

**INFORMATION COLLECTION REQUEST**

**SUPPORTING STATEMENT FOR**  
**REVISIONS TO THE RCRA DEFINITION OF SOLID WASTE**  
**(FINAL RULE)**  
**OMB Control No. 2050-0202, EPA ICR No. 2310.04**

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Office of Resource Conservation and Recovery  
United States Environmental Protection Agency  
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## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1(a) Title and Number of the Information Collection**

This Information Collection Request (ICR) is entitled “Revisions to the RCRA Definition of Solid Waste (Final Rule),” OMB Control No. 2050-0202, EPA ICR Number 2310.03. This ICR covers the three-year period 2015-2017.

### **1(b) Short Characterization**

In 2008, the U.S. Environmental Protection Agency (EPA) published final revisions to the “definition of solid waste” (DSW) that exclude certain industrial hazardous secondary materials from regulation as “solid waste” and “hazardous waste” under Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended (73 FR 64688, October 30, 2008). Specifically, EPA amended 40 CFR Part 261 to provide that hazardous secondary materials reclaimed under the control of the generator are not solid wastes if specified conditions are met. EPA also amended Part 261 to provide that hazardous secondary materials that are generated and then transferred to another person for the purpose of reclamation are not solid waste, provided that specified conditions are met. Finally, EPA finalized other amendments to address particular issues, including standards in Part 260 to enable a person to apply to EPA for a formal determination that a material is not discarded and therefore not a solid waste and to codify the RCRA concept of “legitimate recycling” for recycling under the final rule.

In July 2011, EPA proposed revisions to the 2008 DSW exclusions, including revisions to other (pre-2008) recycling exclusions and to variances and non-waste determination under 40 CFR 260.30-34. Additionally, EPA requested comment on a new exclusion for certain spent solvents being remanufactured back into commodity-grade solvents (76 FR 44094, July 22, 2011).

EPA is now finalizing many of the revisions included in the July 2011 proposed rule. The 2014 DSW final rule finalizes six major regulatory changes:

Revision 1. Replace the 2008 DSW off-site transfer-based exclusion with the 2014 DSW verified recycler exclusion;

Revision 2. Revise the 2008 DSW generator-controlled exclusion;

Revision 3. Revise the definition of “legitimate” recycling;

Revision 4. Revise the solid waste variances and non-waste determinations, including the 1985 partial reclamation variance;

Revision 5. Add a new “remanufacturing” DSW exclusion;

Revision 6. Add emergency preparedness and response to DSW generator-controlled exclusion, verified recycler exclusion, and VRE intermediate facilities and recyclers without a RCRA permit.

Revision 7: Require recordkeeping for speculative accumulation.

## 2. NEED FOR AND USE OF THE COLLECTION

### **2(a) Need and Authority for the Collection**

The regulations are under the authority of sections 2002, 3001, 3002, 3003, 3004, 3007, 3010, and 3017 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6921, 6922, 6923, and 6924.

Following are brief summaries of the need for the paperwork requirements in the DSW rule:

- *Notification:* EPA is finalizing a provision that requires notification as a condition of the verified recycler exclusion in 40 CFR 261.4(a)(24), generator-controlled exclusion in 40 CFR 261.4(a)(23), the remanufacturing exclusion in 40 CFR 261.4(a)(27), and for the solid waste variances and non-waste determinations under 40 CFR 260.30-34. Additionally, EPA is also finalizing a notification requirement for facilities that do not meet factor 4 (when the product of the recycling process is not comparable to a legitimate product or intermediate) and yet are still legitimately recycling. The information requested in the notification is the minimum information necessary to ensure credible evaluation of the status of a material under RCRA and to enable adequate compliance monitoring to ensure that such hazardous secondary materials are managed in a manner that is protective of human health and the environment and in accordance with the conditions of the exclusion.
- *Variance under the Verified Recycler Exclusion:* Under the verified recycler exclusion at 40 CFR 261.4(a)(24), EPA is requiring that hazardous secondary materials be transferred to a RCRA-permitted recycler or intermediate facility<sup>1</sup> or to a verified hazardous secondary materials recycler or intermediate facility who has obtained a solid waste variance from EPA or the authorized state using the procedures found in 40 CFR 260.33. The conditions for obtaining a variance include having financial assurance in place, having trained personnel, and meeting emergency preparedness and response conditions. The information requested in the solid waste variance procedure is necessary for EPA to determine whether a facility will properly manage the hazardous secondary materials as commodities and legitimately recycle rather than discard them.
- *Certifications for Hazardous Secondary Material Generated and Reclaimed under the Control of the Generator:* EPA has established the certification requirement for materials that are generated and reclaimed under the control of the generator because of existing complexities in corporate ownership and liability. The certification is needed for hazardous secondary materials that are generated and reclaimed within the same company and under certain tolling arrangements. The certification increases the company's awareness and accountability for ensuring that the generator and reclamation facilities are in fact under its ownership. The certification also may be needed by regulators (e.g., on-site inspectors) to verify compliance.
- *Documentation of Off-site Transfers:* Under the generator-controlled exclusion at 40 CFR 261.4(a)(23), EPA requires the tolling contractor to maintain at its facility for no

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<sup>1</sup> Intermediate facilities are those facilities that do not reclaim hazardous secondary materials, but store them for more than 10 days.

less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. Additionally, under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments. Regulatory authorities need such recordkeeping requirements to determine if ensures that hazardous secondary materials are being transferred to their intended destinations in accordance with the exclusions.

- *Documentation of Legitimacy Determination:* EPA is requiring facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions at 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite. Documentation must be a written description of how the recycling meets all four factors in 40 CFR 260.43(a). EPA is also requiring documentation of legitimate recycling in cases where the recycling does not meet factor 4 (when a product is not comparable), but is still legitimate. In these cases, EPA requires that persons who perform the recycling notify their implementing agency and keep documentation and a certification in their files explaining how the recycling is still legitimate.
- *Solid Waste Variances and Non-Waste Determinations:* The intent of the solid waste variance and non-waste determination petition process is to provide petitioners with an administrative procedure for receiving a formal determination that their material is not a solid waste. For cases where there is ambiguity about whether a secondary material is a solid waste, this process may be needed to provide regulatory certainty for both the facility and Agency. EPA is finalizing the following revisions to the non-waste determinations and variances in Part 260: (1) requiring facilities to send notice to the Administrator and potentially re-apply for a variance in the event of a change in circumstances that affect how a hazardous secondary material meets the criteria upon which a variance or non-waste determination has been based; (2) establishing a fixed term not to exceed ten years for variance and non-waste determinations, at the end of which facilities must re-apply for a variance or non-waste determination; (3) requiring facilities receiving a variance or non-waste determination to provide notification every two years as required by 40 CFR 260.42; (4) revising the criteria for the partial reclamation variance to clarify when the variance applies and to require, among other things, that all the criteria for this variance must be met; and (5) revising the criteria for the non-waste determinations in 40 CFR 260.34 to require that petitioners demonstrate why they cannot meet, or should not have to meet, existing solid waste exclusions under §§ 261.2 or 261.4.
- *Emergency Preparedness and Response:* EPA is requiring generators to follow certain emergency preparedness and response regulations as a condition of the verified recycler exclusion and the generator-controlled exclusion. Generators that accumulate less than 6,000 kg of hazardous secondary material on site must comply

with the emergency preparedness and response requirements in part 265 subpart C, while generators accumulating more than 6,000 kg of hazardous secondary material on site must comply with part 265 subparts C and D. These emergency preparedness and response conditions include recordkeeping requirements for personnel training, as well as recordkeeping and reporting requirements for contingency planning and emergency procedures. These conditions contribute to EPA's goal of minimizing the potential for employee-related mistakes that may threaten human health and the environment, as well as minimizing unanticipated damage from the accumulation of hazardous waste at generator sites.

- *Recordkeeping and Labeling for Speculative Accumulation:* Under the revised speculative accumulation requirement in 261.1(c)(8), all persons subject to the speculative accumulation requirements (including but not limited to persons operating under the generator-controlled exclusions of 261.4(a)(23)) must label the storage unit by indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. Such information is needed by inspectors and other regulatory authorities to quickly ascertain how long a facility has been storing an excluded hazardous secondary material, and, therefore, whether that facility was in compliance with the storage time limits of 40 CFR 261.1(c)(8).

## **2(b) Practical Utility and Users of the Data**

### **Notification**

Notification serves as formal indication of a facility's intent to reclaim a hazardous secondary material under the conditional exclusions or alternative standards. Regulatory agencies will use notifications from facilities to learn basic information about who will be managing hazardous secondary materials under the exclusions and alternative standards and the types of materials that will be recycled. Notification enables public reporting and effective compliance monitoring, which helps to ensure protection of human health and the environment.

