

**Supporting Statement for a Request for OMB Review under
the Paperwork Reduction Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

TITLE: PCBs, Consolidated Reporting and Recordkeeping Requirements

EPA ICR No.: 1446.09 OMB Control No: 2070-0112

1(b) Short Characterization

The Toxic Substances Control Act (TSCA) section 6(e)(1), 15 USC 2605(e), directs EPA to regulate the marking and disposal of polychlorinated biphenyls (PCBs). Section 6(e)(2) bans the manufacturing, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. Section 6(e)(3) establishes a process for obtaining an exemption from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs. This provision requires that EPA must make a finding by rule that such activities will not present an unreasonable risk of injury to health or the environment. In addition, good faith efforts must have been made by the petitioner to develop a chemical substance that does not present an unreasonable risk to replace the PCBs. Exemptions may be granted for a period not to exceed one year. Since 1978, EPA has promulgated numerous rules addressing all aspects of the life cycle of PCBs as required by the statute. These regulations have been codified in the various subparts of 40 CFR 761, as shown in Table 1-1. Appendix A contains a copy of the statute and Appendix B is a copy of the regulations.

This Supporting Statement is a renewal of the Information Collection Request (ICR) that previously consolidated six ICRs as follows:

1. ICR 857—PCB Manufacturing, Processing, and Distribution in Commerce Exemptions (OMB Control No. 2070-0021).
2. ICR 1000—PCB Use in Electrical Equipment and Transformers (OMB Control No. 2070-0003).
3. ICR 1001—PCB Exclusions, Exemptions, and Use Authorizations (OMB Control No. 2070-0008).
4. ICR 1012—PCB Disposal Permitting Regulation (OMB Control No. 2070-0011).
5. ICR 1446—Notification and Manifesting for PCB Waste Activities (OMB Control No. 2070-0112), which incorporates ICR 583 - PCB Use, Storage, and Disposal Recordkeeping Requirements (OMB Control No. 2070-0061). This collection was amended to address third-party notifications and to address the burden associated with EPA's Reclassification Rule when it was a proposed rule.
6. ICR 1729—Final Regulations Amending the PCB Regulations at 40 CFR 761 (OMB Control No. 2070-0159).

**TABLE 1-1
SUBPARTS AND SECTIONS OF 40 CFR 761**

Subpart	Section Numbers	Subpart Title
Subpart A	§§761.1 - .19	General
Subpart B	§§761.20 - .35	Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items
Subpart C	§§761.40 - .45	Marking of PCBs and PCB Items
Subpart D	§§761.50 - .79	Storage and Disposal
Subpart E	§§761.80	Exemptions
Subpart F	§§761.91 - .99	Transboundary Shipments of PCBs for Disposal
Subpart G	§§761.120 - .135	PCB Spill Cleanup Policy
Subpart J	§§761.180 - .193	General Records and Reports
Subpart K	§§761.202 - .218	PCB Waste Disposal Records and Reports
Subpart M	§§761.240 - .257	Determining a PCB Concentration for Purposes of Abandonment or Disposal of Natural Gas Pipeline; Selecting Sample Sites, Collecting Surface Samples, and Analyzing Standard PCB Wipe Samples
Subpart N	§§761.260 - .274	Cleanup Site Characterization Sampling for PCB Remediation Waste in Accordance with 40 CFR 761.61(a)(2)
Subpart O	§§761.280 - .298	Sampling to Verify Completion of Self-Implementing Cleanup and On-Site Disposal of Bulk PCB Remediation Waste and Porous Surfaces in Accordance with §761.61(a)(6)
Subpart P	§§761.300 - .316	Sampling Non-Porous Surfaces for Measurement-Based Use, Reuse, and On-Site or Off-Site Disposal Under §§761.61(a)(6) and 761.79(b)(3)
Subpart Q	§§761.320 - .326	Self-Implementing Alternative Extraction and Chemical Analysis Procedures for Non-Liquid PCB Remediation Waste Samples
Subpart R	§§761.340 - .359	Sampling Non-Liquid, Non-Metal PCB Bulk Product Waste for Purposes of Characterization for PCB Disposal in Accordance with §761.62, and Sampling PCB Remediation Waste Destined for Off-Site Disposal, in Accordance with §761.61
Subpart S	§§761.360 - .378	Double Wash/Rinse Method for Decontaminating Non-Porous Surfaces
Subpart T	§§761.380 - .398	Comparison Study for Validating a New Performance-Based Decontamination Solvent Under 40 CFR 971.79(d)(4)

The previous Consolidated ICR also incorporated collection request burdens associated with the Reclassification Rule (66 FR 17602, April 2, 2001) not previously contained in OMB's inventory. No additional requirements have been added to this ICR. This ICR was previously approved as OMB Control No. 2070-0112 and EPA ICR No. 1446.08.

There are approximately 100 specific reporting, third-party reporting, and recordkeeping

requirements covered by this consolidated ICR. Some examples of *reporting* and *third-party reporting* requirements included at 40 CFR 761 follow:

- Submitting reports/certifications to qualify for the exclusion from the manufacturing ban, thus allowing the manufacture or importation of chemical products that contain inadvertently generated trace PCB impurities.
- Registering newly discovered PCB Transformers with EPA (reporting) and building owners (third-party reporting).
- Submitting annual reports concerning the storage and disposal of PCBs.
- Notifying EPA to obtain approval to exceed the time limits for storing equipment slated for reuse or to exceed the current 1-year limitation on storing equipment for disposal.
- Notifying EPA (i.e., reporting) and State and local officials (i.e., third-party reporting) of self-implementing PCB remediation activities and changes to these activities, and providing certification that all records of remediation activities are on file.
- Requesting EPA approval to operate facilities that dispose or commercially store PCBs.
- Submitting Unmanifested Waste Reports.
- Sending Certificates of Disposal to generators of PCB waste (third-party reporting).

Examples of recordkeeping requirements under 40 CFR 761 include:

- Maintaining records of PCB Transformers and transformer inspections, Voltage Regulators, and Large Capacitors.
- Maintaining records of PCB equipment stored for reuse.
- Keeping records of remediation activities.
- Preparing and maintaining plans for handling PCB spills [i.e., Spill Prevention, Control, and Countermeasure (SPCC) plans].
- Preparing and maintaining annual document logs for incineration facilities, chemical waste landfills, and high efficiency boilers.
- Maintaining monitoring records of the manufacture, import, processing, distribution in commerce, or use of chemicals containing inadvertently generated or recycled PCBs.
- Maintaining records associated with the transfer, storage, and disposal of PCBs and PCB equipment; the processing and distribution in commerce of PCBs; and the decontamination of PCB Items.

Information required by these regulations is used by EPA's Regional Administrators, the Office of Enforcement and Compliance Assurance (OECA), or the Office of Pollution Prevention and Toxics (OPPT), as appropriate. Much of the information is maintained as part of the public docket. Confidential business information (CBI) submitted to EPA to qualify for the chemical manufacturing exclusions is maintained by OPPT in the CBI docket. Data collected under the transformer registration program are provided to the EPA Regional Offices and other environmental offices, on an as requested basis (e.g., State environmental agencies, fire response personnel, etc.), and is accessible online as well.

All of the information collection activities associated with the PCB regulations found at 40 CFR 761 have been approved by OMB. The total hourly and cost burdens associated with the requirements discussed in this consolidated ICR include time needed to collect and review required information and transmit or otherwise disclose the information. EPA will use the information collected by the 40 CFR 761 requirements to ensure PCBs are managed in an environmentally safe manner and that activities are being conducted in compliance with the PCB regulations. Specific uses of the information collected include determining the efficacy of a disposal technology; evaluating exemption requests and exclusion notices; targeting compliance inspections (e.g., determining if operational criteria for disposal facilities are being met); and ensuring adequate storage capacity for PCB waste.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The reporting and recordkeeping requirements of this consolidated ICR are implemented under the TSCA authorities 15 USC 2605, Section 6(e). To meet its statutory obligations, EPA must obtain sufficient information to conclude that the specified activities do not result in an unreasonable risk of injury to health or the environment. The regulations are intended to prevent the improper handling and disposal of PCBs and to minimize the exposure of human beings or the environment to PCBs.

To assist EPA in achieving these goals, the information collected by these requirements will update the Agency's knowledge of ongoing PCB activities, ensure that individuals using or disposing of PCBs are held accountable for their activities, and demonstrate compliance with the PCB regulations. Tables 2-1, 2-2, and 2-3 provide specific regulatory citations for each reporting, third-party reporting, and recordkeeping requirement, respectively, as well as the specific use of the data for each information collection requirement. Item numbers in the first column of the tables are included for ease of reference to the numerous requirements and are carried through to other sections and tables throughout this document.

2(b) Use of the Data

EPA will use the information collected by the 40 CFR 761 requirements to ensure PCBs are managed in an environmentally safe manner and that activities are being conducted in

compliance with the PCB regulations.

**TABLE 2-1
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)**

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart A—General			
1	§761.1(f)(1),(2), and (3)	Comply with reporting requirements of Subpart J (§§761.185 - .187) as a condition to be exempt from the manufacturing ban of Subpart B, for persons who: inadvertently manufacture or import PCBs generated as unintentional impurities in excluded manufacturing processes; process, distribute in commerce, or use products containing PCBs generated in excluded manufacturing processes; or process, distribute in commerce, or use products containing recycled PCBs, as per §761.1(f)(1) to (3).	Provide means for Agency to verify that individuals who claim manufacturing exclusions are generating only allowed quantities of PCBs in the products that leave their manufacturing sites. Provide data used to establish who is generating new PCBs, where these PCBs are being generated, and in what quantities. Identify sites for compliance inspections of those facilities that have reported unusually high amounts of PCBs released to products, air, or water. Provide quality control in that the regulation encourages manufacturers to audit their operations, quantify their PCB releases, and maintain their particular PCB releases within prescribed limits. (Also see numbers 42 & 43.)
Subpart B—Use			
2	§§761.20(b)and (c)(1) and (3)	Submit an exemption petition as per TSCA Section 6(e)(3) to manufacture (import), process, or distribute in commerce (export) PCBs, unless otherwise authorized.	Implement statutory mandate that these activities will not result in an unreasonable risk of injury to health or the environment. (Also see numbers 34 and 39.)
3	§§761.30(a)(1) (vi), (vii), and (xv)(D)	Register newly discovered PCB Transformers. (See Appendix C for EPA Form 7720-12).	Provide EPA and building owners with key information about transformer locations.
4	§§761.30(a)(2) (v)(C) and .30(h)(2)(v)(C)	Obtain EPA approval to use alternate method for reclassifying transformers.	Provide EPA with adequate information to respond to request for relief from regulatory requirement.
5	§761.30(i)(1) (iii)(A)(1)	Submit a description, at the request of the Regional Administrator (RA), of a natural gas pipeline system owned or operated by a seller or distributor of natural gas that contains ≥ 50 ppm PCBs.	Keep regions informed of the operation of a natural gas pipeline system that contains PCBs.

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
6	§761.30(t)(3)	Obtain EPA approval for the use of PCBs in other gas or liquid systems.	Ensure that the wide variety and sometimes rare cases of PCB-contaminated gas or liquid systems are identified and cleaned to <50 ppm.
7	§761.35(b)	Obtain EPA approval for an extended storage for reuse period.	Prevent indefinite storage of equipment in areas not designed, constructed, or operated in compliance with toxic/hazardous waste storage requirements (e.g., TSCA §761.65(b) or RCRA 3004 or 3006 facilities).
Subpart D—Storage and Disposal			
8	§761.60(e), (i)(2); .70(a), (b), and (d); .75(b)(7), (b)(8)(ii), and (c)	Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements.	Determine if applications meet the technical and operational criteria for a disposal or R&D facility to prevent PCB releases into the environment.
9	§761.60(j)(1)(i)	Notify EPA to obtain an identification number for conducting R&D on PCB disposal activities. (See Appendix D for EPA Form 7710-53).	Ensure EPA is knowledgeable of PCB R&D activities (i.e., a waste handling activity) to prevent risk of injury to health or the environment. (Also see number 44.)
10	§761.60(j)(1)(ii)	Notify EPA (as well as State, and local) environmental officials of PCB disposal R&D activities.	Keep relevant regional authorities informed of PCB waste handling activities in their area.
11	§761.60(j)(2)	Obtain EPA's approval to exceed allowable volume of PCB material, maximum concentration of PCBs, total amount of pure PCBs or duration of an R&D activity.	Ensure the PCB R&D disposal activities will not cause risk of injury to health or the environment.
12	§§761.61(a)(3)(i) and (ii)	Notify EPA (as well as State, Tribal, and local) officials of self-implementing remediation activity, including a summary of the procedures used to sample contaminated areas and sample collection and analysis data; submit additional information as requested; and certify that records of remediation activity are on file at the location designated in the certificate.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
13	§761.61(a)(3)(ii)	Notify EPA of changes to notification of self-implementing activities.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
14	§761.61(a)(3)(iii)	Request a waiver of the notification requirement for conducting cleanup of PCB remediation waste.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
15	§761.61(a)(8)(i)(B)	Submit certification to EPA that the deed notation required by §761.61(a)(8)(i)(A) has been recorded.	Ensure proper notification to potential land owners of PCB history at the site.
16	§761.61(c)(1)	Apply for risk-based disposal of PCB remediation wastes. Submit additional information as requested by EPA.	Allow EPA, on an as-requested basis, to assess proposed disposal option and ensure that it will not present risk of injury to health or the environment.
17	§761.62(c)(1)	Obtain approval for risk-based disposal or storage of PCB bulk product waste. Provide additional information and periodic progress reports, as requested by EPA.	Allow EPA, on an as-requested basis, to assess proposed disposal or storage option and ensure that it will not present a risk of injury to health and the environment.
18	§761.65(a)(2)	Provide notification that continuing attempts to dispose of or secure disposal for PCB waste within the 1-year time frame have been unsuccessful, for which EPA may grant an automatic 1-year extension.	Show good faith attempts to secure disposal of PCB wastes. Allow EPA to evaluate whether the 1-year time frame for storage should be extended and ensure that appropriate treatment and disposal options are being pursued.
19	§761.65(a)(3)	Submit requests for additional extensions beyond the initial 1-year extension, including justification and information on measures taken to secure disposal.	Ensure that appropriate treatment and disposal options are being pursued.
20	§761.65(a)(4)	Submit request for modifications to TSCA approval to allow for extended storage period.	Allow EPA to assess whether a facility is likely to present an unreasonable risk of injury as a result of being granted approval to extend the storage timeframes for the disposal of PCB waste.
21	§761.65(c)(6)(i)(C)	Demonstrate to the RA and other appropriate regulatory authorities (i.e., NRC, DOE, or DOT), that the use of other containers for the storage of liquid and non-liquid PCB/radioactive wastes is protective of health and the environment.	Allow flexibility in using unique container designs that meet the criteria for containers used to store liquid or non-liquid PCB/radioactive waste.
22	§761.65(d); (e)(1), (6), and (8); and (f)	Prepare application for commercial storage approval, including qualifications of key employees, closure plan, and closure cost estimate. Commercial storer must also notify EPA of facility modification, closure schedule, and completion of closure activities.	Allow EPA to assess operational capabilities, to determine whether storers/disposers of PCB wastes have the ability to close their facilities in a safe manner, and to prohibit intermediate handlers of PCBs who are financially unable to close their facilities from becoming potential Superfund sites.

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
23	§761.65(e)(4)	Submit a written request to the RA to modify a storage approval to amend the closure plan, when there are changes in ownership, changes in expected dates of closure, and/or unexpected events.	Ensure proper management of storage facilities.
24	§761.65(g)(9)	Notify issuing authority of modifications to commercial storage facilities.	Ensure financial assurance mechanism is adequately funded.
25	§§761.65(j)	Demonstrate that a new owner of a commercial storage facility has established financial assurance for closure. Submit new or amended commercial storage application as a result of change in ownership.	Ensure proper management of storage facilities and handling of PCB wastes prior to approving changes in ownership.
26	§§761.70(a)(8), (9); and (d)(5)	Obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator.	Allow EPA to assess adequacy of alternate procedures for use at incinerators.
27	§§761.70(d)(8); 761.75 (c) (7)	Notify EPA of change in ownership of disposal facility (i.e., incinerators and landfills).	Allow EPA to determine whether transfer will present risk of injury to health and environment.
28	§§761.71(a)(2) and (b)(2)	Notify EPA prior to initial use of high efficiency boiler to burn mineral oil dielectric fluid. Seek approval to burn liquids, other than mineral oil dielectric fluid in a HEB.	Ensure that the operation of high efficiency boilers will not present a risk of injury to health or the environment.
29	§§761.72(c)(2)	Notify EPA as a scrap metal recovery oven or smelter used to dispose of PCBs and comply with the reporting requirements of Subparts J and K.	Ensure that the operation of industrial furnaces will not present risk of injury to health or the environment. (Also see number 44.)
30	§761.72(c)(3)	Submit written request to RA based on site-specific risk assessments, in lieu of meeting requirements listed in §761.72.	Allow EPA to assess whether scrap metal recovery oven and/or smelter operation will present risk of injury to health or the environment.
31	§§761.77(a)(1)(i), (a)(1)(ii)(A)(1) and (C), and .77(a)(2)	Submit a notification to the RA for coordinated approval and additional information, as requested by EPA. Submit an application for TSCA disposal approval, if the RA denies the request for a coordinated approval or determines that the conditions of the coordinated approval are not being met.	Allow EPA to assess whether facilities seeking coordinated approval properly manage PCB wastes and recognize the Federal or State waste management documents governing the properly managed facilities, thus contributing to more efficient use of limited resources.

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
32	§761.77(a)(3)	Notify EPA of changes in waste management requirements in the non-TSCA waste management document used to obtain TSCA PCB coordinated approvals.	Ensure the proper handling of PCB wastes.
33	§§761.79(h)	Submit requests for approvals of alternative decontamination or sampling methods, for any person decontaminating porous surfaces other than concrete, as per paragraph (b)(4), or non-porous surfaces covered with a porous surface, as per paragraph (b)(3) or (c)(6), and/or by using a self-implementing procedures other than prescribed in paragraph (c). EPA may request additional information.	Allow EPA, on an as-requested basis, to ensure that decontamination methods will not pose risk of injury to health or the environment.
Subpart E—Exemptions			
34	§§761.80(e)(1) and (i)(1)	Submit petition to qualify for the class exemptions for manufacturing PCBs for disposal R&D and for the manufacture, import, processing, distribution, and export of PCBs and analytical reference samples derived from PCB waste for R&D.	Allow EPA, on an as-requested basis, to assess whether a facility meets the criteria for being granted an exemption. Minimize negative impacts from the relatively time-consuming statutory process for individual companies seeking an exemption from the prohibition on manufacturing, processing, and distributing in commerce of PCBs. [Statutory requirement] (Also see numbers 2 and 39).
35	§761.80(e), (i)(2) and (n)	Submit requests for renewal of the class exemptions.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.
36	§§761.80(e)(3), (g)(2), and (i)(4)	Obtain approval from EPA to exceed limits of the exemption.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.
37	§761.80(e)(4)	Notify EPA before beginning R&D activities that include the manufacture of PCBs.	Ensure that facility operation will not pose risk of injury to health or the environment.
38	§761.80(n)	Submit a petition for certain exemptions to address increases in the amount of PCBs to be processed and distributed, imported (manufactured), or exported, or changes in the manner of processing and distributing, importing (manufacturing), or exporting PCBs.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.
Subpart F—Transboundary Shipments of PCBs for Disposal			

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
39	§§761.93(a) and .97(a)	Submit an exemption petition as per TSCA Section 6(e)(3) to import PCBs or PCB Items for disposal.	Allow EPA, on an as-requested basis, to ensure that the import and export of PCBs and PCB Items will not pose a risk of injury to health or the environment. [Required by Statute.] (See number 2.)
Subpart G—PCB Spill Cleanup Policy			
40	§761.125(a)(1) (i) to (iii)	Report certain spills of PCBs to EPA. Request guidance from the RA in completing statistical sampling of the spill area to establish spill boundaries, where there are no visible traces of contamination.	Make reporting consistent with CERCLA requirements and facilitate cleanup of PCBs, to prevent exposure to PCBs.
Subpart J—General Records and Reports			
41	§§761.180(b) (3) and (c)(5)	Submit annual reports for the operation of PCB incinerators, chemical waste landfills, high efficiency boilers, and commercial storage facilities, including facilities that dispose of the PCB wastes they generate. Report suspension of operations.	Fill gaps in EPA's knowledge of how PCB wastes are being handled and allow the Agency to respond to public and Congressional inquiries. Enable EPA to more effectively target disposal facilities for inspection and compliance monitoring.
41a	§761.180(g)	Provide records pertaining to the reclassification of PCB equipment, if requested by EPA.	Address EPA's concerns regarding reclassification procedures and results for the specified equipment. (Also see number 68a.)
42	§§761.185	Notify EPA and certify low level PCB product contamination to be exempt from the requirements of Subpart B, regarding processes inadvertently generating PCBs and imports of products containing inadvertently generated PCBs. Certification must be repeated if the previous certification is no longer valid.	Ensure products do not reach U.S. markets with unacceptably high levels of PCBs.
43	§761.187	Notify EPA when PCB releases exceed limits, to be exempt from the requirements of Subpart B, for products, manufactured or imported with inadvertently generated PCBs.	Ensure that facility operations will not pose risk of injury to health/environment.
Subpart K—PCB Waste Disposal Records and Reports			

TABLE 2-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
44	§§761.202(a); 205(a) to (c)	Notify EPA of waste handling activities, for generators, commercial storers, transporters, or disposers of PCB waste.	Inform EPA of generators, storers, transporters, and disposers of PCB waste so that the Agency can ensure compliance with applicable regulations.
45	§761.205(f)	Report changes in notifications previously submitted by PCB waste handlers (i.e., amended notification).	Ensure that PCB waste handlers are operating within the proper criteria.
46	§§761.208(a) (4) and .215(b) to (d)	Submit Exception Reports to EPA when PCB waste generators, disposers, and/or commercial storers do not receive confirmation that a shipment of a PCB waste has been properly disposed of.	Track the movement of PCB waste to ensure they arrive at intended storage or disposal site.
47	§761.210(b)	Submit Discrepancy Reports and copies of manifests to EPA when the PCB waste received by a disposer is significantly different from the description on the manifest that accompanies it, and the discrepancy is not resolved within 15 days after receiving the PCB waste.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.
48	§§761.211(b)	Notify RA of unmanifested PCB waste, for owners/operators of commercial storage facilities who cannot contact the generator of the PCB waste.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.
49	§761.211(c)	Submit Unmanifested Waste Reports (e.g., waste description, volume, disposition; date received; ID numbers of waste handlers for that waste) to EPA when disposers accept a shipment of PCB waste without an accompanying manifest.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)			
50	§§761.395 and 398(a)	Submit results of analysis and validation study to the Director, National Program Chemicals Division (NPCD).	Allow EPA to confirm and publish findings in the <u>Federal Register</u> of new decontamination procedures.

TABLE 2-2
THIRD-PARTY NOTIFICATION REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart B—Use			
51	§§761.20(e)(3)(ii); 30(i)(5)(ii); and .60(b)(5)(iv)(B)	Burner of used oil must provide a 1-time certification to the marketer that he is in compliance with notification requirement at §761.71(a)(2).	Limits distribution of used oil containing PCBs to authorized burners.
52	§§761.30(a)(1)(xi) and (xv)(A); 30(h)(1)(ii)(B)	Report PCB Transformers and Voltage Regulator fire incidents to the NRC.	Provide Federal officials with notice of individual and the environmental exposure to PCBs.
53	§761.30(a)(1)(xiv)	Notify owner of PCB Transformer that equipment may pose risk of exposure to food or feed.	Allow determination to be made regarding risk of exposure to food and feed.
54	§761.30(a)(1)(xv)(D)	Register PCB Transformers with the building owner within 30 days of discovery.	Provide local notice of the existence of PCBs.
Subpart D—Storage and Disposal			
55	§761.60(a)(3)(ii)	Provide information to chemical waste landfills that liquids do not exceed 500 ppm and are not ignitable.	Prevent release of PCBs and provide flexibility in disposal options for incidental liquids, making the rule consistent with RCRA land ban restrictions.
56	§761.60(b)(5)(i)(A)(1)	Include abandoned natural gas pipes that contain PCBs in public service notification programs.	Prevent exposure to PCBs.
57	§761.60(f)(1)(i)	Provide State and local officials with notification prior to the first use of an approved chemical waste landfill, incinerator, or alternate PCB disposal technology.	Inform relevant authorities of the operation of a PCB disposal facility in their region.

TABLE 2-2 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
58	§761.60(f)(1)(ii)	Provide annual notice of the quantities and general description of the PCBs disposed of during the year, at the request of any State or local government.	Keep relevant authorities informed of PCB activities in their region.
59	§761.60(j)(1)(ii)	Notify State, and local environmental officials (as well as EPA) of PCB disposal R&D activities.	Keep relevant regional authorities informed of PCB waste handling activities in their area.
60	§761.60(j)(1)(vii)	Manifest, pursuant to Subpart K, all PCB wastes that are generated by R&D on PCB disposal and transported from the R&D facility to a commercial storage or disposal facility, unless the residuals or unused samples are returned to the site of generation.	Ensure proper handling and disposal of PCB wastes.
61	§§761.61(a)(3)(i)	Notify State, and local environmental officials (as well as EPA) of self-implementing remediation activity.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
62	§761.61(a)(5)(i)(B)(2)(iv)	Notify offsite non-TSCA facility of pending shipment of remediation waste.	Ensure proper handling of PCB wastes.
63	§761.61(a)(8)(i)(A)	Attach a notation to the deed for property at which remediation projects require a permanent fence or cap.	Ensure potential buyer is aware property is site of PCB remediation.
64	§§761.62(b)(4)(i) and (ii)	Provide notification to a receiving facility that does not have a commercial PCB storage or disposal approval before the first shipment of a PCB bulk product waste stream. In addition, for certain waste this notice must be provided with each shipment thereafter.	Ensure proper storage and disposal for PCB bulk product waste. (See also §§761.357 and 761.359.)
65	§761.65(c)(1) and (8)	Attach a notation to a PCB Item or PCB Container containing the item indicating the date the Item was removed from service.	Facilitate the proper storage and disposal of PCB Items and Containers.
66	§761.65(i)(3)	Send information regarding the sample collector, the lab, date of shipment, quantity, and description of sample, when sending PCB samples to a laboratory for testing.	Inform workers of appropriate contact information to ensure proper handling of PCBs.

TABLE 2-2 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
Subpart G—PCB Spill Cleanup Policy			
67	§761.125(a)(1)	Report certain spills of PCBs to the NRC.	Make reporting consistent with CERCLA requirements and facilitate cleanup of PCBs, to prevent exposure to PCBs.
68	§761.125(c)(2)(ii)	Place label or notice of PCB contamination at cleanup site.	Inform personnel of presence of low level PCB contamination.
Subpart J—General Records and Reports			
68a	§761.180(g)	Provide records pertaining to the reclassification of PCB equipment, if requested by recipients of equipment.	Address recipient's concerns regarding liability for improper reclassification. (Also see number 41a.)
Subpart K—PCB Waste Disposal Records and Reports			
69	§§761.207(a) and .208(a)(2) and (3)	Prepare manifests and provide generator-initiated manifests of PCB waste to each transporter or designated commercial storage or disposal facility.	Ensure proper tracking of PCB waste shipments.
70	§§761.208(c)(1)(iv) and (c)(2)(iv)	Storer or disposer sends a copy of the manifest or shipping paper to the generator.	Ensure proper tracking of PCB waste shipments.
71	§§761.218(a) and (b)	Send Certificates of Disposal to generators of PCB waste when disposal of each item is complete for a manifested PCB waste shipment.	Enable generators to confirm that each PCB Item in a shipment has been disposed of legally. Assure generator that the PCB waste has been disposed of and is in the final step of the cradle-to-grave monitoring of PCB waste.

