

**SUPPORTING STATEMENT FOR
INFORMATION COLLECTION REQUEST NUMBER 1688.06
“RCRA EXPANDED PUBLIC PARTICIPATION (Renewal)”**

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

This ICR is titled “RCRA Expanded Public Participation (Renewal),” ICR number 1688.06.

1(b) Short Characterization

The Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. EPA has a statutory obligation, under Section 7004(b) of RCRA, to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under the Act. The regulations implementing these requirements are codified at 40 *CFR* Parts 124 and 270.

EPA promulgated requirements for providing additional opportunities for the public to be involved in the RCRA permitting process at 40 *CFR* 124.31 through 124.33 and at 40 *CFR* 270.62 and 270.66. The Part 124 requirements apply to all types of hazardous waste treatment, storage, and disposal facilities, unless exempted under a specific section; the Part 270 requirements apply only to hazardous waste combustors planning trial burns.

In summary, the expanded public participation regulations require:

- A permit applicant to provide notice of and hold an informal meeting with the public before submitting a Part B application, and to submit a summary of the meeting to the agency (§124.31);
- The Agency to issue a public notice when it receives an application (§124.32);
- Certain facilities (as decided by the Agency Director on a case-by-case basis) to set up and maintain an information repository (§124.33); and
- The Agency to issue a public notice of an upcoming trial burn at a permitted hazardous waste combustion facility (§§ 270.62(b)(6) and 270.66(d)(3)), or at a hazardous waste combustion facility operating under interim status (§§ 270.62(d) and 270.66(g)).

EPA believes that these regulations encourage people to become involved in the permitting process and increase understanding of hazardous waste facilities.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 7004(b) of RCRA gives EPA broad authority to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under RCRA. In addition, the statute specifies certain public notices (i.e., radio, newspaper, and a letter to relevant agencies) that EPA must provide before issuing any RCRA permit. The statute also establishes a process by which the public can dispute a permit and request a public hearing to discuss it. EPA carries out much of its RCRA public involvement at 40 *CFR* Parts 124 and 270.

In 1995, EPA expanded the public participation requirements under the RCRA program by promulgating the RCRA Expanded Public Participation Rule (60 *FR* 63417; December 11, 1995). The rule responded to calls by the Administration and stakeholders (e.g., States and private citizens) to provide earlier and better public participation in EPA's permitting programs, including procedures for more timely information sharing.¹ In particular, the rule requires earlier public involvement in the permitting process (e.g., pre-application meetings), expanded public notice for significant events (e.g., notices of upcoming trial burns), and more opportunities for the exchange of permitting information (e.g., information repository).

The rule also is consistent with EPA's current policies on public participation. In May of 2003, EPA finalized the Public Involvement Policy. The policy updates an earlier policy issued in 1981. Among other things, the policy calls for a strengthened commitment to meaningful public involvement, greater attention to the specific concerns and interests of affected people and entities, and use of a wider variety of public involvement techniques. In this regard, the RCRA Expanded Public Participation Rule can serve as an example to the EPA programs of how to achieve many of the goals of the policy.

2(b) Practical Utility/Users of the Data

The required activities and information are needed to help assure timely and effective public participation in the permitting process. The requirements are intended to provide equal access to information to all stakeholders in the permitting process: the permitting agency, the permit applicant, and the community where a facility is located. Some facilities may be required to develop information repositories to allow for expanded public participation and access to detailed facility information as part of the permitting process.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION

¹ ? For example, see *Draft Strategy on Waste Minimization and Hazardous Waste Combustion* (May 18, 1993).

CRITERIA

3(a) Nonduplication

The information collections covered in this ICR are not available from sources other than the respondents. EPA's Office of Solid Waste is the only office within the Agency collecting this information, and no other Federal agency or department collects this information.

3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on June 10, 2008 (73 FR 32703) that it intended to renew ICR No. 1688.06. The comment period ended on August 11, 2008. The Agency received no comments.

