

**EPA ICR No. 1446.10; OMB Control No. 2070-0112**

**APPENDIX E**

**Summary of Public and Consultative Comments and EPA's Response to All Comments**

(Copies of public comments are available at [www.regulations.gov](http://www.regulations.gov) at Docket ID Number EPA-HQ-OPPT-2010-0910)

May 6, 2011

**MEMORANDUM**

SUBJECT: Response to Comments on the PCB Consolidated Reporting and Recordkeeping Requirements Information Collection Request Renewal

FROM: Maria J. Doa, Director /s/  
National Program Chemicals Division

TO: Angela Hofmann, Director  
Regulatory Coordination Staff

In proposing to renew ICR number 1446.09, on December 29, 2010, EPA published a notice in the Federal Register soliciting public comment on the ICR and its supporting statement (75 FR 82007). The 60-day public comment period ended February 28, 2010. In response to the notice, EPA received two sets of written comments, submitted by the Utilities Solid Waste Activities Group (USWAG) and the Color Pigments Manufactures Association (CPMA).

In addition, concurrent with the public comment period for this ICR renewal, EPA conducted a consultative outreach effort. EPA contacted seven individuals to solicit their opinion on the PCB recordkeeping and reporting requirements. EPA received two responses. EPA received oral comments from the American Gas Association (AGA) and comments from Guy Donzella, EPS Industries. Below is a brief summary of the comments made and the responses to them:

**A. Public Comments**

**1. USWAG:**

- USWAG did not object to EPA's proposal to renew the existing ICR. USWAG commented that there has been a 10 percent decline in the number of newly discovered PCB transformers and that since the last ICR renewal there has been a decrease in the number of PCB waste items listed on manifests, a decrease in the number of reports on which PCB wastes were listed, and a decrease in the number of certificates of disposal for PCB wastes.

Response: This comment raises issues outside the scope of the ICR exercise. No change was made to the supporting statement based on this comment.

- USWAG commented that there has been a decrease in the number of PCB spills and the number of spills required to be reported to the National Response Center (NRC). USWAG also commented on the limitations of the NRC spill data.

Response: This comment raises issues outside the scope of the ICR exercise. No change was made to the supporting statement based on this comment.

## **2. CPMA:**

- CPMA commented in support of the existing regulatory structure for the control of inadvertent *de minimis* PCBs in excluded products and processes. CPMA further commented that EPA's recent proposal to eliminate the excluded products and processes regulation under 40 CFR section 761 would impact significantly numerous important color pigments and be unreasonable, unnecessary, and not cost effective.

Response: This comment raises issues outside the scope of the ICR exercise. No change was made to the supporting statement based on this comment.

- CPA commented that the cost estimates for the burden of compliance provided in the PRA supporting statement significantly underestimate the costs of compliance with the reporting obligations because the cost of management time is missing from the estimate of costs.

Response: This comment did not provide sufficient detail on what amount of management supervision the commenter believes is needed for the maintenance of records. EPA believes that a minimal amount of management supervision is necessary to ensure records are compiled and maintained. EPA revised its burden estimate to include .5 hours of managerial time and reduced its estimate of the technical time by .5 hours.

- CPA commented that the cost estimates for the burden of compliance provided in the ICR's supporting statement significantly underestimate the costs of compliance with the reporting obligations because the costs of sampling and analyzing products for PCBs is not included in EPA's cost estimates.

Response: The burden of sampling and analyzing the data are outside the scope of this ICR exercise. These comments relate to substantive compliance with the regulations, not record keeping and reporting burdens. No change was made to the supporting statement based on this comment.

## **B. Consultative Comments**

### **1. American Gas Association (AGA)**

- AGA's oral comments expressed concern with the requirement that if PCB testing reveals greater than 50 ppm PCBs, that the collection point or source must be tested every year

until there are two successive tests indicating less than 50 ppm PCBs. According to AGA some collection points become dry holes, so such testing would never reveal less than 50 ppm PCBs. Wipe samples were suggested.

Response: EPA is aware of these industry concerns; however they are outside the scope of this ICR exercise. EPA plans to address issues like these in its forthcoming rulemaking (see 75 FR 17645). No change was made to the supporting statement based on this comment.

- AGA comments expressed concern that sampling data may need to be kept perpetually.

Response: EPA notes that 40 CFR section 761.30 (i)(1)(iii)(C) requires records to be maintained “for 3 years after the PCB concentration in the component or segment is reduced to <50ppm.” No change was made to the supporting statement based on this comment.

## **2. Guy Donzella, EPS Industries**

- Mr. Donzella commented that some of the data EPA is seeking may be available through the regional coordinators, inspectors, or other personnel. Also, he commented that some states such as New York collect data on PCBs.

Response: EPA’s regional coordinators receive this information based on the requirements of the underlying regulations which the ICR supports. Because the PCB program is not a delegated program, State information is not uniform or complete enough to be a viable data source for EPA’s data needs. No change was made to the supporting statement based on this comment.

- Mr. Donzella believed it was clear what is required for data submission.

Response: No response is required for this comment.

- Mr. Donzella commented that he would be interested in an electronic data submission option, preferably a secured web based data submission system. Mr. Donzella also commented that signatures should be handled via PINS and passwords on a secured web system. He commented that there would be a significant increase in efficiency if companies could submit raw data in comma delimited fields.

Response: EPA agrees with the commenter that a move toward electronic manifesting as soon as feasible would be beneficial to both the Agency and the public. As EPA noted in 2004, the RCRA program has the lead on this initiative for the uniform hazardous waste manifest, as the use of the manifest for PCBs in 40 CFR part 761 is modeled on the RCRA regulations. EPA further notes that since 2004 the Agency is much closer to implementation of electronic manifesting under RCRA and that legislation to fund this program is under consideration in Congress. Once electronic manifesting for hazardous waste has been implemented, it may be possible to implement compatible electronic

manifesting requirements for PCBs. EPA appreciates the information provided by Mr. Donzella and will take it into account as it explores electronic manifesting issues.

- Mr. Donzella agreed with EPA's estimated burden and costs.

Response: No response is required for this comment.