

**SUPPORTING STATEMENT FOR
INFORMATION COLLECTION REQUEST NUMBER 1775.06
“HAZARDOUS REMEDIATION WASTE MANAGEMENT
REQUIREMENTS (HWIR-MEDIA)”**

May 31, 2012

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

This Information Collection Request (ICR) is entitled “Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal)”
ICR Number 1775.06, OMB Number 2050-0161.

1(b) Short Characterization

The Resource Conservation and Recovery Act of 1976 (RCRA), as amended, requires the U.S. Environmental Protection Agency (EPA) to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. Under this program (known as the RCRA Subtitle C program), EPA regulates newly generated hazardous wastes, as well as hazardous remediation wastes (i.e., hazardous wastes managed during cleanup).

To facilitate prompt and protective treatment, storage, and disposal of hazardous remediation wastes, EPA established three requirements for remediation waste management sites that are different from those for facilities managing newly generated hazardous waste:

- Performance standards for remediation waste management sites at 40 *CFR* 264.1(j) that replaced the detailed requirements in 40 *CFR* part 264, subparts B, C, and D (General Facility Standards, Preparedness and Prevention, and Contingency Plans and Emergency Procedures);
- A provision excluding remediation waste management sites from RCRA section 3004(u)’s requirements for facility-wide corrective action; and
- A new form of RCRA permit for treating, storing, and disposing of hazardous remediation wastes at 40 *CFR* part 270, subpart H. The new permit, a Remedial Action Plan (RAP), streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

In addition, EPA created a new kind of unit called a “staging pile” at 40 *CFR* 264.554 that allows more flexibility in storing remediation waste during cleanup.

This ICR describes the requirements applicable to owners/operators of remediation waste management sites at 40 *CFR* 264.1(j) and part 270, subpart H, as well as the requirements for staging piles at 40 *CFR* 264.554. It replaces the previously approved ICR on remediation waste management requirements (i.e., ICR Number 1775.05). Sections 1 through 5 of this ICR describe the specific information collection requirements (e.g., from the standpoint of need, use, respondent activities). In Section 6, EPA estimates the annual hour and cost burden to respondents and the Agency under these requirements, and discusses the reasons for the change in annual burden since the previously approved ICR.

Following is a brief description of the information collection requirements applicable to owners/operators of remediation waste management sites.

(1) General Requirements for Hazardous Remediation Waste Management Sites

Hazardous remediation waste management sites must comply with all parts of 40 *CFR* part 264 except subparts B, C, and D, and section 264.101. In place of the requirements in subparts B, C, and D, however, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 *CFR* 264.1(j).¹

40 *CFR* 264.1(j)(1) requires owners/operators of remediation waste management sites to obtain an EPA identification number.

40 *CFR* 264.1(j)(2) requires owners/operators of remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the waste analysis must contain all the information that must be known to treat, store or disposed of the waste in accordance with 40 *CFR* parts 264 and 268, and must be kept accurate and up to date.

40 *CFR* 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately.

Under 40 *CFR* 264.1(j)(7), owners/operators of remediation waste management sites must design, construct, operate, and maintain units within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless they can meet the demonstration requirements of section 264.18(b).

¹ Facilities other than remediation facilities must comply with 40 *CFR* part 264, subparts B, C, and D.

40 *CFR* 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with sections 264.221(c) and (d), 264.251(c) and (d), and 264.301(c) and (d) at the remediation waste management site, according to the requirements of section 264.19.

40 *CFR* 264.1(j)(10) requires owners/operators of remediation waste management sites to develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

40 *CFR* 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10).

40 *CFR* 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). Under 40 *CFR* 264.73(b)(17), owners/operators of remediation waste management sites are required to record, as it becomes available, and maintain in the operating record any records required under section 264.1(j)(13).

(2) Requirements for Staging Piles

A staging pile is an accumulation of remediation waste that is not a containment building and is used only during remedial operations for temporary storage at a facility. A staging pile is not subject to land disposal restrictions or minimum technology requirements and must be used as part of an approved RCRA permit, RAP, closure plan, or corrective action order issued under section 3008(h) of RCRA.

Under 40 *CFR* 264.554(c)(1), owners/operators seeking staging pile designations must provide sufficient and accurate information to enable the Director to impose standards and design criteria for the staging pile. In addition, under section 264.554(c)(2), the owner/operator must provide a certification by an independent, qualified, registered professional engineer for technical data (e.g., design drawings and specifications, engineering studies), unless the Director determines, based on information provided by the owner/operator, that the certification is not necessary to ensure that the staging pile will protect human health and the environment. Finally, under section 264.554(c)(3), the owner/operator must provide any additional information the Director determines is necessary to protect human health and the environment.

As provided under 40 *CFR* 264.554(d)(1)(iii), a staging pile must not operate for more than two years, except when the Director grants an operating term extension under section

264.554(i). The owner/operator must measure the two-year limit, or other operating term specified by the Director in the permit, closure plan, or order, from the first time remediation waste is placed into the staging pile. The owner/operator must maintain a record of the date when remediation waste was first placed into the staging pile for the life of the permit, order, or approved closure plan, or for three years, whichever is longer.

Under 40 *CFR* 264.554(i)(1), the Director may grant one operating term extension for a staging pile of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order. To obtain an extension, owners/operators must document that an extension will not pose a threat to human health and the environment and is necessary to ensure timely and efficient implementation of remedial actions at the facility.

40 *CFR* 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles).

40 *CFR* 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders. Pursuant to section 264.554(l)(1), a permit, other than a RAP, may be modified to incorporate a staging pile or staging pile operating term extension as part of an Agency-initiated permit modification under section 270.41 or as part of an owner/operator initiated Class 2 permit modification under section 270.42. Pursuant to section 264.554(l)(2), an owner/operator may modify an existing RAP to incorporate a staging pile or staging pile operating term extension by complying with the RAP modification requirements under sections 270.170 and 270.175. Pursuant to section 265.554(l)(3), an owner/operator may modify an existing closure plan to incorporate a staging pile or staging pile operating term extension by following the applicable requirements under section 264.112(c) or 265.112(c). Pursuant to section 264.554(l)(4), an owner/operator may modify an existing order to incorporate a staging pile or staging pile operating term extension by following the terms of the order and the applicable provisions of section 270.72(a)(5) or 270.72(b)(5).

(3) Remedial Action Plans

40 *CFR* 270.80(a) defines a RAP as a special form of RCRA permit that an owner/operator of a remediation waste management site may obtain, instead of a permit issued under sections 270.3 through 270.66, to treat, store, or dispose of hazardous remediation waste at a remediation waste management site.

Under 40 *CFR* 270.85(a), whenever an owner/operator treats, stores, or disposes of hazardous remediation waste in a manner that requires a RCRA permit under section 270.1, the owner/operator must either obtain a RCRA permit or a RAP.

Under 40 *CFR* 270.85(c), an owner/operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. This RAP must be approved as a

modification to the existing permit according to the requirements of section 270.41 or section 270.42. However, when the owner/operator submits an application for such modification, the information requirements in section 270.42(a)(1)(i), (b)(1)(iv), and (c)(1)(iv) do not apply; instead, the owner/operator must submit the information required under section 270.110. When the permit is modified, the RAP becomes part of the RCRA permit.

Under 40 *CFR* 270.95, an owner/operator may apply for a RAP by completing an application, signing it, and submitting it to the Director.

40 *CFR* 270.100 provides that, when a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP. Under section 270.105, both the owner and the operator must sign the RAP application and any required reports according to sections 270.11(a) through (c). In addition, both the owner and the operator must also make the certification required under section 270.11(d)(1). However, the owner may choose the alternative certification under section 270.11(d)(2) if the operator certifies under section 270.11(d)(1).

The RAP application must include all the information specified in section 270.110. Under section 270.115, an owner/operator may claim as confidential any or all of the information he submits to EPA. Any such claim must be asserted at the time he submits his RAP application or other submissions by stamping the words "confidential business information" on each page containing such information. The owner/operator must submit the RAP application to the Director for approval (§270.120). If the RAP application is submitted as part of another document, he must clearly identify the components of that document that constitute the RAP application (§270.125).

40 *CFR* 270.130(b) provides that, if the Director tentatively finds that a RAP application does not include all of the information requested in section 270.110 or that the proposed remediation waste management activities do not meet the regulatory standards, the Director may request additional information from the owner/operator or ask the owner/operator to correct deficiencies in his application.

Under 40 *CFR* 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the management of the remediation waste, or that otherwise merits public review and comment.

If the RAP has been incorporated into a traditional RCRA permit, as allowed under section 270.85(c), then the RAP will be modified according to the applicable requirements in sections 270.40 through 270.42, revoked and reissued according to the applicable requirements in sections 270.41 and 270.43, or terminated according to applicable requirements of section 270.43.

Under 40 *CFR* 270.195, RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Director in fixed increments of no more than ten years. Under section 270.200, if an owner/operator wishes to renew his expiring RAP, he must follow the process for application for and issuance of RAPs.

40 *CFR* 270.210 requires owners/operators of remediation waste management sites to keep records concerning their RAP. All records must be kept for a period of at least three years from the date the RAP application is signed.

Under 40 *CFR* 270.220(a), owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. To transfer the RAP, owners/operators must follow the requirements specified in their RAP for RAP modification to identify the new owner/operator, and incorporate any other necessary requirements. The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.

Under 40 *CFR* 270.220(b), when a transfer of ownership occurs, the old owner/operator must comply with applicable requirements of 40 *CFR* part 264, subpart H, until the new owner/operator has demonstrated compliance (i.e., within six months of the date of the change).

Under 40 *CFR* 270.230(a), owners/operators may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. Owners/operators must request the RAP, and the Director will approve or deny the RAP, according to the requirements in part 270, subpart H (§270.230(c)).