3(c) Consultations

The rule covered by this ICR was developed using proper rulemaking procedures. EPA made every effort to consult with the general public, State and industry officials, and appropriate Federal agencies. In 2005, EPA Regional offices and selected facilities provided feedback on the hour and cost burden estimates included in the ICR. One facility in particular provided feedback on the hour and cost burden estimates: Mr. Bart Wesley and Mr. Lloyd Tabary of DSM Copolymer, Addis, LA. In this ICR (ICR number 1688.06), EPA has retained the hour estimates provided by the facility contacts, and updated their cost estimates to 2008 levels.

3(d) Effects of Less Frequent Collection

EPA sought to reduce the reporting frequency to the minimum that is necessary to ensure compliance with the rule. It would not be possible to collect this information less frequently and still assure that the requirements of permit and public involvement regulations are met by owners or operators. The reporting frequency is essential to assure that any changes in the trial burn plans or in the anticipated permit application contents are made known to EPA and to the public.

3(e) General Guidelines

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

3(f) Confidentiality

Section 3007(b) of RCRA and 40 *CFR* Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality. If the Agency receives any confidential information, it will manage that information according to the protocols established by the Agency, as appropriate.

3(g) Sensitive Questions

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

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The following is a list of North American Industrial Classification System (NAICS) codes associated with the facilities most likely to be affected by the expanded public participation requirements analyzed under this ICR:

22132	Sewage Treatment Facilities
32411	Petroleum Refineries
32511	Petrochemical Manufacturing
32512	Industrial Gas Manufacturing
32551	Paint and Coating Manufacturing
33271	Machine Shops
33422	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
33634	Motor Vehicle Brake System Manufacturing
33635	Motor Vehicle Transmission and Power Train Parts Manufacturing
42271	Petroleum Bulk Stations and Terminals
44111	New Car Dealers
44711	Gasoline Stations with Convenience Store
44719	Other Gasoline Stations
48411	General Freight Trucking, Local
48421	Used Household and Office Goods Moving
48422	Specialized Freight (except Used Goods) Trucking, Local
56292	Materials Recovery Facilities
221111	Hydroelectric Power Generation
221112	Fossil Fuel Electric Power Generation
221113	Nuclear Electric Power Generation
221119	Other Electric Power Generation
221121	Electric Bulk Power Transmission and Control
221122	Electric Power Distribution
311942	Spice and Extract Manufacturing
323110	Commercial Lithographic Printing
323114	Quick Printing
325131	Inorganic Dye and Pigment Manufacturing
325188	All Other Basic Inorganic Chemical Manufacturing
325193	Ethyl Alcohol Manufacturing

325199	All Other Basic Organic Chemical Manufacturing
325211	Plastics Material and Resin Manufacturing
325998	All Other Miscellaneous Chemical Product Manufacturing
331311	Alumina Refining
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
332999	Other Miscellaneous Fabricated Metal Product Manufacturing
333319	Other Commercial and Service Industry Machinery Manufacturing
333999	All Other General Purpose Machinery Manufacturing
334418	Printed Circuit/Electronics Assembly Manufacturing
334419	Other Electronic Component Manufacturing
336211	Motor Vehicle Body Manufacturing
336312	Gasoline Engine and Engine Parts Manufacturing
336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
336399	All Other Motor Vehicle Part Manufacturing
454311	Heating Oil Dealers
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
562111	Solid Waste Collection
562112	Hazardous Waste Collection
562119	Other Waste Collection
562211	Hazardous Waste Treatment and Disposal
562212	Solid Waste Landfills
562213	Solid Waste Combustors and Incinerators
562219	Other Nonhazardous Waste Treatment and Disposal
811111	General Automotive Repair

4(b) Information Requested

Pre-application Public Meeting and Notice

Under 40 *CFR* 124.31(a) and (b), facilities applying for an initial Part B permit or a Part B permit renewal, where the renewal application is proposing a change that would qualify as a Class 3 permit modification under 40 *CFR* 270.42, are required to hold at least one meeting with the public prior to submitting the Part B permit application to the permitting agency. The applicant must submit a summary of the meeting, along with the list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, to the permitting agency as part of the Part B application (§124.31(c)). Under 40 *CFR* 124.31(d), applicants must provide public notice (i.e., newspaper advertisement, visible and accessible sign, and broadcast media announcement) of the pre-application meeting at least 30 days prior to the meeting. The applicant also must provide a copy of the notice to the permitting agency and to the appropriate units of State and local government. (Note: In regard to 40 *CFR* 124.31(c), this ICR addresses the respondent activities associated with collecting the required information. Submittal of this information to the permitting agency is addressed in *Supporting Statement for EPA Information Collection Request Number 1573, “Part B Permit Application, Permit Modifications, And Special Permits.”*)