**TABLE 2-3
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)**

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart A—General			
72	§761.1(f)	Comply with recordkeeping requirements of Subpart J (§761.185 - .193) as a condition of the exclusion from the manufacturing, processing, distribution in commerce, and use bans of Subpart B, for persons who inadvertently manufacture or import PCBs generated as unintentional impurities in excluded manufacturing processes, or generate PCBs in excluded manufacturing process or products with recycled PCBs, as defined in §761.3.	Provide quality control that encourages manufacturers to audit their operations, to quantify their PCB releases, and to maintain their particular PCB releases within the limits that will assure that they have generated only trace amounts of PCBs. (See number 100.)
Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items			
73	§§761.20(e) (4)(i) and (ii); .30(i)(5)(ii); and .60(b)(5)(iv) (B)	Marketer who first claims used oil does not contain detectable PCBs must retain records supporting the claim and a copy of each certification notice received or prepared relating to transactions involving PCB-containing used oil. Burners must include among the records a copy of each certification notice that has been provided to a marketer of PCB-containing used oil.	Allow EPA to verify compliance with the used oil provisions.
74	§§761.30(a)(1) (xii) and (xiv)	Maintain records of inspection and maintenance history for at least 3 years after the disposal of a PCB Transformer, including records of registration, as per §761.30(a)(1)(vi) (C).	Allow EPA to verify compliance with the regulations and that PCB equipment was registered.
75	§§761.30(a)(2)(v) (C) and (D); 761 .30(h)(2)(C) and (D) and 761.180 (g)	Maintain records at the facility where PCB electrical equipment (i.e., transformers, voltage regulators, electromagnets, switches) has been reclassified to a lower PCB concentration.	Assist EPA in tracking the ultimate disposition of PCB equipment.

TABLE 2-3 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
76	§§761.30(i)(1)(iii)(B) and (C)	Keep records of data collected on natural gas pipeline systems that do not include sources of PCB contamination (e.g., natural gas compressors, natural gas scrubbers, and natural gas filters) but contain ≥ 50 ppm PCB. Retain data and records of actions taken to reduce PCB contamination by owners or operators of natural gas pipeline systems.	Be able to demonstrate the reduction of PCB levels in a natural gas pipeline system.
77	§761.35(a)(2)	Keep records of equipment stored for reuse.	Ensure the proper handling of equipment stored for reuse.
Subpart C—Marking of PCBs and PCB Items			
78	§761.40(c)(2)(ii) and (k)	Keep records of the protected location of PCB Large Low and High Voltage Capacitors, in lieu of marking.	Have information available for preventing exposure to PCBs and allow flexibility in compliance with marking requirement.
Subpart D—Storage and Disposal			
79	§761.60(j)(1)(ix)	Keep records of R&D for disposal activities.	Have information ensuring the proper management of R&D for disposal activities.
80	§§761.61(a)(3)(i)(E); and (a)(6)	Retain records of the sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, and certification that these records are on file at the location designated in the certificate. Keep records of comparison studies for any alternate method used that meet or exceed the requirements of §761.326. Keep records of sampling and sample analysis to verify cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces, as per Subpart O, §761.295.	Allow EPA inspectors to ensure the proper operation of PCB remediation activities. (See also §761.295.)
81	§761.61(a)(3)(iii)	Retain the original written waiver of the 30-day notification requirement for conducting a cleanup activity of PCB remediation waste.	Allow EPA to track administrative decisions regarding self-implementing remediation projects.
82	§761.61(a)(9)	Keep records in accordance with §761.125(c)(5) for (a)(3), (a)(4), and (a)(5) of this part.	Ensure that a remediation site has been properly decontaminated. (See number 97.)

TABLE 2-3 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
83	§761.62(b)(5)	Maintain a written record of all sampling and analysis of PCBs or notifications made under this part for 3 years from the date of its creation and make available to EPA upon request.	Allow EPA to assess whether PCB bulk product wastes are properly handled.
84	§§761.65(a)(2)(ii) and (a)(3)	Keep a written record of attempts to secure disposal capacity. If requested, keep records of PCB wastes stored beyond the 1-year storage extension.	Ensure that PCB wastes stored beyond the 1-year storage extension do not pose unreasonable risk of injury to health and the environment.
85	§761.65(c)(1)(iv)	Prepare/modify Spill Prevention, Control, and Countermeasure Plans to address liquid PCBs ≥ 500 ppm, to be able to temporarily store PCB Containers containing liquid PCBs in areas that do not comply with the storage requirements of §761.65.	Ensure that adequate remediation measures have been defined and can be taken to avoid exposure to PCBs in the event of a PCB spill.
86	§761.65(c)(7)(ii)	Prepare a Spill Prevention, Control, and Countermeasure Plan (SPCC) when using large stationary storage containers, as per 29 CFR 1910.106, for liquid PCBs.	Ensure that adequate remediation measures have been defined and can be taken to avoid exposure to PCBs in the event of a PCB spill.
87	§761.65(c)(8)	Keep records of the quantity and the date of each batch added to the stationary storage container.	Allow EPA to monitor content of stationary storage containers.
88	§§761.65(c)(10)	Establish and maintain records as per §761.180 for the storage and disposal of PCBs and PCB Items ≥ 50 ppm.	Allow EPA to assess whether PCBs and PCB Items are being properly stored for disposal. (See number 99.)
89	§§761.70(a)(3), (4) and (7); (c); and 761.180(c)	Maintain for incinerators records of quantities, feed rates, temperatures, combustion products, and operations, and special records, as per §761.180(c); retain records for 5 years.	Allow monitoring of incinerator operations.
90	§§761.71(a)(1)(vi) and (vii), (a)(4), (b)(1)(vi-vii), and (b)(5); and .180(e)	Record feed rate, carbon dioxide emissions, the quantity of low concentration PCB liquid burned in a high efficiency boiler each month, and the analyses of the waste burned in high efficiency boilers and retain the records for 5 years.	Allow EPA to assess whether a high efficiency boiler has operated according to the required specifications.

TABLE 2-3 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
91	§761.72(a)(9) and (b)(6)	Record and retain records of temperature readings from scrap metal recovery ovens.	Allow EPA to assess whether scrap metal recovery ovens and smelters are operated according to the required specifications.
92	§§761.75(b)(6)(iii) and (b)(8)(iv); 761.180(d)	Maintain records for all PCB disposal operations at chemical waste landfills, including PCB concentration in liquid wastes, the three-dimensional burial coordinates for PCBs and PCB Items, water sampling and analysis, and additional records as required in §761.180; retain records for at least 20 years after the facility ceases disposal operations.	Allow EPA to assess whether disposal facilities are operating in compliance with regulatory requirements.
93	§761.79(d)(4) and Subpart T	Retain test/validation results of performance-based organic decontamination fluids (PODFs) and verified aqueous decontamination fluids (VADFs).	Allow EPA to ensure that a decontamination activity used proper decontamination fluids.
94	§§761.79(f)(1) and (2)	Keep records for 3 years of confirmatory sampling and sampling locations/results for decontamination activities and compliance with self-implementing procedures.	Allow EPA to assess whether a decontamination activity was properly implemented.
Subpart E—Exemptions			
95	§§761.80(e) (5) and (i)(7)	Keep records of activities associated with manufacture/processing/distribution in commerce of PCBs or PCB reference samples derived from waste materials for R&D; retain records for 3 years after operations cease.	Ensure accountability for PCB activities otherwise banned by statute.
96	§761.80(g)(1)	Keep records of activities associated with the processing and distribution in commerce of small quantities PCBs for R&D.	Ensure accountability for PCB activities otherwise banned by statute.
Subpart G—PCB Spill Cleanup Policy			
97	§§761.125(b)(3) and (c)(5); .61(a)(9)	Maintain records of cleanup and certification of decontamination for 5 years, for low- and high-concentration spills.	Allow EPA to assess compliance with requirements and pursue enforcement actions, when appropriate.
98	§761.125(c)(1)	Maintain records documenting delay in spill cleanup activities and areas of visible contamination.	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.

TABLE 2-3 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
Subpart J—General Records and Reports			
99	§§761.180(a), (a) (4), (b) and (f); 761.65(c) (5)	Maintain annual records and written annual document log for PCBs and PCB Items for 3 years after facility ceases PCB activities, including signed manifests, Certificates of Disposal, records of inspections and cleanups, facility and Item identification information, total number of Items, telephone records, and PCB Item transfer information. Collect and maintain documents, correspondence and data pertaining to storage/disposal of PCBs that have been provided to as well as received from any State or local government agency and any application/correspondence submitted to local, State, or Federal permitting authorities.	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.
100	§§761.185(c) (2), (d) and .193 (a) and (b)	Maintain theoretical analysis or monitoring records by persons who import, manufacture, process, distribute in commerce, or use products containing inadvertently generated or recycled PCBs, pursuant to §761.1(f)(1) to (3). Maintain letter certifying compliance with §761.1(f), for excluded manufacturing processes.	Allow EPA to ensure the proper management of PCB activities.
101	§§761.208 and 761.209	File and maintain manifests initiated or received by a PCB waste handling facility (i.e., generators, transporters, commercial storers and disposers) and maintain records of all telephone and other conversations regarding manifest communications, which are to be included in the annual log in accordance with §761.180.	Provide a record of the fate of each waste shipment sent to a disposal site, allowing EPA to determine if a waste had been properly or improperly disposed.
102	§761.218(c)	Maintain a copy of each Certificate of Disposal received from disposers, for generators and commercial storers of PCB waste.	Provide a record of the disposal of a waste shipment, allowing EPA to determine if a waste has been properly or improperly disposed.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)			
103	§761.398(c)	Record testing parameters and experimental conditions in standard operating procedures (SOP). Results of validation study are to be affixed as an appendix.	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

TSCA Section 6(e) assigns the responsibility for regulating the manufacture, processing, distribution in commerce, use, storage, and disposal of PCBs to the EPA Administrator. All of the information requested under this ICR is required by the statute and the implementing regulations at 40 CFR 761 and is not available from other sources. The information collection requirements addressed in the ICR are not duplicative of any other Federal agency legislation. No other Federal agency requires respondents to report or maintain information on the manufacturing, processing, or distribution in commerce of PCBs.

For example, the notification and recordkeeping requirements of §§761.185, 761.187, and 761.193 comprise the sole source of information EPA relies on to identify the manufacturing sites that inadvertently manufacture PCBs and to verify that the members who have certified their eligibility for the exclusion are not exceeding the prescribed limits on PCB releases. Over time, reviewers of the PCB ICRs have suggested that the TSCA PCB requirements are duplicative of TSCA inventory Form U reports, EPCRA Tier I and II reports, and Customs records that presumably could be used by EPA to identify a product's PCB concentration (§§761.185 and .187); that RCRA, CWA, CAA, and CERCLA could be used by EPA to address air and water emissions and process waste concerns (§761.187); and that EPCRA reporting requirements could be used by EPA to identify locations of PCB Transformers and PCB releases (§§761.30(a)(1) and .187). However, none of these requirements begin to address the concerns that are being tracked under the TSCA PCB regulations. For example, Customs records collect information on importation (i.e., chemical products, points of entry, and quantities, not products with *de minimis* levels of PCBs). The EPCRA and TSCA inventory reports do not gather information at the levels that would be useful under the PCB regulations. Finally, the RCRA, CWA, CAA, and CERCLA provisions cannot be used to monitor PCB concentrations in consumer products or to prescribe disposal procedures for PCBs.

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

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on August 13, 2007 (72 FR 32642, June 13, 2007). EPA received comments from the Utilities Solid Waste Activities Group (USWAG). These comments are addressed in the body of the Supporting Statement to incorporate USWAG's comments where appropriate, as follows.

- Section 3(c), page 25: the consultation discussion clarifies the specifics of annual utilities meetings attended by EPA;
- Section 5(c), page 58: the discussion of the impact on small entities in regard to PCB transformer use and overall regulatory burden has been modified;
- Section 6(b), Table 6-4, reference number 88, page 100: the location of the burden calculations for generators with on-site storage has been cross-referenced to reference number 99 for clarity.

Certain comments from USWAG did not require modifications to the Supporting Statement. A copy of USWAG's comments and EPA's response to those comments are found at Appendix E of this supporting statement.

3(c) Consultations

On numerous occasions during the course of regulating PCBs, the Agency has consulted with the regulated community and the public. These consultations have been held directly with industry officials and, on an ongoing basis, with owners and operators of regulated facilities, during EPA enforcement activities and facility inspections. For example, when developing the rules pertaining to PCB Transformer use, EPA consulted with the Department of Agriculture, U.S. Department of Health and Human Services, and the Small Business Administration. To obtain information on the numbers of transformers subject to the requirements, EPA consulted with the Edison Electric Institute, Equitable Life Assurance, and the Building Owners and Managers Association. As a result of the promulgated Electrical Equipment Use Rule, EPA has consulted with various organizations and agencies on an ongoing basis. EPA also meets annually with representatives from more than 50 utilities and electric cooperatives who have verified the burden estimates related to inspection recordkeeping requirements for PCB Transformers. The most recent of these meetings, sponsored by Regulatory Compliance Services, Inc., was the 2007 National Convention held in October 2007, in Springfield, Missouri.

For the Final PCB Disposal Rule promulgated June 29, 1998 (63 FR 35384), the Agency consulted with the regulated community and the public on all aspects of the rulemaking. In addition, informal meetings were held with the American Gas Association (AGA), Interstate Natural Gas Association of America (INGAA), Utilities Solid Waste Activities Group (USWAG), and the Environmental Technology Council (ETC). Interagency meetings conducted jointly by OMB and EPA regarding the provisions of this rule were attended by several Federal agencies, including the Department of Defense (DOD), the Department of Energy (DOE), the Department of Transportation (DOT), and the Tennessee Valley Authority (TVA).

This current ICR renewal effort also involved gathering information about the number of notifications the Agency has received over the past three years for the various reporting burdens (see Table 2-1) and the number of PCB spills reported to the National Response Center (NRC) from 2004 to 2006 (U.S. Coast Guard, 2007). It also involved using information recently gathered for preparing *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors*, including information obtained from conversations with regulated entities (U.S. EPA, 2004a). For this project, the Agency consulted with large and small utilities, electric cooperatives, PCB waste handlers and equipment owners, analyzing the data within the context of the limitations mentioned above. It is noted that the responses regarding reporting and recordkeeping burdens are variable. Comments are incorporated throughout the supporting statement. Sources are listed in the reference section.

Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to five parties by both telephone and e-mail. EPA did not receive written comments in response to these

inquiries. A copy of EPA's request for comments, a summary of the comments received over the telephone and EPA's response to those comments are found in Appendix E. The individuals contacted were:

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3(d) Effects of Less Frequent Collection

EPA has judged that the reporting and recordkeeping requirements of the ICR are the minimum amount necessary to prevent injury to health and the environment. These requirements ensure adequate oversight by EPA over the use of PCBs and PCB equipment and the storage and disposal of PCB wastes. If these activities were conducted less frequently, the mismanagement and improper storage and disposal of PCBs would likely cause subsequent environmental

contamination.

There are several examples of one-time PCB information collection requirements. One example is the notification and certifications requirements of §761.185, which are supported by relevant sampling data or by theoretical analysis. Only when processes are modified are importers and manufacturers required to renotify. The notification requirements regarding installation of PCB Transformers in emergency situations and for owners who elect not to install enhanced electrical protection on lower voltage secondary transformers were one-time notifications that were to be completed by October 1, 1990. Another example are the reports on total PCB releases of §761.187 that need only be submitted if the PCB levels in the products exceed the specified annual average of 25 ppm, or when releases to air and water exceed the regulatory thresholds. Also, EPA requires one-time notifications for owners to register their newly discovered PCB Transformers (see EPA Form 7720-12, PCB Transformer Registrations at Appendix C) and for individuals to notify the Agency of their PCB waste handling activities (see EPA Form 7710-53, Notification of PCB Activity at Appendix D); both notifications can be accomplished by completing a simple form, although use of the form is optional when registering PCB Transformers.

3(e) General Guidelines

Most of the information requested by this ICR is consistent with OMB's Paperwork Reduction Act Guidelines. Some exceptions are as follows.

Under the information collection requirements of §§761.185 and 761.193, manufacturing and monitoring records that document PCB levels in products and analyses that support the one-time notification and certification of compliance for the process must be retained for either 3 years after the certified process ceases operations or 7 years, whichever is shorter. The content of the file most likely would not change over the 7-year period, so the burden of keeping the file is substantially mitigated by its limited contents. Likewise, entities that monitor for actual PCB concentrations in the products they manufacture, use, process, distribute in commerce, or recycle must also maintain monitoring data records under §761.193 for either a 3-year period after the operation ceases or up to 7 years. The effect of this provision is to impose an equal retention period for sampling data on all those who deal with inadvertently generated PCBs in products, whether the PCBs result from excluded manufacturing processes or recycling.

To comply with the storage and disposal requirements of Subpart D, disposers and commercial storers must retain records for at least 3 years after the facility is no longer used for the storage or disposal of PCB wastes, except that chemical waste landfills must maintain records for at least 20 years after the facility no longer accepts PCB wastes. The reason for requiring records retention for landfills in excess of 3 years is that a leak from a chemical waste landfill could take years to develop into a noticeable environmental problem. Landfill records are the only mechanism to accurately trace the source of the contamination. Also, certain operational records maintained by the owner/operator of incineration facilities and high efficiency boilers must be retained for 5 years from the date of collection. This enables facilities to demonstrate to enforcement officials that the facility has consistently complied with relevant technical requirements and conditions specified in the disposal permit.

The Final Disposal Amendments Rule contains several provisions that require recordkeeping for 5 years or more. These provisions include §761.61(a)(9), which requires the notifications and remediation site cleanup activity documentation, pursuant §§761.61(a)(3), (4), and (5), to be maintained for 5 years. Section 761.61(a)(8)(i)(A) requires a notice be permanently affixed to the deed of any property where a remediation project has resulted in the installation of a fence or ground cover cap to increase protection from exposure to PCBs. These measures were taken to enable adequate oversight of remediation projects by environmental officials and to provide adequate notice to potential new owners of property where remediation projects were undertaken.

There are a number of provisions in Part 761 that require reporting within 15 or 30 days of the occurrence of a specific event. For example, the third-party notification requirements of §§761.61(a)(5)(B)(2)(iv) and 761.62(b)(4)(i) and (ii) require generators to provide notice to certain off-site facilities at least 15 days prior to shipping certain wastes. These reporting requirements are not triggered by the calendar (i.e., they are not required quarterly or at more frequent intervals). Therefore, the Agency does not believe that these provisions, or the following 30-day reporting requirements, need special justification:

- §761.30(a)(1)(vi)(A)(1) requires owners of PCB transformers to register the transformer with EPA within 30 days of discovery.
- §761.60(j)(1)(ii) requires EPA, State, and local environmental protection agencies to be notified of the commencement of pilot-scale PCB R&D disposal activity.
- §761.61(a)(3)(i) requires EPA, State or Tribal, and county or local environmental protection agencies to be notified of the location of a remediation waste cleanup project.
- §761.65(a)(2)(i) requires EPA to be notified of intent to store waste beyond the 1-year limit 30 days prior to the expiration of the 1-year time frame when disposal cannot be accomplished within that period.
- §761.70(b)(8) requires EPA to be notified 30 days prior to transferring ownership of an incinerator.
- §761.75(c)(7) requires EPA to be notified 30 days prior to transferring ownership of a landfill.
- §761.80(e) requires EPA to be notified 30 days prior to commencing PCB R&D disposal activity when using manufactured/imported PCBs obtained under this exemption.
- §761.180(c)(5) requires EPA to be notified within 30 days of suspension of incineration operations.
- §761.205(f) requires EPA to be notified within 30 days of changes to previous PCB Notification.

- §761.207(c)(1)(iv) requires commercial storers/disposal facilities to send copy of manifest to generators within 30 days of receipt of waste.
- §761.218(b) requires disposers to send Certificates of Disposal to generator within 30 days of disposing of his waste.

There are also certain PCB requirements that are exempt from the Paperwork Reduction Act (PRA). In defining “collection of information,” OMB’s PRA regulations explicitly exempt public disclosures where all the information required to be displayed is supplied by the government. The last sentence of 5 CFR 1320.3(c)(2) states, “The public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is **not** included within this definition” (emphasis added).¹

EPA’s PCB marking requirements at §§761.40 and .45 supply **all** the information required by EPA to be displayed on items containing PCBs, except for §§761.45(a) and .40(j)(2). All the information required to be disclosed for compliance with these two provisions is not provided by EPA, however, the requirements do not negate the above conclusion.

For §761.45(a), the mark prompts the recipient to add information identifying the name and telephone number of a person to contact beyond the contact information already supplied by EPA’s mark itself. (The mark gives an emergency 800 number at the U.S. Coast Guard in case of accidents or spills, and states “for disposal information contact the nearest U.S. EPA office.”) However, OMB’s PRA regulations state at 5 CFR 1320.3(h)(1) that the definition of “information” does not generally include “affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments; provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent’s address, and the nature of the instrument.”² Thus, requiring the recipient to display merely the name and phone number of a contact person falls outside OMB’s definition of “information” and therefore does not require OMB approval or negate the exemption, under 5 CFR 1320.3(c)(2), for the PCB marking requirements.

The second exemption is that §761.40(j)(2) allows the use of marks other than that prescribed by EPA at §761.45 for PCB Transformers (provided, among other things, that (i) those marks were in use before August 15, 1985, (ii) before August 15, 1985, the primary fire department accepted the alternative mark, (iii) the EPA Regional Administrator (RA) was informed in writing of the alternative mark by October 3, 1988, and (iv) the EPA RA approved the alternative mark within 30 days of receipt). This exception applies only to the discrete universe of individuals who were already using alternative markings before August 15, 1985, and received EPA’s approval to continue using it. At that time, the PRA did not apply to Agency requirements that regulated entities disclose information to third parties or the public rather than to the Agency itself, Dole v. United Steelworkers of America, 110 S. Ct. 929, 938 (1990), such

¹ This exemption is reflected in OMB’s February 3, 1997 draft, the *Paperwork Reduction Act of 1995: Implementing Guidance*, p. 20, n. 88 (this document uses the example of cigarettes displaying the specified Surgeon General’s warning).

² According to OMB’s draft PRA Guidance (p.24), this exemption “is to be used only to identify an individual in a routine, non-intrusive, non-burdensome way.”

as a requirement to display a marking on PCB Transformers.

There are three main types of possible violations for these PCB marking requirements: PCB Transformers with (1) no labels, (2) unapproved alternative labels, or (3) inadequate labels with missing or incorrect information. Those persons who fail to use any mark and never submitted an application for an alternative, and those persons who are using an unapproved alternative mark, cannot assert the PRA as an affirmative defense, because they are required to use the mark specified in §761.45, which, according to 5 CFR 1320.3(c)(2), does not constitute the collection of information.

3(f) Confidentiality

Petitioners or permit applicants may claim that all or part of any information given to EPA, such as process design information, is confidential business information (CBI). EPA handles claims of confidentiality pursuant to established CBI procedures, as found at Section 14 of TSCA, 40 CFR 750.16 and 750.36, and the Agency's TSCA CBI Manual. CBI is also protected under the Freedom of Information Act (5 USC Section 525). Most of the information requested in the reporting or recordkeeping requirements of these collections is not of a confidential nature.

3(g) Sensitive Questions

EPA asks no questions of a sensitive nature.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

EPA's PCB regulations could affect entities in all industrial categories, regardless of size, that currently possess PCB Items, PCB-contaminated equipment, or other PCB waste. These entities include those in both the public and private sectors, and may include not-for-profit organizations as well as for-profit entities. Entities that generate PCB wastes comprise the following classes:

- Electric utility industry (NAICS 2211), including municipal and county electric systems, and other publicly owned systems, such as irrigation districts. It has been estimated that 70 percent of PCBs produced were used in dielectric fluid for transformers and capacitors. Thus, such high-voltage equipment represents a significant use of PCBs and therefore a major source of PCB waste generation. EPA studies of the numbers of such equipment in use assumed that utilities owned 30 percent of the askarel transformers, 80 percent of the mineral oil transformers, and 90 percent of the large PCB Capacitors, with the remainder owned by non-utility industrial enterprises (U.S. EPA, 2004a).
- Non-utility entities with privately-owned electric equipment, such as:

- o oil and gas producers (NAICS 211111)
- o manufacturers (NAICS 31-33)
- o line-haul railroads (NAICS 48211)
- o telecommunications (NAICS 513)
- o refuse systems (NAICS 562111)

EPA studies have shown that these entities account for more than 90 percent of PCB waste generated by the non-utility private sector. Hospitals (NAICS 62211) and colleges/universities (NAICS 61131) are also likely to have high-voltage electrical equipment of the type associated with PCB use and contamination.

- Entities with PCB ballasts from fluorescent light fixtures, including manufacturing and industrial entities, government bodies and school districts that have such lighting equipment.
- Entities operating natural gas pipelines.
- Entities engaged in bulk solid waste operations, such as automobile shredders.
- Entities involved in remediating PCB wastes, such as Superfund and other hazardous waste sites.
- PCB disposal facilities that must obtain approval from EPA to operate (e.g., incinerators, chemical waste landfills, alternate disposal technologies). This would include individuals, businesses, Federal agencies, and State/local governments engaged in PCB waste management activities. NAICS code 562111, hazardous waste material disposal sites, may be applicable.
- Other primary respondents include:
 - o trucking and warehousing (storage) (NAICS 484)
 - o sanitary services (incinerators, landfills) (NAICS 5622)
 - o steam suppliers [high efficiency boilers (HEB)] (NAICS 22133)
 - o Administrators of Environmental Quality Programs (NAICS 924)
- All chemical manufacturers (and importers of products) who wish to qualify excluded processes and continue the legal manufacture (or importation) of trace amounts of PCBs; the processing, distribution in commerce, or use of chemical products that contain the PCBs generated in excluded manufacturing processes; and the processing, distribution in commerce, or use of products containing “recycled PCBs” (§761.3) must comply with appropriate notification and recordkeeping requirements. These respondents are classified under NAICS codes 3254, 325611, 325, 3253, which are drugs; soap, cleaners, and toilet goods; industrial organic chemicals; and agricultural chemicals, respectively.
- Other affected industries may include:
 - o alkalies and chlorine (NAICS 325181)
 - o inorganic pigments (NAICS 325131)
 - o plastic materials and resins (NAICS 325211)
 - o synthetic rubber (NAICS 325212)
 - o organic fibers non-cellulosic (NAICS 325222)

- o other chemicals and allied products (NAICS 3259981)
 - o adhesives and sealants (NAICS 32552)
 - o printing ink (NAICS 32591)
 - o chemical preparations (NAICS 325998)
 - o rubber and miscellaneous plastic products (NAICS 326)
- Respondents who petition the Agency for exemption from the prohibitions and restrictions on the manufacture, processing, and distribution in commerce of PCBs may include general manufacturing industries (NAICS 31 - 33) and Electric Equipment Manufacturing (NAICS 335).

4(b) Information Requested

(i) Data Items

Many of the information collection requirements are triggered only by an individual's need to address a particular PCB scenario, while other requirements apply to the universe of individuals who use, process, distribute in commerce, or dispose of PCBs. EPA anticipates that no one individual would be subject to all of the requirements listed below. The reporting, third-party reporting, and recordkeeping data items contain the reference number used throughout this document, the existing ICR number, a description of the requirement, and the regulatory citation, and are organized according to the subparts of 40 CFR 761.

(A) Notifications/Reports. Respondents are required to submit information to EPA to accomplish the following reporting tasks. (Refer to Tables 2-1, 2-2, and 2-3 for summaries of the reporting, third-party reporting, and recordkeeping requirements of this consolidated ICR).

40 CFR 761

Subpart A - General

(#1) Certification Notification for Excluded Manufacturers: The primary reporting requirement for manufacturers who inadvertently generate PCBs and importers of products containing inadvertently generated PCBs is a certified notification to EPA. The notification (1) identifies the manufacturing processes that generate PCBs in products at levels above 2 parts per million (ppm); (2) certifies compliance with all PCB release conditions on excluded processes; and (3) states whether the certification is based on actual monitoring data or on theoretical analysis of the chemical reaction(s) involved in the manufacturing process. Additionally, manufacturers and importers must report to EPA data on their processes during periods of unusually high generation or releases of PCBs. Reports are required in any calendar year where total quantities of PCBs in manufactured products exceed 0.0025% of a manufacturing site's rated capacity, or the total quantity of PCBs imported exceeds 0.0025% of the average for PCB-containing products that were imported during the 1978-1982 timeframe. Also, reporting is required when total PCB releases to air or water exceed 10 pounds during the year at any site, and certification must be repeated whenever process conditions are significantly modified [§§761.1 (f)(1) - (3); Subpart J; also see the entries for #42 and #43].

Subpart B - Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

(#2) Exemption Petitions: Individuals seeking exemptions to manufacture (import), process, or distribute in commerce (export) PCBs as per TSCA Section 6(e)(3), must submit exemption petitions unless otherwise authorized [§761.20(b) and (c)(1) and (3)].