A RAP for an alternative location must meet the additional requirements specified in section 270.230(d), including the RCRA expanded public participation requirements in sections 124.31 through 124.33. In addition, under section 270.230(e)(2), these alternative locations are remediation waste management sites, and retain the benefit of complying with the requirements of section 264.1(j) in lieu of part 264, subparts B, C, and D.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This section describes the need and authority for each type of information collection analyzed in this ICR. All information collection requirements associated with the hazardous remediation waste management requirements were established under the authority of sections 3004 and 3005 of RCRA, as amended. EPA believes these information collection requirements are necessary to balance streamlined regulation of remediation wastes with the Agency's responsibility to protect human health and the environment.

(1) General Requirements for Hazardous Remediation Waste Management Sites

Hazardous remediation waste management sites must comply with all parts of 40 *CFR* part 264 except subparts B, C, and D, and section 264.101. In place of the requirements in subparts B, C, and D, however, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 *CFR* 264.1(j).

Section 264.1(j)(1) requires owners/operators of hazardous waste remediation sites to obtain an EPA identification number by applying to the Administrator using EPA Form 8700-12. This information collection is required by section 3010 of RCRA, and is needed to ensure consistent and coordinated identification of the site by EPA under RCRA and other regulatory programs.

Section 264.1(j)(2) requires owners/operators of remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the waste that will be remediated. At a minimum, the waste analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with 40 *CFR* parts 264 and 268. The owner/operator needs the information obtained from the waste analysis to determine whether there are any potential dangers from handling the remediation waste. The waste analysis requirement contributes to EPA's goal of preventing undetected releases or reactions of hazardous waste on site.

Section 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator needs to conduct these inspections to identify problems in time to correct them before they harm human health or the environment. EPA needs owners/operators to perform inspections in order to prevent undetected releases or other problems at the facility.

Section 264.1(j)(7) requires owners/operators not to locate remediation waste management units within a floodplain unless the owner/operator can meet the demonstration of section 264.18(b). In particular, the owner/operator must demonstrate that procedures will be in effect to remove waste safely before flood waters reach the unit in the event of a flood, or no adverse effects on human health or the environment would result from a washout. This information collection contributes to EPA's goal of preventing unforeseen releases of hazardous wastes.

Section 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for surface impoundments, waste piles, and landfills, as specified. EPA needs this information to ensure that the units are constructed and designed to prevent unforeseen releases of hazardous wastes.

Section 264.1(j)(10) codifies streamlined contingency and emergency plan regulations for

hazardous remediation waste sites. Requiring remediation waste management sites to develop and maintain contingency and emergency plans contributes to EPA's goal of minimizing unanticipated damage from the treatment, storage, or disposal of hazardous waste. Contingency planning is also mandated by RCRA section 3004(a)(5).

Section 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10). 40 *CFR* 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). Under 40 *CFR* 264.73(b)(17), owners/operators of remediation waste management sites are required to record, as it becomes available, and maintain in the operating record any records required under section 264.1(j)(13). EPA needs a record of this information to be sure that the requirements of section 264.1(j) are being met.

(2) Requirements for Staging Piles

Staging piles are codified at 40 *CFR* 264.554 under the authority of section 3004 of RCRA. Sections 264.554(c) and (d) identify procedures and information requirements for designating staging piles. Information provided to EPA by owners/operators seeking designation of staging piles is needed to ensure that the design and operation of the staging pile will comply with all applicable regulations and will be protective of human health and the environment.

Owners/operators may request an extension of up to six months to the two-year limit for staging pile operation. Extensions are authorized under section 264.554(i) and require a request with supporting information to be submitted to EPA. EPA requires information in extension requests to ensure that continued operation of the staging pile is necessary and will not pose a threat to human health and the environment. In addition, the information may be necessary to develop further standards and design criteria for the staging pile.

Section 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles).

Section 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders, at the owner/operator's initiative. These procedures are needed to keep the permit, closure plans, or orders up to date.

(3) Remedial Action Plans

Under 40 *CFR* 270.80 through 270.90, EPA provides general information on RAPs (e.g., a definition of a RAP, applicability criteria). Under section 270.95 through 270.125, EPA describes how to apply for a RAP. These procedures are needed to ensure owners/operators understand the requirements and procedures they must follow.

Under section 270.130(b), if the Director tentatively finds that the RAP application does not include all of the information required under section 270.110 or that the proposed remediation waste management activities do not meet regulatory standards, the Director may request additional information from the owner/operator. EPA needs this information to ensure that the proposed remediation waste management activities meet the regulatory standards.

The Agency believes that the information collected in the RAP applications is necessary to determine how and where media and remediation waste will be managed. The information is essential to determine whether the management of these materials will be protective of human health and the environment, and will be in compliance with standards established pursuant to RCRA.

Under section 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. Owners/operators and EPA need these procedures to ensure that modifications can be made in a manner that protects human health and the environment.

Under section 270.195, RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Director in fixed increments of no more than ten years by following the requirements of section 270.200. EPA needs this information to determine whether the management of these materials will be protective of human health and the environment, and will be in compliance with standards established pursuant to RCRA.

Section 270.210 requires owners/operators of remediation waste management sites to keep records concerning their RAP. Recordkeeping is required to ensure that owners/operators are following the requirements for preparing and maintaining a RAP.

Under section 270.220, owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. Records of such changes are needed to ensure that owners/operators are aware of their rights and obligations under part 270, subpart H.

Under section 270.230, owners/operators may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. This information is essential to determine whether the management of hazardous remediation waste will be protective of human health and the environment, and will be in compliance with standards established pursuant to RCRA.

2(b) Practical Utility/Users of the Data

(1) General Requirements for Hazardous Remediation Waste Management Sites

An owner/operator of a hazardous remediation waste management site must request an EPA identification number by completing and submitting EPA Form 8700-12, according to section 264.1(j)(1). EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the site. Both EPA and the owner/operator use the EPA identification number as a standard way of identifying the site (e.g., in correspondence, reports).

In performing waste analysis, pursuant to section 264.1(j)(2), the owner/operator of a remediation waste management site obtains detailed chemical and physical properties of the remediation waste. The owner/operator uses these data to design and implement effective and safe remedial actions and to prevent unanticipated contaminant releases.

Section 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator uses the data collected in order to identify problems in time to correct them before they harm human health or the environment.

Under section 264.1(j)(7), owners/operators planning to design, construct, operate, or maintain a hazardous remediation waste management unit in a 100-year floodplain must demonstrate that the unit meets the criteria of section 264.18(b). The Director uses the information in the demonstration to evaluate whether the risk of contamination due to a flood is greater if the wastes are left unremediated within the floodplain than if the remediation wastes are managed in a unit within the floodplain.

Section 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for surface impoundments, waste piles, and landfills, as specified. Owners/operators use this plan to construct and maintain these units in a manner that prevents unforseen releases of hazardous wastes.

Section 264.1(j)(10) requires owners/operators of remediation waste management sites to develop and maintain contingency and emergency plans. The contingency and emergency plans are used by the owner/operator to assure an appropriate response to any unplanned release of hazardous waste or hazardous waste constituents during the remedial action.

Section 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10). 40 *CFR* 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). Under 40 *CFR* 264.73(b)(17), owners/operators of remediation waste management sites are required to record, as it becomes available, and maintain in the operating record any records required under section 264.1(j)(13). Owners/operators use these records to keep track of maintenance and repairs, inspections, design criteria, and compliance with other aspects of hazardous waste remediation.

For owners/operators of hazardous remediation waste management sites subject to the 40 *CFR* 264.1(j) and part 270, subpart H requirements, the reporting burden is estimated to be 27.33 hours per respondent per year. This hourly burden includes time for preparing and submitting a RAP application, information to modify a RAP, and information to transfer a RAP. The recordkeeping burden is estimated to be 42.13 hours per respondent per year. This hourly burden includes time for reading the regulations and maintaining documentation (e.g., waste analyses results, contingency and emergency plan, file of RAP documents) on site.

(2) Requirements for Staging Piles

Data submitted by owners/operators seeking designation of staging piles is used by EPA to evaluate and approve proposed remedial actions involving staging piles. Specifically, EPA uses the data to develop standards and design criteria for staging piles that are included in an approved permit, order, or closure plan. Similarly, when owners/operators request extensions to the two-year limit for operating a staging pile, EPA uses submitted data to evaluate the need for and protectiveness of the extension, and to issue further standards and design criteria if needed.

Owners/operators using a staging pile in uncontaminated areas must close the staging piles in accordance with applicable requirements of sections 264.258(a) and 264.111 or 265.258(a) and 265.111. Information submitted by owners/operators pursuant to these closure and post-closure care requirements is used by EPA to approve closure plans and ensure that the site does not pose a continuing threat to human health and the environment.

Section 264.554(l) specifies procedures for incorporating staging piles into existing RCRA permits, closure plans, or orders. In processing the information collected, EPA ensures that the proposed modifications will comply with all applicable provisions of RCRA.

For owners/operators of hazardous remediation waste management sites subject to the 40 *CFR* 264.554 requirements for staging piles, the reporting burden is estimated to be 7.08 hours per year per respondent. This hourly burden includes time for preparing and submitting information for a staging pile designation and documentation supporting a staging pile extension. The recordkeeping burden is estimated to be 12.61 hours per respondent per year. This hourly burden includes time for reading the regulations and complying with the recordkeeping requirements in section 264.554(d)(1)(iii).

(3) Remedial Action Plans

Information submitted in RAP applications and renewals, including requested additional information, is used by the Director to verify that proposed remedial activities will be conducted in accordance with applicable regulations and in a manner which protects human health and the environment. In addition, the Director may use the information in aggregate (e.g., number of

RAPs approved) to track and evaluate RCRA implementation and to assist with further program development.

Section 270.210 requires owners/operators to maintain a file of RAP-related documents. The owners/operators use information included in the operating record to minimize unanticipated damage from the treatment, storage, or disposal of hazardous remediation waste. If an unanticipated release occurs, the owner/operator may review the information in the file to determine the composition of the waste and appropriate contingency measures.

