and other applicable OMB guidance.

3(f) CONFIDENTIALITY

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the regulations. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also will assure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

3(g) SENSITIVE QUESTIONS

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

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) RESPONDENTS AND NAICS CODES

Table 1 presents a list of the North American Industry Classification System (NAICS) codes associated with industries most likely affected by the information collection requirements covered under this ICR.

Table 1
List of NAICS Codes

Description	NAICS Code
From ICR #1189.14 - the 2004 "Base" ICR:	
Lumber and Wood Products Manufacturing	321
Chemical Manufacturing	325
Petroleum and Coal Products Manufacturing	324
Plastics and Rubber Product Manufacturing	326
Primary Metal Industries	331
Fabricated Metal Products	332
Industrial and Commercial Machinery and Computer Equipment	333 334
Computer Equipment	334
Transportation Equipment	336
Business Services	541
Educational Services	611
Scientific Research and Development Services	5417
Environmental Services	924
Nonclassifiable Establishments	N/A
Fertilizer Manufacturing	32532
Zinc Sulfide Manufacturing	32531
Iron and Steel Mills	331111
Zinc Refining, Primary	331419
Zinc Dust Reclaiming	331492
Hazardous Waste Collection	562112
From ICR# 1189.15 – Hazardous Waste Listing for Organic Dyes and Pigments Production Wastes:	
Flavoring Extracts and Flavoring Syrups Manufacturing	311930
Food Preparations Manufacturing	311942
Industrial Gases Manufacturing	32512
Industrial Inorganic Chemicals Manufacturing	32518, 331311
Biological Products Manufacturing (Except Diagnostic Substances)	325414

Synthetic Organic Dyes and Pigments Manufacturing	32511, 325132, 325192
Industrial Organic Chemicals Manufacturing	325199
Pesticides and Agricultural Chemicals Manufacturing	32532
Solid Waste Landfills and Disposal Sites, Nonhazardous	562212
Chemicals and Allied Products (Wholesale trade)	42269
From ICR #1189.16 - Recycling of Used CRTs:	
Agricultural crop production	111
Agricultural livestock production	112
Agricultural services	115, 311, 541, 561, 812
Forestry	111, 113, 115
Fishing, hunting, trapping	111, 112, 114
MINING	**MINING**
Metal mining	212, 213
Coal mining	212, 213
Oil & gas extraction	211, 213
Non-metallic minerals, except fuels	212, 213
CONSTRUCTION	**CONSTRUCTION**
General contractors	233-235
Heavy construction	233-235
Special trade contractors	233-235
MANUFACTURING	**MANUFACTURING**
Food & kindred products	111, 311, 312
Tobacco products	312
Textile mill products	313-315
Apparel & other textile products	313-315, 336, 339
Lumber & wood products	113, 321, 333
Furniture & fixtures	336, 337, 339
Paper & allied products	322, 326
Printing & publishing	323, 511, 512
Chemicals & allied products	211, 311, 325, 331
Petroleum and coal products	324
Rubber & miscellaneous plastics products	316, 325, 326, 337, 339
Leather & leather products	315, 316, 321
Stone, clay, and glass products	212, 327
Primary metal industries	331

Fabricated metal products	332, 337, 339
Industrial machinery & equipment	331-335, 339
Electronic & other electronic equipment	332-336, 512
Transportation equipment	332, 333, 336, 488, 541, 811
Instrument & related products	322, 325, 333, 334, 339
Miscellaneous manufacturing	325, 336, 339, 488
TRANSPORTATION	**TRANSPORTATION**
Local & inter-urban passenger transit	485, 487
Trucking & warehousing	493, 484, 488, 492, 531
U.S. postal service	491
Water transportation	483, 487, 488, 532
Transportation by air	481, 488, 492, 561, 621
Pipelines, except natural gases	486
Transportation services	488, 532, 561, 722
Communication	513
Electronic, gas, & sanitary services	221, 488, 562
WHOLESALE TRADE	**WHOLESALE TRADE**
Wholesale trade-durable goods	421, 441-444, 446, 453
Wholesale trade-nondurable goods	312, 313, 422, 444, 451, 454
Bldg. materials & garden supplies	444, 453
RETAIL TRADE	**RETAIL TRADE**
General merchandise store	452
Food stores	311, 445, 447, 722
Auto dealers & service station	441, 447, 452
Apparel & accessory stores	315, 448
Furniture & home furnishing stores	337, 442, 451
Eating & drinking places	722
Miscellaneous retail	339, 443, 445, 446, 448, 451, 453, 454, 522, 722
FINANCE, INSURANCE, AND REAL ESTATE	**FINANCE, INSURANCE, AND REAL ESTATE**
Depository institution	521, 522
Nondepository institution	522, 523
Security & commodity brokers	523, 525, 533, 551, 813
Insurance carriers	523-525
Insurance agents, brokers, & services	523-525
Real estate	233, 531, 711, 812
Holding & other investment offices	523, 525, 533, 551, 813
SERVICES	**SERVICES**

Hotels & other lodging places	721
Personal services	512, 532, 561, 611, 811, 812
Business services	234, 313, 314, 323, 325, 334, 421, 443, 491, 511, 512, 514, 522, 532, 541, 561, 562, 711, 811, 812
Auto repair, services, & parking	326, 488, 532, 811, 812
Misc. repair services	115, 235, 335, 442, 443, 451, 488, 561, 562, 711, 811
Motion picture	334, 421, 512, 514, 532, 541, 561, 711
Amusement & recreation services	487, 532, 561, 611, 711, 712, 713
Health services	339, 541, 621
Legal services	541
Educational services	514, 611
Social services	623, 624, 813, 922
Museums, botanical, zoological gardens	712
Membership organization	561, 813, 912
Engineering & management service	233, 234, 541, 561, 611
Private household services	81
Services	512, 541, 711
From ICR#1189.17 - Revised Headworks Exclusion:	
Agricultural production – livestock	112
Food & kindred products	311
Textile mill products	313
Lumber & wood products	321
Furniture & fixtures	337
Paper & allied products	322
Chemicals & allied products	325
Petroleum & coal products	324
Rubber & miscellaneous plastics products	326
Leather & leather products	316
Stove, clay, glass & concrete products	327
Primary metal industries	331
Fabricated metal products	332
Industrial machinery & equipment	333
Electrical & electronic equipment	334, 335
Transportation equipment	336
Instruments & related products	3333, 3345

Motor freight transportation & warehousing	493
Airports, flying fields, & airport terminal services	48819, 56172
Transportation services nec	488999
Electric, gas, & sanitary services	221
Wholesale trade - durable goods	421
Wholesale trade - nondurable goods	422
Miscellaneous retail	453998
Dry-cleaning & industrial laundry services	8123
Business services	514, 532, 541, 561
Health services	621, 622, 623
Engineering & management services	712
Executive, legislative & general government	921
Environmental quality & housing	924, 925
National security & international affairs	928

4(b) INFORMATION REQUESTED

READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS

(i) Data items:

The petitioner must read and understand all of the regulations that pertain to the identification, listing, and rulemaking petitions.

(ii) Respondent activities:

· The respondent must read and understand the appropriate regulations for identification, listing, and rulemaking petitions.

RULEMAKING PETITIONS

General Requirements

(i) Data items:

Section 260.20(b) requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 266 to submit the following general information:

· The petitioner's name and address;

- A statement of the petitioner's interest in the proposed action;

- A description of the proposed action, including, when appropriate, the proposed regulatory language; and

- A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(ii) Respondent activities:

All rulemaking petitioners need to undertake the following activities to comply with the general requirements detailed in section 260.20(b):

- Gather information and prepare a statement about the petitioner's interest in and a description of the proposed action; and

- State the need and justification for the proposed action and compile supporting evidence.

Equivalent Methods Petitions

(i) Data items:

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Specifically, a petitioner must submit the following data items:

- A full description of the proposed method, including all procedural steps and equipment used in the method;

- A description of the types of wastes or waste matrices for which the proposed method may be used;

- Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in 40 CFR Parts 261, 264, and 265;

- An assessment of any factors which may interfere with, or limit the use of, the proposed method;

- A description of the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and

- Any additional information that the Administrator reasonably may require to evaluate the petition.

(ii) Respondent activities:

In order to comply with the requirements for petitions for equivalent testing or analytical methods, petitioners are required to perform the following activities:

- Describe the proposed method;
- Describe all the procedural steps and equipment required for the proposed method:
- Describe all wastes or waste matrices for which the proposed method may be used;
- Compare the results obtained from using the proposed method with those obtained from using the corresponding prescribed method in 40 CFR Parts 261, 264, or 265;
- Assess any factors which may interfere with or limit the use of the proposed method;
- Describe the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and
- Provide any additional information requested by the Administrator.

These petitioners also must comply with the general requirements for rulemaking petitions in section 260.20.

Delisting Petitions

(i) Data items:

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any of the criteria under which it was listed as a hazardous or an acutely hazardous waste. The petition also must demonstrate to the Administrator that the waste should not be listed for any other factor. Finally, the petition must demonstrate that the waste does not meet the characteristic hazardous criteria in Subpart C of Part 261. Specifically, the petitioner must submit the following items:

- The name and address of the laboratory facility performing the sampling or tests of the waste;
- The names and qualifications of the persons sampling and testing the waste;
- The dates of sampling and testing;
- The location of the generating facility;
- A description of the manufacturing processes or other operations and feed materials producing the waste;
- An assessment of whether the manufacturing processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- Pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- A description of the methodologies and equipment used to obtain the representative samples;
- A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- A description of the tests performed and their results;
- The names and model numbers of the instruments used to conduct the tests;
- A signed certification by the petitioner; and
- Any additional information the Administrator reasonably may require to evaluate the petition.

(ii) Respondent activities:

In order to comply with the requirements for petitions to delist a waste produced at a specific facility, petitioners are required to perform the following activities:

- Provide general information on the laboratory conducting the tests;

- Provide detailed information on individuals sampling and testing the waste samples;
- Provide the dates of sampling and testing;
- Provide information on the location of the facility;
- Describe the manufacturing processes or other operations and feed materials producing the waste;
- Assess whether the generator facility's processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- Describe the waste;
- Estimate the average maximum monthly and annual quantities of waste covered by the demonstration;
- Provide pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- Describe the methodologies and equipment used to obtain the representative samples;
- Describe the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- Describe the tests performed and their results;
- Provide the names and model numbers of the instruments used to conduct the tests;
- Certify that the petition is true, accurate, and complete; and
- Provide any additional information required by the Administrator.

Petitioners also must comply with the general requirements for rulemaking petitions in section 260.20.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS

Variances from Classification as a Solid Waste

(i) Data items:

Section 260.33 requires persons that request variances from classification as a solid waste to address the relevant criteria contained in section 260.31. Section 260.31 contains criteria for variances from classification as a solid waste for the following three types of recycled materials:

- Materials that are collected speculatively without sufficient amounts being recycled;
- Materials that are reclaimed and then reused within the original primary production process in which they were generated; and
- Materials which have been reclaimed, but must be reclaimed further before the materials are completely recovered.

The informational requirements for each of the three types of recycled materials are discussed in turn.

Section 260.31(a) details requirements for persons that request a variance from classification as a solid waste certain materials that are accumulated speculatively without sufficient amounts being recycled or transferred for recycling in the following year. The person requesting a variance must submit the following information:

- The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;
- The reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
- The quantity of the material already accumulated, and the quantity expected to be generated and accumulated before the material is recycled;
- The extent to which the material is handled to minimize loss; and
- Any additional relevant information.

Section 260.31(b) details requirements for persons that request a variance from classification as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production processes in which the materials were generated, if the reclamation operation is an essential part of the production process. The person that requests the variance must submit the following information:

- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;

- Provide information on the prevalence of the industry-wide practice;
- A description of the extent to which the material is handled before reclamation to minimize loss;
- A description of the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;
- A description of the location of the reclamation operation in relation to the production process;
- A description of whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
- A description of whether the person who generates the materials also reclaims it; and
- Any additional relevant information.

Section 260.31(c) details requirements for persons that request a variance from classification as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like. The resulting material may be commodity-like even though it is not yet a commercial product, and has to be reclaimed further. The person that requests this variance must submit the following information:

- A description of the degree of processing the material has undergone and the degree of further processing that is required;
- Information on the value of the material after it has been reclaimed;
- A description of the degree to which the reclaimed material is like an analogous raw material;
- A description of the extent to which an end market for the reclaimed material is guaranteed;
- A description of the extent to which the reclaimed materials is handled to minimize loss; and
- Any additional relevant information.

(ii) Respondent activities:

In order to comply with the requirements for variances from classification as a solid waste those materials that are accumulated speculatively, as defined in section 260.31(a), persons that request a variance must perform the following activities:

- Provide information on the manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;

- Provide information on the reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

- Provide information on the quantity of the material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

- Provide information on the extent to which the material is handled to minimize loss; and

- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that are reclaimed and then reused as feedstock, as defined in section 260.31(b), persons that request a variance must perform the following activities:

- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;

- Describe the industry-wide prevalence of the practice;

- Describe the extent to which the material is handled before reclamation to minimize loss;

- Describe the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;

- Describe the location of the reclamation operation in relation to the production process;

- Describe whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

- Describe whether the person who generates the material also reclaims it; and

- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that have been reclaimed but must be reclaimed further, as defined in section 260.31(c), persons that request a variance must perform the following activities:

- Provide information on the degree of processing the material has undergone and the degree of further processing that is required;

- Provide information on the value of the material after it has been reclaimed;

- Describe the degree to which the reclaimed material is like an analogous raw material;

- Examine the extent to which an end market for the reclaimed material is guaranteed;

- Describe the extent to which the reclaimed material is handled to minimize loss; and

- Provide any additional relevant information.