(i) Data Items:

- A public notice that includes:
 - The date, time, and location of the meeting;
 - A brief description of the purpose of the meeting;
 - A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
 - A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
 - The name, address, and telephone number of a contact person for the applicant.
- Information to be submitted to the permitting agency as part of the Part B permit application:
 - Copy of newspaper notice announcing the pre-application meeting;
 - A summary of a pre-application meeting with the public;
 - A list of attendees and their addresses; and
 - Copies of any written comments or materials distributed at the meeting.

(ii) Respondent Activities:

To comply with the requirements in Section 124.31, applicants must perform the following activities:

- Read the regulations;
- Prepare notice of pre-application meeting;
- Prepare a multilingual notice of pre-application meeting, if appropriate;
- Provide for publication/posting/broadcasting of notice;
- Provide copy of pre-application meeting notice to the permitting agency and appropriate units of State and local government;

- Retain documentation of the notice;
- Prepare for and conduct the meeting;
- Prepare a meeting summary; and
- Copy the list of attendees with their addresses.

Information Repository

Under 40 *CFR* 124.33, the Agency Director has the authority to require certain applicants/facilities to establish and maintain an information repository. Applicants/facilities instructed by the Agency Director to establish an information repository must, at a minimum, provide a written notice about the information repository to all individuals on the facility mailing list. The Agency Director will determine the information to be placed in the information repository.

(i) **Data Items:**

- Written notice about the information repository; and
- Information in the repository, e.g.:
 - A summary of the pre-application public meeting;
 - A copy of the Part B permit application; and
 - Any other information the Agency Director determines to be relevant to public understanding of permitting activities at the facility.

(ii) **Respondent Activities:**

To comply with the requirements in section 124.33, applicants must conduct the following activities:

- Read the regulations;
- Arrange with a local building for space to establish the information repository;
- Provide notice of the repository to individuals on the facility mailing list;
- Provide a multilingual notice of the repository to individuals on the facility mailing list, if appropriate;

- Establish the information repository; and
- Maintain the information repository.

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

5(a) Agency Activities

Notice at Application Submittal

40 *CFR* 124.32 requires the Agency to provide public notice, as set forth in sections 124.10(c)(1)(ix) and (x), at the application submittal stage.

Information Repository

40 *CFR* 124.33 provides discretionary authority for the Agency to require, on a case-by-case basis, the owner or operator of a facility to set up an information repository, and to provide a notice to the facility mailing list about the repository. Section 124.33(d) requires the Agency Director to specify the contents of the repository and establish requirements for informing the public about the establishment of the repository (at a minimum, the Agency Director will require the facility to provide written notice to the facility mailing list).

Trial Burn Notice

40 *CFR* 270.62(b)(6), 270.62(d), 270.66(d)(3), and 270.66(g) require the Agency to provide public notice, as set forth in sections 124.10(c)(1)(ix) and (x), of an impending trial burn at a permitted hazardous waste combustion facility, or at a hazardous waste combustion facility operating under interim status.

5(b) Collection Methodology and Management

In collecting and analyzing the information required by the expanded public participation activities, EPA uses equipment such as personal computers and applicable data base software, when appropriate. The public will receive information through newspaper announcements and other media, and, in some cases, will have access to additional data through an information repository as specified by the Agency under 40 *CFR* 124.33.

