**SUPPORTING STATEMENT FOR**

**EPA INFORMATION COLLECTION REQUEST NUMBER 2127.03**

**“CONDITIONAL EXCLUSIONS FROM**

**SOLID WASTE AND HAZARDOUS WASTE FOR**

**SOLVENT-CONTAMINATED WIPES (FINAL RULE)”**

**March 16, 2012**

Office of Resource Conservation and Recovery

United States Environmental Protection Agency

Washington, D.C. 20460

**TABLE OF CONTENTS**

[1. IDENTIFICATION OF THE INFORMATION COLLECTION 1](#_Toc240297006)

[1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION 1](#_Toc240297007)

[1(b) CHARACTERIZATION OF THE INFORMATION COLLECTION 1](#_Toc240297008)

[2. NEED FOR AND USE OF THE COLLECTION 2](#_Toc240297009)

[2(a) NEED AND AUTHORITY FOR THE COLLECTION 2](#_Toc240297010)

[2(b) PRACTICAL UTILITY AND USERS OF THE DATA 2](#_Toc240297011)

[3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA 3](#_Toc240297012)

[3(a) NONDUPLICATION 3](#_Toc240297013)

[3(b) PUBLIC NOTICE 3](#_Toc240297014)

[3(c) CONSULTATIONS 3](#_Toc240297015)

[3(d) EFFECTS OF LESS FREQUENT COLLECTION 4](#_Toc240297016)

[3(e) GENERAL GUIDELINES 4](#_Toc240297017)

[3(f) CONFIDENTIALITY 4](#_Toc240297018)

[3(g) SENSITIVE QUESTIONS 4](#_Toc240297019)

[4. THE RESPONDENTS AND THE INFORMATION REQUESTED 5](#_Toc240297020)

[4(a) RESPONDENTS AND NAICS CODES 5](#_Toc240297021)

[4(b) INFORMATION REQUESTED 5](#_Toc240297022)

[5. THE INFORMATION COLLECTED: AGENCY ACTIVITIES, COLLECTION
METHODOLOGY, AND INFORMATION MANAGEMENT 8](#_Toc240297023)

[5(a) AGENCY ACTIVITIES 8](#_Toc240297024)

[5(b) COLLECTION METHODOLOGY AND MANAGEMENT 8](#_Toc240297025)

[5(c) SMALL ENTITY FLEXIBILITY 8](#_Toc240297026)

[5(d) COLLECTION SCHEDULE 8](#_Toc240297027)

[6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION 9](#_Toc240297028)

[6(a) ESTIMATING RESPONDENT BURDEN HOURS 9](#_Toc240297029)

[6(b) ESTIMATING RESPONDENT COSTS 9](#_Toc240297030)

[6(c) ESTIMATING AGENCY HOUR AND COST BURDEN 10](#_Toc240297031)

[6(d) ESTIMATING RESPONDENT UNIVERSE AND TOTAL HOUR
AND COST BURDEN 10](#_Toc240297032)

[6(e) BOTTOM LINE HOUR AND COST BURDEN 17](#_Toc240297033)

[6(f) REASONS FOR CHANGE IN BURDEN 17](#_Toc240297034)

[6(g) PUBLIC BURDEN STATEMENT 17](#_Toc240297035)

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

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

This Information Collection Request (ICR) is entitled “Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes (Final Rule),” EPA ICR Number 2127.03.

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

The U.S. Environmental Protection Agency (EPA) is modifying its hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA), as amended, to:

* Conditionally exclude from the definition of solid waste wipes that are contaminated with hazardous solvents and are sent to an industrial laundry or to a dry cleaner for cleaning and reuse (hereinafter referred to as “solvent-contaminated reusable wipes”); and
* Conditionally exclude from the definition of hazardous waste wipes that are contaminated with hazardous solvents and are sent for disposal to a landfill or combustor (hereinafter referred to as “solvent-contaminated disposable wipes”).

The conditional exclusions apply to wipes that, after use or after cleaning up a spill, either: (1) contain one or more of the F001 through F005 solvents listed in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33; (2) exhibit a hazardous characteristic found in 40 CFR part 261, subpart C when that characteristic results from a solvent listed in 40 CFR part 261; and/or (3) exhibit only the hazardous waste characteristic of ignitability found in 40 CFR 261.21 when containing one or more solvents that are not listed in 40 CFR part 261.