### **Variance under the Verified Recycler Exclusion**

EPA is requiring that hazardous secondary material generators operating under the verified recycler exclusions at 40 CFR 261.4(a)(24) arrange for transport of hazardous secondary materials to a verified reclamation facility. A verified reclamation facility is a facility that has been granted a variance under 40 CFR 260.31(d) or a reclamation facility where the management of the hazardous secondary material is addressed under a RCRA Part B permit of interim status standards. The variance process allows EPA or the authorized state to evaluate the facility before it begins recycling hazardous secondary materials and allows affected communities to provide input on whether the variance should be granted.

### **Certifications for Hazardous Secondary Material Generated and Reclaimed under the Control of the Generator**

EPA is requiring certification requirements for certain materials that are generated and reclaimed under the control of the generator (i.e., within the same company and under certain tolling arrangements) because of existing complexities in corporate ownership and liability. The certification will be used to hold the company accountable for knowing and complying with the

definition of “hazardous secondary materials generated and reclaimed under the control of the generator” and to enable regulatory authorities to determine when facilities are eligible for this exclusion. The certification will also be used by the generator to increase the company’s awareness and accountability for ensuring that the generator and reclamation facilities are in fact under its ownership.

### **Documentation of Legitimacy Determination**

Under EPA’s final rule, regulatory authorities will use the documentation of legitimacy required for facilities recycling hazardous secondary materials under the generator-controlled exclusion at 40 CFR 261.4(a)(23) and for cases where the recycling does not meet factor 4 (when a product is not comparable), but is still legitimate to ensure compliance with 40 CFR 260.43 and to enable effective oversight and compliance monitoring. The documentation will allow the implementing agency to review the site-specific nature of the recycling practice and ensure that it is legitimate.

### **Solid Waste Variances and Non-Waste Determinations**

The non-waste determination and solid waste variance petition process provides petitioners with an administrative procedure for receiving a formal determination that their material is not a solid waste. For cases where there is ambiguity about whether a secondary material is a solid waste, this process may provide regulatory certainty for both the facility and Agency. The final revisions to the non-waste determinations and variances in Part 260 will foster greater consistency on the part of implementing agencies and help ensure the protectiveness of the implementation of the solid waste variances and non-waste determinations.

### **Emergency Preparedness and Response**

The emergency preparedness and response conditions include recordkeeping requirements for personnel training. This information will be used by both EPA and generators to determine whether employees have acquired the necessary expertise to perform their jobs. EPA also needs this information to review personnel records to determine whether employees are receiving a level of training that is commensurate with their duties and responsibilities as well as their ability to respond to any emergency situations at the facility. In addition, the contingency plans may be reviewed by EPA inspectors to determine whether generators have developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water.

### **Recordkeeping for Speculative Accumulation**

Persons subject to the speculative accumulation requirements (including but not limited to persons operating under the generator-controlled exclusions of 261.4(a)(23)) must place a label on the storage unit indicating the first date that the excluded hazardous secondary material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. Inspectors and other regulatory authorities will use this information to quickly ascertain how long a facility has been storing an excluded hazardous secondary material, and, therefore, whether that facility was in compliance with storage time limits.

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

#### **3(a) Nonduplication**

None of the information required by the final rule is duplicative with information required by other existing federal regulations.

#### **3(b) Public Notice**

The notice of proposed rulemaking serves as the public notice for this ICR addendum. Responses to comments were taken into account in developing the final rulemaking.

#### **3(c) Consultations**

When this ICR supporting statement was prepared, the final rule upon which it was based had not yet been published. Therefore, conducting new consultations on internal deliberative material with potential respondents was not appropriate. Nevertheless, in August 2006 and March-April 2008, EPA contacted a number of hazardous secondary materials generators and reclamation companies and CHWMEG to solicit input on the ICR for the 2008 rule. A summary of this input appears in the supporting statement for EPA ICR No. 2310.02.

The table below identifies the organizations contacted for the 2008 DSW ICR. Their feedback is reflected in the burden and cost assumptions of this ICR, as appropriate for requirements that continue under the final 2014 amendments.

**Organizations EPA Contacted for ICR Preparation  
(August 2006 and March/April 2008)**

<b>Name of Organization</b>	<b>Name of Representative</b>	<b>Phone Number</b>
Alcoa Corporation	Gary Crouth	412-553-4287
CHWMEG	Jeff Sacre	412-826-3056
Ford Motor Company	Susan Rokosz	313-322-3826
Giant Resource Recovery	Stan Ray	803-773-1400
Intel Corporation	Cherry Moyer	480-715-2495
Monsanto Company	Mary Shaffer	314-694-3883
Safety Kleen Systems, Incorporated	Mike Fusco and Lin Longshore	610-558-3186
Veolia ES Technical Solutions (formerly Onyx Environmental Services)	Thomas Baker	973-691-7330

#### **3(d) Effects of Less Frequent Collection**

EPA has considered the information collection burden imposed by the 2008 DSW rule and the final 2014 amendments. 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. A number of the required activities, for example, will be performed once (e.g., one-time certifications). In addition, other requirements can be satisfied by activities already being undertaken by respondents. If the minimum information collection requirements of the rule are not met, EPA will not be able to ensure that the hazardous secondary materials are being properly managed and do not pose a threat to human health and the environment.



### **3(e) General Guidelines**

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations at 5 CFR 1320, EPA's ICR Handbook, and other applicable EPA and OMB guidance.

### **3(f) Confidentiality**

Participation under the exclusions is voluntary. EPA does not expect to deem any information collected under the rule to be CBI (Confidential Business Information). If such a claim were asserted, EPA must and will treat the information in accordance with the applicable regulations (e.g., 40 CFR Part 2, Subpart B). EPA also will assure 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 the information collection requirements associated with the rule.

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

### **4(a) Respondents and NAICS Codes**

Entities potentially affected by the final DSW rule include facilities (depending on the regulatory element) in industry sectors that generate or recycle hazardous secondary materials that are (1) currently regulated as RCRA Subtitle C hazardous wastes; (2) currently excluded under the 2008 DSW rule; or (3) currently excluded from RCRA Subtitle C under other solid waste exclusions or variances. The following is a list of North American Industry Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements covered in this ICR.

### NAICS Codes of Potentially Affected Industries

Industry Sector	NAICS Codes
Agriculture, Forestry, Fishing and Hunting	11
Mining	21
Utilities	22
Construction	23
Manufacturing	31
Manufacturing	32
Manufacturing	33
Wholesale Trade	42
Retail Trade	44, 45
Transportation	48, 49
Information	51
Finance and Insurance	52
Real Estate, Rental, Leasing	53
Professional, Scientific & Technical Services	54
Management of Companies and Enterprises	55
Administrative Support, Waste Management & Remediation	56
Educational Services	61
Health Care & Social Assistance	62
Arts, Entertainment, Recreation	71
Accommodation and Food Services	72
Other Services	81
Public Administration	92

#### **4(b) Information Requested**

The sections below list each data item that will be requested from the public under each revision in the 2014 Final Rule, such as specific records that must be maintained or applications that must be submitted. In addition, the respondent activities associated with these data items are defined.

#### **Revision 1. Replace the 2008 DSW Off-site Transfer-Based Exclusion with the 2014 DSW Verified Recycler Exclusion**

EPA is replacing the transfer-based exclusion with an exclusion requiring that hazardous secondary materials be transferred to a verified reclamation facility for the purpose of reclamation. Under the verified recycler exclusion at 40 CFR 261.4(a)(24), the new conditions include a variance and emergency preparedness and response conditions. The exclusion includes the following existing requirements from the 2008 DSW rule: notification, financial assurance, and maintenance of records of hazardous secondary material shipments and confirmation of receipts for three years.

### Notification

- (i) Data items
  - Notification using EPA Form 8700-12
- (ii) Respondent activities
  - Prepare and submit a notification prior to operating under the verified recycler exclusion
  - Update and submit notification by March 1 of each even-numbered year after initial notification
  - Update and submit notification that hazardous secondary materials are no longer managed in accordance with the verified recycler exclusion within 30 days after ceasing operations

### Recordkeeping

- (i) Data items
  - Records of shipments and confirmation of receipts
- (ii) Respondent activities
  - Maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments

### Financial Assurance

The financial assurance requirement has been retained in 40 CFR part 261 subpart H from the 2008 DSW transfer-based exclusion. An owner or operator of a reclamation or intermediate facility must have financial assurance as a condition of the exclusion, choosing from the options as specified in section 261.143(a) through (e): trust fund, surety bond guaranteeing payment into a trust fund, letter of credit, insurance, and financial test and corporate guarantee.

#### **(1) Trust Fund**

- (i) Data items
  - An originally signed duplicate of a trust agreement whose wording is identical to the wording specified in section 261.151(a)(1).
  - A formal certification of acknowledgment, as required under section 261.143(a)(2).
  - Update of Schedule A of the trust agreement, as required under section 261.143(a)(2).
  - A written request under section 261.143(a)(5) to the Regional Administrator for release of the amount in excess of the current cost estimate, if the value of the trust fund is greater than the total amount of the current cost estimate.
  - A written request under section 261.143(a)(6) to the Regional Administrator for release of the amount in excess of the current cost estimate covered by the trust fund, if the owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund.
  - A request for reimbursements under section 261.143(a)(7) for partial or final closure expenditures, including itemized bills, to the Regional Administrator.

