

**SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST NUMBER 1442.21  
“LAND DISPOSAL RESTRICTIONS”**

**October 7, 2010**

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## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1 (a) TITLE AND NUMBER OF THE INFORMATION COLLECTION**

This Information Collection Request (ICR) is entitled “Land Disposal Restrictions,” EPA ICR Number 1442.21. This renewal incorporates the ICR entitled “Land Disposal Restrictions ‘No-Migration’ Variances,” EPA ICR Number 1353.09, OMB Control Number 2050-0062. The reason for integrating these two ICRs is that the no-migration variance is a small part of the larger Land Disposal Restrictions program.

### **1 (b) CHARACTERIZATION OF THE INFORMATION COLLECTION**

The Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), regulates hazardous waste management activities, including generation, treatment, storage, and disposal of hazardous wastes. Section 3004(d), (e), and (g) of RCRA authorizes the U.S. Environmental Protection Agency (EPA) to promulgate regulations that prohibit the land disposal of hazardous waste unless it meets specified treatment standards or is disposed of in a land disposal unit that satisfies the “no-migration” standard. The statute specifies dates when particular groups of hazardous wastes are prohibited from land disposal (except in no-migration units), including:

- Effective November 8, 1986, HSWA prohibited land disposal (except by deep well injection) of solvent-containing hazardous wastes numbered F001-F005 listed in 40 *CFR* 261.31 and dioxin-containing hazardous wastes numbered F020-F023 and F026-F028.
- Effective July 8, 1987, the statute prohibited land disposal (except by deep well injection) of a number of listed or identified wastes set out in RCRA Section 3004(d)(1) and (d)(2) (i.e., California list wastes).
- Effective August 8, 1988, RCRA Section 3004(f) required that EPA prohibit the disposal of solvents, dioxins, and California list wastes in deep wells, unless such disposal had been determined to be protective of human health and the environment for as long as the wastes remained hazardous, or unless a variance had been granted.
- HSWA required EPA to prepare a schedule and a ranking of hazardous wastes to be restricted from land disposal, including underground injected wastes, listed or identified in 40 *CFR* Part 261 as of November 8, 1984, excluding solvent- and dioxin-containing wastes and California list wastes. The statute set forth the following deadlines:
  - At least one-third of all listed hazardous wastes would be prohibited from land disposal by August 8, 1988 (First Third);
  - At least two-thirds of all listed hazardous wastes would be prohibited from land disposal by June 8, 1989 (Second Third); and
  - All remaining listed hazardous wastes and all hazardous wastes identified as of November 8, 1984, by one or more of the characteristics defined in 40 *CFR* Part 261, would be prohibited from land disposal by May 8, 1990 (Third Third).

- The statute requires EPA to make a land disposal determination for any hazardous waste that is newly identified or listed in 40 *CFR* Part 261 after November 8, 1984, within six months of the date of identification or listing.

Under this authority, EPA's Office of Resource Conservation and Recovery (ORCR) has developed the land disposal restrictions (LDR) program. The LDR program is codified at 40 *CFR* Part 268. Under Part 268, OSW has established treatment standards for hazardous wastes. It has established minimum technical standards for managing restricted wastes, such as requirements for waste characterization and waste tracking (i.e., notifications/certifications). It also has established variances, case-by-case extensions to the effective date, and other mechanisms that provide flexibility in administering the LDR program.

To receive a variance from the hazardous waste land disposal prohibitions, owner/operators of hazardous waste storage or disposal facilities may petition EPA to allow land disposal of a specific restricted waste at a specific site. If EPA grants the variance, the waste is no longer prohibited from land disposal in that particular unit. If the owner/operator fails to make this demonstration, or chooses not to petition for the variance, best demonstrated available technology (BDAT) requirements of 40 *CFR* 268.40 *et seq* must be met before the hazardous wastes are placed in a land disposal unit.

The following paragraphs briefly summarize the information collection requirements covered in this ICR.

### **(1) Treatment Surface Impoundment Exemption**

40 *CFR* 268.4(a) provides that wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that the owner/operator complies with section 268.4(a)-(b). Among other things, section 268.4(a) lays out sampling and testing provisions, waste management requirements, and unit design requirements. It also establishes procedures (e.g., application and certification) for the owner/operator to apply to EPA to obtain the exemption.

### **(2) Procedures for Case-by-Case Extension**

40 *CFR* 268.5(a)-(c) provides that any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to EPA for an extension to the effective date of any applicable restriction established under Subpart C of Part 268. The application must demonstrate all of the items laid out at 40 *CFR* 268.5(a)(1)-(7) (e.g., demonstrate that the applicant has made a good-faith effort to locate and contract with a facility to accept and manage his waste in accordance with the effective date of the applicable restriction). The application also must include a signed certification.

### **(3) Waste Analysis and Recordkeeping**

#### **(a) Generator Waste Analysis and Recordkeeping**

Under 40 *CFR* 268.7(a)(1), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards of 40 *CFR* 268.40, 268.45, or 268.49. This determination can be made in either of two ways: testing the waste or using knowledge of the waste.

Section 268.7(a)(2)-(4) establishes requirements for generators to prepare and send with the initial shipment to each facility receiving the waste or contaminated soil a one-time notice and, if applicable, signed certification. The one-time notice and signed certification must describe the waste as specified in the regulations and must be placed in the generator's file. No further notice or certification is needed until such time that the waste, soil, or facility changes, in which case a new notice and, if applicable, certification must be sent and a copy placed in the generator's files.

Section 268.7(a)(5) requires that, if a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 *CFR* 262.34 to meet applicable treatment standards under Subpart D of Part 268, the generator must develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. The plan must be kept on site in the generator's records.

Section 268.7(a)(6)-(8) establishes recordkeeping requirements for generators' LDR waste determinations and other paperwork. Section 268.7(a)(6) requires generators to keep all supporting data used to make their LDR waste determinations, including determinations based on knowledge of the waste and/or all waste analysis data, as applicable. Section 268.7(a)(7) requires that, if a generator determines that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from Subtitle C regulation under 40 *CFR* 261.2 through 261.6 subsequent to the point of generation, he must place, in his files, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from Subtitle C regulation, and the disposition of the waste. Finally, section 268.7(a)(8) requires generators to retain on site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to section 268.7 for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.

Section 268.7(a)(9)-(10) establishes special notification and recordkeeping requirements for generators wishing to use the alternative treatment standards for lab packs found at 40 *CFR* 268.42(c) and for small quantity generators (SQGs) with tolling agreements pursuant to 40 *CFR* 262.20(e). Generators of lab packs wishing to use the alternative treatment standards must submit a one-time notice and signed certification with the initial shipment to the treatment facility and keep a copy of these documents in their files. No further notice or certification is needed until the waste in the lab pack, or the receiving facility, changes. Generators under a tolling agreement are subject to the section 268.7(a) requirements for their initial shipment. Generators must keep a copy of their notification and certification, along with their tolling agreement, in their files for at least three years after the termination or expiration of their agreement.

#### **(b) Treatment Facility Waste Analysis and Recordkeeping**

40 *CFR* 268.7(b)(1)-(2) requires that treatment facilities test their wastes and contaminated soils according to the frequency specified in their waste analysis plans as required by section 264.13 or section 265.13. Such testing must be done to assure that the wastes and contaminated soils meet the applicable treatment standards.

Section 268.7(b)(3)-(6) establishes one-time notification and certification requirements for treatment facilities. Section 268.7(b)(3)-(4) requires treaters to prepare and send with the initial shipment to the disposer a one-time notification and signed certification describing the waste, residue, or

contaminated soil as specified in the regulations. The one-time notice and signed certification must be placed in the treater's file. If the waste or residue changes, or the facility receiving the waste changes, the treater must send and keep records of a new notice and certification. Section 268.7(b)(5) provides that treaters shipping waste or treatment residue for further management at another treatment, storage, or disposal facility (TSDF) must comply with the section 268.7(a) requirements for generators. Finally, where wastes are recyclable materials used in a manner constituting disposal subject to section 266.20(b), the treater must submit with each shipment of such wastes a notice and signed certification to EPA. The treater also must keep specified records of the entities receiving the hazardous waste-derived product.

**(c) Land Disposal Facility Waste Analysis and Recordkeeping**

40 *CFR* 268.7(c)(1) provides that, except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 *CFR* 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must have copies of the notice and certification specified in section 268.7(a) or (b). Section 268.7(c)(2) requires that, except for an owner/operator who is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 *CFR* 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must test the waste, or an extract of the waste or treatment residue, using the test method described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference in section 260.11. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by section 264.13 or section 265.13.

**(d) Hazardous Debris Requirements**

Pursuant to 40 *CFR* 268.7(d), generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 268.45, and debris that the Regional Administrator has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State.<sup>1</sup> The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris. For debris excluded under section 261.3(f)(1), the owner/operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, section 268.45.

**(e) Contaminated Soil Requirements**

Under 40 *CFR* 268.7(e), generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to the LDRs as provided in section 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil no longer exhibits a characteristic of hazardous waste must prepare a one-time only documentation of these determinations. They also must maintain this information in their files and other records for a minimum of three years.

**(f) Special Rules for Characteristic Wastes**

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<sup>1</sup> Note that 40 *CFR* 268.7(d) references the provisions of 40 *CFR* 261.3(e). However, section 268.7(d) should reference section 261.3(f), rather than section 261.3(e).

Pursuant to 40 *CFR* 268.9(d), wastes that exhibit a characteristic are also subject to section 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to EPA or the authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. The generator or treater must notify EPA or the authorized State of any changes on an annual basis only, but no later than December 31. If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in section 268.7(b)(5)(iv) applies.

#### **(4) Demonstration for Alternative Treatment Technology**

40 *CFR* 268.42(b) provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d) or specified in Table 1 of section 268.45 for hazardous debris. The applicant must submit information demonstrating that his treatment method is in compliance with Federal, State, and local requirements and is protective of human health and the environment.

#### **(5) Demonstration for a Variance from a Treatment Standard**

40 *CFR* 268.44(a)-(d) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. (See 59 *FR* 48023 for clarifying guidance.) The petitioner must demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

Section 268.44(h)-(m) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may apply to EPA, or its delegated representative, for a site-specific variance from the treatment standard.

#### **(6) Recordkeeping for Storage Prohibition**

40 *CFR* 268.50(a) prohibits the storage of hazardous wastes restricted from land disposal under Subpart C of Part 268, unless the conditions of section 268.50(a) are met. In particular, section 268.50(a) (2) allows an owner/operator of a hazardous waste treatment, storage, or disposal facility to store such wastes in tanks, containers, and containment buildings if: (1) the waste is stored solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal; (2) each container is clearly marked to identify its contents and the date each period of accumulation begins; and (3) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins; or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements in section 264.73 or section 265.73.

## **(7) No-Migration Variances**

40 CFR 268.6 allows owner/operators of hazardous waste storage or disposal facilities to petition the EPA to allow land disposal of a specific restricted waste at a specific site. The EPA Regional Offices review these petitions to determine if they successfully demonstrate "no migration." The applicant must demonstrate that hazardous wastes can be managed safely in a particular land disposal unit, so that "no migration" of any hazardous constituents occurs from the unit for as long as the waste remains hazardous. If EPA grants the variance, the waste is no longer prohibited from land disposal in that particular unit.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) NEED AND AUTHORITY FOR THE COLLECTION**

This section describes the need and authority for each type of information collection included in this ICR.

#### **(1) Treatment Surface Impoundment Exemption**

RCRA Section 3005(j)(1) provides that, except as provided in RCRA Section 3005(j)(2)-(4), each interim-status surface impoundment shall not receive, store, or treat hazardous waste after the date four years after such date of enactment unless such surface impoundment is in compliance with the requirements of Section 3004(o)(1)(A), which would apply to such impoundment if it were new. Under this section, EPA promulgated 40 *CFR* 268.4, which provides that wastes that would otherwise be prohibited from one or more methods of land disposal may be treated in a surface impoundment that meets certain technological requirements as long as treatment residuals that do not meet the applicable treatment standard (or statutory prohibition levels where no treatment standards are established) are removed for subsequent management within one year of entry into the impoundment and the wastes are not placed into any other surface impoundment. The owner/operator must certify to EPA that the technical requirements have been met and must also submit a copy of the waste analysis plan. EPA believes the information collection requirements in section 268.4 are essential in certifying to EPA that treatment surface impoundments meet minimum technical standards and that wastes are characterized and managed in accordance with the approved waste analysis plan and accepted methods.

#### **(2) Procedures for Case-by-Case Extension**

Under RCRA Section 3004(h), EPA can grant case-by-case extensions of the prohibition effective dates for up to one year beyond the applicable deadlines; extensions are renewable once for up to one additional year. [Under section 268.5, the Agency will consider granting up to a one-year extension (renewable only once) of a prohibition effective date on a case-by-case basis. The requirements outlined in section 268.5 must be satisfied, including, among other things, a demonstration that adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste cannot reasonably be made available by the effective date due to circumstances beyond the applicant's control and that the petitioner has entered into a binding contractual commitment to construct or otherwise provide such capacity.] EPA needs the information in section 268.5 to ensure that the extension is justified and that the applicant is taking appropriate steps in obtaining needed capacity and in managing the waste.



### **(3) Waste Analysis and Recordkeeping**

#### **(a) Generator Waste Analysis and Recordkeeping**

RCRA Section 3002(a) authorizes EPA to establish requirements for generators respecting, among other things, recordkeeping practices that accurately identify the quantities of hazardous wastes generated, the constituents thereof, and the disposition of such wastes. EPA is also authorized to develop standards for the use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage or disposal. EPA believes that the one-time LDR tracking requirement is essential in tracking restricted hazardous wastes from cradle to grave, thereby ensuring that threats are minimized. The notices and certifications ensure that the shipper and receiving facility are held accountable for proper characterization and management of the waste. Because the notification and, if applicable, certifications are required only for the initial shipment of waste from the generator, and only must be updated when specified, EPA further believes that its LDR tracking requirements place a minimal burden on generators.

As of the November 22, 1989 proposed Third Third rule, treatment of prohibited wastes conducted in so-called 90-day tanks, containers, and containment buildings regulated under section 262.34 had not been subject to a waste analysis plan requirement. Thus, there was no regulatory vehicle for determining testing frequency in such circumstances. In contrast, under section 268.7(b), treatment facilities treating prohibited wastes were required to test the treatment residues that they generate at a frequency determined by their waste analysis plan in order to ascertain compliance with all applicable standards. In order to close the gap, EPA promulgated section 268.7(a)(5) in the Third Third final rule (55 *FR* 22687). Section 268.7(a)(5) requires that generators treating prohibited wastes in tanks, containers, and containment buildings must prepare a plan which describes the procedures to be carried out to comply with the treatment standards. Section 268.7(a)(5) assists generators in verifying whether their wastes meet appropriate treatment levels.

#### **(b) Treatment Facility Waste Analysis and Recordkeeping**

RCRA Section 3004(a) authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) treatment of all such waste received by the facility pursuant to such operating methods, techniques, and practices as may be satisfactory to EPA. EPA believes it is important for treatment and disposal facilities to periodically test their waste in order to, among other things, corroborate information provided by the off-site facility delivering the waste and to ensure that the treated waste meets the applicable treatment standards. As required under section 268.7(b)(1)-(2), treatment facilities must conduct periodic detailed physical and chemical analyses of their waste streams to assure that the appropriate 40 *CFR* Part 268 treatment standards are being met.

RCRA Section 3004(a) also authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) maintaining records of all hazardous waste that is treated, stored, or disposed of, as the case may be, and the manner in which such wastes were treated, stored or disposed of. EPA believes it is essential that generators and TSDFs conduct one-time LDR tracking in order to track hazardous wastes from cradle to grave to ensure that threats are minimized. The notices and certifications ensure that the shipper and receiving facility are held accountable for proper characterization and management of the waste. Because the notifications and certifications are required only for the initial shipment, and only must be updated when specified, EPA believes that the LDR tracking requirements place a minimal burden on treaters.