In the event that a remediation waste management site changes ownership, a RAP may be transferred to the new owner/operator under the procedures in section 270.220. Specifically, the current owner/operator is required to submit to the Director a modified RAP and a written agreement between the current and new owner/operator. The Director uses this information to maintain accurate records on the ownership of the sites and to ensure that new owners/operators are aware of their rights and obligations under part 270, subpart H.

Under section 270.230, owners/operators may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. The Director uses the information to verify that proposed remedial activities will be conducted in accordance with applicable regulations in a manner that protects human health and the environment.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

No document identical or similar in purpose to the RAP is required by the Federal government. Since management of hazardous contaminated media will take place under many Federal and State remedial programs, the Agency has established RAP requirements that are flexible enough so that any enforceable document used by one of these programs, which contains the relevant information and goes through at least the minimum public participation requirements in section 270.145, can be considered equivalent to the RAP. A respondent would not be required to duplicate effort or documentation to meet the requirements of the RAP.

Most of the information required by the regulations is not available from any source but the respondents. To avoid duplicating previous work, EPA allows respondents to draw upon similar analyses in compiling data (e.g., for waste analyses), provided the information meets the requirements specified in the regulations.

3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on February 28, 2012 (77 FR 12046). No comments were received.

3(c) Consultations

In developing this ICR for the HWIR-Media final rule, EPA conducted consultations with industry regarding the hazardous remediation waste management requirements covered in this ICR. Their feedback enabled the Agency to develop hour and cost assumptions that are representative of their “real-world” experience. These respondents were identified in that previous ICR. As with the previous renewal (ICR Number 1775.05), EPA has updated the costs to reflect inflation, but has no reason to believe that the number of burden hours has changed.

In developing this current ICR, EPA consulted with one State agency and two EPA Regional offices to ascertain the number of respondents subject to the RAP requirements under 40 CFR part 270. Contact information for them is provided below:

State Agency	Contact Name	Phone Number
Alabama Department of Environmental Management	Mr. Brian Espy	(334) 271-7749
Environmental Protection Agency, Region 1	Mr. Bob Bracket	(617) 918-1364
Environmental Protection Agency, Region 7	Ms. Lynn Slugantz Mr. Jeremy Johnson	(913) 551-7883 (913) 551-7510

3(d) Effects of Less Frequent Collection

EPA has carefully considered the burden imposed upon the regulated community by the general requirements for remediation waste management sites. EPA is confident that those activities required of respondents are necessary, and to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that hazardous remediation wastes will be managed properly, and will not pose a serious threat to human health and the environment.

Since the RAP is a one-time document for a particular remediation waste management site, less frequent preparation is not possible. At some sites, periodic review or renewal of the RAP may be needed to assure that the remedy continues to comply with currently applicable RCRA requirements. RAPs are for fixed terms, not to exceed ten years. When remedies continue beyond the term of the RAP, the Director may renew the RAP unchanged or with changes as needed. In addition, the Director must review RAPs for hazardous waste land disposal facilities every five years. Although the RAP renewals and five-year reviews do not require owners/operators to submit progress reports or new applications, communication will be necessary to appraise the Director of the status of the cleanup.

3(e) General Guidelines

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

3(f) Confidentiality

Section 3007(b) of RCRA and 40 *CFR* part 2, subpart B, which define EPA's general policy on public disclosure of information, contain provisions for confidentiality. In addition, under section 270.115, EPA has established procedures that owners/operators submitting RAPs may use to claim as confidential any or all of the information submitted as part of the application. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations above. Finally, EPA has ensured that this information collection complies 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 information collection requirements.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondent SIC/NAICS Codes

The following is a list of North American Industrial Classification System (NAICS) codes associated with facilities most likely affected by the information requirements covered in this ICR.

Industry Sector	NAICS Code(s)
Wood Preservation	321114

Industry Sector	NAICS Code(s)
Alkalies and Chlorine Manufacturing	325181
All Other Miscellaneous Chemical Product and Preparation Manufacturing	325998
Plastics Material and Resin Manufacturing	325211
All Other Basic Organic Chemical Manufacturing	325199
Pesticide and Other Agricultural Chemical Manufacturing	32532
Petroleum Refineries	32411
Plastics and Rubber Products Manufacturing	326
All Other Plastic Products Manufacturing	326199
Other Pressed and Blown Glass and Glassware Manufacturing	327212
Rolled Steel Shape Manufacturing	331221
Nonferrous Metal (except Aluminum) Production and Processing	3314
Secondary Smelting and Alloying of Aluminum	331314
Fabricated Metal Product Manufacturing	332
Small Arms Ammunition Manufacturing	332992
Other Ordnance and Accessories Manufacturing	332995
Mechanical Power Transmission Equipment Manufacturing	333613
Communications Equipment Manufacturing	3342
Semiconductors and Related Device Manufacturing	334413
Storage Battery Manufacturing	335911
Aerospace Product and Parts Manufacturing	3364
Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing	336415
Travel Trailer and Camper Manufacturing	336214
Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	3345
Surgical and Medical Instrument Manufacturing	339112
Other Support Activities for Road Transportation	48849
Support Activities for Air Transportation	4881
Waste Treatment and Disposal	5622
Dry Cleaning and Laundry Services	8123
Colleges, Universities, and Professional Schools	61131
National Security	92811

4(b) Information Requested

(1) General Requirements for Hazardous Remediation Waste Management Sites

(a) EPA Identification Number

40 *CFR* 264.1(j)(1) requires owners/operators of remediation waste management sites to have EPA identification numbers. An EPA identification number can be obtained by applying to the Administrator using EPA Form 8700-12.

(i) Data Item:

The data item required of owners/operators includes:

- A completed EPA Form 8700-12.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Complete and submit EPA Form 8700-12.

[Note: This ICR does not address the requirement in 40 *CFR* 264.1(j)(1) for obtaining an EPA identification number. Refer to “Notification of Regulated Waste Activity,” ICR Number 261, for this requirement.]

(b) Waste Analyses

40 *CFR* 264.1(j)(2) requires owners/operators of remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the waste analysis must contain all the information that must be known to treat, store or disposed of the waste in accordance with 40 *CFR* parts 264 and 268, and must be kept accurate and up to date.

(i) Data Item:

The data item required of owners/operators includes:

- A detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site.

(ii) Respondent Activity:

In order to comply with the above requirements, owners/operators must conduct the following activity:

- Perform waste analysis.

(c) Inspections

40 *CFR* 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be

causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately.

(i) Data Item:

The data item required of owners/operators includes:

- An inspection record.

(ii) Respondent Activity:

In order to comply with the above requirements, owners/operators must conduct the following activity:

- Conduct inspections.

(d) Demonstrations for Remediation Waste Management Sites in Floodplains

Under 40 *CFR* 264.1(j)(7), owners/operators of remediation waste management sites subject to regulation under part 264, subparts I through O and subpart X must design, construct, operate, and maintain units within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless they can meet the demonstration requirements of section 264.18(b).

(i) Data Item:

The data item required of owners/operators includes:

- A demonstration that establishes that procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters.

(ii) Respondent Activity:

In order to comply with the above requirements, owners/operators must conduct the following activity:

- Prepare and submit demonstration for exemption from design and operating standards under §264.18(b).

(e) Construction Quality Assurance Program

40 *CFR* 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with sections 264.221(c) and (d), 264.251(c) and (d), and 264.301(c) and (d) at the remediation waste management site, according to the requirements of section 264.19.

(i) Data Item:

The data item required of owners/operators includes:

- A construction quality assurance program.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Develop and maintain a construction quality assurance program.

(f) Contingency and Emergency Plan

40 *CFR* 264.1(j)(10) requires owners/operators of remediation waste management sites to develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site.

In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

(i) Data Items:

The data items required of owners/operators include:

- Procedures to prevent accidents; and
- A contingency and emergency plan.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Develop and maintain procedures to prevent accidents; and
- Develop and maintain contingency and emergency plan.

(g) Compliance Plan

40 *CFR* 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10).

(i) Data Item:

The data item required of owners/operators includes:

- A compliance plan.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Develop, maintain, and implement a plan to meet the requirements in §§264.1(j)(2) through (j)(6) and §§264.1(j)(9) through (j)(10).

(h) Recordkeeping Requirements

40 *CFR* 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). These records must be maintained in the operating record as required under section 264.73(b)(17).

(i) Data Items:

The data items required of owners/operators include:

- Records documenting compliance with §§264.1(j)(1) through (j)(12).

(ii) Respondent Activity:

In order to comply with the above requirements, owners/operators must conduct the following activity:

- Keep records documenting compliance with §§264.1(j)(1) through (j)(12).

(2) Requirements for Staging Piles

(a) Designation of Staging Piles

Under 40 *CFR* 264.554(c)(1), owners/operators seeking staging pile designations must provide sufficient and accurate information to enable the Director to impose standards and design criteria for the staging pile. In addition, under section 264.554(c)(2), the owner/operator must provide a certification by an independent, qualified, registered professional engineer for technical data (e.g., design drawings and specifications, engineering studies), unless the Director determines, based on information provided by the owner/operator, that the certification is not necessary to ensure that the staging pile will protect human health and the environment. Finally, under section 264.554(c)(3), the owner/operator must provide any additional information the Director determines is necessary to protect human health and the environment.

(i) Data Items:

The data items required of owners/operators include:

- Information that will enable the Director to impose standards and design criteria for the staging pile;
- Certification by an independent, qualified, registered professional engineer for technical data; and
- Any additional information requested by the Director.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Prepare information that will enable the Director to impose standards and design criteria for the staging pile;
- Obtain certification by an independent, qualified, registered professional engineer for technical data, unless the Director determines that the certification is not necessary;
- Submit information to the Director; and
- Prepare and submit additional information requested by the Director, if requested.