(#3) Transformer Registration: Owners of PCB Transformers are required to register their transformers with EPA. The registration program provides State officials and emergency response personnel information for providing a significantly higher degree of protection in emergency situations. This information is also for use to address requirements of international environmental programs to identify sources and reduce or eliminate the reliance on PCBs. Information that must be included in the notification consists of the following: transformer address (i.e., location); number of PCB Transformers, including total weight in kilograms; and the name, address, telephone number, and signature of the owner, operator, or other authorized representative certifying the accuracy of the submitted information. The use of a form is optional, as is information on whether the unit(s) contains a flammable liquid. A copy of EPA Form 7720-12, which can be used for submitting this information [§761.30(a)(1)(vi)], is included in this report as Appendix C. Note that §761.30(a)(1)(xv)(D) removes the requirement to register PCB Transformers with the fire department, but retains the requirement to register the transformers with building owners. (See #54.)

(#4) PCB Equipment Reclassification: Persons wishing to use alternate methods to reclassify PCB equipment (i.e., transformers, electromagnets, switches, and voltage regulators) must obtain EPA approval to do so [§§761.30(a)(2)(v)(c); .30(h)(2)(v)(c)]. Therefore, EPA requires information on the process that is being considered as well as equipment identification information.

(#5) Use of Natural Gas Pipelines and Other Gas or Liquid Systems: Owners/operators of natural gas pipelines who sell or distribute natural gas are authorized to use natural gas pipelines that have been contaminated with PCBs in concentrations ≥ 50 ppm, if they take certain actions to identify sources of contamination and reduce levels to < 50 ppm PCBs. Owner/operators of these pipelines must submit a written description of the general nature and location of PCB contamination in concentrations ≥ 50 ppm if requested by EPA. This description is sent to the RA or the Director, National Program Chemicals Division (NPCD), at EPA, if the contaminated pipe is located in more than one Region. EPA expects the reporting burden to be minimized as the regulations allow for the use of historical data regarding these requirements (e.g., sampling and analyses data and reports of actions taken to reduce PCB levels) [§761.30(i)(1)(iii)(A)(1)].

(#6) EPA Approval for Uses of PCBs in Other Gas or Liquid Systems: The use of ≤ 50 ppm PCBs in “other” gas or liquid transmission systems is authorized. Operators with systems with PCBs at concentrations of ≥ 50 ppm must obtain written consent from the Director, National Program Chemicals Division, who may then specify conditions necessary to reduce the levels of PCBs in the system. It is not apparent that systems not otherwise authorized under the regulations exist. Therefore, EPA expects this authorization to be rare and has no basis for

developing a burden for this notification requirement. Without this authorization, however, use of such gas or liquid systems with PCBs ≥ 50 ppm would be prohibited [§761.30(t)(3)].

(#7) Exceeding Storage Limitations for PCB Articles Stored for Reuse: EPA has limited the storage for reuse of PCB Articles in areas not meeting the TSCA approved storage standards in §761.65 to a period of 5 years. However, RAs may grant extensions beyond 5 years with conditions if a request explaining the rationale for the extension is submitted 6 months prior to the expiration date [§761.35(b)]. Regulated entities obtained approvals for 5-year storage periods during 2003, which makes these approvals valid through 2008. The next approval period will occur during this ICR period.

Subpart D - Storage and Disposal

(#8) Permit Applications and Demonstration Plans for Disposal Facilities: The application must contain the following types of information, if applicable: (1) name, address, and phone number of the unit's principal manager; (2) location of the facility where the unit will be tested and the location where the unit will be stored and serviced when not engaged in testing; (3) detailed description of the unit including general plans and design drawings; (4) engineering report or other information on the anticipated performance of the unit; (5) sampling and quality assurance plan; (6) waste volumes expected to be handled, process design capacity, process control, reagent-to-waste feed ratios, and safety features; (7) local, State, or Federal permits or approvals; (8) schedules and plans for complying with the approval requirements; (9) contingency plan that describes steps taken in case of process failure, spill, or overflow; and (10) environmental impact, including process emissions, toxicity and disposal of process products, site relationships, and steps taken to protect the health of the operator.

Following receipt of the application, EPA may require additions or modifications to the application, disapprove the application, or determine that a process demonstration is required and will notify the person who submitted the application. The following information is requested of persons who are asked to demonstrate their process for the Agency: (1) time, date, and location of the process demonstrations; (2) quantity and type of PCBs and PCB Items to be processed; (3) parameters to be monitored and location of sampling points; (4) sampling plan and quality assurance plan, including sampling frequency, methods, and schedules for sampling analysis; and (5) names, addresses, and qualifications of persons who review the analytical results and other pertinent data and who will perform a technical evaluation of the effectiveness of the process demonstration. Following receipt of the process demonstration plan, EPA will either approve the plan, require additions or modifications to the plan, such as additional testing or analysis to help the reviewing officials determine the safety and efficiency of the process, or disapprove the plan.

Any person who is required to incinerate any PCBs and PCB Items and who can demonstrate that an alternative method of destroying PCBs and PCB Items can achieve a level of performance equivalent to an approved incinerator or high efficiency boiler, as per §§761.70 or .71, respectively, must submit a written request to EPA for a waiver from the incinerator or high efficiency boiler (HEB) requirements [§§761.60(e), (i)(2); .70(a),(b),(d); .75(b)(7), (b)(8) (ii), and (c)].

(#9 - 11) Notification about PCB Research and Development Activities (R&D):

Individuals engaged in R&D for disposal under §761.60(j) must notify the RA, and State and local environmental officials 30 days before conducting the R&D for disposal activity [§761.60(j)(1)]. The notification must provide the EPA identification number for the location of the R&D activity [§761.60(j)(1)(i)], quantity of PCBs to be processed, type of R&D, physical and chemical properties of the material being treated, and an estimate of the duration of the R&D activities [§761.60(j)(1)(ii)]. [Note: After reviewing the submitted information, EPA may determine, based on potential unreasonable risks to health or the environment, to impose additional conditions on the R&D project in the form of an Approval.] [§§761.60(j)(1) and (2)].

Additionally, requests to exceed the specified limits for the quantities of PCBs used, the maximum concentration of PCBs, the total amount of pure PCBs, or the duration of the R&D activities must be submitted to the RA. Each request shall specify the quantity or concentration requested or additional time needed and include a justification for each increase. For extensions to the duration of the R&D for PCB disposal activity, the request shall also include a report on the accomplishments and progress of the previously authorized R&D activity for which the extension is sought [§761.60(j)(2)].

This notification identifies those individuals who do research on/with PCBs, their locations, and the type of activities they perform. By establishing a small quantity exemption for R&D, EPA is reducing the burden previously associated with the existing requirement that individuals who engage in R&D into PCB disposal technologies obtain a TSCA R&D Approval. EPA does not require this information to be submitted on a specific form or in a specific format. By requiring individuals to write a letter to the RA, EPA is providing maximum flexibility to the respondent to minimize the burden associated with this notification provision.

(#12 - 15) Self-implementing Remediation: Owners of remediation sites are required to notify, in writing, the RA and the appropriate State (or tribal), county (or local) environmental agencies at least 30 days prior to conducting remediation activities. The notification must include the following information: the nature of the contamination; a summary of the procedures used to sample contaminated and adjacent areas; a table or cleanup site map; the location and extent of PCB contaminated areas, including topographic maps; and a cleanup plan for the site [§761.61(a)(3)(i)]. Once the remediation project has been initiated, any proposed deviation from the notification previously submitted must be reported to EPA no less than 14 days prior to the proposed implementation of the change [§761.61(a)(3)(ii)]. Any person conducting a cleanup activity may obtain a waiver of the 30-day notification requirement, if they receive a separate waiver, in writing, from each of the agencies they are required to notify under this section [§761.61(a)(3)(iii)]. Additionally, under the self-implementing provision, persons must submit a written certification to the RA that the sampling plans, sample collection and preparation procedures, extraction procedures, and instrumental/ chemical analysis procedures used to assess or characterize the cleanup site are on file at the location designated in the certificate and are available for EPA inspection. Persons using alternate methods for chemical extraction and chemical analysis for site characterization must include in the certificate a statement that indicates that such a method will be used and that a comparison study that meets or exceeds the requirements of §761.269(c) of Subpart Q, for which records are on file, has been completed

prior to verification sampling [§§761.61(a)(3)(i)(E) and 761.274]. Additionally, persons conducting remediation waste projects that require the use of a fence or cap, must record a notation on the deed to notify potential purchasers of the property (i.e., a third-party notification) and submit to EPA a certification that the property deed has a notation to that effect [§761.61(a)(8)(i)].

(#16) Risk-based Remediation: Any person wishing to clean up, store, or dispose of PCB remediation waste in a manner other than prescribed in the self-implementing or performance-based disposal options must apply in writing to the RA. Each application must contain information as described in §761.61(a)(3) (e.g., nature and extent of the contamination, sample procedure, cleanup plan, and certification that records have been maintained). The EPA may request the submission of other information it believes necessary to evaluate the application [§761.61(c)(1)].

(#17) Risk-based Cleanup Approval for PCB Bulk Product Waste: Any person wishing to sample or dispose of or store PCB bulk product waste in a manner other than prescribed in paragraphs (a) or (b), or store the waste other than prescribed by §761.65, must apply in writing to the EPA RA or Director, NPCD. Each application must contain information indicating that the proposed storage and disposal methods or locations will not pose an unreasonable risk of injury to health or the environment. EPA may request the submission of other information it believes necessary to evaluate the application [§761.62(c)(1)].

(#18 - 20) Exceeding Storage Limitations for PCB Wastes: A mechanism has been established for automatically extending the 1-year storage for disposal deadline for another year based on an adequate justification. Any person storing PCB waste that is subject to the 1-year time limit for storage and disposal may provide written notification to the RA that their continuing attempts to dispose of or secure disposal for their waste within the 1-year time limit have been unsuccessful. For the automatic extension of the 1-year time frame, EPA must receive the notification at least 30 days before the initial 1-year time limit expires and the notice must identify the storer; the types, volumes, and locations of the waste, and the reasons for failure to meet the initial 1-year time limit [§761.65(a)(2)].

For subsequent extensions of the time frame for storing PCB wastes, the requestor must submit specific justifications and indicate measures he or she is taking to secure disposal or reasons why disposal could not occur during the prior extension. EPA may require specific actions as conditions to granting the extension, including marking, inspection, recordkeeping, or financial assurance to ensure that the waste does not pose an unreasonable risk of injury to health or the environment [§761.65(a)(3)] or the submission of periodic progress reports [§761.65(a)(4)].

(#21) Storage Containers for PCB/Radioactive Waste: Containers prescribed by the American National Standard Institute (ANSI) for nuclear criticality safety may be used for PCB/radioactive waste. However, other containers may be used if the users are able to demonstrate to EPA and other appropriate regulatory authorities [i.e., the Nuclear Regulatory Commission, the Department of Energy (DOE), or the Department of Transportation (DOT)] that such containers are protective of public health and safety and the environment [§761.65(c)(6)(i)]

(C)].

(#22) Preparing Application for Commercial Disposal Approval: Applicants for commercial storage approval shall submit a written application that includes any relevant information bearing upon the qualifications of the facility. The application shall identify the facility owner/operator and include information on the technical qualifications of the person in charge of operations, any past violations, and waste handling experience of the company and employees, estimates of maximum waste quantity that can be handled, the certification of compliance, the financial assurance instrument, a closure plan and closure cost estimate, and a demonstration of financial responsibility for closure. The applicant must also revise and update the closure plan when certain changes occur at the facility, and, within 30 days after the facility closes, submit certification that the facility has been closed in accordance with the approved plan [§§761.65(d), (e)(1), (6), and (8); and (f)].

(#23) Request to Amend the Storage Closure Plan: Owners/operators of storage facilities must submit requests to the RA to amend the closure plan, when there are changes in ownership, changes in expected date of closure, and/or unexpected events [§761.65(e)(4)].

(#24) Modifications to Commercial Storage Facilities: To ensure that the owner/operator of these facilities have made adjustments to their financial assurance mechanisms when modifications will increase the storage capacity of the facility, EPA is requiring that these individuals notify the Federal or State issuing authority in writing that they have revised the financial assurance mechanism and activated it within 30 days of the completion of the modification [§761.65(g)(9)]. EPA does not require the information to be submitted on a specific form or in a specific format.

(#25) Change of Ownership for Storage Facilities: EPA will approve of the transfer of ownership or operational control of a commercial storage facility if the transferee has established financial assurance for the closure and the transferor or transferee has resolved any deficiencies (e.g., with technical operations, closure plans, cost estimates, etc.) that the Agency has identified in the transferor's new or amended application [§761.65(j)].

(#26) Approval of Alternate Measures for Operating Incinerators: Owners/operators of incinerators that burn PCBs must submit a contingency plan of alternate measures for operating the facility when regulatory requirements cannot be met. The plan must indicate what alternative measures the owner/operator would take if there is a failure of regulatory monitoring requirements or PCB rate and quantity measuring and recording equipment, or if excess oxygen falls below the percentages specified in paragraph (a)(1) of this section [§§761.70(a)(8) and (9); and (d)(5)].

(#27) Notification of Changes in Disposal Facility Ownership: Owners/operators of incinerators and chemical waste landfills that dispose of PCBs must notify EPA at least 30 days before transferring ownership of the facility. The notice must include a notarized affidavit signed by the transferee, which states that the transferee will abide by the transferor's EPA incinerator approval [§§761.70(d)(8); .75(c)(7)].

(#28) High Efficiency Boiler Approval: Thirty days before any person burns mineral oil dielectric fluid in high efficiency boilers, the person must give a 1-time written notice to the RA, including information on the owner and location of the boiler, boiler specifications, and associated equipment. To burn liquids other than mineral oil dielectric fluids, at a PCB concentration of 50 to 500 ppm, boiler owners must first obtain an approval of the EPA RA for the EPA Region in which the boiler is located. The request to the RA must include at least the following: name and address of owner/operator of boiler and address of boiler, boiler rating in units of BTU/hour, carbon monoxide concentration and oxygen percentage in the stack when boiler is operated, type of equipment and procedures used to control feed and monitor emissions, type of waste to be burned, concentration of PCBs and other chlorinated hydrocarbons in the waste, estimate of the amount of waste to be burned in a 30-day period, and an explanation of the procedures to be followed to ensure that the burning of the waste will not adversely affect the operation of the boiler such that combustion efficiency will decrease [§§761.71(a)(2) and (b)(2)].

(#29 - 30) Disposal by Scrap Metal Recovery Ovens and Smelters: Owners of scrap metal recovery ovens disposing of drained PCB-contaminated electrical equipment, natural gas pipelines and non-porous surfaces must notify EPA as disposers of PCBs and are required to comply with existing, applicable disposal facility reporting requirements in Subparts J and K [§§761.72(c)(2)]. In lieu of meeting the operating requirements, an owner or operator of a scrap metal recovery oven or smelter can submit a written request to the RA for a determination that the industrial furnace poses no unreasonable risk, based on a site-specific risk assessment [§761.72(c)(3)].

(#31 - 32) TSCA Coordinated Approval: Persons seeking a TSCA PCB coordinated approval may submit a request for approval to the RA at the same time they seek a permit approval or other action for a PCB waste management activity under any other Federal or State authority. The request for coordinated approval shall include a copy of the confirmation of the EPA identification number, information regarding a point of contact at the other permitting authority, description of the waste activities to be conducted (or a copy of the waste management document, if one has been issued), and a certification that the requestor will adhere to the TSCA PCB reporting and recordkeeping requirements [§761.77(a)(1)]. The RA may request additional information to remedy a deficiency in the waste management activities [§761.77(a)(1)(ii)(A)(1)]. If the RA determines that conditions of the coordinated approval are not being met, the RA may require the person to whom the coordinated approval was issued to submit an application for a TSCA PCB approval [§761.77(a)(2)]. Any person with a coordinated approval must notify the RA in writing within 5 calendar days of changes relating to PCB waste requirements in the non-TSCA waste management documents that serve as the basis for the coordinated approval [§761.77(a)(3)].

(#33) Approvals for Alternative Decontamination and Sampling Methods: Any person wishing to decontaminate material described in a manner other than prescribed in §761.79(b) or (c), or sample material other than prescribed in §761.79(f) must apply in writing to the EPA RA. Each decontamination application must describe the material to be decontaminated and the proposed decontamination method, and must demonstrate that the proposed method is capable of decontaminating the material to the applicable level set out in §761.79(b)(1) through (4). Each application must describe in writing the material to be decontaminated and the proposed self-

implementing decontamination method, and must include a proposed validation study to confirm performance of the method. Each sampling application must contain a description of the material to be decontaminated, the nature and PCB concentration of the contaminating material (if known), the decontamination method, the proposed sampling procedure, and a justification for how the proposed sampling is equivalent to or more comprehensive than the sampling procedure required under §761.79(f) of this section. EPA may request additional information it believes to be necessary to evaluate the application [§761.79(h)(1) to (4)].

Subpart E - Exemptions

(#34 - 37) Class Exemptions, Manufacture, Processing, Distribution of PCBs for R&D: Individuals seeking exemptions from the PCB prohibitions are required by statute [15 USC 2601, Section 6(e)(3)(B)] to submit exemption petitions to EPA. The information provided to EPA in an exemption petition includes: name, address and telephone number of the petitioner; description of the exemption being requested for the manufacture/processing/distribution in commerce activity; location; length of time desired (1-year maximum); amount of PCBs to be manufactured processed and/or distributed in commerce, rationale regarding no unreasonable risk and substitutes criteria of Section 6(e)(3)(B)(i) and (ii), and the economic consequences of an EPA denial. Provisions regarding class exemptions for manufacturers of PCBs and processors/distributors of PCBs or analytical reference samples derived from PCB waste material require a petition be submitted 60 days prior to engaging in the activity [§761.80(e)(1) and (i)(1)]. Section 761.80(e)(2) and (i)(2) and .80(n) require individuals seeking renewals of class exemptions to submit requests for renewal as per §§750.11 and .31. If persons need to exceed the annual quantity limits, they must request approval from EPA [§§761.80(e)(3), (g)(2), and (i)(4)]. The owner or operator of the facility also must notify the RA in writing 30 days prior to beginning R&D activities that require the manufacturing or import of PCBs, unless the owner has obtained a PCB R&D approval from EPA, pursuant to §761.60(a) or (i)(2), or .70(b), that allows the manufacture of PCBs [§761.80(e)(4)].

(#38) Manufacturing, Processing, and Distribution in Commerce, Exemptions: When a facility holding a certain type of exemption plans to increase the amount of PCBs to be processed and distributed, imported (manufactured), or exported, or to change the manner or processing and distribution, import (manufacture), or export of PCBs, the owner/operator of the facility must submit a new exemption petition to EPA, which will be addressed through an exemption rulemaking. The petitioners must provide the following information to extend manufacturing exemptions, as per §§750.11: (1) the identity, telephone number, and address of the petitioner; (2) description of the PCB exemption being requested, including items to be manufactured, and the nature of the manufacturing process; (3) location(s) of manufacturing sites requiring exemption; (4) length of time requested for exemption; (5) amount of PCBs to be manufactured or used during the requested exemption period and the manner of release of PCBs to the environment associated with such manufacture or use; (6) basis for meeting Section 6(e)(3)(B)(i) criteria for “unreasonable risk;” (7) basis for meeting Section 6(e)(3)(B)(ii) criteria for “PCB substitutes;” and (8) quantification of the economic consequences of EPA denying the petition and an explanation of the manner of computation.

Persons interested in obtaining processing or distribution in commerce exemptions must

provide information listed above as items (1), (4), (6), (7), and (8). In addition, as per §750.31, they must provide: a description of the PCB processing or distribution in commerce exemption being requested, including a description of the chemical substances, mixtures, or items to be processed or distributed in commerce, and if processing is involved, the nature of the processing; location(s) of processing sites requiring exemption; the estimated amount of PCBs to be processed or distributed in commerce or used during the requested exemption period; and the manner of release of PCBs to the environment associated with such processing, or distribution in commerce. EPA also requires specific information on the description, number, and/or location of PCB equipment to be serviced and the description of the uses of/exposures to PCB-contaminated substances or mixtures that are to be used for petitions filed under paragraphs §750.31(a)(1)-(9) [§761.80(n)].

Subpart F - Transboundary Shipments of PCBs for Disposal

(#39) Import and Export for Disposal: By Statute, no person may import or export PCBs or PCB Items for disposal without an exemption issued under the authority of TSCA Section 6(e) (3) [§§761.93(a) and .97(a)].

Subpart G - PCB Spill Cleanup Policy

(#40) Reporting of PCB Spills: Parties responsible for the following types of PCB spills must notify EPA to obtain cleanup guidance: spills that directly contaminate surface waters, sewers, or drinking water supplies; spills that directly contaminate grazing lands or vegetable gardens; spills that exceed 10 pounds of PCBs by weight [§§761.125(a)(1)(i) to (iii)].

Subpart J - General Records and Reports

(#41) Annual Reports for Waste Disposed of by the Waste Generator: Owners/operators of PCB disposal facilities, including owners/operators who dispose of PCB waste generated at his/her own facilities, and owners of commercial storage facilities, shall submit annual reports to the RA. The reports shall summarize the records and annual document logs required to be maintained and prepared under §761.180(b)(1) and (b)(2) of this section. Within 30 days of suspending the operation of any incinerator, the owner/operator of the facility must submit a document to EPA that includes the date and time of the suspension and an explanation of the circumstances causing the suspension of operations [§§761.180(b), (b)(3), and (c)(5)].

(#41a) Records of Reclassified PCB Equipment: Owners of reclassified PCB electrical equipment must promptly provide records pertaining to the reclassification of PCB equipment, if requested by EPA. Also see #68a and #75 [§761.180(g)].

(#42) Notification/Certification of Product Contamination by Inadvertent PCBs: Manufacturers with processes inadvertently generating PCBs and importers of products containing inadvertently generated PCBs must report to EPA within 90 days any excluded manufacturing process or imports for which the concentration of PCBs in products leaving the manufacturing site or imported is > 2 ug/g (roughly 2ppm) for any resolvable gas chromatographic peak. Manufacturers who must submit the report must transmit a letter

notifying EPA of the number, type, and location of the excluded manufacturing process. Persons must also certify compliance with the requirements of §761.1(f), specify whether the compliance is determined by actual monitoring or theoretical assessments; and maintain determinations of compliance. Facilities with compliance based on theoretical assessment must also notify EPA of the estimated PCB concentration levels generated and released [§761.185].

(#43) Notification When PCB Releases Exceed Limits: Owners/operators of excluded manufacturing processes must report to EPA the total quantity of inadvertently generated PCBs released into the air and or water from these processes when the total quantity of each type of release in any calendar year exceeds 10 pounds [§761.187].

Subpart K - PCB Waste Disposal Records and Reports

(#44) Notify EPA of PCB Waste Activity: All generators with on-site storage, commercial storers, transporters, and disposers of PCBs shall notify EPA of their PCB waste activity by filing EPA Form 7710-53 (see Appendix D) prior to engaging in PCB waste-handling activities. The form includes individuals engaged in R&D and treatability studies and owners of scrap metal recovery ovens/smelters and HEBs. This one-time notification form asks for a statement of the type of activity taking place at the facility, the location of the facility, name and address of the owner, and the facility point-of-contact. EPA issues an identification number or verifies an existing RCRA identification number [§§761.202(a); 205(a) to (c)].

(#45) Changes in Waste Handling Activities: Individuals who make changes in their waste-handling activities (e.g., relocating or assuming additional activities) are required to submit an amended notification form 30 days after the change in activity occurs. The information is collected using a one-page form (EPA Form 7710-53) that has previously been approved by OMB (OMB Control No. 2070-0112) and requires minimal effort to complete [§761.205(f)].

(#46) Exception Reports: When a generator uses an independent transporter, he or she must confirm by telephone or other convenient means that the commercial storer or disposer actually received the manifested waste. If the disposal facility did not receive the waste, the generator shall contact the transporter to determine the disposition of the waste. If the generator has not received a manifest from the disposal facility, the generator shall submit an exception report to the EPA RA. A disposer shall submit a One-Year Exception Report to EPA within 45 days from the end of the 1-year storage for disposal date when the facility receives the PCBs on a date more than 9 months from the date when the PCBs were removed from service for disposal or when the facility can no longer dispose of the PCBs within the 1-year date due to contractual commitments or other factors affecting the facility's disposal capacity. Generators or commercial storers shall submit One-Year Exception Reports when they transferred PCB wastes within 9 months from the date of removal from service for disposal, when the facility has not received a Certificate of Disposal within 13 months from the date the waste was removed from service, or has received a Certificate of Disposal more that 1 year after the date the waste was removed from service [§§761.208(a)(4); .215(b) to (d)].

(#47) Discrepancy Reporting: Upon discovering a significant discrepancy, the

owner/operator of the designated commercial storage or disposal facility shall attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within 15 days after receiving the PCB waste, the owner or operator shall immediately submit to the RA a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue [§761.210(b)].

(#48 - 49) Unmanifested Waste Reports: Disposers must submit unmanifested waste reports to EPA when they accept a shipment of PCB waste without an accompanying manifest. If an owner or operator of a commercial storage or disposal facility cannot contact the generator of the PCB waste, he or she shall notify the RA so that the RA can determine whether further actions are required before the owner or operator may store or dispose of the unmanifested PCB waste [§761.211(b)]. Within 15 days after receiving the unmanifested PCB waste, the owner/operator shall prepare a report to the RA of the Region where the storage or disposal facility is located and the Region in which the PCB waste originated. The report shall include the EPA facility identification numbers, facility information, date the waste was received, description of the waste, explanation why the waste was unmanifested, if the waste was stored or disposed, if the generator was identified, if a manifest was subsequently supplied, and if and when the waste was sent back to the generator [§761.211(c)].

Subpart T - Comparison Study for Validating a New Performance-Based Decontamination Solvent Under §761.79(d)(4)

(#50) Results of Analysis and Decontamination Validation Studies: Persons using the self-implementing criteria for validating the conditions for the performance-based decontamination of solvents must submit validation study results to EPA [§§761.395 and .398].

(B) Third-Party Reports. Respondents are required to submit information to entities other than EPA headquarters or the RA, such as to State, Tribal, county or local officials, waste generators, transporters, storers, and disposers, or the public.

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Subpart B - Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

(#51) Certification for Burners of Used Oil: Before the first shipment of used fuel oil containing detectable PCBs, the burner of the oil must provide a one-time written certification to the marketer of the oil that the incinerator is in compliance with the notification requirements of §761.71(a)(2) or 40 CFR 279, Subpart G. This regulation also applies to marketing or burning for energy recovery liquids containing PCBs at concentrations <50 ppm at the time of removal from a natural gas pipeline system [§§761.20(e)(3)(ii); .30(i)(5)(ii); and .60(b)(5)(iv)(B)].

(#52) Transformer and Voltage Regulator Fire Emergency Notification: Owners of PCB Transformers and PCB Voltage Regulators (containing ≥500 ppm PCBs) must report any fire-related incidents involving this equipment and the release of PCBs to the National Response Center (NRC). Information must be provided regarding the type of PCB Transformer installation involved in the incident (e.g., high or low secondary voltage network transformer,

high or low secondary voltage radial system, expanded radial system, primary selective system, primary loop system, or secondary selective system) and the readily ascertainable cause of the fire (e.g., high current fault in the primary or secondary or low current fault in secondary). The NRC notifies the appropriate Regional Administrator [§§761.30(a)(1)(xi) and (xv)(A); (h)(1)(ii)(B)].

(#53) Notification to Owners of PCB Transformers: Users of a PCB Transformer in use or stored for reuse that may pose an exposure risk to food or feed must notify the owner of the Transformer [§761.30(a)(1)(xiv)].

(#54) Registering Newly Discovered PCB Transformers: In the event that a mineral oil transformer assumed to contain <500 ppm PCBs is tested and found to be contaminated at ≥500 ppm, the owner of the PCB Transformer must register the equipment with the building owner (and EPA; see #3) within 30 days of discovery [§§761.30(a)(1)(xv)(D)].

Subpart D - Storage and Disposal

(#55) Documentation About and Disposal Approval for PCB-Contaminated Liquids: Prior to any chemical waste landfill disposing of PCB-Contaminated liquids from incidental sources associated with non-liquid PCB waste, the landfill owner/operator must be provided with documentation that shows that the waste does not exceed 500 ppm PCBs, that it is not an ignitable waste as described in §761.75(b)(8)(iii), and that disposal does not violate 40 CFR §268.32(a)(2) and §268.42(a)(1), which list specific hazardous wastes prohibited from land disposal, including liquid hazardous wastes containing PCBs >50 ppm [§761.60(a)(3)(ii)].