**(c) Land Disposal Facility Waste Analysis and Recordkeeping**

RCRA Section 3004(a) authorizes EPA to develop standards for owner/operators of TSDFs respecting (but not limited to) maintaining records of all hazardous waste that is treated, stored, or disposed of, as the case may be, and the manner in which such wastes were treated, stored or disposed of. As required under section 268.7(c)(1), land disposal facilities must keep records of one-time notices and certifications transmitted from generators and treatment facilities. As required under section 268.7(c)(2), land disposal facilities must conduct periodic detailed physical and chemical analyses of their waste streams to assure that the appropriate 40 *CFR* Part 268 treatment standards are being met. EPA believes such requirements are needed to ensure that the land disposal facility is notified of the applicable treatment standards and corroborates generator and treater information through periodic testing.

**(d) Hazardous Debris Requirements**

RCRA Sections 3002 and 3004 authorize EPA to promulgate regulations establishing standards applicable to hazardous waste generators and TSDFs, respectively, respecting (among other things) recordkeeping practices for their hazardous waste. Under this authority, EPA promulgated section 268.7(d), requiring generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) to submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris. Such requirements are needed to ensure that the generator or treater notifies EPA or authorized State of the claim and to hold the generator or treater accountable for proper management of the debris.

**(e) Contaminated Soil Requirements**

Under RCRA Section 3004, EPA established LDR treatment standards for contaminated soil. EPA also created provisions at section 268.7(e) under which generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to the LDRs as provided in section 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil no longer exhibits a characteristic of hazardous waste must prepare a one-time only documentation of these determinations. They also must maintain this information in their files and other records for a minimum of three years. EPA believes such recordkeeping is needed for generators and treaters to demonstrate (e.g., to on-site inspectors) that their soils no longer contain the listed waste or exhibit a characteristic.

**(f) Special Rules for Characteristic Wastes**

In the Third Third final rule (55 *FR* 22688), EPA amended the tracking requirements for characteristic wastes that no longer exhibit a characteristic. EPA believed that, under the previous tracking system, sending the tracking forms to Subtitle D facilities could have counterproductive effects, and determined that the tracking forms should not accompany shipments from the generator to the Subtitle D facility. Because of this, EPA amended section 268.9, providing that a one-time notification and certification should be placed in the generator's or treater's files, sent to EPA or authorized State, and updated as needed. This simplified tracking system reduces the burden to the generators and treaters, while at the same time provides a self-regulating mechanism to track these wastes.

#### **(4) Demonstration for Alternative Treatment Technology**

RCRA Section 3004(m) provides that, if a hazardous waste has been treated to the applicable treatment level or by a specified method, such waste or residue shall not be subject to any prohibition promulgated under subsections (d), (e), (f), or (g) and may be disposed of in a land disposal unit that meets certain requirements. EPA acknowledges that, in special situations, a specified method may not be the most appropriate technology for treating the waste. Therefore, 40 *CFR* 268.42 provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.40. The contents of the application, as required by section 268.42, are essential for allowing EPA to evaluate the treatment effectiveness of the technology and whether it is protective of human health and the environment.

#### **(5) Demonstration for a Variance from a Treatment Standard**

RCRA Section 3004(m) provides that, simultaneously with the promulgation of regulations under subsections (d), (e), (f), and (g) prohibiting one or more methods of land disposal of a particular hazardous waste, EPA shall promulgate regulations specifying those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration. Although EPA believes that most types and amounts of hazardous waste can be treated to appropriate concentration levels, EPA recognizes that there may be cases where the levels cannot be achieved for a particular hazardous waste. In particular, in the Phase II final rules, EPA reinforced its position that hazardous soils would continue to be subject to the LDR treatment standards that apply to the hazardous wastes with which the soils are contaminated. However, the Agency acknowledges that the treatment standards for as-generated wastes are generally inappropriate or unachievable for soils contaminated with these wastes, within the meaning of 40 *CFR* 268.44(a). For this reason, the Agency has indicated that treatability variances may be warranted for many hazardous soils. Therefore, 40 *CFR* 268.44 provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. The contents of the petition, as required by section 268.44, are essential for allowing EPA to evaluate if: (1) it is not physically possible to treat the waste to the specified level or by the specified method; (2) it is inappropriate to require the waste to be treated to the specified level or by the specified method, even though such treatment is technically possible; (3) for contaminated soil, treatment to the specified level or by the specified method would result in concentrations of hazardous constituents that are below protective levels; (4) for contaminated soil only, treatment to the specified level or by the specified method would result in concentrations of hazardous constituents that are below natural background concentrations at the site where the soil will be land disposed.

#### **(6) Recordkeeping for Storage Prohibition**

RCRA Section 3004(j) requires that, in the case of any hazardous waste which is prohibited from one or more methods of land disposal, the storage of such hazardous waste is prohibited unless such storage is solely for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. 40 *CFR* 268.50(a) requires that, except as provided in section 268.50, the storage of hazardous wastes restricted from land disposal under Subpart C of Part 268 or RCRA Section 3004 is prohibited, unless the conditions of section 268.50(a) are met.

Section 268.50(a)(2) requires that an owner/operator of a hazardous waste treatment, storage, or disposal facility must store such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Under section 268.50(a)(2), an owner/operator of a tank must clearly mark it with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or keep such information in the operating record at the facility, so that the facility (and EPA, if it desires), can track how long the waste has been in storage. These records are essential to hold the owner/operator accountable for legitimately storing the waste for accumulation in accordance with section 268.50.

#### **(7) No-Migration Variances**

RCRA Sections 3004(d), (e), and (g), allow the owner/operator of a hazardous waste storage or disposal facility demonstrates to the Administrator of the EPA that there will be no migration of hazardous constituents from the land disposal unit for as long as the waste remains hazardous.

### **2(b) USE AND USERS OF THE DATA**

#### **(1) Treatment Surface Impoundment Exemption**

Under 40 *CFR* 268.4, wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that surface impoundment meets certain technological requirements and that the treatment residuals that do not meet the applicable treatment standard are removed for subsequent management within one year of entry and the wastes are not placed into any other surface impoundment. The owner/operator must also comply with the other section 268.4 requirements. Section 268.4(a)(3) provides that the impoundment must meet the design requirements of section 264.221(c) or 265.221(a), except if the unit is exempted pursuant to section 264.221(d) or (e) or to section 265.221(c) or (d) or if the owner/operator applies to EPA for a waiver or modification of the requirements. EPA will review and evaluate the application based on the criteria outlined in the section (e.g., minimum technical design standards). EPA examines the application's contents to evaluate if the design and operation of the surface impoundments, along with other relevant factors, will be protective of human health and the environment.

#### **(2) Procedures for Case-by-Case Extension**

Under 40 *CFR* 268.5, the Agency will consider granting up to a one-year extension (renewable only once) of a prohibition effective date on a case-by-case basis. The requirements outlined in section 268.5 must be satisfied, including, among other things, a demonstration that adequate alternative treatment, recovery, or disposal capacity for the petitioner's waste cannot reasonably be made available by the effective date due to circumstances beyond the applicant's control and that the petitioner has entered into a binding contractual commitment to construct or otherwise provide such capacity. EPA examines the information in the petition to determine if the extension is truly warranted, that the owner/operator has taken appropriate steps in obtaining needed capacity, and that the waste will be managed in accordance with approved standards.

### **(3) Waste Analysis and Recordkeeping**

#### **(a) Generator Waste Analysis and Recordkeeping**

The waste determination and waste tracking requirements for generators under section 268.7(a) ensure that generators properly characterize their waste under Part 268 and notify treaters and land disposal facilities on the restricted waste (e.g., whether it meets the applicable standards). Generators must also certify to the land disposal facility, if applicable, that the waste meets the applicable treatment levels. Generators must keep records of all notices, certifications, demonstrations, and waste analysis data for their own purposes. In this regard, generators use the notices and certifications to inform the receiving facility whether the waste meets applicable treatment standards. EPA may request the waste characterization and/or tracking information during an on-site inspection to verify the generator's compliance with the LDR requirements.

#### **(b) Treatment Facility Waste Analysis and Recordkeeping**

Treatment facilities use the waste analysis data and waste tracking documents to ensure that the treated waste meets applicable treatment standards, to notify the land disposal facility of the waste (e.g., waste type) and, if applicable, to certify to the land disposal facility that the waste meets applicable treatment standards.

#### **(c) Land Disposal Facility Waste Analysis and Recordkeeping**

Land disposal facilities use the waste analysis data and waste tracking documents to corroborate the information sent from generators and treatment facilities. Land disposal facilities must keep records of notices and certifications for their own purposes, although EPA may also want to review the facilities' files.

#### **(d) Hazardous Debris Requirements**

Facilities managing hazardous waste (including debris) use notifications and certifications to ensure that wastes are properly shipped, treated, disposed of, and tracked. Although the facilities themselves are the primary users of these records, EPA may review the files during a facility inspection to make sure that proper records of wastes are being kept.

#### **(e) Contaminated Soil Requirements**

On-site EPA or State inspectors use the information kept in the generator's or treater's files, pursuant to section 268.7(e), to verify that the generator's or treater's soil no longer contains the listed waste or exhibits a characteristic, as determined by EPA (for listed waste) or the generator or treater (for characteristic waste).

#### **(f) Special Rules for Characteristic Wastes**

Section 268.9(d) provides that generators or treaters need only keep records of and submit to EPA a one-time notification and certification for characteristic wastes that no longer exhibit a characteristic. These records must be updated as needed. These records are used by facilities and EPA to track wastes that are sent to Subtitle D facilities.

**(4) Demonstration for Alternative Treatment Technology**

40 *CFR* 268.42 provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d). This provision provides flexibility for generators or treaters who wish to propose an alternative treatment method. EPA reviews the contents of the application to evaluate the treatment effectiveness of the technology and whether it is protective of human health and the environment.

**(5) Demonstration for a Variance from a Treatment Standard**

40 *CFR* 268.44 provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and the waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. This provision provides flexibility for generators or treaters who cannot meet the standard to petition EPA for a variance. EPA reviews the contents of the petition to evaluate if: (1) it is not physically possible to treat the waste to the specified level or by the specified method; (2) it is inappropriate to require the waste to be treated to the specified level or by the specified method, even though such treatment is technically possible; (3) for contaminated soil, treatment to the specified level or by the specified method would result in concentrations of hazardous constituents that are below protective levels; (4) for contaminated soil only, treatment to the specified level or by the specified method would result in concentrations of hazardous constituents that are below natural background concentrations at the site where the soil will be land disposed.

**(6) Recordkeeping for Storage Prohibition**

40 *CFR* 268.50(a) requires that, except as provided in section 268.50, the storage of hazardous wastes restricted from land disposal under Subpart C of Part 268 or RCRA Section 3004 is prohibited, unless the conditions of section 268.50(a) are met. Section 268.50(a)(2) requires that an owner/operator of a hazardous waste treatment, storage, or disposal facility must store such wastes in tanks, containers, and containment buildings, solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. Under section 268.50(a)(2), an owner/operator of a tank must clearly mark it with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or keep such information in the operating record at the facility. Such information is used by the facility and EPA (if EPA requests such information) in order to keep track of the amount and type of waste and the duration of storage for each tank.

**(7) No-Migration Variances**

The EPA Regional Offices will review the petitions and determine if they successfully demonstrate "no migration" as specified at 40 *CFR* 268.6.

**3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA****3(a) NONDUPLICATION**

The information collected under this ICR is not available from any source other than respondents. EPA's Office of Solid Waste is the only office within the Agency requiring the recordkeeping or reporting of this information. 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 July 8, 2010 (75 FR 39248). The public comment period extended through September 7, 2010. EPA received no comments on this ICR in response to the *Federal Register* notice.

### **3(c) CONSULTATIONS**

Most of the underlying assumptions in this ICR (e.g., burden hour estimates) are based on EPA consultations with industry that were conducted in renewing previous LDR ICRs. In renewing this current ICR, EPA carefully reviewed all of the ICR's assumptions and determined that a few should be strengthened based on additional consultations. Specifically, EPA conducted consultations on the ICR's assumptions regarding respondents' burden for reading the LDR regulations and the frequency by which LDR notices and certifications are prepared and transmitted. EPA's assumptions regarding these and other activities are fully discussed in Section 6(d) of this document. EPA conducted its consultations with the following organizations:

<b>Organization</b>	<b>Contact Name</b>	<b>Phone Number</b>
Environmental Systems Company (ENSCO)	Mr. Mike Karp	(870) 864-3685
Northland Environmental, Inc.	Mr. John Stiller	(401) 781-6340
Perma Fix Environmental Services	Mr. Curt Vogalman	(352) 373-6066
Pollution Control Industries	Ms. Tita Lagrimas	(219) 397-3951
Safety Kleen	Mr. Dan Appelt	(847) 468-6720

### **3(d) EFFECTS OF LESS FREQUENT COLLECTION**

The vast majority of the paperwork under the LDR program is collected on a one-time basis; hence, the frequency of these collections cannot be reduced. For example, EPA modified the LDR regulations to decrease the frequency by which LDR notices and certifications are transmitted. This decrease in the collection frequency was accomplished by requiring that respondents only send one-time notices and certifications with their initial shipment and that these documents be updated only as needed. Previously, EPA had required that respondents send appropriate notifications and certifications for each shipment. EPA believes that these modifications allow for proper tracking and record keeping of hazardous waste while protecting human health and the environment.

On April 4, 2006, EPA published a final rulemaking that reduced the recordkeeping and reporting burden RCRA imposes on the States, the public, and the regulated community (71 *FR* 16863). This rule did not substantially reduce the burden for this ICR, but it did eliminate obsolete terms and clarified certain aspects of the LDR regulations.

### **3(e) GENERAL GUIDELINES**

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

### **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 that EPA follows under the RCRA program. EPA also ensures that the information collection procedures comply with the Privacy Act of 1974 and OMB Circular 108.

### **3(g) SENSITIVE QUESTIONS**

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

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) RESPONDENTS AND NAICS CODES**

Hazardous waste generators, treaters, and disposers must comply with the LDR program's paperwork requirements, as applicable. Following is a list of North American Industry Classification System (NAICS) codes associated with waste handlers that may be affected by information collection requirements covered in this ICR:

<b>Industrial Sector</b>	<b>NAICS Code(s)</b>
Agriculture, Forestry, Fishing, and Hunting	11
Mining	21
Utilities	22
Construction	23
Manufacturing	31-33
Wholesale Trade	42
Retail Trade	44-45
Transportation and Warehousing	48-49
Information	51



Industrial Sector	NAICS Code(s)
Waste Management and Remediation Services	562
Public Administration	92

#### **4(b) INFORMATION REQUESTED**

##### **(1) Treatment Surface Impoundment Exemption (Section 268.4)**

###### **(a) Recordkeeping (Section 268.4(a)(2)(iv))**

40 *CFR* 268.4(a) provides that wastes which are otherwise prohibited from land disposal under Part 268 may be treated in a surface impoundment or series of impoundments provided that the owner/operator complies with section 268.4(a). Section 268.4(a)(2)(iv) requires that the procedures and schedule for the following items must be specified in the facility's waste analysis plan as required under section 264.13 or section 265.13: (1) sampling of impoundment contents, (2) the analysis of test data, (3) the annual removal of residues which are not delisted under section 260.22 or which exhibit a characteristic of hazardous waste and either do not meet the applicable treatment standards of Part 268, Subpart D, or where no treatment standards have been established. Such residues are prohibited from land disposal under section 268.32, RCRA Section 3004(d), or under section 268.33(f). [The section 268.4(a)(2)(iv) recordkeeping requirement and associated burden hours are addressed in the "General Hazardous Waste Facility Standards," EPA ICR Number 1571 for interim-status facilities and the "Part B Permit Application, Permit Modifications, and Special Permits," EPA ICR Number 1573 for permitted facilities and facilities seeking initial permits.]

###### **(b) Application for Exemption (Section 268.4(a)(3)(ii) and (iii))**

Section 268.4(a)(3) requires that a surface impoundment must meet the design requirements of section 264.221 (c) or section 265.221 (a), regardless of whether the unit is new, expanded, or a replacement, and be in compliance with applicable ground-water monitoring requirements of Subpart F of 40 *CFR* Part 264 or 265, unless the owner/operator makes a demonstration in accordance with section 268.4(a)(3)(i)-(iii).