The exclusions are only applicable to the contaminated wipes themselves. Free liquid solvent would still be considered solid waste and subject to hazardous waste regulation under RCRA Subtitle C upon removal from the solvent-contaminated wipe or from the container holding the wipes. In addition, the exclusions are not applicable to wipes that exhibit a hazardous characteristic due to non-solvent contaminants (such as metals) or that contain non-solvent listed hazardous waste. Furthermore, wipes that are hazardous waste for trichloroethylene are not eligible for the exclusion from hazardous waste for solvent-contaminated disposable wipes and remain subject to all applicable hazardous waste regulations.

This ICR describes the new information collection requirements imposed by the final rule. Sections 1 through 5 of this document describe the information collection requirements covered in this ICR (e.g., in regard to need and use of the information collected). Section 6 estimates the annual hour and cost burden to respondents and the Agency under these requirements. In addition, EPA estimates in Section 6(d) the total annual hour and cost savings to respondents for no longer complying with existing information collection requirements in managing their excluded solvent-contaminated wipes under the final rule.

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

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

Under the final rule, EPA is conditionally excluding solvent-contaminated reusable and disposable wipes from hazardous waste regulation under the authority of Sections 2002, 3001 through 3010, and 7004 of RCRA. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

The recordkeeping requirements under the final rule are needed to enable compliance monitoring of the conditions of the rule. Additionally, these requirements help to ensure protection of human health and the environment from the risks associated with the solvent-contaminated wipes.

**2(b) PRACTICAL UTILITY AND USERS OF THE DATA**

Under the final rule, solvent-contaminated wipes must be accumulated, stored, managed, and transported in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” This labeling requirement is necessary to alert facility employees, emergency response personnel, motor carrier inspectors, downstream transporters and handlers, and State and EPA enforcement staff of the contents of the containers. This ensures that containers can be properly stored, handled, and inspected. Requiring a specific label establishes a national standard that can be easily recognized among different facilities, industries, and State programs. The labeling requirement also helps to ensure that hazardous secondary materials will be properly contained and not released to the environment.

Under the final rule, generators must maintain at their site documentation that they are managing their excluded solvent-contaminated wipes under the applicable conditional exclusion. This documentation must include: (1) the name and address of the laundry/dry-cleaner, landfill, or combustor receiving the solvent-contaminated wipes; (2) documentation that the 180-day accumulation time limit is being met; and (3) a description of the process the generator is using to meet the “no free liquids” condition. The new recordkeeping requirements are necessary to assist with monitoring compliance with the conditional exclusions.

The purpose of documenting the name and address of the laundry/dry-cleaner, landfill, or combustor is to ensure that the solvent-contaminated wipes are sent for cleaning or disposal in compliance with the conditional exclusion. Additionally, this information allows the State and EPA to follow-up and ensure that any discharge from the laundry/dry cleaner is regulated under Sections 301 and 402 or Section 307(b) of the Clean Water Act, the landfill is regulated under 40 CFR part 258, including the design criteria under section 258.40, or the combustor is regulated under Section 129 of the Clean Air Act. (The landfill or combustor also may be regulated under the hazardous waste regulations in 40 CFR parts 264 or 265.)

Documenting the 180-day accumulation time limit enables regulatory authorities to ensure the solvent-contaminated wipes are being sent for cleaning or disposal in compliance with the exclusions, and are not being stored indefinitely at the generating facility.

The purpose of documenting the process the generator is using to meet the “no free liquids” condition is to demonstrate that the generator is implementing a process that ensures that it will not illegally transport free liquid spent solvent off-site. State and EPA regulators may use this documentation to assess whether the generator is adequately meeting the “no free liquids” condition.

**3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

**3(a) NONDUPLICATION**

The new labeling and recordkeeping requirements under the final rule are not duplicative with any information required by the existing Federal RCRA regulations.

**3(b) PUBLIC NOTICE**

On November 20, 2003, EPA published a proposed rule to exclude solvent-contaminated reusable wipes from the definition of solid waste and exclude solvent-contaminated disposable wipes from the definition of hazardous waste, provided certain conditions were met (68 FR 65586). To assist the public in commenting on the proposal, EPA raised a number of issues in the preamble to the proposed rule and asked for the public to comment on them. EPA also held a public meeting on March 9, 2004 (69 FR 8353). EPA received several hundred comments on the proposed rule. Commenters included generating facilities, reusable wipe suppliers and industrial laundries, disposable wipe manufacturers, environmental organizations, State agencies, and individual citizens. On October 27, 2009, EPA also published a Notice of Data Availability (NODA) requesting public comment on the revised risk analysis as well as other policy options for the rulemaking (74 FR 55163). EPA reviewed the public comments received on both the November 2003 proposal and the October 2009 NODA and addressed comments in finalizing the rule and supporting documents, as appropriate.