- (ii) Respondent activities
  - The owner/operator must perform the following activities:
    - Prepare and submit an originally signed duplicate of the trust agreement and formal certification of acknowledgement to EPA.
    - Update Schedule A of the trust agreement, as specified.
    - Whenever the current cost estimate changes:
      - o Compare the new estimate with the trustee's most recent annual valuation of the trust fund; and
      - o If the value of the fund is less than the amount of the new estimate, obtain other financial assurance to cover the difference, unless a deposit has been made as specified.
    - If the value of the trust fund is greater than the total amount of the current cost estimate, submit a written request to the Regional Administrator for release of the amount in excess of the current cost estimate.
    - If the owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, submit a written request to the Regional Administrator for release of the amount in excess of the current cost estimate covered by the trust fund.
    - Submit a request for reimbursements, if applicable.
  - The grantor (owner/operator) and trustee must comply with the terms of the trust agreement.

**(2) Surety Bond Guaranteeing Payment into a Trust Fund**

- (i) Data items
  - A surety bond whose wording is identical to the wording specified in section 261.151(b).
  - Evidence of an increase in the penal sum or other financial assurance as specified to cover the increase, whenever the current cost estimate increases to an amount greater than the penal sum, as provided under section 261.143(b)(7).
  - Notice of bond cancellation, as provided under section 261.143(b)(8).
- (ii) Respondent activities
  - The owner/operator must perform the following activities:
    - Prepare and submit the surety bond to EPA.
    - Whenever the current cost estimate increases to an amount greater than the penal sum, submit evidence of the increase in the penal sum to the Regional Administrator or obtain other financial assurance to cover the increase.
    - Obtain alternate financial assurance and obtain EPA approval if required because of cancellation of the bond.
  - The surety company may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Regional Administrator.
  - The owner or operator and surety company must comply with the terms of the surety bond.

**(3) Letter of Credit**

**(i) Data items**

- Irrevocable standby letter of credit whose wording is identical to the wording specified in section 261.151(c).
- Letter from the owner or operator under section 261.143(c)(4), referring to the letter of credit by number, issuing institution, and date, and providing the following information: The EPA Identification Number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.
- A letter from the issuing institution under section 261.143(c)(5), notifying both the owner or operator and the Regional Administrator by certified mail of a decision not to extend the expiration date.
- Evidence of an increase in the credit or other financial assurance as specified to cover the increase, whenever the current cost estimate increases to an amount greater than the amount of the credit, as provided under section 261.143(c)(7).

**(ii) Respondent activities**

- The owner/operator must perform the following activities:
  - Prepare and submit letter of credit and letter referring to the letter of credit to the Regional Administrator.
  - Whenever the current cost estimate increases to an amount greater than the amount of the credit, submit evidence to the Regional Administrator of an increase in the credit or obtain other financial assurance as specified to cover the increase.
  - Obtain alternate financial assurance and obtain EPA approval if required because of termination of credit.
- The issuing institution may send a notice of a decision not to extend the expiration date of the credit by certified mail to the owner or operator and to the Regional Administrator.
- The owner/operator and issuing institution must comply with the terms of the letter of credit.

**(4) Insurance**

**(i) Data items**

- A certificate of insurance whose wording is identical to the wording specified in section 261.151(d).
- A request for reimbursements for expenditures to EPA, including itemized bills, as specified under section 261.143(d)(5).
- A notice sent by certified mail from the insurer that it has elected to cancel, terminate, or fail to renew the policy, as specified under section 261.143(d)(8).
- Evidence of an increase in the credit or other financial assurance as specified to cover the increase, whenever the current cost estimate increases to an amount greater than the face amount of the policy, as specified under section 261.143(d)(9).

**(ii) Respondent activities**

- The owner/operator must perform the following activities:
  - Prepare and submit a certificate of insurance to the Regional Administrator.

- Request reimbursements for expenditures by submitting itemized bills to the Regional Administrator, if applicable.
- Whenever the current cost estimate increases to an amount greater than the face value of the policy, submit evidence to the Regional Administrator of an increase in the policy or obtain other financial assurance as specified to cover the increase.
- Obtain alternate financial assurance and obtain EPA approval if required because of cancellation, termination, or failure to renew the insurance.
- The insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Regional Administrator.
- The owner/operator and insurer must comply with the terms of the certificate of insurance.

**(5) Financial Test and Corporate Guarantee**

**(i) Data items**

- Information required under section 261.143(e)(3):
  - A letter signed by the owner's or operator's chief financial officer and worded as specified in section 261.151(e).
  - A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
  - A special report from the owner's or operator's independent certified public accountant to the owner or operator, if required. The special report shall be based upon an agreed upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of the comparison, and the reasons for any differences.
- A letter as required under section 261.143(e)(4) from the owner/operator's chief financial officer that:
  - Requests the extension;
  - Certifies that he has grounds to believe that the owner or operator meets the criteria of the financial test;
  - Specifies for each facility to be covered by the test the EPA Identification Number (if any issued), name, address, and current cost estimates to be covered by the test;
  - Specifies the date ending the owner's or operator's last complete fiscal year before the effective date of these regulations;
  - Specifies the date, no later than 90 days after the end of such fiscal year, when he will submit the documents specified in paragraph (e)(3) of this section; and
  - Certifies that the year-end financial statements of the owner or operator for such fiscal year will be audited by an independent certified public accountant.
- Annual update of information as required under section 261.143(e)(5), after the initial submission of these items.

- Notice as required under section 261.143(e)(6) from the owner/operator to the Regional Administrator of intent to establish alternate financial assurance as specified in this section.
  - Reports as required under section 261.143(e)(7) of financial condition from the owner or operator in addition to those specified in paragraph (e)(3) of this section, if requested by the Regional Administrator.
  - A guarantee whose wording is identical to the wording specified in section 261.151(g)(1). A certified copy of the guarantee must accompany the items sent to the Regional Administrator. The terms of the guarantee must address the criteria specified in section 261.143(e)(10)(i)-(iii).
  - A letter under section 261.143(e)(10) from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.
- (ii) Respondent activities
- The owner/operator must perform the following activities:
    - Prepare and submit to EPA a signed letter, copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements, a special report from the owner's or operator's independent certified public accountant if applicable, and a guarantee if applicable.
    - To obtain an extension of the time allowed for submission of the documents specified in section 261.143(e)(3), prepare and send a letter to the Regional Administrator of each Region in which the owner's or operator's facilities to be covered by the financial test are located.
    - Prepare and submit updated information to EPA under section 261.143(e)(5), at the close of each fiscal year, as specified.
    - Prepare and submit a notice to EPA by certified mail of intent to establish alternate financial assurance.
    - Prepare and submit reports of financial condition, if requested by the Regional Administrator.
    - Obtain alternate financial assurance and obtain EPA approval if required because the financial tests are no longer met or disallowed by EPA.
    - Comply with the terms in the letter from the chief financial officer and guarantee.

#### Variance

- (i) Data items
- Application for a verified recycler variance using the procedures found in 40 CFR 260.33.
- (ii) Respondent activities

- Notify the Administrator in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria upon which a variance has been based
- Re-apply for a variance in the event of a change
- Re-apply for a variance at least every ten years

Emergency Preparedness and Response (under Revision 6)

(i) Data items

- Personnel training records should include job titles for each position and the name of each person filling each job, a written job description and necessary qualifications for each position, and the training given to the individual filling that position
- Contingency plans should include a description of response actions, a description of the arrangements agreed to by local police authorities, contact lists for emergency coordinators, a list of emergency equipment, and an evacuation plan for the facility personnel
- Documentation of whether State or local authorities decline to enter into agreement to become more familiar with the generator's facility and its waste
- Notification to fire department of imminent or actual emergency situation
- Emergency report to the on-scene coordinator or NRC, including:
  - Name and telephone number of reporter;
  - Name and address of facility;
  - Time and type of incident;
  - Name and quantity of material(s) involved;
  - The extent of injuries; and
  - Possible hazards to human health or the environment outside the facility

(ii) Respondent activities

- Collect and maintain the personnel training records as described above
- Under contingency planning requirements, generators must:
  - Collect data required in contingency plan;
  - Document whether authorities decline arrangement;
  - Write contingency plan;
  - Maintain contingency plan;
  - Submit contingency plan to relevant emergency centers; and
  - Amend contingency plan, when appropriate
- Under emergency procedure requirements, generators accumulating less than 6,000 kg of hazardous secondary material must:



- o Observe scene of hazardous waste discharge;
- o Report by phone requested data for NRC;
- o Document that local officials declines to enter into arrangements for coordinating response; and
- o Providing post-emergency information by phone
- Under emergency procedure requirements, generators accumulating more than 6,000 kg of hazardous secondary material must:
  - o Collect information required in emergency report;
  - o Write emergency report; and
  - o Call OSC or notify NRC; notify local authorities if advisable

**Revision 2. Revise the 2008 DSW Generator-Controlled Exclusion**

EPA is retaining in the final rule the exclusion for hazardous secondary materials reclaimed under the control of the generator with certain revisions, including (1) the addition of a codified definition of “contained,” (2) additional recordkeeping requirements for same company and toll manufacturing reclamation, (3) making notification a condition of the exclusion, and (4) adding emergency preparedness and response conditions. EPA is also finalizing the requirement to document a legitimate recycling determination for those recyclers operating under the generator-controlled exclusion. The document would consist of a written narrative outlining how their recycling meets each of the four factors of legitimacy as described in 40 CFR 260.34 and would be kept onsite for the duration of the recycling and for three years after recycling operations cease. The list of data items and required respondents activities are presented under Revision 3 later in this section.