###### **(i) Data Item:**

- A demonstration showing that either:
  - Under section 268.4(a)(3)(i), the unit is exempted pursuant to section 264.221 (d) or (e), or to section 265.221 (c) or (d). [Development and delivery of the demonstration referenced in section 268.4(a)(3)(i) and associated burden hours are contained in the "Part B Permit Application, Permit Modifications, and Special Permits," EPA ICR Number 1573, for facilities seeking a permit or permit renewal and in "Hazardous Waste Specific Unit Requirements," EPA ICR Number 1572, for interim-status facilities.]

or

- Under section 268.4(a)(3)(ii), the unit meets the following criteria:
  - Has at least one liner, for which there is no evidence that such liner is leaking;
  - Is located more than one-quarter mile from an underground source of drinking water; and
  - Is in compliance with generally applicable ground-water monitoring requirements for facilities with permits.

or

- Under section 268.4(a)(3)(iii), the unit is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any future time.

(ii) Respondent Activities:

In order to comply with section 268.4(a)(3)(ii) or (iii), the owner/operator must:

- Develop and submit the application to EPA or the authorized State; and
- Maintain on-site files of the application.

**(c) Certification (Section 268.4(a)(4))**

Section 268.4(a)(4) requires that the owner/operator submit a written certification that the requirements of section 268.4(a)(3) have been met. The certification must include the statement described in section 268.4(a)(4).

(i) Data Item:

- Under section 268.4(a)(4), a written certification that the requirements of section 268.4(a)(3) have been met. The certification must include the statement included in section 268.4(a)(4).

(ii) Respondent Activities:

In order to comply with section 268.4(a)(4), the owner/operator must:

- Complete and submit to EPA or the authorized State, a written certification that the requirements of section 268.4(a)(3) have been met.

**(2) Procedures for Case-by-Case Extension (Section 268.5)**

**(a) Application for Extension (Section 268.5(a)-(c))**

40 *CFR* 268.5(a)-(c) provides that any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to EPA for an extension to the effective date of any applicable restriction established under Subpart C of Part 268. An authorized representative signing an application described under section 268.5(a) must make the certification as written in section 268.5(b). After receiving an application for an extension, EPA may request any additional information which it deems necessary to evaluate the application.

(i) Data Items:

- Under section 268.5(a)-(b), a signed, certified application for an extension to the effective date of any applicable restriction established under Subpart C of Part 268. The application must demonstrate the following:
  - A good faith effort to locate and contact with treatment, recovery, or disposal facilities nationwide to manage waste in accordance with the effective date of the applicable restriction established under Subpart C of Part 268;
  - Binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity;
  - Demonstration that, due to circumstances beyond the applicant’s control, such alternative capacity cannot reasonably be made available by the applicable effective date;
  - The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application;
  - A detailed schedule for obtaining required operating and construction permits or an outline of how and when alternative capacity will be available;
  - Arrangements for adequate capacity to manage waste during an extension and documentation as to the location of all sites at which the waste will be managed; and
  - Demonstration that any waste managed in a surface impoundment or landfill during the extension period will meet the requirements of section 268.5(h)(2).
- Under section 268.5(c), any additional information which EPA deems as necessary to evaluate the application.

(ii) Respondent Activities:

In applying for an extension to the effective date of any applicable restriction established under Subpart C of Part 268, the applicant must undertake the following activities in compliance with section 268.5(a)-(c):

- Complete and submit a signed, certified application for an extension to the effective date of any applicable restriction established under Subpart C of Part 268; and

- Develop and submit any additional information as requested by EPA which it deems as necessary to evaluate the application.

**(b) Renewal of Extension (Section 268.5(e))**

Section 268.5(e) also provides that the owner/operator may request an extension of up to one additional year, if the demonstration required in section 268.5(a) can be made. In no event will an extension extend beyond 24 months from the applicable effective date specified in Subpart C of Part 268.

(i) Data Item:

- Under section 268.5(e), a request for renewal of the extension for up to one additional year if the demonstration required in section 268.5(a) can still be made.

(ii) Respondent Activities:

In order to comply with section 268.5(e), the owner/operator must:

- Develop and submit to EPA a request for renewal of the extension for up to one additional year if the demonstration required in section 268.5(a) can still be made.

**(c) Notifications and Progress Reports (Section 268.5(f)-(g))**

Section 268.5(f)-(g) requires that any person granted an extension under section 268.5 must immediately notify EPA as soon as he or she has knowledge of any change in the conditions certified to in the application. Any person granted an extension under the section must submit written progress reports at intervals designated by EPA.

(i) Data Items:

- Under section 268.5(f), immediate notification to EPA of any change in the conditions certified to in the application.
- Under section 268.5(g), written progress reports describing:
  - Overall progress made toward constructing or otherwise providing alternative treatment, recovery, or disposal capacity;
  - Identification of any event which may cause or has caused a delay in development of the capacity; and
  - Summary of the steps taken to mitigate the delay.

(ii) Respondent Activities:

In order to comply with section 268.5(f)-(g), any person granted an extension under section 268.5 must:

- Immediately notify EPA of any change in the conditions certified to in the application; and

- Provide written progress reports to EPA at intervals designated by EPA.

**(3) Waste Analysis and Recordkeeping (Sections 268.7 and 268.9)**

**(a) Generator Waste Analysis and Recordkeeping (Section 268.7(a))**

*Generator Waste Analysis (Section 268.7(a)(1))*

Under 40 *CFR* 268.7(a)(1), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in section 268.40, section 268.45, or section 268.49. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. Note that some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in section 268.40, and are described in detail in section 268.42, Table 1. These wastes, and solids contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines he or she is managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, he or she must comply with the special requirements of section 268.9 in addition to any applicable requirements in this section.

(i) Data Items:

- Testing results or data used to support process knowledge determination.

(ii) Respondent Activities:

In order to comply with section 268.7(a)(1), generators must:

- Test the waste; or
- Use process knowledge.

*Generator Notification and Certification Requirements (Section 268.7(a)(2)-(4))*

Section 268.7(a)(2) requires that, if a generator determines that the waste or contaminated soil does not meet the treatment standard (including hazardous debris that will be treated to meet the treatment standards for the contaminating wastes in section 268.40), with the initial shipment of waste or soil the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. For soil, the notice must also include a certification. If the waste, soil or TSDF changes, the generator must send a new notice to the receiving facility and place a copy in their files. The notice must include the information in column 268.7(a)(2) of the Generator Paperwork Requirements Table in section 268.7(a)(4). For contaminated soil, an authorized representative must make a certification as written in section 268.7(a)(2)(i).

Section 268.7(a)(3) requires that, if the waste or contaminated soil meets the treatment standard at the original point of generation, the generator must submit to the TSDF receiving the waste or soil a one-time written notice with the initial shipment. For waste only, the generator must submit with the notice a certification that the waste complies with *CFR* Part 268, Subpart D. If the waste changes, the

generator must send a new notice and certification to the receiving facility and place a copy in their files. The notice must include the information in column 268.7(a)(3) of the Generator Paperwork Requirements Table in section 268.7(a)(4).

Section 268.7(a)(4) requires that, if a generator's waste or contaminated soil can be land disposed without meeting the treatment standards (e.g., under a case-by-case extension under section 268.5, an exemption under section 268.6, or a nationwide capacity variance under 40 *CFR* Part 268, Subpart C), the generator must send to the land disposal facility a one-time notice with the initial shipment. If the waste or soil changes, the generator must send a new notice to the receiving facility, and place a copy in the files. The notice must include the information in column 268.7(a)(4) of the Generator Paperwork Requirements Table in section 268.7(a)(4).

(i) Data Items:

- For waste and contaminated soil that does not meet the applicable treatment standards set forth in Subpart D of Part 268, a one-time notification. The notice must include the information in column 268.7(a)(2) of the Generator Paperwork Requirements Table in section 268.7(a)(4). A signed certification must also be included for contaminated soil.
- For waste and contaminated soil that can be land disposed without further treatment, a one-time notification and a certification stating that the waste meets the applicable treatment standards set forth in Subpart D of Part 268. The notice must include the information in column 268.7(a)(3) of the Generator Paperwork Requirements Table in section 268.7(a)(4).
- For waste or contaminated soil that is exempt from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under section 268.5, an exemption under section 268.6, or a nationwide capacity variance under Subpart C), a one-time notice. The notice must include the information in column 268.7(a)(4) of the Generator Paperwork Requirements Table in section 268.7(a)(4).

(ii) Respondent Activities:

In order to comply with section 268.7(a)(2)-(4), the generators must:

- For waste or contaminated soil that does not meet the applicable treatment standards set forth in Subpart D of Part 268, complete and transmit a one-time written notification (and also a certification for contaminated soil only) to the treatment or storage facility with the first shipment and when the waste soil, or receiving facility changes;
- For waste or contaminated soil that can be land disposed without further treatment, complete and transmit a one-time notice (and also a certification for waste) to the disposal facility with the first shipment and when the waste, soil or receiving facility changes; or
- For waste or contaminated soil that is exempt from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under section 268.5, an exemption under section 268.6, or a nationwide capacity variance under Subpart C), complete and transmit to the disposal facility a one-time notice.

*Generator Waste Analysis Plan (Section 268.7(a)(5))*

Under section 268.7(a)(5), if a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 *CFR* 262.34 to meet applicable treatment standards under Subpart D of Part 268, the generator must develop and follow a written waste analysis plan which describes the procedures the generator will must comply with the treatment standards. However, generators treating hazardous debris under the alternative treatment standards of 40 *CFR* 268.45, Table 1 are not subject to the waste analysis standards. EPA requires that the waste analysis plan be kept on site in the generator's records. Wastes shipped off site pursuant to section 268.7(a)(5) must comply with the notification and certification requirements of section 268.7(a)(3).

(i) Data Items:

- Under section 268.7(a)(5), a waste analysis plan which describes the procedures the generator will carry out to comply with the treatment standards. The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of Part 268, including the selected testing frequency.
- Under section 268.7(a)(5)(iii), notifications and certifications for wastes shipped off site.

(ii) Respondent Activities:

In order to comply with section 268.7(a)(5), generators must:

- Develop and follow waste analysis plan;
- Maintain the waste analysis plan on site; and
- Complete and transmit to the receiving facility a one-time notification and certification.

*Generator Recordkeeping Requirements (Section 268.7(a)(6)-(8))*

Section 268.7(a)(6) requires that, if a generator determines whether the waste or contaminated soil is restricted based solely on the generator's knowledge of the waste, all supporting data used to make this determination must be retained in on-site files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, as referenced in section 260.11, all waste analysis data must be retained on site in the generator's files.

Section 268.7(a)(7) requires that, if a generator determines that he or she is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or exempt from Subtitle C regulations under 40 *CFR* 261.2-261.6 subsequent to the point of generation, the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from Subtitle C regulation, and the disposition of the waste, in the facility's file.

Section 268.7(a)(8) requires that generators retain on site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to section 268.7 for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

(i) Data Items:

- For a generator who determines whether the waste is restricted based solely on knowledge of the waste, all supporting data used to make this determination.
- For a generator who determines whether the waste is restricted based on testing, the waste analysis data.
- For a generator who determines that he or she is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from Subtitle C regulation under 40 *CFR* 261.2 through 261.6 subsequent to the point of generation, a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from Subtitle C regulation, and the disposition of the waste.
- Copies of all notices, certifications, demonstrations, and other documentation produced pursuant to section 268.7.

(ii) Respondent Activities:

In order to comply with the section 268.7(a)(6)-(8) requirements, a generator must:

- For a generator who determines whether the waste or contaminated soil is restricted based solely on knowledge of the waste, keep records of all supporting data used to make this determination in the generator's files;
- For a generator who determines whether the waste or contaminated soil is restricted based on testing this waste or an extract developed using test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, keep records of all waste or contaminated soil analysis data in the generator's files;
- For a generator who determines that he or she is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from Subtitle C regulation under 40 *CFR* 261.2 through 261.6 subsequent to the point of generation, develop and place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from Subtitle C regulation, and the disposition of the waste, in the facility's file; and
- Keep records of all notices, certifications, waste analysis data, and other documentation produced pursuant to section 268.7(a) for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The



three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

*Lab Pack and Toll Agreement Generator Requirements (Section 268.7(a)(9)-(10))*

Section 268.7(a)(9) requires that, if a generator is managing a lab pack waste and wishes to use the alternative treatment standard under section 268.42(c), with the initial shipment of waste, the generator must submit a notice to the treatment facility that provides the EPA Hazardous Waste Codes, manifest number, and a signed certification. The facility must also keep a copy of the notification in its files. As long as the contents of the lab pack and the receiving facility do not change, no further notification is necessary. If the waste or receiving facility changes, the generator must submit a new notice and certification to EPA. The generator must also comply with the requirements of section 268.7(a)(6)-(7).

Section 268.7(a)(10) requires that SQGs with tolling agreements pursuant to 40 *CFR* 262.20(e) must comply with the applicable notification and certification requirements of section 268.7(a) for the initial shipment of the waste subject to the agreement. Such generators must retain on site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by EPA.

(i) Data Items:

- For a generator who is managing a lab pack waste and who wishes to use the alternate treatment standards under section 268.42, a signed notification and certification; and
- For a SQGs with a tolling agreement pursuant to 40 *CFR* 262.20(e), a copy of the notification and certification, together with the tolling agreement.

(ii) Respondent Activities:

In order to comply with section 268.7(a)(9)-(10), the generator must:

- For a generator who is managing a lab pack waste and who wishes to use the alternate treatment standards under section 268.42, submit a signed notification and certification to the treatment facility with the first shipment or when the waste or receiving facility changes; and
- For a SQG with a tolling agreement pursuant to 40 *CFR* 262.20(e), transmit and retain on site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement.

**(b) Treatment Facility Waste Analysis and Recordkeeping (Section 268.7(b))**

*Treatment Facility Waste Analysis (Section 268.7(b)(1)-(2))*

Section 268.7(b)(1)-(2) requires that treatment facilities test their wastes and contaminated soils according to the frequency specified in their waste analysis plans (as required by section 264.13 or section 265.13). Such testing must be done to assure that the wastes and contaminated soils meet the applicable treatment standards. [These testing requirements are addressed in the “General Hazardous Waste Facility Standards,” EPA ICR Number 1571, for permitted and interim-status facilities.]

*Treatment Facility Notifications and Certifications (Section 268.7(b)(3)-(6))*

Section 268.7(b)(3) requires that a one-time notification be sent with the initial waste shipment to the land disposal facility, except for shipments of debris excluded from the definition of hazardous waste under 40 *CFR* Part 261.3(e), which must only comply with section 268.7(d). The notification should include the information described in the Treatment Facility Paperwork Requirements Table in section 268.7(b)(3)(ii).

Section 268.7(b)(4) requires the treatment facility to submit a one-time signed certification with the initial shipment of waste or treatment residue of restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable treatment standards specified in Subpart D of Part 268. If the waste or treatment residue changes or the receiving facility changes, the treater must send a new notice and certification to the receiving facility. A copy of all notifications and certifications must be placed in the facility files.

Section 268.7(b)(5) requires that, if the waste or treatment residue will be further managed at a different TSDF, the facility sending the waste or treatment residue off site must comply with the notification and certification requirements applicable to generators.

Section 268.7(b)(6) provides that, where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of section 266.20(b) regarding treatment standards and prohibition levels, the owner/operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, pursuant to section 268.7(b)(3). With each shipment of such wastes, the owner/operator of the recycling facility must submit a certification described in section 268.7(b)(4), and a notice which includes the information listed in section 268.7(b)(3) (except the manifest number) to EPA, or its delegated representative. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

(i) Data Items:

- Under section 268.7(b)(3) and (6), a notice which includes the information listed in the Treatment Facility Paperwork Requirements Table in section 268.7(b)(3)(ii). (Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of section 266.20(b) regarding treatment standards and prohibition levels, the notice must include the information listed in the Treatment Facility Paperwork Requirements Table in section 268.7(b), except for the manifest number.);

- Under section 268.7(b)(4), a signed certification stating that the waste or treatment residue has been treated in compliance with the applicable treatment standards specified in Subpart D of Part 268. The certification must be worded as described in section 268.7(b)(4);
- Under section 268.7(b)(5), notifications and certifications for generated waste;
- Under section 268.7(b)(6), for wastes that are recyclable materials, a signed certification that must be worded as described in section 268.7(b)(4), and a notice with the information listed in section 268.7(b)(3) (except manifest number) to EPA or the authorized State; and
- Under section 268.7(b)(6), records of the name and location of each entity receiving the hazardous waste-derived product.