(#56) Inclusion of Abandoned Natural Gas Pipes in Public Service Notification Programs: One disposal option for natural gas pipeline systems containing PCBs at any concentration but no free-flowing liquids, and having a nominal inside diameter of ≤4 inches, is to seal each end closed, abandon the pipes in the place where they were used to transport natural gas, and include them in a public service notification program, such as a *one-call* system under 49 CFR 192.614(a) and (b). One-call systems are programs run by utility companies to inform landowners that they should contact the utility companies before beginning any excavation work on their property to avoid disturbing underground utility pipes [§761.60(b)(5)(i)(A)(1)].

(#57) Notification About Approved PCB Disposal Facilities: Each operator of a chemical waste landfill, incinerator, or approved alternative disposal technology meeting the incineration standard must notify State and local officials at least 30 days prior to the first use of the facility [§761.60(f)(1)(i)].

(#58) Annual Notification about PCBs Disposed of: If requested by State and local officials, each operator of a chemical waste landfill, incinerator, or approved alternative to incineration must provide annual information about the quantities and types of PCBs disposed of [§761.60(f)(1)(ii)].

(#59) Notification to State and Local Officials of PCB Activities: Any person may conduct R&D for PCB disposal without prior written approval from EPA, if they meet certain

conditions, one of which is to notify State and local environmental agencies at least 30 days prior to beginning the activities. Each written notification must contain the EPA identification number for the site, the quantity of PCBs to be treated, the type of R&D technology to be used, the physical and chemical properties of the materials being treated, and an estimation of the duration of the activities [§761.60(j)(i)(ii)].

(#60) Manifest R&D PCB Wastes: Research facilities must use manifests, pursuant to Subpart K, for all R&D PCB wastes being transported from the R&D facility to an approved PCB storage or disposal facility for disposal. Manifests are not needed if the residuals are returned to the site of generation [§761.60(j)(1)(vii)].

(#61) Self-implementing Remediation: Owners of remediation sites are required to notify, in writing, the appropriate State (or tribal), county (or local) environmental agencies at least 30 days prior to conducting remediation activities. The notification must include the following information: the nature of the contamination, a summary of the procedures used to sample contaminated and adjacent areas, a table or cleanup site map, the location and extent of PCB contaminated areas, including topographic maps, and a cleanup plan for the site [§761.61(a)(3)(i)].

(#62) Notification of Pending PCB Shipments: Generators of bulk PCB remediation waste must provide written notice to each off-site facility where the waste is destined that is not subject to a TSCA PCB disposal approval about the quantity and the highest concentration of PCBs shipped, at least 15 days before the first shipment of the waste from each cleanup site [§761.61(a)(5)(i)(B)(2)(iv)].

(#63) Deed Restrictions on Property Where Remediation Projects Have Been Conducted: Within 60 days of completion of a cleanup activity and in accordance with State law, site owners must record a notation on the deed to the property, or on some other instrument that is normally examined during the title search, that will in perpetuity notify any potential purchaser of the property that the land has been used for disposal of PCB remediation waste, the site is restricted for use, and the fence or cap must be maintained, as well as the applicable cleanup levels left at the site. This notice becomes a permanent attachment to the deed [§761.61(a)(8)(i)(A)].

(#64) Disposal of PCB Bulk Product Waste: Any person disposing off site of PCB bulk product waste under paragraph (b)(1) at a waste management facility not having a commercial PCB storage or disposal approval, must provide written notification to the receiving facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The notice shall state that the waste may include components containing PCBs at ≥ 50 ppm and that the waste is known or presumed to leach < 10 ug/L PCBs. The objective of the notification is to alert the waste facilities and prevent the generator from sending a waste to a facility that may be restricted from receiving PCBs, based on a State-issued permit [§§761.62(b)(4)(i) and 761.357]. Any person disposing off site of PCB bulk product waste under paragraph (b)(2) at the same type of facility must comply with the same notification requirements, except that the notice shall state that the waste is known or presumed to leach ≥ 10 ug/L PCBs [§§761.62(b)(4)(i) and (ii); 761.357 and .359].

(#65) Notations on PCB Items and Containers: To store PCB Items, either for disposal or temporarily in areas that do not comply with §761.65(b) for up to 30 days from the date of an Item's removal from service, owners of the Items must place on the Item the date it is removed from service. Items that can be temporarily stored include non-leaking PCB Articles and PCB Equipment; leaking PCB Articles and Equipment if the PCB Items are placed in a non-leaking PCB Container; PCB Containers containing non-liquid PCBs; or PCB Containers containing liquid PCBs at concentrations ≥ 50 ppm in areas with SPCC plans [§§761.65(c)(1) and (8)].

(#66) Notification of Shipping Laboratory Samples: To qualify for the exemption from manifesting laboratory sampling wastes, as per §761.65(i)(2)(i) and (ii), the sample collector shipping the samples to a laboratory and a laboratory returning samples to a sample collector must comply with applicable DOT requirements found at 49 CFR 173.345 and U.S. Postal Service regulations, 652.2 and 652.3. Information on the sample collector, the laboratory, and date of shipment must accompany a PCB sample when it is shipped to the testing laboratory or back to the sample collector [§761.65(i)(3)].

Subpart G - PCB Spill Cleanup Policy

(#67) Requirements for the Spill Cleanup Policy: Spills involving 1 pound or more by weight of PCBs must be reported to the National Response Center [§761.125(a)(1)].

(#68) Notification of PCB Contamination at a Cleanup Site: Parties responsible for cleaning up PCB spills as per the Spill Cleanup Policy can cleanup the site to 50 ppm PCBs by weight (as opposed to 25 ppm) provided that a label or notice is visibly placed in the area [§761.125(c)(2)(ii)].

(#68a) Records Pertaining to Reclassification of PCB Equipment: Owners of reclassified PCB electrical equipment must promptly provide records of reclassified PCB equipment to any party holding or possessing the equipment (for example, through sale, loan, lease, or for servicing). Also see #41a and #75 [§761.180(g)].

Subpart K - PCB Waste Disposal Records and Reports

(#69) Manifests for PCB Wastes: Generators who relinquish control over PCB wastes by transporting, or offering for transport, PCB waste for commercial off-site storage or disposal shall prepare a manifest (EPA Form 8700-22), which specifies the identity of the waste, the earliest date of removal from service for disposal, the weight in kilograms of the waste, the unique identifying number of a PCB Article Container or PCB Container, the serial number or other identification of PCB Articles not in containers [§761.207(a)]. For bulk shipments within the United States transported solely by water, waste generators are required to provide three copies of the dated and signed manifests to the owner or operator of the designated commercial storage or disposal facility [§761.208(a)(2)]. For rail shipments of PCB wastes that originate at the site of generation, the generator shall send at least three copies of the manifest to the next non-rail shipper, if any, and the designated commercial storage or disposal facility, if transported solely by rail [§761.208(a)(3)].

(#70) Send Manifest to Generator: When a commercial storage or disposal facility receives an offsite shipment of PCB waste accompanied by a manifest, the owner/operator of the facility must send a copy of the manifest to the generator within 30 days after the delivery. When a commercial storage or disposal facility receives a PCB waste from a rail or water (bulk shipment) transporter accompanied by a shipping paper containing all the information required on the manifest except the EPA identification number, generator's certification, and signatures, the owner/operator of the facility shall send a copy of the manifest or shipping paper to the generator [§761.208 (c)(1)(iv) and (c)(2)(iv)].

(#71) Certificates of Disposal to Waste Generators: Owners or operators of disposal facilities must send Certificates of Disposal to generators of PCB wastes identified on the manifests that accompany each shipment. The Certificates must be sent within 30 days of the date that the disposal of each item of PCB waste identified on the manifest was completed, unless the generator and the disposer agree to another time frame. The Certificate of Disposal shall identify the disposal facility and waste affected by the certificate and include a statement certifying the date of disposal and disposal process for the identified PCB waste [§761.218(a) and (b)].

(C) Records. Respondents are required to maintain records as follows:

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Subpart A - General

(#72) Recordkeeping of Excluded Manufacturing Processes and Certification: Chemical manufacturers and importers of products that contain inadvertently generated PCBs (i.e., excluded manufacturing processes) must maintain the monitoring data (or other analyses) that were used to support the determination of compliance with the conditions of §761.3, and copies of the signed certification of compliance. These recordkeeping requirements expire under their own terms, either three years after the manufacturer has ceased operating the process that necessitated notification, or after seven years, whichever is a shorter retention period. Monitoring records must contain the method of analysis; the results of the analysis, including data from the Quality Assurance Plan; a description of the sample matrix, the name of the analyst or analysis; the date and time of the analysis; and numbers for the lots from which the samples are taken [§§761.1(f)(1), .185(c)(2) and (d), and .193].

Subpart B - Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

(#73) Records of Marketing Used Oil: Marketers who first claim used oil does not contain detectable levels of PCBs must retain records supporting the claim and a copy of each certification notice received or prepared relating to transactions involving PCB-containing used oil. Burners must include among the records a copy of each certification notice that has been provided to a marketer of PCB-containing used oil. These requirements also apply to persons who market or burn for energy recovery liquid containing PCBs at concentrations <50 ppm PCBs at the time of removal from a natural gas pipeline system [§§761.20(e)(4)(i) and (ii); .30(i)]

(5)(ii); and .60(b)(5)(iv)(B)].

(#74) Records of PCB Transformer Registration, Inspection, and Maintenance:

Individuals are required to retain a copy of the transformer registration and the return receipt signed by the EPA and records of inspection and maintenance history for a period of 3 years after the disposal of the transformer(s). The records also shall contain information of the location of each transformer; inspection dates; date of discovery of any leaks; inspector's name; location of any leaks; estimate of the amount of dielectric fluid leaked; date and description of any cleanup, containment, repair, or replacement; the results of any containment and daily inspection required for uncorrected active leaks; and any transfer of ownership of PCB Items [§§761.30(a)(1)(vi)(C), (xii), and (xiv)].

(#75) Records of Reclassified PCB Equipment: Owners of reclassified PCB equipment must maintain records at the facility where the equipment has been reclassified to a lower PCB concentration for a period of 3 years after reclassified and sold, transferred, or disposed. These records, generated during the normal course of the reclassification procedure, must show that the equipment was reclassified following the required reclassification procedure. When these procedures require testing, the records must include copies of the pre-and post-reclassification PCB concentration of the unit, taken by a laboratory using quality control and quality assurance procedures. Equipment includes transformers, voltage regulators, electromagnets, and switches. Also see #41a and #68a [§§761.30(a)(2)(v)(C) and (D); .30(h)(2)(v)(C) and (D), and .180(g)].

(#76) Natural Gas Pipeline Data: PCBs at concentrations of ≥ 50 ppm are authorized for use in natural gas pipelines if certain actions are taken to characterize the concentration and extent of contamination, as well as remedial measures taken to reduce the PCB concentrations below regulated levels. Records of the results of the sampling and analysis as well as any actions taken or not taken to reduce the PCB concentrations must be kept for 3 years after the PCB concentrations have been reduced to below regulated levels. EPA expects the recordkeeping burden to be minimal as the regulations allow for use of historical data. Owners or operators of natural gas pipeline systems that do not include sources of PCB contamination (e.g., natural gas compressors, natural gas scrubbers, and natural gas filters) containing ≥ 50 ppm PCBs also must comply with the recordkeeping requirements [§§761.30(i)(1)(iii)(B) and (C)].

(#77) Records of Equipment Stored for Reuse: Owners of PCB Articles stored for reuse must maintain records starting at and indicating the time the PCB Article is removed from use or starting from August 28, 1998, if the date it was removed from use is not known. The records must also include the projected location and the future use of the PCB Article, and, if applicable, the date the PCB Article is scheduled for repair or servicing [§761.35(a)(2)].

Subpart C - Marking

(#78) Records for Identifying PCB Large Low Voltage Capacitors: Owners or operators of PCB Large Capacitors located in protected locations must maintain a record for identifying the PCB Capacitors, but only if they choose not to mark each capacitor individually [§§761.40(c)(2)(ii) and (k)].

Subpart D - Storage and Disposal

(#79) Records of Disposal for R&D Facilities: The self-implementing provisions under §761.60(j) allow individuals to conduct research and development for PCB disposal. One of the provisions is that R&D facilities must comply with existing recordkeeping requirements in §761.180 (e.g., maintain the annual document log and annual records) and the applicable storage and disposal requirements in Subpart D [§761.60(j)(1)(ix)].

(#80) Records of Remediation Activities: Individuals conducting self-implementing remediation projects are required to maintain records of the sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site. Persons using alternate methods for chemical extraction and chemical analysis for site characterization must keep on file records of a comparison study that meets or exceeds the requirements of §761.269(c) [§§761.61(a)(3)(i)(E) and (a)(6), and Subparts O and Q].

(#81) Waivers of the Notification Requirement: Under the self-implementing remediation provisions of §761.61, individuals who receive a waiver of the 30-day notification requirement must maintain the original written waivers received from each of the agencies they are required to notify under this section (i.e., the RA, State and county (or local) environmental offices) [§761.61(a)(3)(iii)].

(#82) Records of Remediation Cleanup Activities: For the cleanup of bulk PCB remediation waste, non-porous surfaces, porous surfaces, and liquids, site owners must keep records as per §761.125(c)(5) for a period of 5 years. The records must identify the source of the spill and include information on the estimated or actual date of the spill, the date cleanup was completed or terminated, a brief description of spill location and the nature of the materials contaminated, pre-cleanup sampling data used to establish spill boundaries, a brief description of the solid surfaces cleaned, the approximate depth of soil excavation and the amount of soil removed, post cleanup verification sampling data, and a brief description of the sampling methodology [§761.61(a)(9)].

(#83) Records of Sampling and Analysis of PCB Bulk Product Waste: Persons disposing of PCB bulk product waste in solid waste landfills must keep records of the sampling and analysis of PCB bulk product waste as well as required notifications. The records must be maintained for 3 years from the date of their creation and made available to EPA upon request [§761.62(b)(5)].

(#84) Attempts to Secure Disposal: The regulations include a provision that would grant individuals an automatic 1-year extension to store waste beyond the 1-year deadline for disposal if certain conditions are met. One of the conditions is that the individual must maintain a written record of his efforts to secure disposal capacity until the waste is disposed. These records must be made available for inspection by the EPA [§§761.65(a)(2)(ii), and (3)].

(#85, 86) Spill Prevention, Control, and Countermeasure (SPCC) Plan: Owners/operators of facilities using PCB storage containers, as per 29 CFR 1910.106, must prepare SPCC plans.

SPCC plans are also necessary to temporarily store containers of PCB liquids ≥ 50 ppm. An SPCC plan is necessary when an individual has not previously stored liquid PCBs on a temporary basis [§§761.65(c)(1)(iv) and (7)(ii)].

(#87) Records of PCB Items in Stationery Storage Containers: PCB Items shall be dated when removed from service for disposal. For each batch of PCBs added to storage containers, as per §761.65(c)(7), owners of the containers shall maintain a record that includes the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container [§761.65(c)(8)].

(#88) Records of Storage for Disposal of PCBs and PCB Items: Owners/operators of commercial storage facilities must establish and maintain records, as per §761.180, for the storage and disposal PCBs and PCB Items ≥ 50 ppm [§§761.65(c)(10) and .180].

(#89) Incinerator Records: Owners and operators of incinerators must keep records 5 years after the date of collection of the quantity of PCBs fed into the incinerator and the rate at which the PCBs are fed, the temperature of the incineration process, the results of continuous monitoring of combustion products for oxygen and carbon monoxide, at a frequency specified by EPA, and information on the weight of solid residue generated by the incinerator [§§761.70(a)(3), (4), and (7); (c); and .180(c)].

(#90) High Efficiency Boiler (HEB) Feed Rate and Emissions Record Retention: Persons burning liquids other than mineral oil dielectric fluid, containing PCBs between 50 and 500 ppm, in an approved HEB must retain the following records for a period of 5 years: the quantity of low concentration PCBs burned in the boiler each month, monthly waste analysis records, and the data required in §§761.71(b)(1)(vi) and (b)(1)(vii), which includes the carbon monoxide concentration and excess oxygen percentage in the stack gas; the fuel feed rate; waste fluid feed rate; and the quantities of fuel and waste fluid fed to the boiler [§§761.71(a)(1)(vi) and (vii), (a)(4), (b)(1)(vi) and (b)(1)(vii), (b)(5), and .180(e)].

(#91) PCB Disposal Using Scrap Metal Recovery Ovens and Smelters: The use of scrap metal recovery ovens and smelters is authorized for disposing of PCB-contaminated items when the equipment meets certain operating parameters and conditions. One of these parameters addresses the temperature of the hearth (i.e., at least 1,000° C when charged with PCB Items). Operators are required to record the temperature and retain the data at the facility for 3 years from the date each charge is introduced. Because these devices are considered disposal units, owners of the equipment must meet all applicable recordkeeping requirements in 40 CR 761 Subparts J and K (e.g., maintain annual document log and annual records) [§§761.72(a)(9) and (b)(6)].

(#92) Chemical Waste Landfill Records: Owners/operators of chemical waste landfills that dispose of PCBs must maintain records at least 20 years after a facility ceases disposal operations of all PCB disposal operations, including PCB concentration in liquid wastes, the three-dimensional burial coordinates for PCBs and PCB Items, water sampling and analysis (i.e., samples of surface and ground water at locations and frequencies specified by EPA in their approvals), and additional records. The samples must be analyzed for PCBs, pH, specific

conductance, and chlorinated organics [§§761.75(b)(6)(iii) and (b)(8)(iv) and .180(d)].

(#93, 94) Decontamination Activities: If individuals follow self-implementing decontamination procedures (and maintain the required records), they will not need to obtain a PCB disposal approval, as is currently the case, to decontaminate for continued use or distribution in commerce items that had been contaminated with PCBs. Test and validation results of performance-based decontamination activities using PODFs and VADFs must be retained [Subpart T, §761.79(d)(4)]. Also, individuals that conduct PCB decontamination activities must maintain records of sampling activities that show sampling locations, analytical results, and information about the wastes generated by a decontamination process. These records must be retained at the site of decontamination for a period of 3 years for inspection by EPA [§§761.79(f)(1) and (2)].

Subpart E - Exemptions

(#95, 96) Manufacture of PCBs and Processing/Distributing of Limited Quantities of PCBs or PCBs in Waste Materials for R&D: Under the class exemptions for manufacturers of PCBs and processors and distributors of limited quantities of PCBs and PCB analytical reference samples derived from waste materials for purposes of research and development, facilities seeking the exemption must maintain records on the source(s) of PCBs, the person(s) to whom the PCBs were shipped, and the amount(s) of PCBs received, processed and distributed in commerce annually. These records must be retained for a period of either 3 years after ceasing the processing and/or distributing operations or 5 years [§§761.80(e)(5), (g)(1), and (i)(7)].

Subpart G - PCB Spill Cleanup Policy

(#97, 98) Records of Spill Cleanup and Delays: Parties responsible for cleaning up PCB spills must maintain documentation of the cleanup activities and certification of the documentation for five years. Owners of PCB spills who have delayed cleanup because of circumstances such as civil emergency; hurricane, tornado, or other similar adverse weather conditions; lack of access due to physical impossibility; or emergency operating conditions, must keep records documenting the fact that circumstances precluded rapid response [§§761.125(b)(3), (c)(1) and (c)(5) and .61(a)(9)].

Subpart J - General Records and Reports

(#99) The Annual Document Log for PCBs and PCB Items: Owners/operators of PCBs and PCB Items in service or projected for disposal must maintain annual records and a written annual document log for 3 years after the PCB activities cease. The records must include signed manifests, Certificates of Disposal, records of inspections and cleanups, facility and Item identification information, total number of Items, telephone records, and Item transfer information. Individuals must also collect and maintain documents, correspondence, and data pertaining to storage/disposal of PCBs that have been provided to as well as received from any State or local government agency and any application/correspondence submitted to local, State, or Federal permitting authorities [§§761.180(a), (a)(4), (b), and (f); and 761.65(c)(5)].

(#100) Recordkeeping of Monitoring Data for Inadvertently Generated PCBs: Any importers of or manufacturers generating PCBs in excluded manufacturing process must maintain for a period of 3 years after ceasing process operations or importation, or for 7 years, whichever is shorter, monitoring or analytical data used to determine compliance of import, manufacture, process, distribution in commerce, or use of chemicals containing inadvertently generated PCBs. The manufacturers' records must include the reaction(s) believed to be generating PCBs, the levels of PCBs generated, and the levels of PCBs released. Importer records must include the reaction(s) believed to be generating PCBs, the levels of PCBs generated, the basis for all estimations of PCB concentrations, and the name and qualifications of the person performing the analyses. Monitoring data must include the method of analysis, the results of the analysis, description of the plan matrix, names of the analysts, date and time of the analysis, and number for the lots from which the samples were taken [§§761.185(c)(2), (d), and .193(a) and (b)].

Subpart K - PCB Waste Disposal Records and Reports

(#101, 102) Recordkeeping of Manifests and Certificates of Disposal: PCB waste generators must retain a written record of all manifests and telephone and other confirmations regarding manifesting communications, which are to be included in the annual document log, in accordance with §761.180 [§761.208(a)]. Each transporter, storer, and disposer must retain one copy of each manifest or shipping paper [§§761.208(b) and (c)]. Each PCB waste-handling facility that initiates or receives a manifest must file and maintain a copy of each manifest. The generator of PCB waste shall keep a copy of each manifest until the generator receives a signed copy from the designated commercial storage or disposal facility that received the PCB waste. The generator, transporter, and owners/operators of the storage and disposal facilities shall keep a copy signed by the storer or disposer for at least 3 years from the date the PCB waste was accepted by the initial transporter [§761.209(a) to (d)]. Generators and commercial storers of PCB waste must also maintain a copy of each Certificates of Disposal received from disposers [§761.218(c)].

Subpart T - Comparison Study for Validating a New Performance-Based Decontamination Solvent Under §761.79(d)(4)

(#103) Results of Validation Studies: Persons conducting studies to validate a new performance-based decontamination solvent must record the testing parameters and experimental procedures in standard operating practices and must affix in an appendix the results of the validation study [§761.398(c)].

(ii) Respondent Activities

Typical respondents include: manufacturers, processors, distributors of PCBs in commerce; owners of PCB-contaminated equipment and PCB Items; PCB waste generators, transporters, commercial storers, and disposers (i.e., PCB waste handlers); owners/operators of laboratories; and other users of PCBs. All respondents must read the rule and determine which provisions are applicable to their operations; plan and modify their procedures to come into compliance with the rule; provide training to appropriate staff; process, compile, and review

information for accuracy and appropriateness; and record, disclose, and/or report the required information. Specific responsibilities for each type of respondent are as follows:

Manufacturers, Processors, Distributors in Commerce of PCBs: Individuals who are included in the manufacturing exclusions must gather and document data on raw materials and intermediates used in the manufacturing process; analyze the reactions and conditions at issue; survey the facility site and specific equipment to determine and document where and to what extent PCBs could be released into air, water, and end products. Individuals who seek exemptions from the manufacturing, processing, or distribution in commerce bans must document the amount of PCBs affected by the exemption request; describe the manufacturing/processing/distribution in commerce processes; comply with additional statutory requirements of TSCA section 6(e)(3)(B); quantify the economic consequences of an exemption denial; and provide specifics about servicing and use activities, develop certification statements, and complete other paperwork.

Owners of PCB Items and PCB-Contaminated Equipment: There are various requirements for owners of the many different types of PCB Items. Owners of newly discovered PCB Transformers must register their Transformers with EPA and building owners, providing information on the number of PCB Transformers, their locations, and his or her name, address, telephone number and signature, or that of the authorized representative, which certifies the accuracy of the submitted information. Owners of these PCB Transformers must record inspection and maintenance information and file and maintain the data and information in the annual log about any transfer of ownership of a PCB Transformer. Owners of reclassified transformers, voltage regulators, electromagnets, and switches must maintain records showing that they followed the required reclassification procedures. When testing is required, equipment owners must keep records of the pre-and post-reclassification PCB concentration measurements. They must also provide records of the reclassification procedure to EPA and recipients of the equipment, upon request.

Individuals who discover fire-related incidents that result from a rupture of a PCB Transformer or PCB Voltage Regulator must report the incident to the National Response Center. Owners of PCB Items distributed in commerce for reuse must retain records in the annual document log of any transfers of ownership. Owners of large capacitors located in protected locations who choose not to mark these units individually must maintain records for identifying the Capacitors.

Owners of PCB Articles stored for reuse must maintain records of the Articles. Some owners of PCB Items may want to obtain approval to store equipment for disposal beyond the current 1-year limit, or to exceed the 5-year limit for the storage of equipment for purposes of reuse. In those cases, they would be required to contact the appropriate RA and compile and submit the requisite information. Utilities and other owners of PCB-contaminated equipment must create or modify their Spill Prevention, Control, and Countermeasure Plan (SPCC) if temporarily storing PCB liquids. Owners of PCB Items (in addition to PCB Transformers) are also required to record and maintain records of inspection, maintenance activities, cleanup, disposal, and certain decontamination activities. When PCB Items are removed from service for disposal, the owners of the Items must place the date on the item.

When owners of PCB Items generate wastes that must be handled as a PCB remediation or bulk product waste, they will need to determine which of the available disposal options (i.e., self-implementing, performance-based, or risk-based options) should be used to address their disposal needs. These disposal options will require compliance with various reporting and recordkeeping requirements.

PCB Waste Handlers: PCB waste handlers must respond to the notification requirements by filling out a brief one-time form (EPA Form 7710-53) (see Appendix D) and filing and maintaining the information. Individuals who handle PCB-Contaminated liquid wastes must notify chemical waste landfill owners of the certain specified properties of the waste, and the landfill must obtain written approval from the RA before disposing of these wastes. Individuals disposing of PCB waste, such as in a high efficiency boiler, must notify the RA about the activity.

Waste handlers attempting to secure disposal must maintain records of these attempts to be granted an automatic one-year extension to store wastes beyond the one-year deadline for disposal. If waste handlers change their waste-handling activities, they are also required to file an amended TSCA PCB notification form (EPA Form 7710-53, Appendix D), which provides information on the amended activity.

To handle PCB remediation wastes under the self-implementing option, site owners must notify the RA and other authorities about the remediation activities and submit a written certification to the RA that site sampling and waste characterization plans are on file at a specified location. Generators of bulk PCB remediation waste must provide written notice to off-site waste handling facilities about the quantities that will be shipped to the facilities and the highest concentration of PCBs in the shipment. Property owners with remediation sites that require the use of a fence or a cap must submit to EPA a certification that the property deed has a notation to that effect. The recordkeeping activities for individuals using the self-implementing remediation provisions for disposing of PCB remediation waste include retaining written waivers received from EPA or other authorities for 5 years, maintaining records of sampling plans and characterization procedures, recording in the deed any sites that require the use of a fence or cap, and keeping records of cleanup activities for 5 years. PCB waste handlers are required to record and maintain records, such as calculations used and validation and sampling results, on certain decontamination activities.

Any person using the risk-based disposal option to dispose of PCB bulk product waste must apply in writing to EPA to do so. Persons handling PCB bulk product waste must maintain records of sampling and analysis for 3 years. Any person with a spill involving one pound or more of PCBs must report the spill to the National Response Center.

PCB waste generators must provide manifests and/or shipping papers that will accompany the waste shipment to the transporters and to the disposers. When a generator uses an independent transporter, he or she must confirm either by phone or some other convenient means that the receiving PCB storage and/or disposal facility actually received the wastes. Generators, storers, transporters, and disposers must sign and retain copies of the manifests when

they handle a shipment of PCB waste. Generators must submit exception reports to EPA when they fail to receive confirmation from the disposer that a shipment of PCB waste has been properly disposed of.

Persons seeking coordinated approval for their waste-handling activities are required to submit requests for approval to the RA. These individuals are required to adhere to recordkeeping and reporting requirements, submit additional information as required by EPA, or submit an application for a TSCA PCB approval, and notify the RA of any changes relating to the waste management documents that serve as the basis for the coordinated approval.

Owners and Operators of PCB Disposal Facilities: These respondents are expected to complete the EPA approval process: develop a description and a plan for a demonstration of the system; conduct demonstration and complete an analytical assessment of the results; and record/disclose information; submit a demonstration report; and develop standard operating procedures, a closure plan and financial assurance that cover the closure costs of the facility. Operators of approved chemical waste landfills, incinerators, or alternate PCB disposal technologies must also notify State and local officials prior to the first use of the technology, and if requested by a State or local government, provide annual notice of the quantities and types of PCBs disposed of during the year.