Notification and certification requirements described in 2008 are maintained under EPA’s final rule. 40 CFR 260.42(a) provides that facilities managing materials that are excluded from regulation under 40 CFR 261.4(a)(23) must send a notification prior to operating under the exclusion(s) and by March 1 of each even numbered year thereafter to the Regional Administrator using EPA Form 8700-12 that includes the specified information at section 260.42(a)(1)-(10). Section 260.42(b) provides that, if a facility has submitted a notification, but then subsequently stops managing materials in accordance with the exclusion(s), the facility must notify the Regional Administrator within thirty (30) days using EPA Form 8700-12. Certification requirements for the generator-controlled exclusion are in 40 CFR 261.4(a)(23)(i).

Notification

- (i) Data items
  - Notification using EPA Form 8700-12
- (ii) Respondent activities
  - Prepare and submit a notification prior to operating under the generator-controlled exclusion
  - Update and submit notification by March 1 of each even-numbered year after initial notification

- Update and submit notification that hazardous secondary materials are no longer managed in accordance with the generator-controlled exclusion within 30 days after ceasing operations

#### Certifications

##### (i) Data items

- For generators generating and reclaiming within the same company, a certification from the generator stating one of the following:
  - “On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert the name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material;” or
  - “On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material.”
- For generators generating and reclaiming under a tolling arrangement, a certification from the tolling contractor stating the following: “On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name] has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process.”

##### (ii) Respondent activities

- The generator or tolling contractor must prepare the certification

#### Recordkeeping Requirement for Tolling Arrangements

##### (i) Data items

- Routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations) or new records that contain:
  - The name of the transporter;
  - The date of the shipment; and
  - The type and quantity of the hazardous secondary material shipped or received pursuant to the written contract.

##### (ii) Respondent activities

- Prepare and maintain at the tolling contractor facility, for no less than three years, records of all hazardous secondary materials received pursuant to the written contract with the tolling manufacturer
- Prepare and maintain at the tolling manufacturer facility, for no less than three years, records of all hazardous secondary materials shipped pursuant to its written contract with the tolling contractor

Emergency Preparedness and Response (under Revision 6)

(i) Data items

- Personnel training records should include job titles for each position and the name of each person filling each job, a written job description and necessary qualifications for each position, and the training given to the individual filling that position
- Contingency plans should include a description of response actions, a description of the arrangements agreed to by local police authorities, contact lists for emergency coordinators, a list of emergency equipment, and an evacuation plan for the facility personnel
- Documentation of whether State or local authorities decline to enter into agreement to become more familiar with the generator's facility and its waste
- Notification to fire department of imminent or actual emergency situation
- Emergency report to the on-scene coordinator or NRC, including:
  - o Name and telephone number of reporter;
  - o Name and address of facility;
  - o Time and type of incident;
  - o Name and quantity of material(s) involved;
  - o The extent of injuries; and
  - o Possible hazards to human health or the environment outside the facility

(ii) Respondent activities

- Collect and maintain the personnel training records as described above
- Under contingency planning requirements, generators must:
  - o Collect data required in contingency plan;
  - o Document whether authorities decline arrangement;
  - o Write contingency plan;
  - o Maintain contingency plan;
  - o Submit contingency plan to relevant emergency centers; and
  - o Amend contingency plan, when appropriate

- Under emergency procedure requirements, generators accumulating less than 6,000 kg of hazardous secondary material must:
  - o Observe scene of hazardous waste discharge;
  - o Report by phone requested data for NRC;
  - o Document that local officials declines to enter into arrangements for coordinating response; and
  - o Providing post-emergency information by phone
- Under emergency procedure requirements, generators accumulating more than 6,000 kg of hazardous secondary material must:
  - o Collect information required in emergency report;
  - o Write emergency report; and
  - o Call OSC or notify NRC; notify local authorities if advisable

### **Revision 3. Revise the Definition of “Legitimate” Recycling**

EPA is finalizing revisions to the definition of legitimacy in 40 CFR 260.43, including (1) codifying in its regulations the requirement that all recycling must be legitimate by adding a prohibition on sham recycling to 40 CFR 261.2(g); (2) changing the definition of legitimate recycling in §260.43 to recognize the need for flexibility in determining legitimacy for certain types of recycling; (3) clarifying that recycling is legitimate when the product of recycling meets widely recognized commodity standards; and (4) for cases when the product of the recycling process has levels that are not comparable to analogous products (Factor 4), revising the legitimate standard that includes a process that allows the facility to document and certify that the recycling is still legitimate, and send a notification to the regulatory authority to that effect.

Legitimacy documentation requirements (without the notification requirement) described below also apply to facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions of 40 CFR 261.4(a)(23).

#### Legitimacy Codified for All Recycling and Four Legitimacy Factors Mandatory

EPA requires all four recycling legitimacy factors be met by each facility including: (1) useful contribution, (2) valuable product or intermediate, (3) managed as a valuable commodity, and (4) comparison of toxics in the product.

#### (i) Data items

- Legitimacy documentation:
  - o Includes a narrative description of how the facility’s recycling process addresses each of the four legitimacy factors
  - o Explains how the recycling process does not meet factor 4 or both and why the recycling should nevertheless be determined to be legitimate (if applicable)
  - o Provides a detailed description of the relevant process and hazardous secondary materials, including, where applicable, material flow charts or diagrams, or other information the implementing agency may request

- Certification statement using either in-house employer audits, outside vendors, or readily available information
    - Maintain records of legitimacy documentation
  - Notification submitted to the Regional Administrator (or authorized State Director, if the state is authorized) through EPA Form 8700-12, otherwise known as the Site ID form, in instances where the recycling process does not meet factor 4 but is still legitimate.
- (ii) Respondent activities
- Prepare and submit upon request legitimacy documentation to prove recycling practice meets all four legitimacy factors, including:
    - How the hazardous secondary materials provide a useful contribution to the recycling process;
    - How the product of the recycling activity—whether it is a product or process intermediate—is valuable;
    - How the generator or the recycler manages the hazardous secondary materials as a valuable commodity; and
    - How the levels of any hazardous constituents in the product made from hazardous secondary materials are comparable to or lower than those in analogous products made from virgin materials.

**Revision 4: Revise the Solid Waste Variances and Non-Waste Determinations, including the 1985 Partial Reclamation Variance**

For this element, EPA is finalizing the following changes to the existing regulation of solid waste variances at 40 CFR 260.31(c), 40 CFR 260.33, and 40 CFR 260.34:

- Revise 40 CFR 260.33(c) to require facilities to send notice to the Administrator in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria upon which a variance or non-waste determination has been based;
- Add a provision at 40 CFR 260.33(d) stating that facilities receiving a variance or non-waste determination must re-apply for a variance or non-waste determination at least every ten years;
- Add a provision at 40 CFR 260.33(e) stating that facilities receiving a variance or non-waste determination must provide notification as required by 40 CFR 260.42 (i.e., biennially);
- Revise the criteria for the partial reclamation variance in 40 CFR 260.31(c) to more clearly explain when the variance applies and to require, among other things, that the criteria for this variance must be reviewed and evaluated collectively, since each criterion reinforces and supports other criterion;
- Revise the criteria for the non-waste determination in 40 CFR 260.34 to require that petitioners explain or demonstrate why their hazardous secondary materials

cannot meet, or should not have to meet, the existing DSW exclusions under §§ 261.2 or 261.4.

#### Variances from Classification as a Solid Waste

Under current 40 CFR 260.31, the Regional Administrator may grant a request for a variance from classification of a solid waste for (1) materials that are accumulated speculatively if sufficient amounts of the material will be recycled or transferred for recycling in the following year (§ 260.31(a)); (2) for materials that are reclaimed and then reused as feedstock within the original production process (§ 260.31(b)); and (3) for materials that have been reclaimed but must be reclaimed further if the resulting partially-reclaiming material is commodity-like (“partial reclamation variance”) (§ 260.31(c)).