(ii) Respondent Activities:

In order to comply with section 268.7(b)(3)-(6), the treatment or recycling facility must:

- Complete, submit, and keep a copy of the notice and certification sent with the initial shipment to the land disposal facility. If the waste or treatment residue changes or the receiving facility changes, the treater must send a new notice and certification to the receiving facility;
- Comply with the notification and certification requirements applicable to generators;
- For recyclable materials, complete and submit a notice and certification to EPA or the authorized State with each shipment; and
- For recycling facilities, keep records of the name and location of each entity receiving the hazardous waste-derived products.

**(c) Land Disposal Facility Waste Analysis and Recordkeeping (Section 268.7(c))**

*Land Disposal Facility Recordkeeping (Section 268.7(c)(1))*

Section 268.7(c)(1) provides that, except where the owner/operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 *CFR* 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must have copies of the notice and certification specified in section 268.7(a) or (b).

(i) Data Item:

- Under section 268.7(c)(1), copies of all notices and certifications specified in section 268.7(a) or (b).

(ii) Respondent Activity:

In order to comply with section 268.7(c)(1), the owner/operator must:

- Keep copies of all notices and certifications specified in section 268.7(a) or (b).

*Land Disposal Facility Waste Analysis (Section 268.7(c)(2))*

Section 268.7(c)(2) requires that, except for an owner/operator who is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 *CFR* 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must test the waste, or an extract of the waste or treatment residue, using the test method described in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846 as incorporated by reference in section 260.11. Such testing must be performed according to the frequency specified in the facility’s waste analysis plan as required by section 264.13 or section 265.13. [The section 268.7(c)(2) requirement is burdened in the “General Hazardous Waste Facility Standards,” EPA ICR Number 1571, for permitted and interim-status facilities.”]

**(d) Hazardous Debris Requirements (Section 268.7(d))**

Pursuant to section 268.7(d), generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 268.45, and debris that EPA has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris. For debris excluded under section 261.3(f)(1), the owner/operator of the treatment facility must document and certify compliance with the treatment standards of Table 1, section 268.45.

(i) Data Items:

- Under section 268.7(d), a one-time notification, including:
  - The name and address of the Subtitle D facility receiving the treated debris;
  - A description of the hazardous debris as initially generated, including the EPA Hazardous Waste Number(s); and
  - For debris excluded under section 261.3(f)(1), the technology from Table 1, section 268.45 used to treat the debris.
- For debris excluded under section 261.3(f)(1), a certification of compliance with the treatment standards of Table 1, section 268.45, including:
  - Records of all inspections, evaluations, and analyses of treated debris made to determine compliance;
  - Records of data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
  - For each shipment of treated debris, a certification of compliance with the treatment standards, signed by an authorized representative. The certification must state the following: “I certify under penalty of law that the debris has been treated in accordance with the requirements of 40 *CFR* 268.45. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.”

(ii) Respondent Activities:

In order to comply with section 268.7(d), the owner/operator must:

- Prepare and submit to EPA or authorized State a one-time notification;
- Update the notification if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris; and
- For debris excluded under section 261.3(f)(1), document and certify compliance with the treatment standards of Table 1, section 268.45, as follows:
  - Keep records of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
  - Keep records of data or information obtained during treatment, if debris is excluded under section 261.3(e)(1); and
  - Keep a certification of compliance for each shipment of treated debris, if debris is excluded under section 261.3(e)(1).

**(e) Contaminated Soil Requirements (Section 268.7(e))**

Pursuant to section 268.7(e), generators and treaters who first receive from EPA or an authorized State a determination that a given contaminated soil subject to LDRs as provided in section 268.49(a) no longer contains a listed hazardous waste and generators and treaters who first determine that a contaminated soil subject to LDRs as provided in section 268.49(a) no longer exhibits a characteristic of hazardous waste must prepare and maintain for three years one-time only documentation of these determinations.

(i) Data Items:

- One-time only documentation of the determinations.
- All supporting documentation for this determination.

(ii) Respondent Activities:

In order to comply with section 268.7(e), the owner/operator must:

- Prepare a one-time only documentation of the determinations including all supporting information; and
- Maintain that information in the facility files and other records for a minimum of three years.

**(f) Special Rules for Characteristic Wastes (Section 268.9(d))**

Pursuant to section 268.9(d), wastes that exhibit a characteristic are also subject to section 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to EPA or the authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. The generator or treater must notify EPA or the authorized State of any changes on an annual basis only, but no later than December 31. If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in section 268.7(b)(5)(iv) applies.

(i) Data Item:

- A notification that includes the following information:
  - Name and address of the RCRA Subtitle D facility receiving the waste shipment; and
  - A description of the waste as initially generated, including the applicable EPA Hazardous Waste Code(s), treatability group(s), and underlying hazardous constituents (as defined in section 268.2(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying constituents will be treated and monitored there is no requirement to list any of the constituents on the notice.
- A signed certification that states the language found in section 268.5(b)(5).

(ii) Respondent Activities:

In order to comply with section 268.9(d), the owner/operator must:

- Prepare and submit to EPA a one-time notification and certification;
- Maintain files of notification and certification in facility files;
- Update and submit to EPA the notification and certification annually, if any changes occur; and
- Maintain updated certification and notification.

**(4) Demonstration for Alternative Treatment Technology (Section 268.42)**

40 *CFR* 268.42(b) provides that any person may submit an application to EPA demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. The applicant must submit information demonstrating that his treatment method is in compliance with Federal, State, and local requirements and is protective of human health and the environment. On the basis of such information, EPA may approve the use of the alternative treatment method if it finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in section 268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as EPA

deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination.

(i) Data Item:

- Under section 268.42(b), an application demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris. The application should include information demonstrating that the treatment method is in compliance with Federal, State, and local requirements and is protective of human health and the environment.

(ii) Respondent Activities:

In order to comply with section 268.42(b), the applicant must:

- Develop and submit to EPA an application demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section 268.42(a), (c), and (d) or specified in Table 1 of 268.45 for hazardous debris.

**(5) Demonstration for a Variance from a Treatment Standard (Section 268.44)**

**(a) Demonstration for a Variance (Section 268.44(a)-(d))**

40 *CFR* 268.44(a)-(d) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition EPA for a variance from the treatment standard. The petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods. Each petition must be submitted in accordance with the procedures in section 260.20. Each petition must include the statement as described in section 268.44(c). The statement must be signed by the petitioner or an authorized representative. After receiving the petition for a variance from a treatment standard, EPA may request any additional information or samples which it may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected States and EPA Regional offices.

(i) Data Items:

- Under section 268.44(a) and (c), a demonstration that because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods. Each petition must include a signed statement as described in section 268.44(c).
- Under section 268.44(d), any additional information or samples which EPA may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected States and EPA Regional offices.

(ii) Respondent Activities:

In order to comply with section 268.44(a)-(d), the applicant must:

- Develop and submit to EPA a demonstration and any additional information or samples as requested by EPA.

**(b) Demonstration for a Site-Specific Variance (Section 268.44(h)-(m))**

Section 268.44(h)-(m) provides that, where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may apply to EPA, or its delegated representative, for a site-specific variance from the treatment standard. The applicant for a site-specific variance must demonstrate that because the physical or chemical properties of the waste differ significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels by the specified method. Each application for a site-specific variance from a treatment standard must include the information in section 260.20(b)(1)-(4). After receiving an application for a site-specific variance from a treatment standard, EPA, or its delegated representative, may request any additional information or samples which may be required to evaluate the application.

(i) Data Items:

- Under section 268.44(h), a demonstration that because the physical or chemical properties of the waste differ significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified method. Each application for a site-specific variance from a treatment standard must include the information in section 260.20(b)(1)-(4).
- Under section 268.44(j), any additional information or samples which may be required to evaluate the application.

(ii) Respondent Activity:

In order to comply with section 268.44(h)-(m), the applicant must:

- Develop and submit to EPA a demonstration and any other information requested by EPA.



**(6) Recordkeeping for Storage Prohibition (Section 268.50)**

40 *CFR* 268.50(a) prohibits the storage of hazardous wastes restricted from land disposal under Subpart C of Part 268, unless the conditions of section 268.50(a) are met. Section 268.50(a)(2) allows an owner/operator of a hazardous waste treatment, storage, or disposal facility to store such wastes in tanks, containers, and containment buildings if (1) the waste is stored solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal; (2) each container is clearly marked to identify its contents and the date each period of accumulation begins; and (3) each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins; or such information for each tank is recorded and maintained in the operating record at that facility. [Note that the operating record requirements are covered in the “General Hazardous Waste Facility Standards,” EPA ICR Number 1571, for permitted and interim-status facilities.]

**(i) Data Items:**

- Under section 268.50(a)(2), records of the contents, the quantity of each hazardous waste received (for tanks), and the date that accumulation begins.

**(ii) Respondent Activities:**

In order to comply with section 268.50(a)(2), the owner/operator must:

- For each tank, container, or containment building, develop and keep records of the unit contents, and the date that accumulation begins; for each tank, owners and operators must also keep records of the quantity of each hazardous waste received.

**(7) No-Migration Variances**

Under 40 *CFR* 268.6, a facility may apply for a no-migration variance to the prohibitions on land disposal of untreated hazardous waste. This section describes the data items and respondent activities associated with such an application.

**(i) Data Items**

- Petitioner's name and address;
- Name, address, and EPA identification number of the facility storing or disposing of the waste;
- Name and phone number of contact at the facility;
- Description of the specific waste and specific unit for which the demonstration will be made;
- Waste analyses to describe the chemical and physical characteristics of all wastes managed in the unit;

- Comprehensive characterization of storage or disposal unit, including an analysis of background air, soil, and water quality;
  - Historic and current saturated and unsaturated zone monitoring data;
  - Saturated and unsaturated zone modeling results;
  - Saturated and unsaturated zone monitoring plans;
  - Air modeling and monitoring results;
  - Quality assurance/quality control plans;
  - Certification that disposal unit is in compliance with other Federal, State, and local requirements;
  - Uncertainty analyses required under 40 CFR 268.6(b)(5) - includes an analysis of the consequences of predictable future events, such as earthquakes, floods, severe storm events, droughts, or other natural phenomena; and
  - Certification of truth and accuracy required under 40 CFR 268.6(g).
- (ii) Respondent Activities
- Read the regulations and guidance manual;
  - Prepare and gather information and present it in written form. EPA estimates that each petitioner will perform the following activities. The activities correspond to the data items listed above, including:
    - Compiling administrative information;
    - Description of the specific waste and specific unit for which the demonstration will be made;
    - Performing waste analyses to describe the chemical and physical characteristics of the waste;
    - Preparing a comprehensive characterization of storage or disposal unit, including an analysis of background air, soil, and water quality;
    - Presentation of historical and current saturated and unsaturated zone monitoring results;
    - Performing saturated and unsaturated zone modeling and presentation of results;
    - Preparation of saturated and unsaturated zone monitoring plans;

- Performing air modeling and monitoring and presentation of results;
- Evaluating modeling/monitoring results;
- Providing quality assurance/quality control plans;
- Certifying that disposal unit is in compliance with other Federal, State, and local requirements;
- Performing uncertainty analyses;
- Certifying truth and accuracy, as required under 40 CFR 268.6(g); and
- Compiling and transmitting three copies of the no-migration petition to EPA.

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

**5(a) AGENCY ACTIVITIES**

**(1) Treatment Surface Impoundment Exemption (Section 268.4)**

Under section 268.4(a)(3)-(4), the Agency will:

- Review the demonstration or request for modification and approve/deny the exemption;
- Review written certification; and
- Keep records of the demonstration and written certification.

**(2) Procedures for Case-by-Case Extension (Section 268.5)**

**(a) Application for Extension (Section 268.5(a)-(c))**

Under section 268.5(a)-(c), the Agency will:

- Review and keep records of the certified application for an extension to the effective date of any applicable restriction established under Subpart C of Part 268;
- Request, review, and keep records of any additional information which it deems as necessary to evaluate the application;
- Provide notice and opportunity for comment;
- Consult with appropriate State agencies in all affected States; and
- Approve or deny extension and publish the decision in the *Federal Register*.

**(b) Renewal of Extension (Section 268.5(e))**

Under section 268.5(e), the Agency will:

- Receive, review, and keep records of the request for renewal;
- Consult with appropriate State agencies in all affected States; and
- Provide notice and opportunity for public comment;
- Approve or deny renewal of extension and publish the decision in the *Federal Register*.

**(c) Notifications and Progress Reports (Section 268.5(f)-(g))**

Under section 268.5(f)-(g), the Agency will:

- Receive and keep records of notification of any change in the conditions certified to in the application; and
- Receive, review, and keep records of written progress reports.

**(3) Waste Analysis and Recordkeeping (Sections 268.7 and 268.9)****(a) Generator Waste Analysis and Recordkeeping (Section 268.7(a))**

Under section 268.7(a)(5)(ii), the Agency will:

- Inspect the waste analysis plan in the facilities' on-site files.

**(b) Treatment Facility Waste Analysis and Recordkeeping (Section 268.7(b))**

Under section 268.7(b)(6), the Agency will:

- Receive, review, and keep records of the certification and notice submitted from the recycling facility.

**(c) Land Disposal Facility Waste Analysis and Recordkeeping (Section 268.7(c))**

There are no Agency activities associated with the information collection requirements under 40 *CFR* 268.7(c).

**(d) Hazardous Debris Requirements (Section 268.7(d))**

Under section 268.7(d)(1)-(2), the Agency will:

- Receive, review, and keep records of one-time notification submitted by owner/operator; and

- Receive, review and keep records of update sent from owner/operator.

**(e) Contaminated Soil Requirements (Section 268.7(e))**

Under section 268.7(e), the Agency will:

- If necessary, make a determination if specified soil is subject to the land disposal restrictions as provided in section 268.49(a).

**(f) Special Rules for Characteristic Wastes (Section 268.9(d))**

Under section 268.9(d), the Agency will:

- Receive, review, and keep records of one-time notification submitted by owner/operator; and
- Receive, review and keep records of update sent annually from owner/operator if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes.

**(4) Demonstration for Alternative Treatment Technology (Section 268.42)**

Under section 268.42(b), the Agency will:

- Receive, review and keep records of the application for approval of alternative treatment method;
- Approve or deny the application; and
- For approved applications, develop a written approval that may contain such provisions and conditions as EPA deems appropriate.

**(5) Demonstration for a Variance from a Treatment Standard (Section 268.44)**

**(a) Demonstration for a Variance (Section 268.44(a)-(d))**

Under section 268.44(a)-(d), the Agency will:

- Receive, review, and keep records of the petition;
- Request any additional information or samples which it may require to evaluate the petition;
- Send additional copies of the petition to the States, if appropriate;
- Provide notice and provide an opportunity for public comment; and
- Approve or deny the petition and publish decision in the *Federal Register*.

**(b) Demonstration for a Site-Specific Variance (Section 268.44(h)-(m))**

Under section 268.44(h)-(m), the Agency will:

- Receive, review, and keep records of the petition;
- Request any additional information or samples which it may require to evaluate the petition; and
- Provide notice and provide an opportunity for public comment; and
- Approve or deny the petition.

**(6) Recordkeeping for Storage Prohibition (Section 268.50)**

There are no Agency activities associated with the information collection requirements under 40 *CFR* 268.50.

**(7) No-Migration Variances (Section 268.6)**

Agency activities include reviewing the no-migration petition and evaluating it in terms of demonstrating "no migration" as specified at 40 *CFR* 268.6. The Agency may also conduct site visits for each facility from which it receives a petition. Finally, EPA notifies the petitioner of a tentative decision to approve or deny, and publishes the proposed decision in the Federal Register. After analysis of public comments, final decisions are also published in the Federal Register.

**5(b) COLLECTION METHODOLOGY AND MANAGEMENT**

In collecting and analyzing the information obtained from generators, treaters, and disposers, EPA uses electronic equipment such as personal computers and applicable database software, where appropriate. EPA ensures the accuracy and completeness of collected information by reviewing each submittal.

**5(c) SMALL ENTITY FLEXIBILITY**

EPA expects that, in many cases, respondents of small organizations will be able to complete certain recordkeeping, reporting, and application requirements in less time than large organizations because such activities may not be as burdensome. For example, EPA expects that many SQGs (and some large quantity generators (LQGs)) will use process knowledge, instead of testing, to characterize their waste under the treatment standards. Use of process knowledge is generally less burdensome than testing. In addition, EPA has revised the requirements for transmitting LDR notices and certifications to TSDFs. Formerly, generators and treaters were required to transmit paperwork with each shipment to the receiving facility. However, EPA has revised these requirements so that generators and treaters must now transmit only one-time paperwork with the initial shipment and update the documents as specified. EPA believes these one-time requirements will greatly benefit all generators and treaters.