Owners/operators of incinerators must keep records regarding the PCBs fed into the incinerator and the operating conditions of the equipment. Owners of chemical waste landfills must collect and analyze samples of surface and ground water at EPA-approved locations. To dispose of residual PCB waste in a scrap metal recovery oven or smelter, the owner must obtain a permit or have the unit approved by the RA, and comply with applicable reporting requirements of Subparts J and K, such as recording operating temperatures. Persons burning PCB liquids in high efficiency boilers must retain records of the quantities burned, waste analysis results, and operational conditions of the boiler.

Owners and operators of PCB disposal facilities are required to submit annual reports to EPA. PCB waste disposers must submit unmanifested waste reports to EPA when they accept a shipment of PCB waste without an accompanying manifest. Disposers also must submit discrepancy reports when the PCB waste they receive for disposal does not match the description of the manifest that accompanies it. Owners/operators of disposal facilities must submit Certificates of Disposal to waste generators when a disposal is complete for each item on a manifested waste shipment. The disposers must maintain all of the above records. Owners/operators of PCB disposal facilities also are required to attempt to contact the generator when they receive a shipment of PCB waste that does not include a manifest.

Owners/Operators of Commercial Storage Facilities: These respondents must complete the EPA approval process; i.e., submit closure plans and financial assurances to EPA. They must notify the appropriate RA when it is necessary to exceed the 1-year storage limitation, to modify the facility, or amend the financial assurance mechanism. For subsequent extensions to the storage limitations, the requestor must submit specific justification for the extension and indicate measures he is taking to secure disposal. Owners of commercial storage facilities must record and maintain records associated with PCB equipment inspections and cleanups. They must also

submit a summary report to EPA of the type and quantity of PCB wastes that were managed at the facility during the preceding year. Commercial storers of PCB wastes must submit Exception Reports when they transfer the PCBs or PCB Items to the disposer within 9 months from the date of removal of the Item from service or when they have not received within 13 months from the date of removal from service for disposal a Certificate of Disposal confirming the disposal of the Item, as applicable.

Users of PCB waste storage containers can use containers other than those prescribed by ANSI for nuclear criticality safety if the user demonstrates that such containers are protective of human health and the environment. Managers of large bulk PCB storage containers shall have a record that includes for each batch of PCBs the quantity of the batch and the date the batch was added to the container.

If owners of storage facilities change their waste-handling activities, they would also be required to file an amended TSCA PCB notification form. EPA will approve changes in ownership of storage facilities if the transferee has established financial assurance for closure and the transferor has resolved any deficiencies, such as with operations, closure plans, and cost estimates.

Owners/operators of PCB commercial storage facilities are required to attempt to reconcile, with either the generator and/or transporter any significant discrepancy in the manifest. Owners/operators of PCB commercial storage facilities are required to attempt to contact the generator when they receive a shipment of PCB waste that doesn't include a manifest.

Laboratories: Persons conducting R&D on PCB disposal are required to obtain an EPA identification number and notify EPA and other authorities before conducting the R&D activities. R&D facilities must also manifest wastes, as applicable, and submit requests to EPA when exceeding the specified limits for the PCBs used. R&D facilities can also submit requests for extensions in the duration of the activity. Facilities can submit exemption petitions to qualify for the class exemptions to manufacture PCBs for disposal-related R&D activities or to process or distribute PCBs or PCB analytical reference samples derived from waste materials. Facilities seeking the exemption must maintain records of the activities for the annual log. Laboratories conducting self-implementing R&D for disposal activities must maintain annual records, as well.

R&D facilities seeking coordinated approvals may submit requests for approval to the RA. They are required to adhere to recordkeeping and reporting requirements, submit additional information as required by EPA or submit an application for a TSCA PCB approval, and notify the RA of any changes relating to the waste management documents that serve as the basis for the coordinated approval.

Operators of laboratories who wish to exceed quantity limitations for the manufacture, processing, or distribution in commerce of PCBs will have to submit requests to EPA.

Other Individuals (i.e., Users of PCBs): Owners of PCB-Contaminated natural gas pipeline systems who sell or distribute natural gas, can use these systems if they keep records of sampling and analysis results and actions taken to reduce the PCB concentrations to below

regulated levels and submit a description of the system to EPA, if requested. Owners of natural gas pipelines must also include the system in public service notification programs, which inform landowners that they should contact the utilities before beginning any excavation work on their property. Owners of other PCB-contaminated gas liquid systems must obtain the consent of the EPA (Director, National Program Chemicals Division) to use the systems.

Persons burning for energy recovery used oil or liquids containing PCBs <50 ppm from a natural gas pipeline system must keep records of each certification notice, and marketers of these liquids must retain records related to transactions that they claim do not contain detectable PCBs. Other users of PCBs may have to deal with remediation waste or PCB bulk waste disposal issues. In that event, they will need to determine which of the available options (i.e., self-implementing, performance-based, leachability or risk-based) could be used to address their disposal needs. These disposal options will require compliance with various reporting and recordkeeping requirements.

5. THE INFORMATION COLLECTION — AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

EPA resources are devoted to reviewing and analyzing data submissions, compiling and recording data, maintaining hard-copy files of submitted data, inspecting facilities, producing inspection reports, responding to public inquiry, providing regulatory interpretations and developing rulemakings. OPPT staff does not print or otherwise prepare collection instruments, compile mailing lists, or publish results. Although a web site has been established, EPA plans to continue/expand its review of the use of the Internet to facilitate the transfer of information from EPA to the public. More specific Agency activities are discussed below.

Data submitted to EPA for consideration in granting or denying requests for exemptions are reviewed, analyzed for confidentiality and appropriate protection, and placed in the docket. EPA makes determinations of whether to grant exemptions and develops rulemakings in response to the requests for exemptions. Agency staff also receives, analyzes, and reviews requests to exceed quantity limitations imposed by class exemptions.

Under the self-implementing procedures of the PCB regulations, data are submitted to EPA to qualify for the exclusion for processes/products containing low levels of PCBs from the statutory bans on the manufacture (including import), processing, and distribution in commerce of PCBs. These data are reviewed and stored pursuant to confidentiality requirements, when appropriate, and placed in the docket for public review (sanitized documents only); inspections are conducted as prescribed by the enforcement policy. The information is used by EPA to identify manufacturers and importers of products containing low levels of PCBs, as well as for compliance monitoring and enforcement purposes.

Pursuant to the use authorization for PCB Transformers, EPA staff created and presently maintains the PCB Transformer Database. Staff presently process registrations for newly

discovered PCB Transformers. As Agency resources permit, EPA also updates the database to include additional information voluntarily submitted by PCB Transformer owners on the current status of PCB Transformers previously registered. This supplemental data is not required or solicited by EPA. On an “as requested basis,” EPA resources provide information from the PCB Transformers Database to environmental and emergency response officials. EPA also has placed these data on the Internet.

EPA staff also process both new and amended PCB notifications of waste handling activities and update the PCB Activity Database System (PADS) on PCB waste handlers. These data are currently available on the Internet.

Information from annual reports that are submitted by storers and disposers of PCB waste enables the Agency to respond to public and Congressional inquiries, target inspections, and conduct compliance monitoring and other enforcement activities. To produce the inspection reports, EPA inputs, indexes and files data that are obtained during inspections, and prepares, reviews and revises the inspection reports.

Activities routinely conducted by EPA in processing requests for permits to operate a PCB disposal facility are as follows:

- 2 Review/analyze applications to determine whether facilities have adequate technical plans and financial capabilities to operate and maintain the facility.
- 3 Attend demonstrations.
- 4 Grant/deny approval.
- 5 Store the data.

Engineers in EPA’s National Program Chemicals Division as well as staff in regional offices review the PCB disposal applications. The adequacy of the data contained in these applications is evaluated during a thorough review of the data and calculations and the assessment of subsequent demonstrations. In addition to disposal approvals, the Agency receives, analyzes, and reviews applications for commercial storage approvals and coordinated approvals; as well as requests to exceed R&D and storage limitations and to use alternate disposal methods. For commercial storage approvals, EPA must also determine if the facility will be able to close in an environmentally safe manner.

5(b) Collection Methodology and Management

Currently, all of the PCB information collections are done in hard copy form. Although the content of these various collections has been specified, the majority do not require the use of a specific form or format. Therefore, electronic submission and manipulation of the data are not feasible at this time. Two of the collections, however, are on a form. EPA plans to review the efficiency of using the Internet to facilitate the transfer of information (such as reporting forms) between EPA and potential respondents.

Requests for disposal approval may be submitted in the form most convenient to the applicant. Because of the nature of the information (i.e., engineering blueprints), most of the

information is generally submitted on paper, rather than electronically. Where appropriate, EPA accepts data in electronic format. There is no requirement for the information to be submitted in an automated, electronic, mechanical, or other technological information format. Records are maintained at EPA by the staff overseeing the review of permit applications. Applications are retained for the duration of the disposal facilities operating approval. The public may access the non-confidential portions of applications.

5(c) Small Entity Flexibility

Small businesses are not exempt from the PCB regulations under TSCA, and the information collections will affect all entities, regardless of size, that own or use PCBs or PCB-containing equipment and generate PCB waste. The potential health ramifications necessitate equal reporting and recordkeeping requirements for all persons, and due to heightened awareness and concern for proper PCB disposal practices, the potential human and environmental risk necessitates equal disclosure by all applicants regardless of size. While all practical steps have been taken to minimize the reporting and recordkeeping burdens, the requirements imposed are the minimum necessary to maintain proper accountability for the disposition of the PCBs. These requirements assist EPA in meeting its statutory obligation to make a finding of no unreasonable risk for an authorized activity and determining, for example, whether a petitioner is eligible to receive the benefit of an approval, exemption, or exclusion. In general, while the reporting and recordkeeping requirements impose additional obligations on small businesses, these requirements are of a conventional nature that should be familiar to businesses, and are no more burdensome than conventional standard business practices. In addition, some requirements overlap with sound business practices, such as periodically inspecting valuable equipment, maintaining an inventory of property and other basic recordkeeping.

Small organizations will usually handle smaller volumes of PCBs than larger entities, thereby minimizing their reporting and recordkeeping burdens. The complexity of toxic material disposal and the required financial assurance to ensure against environmental liabilities seem to deter smaller businesses from engaging in disposal facility enterprises (e.g., it is economically infeasible). In another example, the majority of PCB Transformers subject to these requirements are located in large industrial and utility locations, as the use of transformers designed to use PCBs (Askarel transformers) is associated with high-voltage applications. Therefore, fewer small businesses are likely to own many PCB Transformers because of the nature of their application as well as significant costs associated with the initial purchase of the equipment and the long-term expense for operation and maintenance. Moreover, even assuming that PCB Transformers are as likely to be owned by small entities as larger firms, the regulatory cost remains very small relative to overall revenues.

In another example, the manufacturing exclusion was designed to minimize the burdens of the TSCA Section 6(e) bans on chemical manufacturers. This rule has relieved small business manufacturers from the burdens of filing annual petitions for exemption from the manufacturing, processing, and distribution in commerce bans, as required under Section 6(e)(3). Further, to minimize the burdens of information collection on small organizations, EPA allows significant flexibility in its information collection requirements so that manufacturers have options available to them for supporting their requests for exclusion. One option avoids the need for repeated

sampling and reporting by allowing manufacturers to conduct theoretical analyses rather than actual sampling of process streams to estimate the levels of PCBs generated by the processes. If the basis for the theoretical analysis is sound, the manufacturer may certify compliance on the basis of that analysis, until and unless he or she engages in a new process or significantly alters the reported process. Additional flexibility is available for estimating the levels of PCBs generated and released. Rather than specifying any one sampling regime or method of theoretical analysis, the reports require only that petitioners support the estimates by any defensible basis. For example, sampling results may be accompanied by a description of the sample matrix and any data from a quality assurance plan.

Small Entities Affected by the PCB Regulations

Small business entities may include both those in the public and private sectors, and not-for-profit organizations as well as for-profit entities. The Regulatory Flexibility Act identifies three classes of small entities of special concern:

- 6 Small for-profit businesses as defined by the Small Business Administration's (SBA) Table of Size Standards.
- 7 Small governments, defined as governmental jurisdictions, such as cities, towns, counties, or school districts, with a population less than 50,000.
- 8 Small organizations, defined as not-for-profit enterprises that are independently owned and not dominant in their fields.

Entities generating PCB wastes comprise the following classes:

- 9 Electric utility industry: PCB-oil and contaminated mineral oil from electrical equipment such as transformers and large capacitors. Included in this category are publicly owned entities such as municipal and county electric systems as well as other public power systems such as irrigation districts.
- 10 Non-utility entities with privately owned electrical equipment, such as PCB Transformers and Capacitors and other PCB-Contaminated electrical equipment. This group includes those entities that own high-voltage transformers and large capacitors. A 1989 EPA report identified such entities as most likely to be in oil and gas production, manufacturing, railroads, and telecommunication industries. Not-for-profit entities such as colleges and universities and hospitals are also to be included in this group (EPA, 1989). Public-sector operations such as prisons might also possess this type of equipment.
- 11 Entities with PCB ballasts from fluorescent light fixtures. Due to the widespread use of fluorescent lighting, any entity operating out of a fixed location built prior to the late 1970s is a possible candidate for inclusion in this class of waste generators. Included are government bodies, such as school districts, that have such lighting equipment.

- 12 Entities operating natural gas pipelines may have PCB-contaminated pipeline equipment resulting from the contact of condensate with PCB-contaminated oils used in pipeline compressors.
- 13 PCBs have been found in electrical components of appliances and in automobiles, and disposal operations such as automobile or appliance shredding may generate PCB-contaminated materials.
- 14 Cleanup of Superfund sites and other hazardous waste sites may generate PCB-contaminated materials.

Electric Utilities: It has been estimated that 60 to 70 percent of the PCBs produced were used in dielectric fluid for transformers and capacitors. Thus, such high-voltage equipment, including askarel and mineral oil transformers and large PCB Capacitors, represents a major source of PCB waste generation. EPA studies of the numbers of such equipment in use assumed that utilities owned 30 percent of the askarel transformers, 80 percent of the mineral oil transformers, and 90 percent of the large PCB capacitors, with the remainder owned by non-utility industrial enterprises (U. S. EPA, 2004a). In 2003, EPA estimated that 3,170 utilities might own PCB and PCB-contaminated electrical equipment (U.S. EPA, 2003). The SBA small-entity definition for the electric utility industry includes entities producing 4 million megawatt-hours of electricity sales or less. Small publicly owned utilities are those owned by government bodies with a population of less than 50,000.

Other Industrial Sectors: The available evidence suggests that PCB waste generation related to contaminated electrical equipment, fluorescent light ballasts, and other PCB wastes, is common throughout a number of industrial sectors. The 1989 EPA study, based on Arkansas, New York, and California state information about PCB waste generators, identified oil and gas production (NAICS 211111), manufacturing (NAICS 31-33), line-haul railroads (NAICS 48211), telephone communications (NAICS 513), and refuse systems (NAICS 562111) as accounting for over 90 percent of the non-utility, private sector PCB waste generators. Information on PCB waste generators for New York and California indicate that a large proportion of non-utility PCB waste generators fall within NAICS codes 211, 31-33, 335, and 562. These industries are expected to account for most of the PCB wastes associated with the disposal of electrical equipment. Hospitals (NAICS 62211) and colleges and universities (NAICS 61131) are also likely to have high-voltage electrical equipment of the type associated with PCB contamination and thus should be included within the class of PCB waste generators associated with such equipment. This assumption is corroborated by the inclusion of such establishments among the New York hazardous waste generators listed as disposing of PCB transformers and capacitors. The specific description of the wastes for each generator provided by the New York data also confirms the belief that wastes associated with fluorescent light ballasts are generated by establishments throughout the private and public sectors.

EPA used this information about the industrial pattern of PCB waste generation to develop industry-specific estimates of the number of establishments that might have PCB and PCB-Contaminated Electrical Equipment. Based on a previous study of the electric utility

industry, EPA estimated that 0.3 percent of electric utility customers receives power at high voltage levels (ERG, 1993). High-voltage customers in most cases have transformers, capacitors, and other equipment necessary to transform the voltages and distribute electricity within their premises. That study also estimated that 85 percent of such establishments own their own high-voltage transformation equipment, the remainder using transformation equipment provided or leased to them by their utility company.

Previously, EPA estimated that approximately 50,000 industrial establishments have affected equipment (U.S. EPA, 2003). While the likelihood of owning the regulated equipment increases for high-voltage customers, it is not the only characteristic that is relevant. Low-voltage distribution equipment can also be PCB-contaminated.

EPA distributed the affected establishments among industries using judgments of the distribution of high voltage equipment among 3-digit NAICS industries. Thus, while an establishment need not be a high-voltage customer to be affected by the regulations, the likelihood of being a high-voltage customer was considered the best indicator of whether the establishment would be using PCB-containing equipment. The methodology included the following judgments. First, the industries were stratified according to whether they would include a substantial number (high prevalence), relatively few (low prevalence), or a negligible number of high-voltage users. Second, high-prevalence industries were judged to account for two-thirds of the list of high-voltage users. The 50,000 affected establishments were then distributed among industries within these two groups on the basis of the overall distribution of establishments. The results of this distribution methodology are shown in Table 3-2 of the *Draft Analysis of the Cost Impacts of Potential Amendments to the PCB Regulations at 40 CFR 761* (U.S. EPA, 2003).

For most NAICS industries, SBA classifies small entities by employment size. Depending upon the industry, entities with fewer than 500, 750, or 1,000 employees are classified as small businesses.³ For most of the remaining industries, small firms are classified by revenue size.⁴ To estimate the number of small entities for these industries, average revenues per entity were calculated for each employment size category in each six-digit NAICS code. The average revenue per entity for employment size classification in each NAICS code was then compared to the SBA small business definition. All entities in size classifications falling below the small business definition were counted as small businesses.

Table 3-3 in the *Draft Analysis of the Cost Impacts of Potential Amendments to the PCB Regulations at 40 CFR 761* presents estimates of the number of entities in each industry that own affected equipment (U.S. EPA, 2003). These estimates are based on the distribution of high-

³ The Census Bureau's Statistics of U.S. Businesses does not classify entities in size groups beyond the size group of 'greater than 500 employees'. Consequently, entities, establishments, employees, or revenues in size groups of fewer than 750 or 1000 employees cannot be allocated. For these size standards, data for entities with fewer than 500 employees were used as a conservative estimate.

⁴ Except for utilities (NAICS 221111, 221112, 221113, 221119, 221121, and 221122). These utility industries are defined as small if they generate less than 4 million megawatt-hours of electricity sales per year. Electric utility operating data collected and reported by the Energy Information Administration (EIA, Form 861) were used to determine the number of small entities and revenues for utilities.

voltage equipment establishments and assume that the frequency of high-voltage equipment ownership among entities is the same among establishments. Also, small entities are assumed to be as likely to own high-voltage equipment as larger firms, an assumption that may result in an overstatement of the actual number of small entities that own such equipment. Of the estimated 9,490 entities with high-voltage equipment, 1,928 are electric utilities. Electric utilities account for 1,840 of the 9,053 small entities with high-voltage equipment. Additionally, since this in-depth analysis was conducted, companies have disposed of approximately 3 percent annually of PCB equipment (U.S. EPA, 2005b), indicating that the number of small businesses being impacted continues to decrease.

5(d) Collection Schedule

Most of the reporting activities are triggered by specific events or on an as needed basis rather than by specific dates, as shown on Table 5-1 and 5-2.

TABLE 5-1
REPORTING SCHEDULE FOR ICR 1446.09, SECTION 5(d)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
40 CFR 761			
Subpart A—General			
1	§761.(f)(1)(2), and (3)	Submit new reports or modifications to existing reports to qualify for manufacturing/import exclusions, pursuant to compliance with the reporting requirements of Subpart J.	Within 90 days of initiating a manufacturing process/import. Subsequent submission of information is required if a manufacturer significantly alters a production process, or to report periods of unusually high generation or release of PCBs. (See numbers 42 and 43)
Subpart B—Use			
2	§§761.20(b) and (c)(1) and (3)	Submit an exemption petition as per TSCA Section 6(e)(3) to manufacture (import), process, or distribute in commerce (export) PCBs, unless otherwise authorized.	On an as needed basis.
3	§761.30(a)(1)(vi) and (vii); (xv)(D)	Register newly discovered PCB Transformers.	Within 30 days of identifying Transformer.
4	§§761.30(a)(2)(v)(C) and .30(h)(2)(v)(C)	Submit requests to reclassify equipment using alternate methods.	On an as needed basis.
5	§761.30(i)(1)(iii) (A)(1)	For gas pipeline systems owned/operated by a seller or distributor of natural gas, submit a description of the systems that contain ≥ 50 ppm PCBs.	Upon request of the RA.
6	§761.30(t)(3)	Obtain EPA approval for the use of PCBs in other gas or liquid systems.	When planning use of system.
7	§761.35(b)	Obtain RA approval for an extended storage for reuse period.	6 months prior to expiration.
Subpart D—Storage and Disposal			

TABLE 5-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
8	§§761.60(e) and (i)(2), .70(a), (b), and (d), and .75(b)(7), (b)(8)(ii), and (c)	Submit disposal permit applications, when appropriate, and demonstration plans.	Applications are submitted as needed. Once an approval is granted, the permittee must notify the Agency prior to the expiration date if a renewal of the approval is desired. If no changes or modifications have been made to the disposal process in the year preceding expiration, the permittee must simply redemonstrate the process.
9	§761.60(j)(1)(i)	Obtain an identification number for PCB R&D disposal.	When planning R&D for disposal.
10	§761.60(j)(1)(ii)	Notify EPA (as well as State and local environmental officials) of PCB disposal R&D activities.	30 days prior to initiating R&D activity.
11	§761.60(j)(2)	Obtain a waiver to increase the volume or concentration of PCBs or duration of an R&D activity. R&D disposal approval may be required by RA.	When needed.
12	§§761.61(a)(3)(i) and (ii)	Notify EPA (as well as State and local environmental officials) of self-implementing remediation activity. Additional information may be requested.	30 days prior to remediation.
13	§761.61(a)(3)(ii)	Notify EPA of changes to self-implementing remediation activities.	Within the 30-day notification period.
14	§761.61(a)(3)(iii)	Request a waiver of the notification requirement.	If remediation is needed.
15	§761.61(a)(8)(i)(B)	Submit certification that the deed notation for properties requiring a fence or cap has been recorded and includes the cap/fence notice.	Within 60 days of completion of remediation.
16	§761.61(c)(1)	Apply for risk-based disposal of PCB remediation wastes. Submit additional information as requested by EPA.	Before alternative activity takes place.
17	§761.62(c)(1)	Obtain approval for risk-based disposal or storage of PCB bulk product waste. Provide additional information and periodic progress reports, as requested by EPA	Before activity takes place.
18	§761.65(a)(2)	Provide information on continuing attempts to secure disposal. Request a 1-year storage extension.	30 days prior to disposal deadline.

TABLE 5-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
19	§761.65(a)(3)	Submit request for additional extensions beyond the initial 1-year extension, including justification and information on measures taken to secure disposal.	When needed.
20	§761.65(a)(4)	Submit request for modifications to TSCA approval to allow for extended storage period.	Before extension expires.
21	§761.65(c)(6)(i)(C)	Demonstrate that other containers for storage of PCB/radioactive wastes are protective of health and the environment.	When needed.
22	§§761.65(d); (e)(1), (6), and (8); and (f)	Prepare application for commercial storage approval. Notify EPA of facility modification, impending closure, and completion of closure.	When needed; 60 days before final is scheduled to begin; within 60 days of completion of closure.
23	§§761.65(e)(4)	Submit a written request to the RA to modify a storage approval to amend the closure plan, when there are changes in ownership, changes in expected dates of closure, and/or unexpected events.	When needed.
24	§761.65(g)(9)	Notify EPA of modifications to commercial storage facilities.	Within 30 days of facility modification.
25	§§761.65(j)	Demonstrate that a new commercial storage facility owner has established financial assurance for closure.	As of the date of final EPA approval. Submit new or amended commercial storage application as a result of change in ownership.
26	§§761.70(a)(8), (9); and (d)(5)	Obtain approval of alternate measures when regulatory requirements cannot be met for operating an incinerator used for incinerating PCBs.	When needed.
27	§§761.70(d)(8); 761.75(c)(7)	Notify EPA of change in ownership of disposal facility (i.e., for incinerators and landfills).	Within 30 days of transferring ownership.
28	§§761.71(a)(2) and (b)(2)	Notify EPA of high efficiency boiler information, (e.g., HEB owner, address, and specifications). Seek approval to burn liquids, other than mineral oil dielectric fluid in a high efficiency boiler.	One-time notification 30 days before initially burning mineral oil dielectric fluid (MODEF) in the boiler. One-time approval prior to burning liquids.

TABLE 5-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
29	§761.72(c)(2)	Notify EPA as a scrap metal recovery oven or smelter used to dispose of PCBs.	Before burning PCBs (Also see #44).
30	§761.72(c)(3)	Request approval to dispose of PCBs in an oven or smelter based on site-specific risk assessments, in lieu of meeting requirements listed in §761.72.	Before use of unit.
31	§§761.77(a)(1)(i), (a)(1)(ii)(A)(1) and (C), and .77(a)(2)	Submit a notification to the RA for coordinated approval and additional information, as requested by EPA. Submit an application for TSCA disposal approval, if the RA denies the request for a coordinated approval or determines that the conditions of the coordinated approval are not met.	When seeking coordinated approval; when requested by the RA.
32	§761.77(a)(3)	Notify EPA of changes in PCB waste management requirements in the document(s) used to obtain TSCA PCB coordinated approvals.	Within 5 days of when changes are made.
33	§761.79(h)	Request approval of alternative decontamination or sampling methods.	When needed.
Subpart E—Exemptions			
34	§§761.80(e)(1) and (i)(1)	Submit R&D exemption petition to qualify for the class exemption for manufacturing PCBs for disposal and for processing and distributing PCBs and analytical reference samples derived from PCB waste.	60 days prior to activities.
35	§761.80(e), (i)(2) and (n)	Submit certified letter to request renewal of certain exemptions.	6 months prior to expiration.
36	§§761.80(e)(3), (g)(2) and (i)(4)	Obtain approval to exceed limits of the exemption.	60 days before manufacture of PCBs.
37	§761.80(e)(4)	Notify EPA in writing when R&D activities will include the manufacture of PCBs.	30 days prior to beginning R&D activities.

TABLE 5-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
38	§§761.80(n)	Submit a petition for certain exemptions to address increases in the amount of PCBs to be processed and distributed, imported (manufactured), or exported, or changes in the manner of processing and distributing, importing (manufacturing), or exporting PCBs.	When needed.
Subpart F—Transboundary Shipments of PCBs for Disposal			
39	§§761.93(a) and .97(a)	Submit an exemption petition to import or export PCBs or PCB Items for disposal.	When needed (See #2).
Subpart G—PCB Spill Cleanup Policy			
40	§761.125(a)(1)(i) to (iii)	Report all spills to certain areas of 10 pounds or more to EPA (and spills involving 1 pound of PCBs to the NRC).	Within 24 hours of discovery.
Subpart J—General Records and Reports			
41	§§761.180(b), (b)(3), and (c)(5)	Submit annual reports for PCB wastes disposed of in a PCB disposal facility (including wastes disposed of by waste generators), and for wastes stored by commercial storage facilities.	By July 15 of each year for the previous calendar year.
41a	§761.180(g)	Provide records of PCB equipment reclassification, if requested, to EPA. Also see #68a.	Upon request.
42	§761.185	Notify EPA and certify low level PCB product contamination to be exempt from the requirements of Subpart B, regarding processes inadvertently generating PCBs and imports of products containing inadvertently generated PCBs. Certification must be repeated if the previous certification is no longer valid.	Within 90 days of having processes or imports for which such reports are required.
43	§761.187	Notify EPA when PCB releases exceed limits, to be exempt from the requirements of Subpart B, for products, manufactured or imported containing inadvertently generated PCBs.	When limits are exceeded.