5(c) Small Entity Flexibility

In developing the regulations for expanding public involvement in the RCRA permitting process, EPA was sensitive to the needs and concerns of small businesses. Therefore, the regulations describe the minimum efforts necessary to fulfill the public involvement requirements. EPA avoided including narrow, prescriptive requirements in the final RCRA Expanded Public Participation Rule, in order to provide as much flexibility as possible—for the facility, the community, and the Agency—in implementing the requirements. Furthermore, EPA conducted a small entity impact screening analysis for the proposed rule and determined that there were no small entities significantly impacted (see 59 *FR* 28680; June 2, 1994). Because there were no substantive changes to the public participation requirements since the proposal, EPA determined that the requirements do not significantly impact small entities.

EPA's intent in developing the requirements was to provide flexibility for a facility, in cooperation with local agencies or community groups, to determine the most effective communication mechanisms for a particular situation. EPA recognizes that, in some situations, an information repository could become resource-intensive for a facility or for the local community. EPA addressed this concern by providing discretion to the Director to determine whether to require a repository, rather than requiring it for all facilities.

5(d) Collection Schedule

Many of the requirements do not have specific schedules governing the submittal of the information. Requirements that have specific time frames associated with them are described below.

Pre-application Public Meeting and Notice

40 *CFR* 124.31(d) requires the applicant to provide public notice of the pre-application meeting at least 30 days before the meeting is scheduled.

Notice at Application Submittal

40 *CFR* 124.32(b)(2) requires the Agency Director to publish the notice “within a reasonable period of time after the application is received.”

Trial Burn Notice

40 *CFR* 270.62(b)(6)(i), 270.62(d), 270.66(d)(3)(i), and 270.66(g) require the Agency Director to provide notice to the mailing list and to appropriate units of State and local government “within a reasonable time period before the scheduled trial burn.”

6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION

6(a) Estimating Respondent Hours

EPA estimates respondent burden hours for the information collection requirements associated with the pre-application meeting and the information repository requirements in Exhibit 1. The burden estimates for each activity presented in Exhibit 1 include the burden hours (total and by labor type) per facility, as well as the overall burden hours associated with the given activities.

6(b) Estimating Respondent Costs

Labor Costs

EPA estimates an average hourly respondent labor cost (including overhead) of \$116.00 for legal staff, \$84.00 for managerial staff, \$64.00 for technical staff, and \$36.00 for clerical staff. To arrive at these estimates, EPA referred to the currently approved *Supporting Statement for EPA Information Collection Request Number 1573, "Part B Permit Application, Permit Modifications, And Special Permits."* EPA then applied an adjustment factor of 1.088 to update the loaded hourly rates to 2008 levels.

These labor costs are shown in Exhibit 1.

Capital/Start-Up Costs

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. For this ICR, capital costs include the purchase of file cabinets for an information repository.

In complying with the requirements covered in this ICR, facilities may be required to maintain an information repository. The information repository will require file cabinet space to retain the information required. EPA took the following steps to estimate the cost of the file cabinets:

- Estimate the number of file cabinets per facility required for the information repository. Given that the standard-size, five-drawer, lateral file cabinet is expected to hold approximately 16,000 pages of material, EPA estimates that each facility would need to purchase only one file cabinet to retain copies of the applications and other required documentation within the time period of this ICR. The approximate cost of purchasing a file cabinet is estimated at \$550.
- Calculate the annualized cost. EPA used the following formula to calculate the annual cost to facilities for acquiring the file cabinets:

$$\text{Annualized Net Present Value} = \$550 \times [1/(\sum 1/(1+k)^t)]$$

where k = discount rate of 7 percent; and
t = life of permit (10 years).²

EPA estimates that each facility will pay an annual cost of \$78 for its file cabinet. This equates to a total annual capital cost of \$546 for all seven facilities (i.e., 7 x \$78 = \$546). This capital cost is shown in Exhibit 3.

Operation and Maintenance Costs

Operation and maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” For this ICR, O&M costs include:

- Newspaper advertisement: EPA estimates that a permit applicant will incur a cost of \$36.84 for a four-line announcement in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility.
- Broadcast media announcement: EPA assumes that the radio broadcast will be a public service. Therefore, the applicant will incur no costs for the radio announcement.
- Meeting materials: EPA estimates that a permit applicant will incur a cost of \$30 for 100 copies of a three-piece handout (i.e., 300 pages @ \$0.10/page) and \$2.38 for tapes to record the meeting (i.e., 2 tapes @ \$1.19/tape).
- Space rental: EPA assumes that a permit applicant will conduct the pre-application public meeting in a community center. Thus, the applicant will incur no space rental costs.