Variances from Classification as a Boiler

(i) Data items:

Section 260.33 requires persons that request to classify as a boiler certain enclosed devices using controlled flame combustion (even though these devices do not meet the definition of boiler as defined in §260.10) to address the relevant criteria in section 260.32. Section 260.32 lists the following informational requirements:

- A description of the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;

- A description of the extent to which the combustion chamber and energy recovery equipment are of integral design;

- A description of the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- A description of the extent to which exported energy is utilized;
- A description of the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Any additional relevant information.

(ii) Respondent activities:

In order to comply with the requirements for variances to be classified as a boiler, persons that request this variance must perform the following activities:

- Describe the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- Describe the extent to which the combustion chamber and energy recovery equipment are of integral design;
- Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- Describe the extent to which exported energy is utilized;
- Describe the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Provide any additional relevant information.

HAZARDOUS WASTE EXCLUSIONS

Sections 261.3 and 261.4 set forth provisions for petitioning EPA (or the implementing agency) for a hazardous waste exclusion or other exemption for certain types of waste. The information collection requirements associated with these provisions are discussed in turn below.

Wastewater Exemption

(i) Data items:

Under section 261.3(a)(2)(iv), a generator may obtain a hazardous waste exemption for certain mixtures of hazardous and solid wastes if the generator can demonstrate that the mixture consists of wastewater whose discharge is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater).

(ii) Respondent activities:

· Demonstrate the wastewater exclusion.

Revisions to the Headworks Exclusion

A. Direct Monitoring: Sampling and Analysis Plan

Under 261.3(a)(2)(iv), facilities choosing direct monitoring must develop and follow a sampling and analysis plan that meets the weekly average standards set for the appropriate wastes. The sampling and analysis plan must include:

(ii) Data Items:

· The wastewater monitoring point location (i.e., headworks)

· The sampling frequency and methodology

· List of chemical constituents in wastewater to be monitored.

(ii) Respondent Activities

· Facilities must submit a copy of the sampling plan to the appropriate regulatory authority.

· Prior to commencement of direct monitoring, the facility must confirm that the plan has been received by the overseeing agency (e.g., by certified mail return receipt).

· Upon confirmation that the plan has been delivered successfully, the facility will be allowed to commence direct monitoring to demonstrate compliance.

· Facilities will be required to keep a copy of their sampling plan on-site.

· EPA is not requiring any other formal notification to the agency, unless a change in the facility's operations mandates a change in its monitoring.

B. Facilities Claiming Expanded *de minimis* Exemption

Additionally, for all manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes or non-manufacturing facilities claiming a *de minimis* loss of wastes listed in 261.31 through 261.33, the CWA permit application (or for indirect dischargers to POTWs, the submission to their pretreatment control authority) must list the Appendix VII hazardous constituents and the LDR constituents associated with the listed wastes. In addition, facilities will be required to keep a copy of the CWA permit application or POTW submission on site.

(i) Data Items

· For facilities choosing to conduct direct monitoring, a sampling and analysis plan that includes the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.

· For manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes or non-manufacturing facilities claiming a *de minimis* loss of wastes listed in 261.31 through 261.33, the CWA permit application or the submission to a pretreatment control authority must list the Appendix VII hazardous constituents and the LDR constituents associated with each listed waste.

Nonwastewater Exemption

(i) Data items:

Under section 261.3(c)(2)(ii)(C), a facility may obtain a hazardous waste exclusion for certain nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste in rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or industrial furnaces. To obtain this exemption, a one-time notification and certification must be placed in the facility's files and sent to EPA or authorized State. The notification must state that the K061, K062, or F006 HTMR residues meet the generic exclusion levels for all constituents and do not exhibit any hazardous waste characteristics.

(ii) Respondent activities:

· Prepare and submit a one-time notification and certification for the K061, K062, or F006 HTMR residue; and

· Maintain the notification and certification in facility files.

Exclusion for Spent Wood Preserving Solutions and Wastewaters from Wood Preserving Processes

40 CFR 261.4(a)(9)(iii) requires that facilities generating and recovering wood preserving wastewaters and spent wood preserving solutions provide EPA (or the authorized State) with a one-time notification which certifies that the plant meets all the conditions under section 261.4(a)(9)(iii) and provides the date on which the plant operator certifies that the exclusion will go into effect.

(i) Data items:

- A notification which certifies that the recycling activities will meet the conditions set forth in section 261.4(a)(9)(iii); and

- A notification of violation and reinstatement.

(ii) Respondent activities:

Facilities seeking an exemption under section 261.4(a)(9)(iii) must:

- Prepare and submit the notification to EPA or the authorized State; and

- Update the notification to inform EPA of a violation of a condition and apply for reinstatement, if needed.

Exclusion for Secondary Materials from the Mineral Processing Industry

40 CFR 261.4(a)(17)(iv) provides that the Regional Administrator or the State Director may make a site-specific determination, after public review and comment, that only solid mineral processing secondary materials may be placed on pads, rather than in tanks, containers, or buildings. The decision-maker must affirm that pads are designed, constructed, and operated to prevent significant releases of the secondary materials into the environment. The pads must provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.

40 CFR 261.4(a)(17)(v) provides that facilities generating and recovering mineral processing secondary materials must provide EPA (or an authorized State) with a one-time notification which describes:

- The mineral processing materials to be recycled;

- The type and location of storage units and recycling process; and

- The annual quantities expected to be placed in non land-based units.

This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

(i) Data items:

· An application for a site-specific determination.

· A notification describing the mineral processing materials to be recycled; type and location of storage units and recycling process; and annual quantities expected to be placed in non land-based units.

(ii) Respondent activities:

Facilities generating and recovering mineral processing secondary materials must:

· Prepare and submit application for a determination;

· Prepare and submit notification to EPA or the authorized State; and

· Update notification, if needed.

Exclusion for Hazardous Waste Secondary Materials Incorporated into Zinc Fertilizers

A. Notification for Generators and Intermediate Handlers

40 CFR 261.4(a)(20)(ii)(A) requires generators and intermediate handlers of zinc-bearing hazardous waste secondary materials that are to be incorporated into zinc fertilizers to submit a one-time notification to the Regional Administrator or State Director.

(i) Data Items

The one-time notification must include the following information:

· Name, address and EPA ID number of the generator facility;

· When the facility intendes to begin managing hazardous secondary materials in accordance with the conditions in the rule.

(ii) Respondent Activity

· Complete and submit the one-time notification.

·

B. Record of Shipments for Generators and Intermediate Handlers

40 CFR 261.4(a)(20)(ii)(C) requires secondary materials generators and intermediate handlers to keep records of shipments of excluded hazardous secondary materials for no less than three years.

(i) Data Items

The shipping records must at a minimum contain the following information:

- Name of the transporter and date of the shipment;
- Name and address of the fertilizer manufacturer who received the excluded material; and
- Type and quantity of excluded secondary material in each shipment.

(ii) Respondent Activity

- Keep the following records of shipping activities:

  Name of the transporter and date of the shipment;

  Name and address of the fertilizer manufacturer who received the excluded material; and

  Type and quantity of excluded secondary material in each shipment.

C. Notification for Manufacturers

40 CFR 261.4(a)(20)(iii)(B) requires manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to submit a one-time notification to the Regional Administrator.

(i) Data Items

The one-time notification must include the following information:

- Name of the manufacturer, address and EPA ID number of the manufacturing facility; and
- When the facility intends to begin managing hazardous secondary materials in accordance with the conditions in the rule.

(ii) Respondent Activity

- Complete and submit the one-time notification.

D. Record of Shipments for Manufacturers

Under proposed 40 CFR 261.4(a)(20)(iii)(C), manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must maintain for a minimum of three years records of all shipments of excluded secondary materials received by the manufacturers.

(i) Data Items

The shipping records would at a minimum contain the following information:

- Name and address of the generating facility;
- Name of transporter and date the materials were received;
- Quantity received; and
- Brief description of the industrial process that generated the waste.

(ii) Respondent Activity

- Keep the following records:

  Name and address of the generating facility;

  Name of transporter and date the materials were received;

  Record of the quantity received; and

  Brief description of the industrial process that generated the waste.

E. Annual Report for Manufacturers

Under 40 CFR 261.4(a)(20)(iii)(D), manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must submit to the Director an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizer or zinc fertilizer ingredients in the previous year.

(i) Data Items

The annual report must include the following:

- Record of the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizer or zinc fertilizer ingredients in the previous year;

- Name and address of each generating facility; and

- The industrial process(es) from which the materials were generated.

(ii) Respondent Activity

- Complete and submit the annual report.

F. Product Sampling and Analysis for Manufacturers

Under 40 CFR 261.4(a)(21)(ii), the manufacturer must perform sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) that is introduced into commerce. The recordkeeping requirements for product sampling and analysis are listed in 40 CFR 261.4(a)(21)(iii), and require the manufacturer to maintain specified sampling/analysis records for no less than three years.

(i) Data Items

The records of sampling/analysis must include the following:

- The dates and times product samples were taken, and the dates the samples were analyzed;

- The names and qualifications of the person(s) taking the samples;

- A description of the methods and equipment used to take the samples;

- The name and address of the laboratory facility at which analyses of the samples were performed;

- A description of the analytical methods used, including any cleanup and sample preparation methods; and

- All laboratory analytical results used to determine compliance with the contaminant limits specified in this paragraph.

(ii) Respondent Activities

- Sample and analyze the product as specified; and
- Keep records of all sampling and analyses for three years.

Exemption for Chromium-Containing Waste

(i) Data items:

Under section 261.4(b)(6), a generator of waste that fails the test for Toxicity Characteristic because of the presence of chromium may obtain a hazardous waste exclusion if the generator can demonstrate that:

- The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively), and the process does not generate hexavalent chromium; and
- The waste is typically and frequently managed in non-oxidizing environments.

(ii) Respondent activities:

- The generator must demonstrate the chromium-containing waste meets the hazardous waste exclusion.

Exemption for Samples

(i) Data items:

Handlers of samples used for the sole purpose of testing characteristics or composition under 40 CFR 261.4(d) are not subject to 40 CFR Parts 262 through 268 and Part 270 when specified activities occur. These include samples being transported to a laboratory for the purpose of testing, a sample being transported back to the sample collector after testing, a sample being stored by the sample collector before transport to a laboratory for testing, a sample being stored in the laboratory before testing, a sample being stored in the laboratory after testing but before it is returned to the sample collector, or a samples being stored temporarily in the laboratory after testing for a specific purpose. Samples that are not already covered by DOT or USPS shipping requirements must be accompanied by the following information, as specified in section 261.4(d)(2)(ii)(A):

- The sample collector's name, mailing address, and telephone number;
- The laboratory's name, mailing address, and telephone number;
- The quantity of the sample;
- The date of shipment; and
- A description of the sample.

(ii) Respondent activities:

- Maintain information on the sample and collector that shows that the sample collectors and laboratories are complying with applicable shipping requirements.

Exemptions for Treatability Study Samples

(i) Data items:

Persons who generate or collect samples for the purpose of conducting treatability studies, as defined in section 260.10, are exempt from 40 CFR Parts 261, 262, and 263 and the notification requirements of section 3010 of RCRA provided that the sample is being: (1) collected and prepared for transportation by the generator or sample collector; (2) accumulated or stored by the generator or collector prior to transportation to a laboratory or testing facility; or (3) transported to the laboratory or testing facility for the purpose of conducting a treatability study. To qualify for this exemption, the sample must meet the quantity limits specified in section 261.4(e)(2).

To qualify for this exemption, the generator or sample collector must collect and maintain the following information for a period of three years after the completion of the treatability study:

- Copies of the shipping documents;
- A copy of the contract with the facility conducting the treatability study; and
- Documentation showing:

  The amount of waste shipped under the exemption;

  The name, address, and EPA identification number of the laboratory facility that received the waste;

  The date the shipment was made; and

Whether unused samples or residues were returned to the generator.

In addition, the generator reports information regarding volumes shipped, laboratory, dates of shipment, and return of samples in its Biennial Report.

Persons who generate or collect samples for the purpose of conducting treatability studies also may apply for up to an additional two years for treatability studies involving bioremediation or to increase the quantity limits on treatability study samples. The limits may be increased for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under certain circumstances (e.g., an equipment or mechanical failure during the conduct of the treatability study, or a need to verify the results of a previously conducted treatability study). Persons applying for time or quantity limit increases under section 261.4(e)(3) must submit the following information to the Regional Administrator:

- The reason why the generator or sample collector requires additional time or the quantity of sample for treatability study evaluation;
- The amount of the additional time or sample quantity needed;
- Documentation for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;
- A description of the technical modifications or change of specifications to be evaluated, and the expected results;
- Information on the cause of the equipment failure and the remedies taken to prevent its future occurrence (if the request for a limit increase was due to an equipment failure); and
- Any additional information considered necessary by the Administrator.

(ii) <u>Respondent activities</u>:

In order to comply with the informational provisions in section 261.4(e), generators or collectors of treatability study samples must undertake the following activities:

- Collect, copy, file, and maintain information for a period of three years after the completion of the treatability study;

- Prepare and report to EPA information regarding volumes shipped, testing facility, dates of shipment, and return of samples in the Biennial Report;

- If applying for a quantity limit increase under §261.4(e)(3), prepare and submit request; and

- If applying for an extension of up to two years under §261.4(e)(3) for a treatability study involving bioremediation, prepare and submit request.