**5(d) COLLECTION SCHEDULE**

**(1) Treatment Surface Impoundment Exemption (Section 268.4)**

- There is no collection schedule for the information collection requirements under section 268.4(a)(3)-(4).

**(2) Procedures for Case-by-Case Extension (Section 268.5)**

- There is no collection schedule for the information collection requirements under section 268.5(a)-(d).
- Section 268.5(f) requires that any person granted an extension must immediately notify EPA as soon as he has knowledge of any change in the conditions certified to in the application for a case-by-case extension.
- Section 268.5(g) requires that any person granted an extension must submit written progress reports at intervals designated by EPA.

**(3) Waste Analysis and Recordkeeping (Sections 268.7 and 268.9)****(a) Generator Waste Analysis and Recordkeeping (Section 268.7(a))**

- Section 268.7(a)(2) requires that, with the initial shipment of waste or contaminated soil, generators must send one-time notifications to the treatment or storage facility. A new notification must be sent if the waste or the receiving facility changes. [Note: this is a third-party information submittal.]
- Section 268.7(a)(3)-(4) requires that with the initial shipment of waste or contaminated soil, generators must send one-time notifications and certifications to the disposal facility. A new notification must be sent to the receiving facility if the waste or receiving facility changes. [Note: this is a third-party information submittal.]
- Section 268.7(a)(9) requires that, if a generator is managing a lab pack waste and wishes to use the alternative treatment standard under section 268.42(c), with the initial shipment of waste the generator must submit a notice and certification to the treatment facility. A new notification and certification must be sent if the lab pack waste or the receiving facility changes. [Note: this is a third-party information submittal.]
- Section 268.7(a)(10) requires that SQGs with tolling agreements pursuant to 40 *CFR* 262.20(e) must comply with the applicable notification and certification requirements of section 268.7(a) for the initial shipment of the waste subject to the agreement. A new notification must be sent if the waste changes or the receiving facility changes. [Note: this is a third-party information submittal.]

**(b) Treatment Facility Waste Analysis and Recordkeeping (Section 268.7(b))**

- Section 268.7(b)(3)-(4) requires that, with the initial waste or contaminated soil shipment, the treatment facility must send a one-time certification and notification to the land disposal facility.

A new notification and certification must be sent if the waste changes or the receiving facility changes. [Note: this is a third-party information submittal.]

- Section 268.7(b)(6) requires that where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of section 268.20(b) regarding treatment standards and prohibition levels, with each shipment of such wastes, the owner/operator of the recycling facility must submit a certification described in section 268.7(b)(4), and a notice which includes the information listed in the Notification Requirements Table in section 268.7(b)(3) to EPA, or its delegated representative.

**(c) Land Disposal Facility Waste Analysis and Recordkeeping (Section 268.7(c))**

- Section 268.7(c)(1) provides that, except where the owner/operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 *CFR* 266.20(b), the owner/operator of any land disposal facility disposing any waste subject to restrictions under Part 268 must have copies of the notice and certification specified in section 268.7(a) or (b). [Note: this is a third-party information submittal.]

**(d) Hazardous Debris Requirements (Section 268.7(d))**

- Section 268.7(d) requires that generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) (i.e., debris treated by an extraction or destruction technology provided by Table 1, section 268.45, and debris that the Regional Administrator or authorized State has determined does not contain hazardous waste) must submit a one-time notification to EPA or the authorized State. The notification must be updated if the debris is shipped to a different facility, and, for debris excluded under section 261.3(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

**(e) Contaminated Soil Requirements (Section 268.7(e))**

- There is no collection schedule for the information collection requirements of section 268.7(e).

**(f) Special Rules for Characteristic Wastes (Section 268.9(d))**

- Section 268.9(d) requires that wastes that exhibit a characteristic are also subject to section 268.7 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the EPA Region or authorized State. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the Subtitle D facility receiving the waste changes. However, the generator or treater need only notify the EPA Region or an authorized State on an annual basis if such changes occur. Such notification and certification should be sent to EPA or the authorized State by the end of the calendar year, but no later than December 31.

**(4) Demonstration for Alternative Treatment Technology (Section 268.42)**

- There is no collection schedule for the information collection requirements of section 268.42.



**(5) Demonstration for a Variance from a Treatment Standard (Section 268.44)**

- There is no collection schedule for the information collection requirements of section 268.44.

**(6) Recordkeeping for Storage Prohibition (Section 268.50)**

- There is no collection schedule for the information collection requirements of section 268.50.

**(7) No-Migration Variances (Section 268.6)**

- Because submittal of a no-migration petition is voluntary, no collection schedule is applicable.

**6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION**

**6(a) ESTIMATING RESPONDENT HOURS**

EPA estimates respondent hourly burden for all the information collection requirements covered in this ICR in Exhibits 1 through 7, broken down by private sector respondents versus State government respondents. The burden estimates for each activity presented in Exhibits 1 through 7 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents per activity. The majority of the hour estimates in Exhibits 1 through 7 are based on industry consultations that EPA performed in renewing previous LDR ICRs. Exhibit 8 presents the total aggregate annual hour burden to all respondents under the LDR program.

**6(b) ESTIMATING RESPONDENT COSTS**

EPA estimates respondent costs for all activities covered in this ICR in Exhibits 1 through 7. These costs are based on the cost of labor, capital, and operation and maintenance (O&M). Exhibit 8 presents the total aggregate annual cost burden to all respondents under the LDR program.

**(1) Labor Costs**

EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$120.92 for legal staff, \$71.48 for managerial staff, \$53.25 for technical staff, and \$32.03 for clerical staff. These respondent labor costs were obtained from a previously approved ICR (i.e., “Notification of Regulated Waste Activity and 2009 Hazardous Waste Report,” EPA ICR Number 0976.14., dated September 10, 2009), and updated to 2010 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.

For the State respondent labor rates, EPA estimates an average hourly State labor cost (including fringe and overhead) of \$58.46 for legal staff, \$54.88 for managerial staff, \$32.84 for technical staff, and \$20.95 for clerical staff. These State labor costs were obtained from a previously approved ICR (i.e., “Notification of Regulated Waste Activity and 2009 Hazardous Waste Report,” EPA ICR Number 0976.14., dated September 10, 2009), and updated to 2010 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.

## (2) Capital 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, EPA estimates that respondents will incur capital costs associated with the purchase of file storage systems for maintaining LDR records, including applications, reports, notifications, certifications, LDR waste determinations, and waste analysis plans, as applicable. EPA realizes that respondents will likely use different and various file storage systems (e.g., file cabinets, CD-ROM, off-site storage) and store their files on different media (e.g., paper, microfiche, electronic files). For purposes of estimating these capital costs across all facilities, EPA has made the conservative assumption that every respondent will store their files in paper form in file cabinets.

EPA took the following steps to derive the annual capital costs associated with the purchase of file cabinets:

- Estimate the total annual volume of LDR records required to be retained by all waste handlers. Under the LDR program, hazardous waste handlers must keep LDR records for a period of three years. Thus, at any given time during the effective period of this ICR, the hazardous waste industry is keeping copies of three years' worth of LDR records. Based on the assumptions presented in Section 6(d) of this document, EPA estimates that waste handlers (i.e., generators, treaters, and disposers) will need to keep copies of approximately 3,047,739 pieces of paper annually. [Based on its best judgment, EPA estimates that the average application consists of 50 pages, the average documentation on LDR waste determinations consists of five pages, and the average LDR notification and certification consists of one page. Further based on the EPA publication, *Waste Analysis at Facilities That Generate, Treat and Store, and Dispose of Hazardous Waste* (OSWER 9938.4-03), EPA estimates that the typical generator's waste analysis plan consists of 25 pages.]
- Ascertain the annual number of standard-size file cabinets that would provide the needed capacity for the industry, collectively, and estimate annual cost. EPA estimates that a standard-size, five-drawer, lateral file cabinet holds approximately 16,000 documents. Thus, for storing 3,047,739 pieces of paper, waste handlers would need 190 file cabinets (i.e., 3,047,739 / 16,000) each year. These 190 file cabinets represent the total capacity needed by the industry, collectively, to store all of its LDR records. EPA estimates that the cost of one file cabinet is \$869.99, and for all 190 file cabinets is \$165,298.
- Annualize the aggregate cost of standard-size file cabinets. EPA annualized the aggregate cost of \$165,298 over three years at a seven percent annual discount rate.<sup>2</sup>

In total, EPA estimates an annual capital cost of \$62,987 for the 190 file cabinets needed by the hazardous waste industry, under the LDR program. This cost is shown in Exhibit 8.

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<sup>2</sup> Based on an OMB-approved discount rate of seven percent (OMB Circular A-94) and a required three-year retention period for LDR records.

### (3) Operation and Maintenance Costs

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:

- Mailing costs: EPA estimates that respondents will incur a cost of \$0.48 to mail a one-ounce package (\$0.44 for postage and \$0.04 for standard-size envelope). EPA also estimates that respondents will incur a cost of \$4.48 for mailing a larger package (i.e., a five-ounce package) by certified mail (\$1.56 for postage, \$2.80 for the certified-mail fee, and \$0.12 for a manila envelope).
- Photocopying costs: EPA estimates that respondents will incur a cost of \$0.11 for each photocopy they make.
- Waste analysis costs: EPA estimates that each generator testing his/her waste will incur a cost of \$2,185 per year in commercial laboratory testing costs. These costs were obtained from the previously approved LDR ICR (i.e., EPA ICR Number 1442.19) and updated to 2010 levels using a Consumer Price Index developed by the U.S. Bureau of Labor Statistics.

These O&M costs are shown in Exhibits 1 through 7 for all applicable respondent activities.

#### 6(c) ESTIMATING AGENCY HOUR AND COST BURDEN

EPA estimates the Federal agency average hourly labor cost to be \$104.46 for legal staff (GS-15, Step 5), \$92.16 for managerial staff (GS-15, Step 1), \$66.30 for technical staff (GS-13, Step 1), and \$28.29 for clerical staff (GS-06, Step 1). To derive these hourly estimates, EPA referred to the General Schedule (GS) Salary Table 2010. This publication summarizes the unloaded (base) hourly rate for various labor categories in the Federal Government. EPA then applied the standard government overhead factor of 1.6 to the unloaded rate to derive loaded hourly rates.

#### 6(d) RESPONDENT UNIVERSE AND TOTAL RESPONDENT HOUR AND COST BURDEN

In estimating the number of respondents and associated waste streams subject to the LDR program, EPA referred to the Resource Conservation and Recovery Act Information (RCRAInfo) from the 2007 BRS estimate. Based on the above data, EPA estimates that 15,000 LQGs, 178,000 SQGs, 1,500 treatment facilities, and 460 land disposal facilities will be subject to the information collection requirements at 40 *CFR* Part 268 during the three-year period covered by this ICR. The total number of respondents is 194,960.

**Table 1**  
**Annual Number of Respondents Subject to this ICR**

<b>Type of Respondent</b>	<b>Number of Respondents</b>
LQGs <sup>a</sup>	15,000
SQGs <sup>a</sup>	178,000
Treatment facilities <sup>b</sup>	1,500
Land disposal facilities	60

<sup>a</sup> Includes generators that generate but do not manage hazardous waste on site, as well as generators that both generate *and* manage hazardous waste on site (i.e., TSDFs acting as generators).

<sup>b</sup> Includes treatment facilities subject to permit requirements, as well as treatment facilities exempt from permit requirements.

Following is a discussion of the estimates presented in the Exhibits.

**(1) Treatment Surface Impoundment Exemption (Exhibit 1A & 1B)**

Based on its best judgment, EPA estimates that, each year, one facility will seek a treatment surface impoundment exemption. This facility is expected to read the regulations at 40 *CFR* 268.4. The facility also is expected to prepare, submit, and keep copies of its treatment surface impoundment exemption application and certification.

**(2) Procedures for Case-by-Case Extension (Exhibit 2A & 2B)**

EPA expects that few new LDR treatment standards will be published during the three-year period covered by this ICR. Based on its best judgment, the Agency estimates that, each year, one facility will petition EPA for an extension to an effective date for a treatment standard. This facility is expected to read the regulations at 40 *CFR* 268.5. The facility also is expected to prepare, submit, and keep copies of the application, any additional information requested by EPA in order to evaluate the application, and written progress reports.

EPA does not expect any facility to request a renewal of an extension to an effective date for a treatment standard or to notify the Agency of changes in the conditions in its application for an extension during the three-year period covered by this ICR.

**(3) Waste Analysis and Recordkeeping (Exhibit 3A & 3B)**

**(a) Reading the Regulations - All Waste Handlers**

EPA estimates that 15,000 LQGs, 178,000 SQGs, 1,500 treatment facilities, and 460 land disposal facilities will be subject to waste analysis and recordkeeping requirements. Based on its consultations with industry, EPA expects these facilities to read the applicable LDR regulations each year.

**(b) Generator Waste Analysis and Recordkeeping***Generator Waste Analysis (Section 268.7(a)(1))*

EPA believes that waste testing will be performed to a greater extent by LQGs than SQGs, because LQGs generate greater hazardous waste volumes requiring characterization. EPA also believes such wastes are often complex and difficult to characterize solely through process knowledge. On the other hand, because many SQGs are small businesses that generate fewer waste streams and lower volumes of hazardous waste, EPA believes that many SQGs will be able to adequately characterize their waste streams using process knowledge.

For purposes of this analysis, EPA estimates that, of the 15,000 LQGs, approximately 50 percent (i.e., 7,500) will test their waste and the other 50 percent (i.e., 7,500) will use process knowledge to determine if their waste is restricted from land disposal. EPA also estimates that, of the 178,000 SQGs, 20 percent (i.e., 35,000) will test their waste and 80 percent (i.e., 143,000) will use process knowledge. In total, EPA expects that 42,500 LQGs and SQGs will test their waste and that 150,500 LQGs and SQGs will use process knowledge.

*Generator Notification and Certification Requirements (Section 268.7(a)(2)-(4))*Section 268.7(a)(2) Notification Requirements

Based on RCRAInfo data, EPA estimates that, annually, 240,000 waste streams generated by LQGs and SQGs will not meet the existing applicable treatment standards. EPA derived this estimate by identifying all waste streams sent directly to the treatment facilities and assuming these streams did not meet applicable treatment standards. Based on industry consultations, EPA estimates that, each year, five percent of the LQG and SQG waste streams (i.e.,  $240,000 \times 0.05 = 12,000$ ) will require completion and delivery of a new or updated one-time notification. EPA's consultations also indicate that, on average, each notification contains four waste streams. Thus, the annual number of notifications prepared and submitted by LQGs and SQGs with waste streams not meeting the treatment standards is estimated to be 3,000 (i.e.,  $12,000 / 4 = 3,000$ ).

Section 268.7(a)(3) Notification and Certification Requirements

In reviewing RCRAInfo data on waste shipments meeting the LDR treatment standards, EPA was unable to distinguish between generator-initiated shipments versus treater-initiated shipments of wastes meeting the treatment standards. Rather, EPA's query of RCRAInfo resulted in a single aggregate, annual estimate of all waste streams that meet the treatment standards (i.e., streams shipped from generators and treaters collectively). Because of this, the burden associated with the section 268.7(a)(3) requirement for generators is estimated along with the 268.7(b)(3) and (4) requirements for treaters. Refer to the subsection of this ICR entitled, "Treatment Facility Waste Analysis and Recordkeeping: Treatment Facility Notifications and Certifications: Section 268.7(b)(3)-(4) Notifications and Certification Requirements," for a discussion of this burden estimate.

#### Section 268.7(a)(4) Notification Requirements

Based on its best judgment, EPA estimates that no generators will submit a notice, under 40 *CFR* 268.7(a)(4), for hazardous waste or contaminated soil subject to an exemption from prohibition on the type of land disposal method utilized for the waste (e.g., waste under a national capacity variance).