##### (i) Data items

- Notification using EPA Form 8700-12
- Application under section 260.31(c) for partial reclamation variance:
  - Whether the degree of partial reclamation the material has undergone is substantial as demonstrated by using a partial reclamation process other than the process that generated the hazardous waste;
  - Whether the partially-reclaimed material has sufficient economic value that it will be purchased for further reclamation;
  - Whether the partially-reclaimed material is a viable substitute for a product or intermediate, produced from virgin or raw materials, which is used in subsequent production steps;
  - Whether there is a market for the partially-reclaimed material as demonstrated by known customer(s) who are further reclaiming the material (e.g., records of sales and/or contracts and evidence of subsequent use, such as bills of lading); and
  - Whether the partially-reclaimed material is handled to minimize loss.

##### (ii) Respondent activities

- Notify the Administrator in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria upon which a variance or non-waste determination has been based
- Re-apply for a variance at least every ten years
- Submit biennial notifications
- Review and ensure that all revised factors for partial reclamation variance are met

#### Non-Waste Determinations under 40 CFR 260.34

Under current 40 CFR 260.30, persons may apply for a non-waste determination in order to receive a formal determination that their hazardous secondary materials are not discarded and, therefore, are not solid wastes when legitimately reclaimed. There are two types of non-waste determinations: (1) a determination for hazardous secondary materials reclaimed in a continuous industrial process; and (2) a determination for hazardous secondary materials indistinguishable in

all relevant aspects from a product or intermediate. Each non-waste determination is based on a set of criteria that is codified in 40 CFR 260.34.

(i) Data items

- Application under section 260.34(b) for a non-waste determination for hazardous secondary material which is reclaimed in a continuous industrial process. The application must demonstrate that the material is a part of the production process and is not discarded and address the EPA criteria.
- Application under section 260.34(c) for a non-waste determination for hazardous secondary material which is indistinguishable in all relevant aspects from a product or intermediate. The application must demonstrate that the hazardous secondary material is comparable to a product or intermediate and is not discarded, and address the EPA criteria.
- Notification using EPA Form 8700-12

(ii) Respondent activities

- Prepare and submit applications under sections 260.34(b) and (c)
- For facilities applying for a non-waste determination, explain or demonstrate why they cannot meet, or should not have to meet, the existing DSW exclusions under §§ 261.2 or 261.4
- For facilities receiving non-waste determinations, re-notify EPA or the State Director, if the state is authorized for this aspect of the rule, every two years by March 1 of each even-numbered year

**Revision 5: Add a New “Remanufacturing” DSW Exclusion**

EPA is requiring that all of the following conditions will need to be satisfied for eligibility under a remanufacturing exclusion:

- The hazardous secondary material consists of one or more of the following solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, and methanol;
- The hazardous secondary material originated from using one or more of the above-listed solvents in commercial grade for reacting, extracting, purifying, or blending chemicals in the pharmaceutical, organic chemical, or plastics and resins manufacturing sectors, or the paint and coatings sector;
- After re-manufacturing, the continuing use of the solvent is limited to reacting, extracting, purifying, or blending chemicals in the pharmaceutical, organic chemical, or plastics and resins manufacturing sectors, or the paint and coatings sector, or using them as ingredients in a product. These allowed continuing uses correspond to chemical functional uses enumerated under the final modification to the Inventory Update Rule of the Toxic Substances Control Act (40 CFR Parts 704, 710–711), including Industrial Function Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents become part of the mixture); and

- After remanufacturing, the continuing use of the solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles (i.e., disallowed continuing uses that correspond to chemical functional uses in Industrial Function Code U029 under the proposed modification of the Inventory Update Rule of the Toxics Substances Control Act).
- (i) Data items
- Remanufacturing exclusion:
    - Notification using EPA Form 8700-12
    - Remanufacturing plan including:
      - Name, address and EPA ID number of the generator(s) and the remanufacturer(s)
      - Types and expected annual volumes of solvents to be remanufactured;
      - The processes and industry sectors that generate the solvents;
      - The specific uses and industry sectors for the remanufactured solvents; and
      - Certification from the remanufacturer
    - Records of shipments and confirmation of receipts
    - Management in tanks and containers
      - Prior to remanufacturing, includes labels on the tanks and containers or a record of the material being stored
    - No speculative accumulation
      - See requirements prohibiting speculative accumulation per 40 CFR 261.1(c)(8)
  - Petition to add other chemicals, industries, and/or chemical functions to the remanufacturing exclusion (includes a waste characterization test)
- (ii) Respondent activities
- Remanufacturing exclusion:
    - Both the hazardous secondary material generator and the remanufacturer will have to:
      - Notify EPA or the State Director, if the state is authorized for the program, and update the notification every two years per 40 CFR 260.42;
      - Develop and maintain a remanufacturing plan;
      - Maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;



- Prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards that would be the same as those found in 40 CFR part 264 subparts I and J, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored. During remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, ensure that there is effective control of hazardous air emissions by complying with all applicable NESHAP standards, and with the requirements of 40 CFR part 264 or 265 subparts AA, BB, CC. This activity would be covered under existing EPA ICRs 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types, 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers; and
  - Meet the requirements prohibiting speculative accumulation per 40 CFR 261.1(c)(8)
- Petition process:
  - Prepare and submit a petition for adding to the eligibility criteria (e.g., adding industries, adding chemicals) of the exclusion

**Revision 6: Add Emergency Preparedness and Response to DSW Generator-Controlled Exclusion, Verified Recycler Exclusion, and VRE Intermediate Facilities and Recyclers Without a RCRA Permit**

EPA is adding emergency preparedness and response requirements of 40 CFR 265 Subparts C and D to all generators operating under the verified recycler exclusion and the generator-controlled exclusion who accumulate more than 6,000 kg of hazardous secondary material onsite. Generators who accumulate less than 6,000 kg of hazardous secondary materials would be subject to emergency preparedness and response requirements of §262.34(d)(5). The list of data items and required respondent activities are presented under Revisions 2 and 3 earlier in this section.

**Revision 7: Require Recordkeeping for Speculative Accumulation**

The final rule requires the speculative accumulation start date to be labeled on each container, and allowing other procedures (such as posting of accumulation dates or entering dates in inventory logs) to ensure against speculative accumulation in other types of units not amenable to labeling.

- (i) Data items
  - Recordkeeping for Speculative Accumulation
    - Label on the storage unit indicating the first date that the excluded hazardous secondary material began to be accumulated; or
    - Inventory log to demonstrate that at least 75% by weight or volume of material being recycled is transferred to a different site for recycling in a calendar year.

- (ii) Respondent activities
  - Label and perform any recordkeeping to document speculative accumulation limits are being met.

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

**5(a) Agency Activities**

**Revision 1: Replace the 2008 DSW Off-site Transfer-Based Exclusion with the 2014 DSW Verified Recycler Exclusion**

Notification

- Receive, review, and file initial notifications
- Receive, review, and file biennial notifications
- Receive, review, and file discontinuation notifications

Financial Assurance

- Trust fund
  - Receive and evaluate originally signed duplicate of the trust agreement and formal certification of acknowledgement
  - Receive and evaluate other financial assurance
  - Receive, review, and respond to request for release of the amount in excess of the current cost estimate
  - Receive, review, and respond to request for release of the amount in excess of current cost estimate covered by trust fund
  - Instruct the trustee to release to the owner/operator such funds as EPA specifies in writing
  - Take other action as needed
- Surety bond guaranteeing payment into a trust fund
  - Receive and evaluate surety bond
  - Receive, review, and file evidence of the increase in the penal sum or other financial assurance to cover the increase
  - Receive and evaluate alternate financial assurance if required because of cancellation of the bond
  - Receive, review, and file notice of cancellation from surety company
  - Take other action as needed
- Letter of credit
  - Receive and evaluate letter of credit and letter referring to the letter of credit

- Receive, review, and file evidence of an increase in the credit or other financial assurance as specified to cover the increase
  - Receive and evaluate alternate financial assurance if required because of termination of credit
  - Receive, review, and file a notice of a decision not to extend the expiration date of the credit from the issuing institution
  - Take other action as needed
- Insurance
  - Receive and evaluate certificate of insurance
  - Receive, review, and approve reimbursements for expenditures
  - Receive, review, and file evidence of an increase in the policy or approve other financial assurance as specified to cover the increase
  - Receive and evaluate alternate financial assurance if required because of cancellation, termination, or failure to renew the insurance
  - Receive, review, and file notice of cancellation
  - Take other action as needed
- Financial test and corporate guarantee
  - Receive and evaluate a signed letter and accompanying material
  - Receive, review, and approve an extension of the time allowed for submission of the documents specified in section 261.143(e)(3)
  - Receive, review, and file updated information at the close of each fiscal year
  - Receive, review, and file a notice of intent to establish alternate financial assurance
  - Request, receive, review and file reports of financial condition
  - Receive and evaluate alternate financial assurance
  - Prepare and transmit notice of disallowance
  - Take other action as needed