(b) Staging Pile Recordkeeping

As provided under 40 *CFR* 264.554(d)(1)(iii), a staging pile must not operate for more than two years, except when the Director grants an operating term extension under section 264.554(i). The owner/operator must measure the two-year limit, or other operating term specified by the Director in the permit, closure plan, or order, from the first time remediation waste is placed into the staging pile. The owner/operator must maintain a record of the date when remediation waste was first placed into the staging pile for the life of the permit, order, or approved closure plan, or for three years, whichever is longer.

(i) Data Item:

The data item required of owners/operators includes:

- A record of the date when the remediation waste was first placed into the staging pile.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Record the date of waste placement in the unit; and
- File the record.

(c) Staging Pile Extensions

Under 40 *CFR* 264.554(i)(1), the Director may grant one operating term extension for a staging pile of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order. To obtain an extension, owners/operators must document that an extension will not pose a threat to human health and the environment and is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(i) Data Item:

The data item required of owners/operators includes:

- Information documenting that an extension: (1) will not pose a threat to human health and the environment and (2) is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Prepare documentation supporting an extension; and
- Submit request for extension.

(d) Closure of Staging Piles

40 *CFR* 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles). [Note: This ICR does not address the requirements in 40 *CFR* 264.258(a), 265.258(a), 264.111, and 265.111 for closing a staging pile. Refer to “General Hazardous Waste Facility Standards,” ICR Number 1571, for these requirements.]

(e) Incorporation of Staging Piles into Existing Permits

40 *CFR* 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders. Pursuant to section 264.554(l)(1), a permit, other than a RAP, may be modified to incorporate a staging pile or staging pile operating term extension as part of an Agency-initiated permit modification under section 270.41 or as part of an owner/operator initiated Class 2 permit modification under section 270.42. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 and 270.42 for modifying an existing RCRA permit. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for these requirements.]

Pursuant to section 264.554(l)(2), an owner/operator may modify an existing RAP to incorporate a staging pile or staging pile operating term extension by complying with the RAP modification requirements under sections 270.170 and 270.175. [Note: Refer to subsection “RAP Modification, Revocation and Reissuance, and Termination” of this ICR for requirements applicable to owners/operators of remediation waste management sites modifying their RAP.]

Pursuant to section 265.554(l)(3), an owner/operator may modify an existing closure plan to incorporate a staging pile or staging pile operating term extension by following the applicable requirements under section 264.112(c) or 265.112(c). [Note: This ICR does not address the requirements in 40 *CFR* 264.112(c) or 265.112(c) for modifying an existing closure plan. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for the requirements under section 264.112(c). Refer to “General Hazardous Waste Facility Standards,” ICR Number 1571, for the requirements under section 265.112(c).]

Pursuant to section 264.554(l)(4), an owner/operator may modify an existing order to incorporate a staging pile or staging pile operating term extension by following the terms of the order and the applicable provisions of section 270.72(a)(5) or 270.72(b)(5). [Note: Facilities incorporating staging piles into their orders would not follow the requirements in this ICR. Rather, they would follow the procedures spelled out in their site-specific order. As such, these facilities are not addressed in this ICR.]

(3) Remedial Action Plans

(a) RAP Application

40 *CFR* 270.80(a) defines a RAP as a special form of RCRA permit that an owner/operator of a remediation waste management site may obtain, instead of a permit issued under sections 270.3 through 270.66, to treat, store, or dispose of hazardous remediation waste at a remediation waste management site.

Under 40 *CFR* 270.85(a), whenever an owner/operator treats, stores, or disposes of hazardous remediation waste in a manner that requires a RCRA permit under section 270.1, the owner/operator must either obtain a RCRA permit or a RAP.

Under 40 *CFR* 270.85(c), an owner/operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. This RAP must be approved as a modification to the existing permit according to the requirements of section 270.41 or section 270.42. However, when the owner/operator submits an application for such modification, the information requirements in section 270.42(a)(1)(i), (b)(1)(iv), and (c)(1)(iv) do not apply; instead, the owner/operator must submit the information required under section 270.110. When the permit is modified, the RAP becomes part of the RCRA permit. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 and 270.42 for modifying an existing RCRA permit. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for these requirements.]

Under 40 *CFR* 270.95, an owner/operator may apply for a RAP by completing an application, signing it, and submitting it to the Director.

40 *CFR* 270.100 provides that, when a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator’s duty to obtain a RAP. Under section 270.105, both the owner and the operator must sign the RAP application and any required reports according to sections 270.11(a) through (c). In addition, both the owner and the operator must also make the certification required under section 270.11(d)(1). However, the owner may choose the alternative certification under section 270.11(d)(2) if the operator certifies under section 270.11(d)(1).

The RAP application must include all the information specified in section 270.110. Under section 270.115, an owner/operator may claim as confidential any or all of the information

he submits to EPA. Any such claim must be asserted at the time he submits his RAP application or other submissions by stamping the words “confidential business information” on each page containing such information.

The owner/operator must submit the RAP application to the Director for approval (§270.120). If the RAP application is submitted as part of another document, he must clearly identify the components of that document that constitute the RAP application (§270.125).

40 *CFR* 270.130(b) provides that, if the Director tentatively finds that a RAP application does not include all of the information requested in section 270.110 or that the proposed remediation waste management activities do not meet the regulatory standards, the Director may request additional information from the owner/operator or ask the owner/operator to correct deficiencies in his application.

(i) Data Item:

The data item required of owners/operators includes a RAP application with the following information:

- Owner and operator signatures in accordance with §270.11(a) through (c);
- Owner and operator certifications required under §270.11(d);
- Information specified in §270.110:
 - The name, address, and EPA identification number of the remediation waste management site;
 - The name, address, and telephone number of the owner and operator;
 - The latitude and longitude of the site;
 - The U.S. Geological Survey or county map showing the location of the remediation waste management site;
 - A scaled drawing of the remediation waste management site showing:
 - The remediation waste management site boundaries;
 - Any significant physical structures;
 - The boundary of all areas on site where remediation waste is to be treated, stored, or disposed;
 - A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site, including the following information:
 - Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated and/or otherwise managed;

- An estimate of the quantity of these wastes;
 - A description of the processes that will be used to treat, store, or dispose of the waste including technologies, handling systems, design, and operating parameters that will be used to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions standards of part 268, as applicable;
 - Enough information to demonstrate that operations that follow the provision in the RAP application will ensure compliance with applicable requirements of parts 264, 266, and 268;
 - Such information as may be necessary to enable the Regional Administrator to carry out his duties under other Federal laws as required for traditional RCRA permits under §270.14(b)(20);
 - Any other information the Director decides is necessary for demonstrating compliance with 40 *CFR* part 270, subpart H or for determining any additional RAP conditions that are necessary to protect human health and the environment; and
- If claiming as confidential any or all of the information on the RAP application or other submissions, a stamp with the words “confidential business information” on each page containing such information.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Prepare RAP application;
- Submit RAP application; and
- Prepare and submit additional information, if requested.

(b) RAP Modification, Revocation and Reissuance, and Termination

Under 40 *CFR* 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the management of the remediation waste, or that otherwise merits public review and comment.

If the RAP has been incorporated into a traditional RCRA permit, as allowed under section 270.85(c), then the RAP will be modified according to the applicable requirements in sections 270.40 through 270.42, revoked and reissued according to the applicable requirements in sections 270.41 and 270.43, or terminated according to applicable requirements of section 270.43. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 through 270.43 for modifying, revoking and reissuing, and terminating a RCRA permit. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for these requirements.]

(i) Data Item:

The data item required of owners/operators includes:

- Information necessary to modify RAP, as specified in the RAP.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators must conduct the following activities:

- Prepare and submit information to modify RAP in accordance with procedures specified in the RAP.

(c) RAP Renewal

Under 40 *CFR* 270.195, RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Director in fixed increments of no more than ten years. Under section 270.200, if an owner/operator wishes to renew his expiring RAP, he must follow the process for application for and issuance of RAPs. [Note: Refer to subsection “RAP Application” of this ICR for requirements applicable to owners/operators of remediation waste management sites renewing their RAP.]

(d) RAP Recordkeeping

40 *CFR* 270.210 requires owners/operators of remediation waste management sites to keep records concerning their RAP. All records must be kept for a period of at least three years from the date the RAP application is signed.

(i) Data Items:

The data items required of owners/operators include:

- All data used to complete RAP applications and any supplemental information submitted; and
- Any operating and/or other records required as a condition of the RAP.

(ii) Respondent Activity:

In order to comply with the above requirements, owners/operators must conduct the following activity:

- Maintain a file of RAP documents.

(e) RAP Transfers

Under 40 *CFR* 270.220(a), owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. To transfer the RAP, owners/operators must follow the requirements specified in their RAP for RAP modification to identify the new owner/operator, and incorporate any other necessary requirements.² The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.

Under 40 *CFR* 270.220(b), when a transfer of ownership occurs, the old owner/operator must comply with applicable requirements of 40 *CFR* part 264, subpart H, until the new owner/operator has demonstrated compliance (i.e., within six months of the date of the change). [Note: The demonstrations under 40 *CFR* part 264, subpart H are addressed in “General Hazardous Waste Facility Standards,” ICR Number 1571.]

(i) Data Items:

The data item required of the owner/operator with the RAP includes:

- Information specified in the RAP for RAP modification.

The data items required of the new owner/operator include:

- A revised RAP application; and
- A written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.

² These modifications do not constitute “significant” modifications for purposes of section 270.170.

(ii) Respondent Activities:

In order to comply with the above requirements, owners/operators with the RAP must conduct the following activity:

- Modify RAP.

In order to comply with the above requirements, the new owners/operators must conduct the following activities:

- Prepare a revised RAP application and a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees; and
- Submit modified RAP and written agreement to the Director no later than 90 days before the scheduled changes.

(f) RAP for an Off-Site Location

Under 40 *CFR* 270.230(a), owners/operators may request a RAP for hazardous remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. Owners/operators must request the RAP, and the Director will approve or deny the RAP, according to the requirements in part 270, subpart H (§270.230(c)). [Note: Refer to subsection “RAP Application” of this ICR for requirements applicable to owners/operators of remediation waste management sites applying for a RAP.]