² ? Based on an OMB-approved discount rate of seven percent (OMB Circular A-94) and an estimated life of 10 years for a permit.

- Mailing costs: EPA estimates that a permit applicant will incur a cost of \$3.06 to mail the pre-application notice to the permitting agency and the appropriate units of State and local government (i.e., 6 government agencies @ \$0.51/agency (\$0.42 for stamp and \$0.09 for envelope)). EPA also estimates a cost of \$127.50 for mailing a written notice about the information repository to all individuals on the facility mailing list (i.e., 250 individuals on the facility mailing list @ \$0.51/individual).

These O&M costs are shown in Exhibit 1.

6(c) Estimating Agency Hour and Cost Burden

EPA estimates the Agency hour and cost burden associated with all of the requirements covered in this ICR in Exhibit 2.

Describing Agency Activities

Notice at Application Submittal. To estimate the number of facilities for which the Agency will have to provide public notice at application submittal in each year covered by the ICR, EPA referred to RCRAInfo.^{3,4} Based on RCRAInfo data, EPA estimated the average annual number of Part B permit applications to be received over a three year period for initial permits and permit renewals.⁵ By adding these two estimates, EPA ascertained the number of application submittals for which the Agency will have to provide public notice during the three-year period covered in the ICR. A summary of EPA’s assumptions is presented below:

- Based on RCRAInfo data, EPA estimates that 24 initial Part B permit applications, on average, will be received annually over a three year period.
- RCRAInfo indicates that 53 Part B permits, on average, will expire annually over a three year period. EPA anticipates that ten percent of these permits (i.e., 5 permits), on average, will not be renewed annually. Thus, EPA estimates that 48 permits (i.e., $53 - 5 = 48$), on average, will be renewed annually over a three year period.

3 [?] RCRAInfo is EPA’s comprehensive information system on hazardous waste generation and management facilities. RCRAInfo characterizes facility status, regulated activities, and compliance histories and captures detailed data on the generation and management of hazardous waste.

4 [?] EPA referred to the PEVENT table of the Permit, Closure and Post-Closure Module in RCRAInfo to ascertain the permit data.

5 [?] In ascertaining the number of new permit applications, EPA identified records with a permit event code of “OP020” (i.e., Part B Received). In ascertaining the number of permit renewals, EPA identified records with a permit event code of “OP270” (i.e., Permit Expires).

Based on the above assumptions, EPA estimates that the Agency will have to provide public notice at application submittal for 72 facilities per year (i.e., $24 + 48 = 72$).

Information Repository. The Agency Director may require facilities to establish information repositories at any point during the permit application process, or during the life of the permit. EPA anticipates that information repositories will be required in a limited number of situations. Unlike the pre-application meeting requirements, facilities submitting post-closure permit applications or modification requests (e.g., a Class 3 modification to add a combustion unit or to begin burning dioxin) could also potentially be required to establish a repository.

EPA is assuming that 15 percent of the estimated 31 annual respondents subject to the pre-application meeting requirements (i.e., $0.15 \times 31 = 5$ facilities) will be required to set up a repository (see Section 6(d) for a description of the respondent universe estimate for the pre-application requirements). EPA further estimates that one percent of the total universe of 1,575 RCRA treatment, storage, and disposal facilities (i.e., $0.01 \times 1,575 = 16$ facilities) would be subject to the repository requirements over the next ten years (i.e., $16 \text{ facilities}/10 \text{ years} = 2 \text{ facilities per year}$).⁶ In total, EPA estimates that seven facilities per year (i.e., $5 + 2 = 7$) will incur the costs associated with the information repository.

Trial Burn Notice. In estimating the number of facilities for which the Agency will have to provide public notice of an upcoming trial burn, EPA referred to RCRAInfo.⁷ RCRAInfo indicates that seven trial burn plans, on average, were approved annually over a three year period.⁸ For purposes of this ICR, EPA assumes that the same number will be approved annually over a three year period.