Exemptions for Treatability Study Samples Undergoing Testing

(i) Data items:

Samples undergoing treatability studies and laboratories and testing facilities conducting such treatability studies are not subject to requirements at 40 CFR Parts 124, 261-266, 268, and 270, or to the notification requirements of section 3010 of RCRA, provided that conditions detailed in section 261.4(f) are met. These conditions include the following informational requirements:

- Written notification to the Regional Administrator that the facility intends to conduct treatability studies (45 days before testing is initiated);

- Records showing compliance with the treatment rate limits and the storage time and quantity limits, including:

  The name, address, and EPA identification number of the generator or sample collector of each waste sample;

  The date the shipment was received;

  The quantity of the waste accepted;

  The quantity of 'as received' waste in storage each day;

  The date the treatment study was initiated and the amount of 'as received' waste introduced to treatment each day;

  The date the treatability study was concluded; and

  The date any unused sample or residues generated from the treatability sample were returned to the generator or the sample collector or, if sent to a designated facility, the name of the designated facility and its EPA identification number.

- Copies of the treatability study contract and all associated sample shipping papers;

- An annual report to the Regional Administrator estimating the number of treatability studies and the amount of waste expected to be used in treatability studies during the current year and information on the past year's activities, including:

    The name, address, and EPA identification number of the facility conducting the treatability study;

    The types of treatability studies conducted;

    The names and addresses of individuals for whom the treatability studies were conducted;

    The total quantity of waste in storage each day;

    The quantity and types of waste subjected to treatability studies each day;

    The date each treatability study was conducted; and

    The final disposition of residues and unused samples from each treatability study.

- A letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

(ii) Respondent activities:

In order to comply with requirements for samples undergoing treatability studies at testing facilities detailed in section 261.4(f), testing facility representatives must undertake the following activities:

- Notify the Regional Administrator that the facility intends to conduct treatability tests (45 days before testing is initiated);

- Maintain records for a period of three years after the completion of the treatability study that show compliance with the treatment rate limits, storage time and quantity limits, and contract and shipping paper requirements;

- By March 15 of each year, prepare and submit an annual report to the Regional Administrator estimating the number of treatability studies and the amount of

waste expected to be used in treatability studies during the current year and information on the past year's activities; and

- Prepare and submit a termination letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

Recycling of Cathode Ray Tubes (CRTs)

A. Labels

Under 40 *CFR* 261.39(a)(2), generators of used, broken CRTs destined for recycling must label or mark clearly each container in which the CRTs are contained.

(i) Data Items:

- Label or mark with the phrase: "Used cathode ray tube(s) - contains leaded glass" or "Used cathode ray tube(s) - contains leaded glass from televisions or computers."

- Label or mark with the words: "Do not mix with other glass materials."

(ii) Respondent Activity:

- Label or mark clearly each container, as specified.

B. Export Notification for Used CRTs Destined for Recycling

Under 40 *CFR* 261.39(a)(5), exporters of used, broken CRTs must provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. Upon request by EPA, the exporter must furnish to EPA any additional information that a receiving country requests in order to respond to a notification. Exporters must keep copies of notifications and consents for a period of three years following receipt of the consent.

Under 40 *CFR* 261.40, exporters of used, intact CRTs destined for recycling must meet the conditions of section 261.39(a)(5).

(i) Data Items:

- Notification of intent to export that includes the following information:

  - Name, mailing address, telephone number, and EPA ID number (if any) of the exporter;

- The estimated frequency or rate at which CRTs are to be exported and the period of time over which they are to be exported;

- The estimated total quantity of CRTs specified in kilograms;

- All points of entry to and departure from each foreign country through which the CRTs will pass;

- A description of the means by which each shipment of the CRTs will be transported (e.g., air, highway, rail, water);

- Name and address of the recycler;

- A description of the manner in which the CRTs will be recycled in the receiving country;

- The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country; and

- Signature of the exporter.

· On the front of the envelope used to submit the written notification, the words: "Attention: Notification of Intent to Export."

· Additional information that a receiving country requests in order to respond to a notification.

· Receiving/transit country's written consent to the receipt of the CRTs.

· Notification of receiving/transit country's objection to the receipt of the CRTs, if applicable.

· Notification of receiving/transit country's withdrawal of a prior consent to the receipt of CRTs, if applicable.

(ii) Respondent Activities:

· Prepare and submit written notification.

· Prepare and submit additional information that a receiving country requests in order to respond to a notification.

· Keep copies of notifications and consents.

C. Export Notification for Used CRTs Destined for Reuse

Under 40 *CFR* 261.41, exporters of used, intact CRTs for reuse must send a one-time notification to EPA. In addition, they must keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

(i) Data Items:

- Notification that includes the following information:
  - A statement that the notifier plans to export used, intact CRTs for reuse;
  - Notifier's name, address, and EPA ID number (if applicable); and
  - Contact person's name and phone number.
- Normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused.

(ii) Respondent Activities:

- Prepare and submit a one-time notification.
- Keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused.

HAZARDOUS WASTE LISTING EXEMPTIONS

Hazardous Wastes from Non-Specific Sources

(i) Data items:

Section 261.31(b)(2)(ii) requires generators and treatment, storage and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes by maintaining, in their operating or other on-site records, the following data items:

- Documents and data sufficient to prove that:

  The unit is an aggressive biological treatment unit; and

The sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(ii) Respondent activities:

To qualify for an exemption, a facility must perform the following respondent activities:

· Develop data and documents to support the criteria for the exemption; and

· Maintain records on site.

Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement

(i) Data items:

Section 261.35 specifies procedures that wood preserving plants that used chlorophenolic formulations or constituents must follow to minimize or eliminate the escape of hazardous waste or constituents, leachate, contaminated drippage, or hazardous waste decomposition products to ground water, surface water, or the atmosphere. These generators must either develop and follow an equipment cleaning plan or an equipment replacement plan containing the following information:

· A written equipment cleaning plan that describes the following:

The equipment to be cleaned;
How the equipment will be cleaned;
The solvent to be used in cleaning;
How the solvent rinses will be tested; and
How cleaning residues will be disposed.

· A written equipment replacement plan that describes the following:

The equipment to be replaced;
How the equipment will be replaced; and
How the equipment will be disposed.

Generators also must keep records documenting the cleaning and replacement as part of the facility's operating record. These records must contain the following information:

· The name and address of the facility;

· Formulations previously used and the date on which their use ceased in each process at the plant;

· Formulations currently used in each process at the plant;

· The equipment cleaning or replacement plan;

· The name and address of any persons who conducted the cleaning or replacement;

· The dates on which cleaning or replacement was accomplished;

· The dates of sampling and testing;

· A description of the sample handling and preparation techniques used for extraction, containerization, preservation, and chain-of-custody of the samples;

· A description of the tests performed, the date the tests were performed, and the results of the tests;

· The name and model numbers of the instrument(s) used in performing the tests;

· Documentation of QA/QC procedures; and

· A certification statement by an authorized representative stating that all process equipment was cleaned or replaced according to the cleaning or replacement plan.

(ii) Respondent activities:

· Prepare an equipment cleaning or replacement plan;

· Prepare and maintain documentation showing that equipment was cleaned or replaced in accordance with the plan; and

· Prepare and maintain a certification by an authorized representative that the cleaning or replacement occurred in accordance with the facility's plan.

Procedures for Demonstrating that Organic Dyes and/or Pigments Production Nonwastewaters Are Not K181

A. Determination Based on No K181 Constituents

Under §261.32(d)(1), generators that have knowledge that their waste contains none of the K181 constituents identified in §261.32(c) can use their knowledge to determine that their waste is not K181. Generators must keep documentation supporting this annual determination on site for three years.

(i) Data Item:

· Documentation supporting the determination that organic dyes and/or pigments production nonwastewater is not K181.

(ii) Respondent Activities:

· Determine that the organic dyes and/or pigments production nonwastewater is not K181;

· Document the basis for determining that the organic dyes and/or pigments production nonwastewater is not K181; and

· Keep each annual supporting documentation on site.

B. Determination For Generated Quantities of 1,000 MT/Yr or Less for Wastes That Contain K181 Constituents

Under §261.32(d)(2), generators can use knowledge of their waste to conclude that mass loadings for the K181 constituents are below the listing levels, if the total annual generation quantity of organic dyes and/or pigments production nonwastewaters is 1,000 metric tons or less. To make this determination, generators must document that the annual quantity of nonwastewaters expected to be generated is 1,000 metric tons or less, track the actual quantity of nonwastewaters generated over the course of the calendar year (i.e., from January 1 through December 31 of each year), keep a running total of the K181 constituent mass loadings over the course of the calendar year, and keep specified records on site for three years, as specified in §§261.32(d)(2)(i) through (iv).

(i) Data Items:

· Documentation demonstrating that the annual quantity of organic dyes and/or pigments production nonwastewaters expected to be generated is 1,000 metric tons or less;

· Quantity of organic dyes and/or pigments production nonwastewaters generated;

· Relevant process information used; and

· Calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(ii) Respondent Activities:

· Document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be 1,000 metric tons or less;

- Track the actual quantity of nonwastewaters generated over the course of the calendar year;

- Keep a running total of the K181 constituent mass loadings over the course of the calendar year; and

- Keep supporting documentation on site.

C. Determination for Generated Quantities Greater Than 1,000 MT/Yr for Wastes That Contain K181 Constituents

Under §261.32(d)(3), generators with a total annual generation quantity of organic dyes and/or pigments production nonwastewaters greater than 1,000 metric tons are required to comply with the testing requirements to make a determination that their wastes are not K181. These generators must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes based on knowledge of the wastes, as specified in §261.32(d)(3)(i) through (iii). In collecting and analyzing the waste samples, generators must follow the waste sampling and analysis plan (§261.32(d)(3)(iv)).

Under §§261.32(d)(3)(v) through (ix), generators must record the analytical results, record the waste quantity represented by the sampling and analysis results, calculate constituent-specific mass loadings (i.e., the product of concentrations and waste quantity), keep a running total of the K181 constituent mass loadings over the course of the calendar year, and determine whether the mass of any of the K181 constituents is below the K181 listing levels.

In addition, generators must keep specified documentation on site for three years, as specified in §261.32(d)(3)(x).

Pursuant to §261.32(d)(3)(xi), nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous. The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. Generators then can use knowledge of the wastes to support subsequent annual determinations. If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination.

The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels. If testing is reinstated, a description of the process change must be retained.

(i) Data Items:

· Documentation on which K181 constituents are reasonably expected to be present in the wastes;

· Waste sampling and analysis plan to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:

  - A discussion of the number of samples needed to characterize the wastes fully;

  - The planned sample collection method to obtain representative waste samples;

  - A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and

  - A detailed description of the test methods to be used, including sample preparation, clean-up (if necessary), and determinative methods;

· Waste sampling and analysis results (including QA/QC data);

· Quantity of organic dyes and/or pigments production nonwastewaters generated; and

· Calculations performed to determine annual mass loadings for each K181 constituent in the nonwastewaters.

· If the annual testing requirements are suspended after three successful demonstrations that the waste are non hazardous, records of the process knowledge information used to support a nonhazardous determination.

· If the manufacturing or waste treatment processes generating the wastes are significantly altered as specified, a description of the process change.

(ii) Respondent Activities:

· Determine which K181 constituents are reasonably expected to be present in the wastes;

· Develop waste sampling and analysis plan;

· Collect and analyze samples in accordance with the waste sampling and analysis plan;

· Record analytical results;

· Record the waste quantity represented by the sampling and analysis results;

· Calculate constituent-specific mass loadings;

· Keep a running total of the K181 constituent mass loadings over the course of the calendar year;

· Determine whether the mass of any of the K181 constituents is below the K181 listing levels; and

· Keep supporting documentation on site.

· If the annual testing requirements are suspended after three successful demonstrations that the waste are nonhazardous, the generator can:

  - Use knowledge of the waste to support subsequent annual determination; and

  - Keep records of the process knowledge information used to support a nonhazardous determination.

· If the manufacturing or waste treatment processes generating the wastes are significantly altered as specified, reinstate annual testing requirements and retain a description of the process change.

D. Recordkeeping Demonstrations for Use of Appropriate Landfills and Combustion Units

Under the §261.32(d)(4) landfill disposal and combustion exemptions, generators must maintain documentation demonstrating that each shipment of waste was received by a landfill unit subject to or meets the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description. This documentation must be maintained on site for a period of three years.

(i) Data Item:

· Documentation demonstrating that each shipment of waste was received by a landfill unit subject to the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

(ii) Respondent Activity:

- Maintain documentation demonstrating that each shipment of waste was received by a landfill unit subject to the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) AGENCY ACTIVITIES

REVIEW OF RULEMAKING PETITIONS

EPA follows specific procedures when reviewing all rulemaking petitions. As specified under section 260.22, the Agency will review the information and make a tentative decision, publish its tentative decision in the Federal Register and request written comments, hold a public meeting (if requested by an interested person or at the discretion of the Administrator), review all comments, and publish its final decision in the Federal Register. Depending on the complexity of the petition, the Agency may spend significant time in review.

EPA follows specific procedures in reviewing delisting petitions.[5] All petitions received are logged in, filed, and reviewed. This initial review focuses on completeness of the documentation and representativeness of the analytical data. EPA may request additional information if the petition is judged incomplete. When all needed information is obtained, EPA will review the petition and make a tentative determination. A workgroup composed of staff from different offices within EPA reviews these determinations to evaluate the quality and representativeness of the data. When the workgroup's comments, if any, are addressed, the Office of General Counsel reviews the determination. If the Office of General Counsel concurs, the determination is reviewed by the Assistant Administrator for Solid Waste and Emergency Response. The Assistant Administrator's decision is published in the Federal Register, along with a request for comments. After public comments are received, the review process is repeated and concludes with the Assistant Administrator's final decision.

Specific Agency activities consist of the following:

- Review petition information;
- Request additional information, if required;
- Enter information into a database;
- Hold meetings;
- Deliberate;
- Make a draft determination and publish draft FR notice;
- Review comments and deliberate; and

5 See Petitions to Delist Hazardous Wastes: A Guidance Manual, April 1985, EPA/530-SW-85-003, U.S. Environmental Protection Agency,.

- Make determination and publish final FR notice.