**3(c) CONSULTATIONS**

 EPA held discussions with key stakeholders and industry contacts in developing the proposed rule. EPA also sponsored a meeting with the explicit purpose of gathering information about cleaning industrial wipes: Industrial Laundries Public Meeting (March 4, 1997). In addition, because many of the entities potentially affected by the proposed rule were small businesses, EPA conducted outreach activities to ensure that small business interests were informed of the Agency’s potential actions and to solicit input and comment from small business interests. As part of these outreach efforts, the Agency held a meeting with members of the small business community on August 10, 1998.

 EPA supplemented data obtained through stakeholder interaction with data obtained from site visits and laboratory experiments. Agency personnel visited 17 generator sites and collected samples of solvent-contaminated wipes from nine facilities. Sites from the following industry sectors were visited: printing, auto body repair, aerospace manufacturing and maintenance, circuit board manufacturing, ship maintenance, and coating and adhesive testing and production. Refer to the EPA report “Use and Management Practices of Solvent-Contaminated Shop Towels and Wipes - Interim Report” (December 27, 1997) for a more detailed discussion on the site visits.

Finally, EPA published a proposed rule to conditionally exclude solvent-contaminated reusable wipes from the definition of solid waste and conditionally exclude solvent-contaminated disposable wipes from the definition of hazardous waste (68 FR 65586; November 20, 2003). To assist the public in commenting on the proposal, EPA raised a number of issues in the preamble to the proposed rule and asked for the public to comment on them. At the end of the comment period, EPA reviewed the public comments received and addressed comments in finalizing the rule and supporting documents, as appropriate.

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

EPA has carefully considered the information collection burden imposed by the final rule. EPA is confident that those activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed. EPA believes that, if the minimum information collection requirements of the final rule are not met, EPA will not be able to ensure that excluded solvent-contaminated wipes are properly managed.

**3(e) GENERAL GUIDELINES**

 This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, Office of Management and Budget’s (OMB’s) implementing regulations, applicable OMB guidance, and EPA’s ICR Handbook.

**3(f) CONFIDENTIALITY**

Section 3007(b) of RCRA and 40 CFR part 2, subpart B, which defines EPA’s general policy on public disclosure of information, contain provisions for confidentiality. However, EPA does not anticipate that businesses will assert a claim of confidentiality covering all or part of the information collection requirements of the final rule. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also will ensure 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 covered in this ICR.

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

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

The following is a list of the North American Industry Classification System (NAICS) codes associated with industries most likely affected by the information collection requirements covered in this ICR. A description of each of these NAICS codes is provided in Appendix A.

| **Economic Sub-Sector****(3-Digit NAICS Code)** | **Industries that Generate Solvent-Contaminated Wipes****(5- or 6-Digit NAICS Code) a** |
| --- | --- |
| Printing | 323110, 323111, 323112, 323113, 323114, 323115, 323116, 323117, 323118, 323119, 323121, 323122 |
| Publishing (printed matter) | 51111, 51112, 51113, 51114, 51119 |
| Business services (copy shops) | 561439 |
| Chemical and Allied Products | 211112, 32511, 32512, 325131, 325132, 325181, 325182, 325188, 325191, 325192, 325193, 325199, 325998, 331311 |
| Plastics and Rubber | 31332, 315299, 315999, 325991, 326113, 326121, 32613, 32614, 32615, 32616, 326199, 326191, 326192, 326211, 32622, 326291, 326299, 337215, 339113, 339932, 339991 |
| Fabricated Metal Products | 332812, 332813, 339911, 339912, 339914 |
| Industrial Machinery and Equipment | 314999, 332323, 33241, 332991, 333111, 33312, 33322, 333295, 333298, 333319, 333414, 333511, 333512, 333513, 333514, 333515, 333518, 333911, 333923, 333999, 33651 |
| Furniture and Fixtures | 337110, 337121, 337122, 337124, 337127, 337211, 337212, 337215 |
| Auto Dealers (retail trade) | 44111, 44112 |
| Military Bases | 92812 |
| Electronics and Computers | 334411, 334412, 334413 |
| Transportation Equipment | 332912, 336111, 336112, 336211, 33633, 33634, 336399, 336312, 336411, 336412, 336414, 336415, 336419, 336612, 336992, 48839, 54171, 81149 |
| Auto Repair and Maintenance | 811111, 811112 |
| a A description of each of the NAICS codes is provided in Appendix A. |

**4(b) INFORMATION REQUESTED**

In the following paragraphs, EPA describes the new information collection requirements under the final rule.