Variance

- Receive, review and file verified recycler exclusion variance
- Receive, review and file re-application in the event of a change
- Receive, review and file re-application for a variance every 10 years

Emergency Preparedness

- Emergency procedures
  - Review submitted release report information

- o Enter information into database tracking all releases
- o Transmit information to respective response authorities

**Revision 2: Revise the 2008 DSW Exclusion for Generator Controlled Recycling**

Notification

- Receive, review, and file initial notifications
- Receive, review, and file biennial notifications
- Receive, review, and file discontinuation notifications

Emergency Preparedness

- Emergency procedures
  - o Review submitted release report information
  - o Enter information into database tracking all releases
  - o Transmit information to respective response authorities

**Revision 3: Revise the Definition of “Legitimate” Recycling**

Legitimacy Documentation

- Evaluate legitimacy documentation (if requested by Agency)
- Receive, review and file notifications for facilities that do not meet factor 4

**Revision 4: Revise the Solid Waste Variances and Non-Waste Determinations, including the 1985 Partial Recycling Variance**

Re-Application

- Receive, review, and file re-applications every ten years

Re-Notification

- Receive, review, and file notifications in the event of a change in circumstances
- Receive, review, and file biennial notifications
- Receive, review, and file discontinuation notifications

Variance from Classification from Solid Waste (260.31(c) and 260.33(a))

- Review the variance demonstration
- Request additional information if necessary
- Deliberate and issue draft determination
- Publicize draft determination
- Hold hearing, if required
- Review comments and make final determination

Non-Waste Determination

- Review the non-waste determination application

- Request additional information if necessary
- Deliberate and issue draft determination
- Publicize draft determination
- Hold hearing, if required
- Review comments and make final determination

**Revision 5: Add a New “Remanufacturing” DSW Exclusion**

Petition Process

- Review the petition
- Request additional information if necessary
- Deliberate and issue draft determination
- Publicize draft determination
- Hold hearing, if required
- Review comments and make final determination

Notification

- Receive, review, and file initial notifications
- Receive, review, and file biennial notifications
- Receive, review, and file discontinuation notifications

Technical Standards

- Conduct agency activities related to EPA ICR No. 1572 (Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types) for additional facilities

NESHAP Standards

- Conduct agency activities related to pollution standards covered by EPA ICR Nos. 820 (Hazardous Waste Generator Standards) and 1593 (Air Emission Standards for Tanks, Surface Impoundment and Containers)

**Revision 6: Add Emergency Preparedness and Response to DSW Generator-Controlled Exclusion, Verified Recycler Exclusion, and VRE Intermediate Facilities and Recyclers Without a RCRA Permit**

The list of agency activities are presented under Revisions 2 and 3 earlier in this section.

**Revision 7: Require Recordkeeping for Speculative Accumulation**

***This revision does not contain agency activities.5(b) Collection Methodology and Management***

In collecting and analyzing the information associated with this ICR, EPA and authorized states may use a telephone system, personal computers, and applicable database software. They will ensure the accuracy and completeness of collected information by reviewing the submittals. They will keep records of this information in file cabinets and/or computer systems.

### **5(c) Small Entity Flexibility**

The exclusions in the final rule are voluntary and deregulatory. As such, there is no adverse burden impact to large or small entities. Where EPA is finalizing new requirements, the burden is less than or similar to the requirements that existed before the 2008 DSW rule.

### **5(d) Collection Schedule**

Under EPA's final verified recycler exclusion, generators would be required to submit a notification prior to operating under this standard to the EPA Regional Administrator (or State Director, if the state is authorized) and by March 1 of each even-numbered year thereafter using EPA Form 8700-12. A facility that has submitted a notification but then subsequently stops managing hazardous secondary material in accordance with the exclusion must submit notification to EPA within 30 days. In addition, reclamation facilities that do not have a RCRA Part B permit or interim status must obtain a variance under 260.31(d) that addresses the management of hazardous secondary materials. A re-application must be submitted in the event of a change, and the variance must be renewed every 10 years.

Under the generator-controlled exclusion, remanufacturing exclusion, and solid waste variances and non-waste determinations, facilities would be required to submit a notification prior to operating under these provisions and by March 1 of each even-numbered year thereafter to the EPA Regional Administrator (or State Director, if the state is authorized) using EPA Form 8700-12. A facility that has submitted a notification but then subsequently stops managing hazardous secondary material in accordance with the exclusion must submit notification to EPA within 30 days.

For the exclusion for hazardous secondary materials that are legitimately reclaimed under the control of the generator within the same company or under certain tolling arrangements, generators also prepare a one-time certification. Facilities operating under the remanufacturing exclusion must also prepare a one-time certification.

Under EPA's final definition of legitimate recycling, in instances where the recycling process does not meet factor 4 but is still legitimate, facilities are required to submit a notification to the Regional Administrator (or authorized State Director, if the state is authorized) through EPA Form 8700-12.

No schedule is required for applications for non-waste determinations. The applicant must re-apply for non-waste determinations, in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in section 260.34 upon which a non-waste determination has been based.

For the emergency preparedness and response requirements under the verified recycler exclusion and the generator-controlled exclusion, recordkeeping for personnel training is conducted onsite, so a discussion of a collection schedule is not relevant. There is no collection schedule for generators reporting releases of hazardous waste into the environment, as facilities only report on these occasions. The emergency coordinator must immediately notify the appropriate authorities of an imminent or actual emergency situation. A generator accumulating more than 6,000 kg of hazardous secondary material must submit a written report of any incident that requires the implementation of the contingency plan within 15 days of its occurrence. Since generators are not required to submit their contingency plans to EPA, discussion of a collection schedule for these facilities is not applicable.

No schedule is required for other applications and petitions under this rule, but are prepared and submitted on a case-specific basis.

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

This section estimates the incremental burden of reporting and recordkeeping for the “Revisions to the RCRA Definition of Solid Waste (Final Rule).” This burden includes the new paperwork requirements as a result of the final rule changes, as well as burden and costs continuing from the existing, approved ICR for the 2008 Revisions to the RCRA Definition of Solid Waste (EPA ICR No. 2310.01). In addition, the 2014 Final Rule will add new paperwork requirements to the following existing ICRs: EPA ICR No. 820 (Hazardous Waste Generator Standards), EPA ICR No. 1572 (Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types), and EPA ICR No. 1593 (Air Emission Standards for Tanks, Surface Impoundment and Containers).

The estimates of the number of entities subject to the rule’s requirements were estimated based on EPA’s 2014 Regulatory Impact Analysis (RIA) for this rulemaking<sup>2</sup> and the 2011 Proposed Rule ICR.<sup>3</sup> The unit burden and cost of the requirements were estimated based on the 2014 Final Rule RIA, as well as burden estimates taken from the following ICR supporting statements: EPA’s 2008 ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), EPA’s 2008 ICR No. 1189.20 (Identification, Listing and Rulemaking Petitions), EPA’s 2012 ICR No. 1189.24 (Identification, Listing and Rulemaking Petitions (Renewal)), EPA’s 2008 ICR No. 0820.10 (Hazardous Waste Generator Standards (Renewal)), and EPA’s 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). This supporting statement provides burden and cost estimates for the three years 2015-2017. All costs are presented in year 2012 dollars.

Sections 6(a) and 6(b) describes the estimation of the respondents’ paperwork burden hours and costs, respectively. Section 6(c) estimates Agency costs, section 6(d) estimates the annual respondent universe and total hour and cost burden, section 6(e) summarizes the bottom line burden and costs, section 6(f) describes the reasons for changes in burden from the previous ICR, and section 6(g) presents the burden statement.

### **6(a) Estimating Respondent Burden Hours**

Exhibit 1 provides estimates of the respondent hourly burden associated with the final rule’s paperwork requirements. Exhibit 1 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 rule’s paperwork requirements. These costs are based on the cost of labor, capital, and operation and maintenance (O&M).

#### **(1) Labor Costs**

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<sup>2</sup> Regulatory Impact Analysis. EPA’s 2014 Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. 8 October 2014.

<sup>3</sup> Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Proposed Rule). 30 June 2011.

The labor wage rates used to estimate costs to respondents were calculated as shown in the following table. In consistency with the 2014 Final Rule RIA, the loaded 2011 average wage rates were then inflated to 2012 dollars using the Bureau of Economic Analysis' Implicit Price Deflators for Gross Domestic Product (GDP)<sup>4</sup> to yield \$136.89 for legal; \$104.08 for managerial; \$72.07 for technical; and \$25.57 for clerical labor.

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

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<sup>4</sup> Data from Table 1.1.9 Implicit Price Deflators for Gross Domestic Product (last revised April 27, 2012). The BEA's Table 1.1.9 is available online at <http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1>. It is important to note that costs are inflated from 2011 dollars to 2012 dollars using the GDP deflator for 2011 Q2 and 2012 Q1.