TABLE 5-1 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
Subpart K—PCB Waste Disposal Records and Reports			
44	§§761.202(a); 205(a) to (c)	Notify EPA of waste handling activities, for generators, commercial storers, transporters, or disposers of PCB waste.	Prior to engaging in PCB waste handling activities.
45	§761.205(f)	Report changes in notifications previously submitted by PCB waste handlers.	Within 30 days of making a change.
46	§§761.208(a)(4) and .215(b) to (d).	Submit Exception Reports to EPA, as specified in §761.215(b) to (d), when PCB waste generators, disposers, and/or commercial storers do not receive confirmation that a shipment of a PCB waste has been properly disposed of.	Within 45 days of the events that trigger the report.
47	§761.210(b)	Submit Discrepancy Reports along with a copy of the manifest to EPA when the PCB waste received by a disposer is significantly different from the description on the manifest, and the discrepancy is not resolved after receiving the waste.	Within 15 days after receiving the unmanifested PCB waste.
48	§761.211(b)	Notify RA of unmanifested PCB waste, for owners/operators of commercial storage facilities who cannot contact the generator of the PCB waste.	Upon receiving unmanifested waste and unable to contact the generator.
49	§761.211(c)	Submit Unmanifested Waste Reports (e.g., waste description, volume, disposition; date received; ID numbers of waste handlers for that waste) to EPA when disposers accept a shipment of PCB waste without an accompanying manifest.	Within 15 days after receiving the unmanifested PCB waste.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)			
50	§§761.395 and 761.398	Submit results of analysis and validation study to the Director, National Program Chemicals Division (NPCD).	Prior to the first use of a new solvent for alternate decontamination

**TABLE 5-2
THIRD-PARTY REPORTING SCHEDULE FOR ICR 1446.09, SECTION 5(d)**

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
40 CFR 761			
Subpart B—Use			
51	§§761.20(e)(3)(ii); .30(i)(5)(ii); and .60(b)(5)(iv)(B)	Burner of used oil must provide a 1-time certification to the marketer that he is in compliance with notification requirement at §761.71(a)(2).	Before accepting the first shipment of used oil.
52	§§761.30(a)(xi) and (xv)(A) and .30(h)(1)(ii)(B)	Notify NRC of PCB Transformer and PCB Voltage Regulator fires.	Immediately upon discovery of an incident.
53	§761.30(a)(1)(xiv)	Notify owner of PCB Transformer that equipment may pose risk of exposure to food or feed.	When discovering potential exposure to food or feed.
54	§761.30(a)(1)(xv)(D)	Register PCB Transformers with the building owner.	Within 30 days of discovery of the PCB Transformer.
Subpart D—Storage and Disposal			
55	§761.60(a)(3)(ii)	Provide information to chemical waste landfills that liquids do not exceed 500 ppm and are not ignitable.	Prior to disposal in the landfill.
56	§761.60(b)(5)(i)(A)(1)	Include natural gas pipes that contain PCBs in public service notification programs.	Before abandoning natural gas pipes.
57	§761.60(f)(1)(i)	Notify State and local officials of PCB disposal in chemical waste landfill, incinerator, or an alternate PCB disposal technology.	At least 30 days before a facility is first used.
58	§761.60(f)(1)(ii)	Provide annual notice to State and local governments about PCBs disposed of during the year.	At the request of the State or local governments.
59	§761.60(j)(1)(ii)	Notify State and local environmental officials (as well as EPA) of PCB disposal R&D activities.	30 days prior to initiating R&D activity.

TABLE 5-2 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
60	§761.60(j)(1)(vii)	Manifest wastes generated by R&D on PCB disposal that are transported from the R&D facility to a commercial storage or disposal facility, unless the residuals or unused samples are returned to the site of generation.	Upon transport of waste.
61	§§761.61(a)(3)(i)	Notify State and local environmental officials (as well as EPA) of self-implementing remediation activity.	30 days prior to remediation and when additional information is requested.
62	§761.61(a)(5)(i) (B)(2)(iv)	Notify offsite non-TSCA facility of pending shipment of PCB remediation waste.	15 days prior to [first] shipment.
63	§761.61(a)(8)(i) (A)	Attach a notation to the deed for property at which remediation projects require a permanent fence or cap.	Within 60 days of completion of the cleanup activity.
64	§§761.62(b)(4)(i) and (ii) (See also §§761.357 and 359)	Provide notification to a receiving facility that does not have a commercial PCB storage/ disposal approval of a pending shipment of remediation or bulk product waste.	15 days in advance of the first shipment and with each shipment thereafter.
65	§§761.65(c)(1) and (8)	Attach a notation to a PCB Item or PCB Container containing the item indicating the date the Item was removed from service for disposal, to be able to temporarily store the item/container in an area that does not comply with the storage requirements of paragraph (b) of this section.	When removed from service for disposal.
66	§761.65(i)(3)	Send information, instead of manifest, regarding the sample collector, laboratory, and date of sample shipment with sample.	When sending PCB samples to a laboratory for testing.
Subpart G—PCB Spill Cleanup Policy			
67	§761.125(a)(1)	Report spills involving 1 pound or more by weight of PCBs to the NRC (and all spills to certain areas or of 10 pounds or more to EPA).	Within 24 hours of discovery.

TABLE 5-2 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Collection Schedule
68	§761.125(c)(2)(ii)	Place label or notice of PCB contamination at cleanup site.	When contaminated soil is cleaned up to 50 ppm PCBs and not 25 ppm.
Subpart J—General Records and Reports			
68a	§761.180(g)	Provide records of PCB equipment reclassification, if requested, to recipient of equipment. Also see #41a.	Upon request.
Subpart K—PCB Waste Disposal Records and Reports			
69	§§761.207(a) and .208(a)(2) and (3)	Send manifests to the next non-rail transporter and the owner or operator of the designated commercial storage or disposal facility.	When generators ship PCB wastes by rail or in bulk.
70	§§761.208(c)(1)(iv) and (c)(2)(iv)	Send a copy of the manifest or shipping papers to the generator.	Within 30 days after delivery.
71	§§761.218(a) and (b)	Send Certificates of Disposal to generators of PCB waste when disposal of each item is complete for a manifested PCB waste shipment.	Within 30 days after the disposal date.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

To update the respondent burden for this ICR, the hourly burdens and the total number of respondents for each requirement were reviewed using a number of data and information sources and consultations with regulated entities. The level of effort remains the same as the previous ICR, as respondent tasks have not changed. In a number of cases, however, EPA has revised the total number of respondents or the total amount of equipment that must be tracked based on more recent information.

One data source used to revise this Consolidated ICR was *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors* (U.S. EPA, 2004b). This document includes estimates of PCB transformers and capacitors based on recent discussions with industry stakeholders. Other data sources include EPA's most up-to-date PADS database, the PCB annual report, and the EPA PCB website, which contain data about entities that generate, store, transport, dispose, research, and smelt PCB wastes and equipment (U.S. EPA, 2006, 2005a, 2005b, 2005c, 2004a, 2004b). EPA PCB Regional Coordinators were also contacted to obtain information about the number of notifications that were submitted to the Agency over the past few years. The number of notifications EPA Headquarters received was also tallied.

New hourly wage rates were included for managerial, professional and technical (e.g., engineers), and clerical staff. Wages for these categories were taken from the Bureau of Labor Statistics (BLS) *Employer Costs for Employee Compensation* (ECEC) data for private industry (BLS, 2006). The cost of fringe benefits such as paid leave and insurance, specific to each labor category, are taken from the same ECEC series. An additional loading factor of 17 percent is applied to wages to account for overhead. This approach is used for consistency with Office of Pollution Prevention and Toxics economic analyses (Rice, 2002). This overhead loading factor is added to the benefits loading factor, and the total is then applied to the base wage to derive the fully loaded wage. Fully loaded costs for managerial, profession/technical, and clerical labor are calculated as shown in Table 6-1.

Burden summary. The total estimated time for respondents to comply with the reporting, third-party reporting, and recordkeeping requirements of this Consolidated ICR is 696,055 hours. The annual burden associated with respondents complying with the *reporting* requirements of this Consolidated ICR is estimated to average 153,279 hours industry-wide. The total *third-party reporting* burden is estimated to average 16,829 hours, industry-wide, and the total *recordkeeping* burden of this Consolidated ICR is estimated to average 525,947 hours, industry-wide. The average hourly estimates and total number of respondents for each reporting, third-party reporting, and recordkeeping burden are explained on Tables 6-2 to 6-4, respectively. Note that the burdens associated with requirement numbers 1, 2, 4, 6, 11, 19, 20, 26, 28-30, 32, 36, 38, 39, 47, 51, 53-55, 58, 59, 61, 64, 66, 72, and 73 will either have negligible impacts to the requirements or were costed with other requirements as indicated on the tables, and thus no estimates were included for these requirements.

**TABLE 6-1
DERIVATION OF LOADED RESPONDENT WAGE RATES**

Labor Category	BLS Series	Wage (a)	Fringe Benefit (b)	Fringes as % wage (c)=(b)/(a)	Over-head % wage (d)	Fringe + overhead factor* (e)=(c)+(d)+1	Loaded Wages (f)=(a)* (e)
Managerial	Management, business, and financial	\$35.27	\$15.34	43%	17%	1.60	\$56.43
Professional/ Technical	Professional and related	\$30.59	\$11.94	39%	17%	1.56	\$47.72
Clerical	Office and administrative support	\$14.68	\$6.93	47%	17%	1.64	\$24.08

Methodology Source: Rice, 2002; Data Source: BLS, 2006.

To simplify the presentation of the numerous hourly burden and cost estimates, the data are arrayed according to reporting, third-party reporting, and recordkeeping requirements for each section of the regulation, consistent with the presentation of the information in the tables of Sections 2 and 5, rather than to rearrange and present the data by respondent type. EPA anticipates that no one individual would be subject to all of the requirements 40 CFR Part 761. Refer to Section 4 for a complete description of the activities listed on Tables 6-2 to 6-4.

6(b) Estimating Respondent Costs

Tables 6-5, 6-6, and 6-7 show the annual respondent hourly burden and cost estimates for the reporting, third-party reporting, and recordkeeping requirements of the Consolidated ICR. Refer to Section 6(a), above, for an explanation of the wage rates used, which are as follows:

- 15 Managers—\$56.43
- 16 Professional/technical—\$47.72
- 17 Clerical—\$24.08

There is one capital cost associated with this ICR. For Item # 68, there is an estimated \$50 per site cost to place a sign at a PCB contamination cleanup site. For 252 sites, the total estimated annual capital cost would be \$12,600 (not annualized). There are no new training costs anticipated to the affected industries or the Federal government associated with responding to the information collections that are subject to renewal, nor have there been any Federal costs associated with printing or mailing. Costs associated with reading the rules, providing training, and updating procedures to comply with the reporting and recordkeeping requirements are not included in this renewal as no new regulations have been promulgated that involve paperwork burdens. One-time requirements remain annualized for a 3-year period, as indicated on Tables 6-5 to 6-7. Because operations and maintenance costs for these information collections (i.e., costs associated with telephone calls, photocopying, and other general office overhead expenses) have been estimated to be relatively low and within the range of the estimation error, there are no added costs for these activities. Also note that variations in some of the totals on the tables are caused by rounding.

TABLE 6-2
REPORTING BURDENS UNDER TSCA SECTION 6(e): ICR 1446.09, SECTION 6(a)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
40 CFR 761					
Subpart A—General					
1	§761.1(f)(1), (2), and (3)	Submit new reports or modifications to existing reports to qualify for manufacturing/ import exclusions, pursuant to compliance with the reporting requirements of Subpart J.	—	—	Burdens are reported under §§761.185 and §761.187. See numbers 42 and 43.
Subpart B—Use					
2	§§761.20(b) and (c)(1) and (3)	Submit an exemption petition as per TSCA Section 6(e)(3) to manufacture (import), process, or distribute in commerce (export) PCBs, unless otherwise authorized.	—	—	Burdens are reported under §§761.80(e) and (i). See number 34.
3	§761.30(a)(1)(vi)(A)(1), (xv)(D)	Register PCB Transformers, as appropriate, within 30 days of discovery.	1 hour	351 PCB Transformers	Only requirements for new disclosures are now applicable. The revised number of disclosures was obtained from the recent analysis conducted for <i>Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors</i> (U.S. EPA, 2004b). For this report, it was estimated that 1,324,560 transformers are assessed per year. Of these 0.53% (7,020) are PCB Transformers. EPA assumes that 95% (6,669) were disposed and 5% (351) were retained and would need to be reported to the Agency.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
4	§§761.30(a)(2)(v)(C) and .30(h)(2)(v)(C)	Obtain EPA approval to use alternate method to reclassify PCB equipment.	20 hours	0 requests	The number of respondents decreased from 38, based on requests received by the Agency over the past few years.
5	§761.30(i)(1)(iii)(A)(1)	Submit a description of a natural gas pipeline system that contains ≥ 50 ppm. PCBs, if requested by EPA.	20 hours	1 systems	EPA expects this to be a rare occurrence. Only one description was submitted during the past few years, as tallied for this ICR renewal process.
6	§761.30(t)(3)	Obtain approval for the use of PCBs in other gas or liquid systems.	20 hours	0	No respondents anticipated.
7	§761.35(b)	Obtain approval for PCB Articles stored for reuse for >5 years in a facility that does not comply with §761.65(b).	0.166 hour (10 minutes per piece of equipment)	6,250	The approval for the latest 5-year storage period ends in 2008. The 10-minute time estimate is based on public comment and EPA's review of 2003 submissions. During the previous approval period, EPA granted approximately 80 waivers covering 6,250 pieces of equipment; each request averaged about 75 items. The same time and equipment estimates are used for this ICR.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart D—Storage and Disposal					
8	§§761.60(e) and (i)(2); .70(a), (b), and (d); .75(b) (7), (b)(8)(ii), and (c)	Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements.	40 applications per year, as follows: 5 new incinerator applications (3,000 hrs to prepare); 15 applications for incinerator modifications and 15 new permit and modification applications for non-thermal (alternate and landfill) facilities (700 hrs to prepare); 15 renewal letters for all technologies, without modifications (8 hours to prepare). Total number of applicants remains the same, based on the number of applications submitted to the Regions and EPA Headquarters over the past few years. Revised weighted average burden is about 900 hours average per submission, decreased from 990 hours, based on a higher percentage of renewal applications compared to new applications. $[(3,000 \times 5) + (700 \times 30) + (8 \times 15)]/40$.		
9	§761.60(j)(1)(i)	Notify EPA to obtain an identification number for conducting R&D on PCB disposal activities.	1.5 hours	5 facilities	The estimated total number of respondents decreased from 25 facilities, based on the number of notifications the Agency has received over the past few years.
10	§761.60(j)(1)(ii)	Notify EPA (as well as State, and local) officials prior to conducting R&D on PCB disposal activities.	6 hours	10 facilities	Burden reported here for both EPA and third-party notification at Table 6-3. Estimated total number of respondents remained the same, based on the number of notifications the Agency has received over the past few years.
11	§761.60(j)(2)	Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements, as per paragraph (j) of this section.	20 hours	0	No respondents anticipated.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
12	§§761.61(a)(3)(i) and (ii).	Notify EPA (as well as State, Tribal, and local) officials of self-implementing remediation activity, including a summary of the procedures used to sample contaminated areas and sample collection and analysis data; submit additional information as requested; and certify that records of remediation activity are on file at the location designated in the certificate.	100 hours	58 sites	Number of respondents decreased slightly from 60 sites, based on the number of notifications received by the Agency over the past few years. Burden is reported here for this requirement and is listed on Table 6-3.
13	§761.61(a)(3)(ii)	Notify EPA of changes to notification of self-implementing activities.	2 hours	13 sites	Number of respondents decreased slightly from 15 sites based on the number of notifications the Agency has received over the past few years. The hourly estimate is based on the time estimate to prepare other notifications for the self-implementing remediation requirements.
14	§761.61(a)(3)(iii)	Request a waiver of the notification requirement for conducting cleanup of PCB remediation waste.	20 hours	17 sites	Number of respondents increased from 8 sites, based on number of notifications the Agency received over the past few years.
15	§761.61(a)(8)(i) (B)	Submit certification of recording the deed notation required under paragraph (a)(8)(i) (A) of this section has been recorded.	4 hours	28 sites	Number of sites increased from 10 based on the number of notices the Agency has received in the past few years.
16	§761.61(c)(1)	Apply for risk-based disposal of PCB remediation wastes. Submit additional information as requested.	1,600 hours	17	Number of respondents has decreased from 25 per year, based on the number of applications the Agency has received in the past few years.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
17	§761.62(c)(1)	Obtain approval for risk-based disposal or storage of PCB bulk product waste. Provide additional information.	1,600 hours	20	Number of respondents increased from 10, due to the increased familiarity with this provision and based on the number of applications the Agency has received in the past few years.
18	§761.65(a)(2)	Notify of continuing attempts to secure disposal and to request a 1-year storage extension.	3 hours	5 waste storers	Combined for numbers 18, 19, and 20. Estimated total notifications decreased from 20, based on number of notifications the Agency has received in the past few years.
19	§761.65(a)(3)	Submit request for additional extensions beyond the initial 1-year extension, including justification and information on measures taken to secure disposal.	—	—	See #18, above.
20	§761.65(a)(4)	Submit request for modifications to TSCA approval to allow for extended storage period.	—	—	See # 18, above.
21	§761.65(c)(6)(i) (C)	Demonstrate that other containers for storage of PCB/radioactive wastes are protective of health and the environment.	40 hours	5	Number of demonstrations remained the same, based on the number conducted over the past few years.
22	§761.65(d); (e) (1), (6), and (8); and (f)	Prepare application for commercial storage approval, including qualifications of key employees, closure plan, and closure cost estimate. Commercial storer must also notify EPA of facility modification, closure schedule, and completion of closure activities.	240 hours	12 new; 13 renewal applications	Number of new applications increased slightly from 10, based on the number the Agency has received in the past few years. The weighted average to prepare new and renewal application is 240 hours [(392 hrs x 12 new) + (100 hrs x 13 approval)]/25. Time to prepare notification of modification was estimated to be about one-fourth the time to prepare initial application. (Also see # 25.)

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
23	§761.65(e)(4)	Submit a written request to the RA to modify a storage approval to amend the closure plan, when there are changes in ownership, changes in expected dates of closure, and/or unexpected events.	2 hours	10 times	Number of requests decreased from 17, based on the number the Agency has received in the past few years.
24	§761.65(g)(9)	Notify issuing authority of modifications to commercial storage facilities.	2 hours	7 storage facilities	Number of notifications decreased slightly from 10, based on the number the Agency has received in the past few years.
25	§§761.65(j)	Demonstrate that a new owner of a commercial storage facility has established financial assurance for closure. Submit new or amended commercial storage application as a result of change in ownership.	120 hours	12 applications	Total number of respondents is consistent with the total number of applications for commercial storage approval, as per # 22, above. Number of notifications slightly increased from 10, based on the number of applications the Agency has received in the past few years.
26	§§761.70(a)(8), (9); and (d)(5)	Obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator.	1,910 hours	0	No respondents anticipated. It was assumed that if a facility does not meet the performance criteria, it will not accept PCB waste.
27	§§761.70(d)(8); 761.75(c)(7)	Notify EPA of change in ownership of disposal facility (i.e., for incinerators and landfills).	8 hours	5 facilities	Note that the hourly estimate includes only a cursory review of the existing permits by the new owner, not a thorough review. Number of notifications remained the same, based on the number of notifications the Agency has received over the past few years.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
28	§§761.71(a)(2) and (b)(2)	Notify EPA prior to initial use of a high efficiency boiler to burn mineral oil dielectric fluid. Seek approval to burn liquids, other than mineral oil dielectric fluid in a HEB.	1.5 hours to notify EPA of HEB information; 40 hours to prepare approval request letter to the RA	0 respondents	Revised number of notifications and approvals remained at 0, based on the number EPA has received in the past few years. Also see # 44.
29	§761.72(c)(2)	Notify EPA as a scrap metal recovery oven or smelter used to dispose of PCBs and comply with the reporting requirements of Subparts J and K.	1.5 hours	0	No requests anticipated. Also see # 44.
30	§761.72(c)(3)	Request approval to dispose of PCBs in an oven or smelter based on site-specific risk assessments, in lieu of meeting requirements listed in §761.72.	1,600 hours	0	No requests anticipated.
31	§§761.77(a)(1)(i), (a)(1)(ii)(A) (1) and (C), and .77(a)(2)	Submit a notification to the RA for coordinated approval and additional information, as requested by EPA. Submit an application for TSCA disposal approval, if the RA denies the request for a coordinated approval or determines that the conditions of the coordinated approval are not being met.	36 hours (notification); 480 hours (approval application)	6 notifications; 0 approval applications	Number of notifications remained the same, based on notifications the Agency has received in the past few years.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
32	§761.77(a)(3)	Notify EPA of changes in waste management requirements in the non-TSCA waste management document used to obtain TSCA PCB coordinated approvals.	8 hours	0 waste disposers	No notifications were submitted in the past few years.
33	§761.79(h)	Prepare requests for decontamination approvals of alternative decontamination or sampling methods. EPA may request additional information.	1,600 hours	20	Number of notifications remained the same.
Subpart E—Exemptions					
34	§§761.80(e)(1) and (i)(1)	Submit R&D exemption petition to qualify for the class exemptions to mfg. PCBs for disposal R&D and to mfg., import, process, distribute, and export PCBs and analytical reference samples derived from PCB waste for the purpose of R&D.	40 hours	1 company	Number of respondents is based on recent Agency submissions. Estimates are combined for numbers 2, 34, 36, and 38.
35	§761.80(e)(2) and (i)(2)	Submit requests for renewal of the exemptions as per §§750.11 and 31. (Renewals to company-specific exemptions can be handled following the same procedures.)	1 hour	1 request	Number of respondents is based on recent Agency requests.
36	§§761.80(e)(3), (g)(2), and (i)(4)	Obtain approval from EPA to exceed limits of the exemption.	—	0 requests for approval	See # 34, above.
37	§761.80(e)(4)	Notify EPA before beginning R&D activities that include the manufacture of PCBs.	20 hours	1 notification	Number of respondents is based on recent Agency submissions.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
38	§761.80(n)	Submit a petition for certain exemptions to address increases in the amount of PCBs to be processed and distributed, imported (manufactured), or exported, or changes in the manner of processing and distributing, importing (manufacturing), or exporting PCBs. (See #35 for renewals.)	40 hours	0 requests	There have been no such requests in the past several years. Total captured in Item # 34.
Subpart F—Transboundary Shipments of PCBs for Disposal					
39	§§761.93(a) and .97(a)	Submit an exemption petition to import or export PCBs or PCB Items for disposal.	—	—	Burden is reported at §§761.20(b) and (c)(1) and (3). See # 34.
Subpart G—PCB Spill Cleanup Policy					
40	§§761.125(a)(1) (i) to (iii)	Report certain spills of PCBs to the EPA.	0.167 hours (10 minutes)	100 calls	Number of calls remained the same, based on the amount the Agency received in the past few years. Requirement also on Table 6-3.
41	§§761.180(b), (b) (3), and (c)(5)	Submit annual reports for the operation of PCB incinerators, chemical waste landfills, high efficiency boilers, and commercial storage facilities, including facilities that dispose of the PCB wastes they generate. Report suspension of operations.	59 hours	151 facilities	The estimate for number of facilities was generated by using the total number of EPA-approved storage and disposal facilities (131), and increasing this number by 15 percent to reflect the additional facilities that also dispose of the wastes that they generate (U.S. EPA, 2005a and 2005b).

TABLE 6-2 (continued)

Ref #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart J—General Records and Reports					
41a	§761.180(g)	Provide records of PCB equipment reclassification, if requested, by EPA.	0.25 hours	45 Transformers	Industry representatives indicated that only the very large, expensive transformers would likely be reclassified and only an insignificant number of voltage regulators, electromagnets, and switches would be reclassified (Davis, 2003; U.S. EPA, 2003). Thus, this ICR deals only with estimating the burden associated with the reporting requirements for Transformers. EPA estimates that 58,457 PCB Transformers remain at the end of 2006 (U.S. EPA, 2004b; U.S. EPA, 2006). Assuming that 1.15% will be retrofilled and reclassified (U.S. EPA, 2004b,) the Agency estimates approximately 672 units may be reclassified during this ICR period. Of this total, Regional PCB Coordinators estimate requesting 45 records per year. (See numbers 74c and d). The hourly estimate assumes it takes 15 minutes for equipment owners to provide requested records (ERG, 2000).
42	§761.185	Notify EPA and certify low level PCB product contamination to be exempt from the requirements of Subpart B, regarding processes inadvertently generating PCBs and imports of products containing inadvertently generated PCBs. Certification must be repeated if the previous certification is no longer valid.	20 hours	3 companies	Submissions will report about new, modified, or import activities or about excess releases. The number of notifications decreased from 10, based on the number the Agency has received in the past few years. This number is declining because companies with exclusions have identified themselves in the initial group of submissions.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
43	§761.187	Notify EPA when PCB releases exceed limits, to be exempt from the requirements of Subpart B, for products, manufactured or imported containing inadvertently generated PCBs.	20 hours	1 company	Number of notifications remained the same, based on the number received by the Agency in the past few years. Hourly estimate is based on time to review the monitoring log and compile information into the notification.
Subpart K—PCB Waste Disposal Records and Reports					
44	§§761.202(a); 205(a) to (c)	Notify EPA of waste handling activities, for generators, commercial storers, transporters, or disposers of PCB waste.	1.5 hours	100 waste handlers	Roughly 9,100 notices have been received; relatively few “new” submissions are anticipated. Also see numbers 9, 28, and 29, above.
45	§761.205(f)	Report changes in notifications previously submitted by PCB waste handlers.	1.5 hours	200 waste handlers	—
46	§761.208(a)(4) and §§761.215(b) to (d).	Submit Exception Reports to EPA, as specified in §761.215(b) to (d), when PCB waste generators, disposers, and/or commercial storers do not receive confirmation that a shipment of a PCB waste has been properly disposed of.	2 hours	325 reports	Number of reports remained the same, based on the amount the Agency has received annually in the past few years. Combined for numbers 46 and 47.
47	§761.210(b)	Submit Discrepancy Reports along with a copy of the manifest to EPA when the PCB waste received by a disposer is significantly different from the description on the manifest, and the discrepancy is not resolved after receiving the waste.	—	—	See # 46, above.
48	§761.211(b)	Notify RA of unmanifested PCB waste, for owners/operators of commercial storage facilities who cannot contact the generator of the PCB waste.	0.5 hours	17 notifications	Number of notifications decreased from 60 based on the number the Agency has received in the past few years.

TABLE 6-2 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
49	§761.211(c)	Submit Unmanifested Waste Reports (e.g., waste description, volume, disposition; date received; ID numbers of waste handlers for that waste) to EPA when disposers accept a shipment of PCB waste without an accompanying manifest.	2 hours	57 reports	Number of reports decreased from 80 based on the number the Agency has received annually in the past few years.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)					
50	§§761.395 and 761.398	Submit results of analysis and validation study to the Director, National Program Chemicals Division (NPCD).	16 hours	5 studies	Estimate for the total number of respondents is 5 percent of the estimated 100 decontamination sites. Also refer to # 93, Table 6-4.

TABLE 6-3
THIRD-PARTY REPORTING BURDENS UNDER TSCA SECTION 6(e): ICR 1446.09, SECTION 6(a)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
40 CFR 761					
Subpart B—Use					
51	§§761.20(e)(3)(ii); .30(i)(5)(ii); and .60(b)(5)(iv)(B)	Burner of used oil must provide a 1-time certification to the marketer that he is in compliance with notification requirement at §761.71(a)(2).	1 hour	—	No respondents anticipated.
52	§§761.30(a)(1)(xi) and (xv)(A); .30 (h)(1)(ii)(B)	Report PCB Transformers and Voltage Regulator fire incidents to the NRC.	0.167 hour (10 minutes)	27 calls	NRC data for 2004 to 2006 indicate the Center received a total of 769 PCB-related calls, or an average of 265 calls per year (U.S. Coast Guard, 2007). An overview of these data indicates that a number of calls were to report transformer fire incidents. It will be assumed for this ICR that 10 percent of all calls (27 calls) are to report fire-related incidents.
53	§761.30(a)(1)(xiv)	Notify owner of PCB Transformer that equipment may pose risk of exposure to food or feed.	—	—	No burden. All notifications were to have been made by October 1, 1985, although notification could occur if a mineral oil transformer in a location near food or feed is discovered to contain ≥500 ppm PCBs.
54	§761.30(a)(1)(xv)(D)	Register PCB Transformers with the building owner within 30 days of discovery	—	—	Burden reported on Table 6-1.
Subpart D—Storage and Disposal					
55	§761.60(a)(3)(ii)	Provide information to chemical waste landfills that liquids do not exceed 500 ppm and are not ignitable.	20 hours	—	No respondents anticipated.