1. **Solvent-Contaminated Reusable Wipes**

1. **Labeling Containers**

 Under 40 CFR 261.4(a)(26)(i), reusable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.”

1. Data Item:
* Label with the words “Excluded Solvent-Contaminated Wipes.”
1. Respondent Activity:
* Affix label with the words “Excluded Solvent-Contaminated Wipes” to each container of reusable wipes.
1. **Recordkeeping Requirements**

Under 40 CFR 261.4(a)(26)(iv), generators of reusable wipes must maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes according to 40 CFR 261.4(a)(26).

1. Data Items:
* Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;
* Documentation that the 180-day accumulation time limit in 40 CFR 261.4(a)(26)(ii) is being met; and
* Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry-cleaned on-site or at the point of being transported off-site for laundering or dry-cleaning.
1. Respondent Activities:
* Maintain at the site specified documentation that excluded solvent-contaminated wipes are being managed according to 40 CFR 261.4(a)(26).
1. **Solvent-Contaminated Disposable Wipes**

1. **Labeling Containers**

 Under 40 CFR 261.4(b)(18)(i), disposable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.”

1. Data Item:
* Label with the words “Excluded Solvent-Contaminated Wipes.”
1. Respondent Activity:
* Affix label with the words “Excluded Solvent-Contaminated Wipes” to each container of disposable wipes.
1. **Recordkeeping Requirements**

Under 40 CFR 261.4(b)(18)(iv), generators of disposable wipes must maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes according to 40 CFR 261.4(b)(18).

1. Data Items:
* Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;
* Documentation that the 180 day accumulation time limit in 40 CFR 261.4(b)(18)(ii) is being met; and
* Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal.
1. Respondent Activities:
* Maintain at the site specified documentation that excluded solvent-contaminated wipes are being managed according to 40 CFR 261.4(b)(18).

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

**5(a) AGENCY ACTIVITIES**

There are no Agency activities associated with the new information collection requirements covered in this ICR.

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

EPA will not collect any information from generators or handlers of solvent-contaminated wipes under the final rule.

**5(c) SMALL ENTITY FLEXIBILITY**

The final rule will provide regulatory relief from parts of the Federal RCRA hazardous waste regulations for both large and small generators and subsequent handlers by establishing a set of conditions to address potential risks associated with the management of solvent-contaminated wipes. Thus, small facilities, among others, would see relief.

 In addition, due to the fact that the universe of generators affected by the provisions in the final rule is comprised predominately of small businesses, EPA has set, as a primary goal of the final rule, that the management standards be easy to understand and practical to implement. EPA believes that the provisions of the final rule will: (1) encourage compliance; (2) enhance consistency between State programs; (3) clearly define when the solvent-contaminated wipes exit the RCRA Subtitle C management system; and (4) reduce compliance costs.

 Finally, the conditional exclusions under the final rule are voluntary. Large and small generators eligible for the exclusions have the option of managing their solvent-contaminated wipes under the existing Federal program (i.e., RCRA Subtitle C) or under one of the conditional exclusions.

**5(d) COLLECTION SCHEDULE**

 The final rule does not include any schedule for facilities to submit information or for the Agency to collect information.

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

**6(a) ESTIMATING RESPONDENT BURDEN HOURS**

Exhibit 1 provides estimates of the respondent hourly burden associated with the information collection requirements covered in this ICR. The exhibit includes 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 provides estimates of the annual respondent costs associated with the information collection requirements covered in this ICR. These costs are based on the cost of labor, capital, and operation and maintenance (O&M).

**(1) Labor Costs**

 EPA estimates an average hourly respondent labor cost of $87.34 for legal staff, $41.13 for managerial staff, $25.59 for technical staff, $20.61 for clerical staff, and $17.59 for janitorial staff. These hourly labor costs were obtained from the regulatory impact analysis (RIA) developed for this rulemaking.[[1]](#footnote-1)

 Using the total burden hours discussed in Section 6(a) and the hourly labor costs outlined in this section, Exhibit 1 illustrates the labor costs associated with the information collection requirements covered in this ICR.