A RAP for an alternative location must meet the additional requirements specified in section 270.230(d), including the RCRA expanded public participation requirements in sections 124.31 through 124.33. [Note: This ICR does not address the expanded public participation requirements in 40 *CFR* 124.31 through 124.33. Refer to “RCRA Expanded Public Participation,” ICR Number 1688, for these requirements.]

In addition, under section 270.230(e)(2), these alternative locations are remediation waste management sites, and retain the benefit of complying with the requirements of section 264.1(j) in lieu of part 264, subpart B, C, and D. [Note: Refer to subsection “General Requirements for Hazardous Remediation Waste Management Sites” of this ICR for these requirements.]

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

5(a) Agency Activities

(1) General Requirements for Hazardous Remediation Waste Management Sites

(a) Demonstrations for Remediation Waste Management Sites in Floodplains

The Director must receive and review information submitted by owners/operators to meet the demonstration of section 264.18(b).

(2) Requirements for Staging Piles

(a) Designation of Staging Piles

The Director must receive and review information submitted by all owners/operators seeking a staging pile designation. Based on this information, the Director designates a staging pile in a permit, closure plan, or order under section 264.554(b) and establishes standards and design criteria in accordance with section 264.554(d). In addition, the Director may receive and review additional information for staging pile designations submitted under section 264.554(c) (3).

(b) Staging Pile Extensions

Under 40 *CFR* 264.554(h), the Director designates in the permit the length of time the owner/operator may use a staging pile, which may be up to two years. Under section 264.554(i), the Director may grant extensions of up to 180 days for the use of staging piles. The Director must receive and review request for extensions from owners/operators, and determine whether to grant an extension. The Director may, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order.

(c) Closure of Staging Piles

40 *CFR* 264.554(j) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all remediation waste, contaminated containment system components, and structures and equipment contaminated with waste and leachate. The owner/operator must also decontaminate subsoils in a manner and according to a schedule that the Director determines will protect human health and the environment. The Director must include these requirements in the permit, closure plan, or order in which the staging pile is designated.

Section 264.554(k) provides that, within 180 days after the operating term of the staging

pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site according to sections 264.258(a) and 264.111; or according to sections 265.258(a) and 265.111. The Director must include the above requirement in the permit, closure plan, or order in which the staging pile is designated.

[Note: This ICR does not address the requirements for preparing a permit (other than a RAP), a closure plan, or an order. Refer to “General Hazardous Waste Facility Standards,” ICR Number 1571, for these requirements.]

(d) Incorporation of Staging Piles into Existing Permits

40 *CFR* 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders. Pursuant to section 264.554(l)(1), a permit, other than a RAP, may be modified to incorporate a staging pile or staging pile operating term extension as part of an Agency-initiated permit modification under section 270.41 or as part of an owner/operator initiated Class 2 permit modification under section 270.42. [Note: This ICR does not address the requirements in 40 *CFR* 264.41 and 264.42 for modifying an existing RCRA permit. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for these requirements.]

(e) Data Availability

Under section 264.554(m), the Director must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(3) Remedial Action Plans

(a) RAP Applications

According to 40 *CFR* 270.95 and 270.120, the Director must receive RAP applications for approval. Sections 270.130 through 270.140 identify the activities the Director must follow to review and approve RAP applications. As part of this process, the Director may require RAP applicants to provide additional information, as described in section 270.110(i). When additional information is requested, the Director must receive and review the information to ensure that the RAP application complies with applicable hazardous remediation waste management standards and, if necessary, develop additional permit conditions.

Based on the RAP application, the Director must prepare either a draft RAP or a notice of intent to deny the RAP. Section 270.135 describes what the Director must include in a draft RAP.

Under section 270.140(a), the Director must prepare a statement of basis that briefly describes the derivation of conditions of the draft RAP or the rationale for the notice of intent to

deny the RAP. Under section 270.140(b), the Director must compile an administrative record. Under section 270.140(c), the Director must make that record available to the public. The administrative record should include the following items:

- The RAP application and any supporting data furnished by the applicant;
- The draft RAP or notice of intent to deny;
- The statement of basis and all documents cited therein; and
- Other documents supporting the decision to approve or deny the RAP

Under 40 *CFR* 270.85(c), an owner/operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. This RAP must be approved as a modification to the existing permit according to the requirements of section 270.41 or section 270.42. When the permit is modified, the RAP becomes part of the RCRA permit. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 and 270.42 for modifying an existing RCRA permit. Refer to “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573, for these requirements.]

(b) Public Comment on the Draft RAP or Notice of Intent to Deny

Under 40 *CFR* 270.145, the Director must notify the applicant of his intention to approve or deny the RAP application. The Director also must notify the public of his intention to approve or deny the RAP application by publishing a notice in a major local newspaper or general circulation and broadcasting his intention over a local radio station. In addition, the Director must notify the applicable local government and State agencies of his intention.

The public notice must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days. If, within the comment period, the Director receives written notice of opposition to his intention to approve or deny the RAP application and a request for a hearing, the Director must hold an informal public hearing to discuss issues related to the approval or denial of the RAP application. The Director may also determine on his own initiative that an informal hearing is appropriate. The Director must notify the public that a hearing will take place.

(c) RAP Final Decisions

40 *CFR* 270.150 specifies the procedures by which the Director must make a final decision on RAP applications. If the RAP is to be approved, the Director must issue a final RAP and notify the applicant and all commenters on the draft RAP of the approval in writing. If the RAP is denied, the Director must prepare and send to the applicant and all commenters on the draft RAP of the denial in writing. Before issuing a final decision, the Director must compile an administrative record that includes the following items:

- All comments received during the public comment period;
- Tapes or transcripts of any hearings;
- Any written materials submitted at such hearings;
- The responses to comments;
- Any new material placed in the record since issuance of the draft RAP;
- Any other documents supporting the RAP; and
- A copy of the final RAP.

(a) Administrative Appeal of a RAP Application

Under 40 *CFR* 270.155, the Director must review administrative appeals of the Director's decision to approve or deny a RAP. The Director must then give public notice of any grant of review of RAPs by the Environmental Appeals Board (EAB).

(e) RAP Modification, Revocation and Reissuance, and Termination

Under 40 *CFR* 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the management of the remediation waste, or that otherwise merits public review and comment.

Under sections 270.175 and 270.185, the Director may choose to modify the final RAP because the owner/operator made material and substantial alterations to the RAP, new information became available, or standards and regulations under which the RAP was submitted have changed. In addition, if the RAP includes a compliance schedule, the Director may modify it if events over which the owner/operator has little control over affect RAP activities (e.g., a flood).

If the RAP has been incorporated into a traditional RCRA permit, as allowed under section 270.85(c), then the RAP will be modified according to the applicable requirements in sections 270.40 through 270.42, revoked and reissued according to the applicable requirements in sections 270.41 and 270.43, or terminated according to applicable requirements of section 270.43. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 through 270.43 for modifying, revoking and reissuing, and terminating a RCRA permit. Refer to "Part B Permit Application, Permit Modifications, and Special Permits," ICR Number 1573, for these requirements.]

(f) Administrative Appeal of a Modification, Revocation and Reissuance, or Termination of a RAP

Under 40 *CFR* 270.190(c), the EAB must review administrative appeals of revisions to a RAP. The Board must act on the appeal within 60 days of receiving it; otherwise, the appeal is considered denied.

(g) RAP Expiration

Under 40 *CFR* 270.195, the Director may renew the RAP for up to 10 years. In addition, the Director must review any RAP for hazardous waste land disposal five years after the RAP is issued or reissued.

(h) RAP Transfers

Under 40 *CFR* 270.220, once the new owner/operator has submitted a revised RAP application, and has demonstrated compliance with 40 *CFR* part 264, subpart H, the Director will notify the previous owner/operator that he or she no longer has to comply with 40 *CFR* part 264, subpart H.

(i) RAP for an Off-Site Location

Under 40 *CFR* 270.230, if the applicant wishes to perform remediation waste management activities under a RAP at a location removed from the area where the waste originated, the Director must approve a RAP for this alternative location and must include in the RAP that the alternative location meets the requirements of section 270.230(d). [Note: Refer to subsection “RAP Applications” of this ICR for Agency requirements associated with the RAP application process. Refer to “RCRA Expanded Public Participation,” ICR Number 1688, for the expanded public participation requirements in 40 *CFR* 124.31 through 124.33.]

5(b) Collection Methodology and Management

In collecting and analyzing the information submitted, EPA uses equipment such as personal computers and applicable data base software, when appropriate. As part of the RAP application process, the public will receive information through newspaper announcements and other media, and, upon request, will have access to additional data in the administrative record.

5(c) Small Entity Flexibility

RAPs are not mandatory. The Agency believes that the RAP provisions provide a flexible, less burdensome alternative to RCRA permitting at remediation waste management sites.

Staging piles provide an alternative to placing hazardous remediation waste in a waste pile. Staging piles are less burdensome because the waste need not be treated to land disposal restriction standards before being placed in the pile, as is the case for a waste pile.

These regulatory alternatives may decrease burden for both small and large entities.

5(d) Collection Schedule

(1) Requirements for Staging Piles

As provided under 40 *CFR* 264.554(d)(1)(iii), a staging pile must not operate for more than two years, except when the Director grants an operating term extension under section 264.554(i). The owner/operator must measure the two-year limit, or other operating term specified by the Director in the permit, closure plan, or order, from the first time remediation waste is placed into the staging pile. The owner/operator must maintain a record of the date when remediation waste was first placed into the staging pile for the life of the permit, order, or approved closure plan, or for three years, whichever is longer.

Under 40 *CFR* 264.554(i)(1), the Director may grant one operating term extension for a staging pile of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order. To obtain an extension, owners/operators must document that an extension will not pose a threat to human health and the environment and is necessary to ensure timely and efficient implementation of remedial actions at the facility.