REVIEW OF SOLID WASTE AND BOILER VARIANCE DEMONSTRATIONS

Agency activities associated with the variances from classification as a solid waste or classification as a boiler include the following:

- Review the demonstrations to verify whether they meet the relevant criteria as detailed in §260.31 for variances from classification as a solid waste, and in §260.32 for variances for classification as a boiler;
- Request additional information, if necessary;
- Deliberate and issue a draft determination;
- Publicize the draft determination by newspaper advertisement and radio broadcast in the local area of the petitioner;
- Hold a public hearing and initiate a 30-day public comment period; and
- Review comments and make the final decision.

REVIEW OF HAZARDOUS WASTE EXCLUSION PETITIONS

Agency activities associated with information submitted in support of sections 261.3 and 261.4 exclusions include the following:

- File the nonwastewater notifications;
- Review, approve, or deny the notifications and the updates, and keep records of these documents;
- Review applications for site-specific determinations and keep records of these documents;
- Process hazardous secondary materials generator notification;
- Process zinc fertilizer manufacturer notification;
- Process zinc fertilizer manufacturer annual report;
- Review requests for quantity increases for treatability studies and issue a decision;

- Review requests for extensions of up to two years for treatability studies and issue a decision;

- File notifications of testing of treatability samples;

- File annual reports on treatability study testing; and

- File termination letters of treatability study testing.

CATHODE RAY TUBES (CRTs) EXCLUSION ACTIVITIES

A. Labels

There are no Agency activities associated with the labeling requirements under 40 *CFR* 261.39(a)(2).

B. Export Notification for Used CRTs Destined for Recycling

Agency activities associated with the conditional exclusion for used CRTs exported for recycling include:

- Receive and review notification submitted by an exporter of used CRTs to determine whether or not the notification is complete. A notification is complete when EPA determines that it satisfies the requirements of 40 *CFR* 261.39(a)(5)(i).

- Solicit, from exporter, additional information requested by the receiving country.

- Provide, in conjunction with the Department of State, the complete notification to the receiving country.

- Forward the receiving/transit country's written consent to the receipt of the used CRTs to the exporter.

- Prepare and send written notification to the exporter if the receiving/transit country objects to the receipt of the used CRTs or withdraws a prior consent.

- Keep copies of notifications, consents, and other related documents.

C. Export Notification for Used CRTs Destined for Reuse

Agency activities associated with the conditional exclusion for used CRTs exported for reuse include:

- Receive and review notification submitted by exporter of used CRTs.

- Keep copy of notification.

REVIEW OF HEADWORKS EXCLUSION DEMONSTRATIONS

The Agency will receive, review, and file the sampling and analysis plan submitted by claimants who use direct monitoring. There are no other Agency activities under the rule.

REVIEW OF DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181

There are no Agency activities associated with the information collection requirements for generators of organic dyes and/or pigments production nonwastewaters.

5(b) COLLECTION METHODOLOGY AND MANAGEMENT

In collecting and analyzing the information required under the identification, listing, and rulemaking petition requirements, EPA uses electronic equipment such as personal computers and applicable database software, when appropriate.

5(c) SMALL ENTITY FLEXIBILITY

When promulgating the regulations covered under this ICR, EPA considered the effect of these regulations on small businesses. The exclusions, delisting petitions, and other paperwork provisions included in Parts 260 and 261 and presented in this ICR are de-regulatory in nature. They relieve facilities generating or managing certain types of materials or wastes from the RCRA hazardous waste regulations. This can benefit small and large businesses alike by reducing their regulatory burden. In addition, EPA conditionally exempts from the hazardous waste regulations sites that generate 100 kilograms or less per month of hazardous waste (section 261.5). EPA expects that a number of these conditionally exempt sites are owned by small entities.

CATHODE RAY TUBES (CRTs) EXCLUSION

In establishing the conditional exclusion for used CRTs, EPA considered the reporting and recordkeeping burden for small businesses. In addition, the conditional exclusion is a regulatory relief initiative that should reduce hour and cost burden for generators and subsequent handlers of excluded CRTs, but should particularly benefit small entities.

HEADWORKS EXCLUSION

EPA believes that the revisions to the Headworks Exclusion rule will not have adverse burden impacts on small entities, for the following reasons. First, the rule extends the exemption

at 40 CFR 261.3(a)(2)(iv)(A) and (B) to two additional wastes (benzene and 2-ethoxyethanol), clarifies that the exemption applies to combustor scrubber water, and expands the *de minimis* exemption to non-manufacturing sites and *de minimis* releases of F- and K- listed wastes. In this regard, the rule is *de-regulatory*; both small and large entities could benefit from reduced hazardous waste management costs. In addition, the exemptions are non-mandatory, i.e., entities need not claim the exemption unless it is cost-effective for them. Finally, the rule gives claimants added flexibility in demonstrating their compliance with the exemptions. They may continue to use their existing methods (e.g., mass balance) or direct monitoring, whichever is more cost-effective.

DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181

The rule includes a mass loadings-based listing for organic dyes and/or pigments production nonwastewaters that allows generators to determine whether their waste is nonhazardous under the listing. Thus, although the final rule adds the K181 wastes to the hazardous waste listings, the rule provides flexibility to both large and small generators to determine whether they can manage their waste as nonhazardous, as specified. If a small entity's waste does qualify as hazardous under the listings, the small entity may be eligible for complying with the small quantity generator standards, which impose fewer paperwork requirements than the standards for large quantity generators.

5(d) COLLECTION SCHEDULE

Because rulemaking petitions are voluntarily submitted, there is no collection schedule for these information requests. A discussion of a collection schedule, therefore, is not relevant.

The zinc fertilizer rule (see 67 FR 48393; July 24, 2002) requires generators to submit to EPA a one-time notification of their intent to begin managing hazardous secondary materials under the terms of the exclusion. Generators would keep a record on site of all shipments of hazardous secondary materials for at least three years. The rule also requires manufacturers to sample and analyze the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. In addition, manufacturers will submit an annual report to EPA describing the hazardous secondary materials used to make zinc fertilizer. Manufacturers also must keep a record of all shipments of hazardous secondary materials received for at least three years.

Generators and collectors of treatability study samples must submit additional information along with their Biennial Report. Facilities with samples undergoing treatability studies must comply with the following collection schedule:

- 45 days before they initiate treatability studies, facilities must notify the Regional Administrator;

- By March 15 of each year, facilities must submit to the Regional Administrator an annual report regarding their treatability study activities; and

- Upon determining to cease treatability studies, facilities must inform the Regional Administrator.

CATHODE RAY TUBES (CRTs) EXCLUSION

Under the conditional exclusion rule for used cathode ray tubes (see 71 FR 42928; July 28, 2006), used CRTs and glass removed from CRTs sent for recycling or reuse are excluded from the definition of solid waste, if they meet specified conditions.

A. Labels

Generators of used, broken CRTs destined for recycling must label or mark clearly each container in which the CRTs are contained, as specified. EPA believes that each container should be labeled or marked to ensure proper management and handling.

B. Export Notification for Used CRTs Destined for Recycling

Exporters of used CRTs destined for recycling must provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. A complete notification must be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. In addition, upon request by EPA, exporters must furnish to EPA any additional information that a receiving country requests in order to respond to a notification.

C. Export Notification for Used CRTs Destined for Reuse

Exporters of used CRTs destined for reuse must send a one-time notification to EPA. In addition, they must keep, at the facility, copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused.

REVISIONS TO THE HEADWORKS EXCLUSION

The Headworks Exclusion rule (see 70 FR 57769, October 4, 2005) allows generators to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Facilities choosing to conduct direct monitoring must prepare and submit a sampling and analysis plan to the regulatory agency prior to commencement of monitoring and confirm receipt by the regulatory agency. EPA is not requiring any other formal notification to the regulatory agency, unless a change in the facility's operations mandates a change in monitoring.

In addition, this rule allows manufacturing facilities to claim a *de minimis* loss of F- or K-listed wastes, and non-manufacturing facilities to claim a *de minimis* loss of any listed hazardous waste. Facilities claiming any part of the expanded *de minimis* exemption must list Appendix VII and LDR hazardous constituents for each affected waste in the CWA permit application or the submission to a pretreatment control authority, in order to be eligible for the exemption.

DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181

Under the final rule (see 70 FR 9138, February 24, 2005), generators of organic dyes and/or pigments production nonwastewaters will have to conduct nonhazardous determinations annually to verify that the wastes remain nonhazardous. For facilities that generate 1,000 metric tons or less per year, this determination will be based on knowledge of their wastes. For facilities that generate more than 1,000 metric tons per year, this determination will be based on waste sampling and analysis. These annual testing requirements will be suspended if the wastes remain nonhazardous for three consecutive years of testing. However, if the manufacturing or waste treatment process generating the wastes is significantly altered, the annual testing requirements will be reinstated. EPA believes such a schedule will ensure that generators take measures to determine whether their wastes qualify for the nonhazardous claim.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) ESTIMATING RESPONDENT BURDEN

This ICR is a comprehensive presentation of all of the information collection activities required for identification, listing, and rulemaking petition regulations. EPA estimated respondent burden hours associated with all of the requirements covered in this ICR in Exhibits 1-6 below.[6] Exhibit 1 addresses the burden for petitioners to read and understand the regulations for identification, listing, and rulemaking petitions. Exhibit 2 addresses general requirements for all rulemaking petitions as well as equivalent testing or analytical method petitions and delisting petitions. Exhibit 3 addresses variances from classification as a solid waste or for classification as a boiler. Exhibit 4 addresses provisions for obtaining hazardous waste exclusions and exemptions under sections 261.3 and 261.4. Exhibit 5 addresses the paperwork requirements under sections 261.31 and 261.35. Each of these exhibits includes the number of hours required to conduct each information collection activity and the cost associated with each requirement. Exhibit 6 summarizes the total annual burden hours and costs to respondents under all of these provisions.

6(b) ESTIMATING RESPONDENT COSTS

Estimating Labor Costs

EPA estimates an average hourly labor cost for respondents of $81.13 for legal staff, $65.61 for managerial staff, $36.34 for technical staff, $17.99 for clerical staff, and $13.81 for workman staff. These hourly labor rates are based on the most current estimates of national cross-industry wages by the U.S. Bureau of Labor Statistics[7] for occupational groups SOC 23-1011: Lawyers; SOC 11-0000: Management Occupations; SOC 17-3026: Industrial Engineering Technicians; SOC 53-7064: Packers and Packagers, Hand; and SOC 43-9061: Office Clerks, General, respectively, multiplied by 1.4845[8] to account for overhead and fringe benefits.

Estimating Capital and Operation and Maintenance Costs

EPA estimates there will be no capital costs incurred. Operation and maintenance (O&M) costs include postage, materials, and lump-sum purchased service costs. Examples of O&M costs include:

- Laboratory fees for analyzing samples;

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6 Please note that these exhibits may contain rounding errors.

7 U.S. Bureau of Labor Statistics (BLS)'s May 2006 National Industry-Specific Occupational Employment and Wage Estimates cross all industry sectors, at: http://www.bls.gov/oes/current/oes_nat.htm

8 This multiplier factor consists of 36.45% fringe benefits plus 12% overhead as prescribed by OMB Circular A-76 "Figure C1. Table of Standard A-76 Costing Factors" at: http://www.whitehouse.gov/omb/circulars/a076/a76_incl_tech_correction.html.

- Contractor travel/lodging costs;
- Professional certifications for certain work performed; and
- Mailing and shipping costs.

To update the O&M costs in the previous ICRs (#1189.14, #1189.15, #1189.16, and #1189.17), which were all based on the 2004 costs, EPA referred to the U.S. Bureau of Labor Statistics (BLS)'s Consumer Price Index data for all urban consumers (1982 – 84 index = 100) at http://www.bls.gov/cpi/cpi_dr.htm. EPA used the June 2007 index (208.35) and June 2004 index (189.7) to develop an adjustment factor of 1.0983 (= 208.35 / 189.7).

6(c) ESTIMATING AGENCY BURDEN AND COST

Exhibit 7 below presents the estimated annual Agency burden and costs associated with the requirements covered in this ICR. EPA estimates an average hourly labor cost of $55.65 for legal staff, $52.24 for managerial staff, $31.26 for technical staff, and $19.94 for clerical staff that involve State government employee labor rather than Federal employee labor because most RCRA programs are implemented by RCRA-authorized States.

These hourly labor rates are based on the most current estimates of State government wages by the U.S. Bureau of Labor Statistics[9] for occupational groups SOC 23-1011: Lawyers; SOC 11-0000: Management Occupations; SOC 19-4091: Environmental Science and Protection Technicians; and SOC 43-9061: Office Clerks, General, respectively, multiplied by 1.4845[10] to account for overhead and fringe benefits.

6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COST

READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS (Exhibit 1)

The petitioner must read and understand all of the applicable regulations in 40 CFR Parts 260 and/or 261. This cost is a one-time cost. EPA estimates that all facilities submitting petitions and demonstrations will read the regulations. Thus, EPA estimates that 2,535 respondents[11] will read the pertinent Part 260 and 261 regulations each year.

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9 U.S. Bureau of Labor Statistics (BLS)'s May 2006 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 999200 – State Government (OES Designation), at: http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000

10 This multiplier factor consists of 36.45% fringe benefits plus 12% overhead as prescribed by OMB Circular A-76 "Figure C1. Table of Standard A-76 Costing Factors" at: http://www.whitehouse.gov/omb/circulars/a076/a76_incl_tech_correction.html.

11 Including 155 in ICR #1189.14, 33 in ICR #1189.15, 1,258 (annualized) in ICR #1189.16, and 1,089 (annualized) in ICR #1189.17

RULEMAKING PETITIONS (Exhibit 2)

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. Based on consultations with the Regions and States, EPA estimates that approximately 21 rulemaking petitions will be submitted every year.