 **(2) Capital Costs**

Capital costs usually include any produced physical good needed to provide the needed 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 and Maintenance Costs**

Operation and Maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” For this ICR, O&M costs include pre-printed labels ($0.84 per label).[[2]](#footnote-2) These O&M costs are shown in Exhibit 1 for all applicable respondent activities.

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

There are no Agency activities associated with the information collection requirements covered in this ICR.

**6(d) ESTIMATING RESPONDENT UNIVERSE AND TOTAL HOUR AND COST BURDEN**

In this section, EPA first describes the respondent universe affected by the information collection requirements of the final rule. EPA then estimates the *annual incremental burden* to respondents under the final rule and the *annual burden savings* to respondents for no longer managing their excluded solvent-contaminated wipes under existing information collection requirements.

**(1) Respondent Universe**

Table 1 presents the annual number of respondents subject to the new information collection requirements under the final rule.[[3]](#footnote-3) It shows that EPA expects 62,423 generators to generate solvent-contaminated reusable wipes each year. It also shows that EPA expects 5,428 generators to generate solvent-contaminated disposable wipes each year.

**Table 1**

**Annual Number of Respondents Subject to the**

**New Information Collection Requirements under the Final Rule a**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of****Facility** | **Use Primarily Reusable Wipes** | **Use Primarily Disposable Wipes** | **Total** |
| **Private****Sector** | **State and****Local****Government** | **Subtotal** | **Private****Sector** | **State and****Local****Government** | **Subtotal** | **Private****Sector** | **State and****Local****Government** | **Total** |
| LQGs | 397 | 0 | 397 | 35 | 0 | 35 | 432 | 0 | 432 |
| SQGs | 61,942 | 84 | 62,026 | 5,386 | 7 | 5,393 | 67,328 | 91 | 67,419 |
| **Total** | **62,339** | **84** | **62,423** | **5,421** | **7** | **5,428** | **67,760** | **91** | **67,851** |
| a Federal government facilities are not reflected in the table because they are exempt from ICR requirements. This includes 55 facilities that use primarily reusable wipes and 5 facilities that use primarily disposable wipes.LQGs Large quantity generatorsSQGs Small quantity generators |

 The following paragraphs discuss these universe estimates in relation to the final rule and existing Federal RCRA information collection requirements.

**(2) Annual Respondent Hour and Cost Burden under the Final Rule
(Exhibits 1A and 1B)**

1. **Solvent-Contaminated Reusable Wipes**

**(a1) Reading the Regulations**

EPA estimates that 397 large quantity generators (LQGs) and 62,026 small quantity generators (SQGs) will generate reusable wipes each year and thus, will be subject to the information collection requirements under the final rule. EPA assumes that, on average, three people at a LQG facility and one person at an SQG facility will read the final rule. As a result, EPA estimates that 63,217 respondents will read the final rule (i.e., (397 LQGs x 3 people per LQG) + (62,026 SQGs x 1 person per SQG)).

EPA assumes that these respondents will read the regulations once during the three-year life of the ICR.[[4]](#footnote-4) In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 21,072 respondents (i.e., 63,217 respondents / 3 years) on average will read the regulations each year (i.e., 21,044 respondents from the private sector and 28 respondents from State and local government).

**(a2) Labeling Containers**

EPA estimates that, on average, each of the 397 LQG facilities that generate reusable wipes will use 180 plastic bags per year. This translates into 71,460 plastic bags per year.

EPA also estimates that, on average, each of the 62,026 SQG facilities that generate reusable wipes will use 31 plastic bags per year. This translates into 1,922,806 plastic bags per year.

Based on the above, EPA estimates that, each year, generators of reusable wipes will use a total of 1,994,266 plastic bags (i.e., 1,991,662 plastic bags from the private sector + 2,604 plastic bags from State and local government). EPA assumes that respondents will affix one label to each plastic bag. EPA also assumes that each plastic bag will be used only once.

**(a3) Recordkeeping Requirements**

EPA estimates that, each year, 62,423 generators of reusable wipes will comply with the recordkeeping requirements of the final rule (i.e., 62,339 generators from the private sector and 84 generators from State and local government).