40 *CFR* 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles).

(2) Remedial Action Plans

Under 40 *CFR* 270.220(a), owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. To transfer the RAP, owners/operators must follow the requirements specified in their RAP for RAP modification to identify the new owner/operator, and incorporate any other necessary requirements. The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.

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 Exhibit 1. The burden estimates for each activity presented in Exhibit 1 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents.

6(b) Estimating Respondent Costs

Exhibit 1 estimates the annual costs to respondents based on the cost of labor, capital, and operations and maintenance (O&M).

(1) Labor Costs

For the private sector, EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$122.72 for legal staff, \$72.54 for managerial staff, \$54.04 for technical staff, and \$32.51 for clerical staff. These respondent labor costs were obtained from EPA ICR Number 0976.15.

(2) Capital Costs

Capital costs usually include any produced physical good needed to provide the necessary information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements covered in this ICR.

(3) Operation & 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 cost associated with O&M or purchasing services.” For this ICR, O&M costs cover mailing costs (\$4.50 per submittal)³ and waste analysis costs (\$845 per respondent).⁴

6(c) Estimating Agency Hour and Cost Burden

EPA estimates the Agency hour and cost burden associated with the information collection requirements covered in this ICR. EPA estimates an average hourly labor cost of \$86.56 for legal staff (GS15, Step 5), \$76.38 for managerial staff (GS-15, Step 1), \$54.94 for technical staff (GS-13, Step 1), and \$23.44 for clerical staff (GS-06, Step 1). To derive these hourly estimates, EPA referred to the General Schedule (GS) Salary Table 2012. 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) Estimating State Agency Burden and Cost

Thirty (30) States are authorized for the HWIR program, with an additional nine (9) States expected to be authorized over the next three years. EPA estimates the State Agency hour and cost burden associated with all information collection requirements covered in this ICR in Exhibit 3.

For State agencies, EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$57.54 for legal staff, \$54.02 for managerial staff, \$32.32 for technical staff, and \$20.62 for clerical staff. These labor costs were obtained from EPA ICR Number 0976.15.

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

(1) Respondent Universe

(a) Hazardous Remediation Waste Management Sites Subject to 40 *CFR* 264.1(j) and Part 270, Subpart H

In estimating the number of owners/operators of hazardous remediation waste management sites subject to 40 *CFR* 264.1(j) and part 270, subpart H (i.e., the requirements for sites with RAPs), EPA conducted consultations with one State and two EPA Regions and has come to the conclusion that the number of entities covered by this ICR has not changed

³ Postage cost estimates are from the U.S. Postal Service and are based on the mailing cost for a two-pound package.

⁴ Waste analysis costs are based on testing cost estimates for §264.13(a)(1) in “General Hazardous Waste Facility Standards,” ICR Number 1571. .

significantly from the previous renewal (ICR Number 1775.05). Based on this analysis, EPA estimates that, currently, there are 14 hazardous remediation waste management sites with RAPs. EPA also estimates that, each year, eight new owners/operators of hazardous remediation waste management sites will apply for a RAP. Thus, EPA estimates that, on average, 30 sites will be subject to the requirements in 40 *CFR* 264.1(j) and part 270, subpart H over the three-year period of this ICR. This is reflected in Table 1.

Table 1
Number of Hazardous Remediation Waste Management Sites
Subject to 40 *CFR* 264.1(j) and Part 270, Subpart H

Type of Remediation Site	Year 1	Year 2	Year 3
Existing	14	22	30
New	8	8	8
Total	22	30	38

Note that this ICR addresses only non-permitted sites under 40 *CFR* 264.1(j) and part 270, subpart H. As discussed earlier in this ICR, a site may conduct cleanup through a RAP, permit, or other specified mechanism. Permitted facilities would obtain a RAP by modifying their permit. These activities are already addressed in “Part B Permit Application, Permit Modifications, and Special Permits,” ICR Number 1573. Therefore, this ICR addresses only non-permitted sites under the RAP requirements.

(b) Hazardous Remediation Waste Management Sites Subject to 40 *CFR* 264.554

In estimating the number of owners/operators of hazardous remediation waste management sites subject to the 40 *CFR* 264.554 requirements for staging piles, EPA referred to the Biennial Reporting System (BRS). Based on analysis of BRS data, EPA estimates that, currently, there are 88 existing hazardous remediation waste management sites with staging piles.⁵ EPA also estimates that, each year, 58 owners/operators of non-permitted hazardous

⁵ In estimating the number of existing hazardous remediation waste management sites, EPA analyzed data submitted by generators of remediation-derived waste (i.e., BRS source codes G41, G42, G43, G44, G45, and G49) to the 2001 and 2003 BRS. Based on these data, EPA found that, currently, there are 1,756 sites generating remediation-derived wastes. For purposes of this ICR, EPA assumes that only five percent of these sites (i.e., $0.05 \times 1,756 = 88$) are subject to 40 *CFR* 264.554.

remediation waste management sites will seek a new staging pile designation.^{6, 7}

(2) Annual Respondent Hour and Cost Burden

(a) Reading the Regulations

EPA estimates that 176 owners/operators of hazardous remediation waste management sites (i.e., $30 + 88 + 58 = 176$) will be subject to the requirements in this ICR and will, therefore, read the regulations each year.

(b) General Requirements for Hazardous Remediation Waste Management Sites

Following is a discussion of the Agency's burden assumptions regarding sites subject to the 40 *CFR* 264.1(j) requirements.

(b1) Waste Analyses

Owners/operators of hazardous remediation waste managements sites are required to obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation waste to be managed at the site. EPA estimates that the owners/operators of all 30 remediation sites will perform waste analyses in order to obtain this information each year.

(b2) Inspections

Owners/operators must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. Note that this ICR burdens inspections under Section b6 of this subsection, "Compliance Plan."

(b3) Demonstrations for Remediation Waste Management Sites in Floodplains

Hazardous remediation waste management units must be designed, constructed, operated, and maintained in such a way as to prevent washout of any hazardous waste within a 100-year floodplain. Exceptions are allowed for sites that meet the demonstration requirements of section 264.18(b).

⁶ In estimating the number of new hazardous remediation waste management sits, EPA conducted a trend analysis of data submitted by generators of remediation derived waste to the 2001 and 2003 BRS. Based on these data, EPA found that, each year, 1,158 new sites generate remediation-derived wastes. For purposes of this ICR, EPA assumes that only five percent of the owners/operators of these sites (i.e., $0.05 \times 1,158 = 58$) will seek a staging pile designation each year.

⁷ Permitted facilities must modify their permit to incorporate a staging pile. Refer to "Part B Permit Application, Permit Modifications, and Special Permits," ICR Number 1573, for the burden to these facilities.

EPA assumes that owners/operators of existing remediation sites have already prepared and submitted the above demonstration, if applicable. EPA further assumes that, each year, five percent of owners/operators of new remediation sites (i.e., $0.05 \times 8 = 0$) will prepare and submit the demonstration. Thus, EPA estimates that no owner/operator of a remediation site will need to comply with this information collection requirement during the three-year period covered in this ICR.

(b4) Construction Quality Assurance Program

Owners/operators of hazardous remediation waste management sites are required to develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units, as specified. EPA assumes that existing remediation sites have already developed their construction quality assurance programs. Thus, EPA estimates that only the eight new remediation sites will have to conduct this activity each year.

(b5) Contingency and Emergency Plan

Owners/operators of hazardous remediation waste management sites are required to develop and maintain procedures to prevent accidents. EPA assumes that existing remediation sites have already developed these procedures. Thus, EPA estimates that only the eight new remediation sites will have to conduct this activity each year.

Owners/operators of hazardous remediation waste management sites also are required to develop and maintain a contingency and emergency plan. EPA assumes that existing remediation sites have already developed their contingency and emergency plans. Thus, EPA estimates that only the eight new remediation sites will have to conduct this activity each year.

(b6) Compliance Plan

Owners/operators of hazardous remediation waste management sites are required to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10). EPA estimates that the owners/operators of all 30 remediation sites will need to comply with this information collection requirement each year.

(b7) Recordkeeping Requirements

Owners/operators of hazardous remediation waste management sites are required to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12) in the operating record. EPA estimates that the owners/operators of all 30 remediation sites will need to comply with these recordkeeping requirements each year.

(c) Requirements for Staging Piles

Following is a discussion of the Agency's burden assumptions regarding sites subject to

the 40 *CFR* 264.554 requirements for staging piles.

(c1) Designation of Staging Piles

To manage hazardous remediation waste in a staging pile, owners/operators of hazardous remediation waste management sites must seek a staging pile designation from the Director. EPA estimates that, each year, 58 owners/operators of hazardous remediation waste management sites will seek staging pile designations under section 264.554(c). EPA also estimates that one percent (i.e., $0.01 \times 58 = 1$) of these owners/operators will need to prepare and submit additional information requested by the Director.

(c2) Staging Pile Recordkeeping

Owners/operators of staging piles must keep a record of the date when waste was first placed in the staging pile. EPA estimates that, each year, all 58 owners/operators of hazardous remediation waste management sites seeking staging pile designations under section 264.554(c) will need to comply with the recordkeeping requirements under section 264.554(d)(1)(iii).

(c3) Staging Pile Extensions

Staging piles are intended to be used for up to two years. Under certain circumstances, the Director may grant an extension of up to six months. EPA estimates that, each year, 20 percent of owners/operators with existing staging piles (i.e., $0.20 \times 146 = 29$) will request an operating term extension for a staging pile.

(d) Remedial Action Plans

Following is a discussion of the Agency's burden assumptions regarding sites subject to the 40 *CFR* part 270, subpart H requirements.