TABLE 6-3 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
56	§761.60(b)(5)(i)(A)(1)	Include abandoned natural gas pipes that contain PCBs in public service notification programs.	0.25 hour (15 minutes)	50 pipes	Industry representative indicated no change to this element (Lacey, 2003).
57	§761.60(f)(1)(i)	Provide State and local officials with notification prior to first use of an approved chemical waste landfill, incinerator, or alternate PCB disposal technology.	0.50 hour (30 minutes).	600 notifications	Since cleanup activities remain the same, the estimates for the use of mobile equipment at 300 unique sites remains the same, and will be used as follows: 200 substations per year will use mobile equipment to clean PCB Transformers; about 50 remediation sites will use solvent extraction units; 5 sites will use mobile incinerators, vitrification units, or physical separation units, and 45 sites will use other existing or newly permitted equipment.
58	§761.60(f)(1)(ii)	Provide annual notice of the quantities and description of the PCBs disposed of to State or local governments, at their request.	0.5 hour	—	Since the annual reporting requirement to State/local governments would be initiated at the State or local government level, EPA has no way of estimating this total burden.
59	§761.60(j)(1)(ii)	Notify State and local officials (as well as EPA) of PCB R&D disposal activities.	—	—	Total burden for EPA and third-party reporting requirements are reported on Table 6-1.
60	§761.60(j)(1)(vii)	Use manifests, pursuant to Subpart K, for all R&D PCB wastes being transported from the R&D facility to an approved PCB storage or disposal facility.	1 hour	39 facilities	Estimate is based on one shipment per year for each facility. Total number of R&D facilities is listed on PADS database (U.S. EPA, 2006).
61	§§761.61(a)(3)(i)	Notify State and local officials (as well as EPA) of self-implementing remediation activity.	—	—	Total burden for EPA and third-party reporting requirements is reported on Table 6-1.
62	§761.61(a)(5)(i)(B)(2)(iv)	Notify offsite non-TSCA facility of pending shipment of remediation waste.	2 hours	100 waste shippers	Combined for remediation and bulk product wastes (numbers 62 and 64).

TABLE 6-3 (continued)

Ref #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
63	§761.61(a)(8)(i) (A)	Attach a notation to the deed for property at which remediation projects require a permanent fence or cap.	3 hours	100 sites	—
64	§§761.62(b)(4)(i) and (ii) (See also §§761.357 and 359)	Provide notification to a receiving facility that does not have a commercial PCB storage or disposal approval before the first shipment of a PCB bulk product waste stream. In addition, for certain waste this notice must be provided with each shipment thereafter.	—	—	See # 62, above.

TABLE 6-3 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
65	§§761.65(c)(1) and (8)	Attach a notation to a PCB Item or PCB Container containing the item indicating the date the Item was removed from service for disposal, to be able to temporarily store the item/container in an area that does not comply with the storage requirements of paragraph (b) of this section.	0.083 hours (5 minutes)	93,120 Items, Containers, and Article Containers	<p>The number of Items, Containers, and Article Containers based on extensive analysis conducted for the <i>Draft Analysis of the Cost Impacts of the Potential Amendments to the PCB Regulations at 40 CFR Part 761</i> (U.S. EPA, 2003). This report indicates that 582,000 units that contain PCBs are removed from service for disposal each year (including PCB Transformers, Large Capacitors, Small Capacitors, and Voltage Regulators, as well as circuit breakers, reclosers, rectifiers, switches, electromagnets, and cables) and that 8 percent of these units contain ≥ 500 ppm. PCBs (46,560 PCB Items). There will be as many PCB Containers and Article Containers as Articles, making the total number of PCB Items 93,120. For example, there may be instances where contaminated soil from one PCB Article spill may fill 50 containers or that the oil drained from one PCB Transformer fills 4 containers. The estimate captures that some Articles will be combined into one Container.</p> <p>The time estimate for these requirements considers that all Items must be dated when removed from service for disposal, whether or not the Item will be placed in temporary storage or not.</p>
66	§761.65(i)(3)	Send information regarding the sample collector, the lab, date of shipment, quantity, and description of sample, when sending PCB samples to a laboratory for testing.	4 hours	—	Since EPA has no way of estimating the number of samples that would be sent off-site annually for testing, or the frequency with which the samples are sent to an off-site lab, EPA cannot estimate the total annual burden associated with this requirement.

TABLE 6-3 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart G—PCB Spill Cleanup Policy					
67	§761.125(a)(1)	Report certain spills of PCBs to the NRC.	0.167 hours (10 minutes)	265 incidences	New average based on the number of PCB-related incidences reported to the NRC from 2004 to 2006 (U.S. Coast Guard, 2007). Related requirement to notify EPA is included on Table 6-1.
68	§761.125(c)(2)(ii)	Place label or notice at PCB contamination cleanup sites at outdoor electrical substations that involved 1 lb or more PCBs by weight (270 gallons or more of untested mineral oil).	1 hour	252 sites	Revised estimate assumes that the > 1-lb spills at electrical substations are a large subset but not all of all the spills that must be reported to the NRC; 95 percent of the average annual 265 spills reported from 2004 to 2006 (U.S. Coast Guard, 2007). The capital costs for placing the sign is assumed to be \$50 per site (i.e., for posts, labels, etc.), for a total of \$12,600.
Subpart J—General Records and Reports					
68a	§761.180(g)	Provide records of PCB equipment reclassification, if requested, by recipients of equipment.	0.5 hours	336 units	Estimate assumes it takes 5 minutes for a manager to approve and delegate each request for records and 25 minutes for a clerk to copy and send a paper or electronic version of each complete record (ERG, 2000). EPA estimates that 58,457 PCB Transformers remain at the end of 2006 (U.S. EPA 2004b; U.S. EPA 2006). Assuming that 1.15% will be retrofilled and reclassified (U.S. EPA 2004b,) the Agency estimates approximately 672 units of reclassified equipment during this ICR period. Of this amount, 50 percent will be retained by owners (336), and 50 percent will be transferred to other entities (i.e., sold, loaned, leased, sent for servicing).

TABLE 6-3 (continued)

Ref . #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart K—PCB Waste Disposal Records and Reports					
69	§§761.207(a) and 208(a)(2) and (3)	Prepare manifests and provide generator-initiated manifests of PCB waste to each transporter or designated commercial storage or disposal facility.	0.083 (5 minutes) average	72,102 items	According to a compilation of the PCB Annual Reports, from 1998 to 2004, an annual average of 72,102 items (PCB Capacitors, Article Containers, Transformers, and PCB Containers) were transferred to another facility (i.e., a storer or disposer) (U.S. EPA, 2005b). Each Item or container of items or waste transported from a generator either to a storer or disposer requires information included on a manifest. To compile the original information for the first manifest that accompanies a piece of equipment or container would take about 10 minutes per item (0.167 hrs.). It would take less time per item for storers to include information on a manifest (to send to a disposer) because the information is already available. Thus it will be assumed that the time to include information on a manifest per item would average 5 minutes per item (0.083 hrs.). Refer to numbers 101 and 102.
70	§§761.208(c)(1) (iv) and (c)(2) (iv)	Storer or disposer sends a copy of the manifest or shipping paper to the generator.	0.167 hours (10 minutes)	3,605 reports	The manifest information is already prepared at this point with a number of Items contained on the manifest or shipping paper. A shipment can contain from 1 item (such as a large 20-ft x 20-ft transformer to about 40 drums that contain PCB Articles or bulk waste (Orton, 2003), with each Item or drum requiring a unique recordkeeping number. It will be assumed for this report that the average number of items on a manifest is 20, so that of the 72,102 Items transferred, only 3,605 manifests or shipping papers need to be returned. Refer to # 101 and 102.

TABLE 6-3 (continued)

Ref #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
71	§§761.218(a) and (b)	Send Certificates of Disposal to generators of PCB waste when disposal of each item is complete for a manifested PCB waste shipment.	0.25 hour (15 minutes) average	4,773 certificates	Based on the PCB Annual Report, the average annual total number of capacitors, Article containers, transformers, and PCB containers disposed of from 1996 to 2004 is 95,464 (U.S. EPA, 2005b). Assuming that information regarding 20 items is included on one Certificate of Disposal, there are a total of 4,773 certificates. This number is similar to the total reports in Item # 70, but assumes that the information on the Certificates is not necessarily the same as the items sent to the disposers by storers (i.e., some shipments could have included items from various generators, thus, this information could not be sent on the same Certificate, although it is based on the information from the manifest or shipping paper). Even when a facility must input data for each Item, most of the required information is readily available for a majority of cases. Also refer to # 101 and 102.

**TABLE 6-4
RECORDKEEPING BURDENS UNDER TSCA SECTION 6(e): ICR 1446.09, SECTION 6(a)**

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
40 CFR 761					
Subpart A—General					
72	§§761.1(f)	Comply with recordkeeping requirements of Subpart J [§§761.185(c)(2) and (d), and .193] as a condition of the exclusion from the PCB bans, for persons who inadvertently manufacture or import PCBs generated as unintentional impurities in excluded manufacturing processes or generate PCBs in excluded manufacturing process or products with recycled PCBs.	—	—	Burden is reported at §§761.185(c)(2) and (d), and .193(a). See # 100.
Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items					
73	§§761.20(e)(4) (i) and (ii); .30(i) (5) (ii); and .60(b)(5) (iv)(B)	Marketer who first claims used oil does not contain detectable PCBs must retain records supporting the claim and a copy of each certification notice received or prepared relating to transactions involving PCB-containing used oil. Burners must include among the records a copy of each certification notice that has been provided to a marketer of PCB-containing used oil.	0.25 hours (15 minutes)	—	No significant burden anticipated.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
74a, b	§§761.30(a)(1)(xii) and (xiv)	Maintain records of inspection and maintenance history for at least 3 years after the disposal of a PCB Transformer, including records of registration, as per §761.30(a)(1)(vi)(C).	0.05 hour (3 minutes) to track inspection data; 0.033 (2 minutes) to file and maintain data	58,457 PCB Transformers 50 percent (29,229) are inspected annually and 50 percent are inspected quarterly	Revised estimate represents the approximately 58,457 PCB Transformers estimated to be in existence during the clearance period of this ICR (U.S. EPA, 2004, U.S. EPA, 2005b). Time estimate remains the same and reflects the average time for a technician to track the data (3 minutes) and for a clerk to file and maintain the data (2 minutes). This report does not account for actual inspection time. The calculations for this estimate account for the differences in burden between annual and quarterly inspections. It is assumed that the time to maintain records for the disposed transformers is insignificant.
74c, d	§§761.30(a)(1)(xii) and (xiv)	Maintain records of inspection and maintenance history for at least 3 years after the disposal of a PCB Transformer, including records of registration, as per §761.30(a)(1)(vi)(C). Accounts for the reduced number of Transformers that will be subject to this requirement based on the implementation of the Reclassification Rule, §§761.30(a)(2)(v) and (vi).	0.05 hour (3 minutes) to track inspection data; 0.033 (2 minutes) to file and maintain data	-672 PCB Transformers ; 50 percent (-336) are inspected annually and 50 percent are inspected quarterly	An estimated 672 PCB Transformers will be reclassified each year during this reporting period (see #41a). The Reclassification Rule (see #75a and b), reduces the total number of transformers subject to the inspection recordkeeping requirement. Using the same calculation method as indicated above for #74 a and b, this requirement shows the estimated savings for the reduced number of Transformers that will be subject to this requirement.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
75	§§761.30(a)(2)(v)(C) and (D); 761.30(h)(2)(vi)(C) and (D); and 761.180(a)	Maintain records at the facility where electrical transformers, voltage regulators, electromagnets, and switches have been reclassified to a lower PCB concentration.	0.25 (15 minutes)	672 Transformers	Refer to #41a for an explanation of the number of transformers reclassified each year. It is assumed that the burden associated with reclassified equipment other than transformers will be insignificant. It was also assumed that it will take 15 minutes to maintain the records on pre-and post reclassification concentration of the transformer (EPA, 2000).
76	§§761.30(i)(1)(iii)(B) and (C)	Keep records on certain natural gas pipeline systems with ≥ 50 ppm PCBs and records of actions taken to reduce PCB contamination for 3 years after PCBs reduced to < 50 ppm.	4 hours	100 systems	It is not anticipated that new records will need to be developed; historical data can be used.
77	§761.35(a)(2)	Keep records of equipment stored for reuse.	0.15 hour	189,225 pieces of equipment	Total pieces of equipment that require recordkeeping is based on information reported in the cost analysis for the Final Rule, which was reviewed to generate the <i>Draft Analysis of the Cost Impacts of the Potential Amendments to the PCB Regulations at 40 CFR Part 761</i> (U.S. EPA, 2003). It was reported in the cost analysis that equipment owners will store 182,700 PCB Articles for < 5 years in areas that do not comply with §761.35(b) and 6,525 PCB Articles for > 5 years, with compliance with recordkeeping and reporting requirements, for a total of 189,225 pieces of equipment for this requirement.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart C—Marking of PCBs and PCB Items					
78	§761.40(c)(2)(ii) and (k)	Keep records of the protected location of PCB large capacitors where owner chooses not to mark individually (optional).	0.1 hour (6 minutes)	100,000 pieces of equipment	Based on analysis contained in the <i>Draft Analysis of the Cost Impacts of the Potential Amendments to the PCB Regulations at 40 CFR Part 761</i> (U.S. EPA, 2003).
Subpart D—Storage and Disposal					
79	§761.60(j)(1)(ix)	Keep records of R&D for disposal activities.	12 hours	39 facilities	Number of facilities based on data contained in the PADS database (U.S. EPA, 2006).
80	§§761.61(a)(3)(i) (E); and (a)(6)	Retain records of the sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, and certification that these records are on file at the location designated in the certificate. Keep records of comparison studies for any alternate method used that meet or exceed the requirements of §761.326. Keep records of sampling and sample analysis to verify cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces, as per Subpart O, §761.295.	1 hour	100 sites	Also see §761.295.
81	§761.61(a)(3)(iii)	Retain original waivers from the self-implementing remediation requirements received from the RA, State, and local agencies.	0.167 hour (10 minutes)	100 sites	This estimate remained the same.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
82	§761.61(a)(9)	Keep records in accordance with §761.125 (c)(5) for (a)(3), (a)(4), and (a)(5) of this part.	20 hours	100 sites	This estimate remained the same.
83	§761.62(b)(5)	Maintain a written record of all sampling and analysis of PCBs or notifications made under this part and make available upon request.	4 hours	26 sites	Estimate is 15 percent of 170 total affected sites.
84	§§761.65(a)(2)(ii) and (a)(3)	Keep a written record of attempts to secure disposal capacity. Records may be required for periods of extended storage.	4 hours	63 waste storers	Number of waste storers is 1 percent of the total number of waste generators and storers (6,316) listed in the PADS database (U.S. EPA, 2006).
85a, b	§761.65(c)(1)(iv)	Prepare/modify Spill Prevention, Control and Countermeasure (SPCC) Plans to address liquid PCBs ≥ 500 ppm, to be able to temporarily store PCB Containers containing liquid PCBs at ≥ 50 ppm in areas that do not comply with the storage requirements of §761.65.	60 hours/new plan; 2 hours/adapted plan	5 new respondents; 10 adapt existing plans	It is estimated that only 5 waste generation facilities will be required to prepare plans from scratch and 10 facilities will adapt existing plans.
86	§761.65(c)(7)(ii)	Prepare SPCC Plan, when using stationary storage containers, as per 29 CFR 1910.106, for liquid PCBs.	60 hours	5 facilities	It is not foreseen that many facilities will enter into the PCB storage business each year.
87	§761.65(c)(8)	Keep records of the quantity and the date of each batch added to the stationary storage container.	0.083 hours (5 minutes)	30,000 batches	Number of batches remained the same.
88	§§761.65(c)(10) and 761.180	Establish and maintain records as per §761.180 for storing for disposal PCBs and PCB Items ≥ 50 ppm.	843 hours	73 commercial storers	The total number of storers was obtained from EPA's list of Commercial Storage Approvals (U.S. EPA, 2005c). Note: See #99 for generator burden, including generators with storage units.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
89	§§761.70(a)(3), (4) and (7); (c); and 761.180(c)	Maintain for incinerators records of quantities, feed rates, temperatures, combustion products, and operations, and special records, as per §761.180(c).	843 hours	4 incinerators	From the EPA's list of Commercially Permitted PCB Disposal Companies (U.S. EPA, 2005a).
90	§§761.71(a)(1)(vi) and (vii), (a)(4), (b)(1)(vi-vii), (b)(5);761.180(e)	Record and retain monthly HEB operation data.	12 hours	20 HEBs	Note that 5 of these HEBs (from EPA Region VI) are used intermittently, so that total hourly burden may actually be less than indicated in this report. Also, total number of HEBs is based on EPA estimate of 2 per region.
91	§§761.72(a)(9) and (b)(6)	Record and retain records of temperature readings from scrap metal recovery ovens.	3 hours	8 ovens	From EPA's list of Commercially Permitted Scrap Metal Recovery Ovens (U.S. EPA, 2004).
92	§§761.75(b)(6)(iii) and (b)(8)(iv); 761.180(d)	Maintain records for all PCB disposal operations at chemical waste landfills, including PCB concentration in liquid wastes, the three-dimensional burial coordinates for PCBs and PCB Items, water sampling and analysis, and additional records as required in §761.180.	843 hours	10 landfills	From EPA's list of Commercially Permitted Disposal Companies (U.S. EPA, 2005a).
93	§761.79(d)(4) and Subpart T	Retain test/validation results of PODFs and VADFs.	0.5 hour	5 facilities	Estimate is 5 percent of the 100 decontamination sites.
94	§§761.79(f)(1) and (2)	Keep records of confirmatory sampling and sampling locations/results for decontamination activities and compliance with self-implementing decontamination procedures.	2 hours	100 sites	No change.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart E—Exemptions					
95	§761.80(e)(5) and (i)(7)	Keep records of activities associated with manufacture/processing/distribution in commerce of PCBs or PCB reference samples derived from waste materials for R&D.	12 hours	39 facilities	Number of facilities based on PADS database (U.S. EPA, 2006).
96	§761.80(g)(1)	Keep records of PCB processing and distribution in commerce activities, for facilities that process and distribute small quantities of PCBs for R&D.	12 hours	15 facilities	Total number of facilities remained unchanged based on an Agency review of existing petitions.
Subpart G—PCB Spill Cleanup Policy					
97	§§761.125(b)(3) and (c)(5); .61(a)(9)	Maintain records of cleanup and certification of decontamination.	8 hours	265 sets of records	Based on the average annual number of spills reported to the NRC from 2004 to 2006 (U.S. Coast Guard, 2007).
98	§761.125(c)(1)	Maintain records documenting delay in spill cleanup activities and areas of visible contamination.	0.5 hours	13 sites	It is anticipated that 5 percent of the total number of spills, as reported above, would face delays in cleanup.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
Subpart J—General Records and Reports					
99	§§761.180(a),(a)(4), (b) and (f); 761.65(c)(5)	Maintain annual records and document log for PCBs and PCB Items for 5 years after facility ceases, including manifests, CDs, records of inspections and cleanups, facility and Item ID information, number of Items, phone records, and Item transfer information, for owners/operators of storage and disposal facilities. Collect and maintain documents, correspondence, and data pertaining to storage/disposal of PCBs that have been provided to as well as received from any State/local agency and any application/ correspondence submitted to permitting authorities.	52 hours	7,517 waste handlers	The time to keep the annual log varies widely, based on the level of PCB activity taking place and the volume of PCBs and PCB Items handled. To keep the annual log takes from 1 hour to over 40 hours each week. Total number of facilities is the total number of PCB waste handlers (7,648) minus the total number of commercial storers and disposers (131 facilities). (U.S. EPA, 2004a, 2005a, 2005c, and 2006).
100	§§761.185(c)(2), (d) and .193(a) and (b)	Maintain theoretical analysis or monitoring records by persons who import, manufacture, process, distribute in commerce, or use products containing inadvertently generated or recycled PCBs, pursuant to §761.1(f)(1) to (3). Maintain letter certifying compliance with §761.1(f), for excluded manufacturing processes.	5 hours to file records; 5 hours to maintain previous reports	25 new respondents; 10 previous respondents	Number of respondents remained the same based on recent Agency records.
Subpart K—PCB Waste Disposal Records and Reports					
101	§§761.208 and .209	File and maintain manifests initiated or received by the PCB generator and any subsequent PCB waste handler.	0.167 hour (10 minutes)	3,605 manifests	Total number of manifests is an average of 20 items per manifest for a total of 72,102 items (3,605). Refer to numbers 69 and 70.

Table 6-4 (continued)

Ref. #	Regulatory Section(s)	Collection Requirement	Time Estimate	Total # Respondents Per Year	Comments
102	§761.218(c)	Maintain a copy of each Certificate of Disposal received from disposers, for generators and commercial storers of PCB waste.	0.167 hour (10 minutes)	3,605 certificates	Estimates are based on the estimates used for a similar requirement, # 101, above. Refer to numbers 69 and 70.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)					
103	§761.398(c)	Record testing parameters and experimental conditions in SOP. Results of validation study are to be affixed in an appendix.	16 hours	5 facilities	No change.

TABLE 6-5 ANNUAL RESPONDENT HOURLY BURDEN AND COST ESTIMATE - REPORTING

Ref #	Regulatory Citation	Information Collection Activity	Hours and Costs Per Respondent					Total Hours and Costs		
			Mgr. @ \$56.43 /Hour	Tech. @ \$47.72 /Hour	Cler. @ \$24.08 /Hour	Hours/ Respond./ Year ^(a)	Labor Cost/Res. /Year ^(b)	Total # of Resp	Total Hours/ Year ^(c)	Total Cost/ Year ^(d, e)
		Subpart B								
3	761.30(a)(1)(vi),(vii), (xv) (D)	Register newly discovered PCB Transformers	1	-	-	1	\$56	351	351	\$7,548 ^(e)
5	761.30(i)(1)(iii)(A)(1)	Submit descriptions of gas pipeline systems	8	10	2	20	\$977	1	20	\$372 ^(e)
7	761.35(b)	Obtain approval for PCB Article storage in a facility that does not meet 761.65(b)		0.166		0.166	\$8	6,250	1,038	\$18,868 ^(e)
		Subpart D								
8	761.60(e), (i)(2); .70(a), (b), (d)(2); .75(b)(7),(b) (8)(ii), (c)	Submit disposal permit applications	-	825	75	900	\$41,175	40	36,000	\$627,672 ^(e)
9	761.60(j)(1)(i)	Obtain identification number for R&D disposal	-	1.5	-	1.5	\$72	5	8	\$136 ^(e)
10	761.60(j)(1)(ii)	Notify officials of R&D activities	-	4	2	6	\$239	10	60	\$2,390
12	761.61(a)(3)(i),(ii)	Notify officials of self-imp. remediation	30	50	20	100	\$4,561	58	5,800	\$264,509
13	761.61(a)(3)(ii)	Notify EPA of self-imp. remed. changes	-	2	-	2	\$95	13	26	\$1,241
14	761.61(a)(3)(iii)	Request waiver of notification requirement	2	16	2	20	\$925	17	340	\$15,717
15	761.61(a)(8)(i)(B)	Certify recording of deed notation	-	4		4	\$191	28	112	\$5,345
16	761.61(c)(1)	Apply for risk-based disposal approval for remediation waste	-	1,480	120	1,600	\$73,515	17	27,200	\$476,283 ^(e)
17	761.62(c)91)	Apply for risk-based disposal or storage approval for bulk PCB product waste	-	1,480	120	1,600	\$73,515	20	32,000	\$560,333 ^(e)
18	761.65(a)(2),(3),(4)	Notify of attempts to secure disposal	-	2	1	3	\$120	5	15	\$598
21	761.65(c)(6)(i)(C)	Demonstrate that storage containers for PCB/rad waste are protective of health/env	-	32	8	40	\$1,720	5	200	\$3,277 ^(e)
22	761.65(d),(e)(1),(e)(6-8),(f)	Prepare storage approval application	-	240	-	240	\$11,453	25	6,000	\$109,117 ^(e)
23	761.65(e)(4)	Submit RA request to modify storage	1.5	-	0.5	2	\$97	10	20	\$967
24	761.65(g)(9)	Notify EPA of changes to storage facilities	-	1.5	0.5	2	\$84	7	14	\$585
25	761.65(j)	Demonstrate financial assurance for closure	20	80	20	120	\$5,428	12	1,440	\$24,822 ^(e)
27	761.70(d)(8);.75(c)(7)	Notify EPA of changes in facility ownership	7	-	1	8	\$419	5	40	\$2,095
31	761.77(a)(10(i),(a)(1)(ii) (A) (1),(C); (a)(2)	Request coordinated approval	8	20	8	36	\$1,598	6	216	\$3,655 ^(e)

TABLE 6-5 ANNUAL RESPONDENT HOURLY BURDEN AND COST ESTIMATE - REPORTING

Ref #	Regulatory Citation	Information Collection Activity	Hours and Costs Per Respondent					Total Hours and Costs		
			Mgr. @ \$56.43 /Hour	Tech. @ \$47.72 /Hour	Cler. @ \$24.08 /Hour	Hours/ Respond./ Year ^(a)	Labor Cost/Res. /Year ^(b)	Total # of Resp	Total Hours/ Year ^(c)	Total Cost/ Year ^(d, e)
33	761.79(h)	Prepare requests for decontamination approvals of alternative decontamination sampling methods	-	1,480	120	1,600	\$73,515	20	32,000	\$560,333 ^(e)
		Subpart E								
34	761.80(e)(1); (i)(1)	Qualify for R&D exemptions	32	-	8	40	\$1,998	1	40	\$1,998
35	761.80 (e)(2), and (i)(2)	Submit requests for renewal of the class exemptions	1	-	-	1	\$56	1	1	\$56
37	761.80(e)(4)	Notify EPA of PCB mfg. before R&D activities	2	16	2	20	\$925	1	20	\$925
		Subpart G								
40	761.125(a)(1)(i) to (iii)	Report certain spill of PCBs to EPA	0.167	-	-	0.167	\$9	100	17	\$942
		Subpart J								
41	761.180(b), (b)(3),(c)(5)	Prepare/submit annual reports on storage/disposal	56	-	3	59	\$3,232	151	8,909	\$488,080
41a	761.180(g)	Provide EPA with info on reclassified equipment	0.25	-	-	0.25	\$14	45	11	\$635
42	761.185	Notify EPA for exclusion for inadvertent generation of PCBs	6	11	3	20	\$411	3	60	\$1,232
43	761.187	Notify EPA when exceed limits for inadvertent generation of PCBs	6	11	3	20	\$411	1	20	\$411
		Subpart K								
44	761.202(a), 205(a - e)	Notify EPA of PCB waste activity	1	-	0.5	1.5	\$68	100	150	\$6,847
45	761.205(f)	Report changes in waste handler notifications	1	-	0.5	1.5	\$68	200	300	\$13,694
46	761.208(a)(4); 215 (b-d)	Submit Exception and Discrepancy Reports	-	1.5	0.5	2	\$84	325	650	\$27,177
48	761.211(b)	Notify EPA of unmanifested waste	-	0.5	-	0.5	\$24	17	9	\$406
49	761.211(c)	Submit Unmanifested Waste Reports	-	1.5	0.5	2	\$84	57	114	\$4,766
		Subpart T								
50	761.395, .398	Submit results of validation study analysis	1	14	1	16	\$749	5	80	\$3,743
		TOTALS						1,027	153,279	\$3,236,776

Notes: ^(a) Sum of staff hours; ^(b) Sum of staff hours x labor rates; ^(c) Hours/respondent/year x total number of respondents; ^(d) Labor costs/respondent x total number of respondents. Totals may not add due to rounding; ^(e) Total costs are annualized (x 0.3811) for the one-time requirements of numbers 3-9, 16, 17, 21, 22, 25, 31, and 33.