#### *Generator Waste Analysis Plan (Section 268.7(a)(5))*

Based on RCRAInfo data, EPA estimates that 1,500 LQGs treat waste on site to meet the applicable treatment standards. EPA derived this estimate by identifying all LQGs that treated waste on site and were not subject to RCRA permitting requirements. Based on its best judgment, EPA estimates that one percent of these LQGs (i.e., 15 LQGs) will need to develop and follow a waste analysis plan each year. In addition, EPA estimates all 1,500 LQGs will keep the waste analysis plan on site. Industry representatives contacted by the Agency believe that no SQGs treat prohibited waste on site under these conditions. [This ICR estimates the burden associated with the section 268.7(a)(5)(iii) requirement for notices and certifications in “Treatment Facility Waste Analysis and Recordkeeping: Treatment Facility Notifications and Certifications: Section 268.7(b)(3)-(4) Notifications and Certification Requirements.”]

#### *Generator Recordkeeping Requirements (Section 268.7(a)(6)-(8))*

#### Section 268.7(a)(6) Generator Recordkeeping Requirements

As discussed, EPA estimates that 42,500 generators will test their waste and that 150,500 generators will use process knowledge to determine if the wastes are restricted under Part 268 each year. These generators must keep records of their process knowledge determinations or analytical testing results, as required under section 268.7(a)(6).

#### Section 268.7(a)(7) Generator Recordkeeping Requirements

Based on its best judgment, EPA estimates that, each year, 20 facilities will determine that they are managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under 40 *CFR* 261.2 through 261.6 subsequent to the point of generation. These facilities are expected to place a one-time notice in their on-site files.

#### Section 268.7(a)(8) Generator Recordkeeping Requirements

Under 40 *CFR* 268.7(a)(8), generators are required to keep copies of all documentation produced pursuant to section 268.7(a) for at least three years. Thus, EPA estimates that generators will keep on site 8,500 notifications each year (i.e., 2,300 notifications for waste streams that do not meet treatment standards + 6,200 notifications for lab pack waste streams).

*Lab Pack and Toll Agreement Generator Requirements (Section 268.7(a)(9)-(10))*

Lab Pack Generator Requirements (Section 268.7(a)(9))

Based on RCRAInfo data, EPA estimates that 93,000 lab pack waste streams are generated by LQGs and SQGs annually. EPA assumes that all generators producing these waste streams will wish to use the alternate treatment standards under 40 *CFR* 268.42(c). Pursuant to section 268.7(a)(9), with the initial shipment, these generators must send a notice and certification to the treatment facility. Generators must also send a new notification and certification if the waste or receiving facility changes.

Based on industry consultations, EPA believes that the contents of lab pack shipments normally vary from shipment to shipment. Because of this, EPA estimates that each lab pack shipment requires completion and transmittal of a new or updated notification. EPA's consultations also indicate that, on average, each notification contains 15 waste streams. Thus, the annual number of notifications and certifications prepared and submitted by LQGs and SQGs for lab packs is estimated to be 6,200 (i.e.,  $93,000 / 15 = 6,200$ ).

Toll Agreement Generator Requirements (Section 268.7(a)(10))

EPA estimates that there are approximately 20,000 SQGs with tolling agreements.<sup>3</sup> As required under section 268.7(a)(10), SQGs with a tolling agreement pursuant to 40 *CFR* 262.20(e) are required to comply with the applicable notification and certification requirements of section 268.7(a) for the initial shipment of waste subject to the agreement. This information collection requirement and associated burden hours are contained in the sections of this ICR entitled "Generator Waste Analysis and Recordkeeping: Generator Notification and Certification Requirements (Section 268.7(a)(2)-(4))" and "Generator Waste Analysis and Recordkeeping: Generator Recordkeeping Requirements (Section 268.7(a)(6)-(8))."

**(c) Treatment Facility Waste Analysis and Recordkeeping**

*Treatment Facility Notifications and Certifications*

Section 268.7(b)(3)-(4) Notifications and Certification Requirements

Based on RCRAInfo data, EPA estimates that, each year, 12,700 as-generated wastes and treated wastes/residues meet the LDR treatment standards and are shipped to disposal facilities. EPA derived this estimate by identifying all waste streams sent directly to land disposal facilities and assuming these streams met applicable treatment standards.

As mentioned, EPA was unable to distinguish between the as-generated streams versus the treated streams for purposes of this analysis; and thus, the Agency examines both types of streams in this subsection of the ICR. Specifically, generators and treaters shipping such wastes must send a one-time notice and certification with the initial shipment to the disposal facility. They also must send an updated notification and certification if the waste or receiving facility changes.

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<sup>3</sup> Based on the supporting statement entitled, "Modifications of the Hazardous Waste Manifest System," EPA ICR Number 801.

Based on industry consultations, EPA assumes that, each year, 10 percent of the waste streams (i.e.,  $12,700 \times 0.10 = 1,270$ ) will require a new or updated notification and certification because of a change in the waste stream or the receiving facility. EPA's consultations also indicate that, on average, each notification contains six waste streams. Thus, the annual number of notifications and certifications prepared and submitted for waste streams meeting the treatment standards is estimated to be 212 (i.e.,  $1,270 / 6 = 212$ ).

#### Section 268.7(b)(5) Notification and Certification Requirements

Section 268.7(b)(5) requires that, if the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off site must comply with the notice and certification requirements applicable to generators under section 268.7(a)(2)-(4). This information collection requirement and associated burden hours are contained in the section of this ICR entitled "Generator Waste Analysis and Recordkeeping: Generator Notification and Certification Requirements (Section 268.7(a)(2)-(4))."

#### Section 268.7(b)(6) Notification and Certification Requirements

Based on RCRAInfo data, EPA estimates that 1,000 facilities recycle hazardous waste each year. Based on its best judgment, EPA estimates that five percent of these facilities (i.e., 50 recyclers) will ship recyclable materials that will be used in a manner that constitutes disposal under 40 *CFR* 266.20. These recyclers are expected to transmit a notice and certification to EPA with each shipment in accordance with section 268.7(b)(6). EPA estimates that, on average, each of the 50 recyclers will perform this task 75 times per year, or 3,500 (i.e.,  $50 \times 75 = 3,500$ ) submittals in total.

In addition, these 50 recyclers are expected to keep records of the name and location of each entity receiving the hazardous waste-derived product.

#### **(d) Land Disposal Facility Waste Analysis and Recordkeeping**

As described earlier, EPA estimates that, each year, generators and treaters will transmit 130 notices and certifications to the land disposal facility. Thus, EPA estimates that land disposal facilities will be required to keep copies of 130 notices and certifications annually, as required under section 268.7(c)(1).



**(e) Hazardous Debris Requirements**

Based on industry consultations, EPA estimates that, each year, a tenth of one percent of LQGs treating waste on site (i.e.,  $1,500 \times 0.001 = 2$  LQGs) and a tenth of one percent of treatment facilities (i.e.,  $1,500 \times 0.001 = 2$  treatment facilities) will claim that their hazardous debris is excluded from the definition of hazardous waste under section 261.3(f) (i.e., debris treated by a specified extraction or destruction technology). Section 268.7(d)(1) requires these four facilities (i.e., 2 LQGs + 2 treatment facilities = 4 facilities) to submit a one-time notification when claiming the exclusion.

In addition, based on industry consultations, EPA estimates that one percent of LQGs treating waste on site (i.e.,  $1,500 \times 0.01 = 15$  LQGs) and one percent of treatment facilities (i.e.,  $1,500 \times 0.01 = 15$  treatment facilities) have claimed that their hazardous debris is excluded from the definition of hazardous waste under section 261.3(f). EPA's consultations also indicate that, each year, a tenth of one percent of these 30 facilities (i.e.,  $30 \times 0.001 = 0$  facilities) will need to update their notifications because: (1) a different type of debris is treated, (2) a different treatment technology is employed, or (3) the treater ships the excluded waste to a different Subtitle D facility.

EPA acknowledges that all 34 facilities (i.e.,  $4 + 30 = 34$ ) operating under the exclusion will have to maintain the records required in 40 *CFR* 268.7(d)(3) and that information will have to be recorded more frequently than once per year. The Agency has taken the frequency of activities into account in formulating its estimates of the number of hours taken for each activity. EPA expects that inspections, evaluations, and analyses of treated debris will be recorded four times per year (i.e.,  $34 \times 4 = 136$ ). EPA expects that treatment data will be recorded quarterly (i.e.,  $34 \times 4 = 136$ ). EPA expects that certifications of compliance for shipments will be recorded and placed on the facility's files monthly (i.e.,  $34 \times 12 = 408$ ).

**(f) Contaminated Soil Requirements**

Based on its best judgment, EPA estimates that, each year, one percent of LQGs (i.e.,  $15,000 \times 0.01 = 150$  LQGs) and one percent of SQGs (i.e.,  $178,000 \times 0.01 = 1,700$  SQGs) will determine that a contaminated soil subject to LDRs no longer contains a listed hazardous waste or exhibits a characteristic of hazardous waste and therefore, comply with 40 *CFR* 268.7(e). These 1,850 generators (i.e.,  $150 + 1,700 = 1,850$ ) are expected to prepare and maintain documentation of these determinations, including all supporting documentation.

**(g) Special Rules for Characteristic Wastes**

EPA queried RCRAInfo to estimate that 1,500 generators (i.e., LQGs) are treating their hazardous waste on site in 90-day units. Based on industry consultations, EPA estimates that, each year, 10 percent of these LQGs (i.e.,  $1,500 \times 0.10 = 150$  LQGs) will de-characterize their waste and prepare, submit, and maintain an initial notification and certification under section 268.9(d). On the other hand, industry representatives contacted by the Agency believe that treatment facilities generally have been in existence for some time and have already submitted their initial notification and certification. Hence, this ICR assumes no treatment facilities will submit an initial notice and certification under this requirement during the period covered by this ICR. In total, EPA estimates that, each year, a total of 150 facilities (i.e., 150 LQGs + 0 treatment facilities = 150 facilities) will prepare, submit, and maintain initial one-time notifications and certifications.

Based on industry consultations, EPA estimates that, each year, 10 percent of LQGs treating waste on site in 90-day units (i.e.,  $1,500 \times 0.10 = 150$  LQGs) and 10 percent of treatment facilities (i.e.,  $1,500 \times 0.10 = 150$  treatment facilities) will need to update their notification and certifications because of a change in the waste or the receiving facility. In total, EPA estimates that, each year, a total of 300 facilities (i.e.,  $150$  LQGs +  $150$  treatment facilities =  $300$  facilities) will prepare, submit, and maintain updated notifications.

**(4) Demonstration for Alternative Treatment Technology (Exhibit 4A & 4B)**

Based on its best judgment, EPA estimates that, each year, four facilities will seek a variance from a specified treatment method. These facilities are expected to read the regulations at 40 *CFR* 268.42. In addition, these facilities are expected to prepare and submit a demonstration and any other information requested by EPA.

**(5) Demonstration for a Variance from a Treatment Standard (Exhibit 5A & 5B)**

**(a) Reading the Regulations**

Based on its best judgment, EPA estimates that, each year, ten facilities will seek a variance from a treatment standard. These facilities are expected to read the regulations at 40 *CFR* 268.44.

**(b) Demonstration for a Variance from a Treatment Standard**

*Demonstration for a Variance (Section 268.44(a)-(d))*

EPA estimates that seven facilities will seek a variance from a treatment standard, as provided under section 268.44(a)-(d). These seven facilities are expected to develop and submit a demonstration and any other information requested by EPA.

*Demonstration for a Site-Specific Variance (Section 268.44(h)-(m))*

EPA estimates that three facilities will seek a site-specific variance from a treatment standard, as provided under section 268.44(h)-(m). These three facilities are expected to develop and submit a demonstration and any other information requested by EPA.

**(6) Recordkeeping for Storage Prohibition (Exhibit 6A & 6B)**

**(a) Reading the Regulations**

Based on RCRAInfo, EPA estimates that there are 1,400 TSDFs in operation. Based on its best judgment, EPA estimates that, each year, 10 percent of these facilities (i.e,  $1,400 \times 0.10 = 140$  TSDFs) will store restricted hazardous wastes under 40 *CFR* 268.50. These facilities are expected to read the regulations at section 268.50.

**(b) Recordkeeping for Storage Prohibition**

EPA expects that the 140 TSDFs will develop and keep records of the contents of storage units, quantity of each hazardous waste received, and the date that accumulation begins for each tank and container, as applicable. EPA estimates that each of these 140 TSDFs will perform these tasks four times per year, or 560 times (i.e.,  $140 \times 4 = 560$ ).

**(7) Recordkeeping for No-Migration Variances (Exhibit 7)**

EPA does not expect to receive a no-migration petition during the three-year effective life of this ICR renewal, however, this ICR costs out the burden of one no-migration variance petition.

**6(e) Bottom Line Burden Hours and Costs**

Table 2 below summarizes the annual hour and cost burden for respondents in both the private sector and State governments. The bottom line hourly burden for the Federal government (found in exhibit 8) is 5,683 hours. The bottom line cost burden for the Federal government is \$333,592 per year.

**Table 2**  
**Bottom Line Annual Hour and Cost Burden**

	<b>Number of Respondents</b>	<b>Total Annual Hour Burden</b>	<b>Total Annual Labor Cost</b>	<b>Total Annual Capital/Startup Costs</b>	<b>Total Annual O&amp;M Costs</b>	<b>Total Annual Cost</b>
Private	187,060	1,163,265	\$62,683,039	\$62,987	\$94,178,418	\$156,924,444
State	7,500	45,117	\$1,512,846	\$2,321	\$3,653,377	\$5,168,544
<b>Total</b>	<b>194,560</b>	<b>1,208,382</b>	<b>\$64,195,885</b>	<b>\$65,308</b>	<b>\$97,831,795</b>	<b>\$162,092,988</b>

**6(f) Reasons for Change in Burden**

The total annual hour burden in this ICR increased by 42,045 hours, from 1,166,337 hours to 1,208,382 hours. The total cost of this ICR increased by approximately \$30,899,202, from \$131,193,786 to \$162,092,988. This increase in hours is due to the addition of the no-migration variance universe (from the “LDR ‘No-Migration’ Variances ICR”, OMB Control No. 2050-0062) and revised estimates for the time required for respondents to respond. The increase in cost is due to the addition of the no-migration variance universe, as well as increase in costs due to inflation.

**6(g) Burden Statement**

The annual reporting and recordkeeping burden for this ICR is approximately 6.21 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-

HQ-RCRA-2010-0512, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution 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](http://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 EPA-HQ-RCRA-2010-0512 and OMB Control Number 2050-0085 in any correspondence.