<b>Respondent Labor</b> <b>(Based on 2011 NAICS Codes 31,</b> <b>32, 33 Manufacturing Sector</b> <b>Loaded Hourly Wage Rates)</b>						
A	B	C	D	E	F [C x (1+D ) x (1+E) ]	G
Lab or Cate gory	US Burea u of Labor Statist ics Stand ard Occu pation al Cate gory (SOC ) Code	Non - load ed 201 1 aver age (me an) wag e rate (\$ per hour )	Frin ge bene fits load ing mult iplic r	Ov erh ead load ing mult iplic r	Load ed 2011 avera ge wage rate (\$ per hour)	Load ed 2012 avera ge wage rate (\$ per hour)
1. Leg al	SOC 23- 1011 lawye rs	\$78. 64	(34. 9%) / (100 % - 34.9 %)	12 %	\$135. 29	\$136. 96
2. Man ager ial	SOC 11- 1021 gener al & operat ions mana gers	\$59. 76	(34. 9%) / (100 % - 34.9 %)	12 %	\$102. 81	\$104. 08
3. Tec hnic al	SOC 17- 2081 enviro nment al engin eers	\$41. 38	(34. 9%) / (100 % - 34.9 %)	12 %	\$71.1 9	\$72.0 7
4. Cler ical	SOC 43- 9061 office clerks	\$14. 68	(34. 9%) / (100 % -	12 %	\$25.2 6	\$25.5 7

	' gener al		34.9 %)			
<p>Data sources:</p> <ul style="list-style-type: none"> <li>• Column A: Four labor categories applied to EPA-OSWER ICRs (Information Collection Requests).</li> <li>• Column B: SOC codes selection by professional judgment of SOC codes broadly relevant to all EPA-OSWER-ORCR ICRs, by Mark Eads, Economist, EPA-OSWER-ORCR.</li> <li>• Column C: Based on manufacturing sector NAICS codes 31, 32, 33, which constitutes 89% of RCRA hazardous waste annual tonnage generated in the top-50 industries which generate RCRA-regulated hazardous waste, according to the data in Exhibit 1.9 of EPA's 2009 "National Analysis: The National Biennial RCRA Hazardous Waste Report" at <a href="http://www.epa.gov/waste/infore-sources/data/br09/national09.pdf">http://www.epa.gov/waste/infore-sources/data/br09/national09.pdf</a>. Unloaded hourly mean wage rates for May 2011 from the Bureau of Labor Statistics (BLS) NAICS code 31, 32, 33 manufacturing sector wages website at <a href="http://www.bls.gov/oes/current/naics2_31-33.htm#23-0000">http://www.bls.gov/oes/current/naics2_31-33.htm#23-0000</a>. Column D: Manufacturing industry group fringe benefits percentage of 34.9% from "Table 6. Private industry, by major industry group" of the US Bureau of Labor Statistics (BLS) "Employer Costs for Employee Compensation" (ECEC), June 2011 at <a href="http://www.bls.gov/schedule/archives/eci_nr.htm">http://www.bls.gov/schedule/archives/eci_nr.htm</a>.</li> <li>• Column E: In absence of data specific to industry, applied 12% Federal civilian overhead cost factor from Figure C1 of the 29 May 2003 OMB Circular A-76 at <a href="http://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/">http://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/</a></li> </ul>						

**(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 & Maintenance Costs**

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” This ICR includes O&M costs for postage (i.e., \$0.45 for regular mail, \$2.95 for certified mail, and \$10.95 for registered mail).

Based on figures presented in EPA’s 2008 ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), updated to 2012 dollars using the Bureau of Labor Statistics Consumer Price Index (CPI), this ICR uses \$659 for in-house employee travel to perform due diligence for legitimacy documentation under 40 CFR part 266 subpart C as well as \$3,297 for the same documentation to be prepared by an outside vendor.<sup>5</sup> The ICR estimates (based on the 2014 RIA) that sampling and analytical costs for a hazardous secondary material characterization are \$312 per sample. The ICR includes a \$0.11 cost for making copies of plans, from EPA’s 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). Also, EPA assumes O&M costs of \$5.29 per long distance call, based on the estimate given in EPA’s 2008 ICR No. 820.10 (Hazardous Waste Generator Standards), updated to 2012 dollars using the Bureau of Labor Statistics Consumer Price Index.<sup>6</sup> The ICR includes a \$26.38 unit O&M cost based on EPA’s 2007 ICR No. 1189.20 to prepare and submit a re-application and to provide additional information on whether partial reclamation is substantial. The ICR also includes a \$26.30 unit O&M cost for the preparation of an initial variance application (based on EPA’s 2012 ICR No. 1189.24), and estimates that the O&M unit cost for a re-application or renewal of the variance as 50% of that for the initial application, or \$13.15 (based on the 2014 RIA).

### **6(c) Estimating Agency Hour and Cost Burden**

The final rule will be administered by RCRA-authorized state government regulatory programs. Unloaded mean hourly labor wage rates for states’ activities were taken from the Bureau of Labor Statistics’ (BLS) Occupational Employment Statistics from “May 2011 National Industry-Specific Occupational Employment and Wage Estimates” for State Government (NAICS 999200). EPA then multiplied the rates by the fringe benefits (34.6%) and an overhead factor of 12% (see table below). The wages were then inflated to 2012 dollars using the ECI for public administration for state and local government employees. Based on this, EPA estimated the following average loaded hourly wage rates for government labor: \$68.30 per hour for legal staff, \$68.36 per hour for managerial staff, \$56.48 per hour for technical staff, and \$26.39 per hour for clerical staff. Hour and cost burden to regulators is estimated in Exhibit 4.

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<sup>5</sup> Based on EPA’s research indicating that an airline fare of \$600 is representative of a roundtrip flight within the U.S. also found that respondents can purchase an audit report of a reclaimer for about \$3,000.

<sup>6</sup> U.S. Bureau of Labor Statistics. Consumer Price Index- All Urban Consumers, U.S. City Average (Series ID: CUUR0000SA0), extracted July 18, 2012. Available at: <http://data.bls.gov/cgi-bin/srgate>. It is important to note that the costs are inflated from 2011 dollars to 2012 dollars using the 2011 average CPI and the 2012 Q2 CPI.

Agency Labor (Based on 2011 State Government Loaded Hourly Wage Rates)						
A	B	C	D	E	F [C x (1+D ) x (1+E )]	G
Labo r Cate gory	US Burea u of Labor Statist ics Stand ard Occu pation al Cate gory (SOC ) Code	Non - load ed 2011 aver age (mea n) wage rate (\$ per hour )	Frin ge ben efits load ing mult iplic r	Ov erh ead load ing mult iplic r	Load ed 2011 avera ge wage rate (\$ per hour)	Load ed 2012 avera ge wage rate (\$ per hour)
1. Leg al	SOC 23- 1011 lawye rs	\$39. 40	(34. 4%) / (100 % - 34.4 %)	12 %	\$67.4 7	\$68.3 0
2. Man ageri al	SOC 11- 1021 gener al & operat ions mana gers	\$39. 43	(34. 4%) / (100 % - 34.4 %)	12 %	\$67.5 3	\$68.3 6
3. Tech nical	SOC 17- 2081 envir onme ntal engin eers	\$32. 58	(34. 4%) / (100 % - 34.4 %)	12 %	\$55.7 9	\$56.4 8
4. Cleri cal	SOC 43- 9061 office clerks , gener al	\$15. 22	(34. 4%) / (100 % - 34.4 %)	12 %	\$26.0 6	\$26.3 9

Data sources:

- Column A: Four labor categories applied to EPA-OSWER ICRs (Information Collection Requests).
- Column B: SOC codes selection by professional judgment of SOC codes broadly relevant to all EPA-OSWER-ORCR ICRs, by Mark Eads, Economist, EPA-OSWER-ORCR.
- Column C: Unloaded wage rates for May 2011 from the Bureau of Labor Statistics (BLS) state government wages (NAICS 999200) website at [http://www.bls.gov/oes/current/naics4\\_999200.htm](http://www.bls.gov/oes/current/naics4_999200.htm)
- Column D: 34.6% fringe benefits percentage from “Table 3. State and local government, by major occupational and industry group” of the US Bureau of Labor Statistics (BLS) “Employer Costs for Employee Compensation” (ECEC), June 2011 at [http://www.bls.gov/schedule/archives/eci\\_nr.htm](http://www.bls.gov/schedule/archives/eci_nr.htm)
- Column E: In absence of data specific to state governments, applied 12% Federal civilian overhead cost factor from Figure C1 of the 29 May 2003 OMB Circular A-76 [http://www.whitehouse.gov/omb/circulars/a076/a76\\_incl\\_tech\\_correction/](http://www.whitehouse.gov/omb/circulars/a076/a76_incl_tech_correction/)

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

In this section, EPA first describes the estimated respondent universe under the rule. EPA then estimates the annual burden to respondents under the final rule’s paperwork requirements. Finally, EPA estimates the burden impacts to respondents under existing RCRA paperwork requirements.

