

Date: May 5, 2008
Note to: Peter J. Smith, OPPTS (7101M)
From: Peter Gimlin, OPPT/NPCD (7404T)
Re: Supplemental Information on PCB Renewal ICR 2070-0112:
Answers to 2 Questions from OMB

PCB Transformer Registry. *In regard to USWAG's comment on the PCB Transformer database, OMB asked EPA for a quick explanation of the process of how firms would be able to update/correct their information on the registry.*

EPA promulgated the PCB Transformer registration regulation in 1998 as a one-time reporting requirement. Mandated updating reporting to continually track unit by unit changes in PCB Transformer inventories at every site in the United States seemed both unnecessary and unduly burdensome on the regulated community. EPA did note that anyone who wished on a voluntary basis to notify EPA of changes in transformer status could: "Finally, anyone who no longer possesses any PCB Transformers and would like to be removed from the data base can notify EPA in writing. Notification to remove a company or location from the data base is strictly voluntary" (63 FR 35394). As these supplemental notices were strictly voluntary, no express procedures were spelled out for their submittal or handling.

EPA (OPPT/NPCD) contracts for technical support to maintain and update the PCB Transformer registration database on an ongoing basis. EPA's contractor updates the database on a quarterly basis (subject to funding constraints), entering new data from both new registrants, required to notify upon discovery of PCB Transformers (previously untested and assumed to be PCB-Contaminated only) and past registrants who are voluntarily providing information on changes in status to their previously registered PCB Transformers. The contractor processes all voluntary update notices; they are not selectively screened or processed. Entries in the database are updated to reflect changes; all PCB Transformer removals are noted. For tracking and enforcement purposes, entries are not deleted or expunged from the record. When complete, quarterly updates are provided to the EPA work assignment manager, reviewed and posted on EPA's PCB website for public access. As of early May, 2008, updated data through January 2008 is available in Microsoft Excel and Adobe Acrobat formats.

EPA is aware that USWAG has criticized the accuracy of some of the listing for its member companies PCB Transformers sites, and that USWAG has on its own initiative conducted a survey of its member companies and compiled updated registration data for those companies. USWAG has been in contact with the EPA work assignment manager responsible for the PCB Transformer registry database, and offered to provide this information to EPA for use in updating the database. EPA welcomes this data. When USWAG does submit this data to EPA, it will be forwarded to the EPA contractor to crosscheck and update the existing data in the database. Such work will be done in the next quarterly update cycle the data is received.

100 hour burden & §761.61(a). *OMB asked EPA to expand upon EPA's response to USWAG's comment that this burden for self-implementing cleanup is too low.*

In its Comment V., USWAG expressed its opinion that this burden was a drastic underestimation, and cited as an example that member company AEP required 12 full days and 360 samples to "just complete the characterization sampling required by this procedure." EPA's reply was:

EPA believes the 100 hour estimate adequately characterizes the burden associated with preparing the a notification of self-implementing cleanup under §761.61(a)(3)(i)-(ii). This recordkeeping burden is not meant to capture the time and costs associated with conducting a site characterization under §761.60(a)(2), as cited by the commenter, nor any other activities under §761.61 not associated with actual recordkeeping and reporting.

The purpose of the ICR exercise is to assess the paperwork burden associated with recordkeeping and reporting, both to EPA and third-party. The 100 hour burden referenced by USWAG is identified by Ref. #12 in the ICR Supporting Statement, in Table 6-2 and elsewhere in the document. This estimate captures the burden associated with direct reporting to EPA under §761.61(a)(3)(i)-(ii), namely, that persons intending to perform a self-implementing cleanup under §761.61(a) are required to notify the EPA (and others) of their cleanup plans, including a summary of the procedures used to sample the area and the data from the sample analysis. Additional information may have to be provided if requested, and a certification that records are on file is also required. To prepare this notice and the associated attachments (lab printouts, site maps, etc), EPA has estimated 100 hours per respondent, further broken down to 30 hours managerial, 40 hours engineer, and 20 hours clerical.) This is most of a weeks work for 3 people.

USWAG does not take issue with particulars of the burden estimate, but criticizes it for being completely out of the ballpark. However, EPA notes this is because USWAG is conflating the paperwork burden with the actual site cleanup burden. USWAGs one example is the 12 days and 360 samples required to "complete the characterization sampling." This is the planning work of designing a sampling plan and the field work of collecting samples associated with a site, as is required by §761.61(a)(2). It is not a paperwork burden associated with reporting to EPA under §761.61(a)(3). The relevant reporting burden is that of submitting cleanup plans to EPA, not the complete scope of work involved in characterizing the site, taking field samples, lab analysis, etc.. Nor does it cover site management, cost of excavating/cleaning up the soil, disposing of it, etc. etc. These expenses are considerable, as USWAG notes in their example, but they are regulatory costs outside of the parameters of the ICR exercise.