Estimating Agency Hour and Cost Burden

Hours. EPA estimates Agency burden hours for the information collection requirements associated with the application submittal notice, the information repository, and the trial burn notice requirements in Exhibit 2. The burden estimates for each activity presented in Exhibit 2 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours associated with the given activities.

Labor Costs. EPA estimates an average hourly labor cost (labor plus overhead) of \$73.13

⁶ ? Based on data obtained from “Exhibit 2: Quantity of RCRA Hazardous Waste Managed and Number of RCRA TSD Facilities, by State, 1999” of *The National Biennial RCRA Hazardous Waste Report (Based on 1999 Data)* (June 2001).

⁷ ? EPA referred to the PEVENT table of the Permit, Closure and Post-Closure Module in RCRAInfo to ascertain the permit data.

⁸ ? In ascertaining the number of trial burns, EPA identified records with the following permit event codes: “MO070” (i.e., Operating Permit Modification, Trial Burn Plan Approved); “OP070” (i.e., Operating Permit, Trial Burn Plan Approved); and “RD070” (i.e., Research and Development, Trial Burn Plan Approved).

for legal staff, \$68.38 for managerial staff, \$50.14 for technical staff, and \$20.12 for clerical staff. To derive these estimates, EPA used the General Schedule (GS) Salary Table 2008. For purposes of this ICR, EPA assigned staff the following government service levels:

Legal Staff	GS-15, Step 1
Managerial Staff	GS-14, Step 4
Technical Staff	GS-12, Step 5
Clerical Staff	GS-5, Step 1

To derive hourly estimates, EPA divided annual compensation estimates by 2,080, which is the number of hours in the Federal work-year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6.

Capital/Start-Up Costs. The Agency is not expected to incur capital costs in conducting the activities covered in this ICR.

Operation and Maintenance Costs. For this ICR, O&M costs to the Agency include the costs associated with a public notice announcing that a Part B permit application has been received or that a trial burn will take place. For the announcement of receipt of a RCRA permit application, EPA estimates the total cost of each public notice to be \$164.34. This cost includes the cost of a newspaper announcement. It also includes mailing costs for providing a written notice to all individuals on the facility mailing list. EPA assumes that the radio announcement will be a public service. Thus, the Agency will incur no cost for a radio announcement. For the announcement of a trial burn, EPA estimates the total O&M cost of each notice to be \$127.50. These O&M costs are shown in Exhibit 2.

6(d) Estimating the Respondent Universe and Total Hour and Cost Burden

Pre-application Public Meeting and Notice

The pre-application meeting requirements apply to all facilities applying for an initial RCRA permit, and to already permitted facilities proposing a significant change in facility operations (i.e., changes equivalent to a Class 3 modification) at renewal. These requirements do not apply to other renewal applications (i.e., those that do not include significant changes), post-closure applications, or routine permit modification requests.

To estimate the number of initial RCRA permits, EPA referred to RCRAInfo. Based on RCRAInfo data, EPA estimates that 24 initial Part B permit applications, on average, will be received annually over a three year period.

To estimate the number of permit renewals involving a significant change in facility operations, EPA again relied on RCRAInfo. RCRAInfo indicates that 53 RCRA permits, on average, will expire annually over a three year period. Based on its best judgment, EPA anticipates that ten percent of these permits (i.e., 5 permits), on average, will not be renewed each year. Thus, EPA estimates that 48 permits (i.e., $53 - 5 = 48$), on average, will be renewed

annually over a three year period. EPA assumes that, of these 48 permits, only ten percent (i.e., $48 \times 0.10 = 5$ permits) will involve significant changes to facility operations and thus be subject to the pre-application meeting requirements.

Based on the above assumptions, EPA estimates that 29 facilities (i.e., $24 + 5 = 29$), on average, will be subject to the pre-application requirements each year.

Information Repository

EPA estimates that, each year, seven facilities will incur the costs associated with the information repository. (See Section 6(c) for a description of the universe estimate for the information repository requirements.)