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA estimates that each year, one of the 21 rulemaking petitions submitted will be a petition for equivalent testing or analytical methods. The facility also is expected to comply with the section 260.20 general requirements.

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any hazardous waste criteria. EPA estimates that 20 of the 21 rulemaking petitions submitted annually will be delisting petitions for wastes produced at specific facilities. These facilities are also expected to comply with the section 260.20 general requirements.

SOLID WASTE AND BOILER VARIANCE REQUIREMENTS (Exhibit 3)

Section 260.33 requires facilities that request variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the criteria contained in section 260.31. EPA estimates that for each of the three types of variances described in section 260.31, 10 facilities will submit a request each year, for a total of 30 variance requests annually.

Section 260.32 requires persons requesting to classify as a boiler certain enclosed devices (using controlled flame combustion) to submit a demonstration addressing the criteria detailed in section 260.32. EPA estimates that one facility will request this variance each year.

HAZARDOUS WASTE EXCLUSIONS (Exhibit 4)

Under section 261.3(a)(2), facilities may claim a wastewater exclusion. Section 261.3(a)(2)(iv) allows facilities to claim the "Headworks Rule" exemption as amended by the October 4, 2005 final rule (70 FR 57769). EPA estimates that an incremental count of 3,266 facilities may voluntarily claim a Headworks Exclusion exemption under 40 CFR 261.3(a)(2)(iv)(A), (B), (F), or (G). EPA estimates that during the three-year life of this ICR, 3,266 facilities (or 1,089 facilities per year) may be expected to read the rule, and 1, 811 facilities may initially prepare and submit a sampling and analysis plan to the regulatory agency and confirm delivery prior to commencing direct monitoring. EPA estimates that these 1,811 facilities may conduct direct monitoring annually, on average, during the life of this ICR, and that between 1% to 2% of these 1,811 facilities (say 1.5%, or 27 facilities), on average, may need to modify their site-specific

plan each year because a change in the facility operations mandates a change in the plan. In addition, EPA estimates that 1,337 facilities may take advantage of the expanded *de minimis* exemption each year under section 261.3(a)(2)(iv)(D). Some of the burden associated with these claimants is one-year only (i.e., initial first year), and some of the burden is annually recurring. Furthermore, because the purpose of this ICR is to estimate *annual* burden under the rule, EPA has annualized burden over the 3-year lifespan of this ICR.

Section 261.3(c)(2) allows facilities to obtain a hazardous waste exclusion for certain nonwastewater residues. EPA estimates that one facility will submit a nonwastewater exemption under section 261.3(c)(2).

Section 261.4(a)(9)(iii) allows facilities to exclude from being a solid waste spent wood preserving solutions and wastewaters from wood preserving processes. EPA believes that most facilities have already taken advantage of this exclusion, but EPA conservatively estimates that five new facilities each year will prepare and submit a notification. An additional 15 facilities will submit a notice of violation and apply for reinstatement annually.

Section 261.4(a)(17) allows facilities to prepare an application for a site-specific process unit determination for their solid mineral processing materials and to provide notice to EPA. Note that this exclusion was voided by the courts. Therefore, no respondents are expected to claim this exclusion.

Under section 261.4(a)(20)(ii)(A), generators and intermediate handlers may obtain a hazardous waste exclusion for zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers. Section 261,4(a)(20)(iii)(B), allows manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to obtain a hazardous waste exclusion. EPA estimates that 24 generators of zinc-bearing hazardous secondary materials used to make fertilizers and five manufacturers of zinc fertilizers or zinc fertilizer ingredients will use the conditional exclusion. These facilities must submit a notification and maintain records. The manufacturers must also submit an annual report, perform sampling and analysis, and keep sampling and analysis records.

EPA estimates that one facility will prepare a demonstration for chromium-containing waste by following the requirements in section 261.4(b)(6).

EPA estimates that most of the samples shipped to or returned by a laboratory will be covered by DOT or USPS shipping requirements. EPA estimates that 45 samples per year will not be covered by these requirements and therefore will be subject to the information requirements specified in section 261.4(d)(2)(ii)(A).

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational collections. EPA estimates that two facilities will generate or collect treatability study samples every year, and therefore will need to collect and maintain information and report to EPA in the Biennial Report.

Section 261.4(e)(3) allows persons who generate or collect samples for the purpose of conducting treatability studies to petition to increase the quantity limits on treatability study samples. EPA estimates that one of the generators or collectors of treatability study samples will submit this request. Section 261.4(e)(3) also provides for a two-year extension for treatability studies involving bioremediation. EPA estimates that one of the generators or collectors of these samples will submit a request for an extension.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA estimates that two testing facilities will seek an exemption each year. These facilities must submit a notification, maintain records, submit an annual report, and submit a termination letter once testing has been completed.

Section 261.39(a)(2) requires generators of used, broken CRTs destined for recycling to label or mark clearly each container (e.g., "gaylord" box) in which used, broken CRTs are contained, as specified. EPA estimates that, each year, respondents will use 32,423 containers. EPA assumes that these respondents will mark each of these containers by writing the specified words on them. EPA also assumes that each container will be used only once.

Section 261.39(a)(5) requires exporters of used, broken CRTs to provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. EPA estimates that, each year, 256 shipments of used CRTs will be exported for recycling. EPA expects that these exporters will notify the Agency of their intent to export the used CRTs. In addition, the Agency estimates that approximately 26 exporters will furnish additional information.

Section 261.41 requires exporters of used, intact CRTs for reuse to send a one-time notification to EPA. EPA estimates that, each year, 14 respondents will export used CRTs for reuse. EPA assumes that all these respondents will notify the Agency once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 5 respondents (i.e., 14 respondents / 3 years), on average, will submit the one-time notification each year.

HAZARDOUS WASTE LISTING EXEMPTIONS (Exhibit 5)

EPA estimates that one facility will claim the section 261.31(b)(2) sludge hazardous waste exemption each year. This facility will maintain information supporting the criteria for exemption.

EPA estimates that one facility per year will develop equipment cleaning or replacement plans under section 261.35, document cleaning or replacement in the facility operating record, and certify that procedures were followed.

Section 261.32 (d) allows facilities to claim a listing exemption for K181 organic dyes and/or pigments production nonwastewaters. EPA estimates that two facilities will use knowledge of their wastes to determine that their wastes do not contain any of the K181 constituents identified in §261.32(c). EPA estimates that, each year, 22 facilities that generate 1,000 metric tons or less of wastes containing K181 constituents will follow the procedures under §261.32(d)(2) to determine whether or not their wastes exceed the mass loading levels in the listing. EPA estimates that, each year, eight of the nine facilities that generate more than 1,000 metric tons of wastes containing K181 constituents will follow the procedures under §261.32(d)(3) to determine whether or not their wastes exceed the mass loading levels in the listing. (The remaining one facility may continue to burn its waste with high organic content in onsite boilers permitted by the State under the Clean Air Act for energy recovery; this waste is also exempt from the K181 listing, and the resultant ash may thus be managed as nonhazardous.)

EXHIBIT 1
READING THE REGULATIONS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	Leg. $81.13 /Hour	Mgr. $65.61 /Hour	Tech. $36.34 /Hour	Cler. $17.99 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
Reading and Understanding the Regulations for ID, Listing, and Rulemaking Petitions											
Read the Regulations	0.25	0.50	1.00	0.00	1.75	$89.43	$0.00	$0.00	2,535	4,436.25	$226,705
Total: Read the Regulations	0.25	0.50	1.00	0.00	1.75	$89.43	$0.00	$0.00	2,535	4,436.25	$226,705

EXHIBIT 2
RULEMAKING PETITIONS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	**Leg. $81.13 /Hour**	**Mgr. $65.61 /Hour**	**Tech. $36.34 /Hour**	**Cler. $17.99 /Hour**	**Respon. Hours/ Year**	**Labor Cost/ Year**	**Capital/ Startup Cost**	**O & M Cost**	**Number of Respon. or Activ.**	**Total Hours/ Year**	**Total Cost/ Year**
Rulemaking Petitions											
General Requirements (260.20)											
Describe/prepare a statement on proposed action	2.51	8.38	25.15	11.74	47.78	$1,879.22	$0.00	$ 10,411	21	1,003.47	$258,094.59
State the need and justification for the proposed action	0.00	8.38	83.83	0.00	92.22	$3,596.58	$0.00	$0.00	21	1,936.53	$75,528.16
Subtotal	2.51	16.77	108.98	11.74	140.00	$5,475.80	$0.00	$10,411.00	21	2,940.00	$333,622.75
Equivalent Methods Petitions (260.21)											
Describe the proposed method	0.00	3.00	20.00	1.00	24.00	$941.65	$0.00	$0.00	1	24.00	$941.65
Describe the proposed methods' procedural steps and equipment	0.00	2.00	10.00	1.00	13.00	$512.63	$0.00	$0.00	1	13.00	$512.63
Describe wastes/waste matrices for proposed method	0.00	3.00	20.00	2.00	25.00	$959.64	$0.00	$0.00	1	25.00	$959.64
Compare results from proposed method with results from prescribed method	0.00	2.00	10.00	0.00	12.00	$494.64	$0.00	$0.00	1	12.00	$494.64
Assess any limiting factors for the proposed method	0.00	5.00	30.00	2.00	37.00	$1,454.28	$0.00	$0.00	1	37.00	$1,454.28
Describe the quality and control procedures	0.00	3.00	20.00	1.00	24.00	$941.65	$0.00	$0.00	1	24.00	$941.65
Provide any additional information	0.00	2.00	10.00	1.00	13.00	$512.63	$0.00	$0.00	1	13.00	$512.63
Subtotal	0.00	20.00	120.00	8.00	148.00	$5,817.10	$0.00	$0.00	1	148.00	$5,817.10

EXHIBIT 2, continued

Delisting Petition (260.22)											
Provide general information on the laboratory conducting the tests	0.00	0.00	13.53	0.00	13.53	$491.56	$0.00	$0.00	20	270.53	$9,831.26
Provide detailed information on the individuals sampling and testing the waste samples	0.00	6.76	1.35	1.35	9.47	$517.27	$0.00	$1,538.00	20	189.37	$41,105.32
Provide the dates of sampling and testing	0.00	0.00	1.35	0.00	1.35	$49.16	$0.00	$0.00	20	27.05	$983.13
Provide information on the location of the facility	0.00	0.00	1.35	1.35	2.71	$73.49	$0.00	$0.00	20	54.11	$1,469.87
Describe the manufacturing processes or other operations and feed materials producing the waste	0.00	6.76	135.27	1.35	143.38	$5,383.74	$0.00	$0.00	20	2,867.63	$107,674.82
Assess variability of generator's waste stream	0.00	0.00	135.27	0.00	135.27	$4,915.63	$0.00	$0.00	20	2,705.31	$98,312.63
Describe the waste	0.00	0.00	27.05	1.35	28.41	$1,007.46	$0.00	$0.00	20	568.12	$20,149.27
Estimate the average maximum monthly and annual quantities of waste covered by the demonstration	0.00	0.00	27.05	0.00	27.05	$983.13	$0.00	$0.00	20	541.06	$19,662.53
Provide pertinent data on discussion of factors per 261.11(a)(3)	0.00	0.00	67.63	1.35	68.99	$2,482.15	$0.00	$0.00	20	1,379.71	$49,643.06
Describe the methodologies and equipment used for representative samples	0.00	0.00	54.11	1.35	55.46	$1,990.59	$0.00	$30,759.00	20	1,109.18	$654,991.79
Describe the sample handling and preparation techniques	0.00	0.00	27.05	1.35	28.41	$1,007.46	$0.00	$0.00	20	568.12	$20,149.27
Describe the tests performed and their results	0.00	0.00	1.35	1.35	2.71	$73.49	$0.00	$5,324.00	20	54.11	$107,949.87
Provide the name and model numbers of instruments used	0.00	0.00	1.35	1.35	2.71	$73.49	$0.00	$0.00	20	54.11	$1,469.87
Certify petition	0.00	1.35	0.00	0.00	1.35	$88.75	$0.00	$0.00	20	27.05	$1,775.09
Provide any additional information	0.00	5.41	33.82	0.00	39.23	$1,583.93	$0.00	$0.00	20	784.54	$31,678.51
Subtotal	0.00	20.29	527.54	12.17	560.00	$20,721.31	$0.00	$37,621.00	20	11,200.00	$1,166,846.27
Total: Rulemaking Petitions	varies	varies	varies	varies	varies	$32,014.21	$0.00	$48,032.00	varies	14,288.00	$1,506,286.13

EXHIBIT 3
SOLID WASTE AND BOILER VARIANCE REQUIREMENTS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	**Leg. $81.13 /Hour**	**Mgr. $65.61 /Hour**	**Tech. $36.34 /Hour**	**Cler. $17.99 /Hour**	**Respon. Hours/ Year**	**Labor Cost/ Year**	**Capital/ Startup Cost**	**O & M Cost**	**Number of Respon. or Activ.**	**Total Hours/ Year**	**Total Cost/ Year**
Solid Waste and Boiler Variance Requirements											
Variance from Classification as a Solid Waste (260.31)(a) and 260.33(a))											
Provide information on the manner in which the material is expected to be recycled	0.00	0.00	30.00	0.00	30.00	$1,090.22	$0.00	$24.00	10	300.00	$11,142.17
Explain why the petitioner has accumulated for one or more years without recycling 75% of the volume accumulated at the beginning of the year	0.00	0.00	5.00	0.00	5.00	$181.70	$0.00	$0.00	10	50.00	$1,817.03
Provide information on the quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled	0.00	0.00	24.00	0.00	24.00	$872.17	$0.00	$0.00	10	240.00	$8,721.73
Provide information on the extent to which the material is handled to minimize loss	0.00	0.00	6.00	0.00	6.00	$218.04	$0.00	$0.00	10	60.00	$2,180.43
Provide any additional relevant information	0.00	0.00	10.00	0.00	10.00	$363.41	$0.00	$0.00	10	100.00	$3,634.06
Subtotal	0.00	0.00	75.00	0.00	75.00	$2,725.54	$0.00	$24.00	10	750.00	$27,495.42
Variance From Classification as a Solid Waste (260.31(b) and 260.33(a))											
Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials	0.00	0.00	40.00	0.00	40.00	$1,453.62	$0.00	$24.00	10	400.00	$14,776.22
Describe the industry-wide prevalence of the practice	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11