EXHIBIT 1A

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>											
<b>Reading the Regulations (268.4)</b>											
Read the Regulations	0.25	0.25	0.50	0.00	1.00	\$74.73	\$0.00	\$0.00	1	1.00	\$75
<b>Application for Exemption (268.4(a)(3))</b>											
Develop and submit application to EPA	0.00	1.00	8.00	2.00	11.00	\$561.54	\$0.00	\$4.48	1	11.00	\$566
Maintain files of the application	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.33	1	0.10	\$4
<b>Certification (268.4(a)(4))</b>											
Complete and submit certification to EPA	0.25	0.25	1.00	0.50	2.00	\$117.37	\$0.00	\$0.48	1	2.00	\$118
<b>TOTAL</b>	<b>0.50</b>	<b>1.50</b>	<b>9.50</b>	<b>2.60</b>	<b>14.10</b>	<b>\$756.84</b>	<b>\$0.00</b>	<b>\$5.29</b>	<b>1</b>	<b>14.10</b>	<b>\$762</b>

EXHIBIT 1B

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>											
<b>Reading the Regulations (268.4)</b>											
Read the Regulations	0.25	0.25	0.50	0.00	1.00	\$44.76	\$0.00	\$0.00	1	1.00	\$45
<b>Application for Exemption (268.4(a)(3))</b>											
Develop and submit application to EPA	0.00	1.00	8.00	2.00	11.00	\$359.50	\$0.00	\$4.48	1	11.00	\$364
Maintain files of the application	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.33	1	0.10	\$2
<b>Certification (268.4(a)(4))</b>											
Complete and submit certification to EPA	0.25	0.25	1.00	0.50	2.00	\$71.65	\$0.00	\$0.48	1	2.00	\$72
<b>TOTAL</b>	<b>0.50</b>	<b>1.50</b>	<b>9.50</b>	<b>2.60</b>	<b>14.10</b>	<b>\$478.01</b>	<b>\$0.00</b>	<b>\$5.29</b>	<b>1</b>	<b>14.10</b>	<b>\$483</b>

**EXHIBIT 2A**

**LAND DISPOSAL RESTRICTIONS ICR**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>PROCEDURES FOR CASE-BY-CASE EXTENSION</b>											
<b>Reading the Regulations (268.5)</b>											
Read the Regulations	0.25	0.25	0.50	0.00	1.00	\$74.73	\$0.00	\$0.00	1	1.00	\$75
<b>Application for Extension (268.5(a)-(c))</b>											
Complete and submit certified application to EPA	0.50	1.00	8.00	2.00	11.50	\$622.00	\$0.00	\$4.48	1	11.50	\$626
Develop and submit additional information to EPA	0.00	0.25	1.00	0.50	1.75	\$87.14	\$0.00	\$0.48	1	1.75	\$88
<b>Renewal of Extension (268.5(e))</b>											
Develop and submit renewal request to EPA	0.25	0.25	2.00	0.50	3.00	\$170.62	\$0.00	\$0.48	0	0.00	\$0
<b>Notifications and Progress Reports (268.5(f)-(g))</b>											
Notify EPA of any changes	0.00	0.25	0.50	0.50	1.25	\$60.51	\$0.00	\$0.48	0	0.00	\$0
Provide written progress reports to EPA	0.00	0.25	0.50	0.50	1.25	\$60.51	\$0.00	\$0.48	1	1.25	\$61
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>15.50</b>	<b>\$850</b>

**EXHIBIT 2B**

**LAND DISPOSAL RESTRICTIONS ICR**

**ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>PROCEDURES FOR CASE-BY-CASE EXTENSION</b>											
<b>Reading the Regulations (268.5)</b>											
Read the Regulations	0.25	0.25	0.50	0.00	1.00	\$44.76	\$0.00	\$0.00	1	1.00	\$45
<b>Application for Extension (268.5(a)-(c))</b>											
Complete and submit certified application to EPA	0.50	1.00	8.00	2.00	11.50	\$388.73	\$0.00	\$4.48	1	11.50	\$393
Develop and submit additional information to EPA	0.00	0.25	1.00	0.50	1.75	\$57.04	\$0.00	\$0.48	1	1.75	\$58
<b>Renewal of Extension (268.5(e))</b>											
Develop and submit renewal request to EPA	0.25	0.25	2.00	0.50	3.00	\$104.49	\$0.00	\$0.48	0	0.00	\$0
<b>Notifications and Progress Reports (268.5(f)-(g))</b>											
Notify EPA of any changes	0.00	0.25	0.50	0.50	1.25	\$40.62	\$0.00	\$0.48	0	0.00	\$0
Provide written progress reports to EPA	0.00	0.25	0.50	0.50	1.25	\$40.62	\$0.00	\$0.48	1	1.25	\$41
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>15.50</b>	<b>\$537</b>

**EXHIBIT 3A**  
**LAND DISPOSAL RESTRICTIONS ICR**  
**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Reading the Regulations - All Waste Handlers (268.7 and 268.9)</b>											
Read the regulations - LQGs	0.00	0.25	0.75	0.00	1.00	\$57.81	\$0.00	\$0.00	15,000	15,000.00	\$867,150
Read the regulations - SQGs	0.00	0.25	0.75	0.00	1.00	\$57.81	\$0.00	\$0.00	178,000	178,000.00	\$10,290,180
Read the regulations - Treatment Facilities	0.00	0.25	0.75	0.00	1.00	\$57.81	\$0.00	\$0.00	1,500	1,500.00	\$86,715
Read the regulations - Land Disposal Facilities	0.00	0.25	0.75	0.00	1.00	\$57.81	\$0.00	\$0.00	60	60.00	\$3,469
<b>Generator Waste Analysis and Recordkeeping</b>											
<b>Generator Waste Analysis (268.7(a)(1))</b>											
Test the waste	0.00	0.00	20.00	0.00	20.00	\$1,065.00	\$0.00	\$2,185.00	43,100	862,000.00	\$140,075,000
Use process knowledge	0.00	0.00	0.50	0.00	0.50	\$26.63	\$0.00	\$0.00	149,900	74,950.00	\$3,991,837
<b>Generator Notification and Certification Requirements (268.7(a)(2)-(4))</b>											
<b>Section 268.7(a)(2) Notification Requirements</b>											
For waste or contaminated soil that does not meet the applicable treatment standards, complete and transmit notification and certifications, as applicable	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.00	3,000	1,350.00	\$55,980
<b>Section 268.7(a)(3) Notification and Certification Requirements</b>											
For waste or contaminated soil that can be land disposed without further treatment, complete and transmit notice and certification, as applicable	0.00	0.00	0.20	0.35	0.55	\$21.86	\$0.00	\$0.00	0	0.00	\$0
<b>Section 268.7(a)(4) Notification Requirements</b>											
For waste or contaminated soil subject to an exemption, complete and transmit notice and certification, as applicable	0.00	0.00	1.20	0.25	1.45	\$71.91	\$0.00	\$0.00	0	0.00	\$0
<b>Generator Waste Analysis Plan (268.7(a)(5))</b>											
Develop and follow waste analysis plan	0.00	0.25	4.00	0.50	4.75	\$246.89	\$0.00	\$0.00	15	71.25	\$3,703
Maintain the waste analysis plan on site	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.00	1,500	150.00	\$4,800
Complete and transmit to the receiving facility a one-time notification and certification	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.00	0	0.00	\$0
<b>Generator Recordkeeping Requirements (268.7(a)(6)-(8))</b>											
<b>Section 268.7(a)(6) Generator Recordkeeping Requirements</b>											
Keep records of all supporting data used to make LDR waste or contaminated soil determination - testing	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.00	43,100	4,310.00	\$137,920
Keep records of all supporting data used to make LDR waste or contaminated soil determination - process knowledge	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.00	149,900	14,990.00	\$479,680
<b>Section 268.7(a)(7) Generator Recordkeeping Requirements</b>											
Develop and keep records of notice of generation, exclusion from regulation, and disposition of excluded waste	0.00	0.00	0.50	0.10	0.60	\$29.83	\$0.00	\$0.00	20	12.00	\$597
<b>Section 268.7(a)(8) Generator Recordkeeping Requirements</b>											
Keep records of all other documentation	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.11	9,200	920.00	\$30,452
<b>Lab Pack and Toll Agreement Generator Requirements (268.7(a)(9)-(10))</b>											
<b>Lab Pack Generator Requirements (268.7(a)(9))</b>											
For generators of lab packs, submit notification and certification	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.22	6,200	2,790.00	\$117,056
<b>Toll Agreement Generator Requirements (268.7(a)(10))</b>											
For SQGs in a tolling agreement, transmit and retain copy of notification and certification	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.00	0	0.00	\$0



EXHIBIT 3A (cont.)

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Treatment Facility Waste Analysis and Recordkeeping (268.7(b))</b>											
<b>Treatment Facility Notifications and Certifications (268.7(b)(3)-(6))</b>											
<b>Section 268.7(b)(3)-(4) Notification and Certification Requirements</b>											
Complete, submit, and keep a copy of the notice and certification sent to land disposal facility	0.00	0.00	0.20	0.35	0.55	\$21.86	\$0.00	\$0.11	217	119.35	\$4,767
<b>Section 268.7(b)(5) Notification and Certification Requirements</b>											
Comply with the notification and certification requirements applicable to generators	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.00	0	0.00	\$0
<b>Section 268.7(b)(6) Notification and Certification Requirements</b>											
For recyclable materials, complete and submit a notice and certification to EPA with each shipment	0.00	0.00	0.20	0.25	0.45	\$18.66	\$0.00	\$0.48	3,675	1,653.75	\$70,340
For recycling facilities, keep records of entities receiving hazardous waste-derived products	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.11	49	4.90	\$162
<b>Land Disposal Facility Waste Analysis and Recordkeeping (268.7(c)(1))</b>											
Keep copies of notices and certifications	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.00	217	21.70	\$694
<b>Hazardous Debris Requirements (268.7(d))</b>											
Prepare and submit one-time notification to EPA	0.00	0.50	0.50	0.25	1.25	\$70.37	\$0.00	\$0.48	4	5.00	\$283
Update and submit to EPA notification with changes	0.00	0.00	0.25	0.00	0.25	\$13.31	\$0.00	\$0.48	0	0.00	\$0
Keep records of all inspections, evaluations, and analyses of treated debris	0.00	0.00	0.17	0.10	0.27	\$12.26	\$0.00	\$0.11	136	36.72	\$1,682
Keep records of data or information obtained during treatment	0.00	0.00	0.17	0.10	0.27	\$12.26	\$0.00	\$0.11	136	36.72	\$1,682
Keep a certification of compliance for each shipment of treated debris	0.00	0.00	0.17	0.10	0.27	\$12.26	\$0.00	\$0.11	408	110.16	\$5,047
<b>Contaminated Soil Requirements (268.7(e))</b>											
Prepare one-time documentation	0.00	0.00	0.25	0.00	0.25	\$13.31	\$0.00	\$0.11	1,930	482.50	\$25,901
Maintain supporting documentation on site	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.00	1,930	193.00	\$6,176
<b>Special Rules for Characteristic Wastes (268.9(d))</b>											
Prepare and submit a one-time notification and certification to EPA	0.00	0.00	0.40	0.50	0.90	\$37.32	\$0.00	\$0.48	150	135.00	\$5,670
Maintain files of notification and certification on site	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.11	150	15.00	\$497
Update and submit to EPA the notification and certification annually, if changes occur	0.00	0.00	0.40	0.50	0.90	\$37.32	\$0.00	\$0.48	300	270.00	\$11,340
Maintain updated certification and notification	0.00	0.00	0.00	0.10	0.10	\$3.20	\$0.00	\$0.11	300	30.00	\$993
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>1,159,217</b>	<b>\$156,279,773</b>

**EXHIBIT 3B**

**LAND DISPOSAL RESTRICTIONS ICR**

**ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Reading the Regulations - All Waste Handlers (268.7 and 268.9)</b>											
Read the regulations - LQGs	0.00	0.25	0.75	0.00	1.00	\$38.35	\$0.00	\$0.00	590	590.00	\$22,627
Read the regulations - SQGs	0.00	0.25	0.75	0.00	1.00	\$38.35	\$0.00	\$0.00	6,900	6,900.00	\$264,615
Read the regulations - Treatment Facilities	0.00	0.25	0.75	0.00	1.00	\$38.35	\$0.00	\$0.00	30	30.00	\$1,151
Read the regulations - Land Disposal Facilities	0.00	0.25	0.75	0.00	1.00	\$38.35	\$0.00	\$0.00	6	6.00	\$230
<b>Generator Waste Analysis and Recordkeeping</b>											
<b>Generator Waste Analysis (268.7(a)(1))</b>											
Test the waste	0.00	0.00	20.00	0.00	20.00	\$656.80	\$0.00	\$2,181.00	1,675	33,500.00	\$4,753,315
Use process knowledge	0.00	0.00	0.50	0.00	0.50	\$16.42	\$0.00	\$0.00	5,815	2,907.50	\$95,482
<b>Generator Notification and Certification Requirements (268.7(a)(2)-(4))</b>											
<b>Section 268.7(a)(2) Notification Requirements</b>											
For waste or contaminated soil that does not meet the applicable treatment standards, complete and transmit notification and certifications, as applicable	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.00	0	0.00	\$0
<b>Section 268.7(a)(3) Notification and Certification Requirements</b>											
For waste or contaminated soil that can be land disposed without further treatment, complete and transmit notice and certification, as applicable	0.00	0.00	0.20	0.35	0.55	\$13.90	\$0.00	\$0.00	0	0.00	\$0
<b>Section 268.7(a)(4) Notification Requirements</b>											
For waste or contaminated soil subject to an exemption, complete and transmit notice and certification, as applicable	0.00	0.00	1.20	0.25	1.45	\$44.65	\$0.00	\$0.00	0	0.00	\$0
<b>Generator Waste Analysis Plan (268.7(a)(5))</b>											
Develop and follow waste analysis plan	0.00	0.25	4.00	0.50	4.75	\$155.56	\$0.00	\$0.00	0	0.00	\$0
Maintain the waste analysis plan on site	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.00	30	3.00	\$63
Complete and transmit to the receiving facility a one-time notification and certification	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.00	0	0.00	\$0
<b>Generator Recordkeeping Requirements (268.7(a)(6)-(8))</b>											
<b>Section 268.7(a)(6) Generator Recordkeeping Requirements</b>											
Keep records of all supporting data used to make LDR waste or contaminated soil determination - testing	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.00	1,675	167.50	\$3,518
Keep records of all supporting data used to make LDR waste or contaminated soil determination - process knowledge	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.00	5,815	581.50	\$12,212
<b>Section 268.7(a)(7) Generator Recordkeeping Requirements</b>											
Develop and keep records of notice of generation, exclusion from regulation, and disposition of excluded waste	0.00	0.00	0.50	0.10	0.60	\$18.52	\$0.00	\$0.00	20	12.00	\$370
<b>Section 268.7(a)(8) Generator Recordkeeping Requirements</b>											
Keep records of all other documentation	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.11	240	24.00	\$530
<b>Lab Pack and Toll Agreement Generator Requirements (268.7(a)(9)-(10))</b>											
<b>Lab Pack Generator Requirements (268.7(a)(9))</b>											
For generators of lab packs, submit notification and certification	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.22	240	108.00	\$2,887
<b>Toll Agreement Generator Requirements (268.7(a)(10))</b>											
For SQGs in a tolling agreement, transmit and retain copy of notification and certification	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.00	0	0.00	\$0

EXHIBIT 3B (cont.)

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Treatment Facility Waste Analysis and Recordkeeping (268.7(b))</b>											
<b>Treatment Facility Notifications and Certifications (268.7(b)(3)-(6))</b>											
<b>Section 268.7(b)(3)-(4) Notification and Certification Requirements</b>											
Complete, submit, and keep a copy of the notice and certification sent to land disposal facility	0.00	0.00	0.20	0.35	0.55	\$13.90	\$0.00	\$0.11	0	0.00	\$0
<b>Section 268.7(b)(5) Notification and Certification Requirements</b>											
Comply with the notification and certification requirements applicable to generators	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.00	0	0.00	\$0
<b>Section 268.7(b)(6) Notification and Certification Requirements</b>											
For recyclable materials, complete and submit a notice and certification to EPA with each shipment	0.00	0.00	0.20	0.25	0.45	\$11.81	\$0.00	\$0.48	75	33.75	\$922
For recycling facilities, keep records of entities receiving hazardous waste-derived products	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.11	1	0.10	\$2
<b>Land Disposal Facility Waste Analysis and Recordkeeping (268.7(c)(1))</b>											
Keep copies of notices and certifications	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.00	0	0.00	\$0
<b>Hazardous Debris Requirements (268.7(d))</b>											
Prepare and submit one-time notification to EPA	0.00	0.50	0.50	0.25	1.25	\$49.10	\$0.00	\$0.48	0	0.00	\$0
Update and submit to EPA notification with changes	0.00	0.00	0.25	0.00	0.25	\$8.21	\$0.00	\$0.48	0	0.00	\$0
Keep records of all inspections, evaluations, and analyses of treated debris	0.00	0.00	0.17	0.10	0.27	\$7.68	\$0.00	\$0.11	0	0.00	\$0
Keep records of data or information obtained during treatment	0.00	0.00	0.17	0.10	0.27	\$7.68	\$0.00	\$0.11	0	0.00	\$0
Keep a certification of compliance for each shipment of treated debris	0.00	0.00	0.17	0.10	0.27	\$7.68	\$0.00	\$0.11	0	0.00	\$0
<b>Contaminated Soil Requirements (268.7(e))</b>											
Prepare one-time documentation	0.00	0.00	0.25	0.00	0.25	\$8.21	\$0.00	\$0.11	75	18.75	\$624
Maintain supporting documentation on site	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.00	75	7.50	\$158
<b>Special Rules for Characteristic Wastes (268.9(d))</b>											
Prepare and submit a one-time notification and certification to EPA	0.00	0.00	0.40	0.50	0.90	\$23.61	\$0.00	\$0.48	3	2.70	\$72
Maintain files of notification and certification on site	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.11	3	0.30	\$7
Update and submit to EPA the notification and certification annually, if changes occur	0.00	0.00	0.40	0.50	0.90	\$23.61	\$0.00	\$0.48	6	5.40	\$145
Maintain updated certification and notification	0.00	0.00	0.00	0.10	0.10	\$2.10	\$0.00	\$0.11	6	0.60	\$13
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>44,899</b>	<b>\$5,158,942</b>