6(e) Bottom Line Hour and Cost Burden

Respondent Tally

Exhibit 3 shows the aggregate annual hour and cost burden to respondents. As shown in the exhibit, EPA estimates the annual respondent burden to be 3,005 hours and \$180,288.

Agency Tally

Exhibit 4 shows the aggregate annual hour and cost burden to the Agency. As shown in the exhibit, EPA estimates the annual Agency burden to be 625 hours, at a cost of \$36,481.

6(f) Reasons for Change in Burden

There is no change in the hourly burden for this renewal.

6(g) Burden Statement

The estimated reporting or recordkeeping burdens include the time to read the regulations and prepare the required information for activities analyzed in this ICR. EPA developed weighted average reporting and recordkeeping burden estimates based on the number of respondents subject to each of the requirements.

The reporting burden is associated with activities related to both the pre-application meeting, estimated to average 88.0 hours, and to the information repository, estimated to average 7.0 hours. Thirty-one facilities will conduct activities associated with the pre-application meeting, five of those facilities will also conduct recordkeeping activities related to the information repository, and two additional facilities will conduct activities related to the information repository (these two facilities are not subject to the pre-application requirements). Thus, the weighted average reporting burden for respondents is estimated to be 84.2 hours.

The recordkeeping burden is associated with activities related to both the pre-application meeting, estimated to average 1.1 hours (to retain documentation), and to the information repository, estimated to average 27.1 hours. Thirty-one facilities will conduct activities associated with the pre-application meeting, five of those facilities will also conduct recordkeeping activities related to the information repository, and two additional facilities will conduct activities related to the information repository. Thus, the weighted average recordkeeping burden for respondents is estimated to be 6.8 hours.

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-RCRA-2008-0463, which is available for online viewing at www.regulations.gov, or in person viewing at the Resource Conservation & Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. 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 RCRA Docket is (202) 566-0270. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID number and OMB control number in any correspondence.

Exhibit 1
Requirements Regarding Expanded Public Participation
Estimated Annual Respondent Hour and Cost Burden

INFORMATION COLLECTION ACTIVITY	Hours and Costs per Respondent								Total Hours and Costs		
	Legal \$116.00/hr	Managerial \$84.00/hr	Technical \$64.00/hr	Clerical \$36.00/hr	Respondent Hours	Labor Cost	Capital/ Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/ Year	Total Cost/Year
Pre-Application Public Meeting and Notice (124.31)											
Read the regulations	0.00	0.10	0.50	0.00	0.60	\$40.00	\$0.00	\$0.00	31	19	\$1,240
Prepare notice of pre-application meeting	0.00	0.25	1.00	0.25	1.50	\$94.00	\$0.00	\$0.00	31	47	\$2,914
Prepare multilingual notice of pre-application meeting	0.00	0.00	3.50	1.00	4.50	\$260.00	\$0.00	\$0.00	31	140	\$8,060
Provide for publication/posting/broadcasting of the notice	0.00	0.00	1.00	0.50	1.50	\$82.00	\$0.00	\$36.84	31	47	\$3,684
Provide copy of pre-application meeting notice to the permitting agency and appropriate units of State and local government	0.00	0.25	1.00	0.25	1.50	\$94.00	\$0.00	\$2.22	31	47	\$2,983
Retain documentation of the notice	0.00	0.00	0.00	0.50	0.50	\$18.00	\$0.00	\$0.00	31	16	\$558
Prepare for and conduct the meeting	0.00	0.00	64.50	5.50	70.00	\$4,326.00	\$0.00	\$32.38	31	2,170	\$135,110
Prepare meeting summary	0.00	0.00	1.00	7.00	8.00	\$316.00	\$0.00	\$0.00	31	248	\$9,796
Copy list of attendees with their addresses	0.00	0.00	0.00	1.00	1.00	\$36.00	\$0.00	\$0.00	31	31	\$1,116
Subtotal	0.00	0.60	72.50	16.00	89.10	\$5,266.00	\$0.00	\$71.44	31	2,765	\$165,461
Information Repository (124.33)											
Read the regulations	0.00	0.10	0.50	0.00	0.60	\$40.00	\$0.00	\$0.00	7	4	\$280
Arrange with a local building for space to establish the information repository	0.00	0.00	10.00	0.00	10.00	\$640.00	\$0.00	\$0.00	7	70	\$4,480
Provide notice of repository to individuals on facility mailing list	0.00	0.00	1.00	1.50	2.50	\$118.00	\$0.00	\$52.50	7	18	\$1,194
Provide multilingual notice of repository to individuals on facility mailing list	0.00	0.00	3.50	1.00	4.50	\$260.00	\$0.00	\$52.50	7	32	\$2,188
Establish the information repository	0.00	0.00	0.10	4.40	4.50	\$165.00	\$78.00	\$0.00	7	32	\$1,701
Maintain the information repository	0.00	0.00	10.00	2.00	12.00	\$712.00	\$0.00	\$0.00	7	84	\$4,984
Subtotal	0.00	0.10	25.10	8.90	34.10	\$1,935.00	\$78.00	\$105.00	7	240	\$14,827
TOTAL	0.00	varies	varies	varies	varies	varies	varies	varies	varies	3,005	\$180,288