1. **Solvent-Contaminated Disposable Wipes**

**(b1) Reading the Regulations**

EPA estimates that 35 LQGs and 5,393 SQGs will generate disposable wipes each year and thus, will be subject to the information collection requirements under the final rule. EPA assumes that, on average, three people at a LQG facility and one person at an SQG facility will read the final rule. As a result, EPA estimates that 5,498 respondents will read the final rule (i.e., (35 LQGs x 3 people per LQG) + (5,393 SQGs x 1 person per SQG)).

EPA assumes that these respondents will read the regulations once during the three-year life of the ICR.[[5]](#footnote-5) In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 1,832 respondents (i.e., 5,498 respondents / 3 years) on average will read the regulations each year (i.e., 1,830 respondents from the private sector and 2 respondents from State and local government).

**(b2) Labeling Containers**

EPA estimates that, on average, each of the 35 LQG facilities that generate disposable wipes will use 167 plastic bags per year. This translates into 5,845 plastic bags per year.

EPA also estimates that, on average, each of the 5,393 SQG facilities that generate disposable wipes will use 22 plastic bags per year. This translates into 118,646 plastic bags per year.

Based on the above, EPA estimates that, each year, generators of disposable wipes will use a total of 124,491 plastic bags (i.e., 124,337 plastic bags from the private sector + 154 plastic bags from State and local government). EPA assumes that respondents will affix one label to each plastic bag. EPA also assumes that each plastic bag will be used only once.

**(b3) Recordkeeping Requirements**

EPA estimates that, each year, 5,428 generators of disposable wipes will comply with the recordkeeping requirements of the final rule (i.e., 5,421 generators from the private sector and 7 generators from State and local government).





1. **Annual Respondent Hour and Cost Burden under Existing Information Collection Requirements**

In addition to estimating the *incremental* burden from the final rule, EPA also estimated the hour and cost *savings* to respondents for no longer complying with existing information collection requirements in managing excluded solvent-contaminated wipes. In estimating these savings, EPA recognizes that, despite the existence of the Federal hazardous waste program, current Federal policy is to defer the determination of whether solvent-contaminated wipes must be managed as a solid or hazardous waste to the EPA Regions and authorized States based upon case-specific circumstances (e.g., type of solvent used, degree of hazard, when a spent solvent is generated). The majority of EPA Regions and authorized States have developed their own policies dictating that disposable wipes contaminated with a listed or characteristically hazardous spent solvent should be managed as hazardous waste, while reusable wipes that are managed at industrial laundries need not be managed as hazardous waste, so long as specific conditions are met. Therefore, this ICR examines savings relative to States’ current programs (State Policy Baseline).

 Table 2 shows who is subject to RCRA Subtitle C under the State Policy Baseline and final rule. These assumptions were used in estimating the burden savings to respondents in managing excluded solvent-contaminated wipes under the final rule.

**Table 2**

**Who is Subject to RCRA Subtitle C under the Baseline and Final Rule?**

|  |  |  |
| --- | --- | --- |
| **Type of Generator** | **State Policy Baseline** | **Final Rule a** |
| Generator of solvent-contaminated *disposable* wipes | In | Out |
| Generator ofsolvent-contaminated *reusable* wipes | Out | Out |
| a Assumes that all applicable conditions under the final rule have been met. |

 Exhibit 2 summarizes the *incremental* hour and cost burden to respondents under the new information collection requirements. It also shows the annual hour and cost *savings* to respondents for no longer complying with the existing information collection requirements in managing excluded wipes. The exhibit presents total annual respondent hour and cost savings broken out by the EPA ICRs affected by the final rule. The ICRs affected by this rule and the relevant O&M costs are as follows:[[6]](#footnote-6)

* Manifest ICR (EPA ICR Number 801): O&M costs are associated with postage for sending and returning copies of the manifest forms;
* Generator Standards ICR (EPA ICR Number 820): there are no O&M costs;



* Biennial Report ICR (EPA ICR Number 976): there are no O&M costs; and
* Land Disposal Restrictions ICR (EPA ICR Number 1442): O&M costs are associated with recordkeeping of one-time LDR notifications and certifications.

**6(e) BOTTOM LINE HOUR AND COST BURDEN**

**(1) Respondent Tally**

EPA presents the total annual respondent burden and cost for the new information collection requirements under the final rule in Exhibit 1. In Exhibit 2, EPA tallies respondents’ incremental burden under the rule and their burden savings for no longer complying with existing information collection requirements under the rule, in order to derive *net* impacts.