**EXHIBIT 4A**

**LAND DISPOSAL RESTRICTIONS ICR**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY</b>											
<b>Reading the Regulations (268.42)</b>											
Read the Regulations	0.00	0.50	1.00	0.00	1.50	\$88.99	\$0.00	\$0.00	4	6.00	\$356
<b>Demonstration for Alternative Treatment Technology (268.42(b))</b>											
Develop and submit application to EPA	0.00	1.00	8.00	2.00	11.00	\$561.54	\$0.00	\$4.48	4	44.00	\$2,264
<b>TOTAL</b>	<b>0.00</b>	<b>1.50</b>	<b>9.00</b>	<b>2.00</b>	<b>12.50</b>	<b>\$650.53</b>	<b>\$0.00</b>	<b>\$4.48</b>	<b>4</b>	<b>50.00</b>	<b>\$2,620</b>

**EXHIBIT 4B**

**LAND DISPOSAL RESTRICTIONS ICR**

**ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY</b>											
<b>Reading the Regulations (268.42)</b>											
Read the Regulations	0.00	0.50	1.00	0.00	1.50	\$60.28	\$0.00	\$0.00	4	6.00	\$241
<b>Demonstration for Alternative Treatment Technology (268.42(b))</b>											
Develop and submit application to EPA	0.00	1.00	8.00	2.00	11.00	\$359.50	\$0.00	\$4.48	4	44.00	\$1,456
<b>TOTAL</b>	<b>0.00</b>	<b>1.50</b>	<b>9.00</b>	<b>2.00</b>	<b>12.50</b>	<b>\$419.78</b>	<b>\$0.00</b>	<b>\$4.48</b>	<b>4</b>	<b>50.00</b>	<b>\$1,697</b>

EXHIBIT 5A

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD</b>											
<b>Reading the Regulations (268.44)</b>											
Read the Regulations	0.00	0.50	0.00	1.00	1.50	\$67.77	\$0.00	\$0.00	10	15.00	\$678
<b>Demonstration for a Variance (268.44(a)-(d))</b>											
Develop and submit demonstration and additional information to EPA	0.00	1.00	8.00	2.00	11.00	\$561.54	\$0.00	\$4.48	7	77.00	\$3,962
<b>Demonstration for a Site-Specific Variance (268.44(h)-(m))</b>											
Develop and submit demonstration and additional information to EPA	0.00	1.00	8.00	2.00	11.00	\$561.54	\$0.00	\$4.48	3	33.00	\$1,698
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>125.00</b>	<b>\$6,338</b>

EXHIBIT 5B

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD</b>											
<b>Reading the Regulations (268.44)</b>											
Read the Regulations	0.00	0.50	0.00	1.00	1.50	\$48.39	\$0.00	\$0.00	10	15.00	\$484
<b>Demonstration for a Variance (268.44(a)-(d))</b>											
Develop and submit demonstration and additional information to EPA	0.00	1.00	8.00	2.00	11.00	\$359.50	\$0.00	\$4.48	7	77.00	\$2,548
<b>Demonstration for a Site-Specific Variance (268.44(h)-(m))</b>											
Develop and submit demonstration and additional information to EPA	0.00	1.00	8.00	2.00	11.00	\$359.50	\$0.00	\$4.48	3	33.00	\$1,092
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>125.00</b>	<b>\$4,124</b>

EXHIBIT 6A

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$120.92/ Year	Mgr. \$71.48/ Year	Tech. \$53.25/ Year	Cler. \$32.03/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>RECORDKEEPING FOR STORAGE PROHIBITION</b>											
<b>Reading the Regulations (268.50)</b>											
Read the Regulations	0.00	0.50	1.00	0.00	1.50	\$88.99	\$0.00	\$0.00	150	225.00	\$13,349
<b>Recordkeeping for Storage Prohibition (268.50(a)(2))</b>											
Develop and keep records of data	0.00	0.00	0.50	0.25	0.75	\$34.63	\$0.00	\$0.00	600	450.00	\$20,778
<b>TOTAL</b>	<b>0.00</b>	<b>0.50</b>	<b>1.50</b>	<b>0.25</b>	<b>2.25</b>	<b>\$123.62</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>Varies</b>	<b>675.00</b>	<b>\$34,127</b>

EXHIBIT 6B

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL STATE RESPONDENT HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$58.46/ Year	Mgr. \$54.88/ Year	Tech. \$32.84/ Year	Cler. \$20.95/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number Respon./ Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>RECORDKEEPING FOR STORAGE PROHIBITION</b>											
<b>Reading the Regulations (268.50)</b>											
Read the Regulations	0.00	0.50	1.00	0.00	1.50	\$60.28	\$0.00	\$0.00	3	4.50	\$181
<b>Recordkeeping for Storage Prohibition (268.50(a)(2))</b>											
Develop and keep records of data	0.00	0.00	0.50	0.25	0.75	\$21.66	\$0.00	\$0.00	12	9.00	\$260
<b>TOTAL</b>	<b>0.00</b>	<b>0.50</b>	<b>1.50</b>	<b>0.25</b>	<b>2.25</b>	<b>\$81.94</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>Varies</b>	<b>13.50</b>	<b>\$441</b>

**EXHIBIT 7**

**ANNUAL RESPONDENT BURDEN FOR NO-MIGRATION VARIANCES**

	Legal	Managerial	Technical	Clerical	Respondent	Labor Cost	Capital	O & M	Number of	Total Hours	Total Cost
	Hours	Hours	Hours	Hours	Hours per 3 years	3 per years	Startup Costs	Costs	Respondent	per year	per year
ACTIVITY	\$120.93	\$71.48	\$53.25	\$32.04					Activities		
<b>No-Migration Variance Petitions -- Prepare and Gather Information/ Present in Written Form</b>											
Read Regulations and Guidance Manual	0	10	80	0	90	\$4,974.80	\$0.00	\$0.00	0.333	30	\$1,657
Legal Counsel	300	0	0	0	300	\$36,279.00	\$0.00	\$0.00	0.333	100	\$12,081
Compiling Administrative Information	0	40	350	0	390	\$21,496.70	\$0.00	\$0.00	0.333	130	\$7,158
Description of Specific wastes and Units	0	80	500	0	580	\$32,343.40	\$0.00	\$0.00	0.333	193	\$10,770
Performing Waste Analyses	0	140	1300	0	1440	\$79,232.20	\$0.00	\$0.00	0.333	480	\$26,384
Performing Unsaturated and Saturated Zone Monitoring	0	150	1300	0	1450	\$79,947.00	\$0.00	\$0.00	0.333	483	\$26,622
Comprehensive Characterization of Site	0	80	550	0	630	\$35,005.90	\$0.00	\$0.00	0.333	210	\$11,657
Presentation of Waste Analyses, Monitoring, and QA/QC Results	0	25	200	0	225	\$12,437.00	\$0.00	\$0.00	0.333	75	\$4,142
Preparing Monitoring Plans (Waste and unsaturated/Saturated Zones)	0	35	200	0	235	\$13,151.80	\$0.00	\$0.00	0.333	78	\$4,380
Performing Unsaturated/Saturated Zone Modeling	0	40	300	0	340	\$18,834.20	\$0.00	\$0.00	0.333	113	\$6,272
Unsaturated and Saturated Zone Modeling and Monitoring Results and Conclusions	0	20	150	0	170	\$9,417.10	\$0.00	\$0.00	0.333	57	\$3,136
Performing Air Modeling	0	40	370	0	410	\$22,561.70	\$0.00	\$0.00	0.333	137	\$7,513
Preparing Air Monitoring Plan	0	20	150	0	170	\$9,417.10	\$0.00	\$0.00	0.333	57	\$3,136
Performing Air Monitoring Program	0	200	1600	0	1800	\$99,496.00	\$0.00	\$0.00	0.333	599	\$33,132
Interpretation & Presentation of Air Modeling and Monitoring Results and Conclusions	0	40	370	0	410	\$22,561.70	\$0.00	\$0.00	0.333	137	\$7,513
Performing Uncertainty Analyses	0	20	150	0	170	\$9,417.10	\$0.00	\$0.00	0.333	57	\$3,136
Preparing Quality Assurance and Quality Control Plans	0	30	250	0	280	\$15,456.90	\$0.00	\$0.00	0.333	93	\$5,147
Certifying Compliance with all Applicable Laws	0	5	50	0	55	\$3,019.90	\$0.00	\$0.00	0.333	18	\$1,006
Certification of Truth and Accuracy	0	1	10	0	11	\$603.98	\$0.00	\$0.00	0.333	4	\$201
Compilation/Transmittal of Three Copies of the Petition	0	0	0	350	350	\$11,214.00	\$0.00	\$121.00	0.333	117	\$3,775
<b>Total</b>	<b>300</b>	<b>976</b>	<b>7880</b>	<b>350</b>	<b>9506</b>	<b>\$536,867.48</b>	<b>\$0.00</b>	<b>\$121.00</b>	<b>0.333</b>	<b>3,168</b>	<b>\$178,818</b>

**EXHIBIT 8**  
**LAND DISPOSAL RESTRICTIONS ICR**  
**ESTIMATED ANNUAL AGENCY HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$104.46/ Year	Mgr. \$92.16/ Year	Tech. \$66.30/ Year	Cler. \$28.29/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number or Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>TREATMENT SURFACE IMPOUNDMENT EXEMPTION</b>											
<b>Application for Exemption and Certification (268.4)</b>											
Review demonstration or request for modification and approve/deny exemption	0.00	0.50	4.00	0.00	4.50	\$311.28	\$0.00	\$0.00	1	4.50	\$311
Review written certification	0.00	0.00	0.50	0.00	0.50	\$33.15	\$0.00	\$0.00	1	0.50	\$33
Keep records of demonstration and written certification	0.00	0.00	0.00	0.10	0.10	\$2.83	\$0.00	\$0.00	1	0.10	\$3
<b>Subtotal</b>	<b>0.00</b>	<b>0.50</b>	<b>4.50</b>	<b>0.10</b>	<b>5.10</b>	<b>\$347.26</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>1</b>	<b>5.10</b>	<b>\$347</b>
<b>PROCEDURES FOR CASE-BY-CASE EXTENSION</b>											
<b>Application for Extension (268.5(a)-(c))</b>											
Review and keep records of application	1.00	0.50	6.00	0.25	7.75	\$555.41	\$0.00	\$0.00	1	7.75	\$555
Request, review, and keep records of any additional information	1.00	0.25	4.00	0.50	5.75	\$406.85	\$0.00	\$0.00	1	5.75	\$407
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$231.06	\$0.00	\$0.00	1	3.00	\$231
Consult with State agencies	0.25	0.25	2.00	0.00	2.50	\$181.76	\$0.00	\$0.00	1	2.50	\$182
Approve/deny extension and publish decision	1.00	0.50	32.00	1.00	34.50	\$2,300.43	\$0.00	\$0.00	1	34.50	\$2,300
<b>Renewal of Extension (268.5(e))</b>											
Receive, review, and keep records of the renewal request	1.00	0.25	4.00	0.25	5.50	\$399.77	\$0.00	\$0.00	0	0.00	\$0
Consult with State agencies	1.00	0.25	1.50	0.00	2.75	\$226.95	\$0.00	\$0.00	0	0.00	\$0
Issue notice and provide opportunity for comment	1.50	0.50	32.00	1.00	35.00	\$2,352.66	\$0.00	\$0.00	0	0.00	\$0
Approve/deny extension and publish decision	1.00	0.50	32.00	1.00	34.50	\$2,300.43	\$0.00	\$0.00	0	0.00	\$0
<b>Notifications and Progress Reports (268.5(f)-(g))</b>											
Receive and keep records of any changes	0.00	0.25	0.00	0.10	0.35	\$25.87	\$0.00	\$0.00	0	0.00	\$0
Receive, review, and keep records of progress reports	0.00	0.25	0.50	0.10	0.85	\$59.02	\$0.00	\$0.00	1	0.85	\$59
<b>Subtotal</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>54.35</b>	<b>\$3,735</b>



EXHIBIT 8 (cont.)

LAND DISPOSAL RESTRICTIONS ICR

ESTIMATED ANNUAL AGENCY HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$104.46/ Year	Mgr. \$92.16/ Year	Tech. \$66.30/ Year	Cler. \$28.29/ Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number or Activ.	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>WASTE ANALYSIS AND RECORDKEEPING</b>											
<b>Generator Waste Analysis Plan (268.7(a)(5))</b>											
Inspect waste analysis plan in the facility's on-site files	0.00	0.00	0.50	0.25	0.75	\$40.22	\$0.00	\$0.00	15	11.25	\$603
<b>Treatment Facility Notifications and Certifications (268.7(b)(6))</b>											
Receive, review, and keep records of the notification and certification submitted by the recycling facility with each shipment	0.00	0.00	0.50	0.25	0.75	\$40.22	\$0.00	\$0.00	3,675	2,756.25	\$147,809
<b>Hazardous Debris Requirements (268.7(d))</b>											
Receive, review, and keep records of one-time notification	0.00	0.00	0.25	0.25	0.50	\$23.65	\$0.00	\$0.00	4	2.00	\$95
Receive, review, and keep records of updates sent from owner/operator	0.00	0.00	0.25	0.25	0.50	\$23.65	\$0.00	\$0.00	0	0.00	\$0
<b>Contaminated Soil Requirements (268.7(e))</b>											
Make determination that contaminated soil does not contain hazardous waste	0.00	0.25	0.50	0.25	1.00	\$63.26	\$0.00	\$0.00	1,930	1,930.00	\$122,092
<b>Special Rules for Characteristic Wastes (268.9(d))</b>											
Receive, review, and file notification and certification	0.00	0.25	0.50	0.25	1.00	\$63.26	\$0.00	\$0.00	150	150.00	\$9,489
Receive, review, and keep records of update notification and certification with annual changes	0.00	0.00	0.50	0.25	0.75	\$40.22	\$0.00	\$0.00	300	225.00	\$12,066
<b>Subtotal</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>5,074.50</b>	<b>\$292,153</b>
<b>DEMONSTRATION FOR ALTERNATIVE TREATMENT TECHNOLOGY</b>											
<b>Demonstration for Alternative Treatment Technology (268.42(b))</b>											
Receive, review, and keep records of the application	0.00	0.50	4.00	0.25	4.75	\$318.35	\$0.00	\$0.00	4	19.00	\$1,273
Approve/deny application	0.00	0.25	1.00	0.50	1.75	\$103.49	\$0.00	\$0.00	4	7.00	\$414
Develop written approval	0.00	0.25	2.00	0.50	2.75	\$169.79	\$0.00	\$0.00	4	11.00	\$679
<b>Subtotal</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>4</b>	<b>37.00</b>	<b>\$2,367</b>
<b>DEMONSTRATION FOR A VARIANCE FROM A TREATMENT STANDARD</b>											
<b>Demonstration for a Variance (268.44(a)-(d))</b>											
Receive, review, and keep records of the petition	1.00	0.50	6.00	0.25	7.75	\$555.41	\$0.00	\$0.00	7	54.25	\$3,888
Request additional information or samples if required	1.00	0.25	4.00	0.50	5.75	\$406.85	\$0.00	\$0.00	7	40.25	\$2,848
Send additional copies to the States	0.00	0.00	0.00	0.25	0.25	\$7.07	\$0.00	\$0.48	7	1.75	\$53
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$231.06	\$0.00	\$0.00	7	21.00	\$1,617
Approve/deny petition and publish decision	1.00	0.50	32.00	1.00	34.50	\$2,300.43	\$0.00	\$0.00	7	241.50	\$16,103
<b>Demonstration for a Site-Specific Variance (268.44(h)-(m))</b>											
Receive, review, and keep records of the petition	1.00	0.50	6.00	0.25	7.75	\$555.41	\$0.00	\$0.00	3	23.25	\$1,666
Request additional information or samples if required	1.00	0.25	4.00	0.50	5.75	\$406.85	\$0.00	\$0.00	3	17.25	\$1,221
Issue notice and provide opportunity for comment	1.50	0.50	0.00	1.00	3.00	\$231.06	\$0.00	\$0.00	3	9.00	\$693
Approve/deny petition	1.00	0.50	32.00	1.00	34.50	\$2,300.43	\$0.00	\$0.00	3	103.50	\$6,901
<b>Subtotal</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>511.75</b>	<b>\$34,990</b>
<b>TOTAL</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>Varies</b>	<b>5,682.70</b>	<b>\$333,592</b>