Exhibit 2
Requirements Regarding Expanded Public Participation
Estimated Annual Agency Hour and Cost Burden

	Hours and Costs Per Respondent								Total Hours and Costs		
	Legal \$73.13/hr	Managerial \$68.38/hr	Technical \$50.14/hr	Clerical \$20.12/hr	Respondent Hours	Labor Cost	Capital Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/ Year	Total Cost/Year
INFORMATION COLLECTION ACTIVITY											
Notice at Application Submittal (124.32)											
Provide public notice at application submittal	0.00	0.00	1.50	1.50	3.00	\$105.00	\$0.00	\$89.34	74	222	\$14,381
Provide multilingual notice	0.00	0.00	3.50	1.00	4.50	\$196.00	\$0.00	\$52.50	74	333	\$18,389
Subtotal	0.00	0.00	5.00	2.50	7.50	\$301.00	\$0.00	\$141.84	74	555	\$32,770
Information Repository (124.33(b) and (d))											
Specify contents of repository	0.00	0.50	1.00	0.15	1.65	\$87.00	\$0.00	\$0.00	7	12	\$609
Establish requirements for informing the public	0.00	0.50	0.00	0.15	0.65	\$37.00	\$0.00	\$0.00	7	5	\$259
Subtotal	0.00	1.00	1.00	0.30	2.30	\$124.00	\$0.00	\$0.00	7	17	\$868
Trial Burn Notice (270.62(b)(6) and (d); 270.66(d)(3) and (g))											
Provide public notice prior to trial burns	0.00	0.00	1.50	1.50	3.00	\$105.00	\$0.00	\$52.50	7	21	\$1,103
Provide multilingual notice	0.00	0.00	3.50	1.00	4.50	\$196.00	\$0.00	\$52.50	7	32	\$1,740
Subtotal	0.00	0.00	5.00	2.50	7.50	\$301.00	\$0.00	\$105.00	7	53	\$2,843
TOTAL	0.00	varies	varies	varies	varies	varies	\$0.00	varies	varies	625	\$36,481

**Exhibit 3
Total Annual Respondent Hour and Cost Burden**

INFORMATION COLLECTION ACTIVITY	Total Hours Reporting	Total Hours Record-keeping	Total Labor Costs	Total Capital Cost	Total O&M Costs	Total Costs
Pre-Application Public Meeting and Notice	2,749	16	\$163,246	\$0	\$2,215	\$165,461
Information Repository	124	116	\$13,545	\$546	\$736	\$14,827
TOTAL	2,873	132	\$176,791	\$546	\$2,951	\$180,288

**Exhibit 4
Total Annual Agency Hour and Cost Burden**

INFORMATION COLLECTION ACTIVITY	Total Hours	Total Labor Costs	Total Capital Cost	Total O&M Costs	Total Costs
Notice at Application Submittal	555	\$22,274	\$0	\$10,496	\$32,770
Information Repository	17	\$868	\$0	\$0	\$868
Trial Burn Notice	53	\$2,107	\$0	\$736	\$2,843
TOTAL	625	\$25,249	\$0	\$11,232	\$36,481