EXHIBIT 3, continued

Describe the extent to which the material is handled before reclamation to minimize loss	0.00	0.00	24.00	0.00	24.00	$872.17	$0.00	$0.00	10	240.00	$8,721.73
Describe the time periods between material generation and reclamation, and between reclamation and return to original primary production process	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11
Describe the location of the reclamation operation and production process	0.00	0.00	1.00	0.00	1.00	$36.34	$0.00	$0.00	10	10.00	$363.41
Describe whether the reclaimed material is used for the purpose for which it was originally produced when returned to the original process	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11
Describe whether the person who generates the material also reclaims it	0.00	0.00	1.00	0.00	1.00	$36.34	$0.00	$0.00	10	10.00	$363.41
Provide any additional relevant information	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11
Subtotal	0.00	0.00	146.00	0.00	146.00	$5,305.72	$0.00	$24.00	10	1,460.00	$53,297.22
Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))											
Provide information on the degree of processing the material has undergone and the degree of further processing that is required	0.00	0.00	40.00	0.00	40.00	$1,453.62	$0.00	$24.00	10	400.00	$14,776.22
Provide information on the value of the reclaimed material	0.00	0.00	16.00	0.00	16.00	$581.45	$0.00	$0.00	10	160.00	$5,814.49
Describe the degree to which the reclaimed material is like an analogous raw material	0.00	0.00	40.00	0.00	40.00	$1,453.62	$0.00	$0.00	10	400.00	$14,536.22
Examine the extent to which an end market for the reclaimed material is guaranteed	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11
Describe the extent to which the reclaimed material is handled to minimize loss	0.00	0.00	6.00	0.00	6.00	$218.04	$0.00	$0.00	10	60.00	$2,180.43
Provide any additional relevant information	0.00	0.00	20.00	0.00	20.00	$726.81	$0.00	$0.00	10	200.00	$7,268.11
Subtotal	0.00	0.00	142.00	0.00	142.00	$5,160.36	$0.00	$24.00	10	1,420.00	$51,843.60

EXHIBIT 3, continued

Variance for Classification as a Boiler (260.32 and 260.33(a))											
Describe the extent to which the unit has provisions for recovering and exporting thermal energy from steam, heated fluids, or heated gases	0.00	1.00	10.00	0.00	11.00	$429.02	$0.00	$0.00	1	11.00	$429.02
Describe the extent to which the combustion chamber and energy recovery equipment are of integral design	0.00	1.00	20.00	0.00	21.00	$792.43	$0.00	$0.00	1	21.00	$792.43
Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel	0.00	1.00	20.00	4.00	25.00	$864.39	$0.00	$0.00	1	25.00	$864.39
Describe the extent to which exported energy is utilized	0.00	0.00	16.00	3.00	19.00	$635.43	$0.00	$0.00	1	19.00	$635.43
Describe the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases	0.00	1.00	20.00	1.00	22.00	$810.42	$0.00	$0.00	1	22.00	$810.42
Provide any additional relevant information	0.00	0.00	10.00	8.00	18.00	$507.34	$0.00	$0.00	1	18.00	$507.34
Subtotal	0.00	4.00	96.00	16.00	116.00	$4,039.03	$0.00	$0.00	1	116.00	$4,039.03
Total: Solid Waste and Boiler Variance Requirements	varies	varies	varies	varies	479.00	$17,230.65	$0.00	$72.00	varies	3,746.00	$136,675.26

EXHIBIT 4
EXCLUSIONS FROM THE DEFINITION OF HAZARDOUS WASTE
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

	Hours and Costs Per Respondent Per Activity									Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	**Leg. $81.13 /Hour**	**Mgr. $65.61 /Hour**	**Tech. $36.34 /Hour**	**Cler. $17.99 /Hour**	**Workman $13.81 /Hour**	**Respon. Hours/ Year**	**Labor Cost/ Year**	**Capital/ Startup Cost**	**O & M Cost**	**Number of Respon. or Activ.**	**Total Hours/ Year**	**Total Cost/ Year**
Hazardous Waste Exclusions:												
Wastewater Exemption (261.3(a)(2)(iv))												
Demonstrate the wastewater exclusion	0.00	4.00	16.00	8.00		28.00	$987.85	$0.00	$5.00	1	28.00	$992.85
Revisions to the Headworks Exclusion at 261.3(a)(2)(iv)(A), (B), (D), (F) and (G)												
Direct Monitoring: Site-Specific Sampling Plan												
Prepare and submit site-specific sampling pla	0.00	0.50	1.00	0.50		2.00	$78.14	$0.00	$3.00	604	1,207.33	$48,984
Conduct direct monitroing	0.00	0.00	24.00	0.00		24.00	$872.17	$0.00	$4,506.00	1,811	43,464.00	$9,739,872
Update and submit the sampling plan if neede	0.00	0.10	0.25	0.15		0.50	$18.35	$0.00	$3.00	27	13.50	$576
Facilities Claiming Expanded *de minimis* **Exemption**												
Keep records of documents	0.00	0.00	0.35	0.15		0.50	$15.42	$0.00	$0.00	1,337	668.50	$20,614
Nonwastewater Exemption (261.3(c)(2)(ii)(C))												
Prepare and submit notification and certification	0.00	1.00	1.00	1.50		3.50	$128.94	$0.00	$12.00	1	3.50	$140.94
Maintain documents in facility files	0.00	0.00	0.00	0.50		0.50	$9.00	$0.00	$0.00	1	0.50	$9.00
Exclusion for Spent Wood Preserving Solutions and Wastewaters from Wood Preserving Processes (261.4(a)(9)(iii))												
Prepare and submit notification	0.00	0.50	1.00	6.00		7.50	$177.10	$0.00	$3.00	5	37.50	$900.50
Update notification, if needed	0.00	1.00	8.00	2.00		11.00	$392.32	$0.00	$3.00	15	165.00	$5,929.85
Exclusion for Secondary Materials from the Mineral Processing Industry (261.4(a)(17))												
Prepare and submit application	0.00	1.00	8.00	1.00		10.00	$374.33	$0.00	$3.00	0	0.00	$0.00
Prepare and submit notification	0.00	0.50	1.00	8.00		9.50	$213.09	$0.00	$3.00	0	0.00	$0.00
Update notification, if needed	0.00	0.25	0.50	9.00		9.75	$196.50	$0.00	$3.00	0	0.00	$0.00

EXHIBIT 4, continued

Exclusion for Recycled Hazardous Secondary Materials to Make Zinc Fertilizer Products (261.4(a)(20)-(21))												
Requirements for Generators												
Notification (261.4(a)(20)(ii)(B))												
Complete and submit notification	0.00	0.10	0.25	0.00		0.35	$15.65	$0.00	$3.00	8	2.80	$149.17
Record of Shipments (261.4(a)(ii)(C))												
Keep records of shipping activities	0.00	0.00	0.00	0.10		0.10	$1.80	$0.00	$0.00	24	2.40	$43.18
Requirements for Manufacturers												
Notification (261.4(a)(20)(iii)(B))												
Complete and submit notification	0.00	0.10	0.25	0.00		0.35	$15.65	$0.00	$3.00	2	0.70	$31.14
Record of Shipments (261.4(a)(iii)(C))												
Keep records of shipping activities	0.00	0.00	0.00	0.10		0.10	$1.80	$0.00	$0.00	5	0.50	$9.00
Annual report (261.4(a)(20)(iii)(D))												
Complete and submit the annual report	0.00	0.25	2.00	0.50		2.75	$98.08	$0.00	$3.00	5	13.75	$505.40
Product sampling and analysis (261.4(a)(21)(ii)(iii))												
Sample and analyze the product	0.00	0.00	1.00	0.00		1.00	$36.34	$0.00	$1,977.00	5	5.00	$10,066.70
Keep sampling and analysis records	0.00	0.00	0.00	0.10		0.10	$1.80	$0.00	$0.00	5	0.50	$9.00
Exemption for Chromium-Containing Waste (261.4(b)(6))												
Demonstrate the waste meets the hazardous waste exclusion	0.00	4.00	16.00	8.00		28.00	$987.85	$0.00	$5.00	1	28.00	$992.85
Exemption for Samples (261.4(d)(2)(ii)(A))												
Collect and maintain information on the sample and the collector	0.00	1.00	16.00	4.00		21.00	$719.03	$0.00	$5.00	45	945.00	$32,581.46
Exemption for Treatability Study Samples (261.4)(e)(2)-(3))												
Collect, copy, file and maintain the required information	0.00	0.00	4.00	0.00		4.00	$145.36	$0.00	$24.00	2	8.00	$338.72
Prepare and report to EPA required information (in the Biennial Report)*	0.00	0.00	4.00	0.00		4.00	$145.36	$0.00	$0.00	2	8.00	$290.72
Prepare and submit a request for an increase of the quantity limit	0.00	1.00	4.00	1.00		6.00	$228.97	$0.00	$0.00	1	6.00	$228.97
Prepare and submit a request for an extension of up to two years for treatability studies involving bioremediation	0.00	1.00	4.00	1.00		6.00	$228.97	$0.00	$0.00	1	6.00	$228.97

EXHIBIT 4, continued

Exemption for Treatability Study Samples Undergoing Testing (261.4)(f))												
Notify the Regional Administrator	0.00	1.00	0.00	1.00		2.00	$83.61	$0.00	$12.00	2	4.00	$191.21
Maintain records for three years	0.00	0.00	0.00	1.00		1.00	$17.99	$0.00	$5.00	2	2.00	$45.98
Prepare and submit the annual report	0.00	2.00	10.00	4.00		16.00	$566.60	$0.00	$12.00	2	32.00	$1,157.21
Prepare and submit the termination letter	0.00	1.00	0.00	2.00		3.00	$101.60	$0.00	$12.00	2	6.00	$227.20
Sub-Total: Hazardous Waste Exclusions	varies	varies	varies	varies		202.50	$6,859.67	$0.00	$6,605.00	varies	46,658.48	$9,865,116
Solid Waste Exclusions:												
Labels (261.39(a)(2))												
Prepare and report to EPA required information (in the Biennial Report)*	0.00	0.00	0.00	0.00	0.10	0.10	$1.38	0.00	0.00	32,423	3,242.30	$44,762.71
Export Notification for Used CRTs Destined for Recycling (261.39(a)(5))												
Prepare and submit written notification	0.00	0.10	1.80	1.50	0.00	3.40	$98.96	0.00	0.38	256	870.40	$25,431.73
Prepare and submit additional information that a receiving country requests in order to respond to a notification	0.00	0.10	0.50	0.10	0.00	0.70	$26.53	0.00	0.38	26	18.20	$699.69
Keep copies of notifications and consents	0.00	0.00	0.00	0.10	0.00	0.10	$1.80	0.00	0.00	256	25.60	$460.60
Export Notification for Used CRTs Destined for Reuse (261.41)												
Prepare and submit a one-time notification	0.00	0.10	0.50	0.10	0.00	0.70	$26.53	0.00	0.38	5	3.50	$134.55
Keep copies of a normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused	0.00	0.00	0.00	0.10	0.00	0.10	$1.80	0.00	0.00	14	1.40	$25.19
Sub-Total: Solid Waste Exclusions	varies	varies	varies	varies	varies	5.10	$157.00	$0.00	$1.14	varies	4,161.40	$71,514.47
Total: Exclusions	varies	varies	varies	varies	varies	207.60	$7,016.67	$0.00	$6,606.14	varies	50,819.88	$9,936,631

*** Assumes all generators and collectors must submit Biennial Reports**

EXHIBIT 5
HAZARDOUS WASTE LISTING EXEMPTIONS
ANNUAL ESTIMATED RESPONDENT BURDEN AND COST

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	**Leg. $81.13 /Hour**	**Mgr. $65.61 /Hour**	**Tech. $36.34 /Hour**	**Cler. $17.99 /Hour**	**Respon. Hours/ Year**	**Labor Cost/ Year**	**Capital/ Startup Cost**	**O & M Cost**	**Number of Respon. or Activ.**	**Total Hours/ Year**	**Total Cost/ Year**
Hazardous Waste Listing Exemptions											
Hazardous Wastes from Non-Specific Sources (261.31(b)(2)(ii))											
Develop data and documents to support criteria for exemption	0.00	4.00	40.00	6.00	50.00	$1,824.03	$0.00	$0.00	1	50.00	$1,824.03
Maintain records	0.00	0.00	0.00	2.00	2.00	$35.98	$0.00	$12.00	1	2.00	$47.98
Subtotal	0.00	4.00	40.00	8.00	52.00	$1,860.02	$0.00	$12.00	1	52.00	$1,872.02
Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement (261.35)											
Prepare equipment cleaning or replacement plan	0.00	0.00	24.00	8.00	32.00	$1,016.11	$0.00	$12.00	1	32.00	$1,028.11
Prepare and maintain documentation supporting cleaning/replacement of equipment in accordance with plan	0.00	2.00	16.00	9.00	27.00	$874.61	$0.00	$1,195.00	1	27.00	$2,069.61
Prepare and maintain certification that equipment was cleaned or replaced in accordance with plan	0.00	2.00	0.00	1.00	3.00	$149.22	$0.00	$0.00	1	3.00	$149.22
Subtotal	0.00	4.00	40.00	18.00	62.00	$2,039.94	$0.00	$1,207.00	1	62.00	$3,246.94