 Exhibit 2 shows that the incremental burden under the final rule is estimated to be 65,064 hours and $3,384,436 annually. EPA estimates that the burden savings under States’ existing program requirements will be 14,497 hours and $557,706 per year. Thus, the *net* impacts under the final rule are estimated to be 50,567 hours and $2,826,730 per year. The three-year bottom-line *net* impacts are estimated to be 151,701 hours and $8,480,190.

**(2) Agency Tally**

There are no Agency activities associated with the new information collection requirements under the final rule. Thus, there is no Agency hour or cost burden associated with this rule.

## 6(f) REASONS FOR CHANGE IN BURDEN

EPA believes the new information collection requirements are needed to ensure safe and compliant management of solvent-contaminated wipes under the final rule. As shown in Exhibit 2, the burden associated with the new labeling and recordkeeping requirements will be offset by the savings that respondents will see from no longer managing their solvent-contaminated wipes under existing information collection requirements.

## 6(g) PUBLIC BURDEN STATEMENT

The average burden per response for this collection of information is estimated to be about two minutes. The average annual recordkeeping burden is estimated to be almost one hour per respondent. This estimate includes time for reading the regulations, affixing labels to containers, and maintaining at the site specified documentation that the excluded solvent-contaminated wipes are being managed in accordance with the final rule.

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

To comment on EPA’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-2003-0004, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room and the RCRA Docket is (202) 566‑1744. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-RCRA-2003-0004 and OMB Control Number XXXX-XXXX in any correspondence.