TABLE 6-6 ANNUAL RESPONDENT HOURLY BURDEN AND COST ESTIMATE - THIRD-PARTY REPORTING

Ref #	Regulatory Citation	Information Collection Activity	Hours and Costs Per Respondent						Total Hours and Costs		
			Mgr. @ \$56.43 /Hour	Tech. @ \$47.72 /Hour	Cler. @ \$24.08 /Hour	Hours/ Respond./ Year ^[a]	Labor Cost/ Year ^[b]	Capital Costs ^[c]	Total # of Respon.	Total Hours/ Year ^[d]	Total Cost/ Year ^[e, f]
		Subpart B									
52	761.30(a)(1)(xi),(xv) (A) (h)(1)(ii)(B)	Report PCB Transformer and Voltage regulator fires to NRC	-	0.167	-	0.167	\$8	-	27	5	\$215
		Subpart D									
56	761.60(b)(5)(i)(A)(1)	Include gas pipes in notification programs	-	0.25	-	0.25	\$12	-	50	13	\$597
57	761.60(f)(1)(i)	Notify State/local gov'ts of PCB disposal	-	0.333	0.167	0.5	\$20	-	600	300	\$11,947
60	761.60(j)(1)(vii)	Manifest R&D PCB wastes	-	1	-	1	\$48	-	39	39	\$1,861
62	761.61(a)(5)(i)(B)(2) (iv)	Notify offsite non-TSCA facility of pending shipment of remediation/waste	-	2	-	2	\$95	-	100	200	\$9,544
63	761.61(a)(8)(i)(A)	Certify deed notation recording	-	3	-	3	\$143	-	100	300	\$14,316
65	761.65(c)(1),(8)	Attach date notation on PCB Items and Containers	-	0.083	-	0.083	\$4	-	93,120	7,729	\$368,826
		Subpart G									
67	761.125(a)1)	Report certain spills of PCBs to the NRC	0.167	-	-	0.167	\$9	-	265	44	\$2,497
68	761.125(c)(2)(ii)	Place notice of PCB contamination at cleanup site	-	1	-	1	\$48	\$50	252	252	\$9,385 ^[f]
		Subpart J									
68a	761.180(g)	Provide records of reclassification, if requested, to recipients of reclassified equipment	0.083	-	0.417	0.5	\$15	-	336	168	\$4,948
		Subpart K									
69	761.207(a); .208(a) (2),(3)	Prepare manifests of each PCB waste for PCB waste transporters, storers, and disposers	0.083	-	-	0.083	\$5	-	72,102	5,984	\$337,703
70	761.208(c)1)(iv), (c) (2)(iv)	Storer/disposer sends manifest to generator	0.167	-	-	0.167	\$9	-	3,605	602	\$33,973
71	761.218(a),(b)	Send Certificates of Disposal to generators	-	0.25	-	0.25	\$12	-	4,773	1,193	\$56,942
	TOTALS							\$50	175,369	16,829	\$852,754

Notes: ^[a] Sum of staff hours; ^[b] Sum of staff hours x labor rates; ^[c] Hours/respondent/year x total number of respondents; ^[d] Labor costs/respondent x total number of respondents. Totals may not add due to rounding; ^[e] Total costs are annualized (x 0.3811) for the one-time requirements of numbers 3-9, 16, 17, 21, 22, 25, 31, and 33.

TABLE 6-7ANNUAL RESPONDENT HOURLY BURDEN AND COST ESTIMATE - RECORDKEEPING

Ref #	Reg. Citation	Information Collection Activity	Hours and Cost Per Respondent					Total Hours and Costs		
			Mgr @ \$56.43 Hour	Tech. @ \$47.72 Hour	Cler @ \$24.08 Hour	Hours/ Respon./ Year ^[a]	Labor Cost/ Year ^[b]	Total # of Respon.	Total Hours/ Year ^[c]	Total Cost/ Year ^[d, e]
		Subpart B								
74a	761.30(a)(1)(xii)	Maintain PCB Transformer inspection data (annual)	-	0.05	0.033	0.083	\$3	29,229	2,426	\$92,967
74b	761.30(a)(1)(xii)	Maintain PCB Transformer inspect. data (quart.)	-	0.2	0.133	0.333	\$13	29,229	9,733	\$372,572
74c	761.30(a)(1)(xii)	Maintain PCB Transformer inspection data (annual)	-	0.05	0.033	0.083	\$3	-336	-28	-\$1,069
74d	761.30(a)(1)(xii)	Maintain PCB Transformer inspect. data (quart.)	-	0.2	0.133	0.333	\$13	-336	-112	-\$4,283
75	761.30(a)(2)(v); 761.180(a)	Maintain records of retrofilled equipment	-	0.167	0.083	0.25	\$10	672	168	\$6,698
76	761.30(i)(1)(iii)(B), (C)	Keep records of gas pipeline system data	1	2	1	4	\$176	100	400	\$17,595
77	761.35(a)(2)	Keep records of equipment stored for reuse	-	0.15	-	0.15	\$7	189,225	28,384	\$1,354,473
78	761.40(c)(2)(ii), (k)	Keep large capacitor records (optional)	-	0.1	-	0.1	\$5	100,000	10,000	\$477,200
		Subpart D								
79	761.60(j)(1)(ix)	Keep R&D for disposal records	-	12	-	12	\$573	39	468	\$22,333
80	761.61(a)(3)(i)(E); (a) (6); .295	Retain remediation sampling/analysis records	-	1	-	1	\$48	100	100	\$4,772
81	761.61(a)(3)(iii)	Retain waivers from self-impl. remed. projects	-	0.167	-	0.167	\$8	100	17	\$304 ^[e]
82	761.61(a)(9)	Keep records accord to Spill Cleanup Policy	4	12	4	20	\$895	100	2,000	\$89,468
83	761.62(b)(5)	Maintain sampling/analysis records for bulk product wastes	1	3	-	4	\$200	26	104	\$1,978 ^[e]
84	761.65(a)(2)(ii), (a)(3)	Keep records of attempts to secure disposal		4	-	4	\$191	63	252	\$12,025
85a	761.65(c)(1)(iv)	Prepare SPCC plans	5	45	10	60	\$2,670	5	300	\$5,088 ^[e]
85b	761.65(c)(1)(iv)	Modify SPCC plans for liquid PCBs \geq 500 ppm	0.5	1	0.5	2	\$88	10	20	\$880
86	761.65(c)(7)(ii)	Prepare SPCC plans for facilities using storage containers	5	45	10	60	\$2,670	5	300	\$5,088 ^[e]
87	761.65(c)(8)	Keep records of the quantity/date of each batch added to a stationery storage container	-	0.083	-	0.083	\$4	30,000	2,490	\$118,823
88	761.65(c)(10)	Establish and maintain annual log records as per .180 for PCB storage facilities	24	-	819	843	\$21,076	73	61,539	\$1,538,536
89	761.70(a)(3),(4),(7); (c); .180	Maintain incinerator records	48	260	535	843	\$27,999	4	3,372	\$111,995

TABLE 6-7ANNUAL RESPONDENT HOURLY BURDEN AND COST ESTIMATE - RECORDKEEPING

Ref #	Reg. Citation	Information Collection Activity	Hours and Cost Per Respondent					Total Hours and Costs		
			Mgr @ \$56.43 Hour	Tech. @ \$47.72 Hour	Cler @ \$24.08 Hour	Hours/ Respon./ Year ^[a]	Labor Cost/ Year ^[b]	Total # of Respon.	Total Hours/ Year ^[c]	Total Cost/ Year ^[d, e]
90	761.71(a)(a)(vi), (vii); (b)(1)(vi), (vii), (b)(5); .180(e)	Retain monthly HEB operating data	-	12	-	12	\$573	20	240	\$11,453
91	761.72(a)(9), (b)(6)	Retain scrap metal recovery oven records	-	3	-	3	\$143	8	24	\$1,145
92	761.75(b)(6)(iii), (b)(8)(iv); .180(d)	Maintain chemical waste landfill records	24	-	819	843	\$21,076	10	8,430	\$210,758
93	761.79(d)(4)	Retain PODF/VADF validation results	-	0.5	-	0.5	\$24	5	3	\$45 ^[e]
94	761.79(f)(1), (2)	Keep decontamination sampling records	-	2	-	2	\$95	100	200	\$3,637 ^[e]
Subpart E										
95	761.80(e)(5), (i)(7)	Keep records of PCB mfg/ proc/dist. in commerce R&D activities	-	12	-	12	\$573	39	468	\$22,333
96	761.80(g)(1)	Keep records of PCB proc/dist. in commerce of small quantities of PCBs for R&D activities	-	12	-	12	\$573	15	180	\$8,590
Subpart G										
97	761.125(b)(3), (c)(5)	Maintain records of cleanup and certification of decontamination	1	5	2	8	\$343	265	2,120	\$90,945
98	761.125(c)(1)	Maintain records documenting delay in cleanup	-	-	0.5	0.5	\$12	13	7	\$157
Subpart J										
99	761.180(a), (a)(4), (f); .65(c)(5)	Maintain annual records and log for PCBs and PCB Items	12	-	40	52	\$1,640	7,517	390,884	\$12,330,586
100a	761..185(c)(2) and .193(a), (b)	Maintain monitoring data of inadvertent PCBs	-	5	-	5	\$239	25	125	\$5,965
100b	761..185(c)(2) and .193(a), (b)	Maintain previous records of monitoring data of inadvertent PCBs	-	-	5	5	\$120	10	50	\$1,204
101	761.208(a), (b), (c); .209(a-d)	File and maintain manifests	-	-	0.167	0.167	\$4	3,605	602	\$14,497
102	761.218(c)	Maintain Certificates of Disposal	-	-	0.167	0.167	\$4	3,605	602	\$14,497
Subpart T										
103	761.398(c)	Record test parameters and SOP conditions for decontamination validation studies	-	16	-	16	\$764	5	80	\$1,455 ^[e]
TOTALS								393,550	525,947	\$16,944,710

Notes: ^[a] Sum of staff hours; ^[b] Sum of staff hours x labor rates; ^[c] Hours/respondent/year x total number of respondents; ^[d] Labor costs/respondent x total number of respondents. Totals may not add due to rounding; ^[e] Total costs are annualized (x 0.3811) for the one-time requirements of numbers 3-9, 16, 17, 21, 22, 25, 31, and 33.

6(c) Estimating Agency Burden and Cost

The estimated Agency burden associated with this Consolidated ICR is shown on Table 6-8 with comments indicated on the table. The detailed costs associated with the Agency burden are shown in Table 6-9. The hourly rates for EPA staff were based on a composite management level at GS-15/5 (\$49.69); technical support at GS-12/5 (\$30.06), and clerical support at GS-7/5 (\$16.95), using the 2006 General Schedule Salary Table, effective January 2006 (U.S. OPM, 2006). (Note that Tables 6-8 and 6-9 appear at the end of section 6(e)).

6(d) Estimating the Respondent Universe and Total Burden and Costs

Refer to Tables 6-2 through 6-7 for this information.

6(e) Bottom Line Burden and Costs

(i) Respondent Tally

As indicated on Table 6-5, the total respondent reporting burden is 153,279 hours and \$3,236,776. As indicated on Table 6-6, the total respondent third-party reporting burden is 16,829 hours and \$852,754. As indicated on Table 6-7, the total respondent recordkeeping burden is 525,947 hours and \$16,944,710. Table 6-10 summarizes the respondent burdens and costs for each applicable subpart of 40 CFR 761. As shown on the table, the total paperwork burden for this Consolidated ICR is 696,055 hours and \$21,034,240.

(ii) Agency Tally

As indicated on Table 6-9, the Agency annual burden is 54,081 hours and \$1,601,465.

(iii) Variations in the Annual Bottom Line

This section does not apply. There are no anticipated significant variations in the annual respondent reporting or recordkeeping burden or cost over the course of the requested clearance period for either industry or the Federal Government.

TABLE 6-8 ANNUAL AGENCY HOURLY BURDEN FOR THE CONSOLIDATED ICR SUPPORTING STATEMENT COVERING THE PCB REGULATIONS AT 40 CFR 761

Collection Activities	Burden Hrs/Year	Respondents/Year	Comments
Review/analyze data submissions (i.e., new exemptions and renewal data); develop rulemakings in response to the petitions for exemption; publish rulemakings in the <u>Federal Register</u> ; index and file the data in the public docket.	203 hours	5 renewal petitions: 2 new petitions	<u>Federal Register</u> publication costs add approximately \$1,500 to the annual cost of this collection activity.
Review preliminary PCB Transformer inspection reports; input data; index/file data.	20 hours	500 inspections	The total time to conduct inspections equals 4 days.
Review exclusion submissions; record/enter submissions; analyze requests for confidentiality and provide appropriate protection; store data.	6 hours	8 submissions	—
Review technology-based disposal applications; attend demonstrations (EPA engineers and contractor analytical chemists); develop (i.e., grant/deny) approval; maintain files.	660 hours	15 submissions	Costs vary depending on number and type of applications received. Number of \$761.60 approvals has remained fairly constant over the last several years and is expected to remain so.
Review facility records, including annual reports.	2 hours per review	1,100 inspections	Based on Compliance Monitoring Plan, maximum number of inspections for all 10 Regions combined is 1,100/year.
Review applications for commercial storage approval, with contractual support.	72-125 hours/application ; 98.5 hours, average, rounded to 100	3.3 applications/year average, rounded to 3	Review time varies based on the number of deficiencies initially discovered and any supplemental information that is submitted to correct the deficiencies. EPA uses contractual support to review applications.

TABLE 6-8 ANNUAL AGENCY HOURLY BURDEN FOR THE CONSOLIDATED ICR SUPPORTING STATEMENT COVERING THE PCB REGULATIONS AT 40 CFR 761

Collection Activities	Burden Hrs/Year	Respondents/Year	Comments
Process PCB notification forms; update PADS; respond to inquires regarding these submissions; maintain hard-copy files of these submissions; and provide contractor oversight.	520 hours	—	These activities will be conducted at EPA Headquarters only. The hourly figures represent the time allocation to handle all respondents.
Process PCB Transformer registrations.	520 hours	—	These activities will be conducted at EPA Headquarters only. The hourly figures represent the time allocation to handle all respondents.
Maintain PCB Transformer database	260 hours	—	
Respond to numerous requests for regulatory interpretations and inquiries regarding the PCB notification and Transformer Registration Programs.	1,850 hours	—	
Maintain official files of all requests for approvals and EPA's responses.	675 hours	—	See comment above.
Review requests for approval for PCB Articles stored for reuse >5 yrs.	2 hours/ submission	17 submissions	In 2008, the Storage for Reuse provision in Number 7, Table 6-5 will be up for renewal. Based the Agency's historical experience, a total of 83 renewal requests, each one addressing about 75 pieces of equipment, will be submitted for 6,250 pieces of equipment total. Over 5 years, this is 17 applications per year.
Review requests for risk-based disposal and coordinated approvals and alternate decontamination or sampling methods; issue approvals or waivers; maintain files.	515 hours	55 submissions	Costs vary depending on number and types of applications received. Respondents increased from 46 to 55. Burden hrs/year figure corrects erroneous figure (23,675) in previous ICR supporting statement.

TABLE 6-9 ANNUAL AGENCY HOURLY BURDEN AND COST

Information Collection Activity	Hours and Costs Per Respondent						Total Hours and Costs		
	GS-15/5 @ \$49.69/ Hour	GS-12/5 @ \$30.06/ Hour	GS-7/5 @ \$16.95/ Hour	Agency Hours/ Year ^[a]	Labor Cost/ Year ^[b]	Cap. Costs ^[c]	Total # of Resp.	Total Hours/ Year ^[d]	Total Cost/ Year ^[e, f]
PCB Manufacturing, Processing, and Distribution in Commerce Exemptions									
Review/analyze new exemption petitions and renewal data	1	28	-	29	\$891	-	7	203	\$6,237
Develop rulemakings	3	160	8	171	\$5,094	-	1	171	\$5,094
Index/file data	-	-	2	2	\$34	-	1	2	\$34
FR publication	1	24	8	33	\$907	\$1,500	1	33	\$2,407
SUBTOTAL								409	\$13,722
PCB Use in Electrical Equipment and Transformers									
Review preliminary inspection report	-	8	-	8	\$240	-	500	4,000	\$120,240
Review reformatted report	-	4	-	4	\$120	-	500	2,000	\$60,120
Review/input data	-	4	-	4	\$120	-	500	2,000	\$60,120
Index/file data	-	-	4	4	\$68	-	500	2,000	\$33,900
SUBTOTAL								10,000	\$274,380
PCB Exclusions, Exemptions, and Use Authorizations									
Review exclusion request submissions	-	2	-	2	\$60	-	8	16	\$481
Record/enter submissions	-	1	-	1	\$30	-	8	8	\$240
Analyze requests for confidentiality and provide appropriate protection	-	1	-	1	\$30	-	8	8	\$240
Store data	-	2	-	2	\$60	-	8	16	\$481
SUBTOTAL								48	\$1,442
PCB Disposal Permitting Regulation									
Review applications	-	312	-	312	\$9,379	-	15	4,680	\$140,685
Attend demonstrations	-	156	-	156	\$4,689	-	15	2,340	\$70,335
Contractor support for demonstrations	-	140	-	140	\$4,208	-	15	2,100	\$63,120
Develop (grant/deny) approval	2	30	-	32	\$1,001	-	15	480	\$15,015
Maintain files	-	1	-	1	\$30	-	15	15	\$450

TABLE 6-9 ANNUAL AGENCY HOURLY BURDEN AND COST

Information Collection Activity	Hours and Costs Per Respondent						Total Hours and Costs		
	GS-15/5 @ \$49.69/ Hour	GS-12/5 @ \$30.06/ Hour	GS-7/5 @ \$16.95/ Hour	Agency Hours/ Year ^[a]	Labor Cost/ Year ^[b]	Cap. Costs ^[c]	Total # of Resp.	Total Hours/ Year ^[d]	Total Cost/ Year ^[e, f]
PCB Manufacturing, Processing, and Distribution in Commerce Exemptions									
SUBTOTAL								9,615	\$289,605
Notification and Manifesting for PCB Waste Activities									
Record and retain scrap metal recovery oven	-	2	-	2	\$60	-	1,100	2,200	\$66,132
Maintain chemical waste landfill records	-	100	-	100	\$3,006	-	3	300	\$9,018
SUBTOTAL								2,500	\$75,150
Final Regulations Amending the PCB Regulations at 40 CFR 761									
Process notification forms; update PADS	-	520	-	520	\$15,631	-	1	520	\$15,631
Process PCB Transformer registrations	-	520	-	520	\$15,631	-	1	520	\$15,631
Create PCB Transformer database	-	260	-	260	\$7,816	-	1	260	\$7,816
Review requests for approval for PCB Articles stored for reuse >5 years	-	2	-	2	\$60	-	17	34	\$1,022
Review requests for risk-based disposal and coordinated approvals and alternative decontamination or sampling methods; issue approvals, waivers or letters of approval; maintain files of requests for approval	-	515	-	515	\$15,481	-	55	28,325	\$851,455
Respond to requests for regulatory	-	1,850	-	1,850	\$55,611	-	1	1,850	\$55,611
SUBTOTAL								31,509	\$947,166
TOTALS								54,081	\$1,601,465

Notes: ^[a] Sum of staff hours; ^[b] Sum of staff hours x labor rates; ^[c] EPA estimates; ^[d] Total number of respondents x Agency hours/year;

^[e] Labor x respondent x total number of respondents; ^[f] Totals may not add due to rounding.

TABLE 6-10 SUMMARY OF RESPONDENT BURDENS AND COSTS BY SUBPART

Subparts	Total # of Respondents	Total Hours Per Year	Total Hours Per Respondent ^[a]	Total Cost Per Year	Total Cost Per Hour ^[b]
Reporting					
Subpart B	6,602	1,409	0.213	\$26,789	\$19
Subpart D	283	141,491	500	\$2,659,075	\$19
Subpart E	3	61	20	\$2,979	\$49
Subpart G	100	17	0.167	\$942	\$56
Subpart J	200	9,000	45	\$490,358	\$54
Subpart K	699	1,223	2	\$52,889	\$43
Subpart T	5	80	16	\$3,743	\$47
Subtotal Reporting	7,892	153,279		\$3,236,776	\$21
Third-Party Reporting					
Subpart B	27	5	0.167	\$215	\$48
Subpart D	94,009	8,580	0.091	\$407,091	\$47
Subpart G	517	296	0.573	\$11,882	\$40
Subpart J	336	168	0.500	\$4,948	\$29
Subpart K	80,480	7,780	0.097	\$428,618	\$55
Subtotal Third-Party Reporting	175,369	16,829		\$852,754	\$51
Recordkeeping					
Subpart B	347,783	50,971	0.147	\$2,316,153	\$45
Subpart D	30,668	79,858	2.604	\$2,138,329	\$27
Subpart E	54	648	12	\$30,923	\$48
Subpart G	278	2,127	7.649	\$91,102	\$43
Subpart J	14,762	392,263	27	\$12,366,749	\$32
Subpart T	5	80	16	\$1,455	\$18
Subtotal Recordkeeping	393,550	525,947		\$16,944,710	\$32
Totals	576,811	696,055		\$21,034,240	

Notes: ^[a] Total hours per year/total number of respondents; ^[b] Total cost per year/total hours per year

6(f) Reasons for Change in Burden

The total burden for this ICR is 696,055 hours and \$21,034,240. The previous burden in OMB's inventory for the existing Consolidated ICR was 824,778 hours and \$23,005,750. This results in a cumulative decrease of 128,723 hours (824,778 - 696,055) and a decrease of \$1,971,510 (\$23,005,750 - \$21,034,240).

In addition to revised wage rates, the changes in the total annual respondent reporting and recordkeeping burdens and costs over the course of the requested clearance period for many provisions were due to revisions to the total number of respondents. In some cases, the total number of respondents was based on number of facilities; in other cases, the total number of respondents was calculated by estimating the total number of pieces of equipment that respondents must keep track of for a particular requirement. The up-to-date wage rates and the change from the previous ICR are as follows:

- 18 Manager - new rate, \$56.43; prior rate; \$56.99 (negligible decrease)
- 19 Clerical - new rate, \$24.08; prior rate, \$21.18 (14 percent increase)
- 20 Professional/technical category was utilized to be consistent with other Agency economic analyses. This replaced the previous labor categories of engineer/foreman (\$53.87) and engineering technician (\$32.85). The current rate for the professional/technical category is \$47.72.

These burden and cost changes were the result of new data gathered for this ICR effort as well as another recent PCB regulatory analysis, estimate adjustments made for consistency with the more recent Agency report, and updated Agency data regarding total numbers of regulated entities.

The specific adjustments to this Consolidated ICR are explained on Tables 6-2 through 6-8 and are summarized on Table 6-11 and in the following discussion.

- 21 Item number 3 - The total number of newly discovered PCB Transformers that must be reported to EPA was increased from 85 to 351, based on the *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors* (U.S. EPA, 2004b). The change in EPA's assumption regarding PCB Transformers increases the burden from 85 hours to 351 hours (+266 hour adjustment).
- 22 Item numbers 4, 9, 12 to 18, 23, 24, 42, and 46 to 49 - Adjustments have been made to the average number of notifications the Agency anticipates receiving during the clearance period for this ICR based on the average number of notifications the Agency has received annually over the past few years, as tallied by EPA PCB Regional Coordinators. A majority of these notifications have been decreasing, but regional offices have seen an increase in item #17, requests for risk-based disposal or storage of PCB bulk product waste. The additional 10 approval requests increased the burden by 16,000 hours. The cumulative adjustment, after

- accounting for decreasing submissions for other approval requests, is an increase of 2,186 hours.
- 23 Item number 7 - The approval for the latest 5-year storage period ends in 2008, which will occur during this ICR period. As such, the estimated annual burden of 1,038 hours has been added.
- 24 Item numbers 22 and 25 - The number of respondents submitting new applications for commercial storage approvals increased from 10 new applications to 12 based on the number of applications the Agency has received over the past few years. The weighted average to prepare new and renewal application increases from 220 hours to 240 hours due to the increased time to prepare new applications compared to preparing paperwork for facility modifications $[(392 \text{ hrs} \times 12) + (100 \text{ hrs} \times 13)]/25$. The increase ratio of new applications to modifications increased the burden by 740 hours.
- 25 Item numbers 41, 84, 88, 92, and 99 - The reduced estimate for the number of commercial storage facilities and increased number of chemical waste landfills was based on the most recent EPA data in PADS (U.S. EPA, 2006). With the significant drop in companies, the total labor burden decreased by 86,459 hours.
- 26 Item numbers 52, 67, 68, 97, and 98 - An overview of NRC data indicates that the number of calls involving reports of fire incidents and PCB spills decreased slightly. This resulted in a decreased burden of 204 hours.
- 27 Item numbers 60, 79, and 95 - The number of R&D facilities increased from 26 to 39 facilities. The cumulative hourly burden increase based on this change is +13 hours for #60; +156 hours for # 79; and +156 hours for # 95 (+325-hr adjustment).
- 28 Item number 65 - The total number of Items, Containers and Article Containers increased by 2000 items to correct a typo in the previous ICR. This results in a burden increase of 166 hours.
- 29 Item numbers 68a, 74c, 74d, and 75 - Revised estimate for the total number of units reclassified is based on information gathered for *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors* (U.S. EPA, 2004b). The number of Transformers reclassified is reduced from 6,125 to 672 units, resulting in a decrease in the cumulative hourly burden of 2,803 hours.
- 30 Item numbers 69, 70, 71, 101, and 102 - The number of items that must be included on manifests, the number of consolidated manifests sent from storers to disposers, the number of Certificates of Disposal sent to generators, and the number of manifests and Certificates maintained on file have been revised based on new data compiled in the PCB Annual Report (U.S. EPA, 2005b). The total number of Certificates of Disposal sent to generators was reduced and is based on the average number of items disposed of (from the Annual Report) and assuming that

each Certificate contains information on about 20 items. The records that must be maintained are the same as the number of manifests or shipping papers and Certificates of Disposal. The cumulative hourly burden decreased by 4,199 hours.

- 31 Item numbers 74a and 74b - The decreased estimated total for the number of transformers that need to be inspected is based on data compiled for *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors* (U.S. EPA, 2004b) and the PCB Annual Report (U.S. EPA, 2005b), which results in a burden decrease of 39,841 hours.
- 32 There is one capital cost associated with this ICR. For Item # 68, there is an estimated \$50 per site cost to place a sign at a PCB contamination cleanup site. For 252 sites, the total estimated annual capital cost would be \$12,600. This cost was previously unaccounted in the bottom line burden hours and M&O costs associated with the ICR. This change is an adjustment.

TABLE 6-11
CHANGES IN BURDEN HOURS TO EXISTING PCB ICR TOTALS

Item Numbers	Change in Burden Hours	Item Numbers	Change in Burden Hours
3 and 7	+1,304 hours	60, 79 and 95	+325 hours
4, 9, 12 to 18, 23, 24, 42, and 46 to 49	+2,186 hours	65	+166 hours
22 and 25	+740 hours	68a, 74c, 74d, and 75	-2,803 hours
41, 84, 88, 92, and 99	-86,459 hours	69, 70, 71, 101, and 102	-4,199 hours
52, 67, 68, 97, and 98	-204 hours	74c and 74d	-39,841 hours
Total -128,785 hours			

There is a 62-hour difference between the change in the burden based on adjustments (128,785 hours, Table 6-11) compared with the difference between the OMB inventory and the total burden indicated on Table 6-10 (824,778 - 696,055 = 128,723 hours). This difference can be attributed both to rounding off figures and the margin of error associated with the vast number of calculations that have been factored into this analysis.

6(g) Burden Statement

The annual public burden for this collection of information, which is approved under

OMB Control No. 2070-0112, is estimated to average 1.21 hours per response. According to the Paperwork Reduction Act, “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. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2007-0273, which is available for online viewing at www.regulations.gov, or in person viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 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 Pollution Prevention and Toxics Docket is (202) 566-0280. You may submit comments regarding 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.

Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2007-0273 and OMB Control No. 2070-0112, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

LISTING OF SUPPORTING STATEMENT APPENDICES

The appendices to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2007-0273. These appendices are available for online viewing at www.regulations.gov or otherwise accessed as described in section 6(f) of the supporting statement.

- Appendix A:** 15 USC 2605(e) - Section 6(e) of the Toxic Substances Control Act. Also available at online at the US House of Representatives' [US Code website](#)
- Appendix B:** 40 CFR part 761 - Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions. Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Appendix C:** EPA Form 7720-12 - PCB Transformer Registration form and instructions. Also available online at the [EPA Website](#)
- Appendix D:** EPA Form 7710-53 - Notification of PCB Activity form and instructions. Also available online at the [EPA Website](#)
- Appendix E:** Summary of Public Comments, ICR Consultations, and EPA's Responses
- Appendix F:** Display Related to OMB Control #2070-0112 -Listings of Related Regulations in 40 CFR 9.1

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U.S. EPA. Supporting Statement. Combination/renewal of two existing ICRS: *Polychlorinated Biphenyls (PCBs) Use, Storage, and Disposal Recordkeeping Requirements*; EPA ICR #583 and *PCBs: Notification and Manifesting for PCB Waste Activities*; EPA ICR #1446, amended to address the new Paperwork Reduction Act (PRA) requirements for third-party notifications.

U.S. EPA. Supporting Statement. Combination/renewal of two existing ICRS: *Polychlorinated Biphenyls (PCBs) Use, Storage, and Disposal Recordkeeping Requirements*; EPA ICR #583 and *PCBs: Notification and Manifesting for PCB Waste Activities*; EPA ICR #1446.

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