(d1) RAP Application

EPA estimates that, each year, eight owners/operators of hazardous remediation waste management sites will submit a RAP application. EPA assumes that 50 percent of these owners/operators (i.e., $0.50 \times 8 = 4$) will be able to use existing documents that satisfy the requirements for a RAP in preparing their RAP applications. The remaining 50 percent (i.e., $0.50 \times 8 = 4$) will not have existing documents that satisfy the requirements for a RAP and thus, will have to develop RAP applications from new information. All owners/operators must submit their RAP application to the Director.

The Director may request additional information if necessary. EPA estimates that ten percent of owners/operators submitting RAP applications each year (i.e., $0.10 \times 8 = 1$) will be required to prepare and submit additional information.

(d2) RAP Modification, Revocation and Reissuance, and Termination

To modify a RAP, owners/operators must prepare and submit information to modify their RAP in accordance to the procedures specified in the RAP. EPA estimates that, each year, five percent of owners/operators of hazardous remediation waste management sites with a RAP will need to modify it. Thus, EPA estimates that two owner/operators (i.e., $0.05 \times 30 = 2$) will need to modify his RAP.

(d3) RAP Recordkeeping

Owners/operators of hazardous remediation waste management sites with RAPs are required to keep records concerning their RAPs. EPA estimates that all 30 owners/operators of hazardous remediation waste management sites with RAPs will maintain a file of RAP documents.

(d4) RAP Transfers

Owners/operators of hazardous remediation waste management sites with RAPs may transfer the RAPs to new owners/operators. EPA assumes that, each year, one percent of the owners/operators (i.e., $0.01 \times 30 = 0$) will transfer their RAP. Thus, EPA estimates that no owner/operator will need to comply with this information collection requirement during the three-year period covered in this ICR.

6(f) Bottom Line Hour and Cost Burden

(1) Respondent Tally

Exhibit 1 shows the aggregate annual hour and cost burden to respondents. As shown in the exhibit, EPA estimates the annual respondent burden to be 4,959 hours and \$325,503 (\$299,700 labor costs and \$25,803 operating and maintenance costs).

(2) Federal Agency Tally

Exhibit 2 shows the annual Federal Agency hour and cost burden associated with all the requirements covered in this ICR. As shown in this exhibit, EPA estimates the annual Federal Agency burden to be 742 hours and \$42,302 (\$42,255 labor costs and \$47 operating and maintenance costs).

(3) State Agency Tally

Exhibit 3 shows the annual State Agency hour and cost burden associated with all the requirements covered in this ICR. As shown in this exhibit, EPA estimates the annual State Agency burden to be 1,994 hours and \$71,986 (\$71,871 labor costs and \$115 operating and maintenance costs).

6(g) Reasons for Change in Burden

There is no change in burden with this renewal. There is an increase of \$1,445 in O&M costs which is due to updating estimates to current levels.

6(h) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 32 hours per response. For Respondents in Private entities, it is estimated to average 28 hours per response. For Respondents in States, it is estimated to average 51 hours per response.

Burden means the total time, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the resources needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose 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-2012-0114, which is available for online viewing at 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 RCRA Docket is (202) 566-0270. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-RCRA-2012-0114 and OMB Control Number 2050-0161 in any correspondence.

**EXHIBIT 1
HWIR-MEDIA ICR
ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs		
	Leg. \$122.72 per Year	Mgr. \$72.54 per Year	Tech. \$54.04 per Year	Cler. \$32.51 per Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year	
Reading the Regulations												
Read the regulations	2.00	2.00	8.00	0.00	12.00	\$823	\$0	\$0	176	2,112	\$144,848	
SUBTOTAL	2.00	2.00	8.00	0.00	12.00	\$823	\$0	\$0	176	2,112	\$144,848	
GENERAL REQUIREMENTS FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES												
Waste Analysis (264.1(j)(2))												
Perform waste analysis	0.00	0.00	5.00	0.00	5.00	\$270	\$0	\$845	30	150	\$33,450	
Inspections (264.1(j)(4))												
Conduct inspections	0.00	0.00	0.00	0.00	0.00	\$0	\$0	\$0	30	0	\$0	
Demonstrations for Remediation Waste Management Sites in Floodplains (264.1(i)(7))												
Prepare and submit demonstration	0.00	0.25	4.00	0.00	4.25	\$234	\$0	\$4.50	0	0	\$0	
Construction Quality Assurance Program (264.1(j)(9))												
Develop and maintain the program	0.00	0.00	15.00	5.00	20.00	\$973	\$0	\$0	8	160	\$7,784	
Contingency and Emergency Plan (264.1(j)(10))												
Develop and maintain procedures to prevent accidents	0.00	0.50	30.00	2.00	32.50	\$1,722	\$0	\$0	8	260	\$13,776	
Develop and maintain contingency and emergency plan	0.00	0.00	0.00	0.50	0.50	\$16	\$0	\$0	8	4	\$128	
Compliance Plan (264.1(j)(12))												
Develop, maintain, and implement plan	0.00	0.50	1.50	0.00	2.00	\$117	\$0	\$0	30	60	\$3,510	
Recordkeeping Requirements (261.4(j)(13))												
Keep records documenting compliance	0.00	0.00	0.00	6.00	6.00	\$195	\$0	\$0	30	180	\$5,850	
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	814	\$64,498	
STAGING PILES												
Designation of Staging Piles (264.554(c))												
Prepare information for designation	1.00	2.00	8.00	1.00	12.00	\$733	\$0	\$0	59	708	\$43,247	
Obtain certification from a professional engineer	0.00	0.00	1.00	0.00	1.00	\$54	\$0	\$0	59	59	\$3,186	
Submit designation information	0.00	0.10	0.00	0.10	0.20	\$11	\$0	\$4.50	59	12	\$915	
Prepare and submit additional information, if requested	0.00	0.50	1.00	0.50	2.00	\$107	\$0	\$4.50	1	2	\$112	
Staging Pile Recordkeeping (264.554(d)(1)(iii))												
Record the date of waste placement	0.00	0.50	0.00	0.50	1.00	\$53	\$0	\$0	59	59	\$3,127	
File the record	0.00	0.00	0.00	0.50	0.50	\$16	\$0	\$0	59	30	\$944	
Staging Pile Extensions (264.554(i)(1))												
Prepare documentation supporting extension	0.50	2.00	5.00	1.00	8.50	\$509	\$0	\$0	29	247	\$14,761	
Submit request for extension	0.00	0.10	0.00	0.10	0.20	\$11	\$0	\$4.50	29	6	\$450	
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,123	\$66,742	

EXHIBIT 1 (continued)
HWIR-MEDIA ICR
ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$122.72 per Year	Mgr. \$72.54 per Year	Tech. \$54.04 per Year	Cler. \$32.51 per Year	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year
REMEDIAL ACTION PLANS											
RAPs Applications (270.85 through 270.125)											
Prepare RAP from previously existing documents	1.00	5.00	30.00	4.00	40.00	\$2,237	\$0	\$0	4	160	\$8,948
Prepare RAP from new information	4.00	20.00	120.00	16.00	160.00	\$8,947	\$0	\$0	4	640	\$35,788
Submit RAP application	0.00	0.10	0.00	0.10	0.20	\$11	\$0	\$4.50	8	2	\$124
Prepare and submit additional information, if requested	0.00	0.50	1.00	0.50	2.00	\$107	\$0	\$4.50	1	2	\$112
RAP Modification, Revocation and Reissuance, and Termination (270.170)											
Prepare and submit information to modify RAP	0.00	0.00	8.00	0.00	8.00	\$432	\$0	\$4.50	2	16	\$873
RAP Recordkeeping (270.210)											
Maintain file of RAP documents	0.00	0.00	1.00	2.00	3.00	\$119	\$0	\$0	30	90	\$3,570
RAP Transfers (270.220)											
Modify RAP	0.50	0.50	0.00	0.50	1.50	\$114	\$0	\$0	0	0	\$0
Prepare a revised RAP application and written agreement	1.00	1.00	0.50	0.50	3.00	\$239	\$0	\$0	0	0	\$0
Submit modified RAP and written agreement	0.00	0.10	0.00	0.10	0.20	\$11	\$0	\$4.50	0	0	\$0
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	910	\$49,415
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	4,959	\$325,503

**EXHIBIT 2
HWIR-MEDIA ICR
ESTIMATED ANNUAL FEDERAL AGENCY HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$86.56 per Year	Mgr. \$76.38 per Year	Tech. \$54.94 per Year	Cler. \$23.44 per Year	Labor Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year
INFORMATION COLLECTION ACTIVITY											
GENERAL REQUIREMENTS FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES											
Demonstrations for Remediation Waste Management Sites in Floodplains											
Receive and review demonstration information	0.00	0.50	2.00	0.20	2.70	\$153	\$0	\$0	0	0	\$0
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
STAGING PILES											
Designation of Staging Piles (264.554(b), (c) and (d))											
Receive and review designation information	0.50	2.00	8.00	1.00	11.50	\$659	\$0	\$0	17	196	\$11,203
Receive and review additional information	0.00	0.50	2.00	0.20	2.70	\$153	\$0	\$0	0	-	\$0
Designate staging pile	0.00	0.50	1.00	0.50	2.00	\$105	\$0	\$0	17	34	\$1,785
Establish standards and design criteria	1.00	3.00	12.00	1.00	17.00	\$998	\$0	\$0	17	289	\$16,966
Staging Pile Extensions (264.554(h) and (i))											
Designate length of time the staging pile is active	0.00	0.50	1.00	0.50	2.00	\$105	\$0	\$0	7	14	\$735
Receive and review request for extension	0.00	1.00	5.00	0.25	6.25	\$357	\$0	\$0	7	44	\$2,499
Deny or approve extension	0.50	1.00	3.00	0.50	5.00	\$296	\$0	\$0	7	35	\$2,072
Data Availability (264.554(m))											
Document the rationale for designating a staging pile	0.00	0.00	2.00	0.00	2.00	\$110	\$0	\$0	17	34	\$1,870
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	646	\$37,130
REMEDIAL ACTION PLANS											
RAP Applications (270.95, 270.110(i), 270.120, 270.130 through 270.140)											
Receive/ review RAP application	1.00	2.00	10.00	1.00	14.00	\$812	\$0	\$0	2	28	\$1,624
Receive/ review additional information	0.00	0.50	2.00	0.25	2.75	\$154	\$0	\$0	0	-	\$0
Prepare Draft RAP	1.00	3.00	20.00	2.00	26.00	\$1,461	\$0	\$0	1	26	\$1,461
Prepare Notice of Intent to deny RAP	0.50	1.50	0.50	0.50	3.00	\$197	\$0	\$0	1	3	\$197
Prepare Statement of Basis	0.00	1.00	2.00	0.50	3.50	\$198	\$0	\$0	2	7	\$396
Compile an administrative record	0.00	0.00	0.50	1.00	1.50	\$51	\$0	\$0	2	3	\$102
Public Comment on the Draft RAP or Notice of Intent to Deny (270.145)											
Notify applicant of intent to approve or deny RAP	0.00	0.00	1.00	0.50	1.50	\$67	\$0	\$4.50	2	3	\$143
Notify the public of intent to approve or deny RAP	0.00	0.00	1.00	0.50	1.50	\$67	\$0	\$4.50	2	3	\$143
Notify State and local government of intent to approve or deny RAP	0.00	0.00	1.00	0.50	1.50	\$67	\$0	\$4.50	2	3	\$143
Notify the public and hold public meetings, if necessary	0.00	0.00	1.00	0.50	1.50	\$67	\$0	\$4.50	0	-	\$0