EXHIBIT 5, continued

PROCEDURES FOR DEMONSTRATING THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181 (261.32(d))											
Determination Based on No K181 Constituents ((261.32(d)(1))											
Determine that the organic dyes and/or pigments production nonwastewater is not K181	0.00	0.25	1.00	0.00	1.25	$52.74	$0.00	$0.00	2	3	$105
Document the basis for determining that the organic dyes and/or pigments production nonwastewater is not K181 on an annual basis	0.00	0.00	0.50	0.00	0.50	$18.17	$0.00	$0.00	2	1	$36
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	$1.80	$0.00	$0.00	2	0	$4
Subtotal	0.00	0.25	1.50	0.10	1.85	$72.71	$0.00	$0.00	2	4	$145
Determination For Low Volume Wastes that Contain K181 Constituents (261.32(d)(2))											
Document the basis for determining that the annual quantity of nonwastewaters expected to be generated is less than 1,000 metric tons	0.00	0.25	4.00	0.10	4.35	$163.57	$0.00	$0.00	22	96	$3,598
Track the actual quantity of nonwastewaters generated throughout the year	0.00	0.00	3.00	0.00	3.00	$109.02	$0.00	$0.00	22	66	$2,398
Keep a running total of the K181 constituent mass loadings over the course of the calendar year	0.00	0.00	3.00	0.00	3.00	$109.02	$0.00	$0.00	22	66	$2,398
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	$1.80	$0.00	$0.00	22	2	$40
Subtotal	0.00	0.25	10.00	0.20	10.45	$383.41	$0.00	$0.00	22	230	$8,434
Determination for High Volume Wastes with K181 Constituents (261.32(d)(3))											
Determine which K181 constituents are reasonably expected to be present in the wastes based on testing	0.00	0.00	2.00	0.10	2.10	$74.48	$0.00	$4,433.00	8	17	$36,060
Develop waste sampling and analysis plan	0.00	0.25	4.00	0.50	4.75	$170.76	$0.00	$0.00	8	38	$1,366
Collect and analyze samples in accordance with the waste sampling and analysis plan	0.00	0.00	2.00	0.25	2.25	$77.18	$0.00	$7,266.00	8	18	$58,745
Record analytical results	0.00	0.00	0.25	0.00	0.25	$9.09	$0.00	$0.00	8	2	$73

EXHIBIT 5, continued

Record the waste quantity represented by the sampling and analysis results	0.00	0.00	0.25	0.00	0.25	$9.09	$0.00	$0.00	8	2	$73
Calculate constituent-specific mass loadings	0.00	0.00	1.00	0.00	1.00	$36.34	$0.00	$0.00	8	8	$291
Keep a running total of the K181 constituent mass loadings over the course of the calendar year	0.00	0.00	3.00	0.00	3.00	$109.02	$0.00	$0.00	8	24	$872
Determine whether the annual mass loadings are below the K181 listing levels	0.00	0.00	0.10	0.00	0.10	$3.63	$0.00	$0.00	8	1	$29
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	$1.80	$0.00	$0.00	8	1	$14
If annual testing requirements are suspended, use knowledge of the waste to support subsequent annual determination	0.00	0.25	4.00	0.00	4.25	$161.77	$0.00	$0.00	0	0	$0
If annual testing requirements are suspended, keep records of the process knowledge information used to support a nonhazardous determination	0.00	0.00	0.00	0.10	0.10	$1.80	$0.00	$0.00	0	0	$0
If the manufacturing or waste treatment processes generating the wastes are significantly altered, retain a description of the process change	0.00	0.25	1.00	0.10	1.35	$54.54	$0.00	$0.00	0	0	$0
Subtotal	0.00	varies	varies	varies	varies	varies	$0.00	varies	varies	111	$97,523
RECORDKEEPING DEMONSTRATIONS FOR USE OF APPROPRIATE LANDFILLS (261.32(d)(4))											
Maintain documentation demonstrating that each shipment of waste was received by a landfill cell subject to the landfill design standards set out in the listing description	0.00	0.00	0.00	0.10	0.10	$1.80	$0.00	$0.00	30	3	$54
Total: Lists of Hazardous Waste	varies	varies	varies	varies	varies	varies	varies	varies	varies	462.00	111,275

EXHIBIT 6
TOTAL ANNUAL ESTIMATED RESPONDENT BURDEN

INFORMATION COLLECTION ACTIVITY	Number of Respondents	Number of Activities	Total Hours/Year	Total Labor Cost/Year	Total Capital Cost/Year	Total O&M Cost/Year	Total Cost/Year
Reading the Regulations	2535	1	4,436	$226,705	$0	$0	$226,705
Rulemaking Petitions	varies	2	14,288	$535,235	$0	$971,051	$1,506,286
Solid Waste and Boiler Variances	varies	4	3,746	$135,955	$0	$720	$136,675
Hazardous Waste Exclusions	varies	10	50,820	$1,763,898	$0	$8,172,733	$9,936,631
Hazardous Waste Listing Exemptions	varies	3	462	$16,465	$0	$94,811	$111,275
TOTAL ANNUAL BURDEN	varies	20	**73,752**	$2,678,259	$0	$9,239,315	**$11,917,572**

EXHIBIT 7
ANNUAL ESTIMATED AGENCY BURDEN AND COST

	Hours and Costs Per Respondent Per Activity						Total Hours and Costs		
INFORMATION COLLECTION ACTIVITY	**Leg. $55.65 /Hour**	**Mgr. $52.24 /Hour**	**Tech. $31.26 /Hour**	**Cler. $19.94 /Hour**	**Respon. Hours/ Year**	**Labor Cost/ Year**	**Number of Respon. or Activ.**	**Total Hours/ Year**	**Total Cost/ Year**
Review of Equivalent Methods Petitions (260.20 and 260.21)									
Review general petition information	0.00	3.00	20.00	0.00	23.00	$781.99	1	23.00	$781.99
Request additional information if required	0.00	0.00	2.00	1.00	3.00	$82.46	1	3.00	$82.46
Enter information into a database	0.00	0.00	6.00	2.00	8.00	$227.46	1	8.00	$227.46
Hold meetings	0.00	1.00	8.00	0.00	9.00	$302.35	1	9.00	$302.35
Deliberate	0.00	2.00	18.00	0.00	20.00	$667.22	1	20.00	$667.22
Make a draft determination, and publish draft Federal Register Notice	10.00	3.00	25.00	4.00	42.00	$1,574.59	1	42.00	$1,574.59
Review comments and deliberate	4.00	2.00	10.00	0.00	16.00	$639.73	1	16.00	$639.73
Make determination and publish final Federal Register notice	6.00	2.00	24.00	5.00	37.00	$1,288.41	1	37.00	$1,288.41
Subtotal	20.00	13.00	113.00	12.00	158.00	$5,564.22	1	158.00	$5,564.22
Review of Delisting Petitions (260.20 and 260.22)									
Review general petition information	7.70	1.93	128.01	11.55	149.19	$4,761.59	20	2,983.81	$95,231.74
Request additional information if required	7.70	1.93	39.46	3.85	52.94	$1,839.63	20	1,058.77	$36,792.55
Enter information into a database	0.00	0.00	16.36	0.00	16.36	$511.56	20	327.26	$10,231.20
Hold meetings	2.89	6.74	6.74	2.89	19.25	$780.89	20	385.01	$15,617.72
Deliberate*	24.06	7.70	55.83	7.70	95.29	$3,640.29	15	1,429.34	$54,604.35
Make a draft determination, and publish draft Federal Register Notice	7.70	24.06	95.29	19.25	146.30	$5,048.46	15	2,194.54	$75,726.89
Review comments and deliberate	15.40	24.06	79.89	0.00	119.35	$4,611.74	15	1,790.28	$69,176.14
Make determination and publish final Federal Register notice	15.40	3.85	20.21	3.85	43.31	$1,766.90	15	649.70	$26,503.48
Subtotal	80.85	70.26	441.80	49.09	642.00	$22,961.05	varies	10,818.71	$383,884.06

EXHIBIT 7, continued

Review of Solid Waste and Boiler Variance Demonstrations (260.31(a),(b),(c), 260.32, and 260.33(a))									
Review the demonstrations	0.00	2.20	18.16	0.00	20.36	$682.66	31	631.12	$21,162.39
Request additional information if necessary	0.00	0.00	0.55	1.65	2.20	$50.11	31	68.23	$1,553.49
Deliberate and issue draft determination	3.85	1.65	25.31	2.20	33.01	$1,135.79	31	1,023.44	$35,209.37
Publicize draft determination	0.00	0.00	1.65	4.40	6.05	$139.37	31	187.63	$4,320.39
Hold hearing, if required	0.00	0.55	22.01	1.65	24.21	$749.75	31	750.53	$23,242.31
Review comments and make final determination	2.20	1.65	23.11	2.20	29.16	$975.11	31	904.04	$30,228.33
Subtotal	6.05	6.05	90.79	12.11	115.00	$3,732.78	31	3,565.00	$115,716.27
Review of Hazardous Waste Exclusion Petitions (261.3 and 261.4)									
File nonwastewater notification	0.00	0.00	1.00	1.00	2.00	$51.20	1	2.00	$51.20
Review, approve, or deny, and keep records of the notifications and updates	0.00	0.00	2.00	0.25	2.25	$67.51	20	45.00	$1,350.23
Review and keep records of applications	0.00	0.00	0.25	0.25	0.50	$12.80	0	0.00	$0.00
Process haz. materials generator notification	0.00	0.00	0.25	0.10	0.35	$9.81	8	2.80	$78.48
Process zinc fertilizer manufacturer notification	0.00	0.00	0.25	0.10	0.35	$9.81	2	0.70	$16.38
Process zinc fertilizer manufacturer annual report	0.00	0.00	1.00	0.10	1.10	$33.26	5	5.50	$166.29
Review requests for quantity increases for treatability study and issue decision	0.00	0.00	3.00	0.00	3.00	$93.79	1	3.00	$93.79
Review requests for two-year extension of treatability study and issue decision	0.00	0.00	3.00	0.00	3.00	$93.79	1	3.00	$93.79
File notification of testing of treatability sample	0.00	0.00	1.00	1.00	2.00	$51.20	2	4.00	$102.40
File annual report on treatability study testing	0.00	0.00	1.00	1.00	2.00	$51.20	2	4.00	$102.40
File termination letter of treatability study testing	0.00	0.00	1.00	1.00	2.00	$51.20	2	4.00	$102.40
Revisions to the Headworks Exclusion at 261.3(a)(2)(iv)(A), (B), (D), (F) and (G)									
Review site-specific sampling plans	0.00	0.10	0.50	0.00	0.60	$20.86	604	362.20	$12,590
Review updated site-specific sampling plans	0.00	0.00	0.15	0.00	0.15	$4.69	27	4.05	$127

EXHIBIT 7, continued

Export Notification for Used CRTs Destined for Recycling (261.39(a)(5))									
Review notification submitted by an exporter of used CRTs to determine whether or not the notification is complete	0.00	0.00	1.00	0.00	1.00	$31.26	256	256.00	$8,003.47
Solicit form exporter, additional information requested by the receiving country	0.00	0.00	0.50	0.10	0.60	$17.63	26	15.60	$468.14
Provide, in conjunction with the Department of State, the complete notification to the receiving country	0.00	0.00	0.00	0.16	0.16	$3.19	256	40.96	$913.89
Forward the receiving/transit country's written consent to the receipt of used CRTs to the exporter	0.00	0.00	0.00	0.16	0.16	$3.19	0	0.00	$0.00
Send written notification to the exporter if the receiving/transit country objects to the receipt of the used CRTs or withdraws a prior consent	0.00	0.00	0.50	0.10	0.60	$17.63	0	0.00	$0.00
File copies of notifications, consents, and other related documents	0.00	0.00	0.00	0.10	0.10	$1.99	538	53.80	$1,072.60
Export Notification for Used CRTs Destined for Reuse (261.41)									
Review notification submitted by exporter of used CRTs	0.00	0.00	0.50	0.00	0.50	$15.63	5	2.50	$78.16
File copies of notification	0.00	0.00	0.00	0.10	0.10	$1.99	5	0.50	$9.97
Subtotal	0.00	0.10	16.90	5.52	22.52	$643.63	varies	809.61	25420.13
TOTAL: AGENCY ACTIVITIES	**varies**	**varies**	**varies**	**varies**	**varies**	**varies**	**varies**	**15,351**	**$530,585**

6(e) BOTTOM LINE BURDEN HOURS AND COSTS

Respondent Tally

As shown in Exhibit 6, EPA estimates a total respondent burden of 73,752 hours per year at a cost of $11,917,572. The bottom line burden to respondents over three years is 221,256 hours, with a cost of approximately $35,752,717.

Agency Tally

As shown in Exhibit 7, EPA estimates an annual Agency burden of 15,351 hours, at a cost of $530,585 per year. The bottom line burden to the Agency over three years is 46,054 hours, at a cost of $1,591,754.

6(f) REASONS FOR CHANGE IN BURDEN

This ICR (i.e., # 1189.20) consolidates and replaces four previously approved ICRs on the Part 260 and 261 paperwork requirements. The ICR entitled, "Identification, Listing, and Rulemaking Petitions," ICR #1189.14, was the previously approved "base" ICR for the Part 260 and 261 requirements. The ICR entitled, "Hazardous Waste Listing for Organic Dyes and/or Pigments Production Wastes," ICR #1189.15, was a new ICR.[12] The ICR entitled, "Recycling of Cathode Ray Tubes (CRTs): Changes to Hazardous Waste Regulations," ICR #1189.16, was a new ICR.[13] The ICR entitled, "Revision of RCRA Wastewater Treatment Exclusions for Hazardous Waste Mixtures," ICR #1189.17, was an amendment ICR.[14] This current ICR (#1189.20) replaces these four ICRs and therefore becomes the new "base" ICR for the Parts 260 and 261 paperwork requirements. Collectively, these four ICRs estimated an annual respondent burden of 75,929 hours as identified in the OMB Inventory of Approved ICR Burdens.