**Appendix A**

**Description of North American Industry Classification System (NAICS)**

**Codes Associated with Industries Most Likely Affected by the**

**Information Collection Requirements Covered in this ICR**

***Printing***

323110 Commercial Lithographic Printing

323111 Commercial Gravure Printing

323112 Commercial Flexographic Printing

323113 Commercial Screen Printing

323114 Quick Printing

323115 Digital Printing

323116 Manifold Business Forms Printing

323117 Books Printing

323118 Blankbook, Looseleaf Binders, and Devices Manufacturing

323119 Other Commercial Printing

323121 Tradebinding and Related Work

323122 Prepress Services

***Publishing (printed matter)***

51111 Newspaper Publishers

51112 Periodical Publishers

51113 Book Publishers

51114 Directory and Mailing List Publishers

51119 Other Publishers

***Business services (copy shops)***

561439 Other Business Service Centers (including Copy Shops)

***Chemical and Allied Products***

211112 Natural Gas Liquid Extraction

32511 Petrochemical Manufacturing

32512 Industrial Gas Manufacturing

325131 Inorganic Dye and Pigment Manufacturing

325132 Synthetic Organic Dye and Pigment Manufacturing

325181 Alkalies and Chlorine Manufacturing

325182 Carbon Black Manufacturing

325188 All Other Basic Inorganic Chemical Manufacturing

325191 Gum and Wood Chemical Manufacturing

325192 Cyclic Crude and Intermediate Manufacturing

325193 Ethyl Alcohol Manufacturing

325199 All Other Basic Organic Chemical Manufacturing

325998 All Other Miscellaneous Chemical Product and Preparation Manufacturing

331311 Alumina Refining

***Plastics and Rubber***

31332 Fabric Coating Mills

315299 All Other Cut and Sew Apparel Manufacturing

315999 Other Apparel Accessories and Other Apparel Manufacturing

325991 Custom Compounding of Purchased Resins

326113 Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing

326121 Unlaminated Plastics Profile Shape Manufacturing

32613 Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing

32614 Polystyrene Foam Product Manufacturing

32615 Urethane and Other Foam Product (except Polystyrene) Manufacturing

32616 Plastics Bottle Manufacturing

326191 Plastics Plumbing Fixture Manufacturing

326192 Resilient Floor Covering Manufacturing

326199 All Other Plastics Product Manufacturing

326211 Tire Manufacturing (except Retreading)

32622 Rubber and Plastics Hoses and Belting Manufacturing

326291 Rubber Product Manufacturing for Mechanical Use

326299 All Other Rubber Product Manufacturing

337215 Showcase, Partition, Shelving, and Locker Manufacturing

339113 Surgical Appliance and Supplies Manufacturing

339932 Game, Toy, and Children's Vehicle Manufacturing

339991 Gasket, Packing, and Sealing Device Manufacturing

***Fabricated Metal Products***

332812 Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers

332813 Electroplating, Plating, Polishing, Anodizing, and Coloring

339911 Jewelry (except Costume) Manufacturing

339912 Silverware and Hollowware Manufacturing

339914 Costume Jewelry and Novelty Manufacturing

***Industrial Machinery and Equipment***

314999 All Other Miscellaneous Textile Product Mills

332323 Ornamental and Architectural Metal Work Manufacturing

33241 Power Boiler and Heat Exchanger Manufacturing

332991 Ball and Roller Bearing Manufacturing

333111 Farm Machinery and Equipment Manufacturing

33312 Construction Machinery Manufacturing

33322 Plastics and Rubber Industry Machinery Manufacturing

333295 Semiconductor Machinery Manufacturing

333298 All Other Industrial Machinery Manufacturing

333319 Other Commercial and Service Industry Machinery Manufacturing

333414 Heating Equipment (except Warm Air Furnaces) Manufacturing

333511 Industrial Mold Manufacturing

333512 Machine Tool (Metal Cutting Types) Manufacturing

333513 Machine Tool (Metal Forming Types) Manufacturing

333514 Special Die and Tool, Die Set, Jig, and Fixture Manufacturing

333515 Cutting Tool and Machine Tool Accessory Manufacturing

333518 Other Metalworking Machinery Manufacturing

333911 Pump and Pumping Equipment Manufacturing

333923 Overhead Traveling Crane, Hoist, and Monorail System Manufacturing

333999 All Other Miscellaneous General Purpose Machinery Manufacturing

33651 Railroad Rolling Stock Manufacturing

***Furniture and Fixtures***

337110 Wood Kitchen Cabinet and Countertop Manufacturing

337121 Upholstered Household Furniture Manufacturing

337122 Nonupholstered Wood Household Furniture Manufacturing

337124 Metal Household Furniture Manufacturing

337127 Institutional Furniture Manufacturing

337211 Wood Office Furniture Manufacturing

337212 Custom Architectural Woodwork and Millwork Manufacturing

337215 Showcase, Partition, Shelving, and Locker Manufacturing

***Auto Dealers (retail trade)***

44111 New Car Dealers

44112 Used Car Dealers

***Military Bases***

92812 International Affairs

***Electronics and Computers***

334411 Electron Tube Manufacturing

334412 Bare Printed Circuit Board Manufacturing

334413 Semiconductor and Related Device Manufacturing

***Transportation Equipment***

332912 Fluid Power Valve and Hose Fitting Manufacturing

336111 Automobile Manufacturing

336112 Light Truck and Utility Vehicle Manufacturing

336211 Motor Vehicle Body Manufacturing

336312 Gasoline Engine and Engine Parts Manufacturing

33633 Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing

33634 Motor Vehicle Brake System Manufacturing

336399 All Other Motor Vehicle Parts Manufacturing

336411 Aircraft Manufacturing

336412 Aircraft Engine and Engine Parts Manufacturing

336414 Guided Missile and Space Vehicle Manufacturing

336415 Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing

336419 Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing

336612 Boat Building

336992 Military Armored Vehicle, Tank, and Tank Component Manufacturing

48839 Other Support Activities for Water Transportation

54171 Research and Development in the Physical, Engineering, and Life Sciences

81149 Other Personal and Household Goods Repair and Maintenance

***Auto Repair and Maintenance***

811111 General Automotive Repair

811112 Automotive Exhaust System Repair

1. U.S. Environmental Protection Agency. *Regulatory Impact Analysis for Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes, Final Rule*. February 2, 2012. p. 53. [↑](#footnote-ref-1)
2. The pre-printed label cost in this ICR was obtained from the RIA developed for this rulemaking: U.S. Environmental Protection Agency. *Regulatory Impact Analysis for Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes, Final Rule*. February 2, 2012. p. 58. [↑](#footnote-ref-2)
3. The universe estimates in this ICR were obtained from the RIA developed for this rulemaking: U.S. Environmental Protection Agency. *Regulatory Impact Analysis for Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes, Final Rule*. February 2, 2012. p. 43. [↑](#footnote-ref-3)
4. Note that this ICR estimates the respondent hour and cost burden associated with reading the final rule or a summary of the rule (e.g., trade journal newsletter article), not the preamble to the rule. [↑](#footnote-ref-4)
5. Note that this ICR estimates the respondent hour and cost burden associated with reading the final rule or a summary of the rule (e.g., trade journal newsletter article), not the preamble to the rule. [↑](#footnote-ref-5)
6. Note that there are no capital costs associated with the affected information collection requirements in these ICRs. [↑](#footnote-ref-6)