EXHIBIT 2 (continued)
HWIR-MEDIA ICR
ESTIMATED ANNUAL FEDERAL AGENCY HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$86.56 per Year	Mgr. \$76.38 per Year	Tech. \$54.94 per Year	Cler. \$23.44 per Year	Labor Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year
INFORMATION COLLECTION ACTIVITY											
REMEDIAL ACTION PLANS (continued)											
RAP Final Decisions (270.150)											
Issue Final RAP	0.00	1.50	3.00	1.00	5.50	\$303	\$0	\$4.50	1	6	\$308
Prepare Notification of Approval	0.50	1.00	0.50	0.50	2.50	\$159	\$0	\$4.50	1	3	\$164
Prepare Notice of Denial	0.50	1.00	0.50	0.50	2.50	\$159	\$0	\$4.50	1	3	\$164
Compile an administrative record	0.00	0.00	0.50	1.00	1.50	\$51	\$0	\$0	2	3	\$102
Administrative Appeal of a RAP Application (270.155)											
Receive and review administrative appeal	0.00	0.50	2.00	0.20	2.70	\$153	\$0	\$0	1	3	\$153
Notify the public of any review of RAPs by the EAB	0.00	0.00	1.00	0.50	1.50	\$67	\$0	\$4.50	1	2	\$72
RAP Modification, Revocation and Reissuance, and Termination (270.170 through 270.185)											
Specify procedures for future modification, revocation and reissuance, and termination	0.00	0.00	1.00	0.00	1.00	\$55	\$0	\$0	0	-	\$0
Administrative Appeal of a RAP Modification, Revocation and Reissuance, and Termination (270.190(c))											
EAB review of administrative appeals	1.00	1.00	2.00	0.00	4.00	\$273	\$0	\$0	0	-	\$0
Act on the appeal, if it is not denied	1.00	1.00	2.00	0.00	4.00	\$273	\$0	\$0	0	-	\$0
RAP Expiration (270.195)											
Renew the RAP for up to 10 years	0.00	1.00	2.00	0.50	3.50	\$198	\$0	\$0	0	0	\$0
Review RAP for land disposal 5 years after issuing it	0.00	1.00	2.00	0.50	3.50	\$198	\$0	\$0	0	0	\$0
RAP Transfers (270.220)											
Receive/ review written agreement	0.00	0.50	0.00	0.20	0.70	\$43	\$0	\$0	0	0	\$0
Notification to previous owner/ operator	0.00	1.00	0.00	0.50	1.50	\$88	\$0	\$0	0	0	\$0
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	96	\$5,172
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	742	\$42,302

**EXHIBIT 3
HWIR-MEDIA ICR
ESTIMATED ANNUAL STATE AGENCY HOUR AND COST BURDEN**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$57.54 per Year	Mgr. \$54.02 per Year	Tech. \$32.32 per Year	Cler. \$20.62 per Year	Labor Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year
INFORMATION COLLECTION ACTIVITY											
GENERAL REQUIREMENTS FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES											
Demonstrations for Remediation Waste Management Sites in Floodplains											
Receive and review demonstration information	0.00	0.50	2.00	0.20	2.70	\$96	\$0	\$0	0	0	\$0
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
STAGING PILES											
Designation of Staging Piles (264.554(b), (c) and (d))											
Receive and review designation information	0.50	2.00	8.00	1.00	11.50	\$416	\$0	\$0	42	483	\$17,472
Receive and review additional information	0.00	0.50	2.00	0.20	2.70	\$96	\$0	\$0	0	-	\$0
Designate staging pile	0.00	0.50	1.00	0.50	2.00	\$70	\$0	\$0	42	84	\$2,940
Establish standards and design criteria	1.00	3.00	12.00	1.00	17.00	\$628	\$0	\$0	42	714	\$26,376
Staging Pile Extensions (264.554(h) and (i))											
Designate length of time the staging pile is active	0.00	0.50	1.00	0.50	2.00	\$70	\$0	\$0	22	44	\$1,540
Receive and review request for extension	0.00	1.00	5.00	0.25	6.25	\$221	\$0	\$0	22	138	\$4,862
Deny or approve extension	0.50	1.00	3.00	0.50	5.00	\$190	\$0	\$0	22	110	\$4,180
Data Availability (264.554(m))											
Document the rationale for designating a staging pile	0.00	0.00	2.00	0.00	2.00	\$65	\$0	\$0	42	84	\$2,730
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,657	\$60,100
REMEDIAL ACTION PLANS											
RAP Applications (270.95, 270.110(i), 270.120, 270.130 through 270.140)											
Receive/review RAP application	1.00	2.00	10.00	1.00	14.00	\$509	\$0	\$0	6	84	\$3,054
Receive/review additional information	0.00	0.50	2.00	0.25	2.75	\$97	\$0	\$0	1	3	\$97
Prepare Draft RAP	1.00	3.00	20.00	2.00	26.00	\$907	\$0	\$0	5	130	\$4,535
Prepare Notice of Intent to deny RAP	0.50	1.50	0.50	0.50	3.00	\$136	\$0	\$0	1	3	\$136
Prepare Statement of Basis	0.00	1.00	2.00	0.50	3.50	\$129	\$0	\$0	6	21	\$774
Compile an administrative record	0.00	0.00	0.50	1.00	1.50	\$37	\$0	\$0	6	9	\$222
Public Comment on the Draft RAP or Notice of Intent to Deny (270.145)											
Notify applicant of intent to approve or deny RAP	0.00	0.00	1.00	0.50	1.50	\$43	\$0	\$4.50	6	9	\$285
Notify the public of intent to approve or deny RAP	0.00	0.00	1.00	0.50	1.50	\$43	\$0	\$4.50	6	9	\$285
Notify the public and hold public meetings, if necessary	0.00	0.00	1.00	0.50	1.50	\$43	\$0	\$4.50	1	2	\$48

EXHIBIT 3 (continued)

HWIR-MEDIA ICR

ESTIMATED ANNUAL STATE AGENCY HOUR AND COST BURDEN

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$57.54 per Year	Mgr. \$54.02 per Year	Tech. \$32.32 per Year	Cler. \$20.62 per Year	Labor Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Respon. or Activities	Number of Total Hours/ Year	Total Cost/ Year
INFORMATION COLLECTION ACTIVITY											
REMEDIAL ACTION PLANS (continued)											
RAP Final Decisions (270.150)											
Issue Final RAP	0.00	1.50	3.00	1.00	5.50	\$199	\$0	\$4.50	5	28	\$1,018
Prepare Notification of Approval	0.50	1.00	0.50	0.50	2.50	\$109	\$0	\$4.50	5	13	\$568
Prepare Notice of Denial	0.50	1.00	0.50	0.50	2.50	\$109	\$0	\$4.50	1	3	\$114
Compile an administrative record	0.00	0.00	0.50	1.00	1.50	\$37	\$0	\$0	6	9	\$222
Administrative Appeal of a RAP Application (270.155)											
Receive and review administrative appeal	0.00	0.50	2.00	0.20	2.70	\$96	\$0	\$0	1	3	\$96
Notify the public of any review of RAPs by the EAB	0.00	0.00	1.00	0.50	1.50	\$43	\$0	\$4.50	1	2	\$48
RAP Modification, Revocation and Reissuance, and Termination (270.170 through 270.185)											
Specify procedures for future modification, revocation and reissuance, and termination	0.00	0.00	1.00	0.00	1.00	\$32	\$0	\$0	1	1	\$32
Administrative Appeal of a RAP Modification, Revocation and Reissuance, and Termination (270.190(c))											
EAB review of administrative appeals	1.00	1.00	2.00	0.00	4.00	\$176	\$0	\$0	1	4	\$176
Act on the appeal, if it is not denied	1.00	1.00	2.00	0.00	4.00	\$176	\$0	\$0	1	4	\$176
RAP Expiration (270.195)											
Renew the RAP for up to 10 years	0.00	1.00	2.00	0.50	3.50	\$129	\$0	\$0	0	0	\$0
Review RAP for land disposal 5 years after issuing it	0.00	1.00	2.00	0.50	3.50	\$129	\$0	\$0	0	0	\$0
RAP Transfers (270.220)											
Receive/ review written agreement	0.00	0.50	0.00	0.20	0.70	\$31	\$0	\$0	0	0	\$0
Notification to previous owner/operator	0.00	1.00	0.00	0.50	1.50	\$64	\$0	\$0	0	0	\$0
SUBTOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	337	\$11,886
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,994	\$71,986