The annual respondent burden in this current "base" ICR (# 1189.20) is estimated to be 73,752 hours, which is a decrease of 2,177 hours from the previously approved ICRs. The burden decrease is an adjustment to the existing estimates based on data gathered through consultations with EPA Regional and State Offices and the regulated community, not due to program changes.

Based on consultations with EPA Regions, States and the regulated community, EPA believes that the annual estimate for the number of respondents that will prepare and submit new delisting petitions to the Regions will remain at 20 as in the previous "base" ICR (#1189.14). However, based on consultations with the regulated community, EPA has slightly decreased its estimate of the amount of time respondents will spend on preparing the delisting petitions, from 788 hours to 700 hours. Furthermore, based on consultations with EPA Regions and States with

12 ICR #1189.15 addressed the paperwork requirements at 40 CFR 261.32(d).

13 ICR #1189.16 addressed the paperwork requirements at 40 CFR 261.39(a) and 261.41.

14 ICR #1189.17 addressed the paperwork requirements at 40 CFR 261.3(a)(2)(iv).

delisting authorization, the estimated Agency burden for reviewing the delisting petitions has been changed from 667 hours to 642 hours. See the attached "Burden Estimate Methodology" for the rationales.

The annual estimated number of respondents requesting for variances from classification as a solid waste or classification as a boiler has been assumed to be the same as in the previous ICR, since there is not much information from consultations with EPA Regions and authorized States. EPA also assumes that the average hourly burden per respondent for these types of requests will remain unchanged from the previous ICR due to lack of new information. However, the estimated Agency burden for reviewing a variance request has been changed from 209 hours to 115 hours per variance review. See detailed discussions in the attached "Burden Estimate Methodology."

The annual estimated number of responses in this ICR has decreased by 35,155 from the previous ICR. As was stated in the supporting statement for ICR #1189.17, the paperwork requirements for the so-called "Headworks Exemptions" rule were one-time only (e.g., initial development and submission of a sampling and analysis plan), rather than annually-recurring. This anticipated drop in burden after the first year of the rule going final has been accounted for in this renewal.

6(g) BURDEN STATEMENT

The annual public reporting burden for this ICR is estimated to average 27 hours per response, and the annual public recordkeeping burden for this ICR is estimated to average 2 hours per response.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

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 ICR under Docket ID number EPA-HQ-RCRA-2007-0418, which is available for online viewing at http://www.regulations.gov, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The

EPA/DC Docket Center Public Reading Room is open from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OSWER Docket is (202) 566-0270.

An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. EPA-HQ-RCRA-2007-0418 and OMB control number (2050-0053) in any correspondence.

ATTACHMENT

INFORMATION COLLECTION REQUEST 1189.20
BURDEN ESTIMATE METHODOLOGY

Introduction

40 CFR Parts 260 and 261 contain provisions that allow regulated entities to apply for petitions, variances, exclusions, and exemptions from various RCRA requirements. This application process entails some amount of burden that is shouldered by the regulated community and EPA staff. In accordance with the 1995 Paperwork Reduction Act (as amended), EPA must estimate respondent and Agency burden associated with all regulatory activities, including the petitions, variances, exclusions, and exemptions allowed for in 40 CFR Parts 260 and 261. Once burden estimates are developed, EPA submits an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for approval. This document describes the methodology for updating burden estimates for the renewal of the ICR covering the regulatory activities cited above.

The Regional, State, and industry officials were consulted in order to obtain data needed to update and/or verify respondent and EPA burden estimates for these regulatory activities. These consultations are described below. The consultations occurred during the months of July and August 2007.

Summary of Consultations

Michelle Peace, U.S. EPA Region 6 (214-665-7430), is the delisting coordinator in Region 6. She works in the Multimedia Permitting and Planning Division, which handles delisting petitions and inquiries about hazardous waste exclusions/exemptions. According to Michelle, all the States in Region 6 are authorized for the RCRA program, and they issue decisions on definition of solid waste and boiler variances and hazardous waste exclusions/exemptions. She said that the Region typically receives two to three complete delisting petitions each year, and that in the past three years the Region published five final delisting rules. She also noted that currently there were 7 to 10 facilities at intermediate stages of the pre-petition phase (petition development, waste sampling and analysis, or interest meetings). By her estimate, it takes the Region approximately 725 hours to review and issue a final decision on a delisting petition.

Todd Ramaly, U.S. EPA Region 5 (312-353-9312), is the delisting petition coordinator for Region 5. He responded that the Region normally receives three delisting petitions per year; and that six pre-petition draft sampling and analysis plans were presently pending review and approval. He said that an average of about 800 hours per petition is still a reasonable estimate

for the amount of time spent by the Region to approve the draft sampling and analysis plan, review the petition information and data, and make a final delisting decision.

Dan Patulski (312-886-0656) and Greg Czajkowski (312-886-6838), U.S. EPA Region 5, stated that all six states in Region 5 are authorized for the RCRA program. Therefore, those authorized States handle requests for variances, exclusions and exemptions. The States sometimes call the Region for guidance, but States are the reviewing and decision-making authority.

David Friedman, U.S. EPA Region 3 (215-814-3395), is the delisting coordinator in Region 3. Per David, one delisting petition has been under review by the Region for a long while because it took a long time for the facility to generate the requested additional information and data. No new delisting petition was submitted in the past two years. He also indicated that the requests for variances, exclusions and exemptions are handled by the States in Region 3 because they are all authorized for the RCRA program.

Ken Herstowski, U.S. EPA Region 7 (913-551-7631), worked on one delisting petition in the past three years, and spent about 400 hours to process this petition. He had no information on any variance, exclusion, or exemption determination request.

Ed Lim, Ohio Environmental Protection Agency (614-644-2824), provided information on the State's review of variance, exclusion and exemption determination requests over the last three years. Based on the information he provided, the State granted per rule two requests for a case-by-case variance from classifying as a waste, one each in 2005 and 2006. From March 2004 to May 2007, the State also granted a number of requests for exemptions from certain hazardous waste storage, transportation and permitting requirements, but none seemed to be related to waste classifications (namely, hazardous waste exclusions/exemptions, or hazardous waste listing exemptions). Further, Mr. Lim indicated that variances and exemptions typically take months to process.

Renee Hudson Goodley (404-657-8828) and Jim McNamara (404-657-8620), Georgia Environmental Protection Division, said that in the last three years, the State received 3 to 4 requests each year for definition of solid waste variances or hazardous waste exclusion/exemptions. They estimated that it took their reviewing committee 3 to 6 months to process a request, or approximately 60 to 250 hours of actual time to review and finalize a decision on a request depending on its complexity. In addition, Mr. Jim Brown (404-656-7802) of the same State agency stated that in the past three years the State received two delisting petitions, and that they were still under review.

Yan Li, Rhode Island Department of Environmental Management (401-222-2797), received three solid waste variance requests in the past three years. It took her approximately 150 hours to review, process, and finalize a decision on a variance request.

Victor Windle (317-232-3242) and Dave Berrey (317-308-3341) of the Indiana Department of environmental Management stated that the State processes about one request per year for

variances, exclusions or exemptions. Over the last three years they received one definition of solid waste variance request for using a K061 material, and one incomplete request for definition of hazardous waste exclusion. For the one variance request that the State eventually denied, Mr. Berrey spent a total of 5 days to inspect the facility, meet with the facility's representatives, and prepare arguments and the denial letter.

Edward Hammerberg, Maryland Department of the Environment (410-537-3356), received about two cases per year of variance, exclusion, or exemption determination requests over the past three years. He spent several days on each request – interpreting or clarifying hazardous waste regulations, researching, and consulting with other regulatory authorities.

Shih Chang, New Jersey Department of Environmental Protection (609-292-8341), indicated that one delisting petition submitted some years ago was still in the review phase because the facility was unable to allocate the financial resource to pay for State's analysis (i.e., to pay a user fee for reviewing the delisting petition) until recently. He said that he had thus far spent approximately 230 hours on this incomplete petition. Also, he learned from other New Jersey contacts that the State did not receive any request for variances, exclusions or exemptions in the past three years.

Lawrence Merritt, Ford Motor Company (313-322-5548), stated that from 2003 to 2007, Ford had five delisting approvals for F019 wastes by EPA's Regions 5 and 8. Based on the information he provided, these delisting petitions cost on average 300 hours (or $15,000 at $50 per hour) of Ford time and $46,300 of consultant and lab cost. In addition, after each delisting approval, approximately $20,000 were spent by Ford's consultant to perform annual verification testing and Ford spent approximately 8 hours/year to review and report the verification testing data.

William Miller, General Motors Corporation (931-486-7471), provided information about their costs expended on several delistings granted by Regions 4, 5 and 6 in the past three years. He estimated that overall, GM spent up to 1,000 hours on a petition. Moreover, its contractor spent approximately $50,000 - $70,000 on lab work and $7,000 - $8,000 on petition preparation per petition. As an example, he revealed that on one particular petition GM paid a contractor $13,000 for waste sampling, $42,800 for sample analysis and data validation, $11,400 for petition writing, and $3,200 for post-petition follow-up.

Glenn Sabadosa, Bayer Polymers/Bayer Material Science (281-283-6454), said that the company submitted two delisting petitions to Region 6, and that each took about two years to go through the petition review process. By his estimate, each petition cost the company approximately 800 hours and $40,000.

Estimates of Burden

The estimates of burden associated with all regulatory activities identified in the Identification, Listing, and Rulemaking Petitions ICR are updated based on the information obtained from the consultations described above. If no information was obtained or available on an activity, it was assumed that the burden information contained in the previous pertinent ICRs (#1189.14, #1189.15, #1189.16, and #1189.17) did not change for that activity.

Delisting Petitions

As a result of the consultations with Region 5 (3 petitions and several pre-petition plans submitted each year), Region 6 (2 to 3 petitions and several pre-petition plans submitted each year, 5 final decisions published in the past three years), Region 3 (1 petition in the past three years), Region 7 (one petition in the past three years), the State of Georgia (2 petitions in the past three years) and the State of New Jersey (1 petition in the past few years), the estimate for total number of delisting petitions submitted and reviewed every year will remain at 20 as in the previous "base" ICR (#1189.14). This is based on an estimate that approximately 10 petitions/year are going to be reviewed by Regions 5 and 6 (Regions that normally have the highest numbers of petitions for review every year) in light that each petition takes about 2 years to review and process, and that another 10 petitions/year will be reviewed by some other EPA Regions and States with delisting authorization.

The estimated respondent hourly burden is based on information collected from Larry Merritt (Ford Corp.), William Miller (General Motors), and Glenn Sabadosa (Bayer Polymers/Bayer Material Science). They estimated the following hours needed to prepare a delisting petition: 300 hours, up to 1,000 hours, and 800 hours, respectively. This would result in an average of 700 hours per petition. However, they did not differentiate such costs between the administrative requirements under section 260.20 and the information requirements under section 260.22. Based on the estimates in the previous "base" ICR (#1189.14), the section 260.20 administrative requirements should not take more than 20% of the total time, or 140 hours out of a total of 700 hours. The other 80% of the time (or 560 hours) is used to meet the information requirements under 260.22. The total hourly burden, however, does not change much (estimated now to be 700 hours, compared to 788 hours estimated previously).

The estimated Agency burden for reviewing a delisting petition is based on information collected from Todd Ramaly (Region 5), Michelle Peace (Region 6), and Ken Herstowski (Region 7). They estimated that 800 hours, 725 hours, and 400 hours, respectively, were needed to review and process a delisting petition. This would result in an average of 642 hours (compared to 667 hours estimated previously) per petition review.

Solid Waste and Boiler Variances

Based on consultations with the Regional and State representatives, there have not been many requests recently for variances from classification as a solid waste. There were no requests received for variances for classification as a boiler. A few State representatives said

that they had received 1 – 3 definition of solid waste variances in the past three years, while some said they had not received any. Therefore, as estimated in the previous "base" ICR (#1189.14), it seems reasonable to leave the total number of sections 260.31(a), 260.31(b), and 260.31(c) variance requests from classification as a solid waste at 10 requests each annually (totaling 30 annually), and for classification as a boiler at one variance annually.

Consultations with the Regional and State representatives did not result in any information on the respondent burden for preparing a solid waste or boiler variance request. Therefore, it seems reasonable not to change the respondent burden hours estimated in the previous "base" ICR (#1189.14).

The estimated Agency burden for reviewing a variance request is based on information collected from Yan Li (Rhode Island Department of Environmental Management), Dave Berrey (Indiana Department of environmental Management), and Renee Hudson Goodley and Jim McNarama (Georgia Environmental Protection Division). They estimated that it takes approximately 150 hours, 5 days, and 60 – 250 hours, respectively, to review and make a final decision on a variance request. This would result in an average of approximately 115 hours (compared to 209 hours estimated previously) per variance review.

Hazardous Waste Exclusions/Exemptions

Based on consultations with the Regional and State representatives, there is not much information available on facilities requesting hazardous waste exclusions/exemptions. Therefore, it does not make sense to change the respondent burden hour estimates for hazardous/solid waste exclusions and exemptions included in the previous ICRs (#1189.14, #1189.16 and #1189.17).

Hazardous Waste Listing Exemptions

Based on consultations with the Regional and State representatives, there is no information available on facilities claiming hazardous waste listing exemptions. Therefore, it does not make sense to change the respondent burden hour estimates for hazardous waste listing exemptions included in the previous ICRs (#1189.14 and #1189.15).