##### **(1) Respondent Universe**

EPA obtained most of the respondent universe estimates for this ICR from EPA’s 2014 Regulatory Impact Analysis (RIA) for this rulemaking<sup>7</sup> and the 2011 Proposed Rule ICR.<sup>8</sup> Following are the primary respondent universe estimates that are used in this ICR:

<sup>7</sup> Regulatory Impact Analysis. EPA’s 2014 Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. 8 October 2014.

<sup>8</sup> Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Proposed Rule). 30 June 2011.

- 80 generators will participate in the verified recycler exclusion in 40 CFR 261.4(a)(24). This figure is obtained by apportioning the estimate of 20 facilities that will adopt the exclusion each year,<sup>9</sup> among the verified recycler exclusion, generator-controlled exclusion, and remanufacturing exclusion. The number of facilities eligible for the 2008 transfer-based exclusion is 4,722. Of this total, 201 (4.3%) are eligible under the finalized remanufacturing exclusion and the remaining 4,521 (95.7%) are eligible under the verified recycler exclusion (based on the 2014 Final Rule RIA). Assuming 20 facilities notifying/year over the 8 years from 2009-2017, 52% of notifications that would have been 2008 transfer-based exclusions, and 95.7% of those that are eligible under the verified recycler exclusion, the total is 80 facilities.<sup>10</sup>
- 83 generators will generate and reclaim their hazardous secondary materials under the control of the generator at 40 CFR 261.4(a)(23). This figure is obtained by apportioning the estimate of 20 facilities that will adopt the exclusion each year among the verified recycler exclusion, generator-controlled exclusion, and remanufacturing exclusion. In the 67 notifications to date, 52% are generator-controlled exclusions. Assuming 20 facilities notifying/year and 52% of notifications that are generator-controlled exclusions, the total is 83 facilities. Of these generators, EPA estimates that 27 will manage under a tolling arrangement. This estimate is based on the proportion of generators shipping under a tolling arrangement in Exhibit 4E of the 2014 Final Rule RIA.<sup>11</sup>
- 83 generator-controlled exclusion facilities will be required to prepare and maintain documentation of their legitimacy determination onsite. Documentation must be a written description of how the recycling meets all four factors in 40 CFR 260.43(a).
- 75 facilities are estimated to fail factor 4 (when a product is not comparable but recycling is legitimate). Those facilities will be required to prepare documentation of legitimacy (including certification), keep documentation on site, and send notification to the regulatory agency. This estimate is based on the 2014 Final Rule RIA.
- 1 facility will re-submit a non-waste determination petition annually as a result of the provision at 40 CFR 260.33(d) that variances and non-waste determinations should be effective for a fixed term not to exceed ten years. At the end of this term, facilities must re-apply for a non-waste determination. This estimate is based on the 2014 Final Rule RIA using the number of annual average non-waste

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<sup>9</sup> Data published by EPA indicate that, as of April 11, 2012, sixty-seven (67) facilities had submitted notifications to EPA claiming either onsite recycling, same-company transfer, tolling, and/or offsite transfer exclusions (<http://www.epa.gov/waste/hazard/dsw/notify-sum.pdf>). Source: 2014 Final Rule RIA. Given that these notifications were submitted to EPA over an approximate three-and-a-half year period (i.e., between its December 28, 2008 effective date, and April 11, 2012), the rate of new notifications every year is estimated to be 20 facilities per year (i.e., 67 facilities divided by 3.33 years = 20 facilities per year). This rate of notification is assumed to continue on an annual basis beginning in 2009, through our period of analysis (2015-2017) and in subsequent years.

<sup>10</sup> This ICR differs from the 2014 RIA for this rulemaking with regard to this calculation. The RIA analyzes the rule's impact over a much longer time horizon of 50 years, during which EPA believes the number of facilities operating under each exclusion will eventually diverge from its current pace due to the disparity in the number of facilities eligible for each exclusion.

<sup>11</sup> Of the 280 facilities eligible for the generator-based exclusion, 93 (33.2%) utilize offsite tolling.

determination petition facilities in the first three years of the analysis period (14) divided by ten.

- 2 facilities will re-submit a variance petition annually as a result of the provision at 40 CFR 260.33(d) that variances and non-waste determinations should be effective for a fixed term not to exceed ten years. At the end of this term, facilities must re-apply for a variance. This estimate is based on the 2014 Final Rule RIA using the number of annual average variance petition facilities in the first three years of the analysis period (20) divided by ten.
- 4 variance re-applications will be submitted annually as a result of the requirement to re-apply for a variance if material no longer meets relevant variance criteria. This estimate is based on EPA's 2014 RIA for this rulemaking.
- 4 generators will generate and reclaim their hazardous secondary materials under the finalized remanufacturing exclusion. This figure is obtained by apportioning the estimate of 20 facilities that will adopt exclusions each year among the verified recycler exclusion, generator-controlled exclusion, and re-manufacturing exclusion. Based on the 67 notifications to date, 35 out of 67 (52%) are transfer-based exclusions. The number of facilities eligible for the transfer-based exclusion is 4,722. Of this total, 201 (4.3%) are eligible under the finalized remanufacturing exclusion and the remaining 4,521 (95.7%) are eligible under the verified recycler exclusion (based on the 2014 Final Rule RIA). Assuming 20 facilities notifying/year, 52% of notifications that are transfer-based exclusions, and 4.3% that are eligible under remanufacturing exclusion, the total is 4 facilities.<sup>12</sup>
- 7,500 facilities utilize the pre-2008 DSW exclusions. This estimate is based on the 2014 Final Rule RIA that assumes that between 5,000 and 10,000 facilities conduct recycling/reuse activities under the six affected pre-2008 DSW exclusions. The mid-point of 7,500 facilities is used in the cost calculation.

## **(2) Annual Respondent Burden under Final Rule**

### **Revision 1: Replace the 2008 DSW Off-site Transfer-Based Exclusion with the 2014 DSW Verified Recycler Exclusion**

EPA estimates that 80 generators will be eligible for the verified recycler exclusion during the period 2015-2017 covered by this ICR. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

#### Variance

Based on the 2014 Final Rule RIA, there are 275 non-hazardous industrial waste recycling facilities and 3.2% of recycling facilities that submit variances per year. Therefore, there are 9 facilities submitting initial variance applications per year. Given a 10-year renewal period and the 3-year timeframe covered by this ICR, there are 9 facilities renewing the variance each year. EPA estimates that there will be four notices of a change and one variance re-application annually.

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<sup>12</sup> Ibid.

Based on the 2014 Final Rule RIA, the burden for preparing a variance for the verified recycler exclusion is assumed to be similar to burden for the variance from “Classification as Solid Waste Material that are Reclaimed But Must Be Reclaimed Further” under 40 CFR 260.31(c), given in EPA’s 2012 ICR No. 1189.24 (Identification, Listing and Rulemaking Petitions (Renewal)). Because the 2014 RIA assumes that it will cost 50% of the initial variance application cost to renew the variance, the burden for re-application in the event of a change and for variance renewal are assumed to be half of the burden for the initial variance application.

These assumptions are reflected in Exhibit 1.

### Emergency Preparedness and Response

#### *Personnel Training*

The 2014 Final Rule adds training requirements for Conditionally Exempt Small Quantity Generators (CESQGs) who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the DSW generator-controlled exclusion and verified recycler exclusion.<sup>13</sup> Given a total of 80 facilities participating in the verified recycler exclusion, and 1.3% of generators under the generator-controlled exclusion and the VRE that are CESQGs (based on the 2014 Final Rule RIA), there is 1 respondent that will conduct personnel training per year.

Based on EPA’s 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)), EPA estimated that two activities, collecting job-related data and maintaining that information at the facility, would be completed. Following the 2014 Final Rule RIA, burden for these two personnel training activities is assumed to be similar to burden for personnel training for Small Quantity Generators (SQGs), as given in EPA’s 2014 ICR No. 0820.11.

These assumptions are reflected in Exhibit 1.

#### *Contingency Plan*

Under the 2014 Final Rule, Large Quantity Generators (LQGs) who switched generator status to SQG or CESQG under the 2008 DSW exclusions will now be required to prepare and implement a contingency plan if they are recycling under the generator-controlled exclusion, verified recycler exclusion, or are intermediate facilities and recyclers that do not have a RCRA permit. Given a total of 80 facilities participating in the verified recycler exclusion, 20% of generators under the generator-controlled exclusion and the verified recycler exclusion that are LQGs switching status (based on the 2014 Final Rule RIA), 16 generators will conduct contingency planning activities per year. In addition, based on the 2014 Final Rule RIA, the ICR assumes that 10% of LQGs amend contingency plans each year (i.e., 2 respondents per year).

Burden for these activities is assumed to be similar to burden for contingency planning for LQGs given in EPA’s 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). These assumptions are reflected in Exhibit 1.

#### *Emergency Procedures*

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<sup>13</sup> Note that the 2014 Final Rule RIA also calculated incremental costs for Large Quantity Generators (LQGs) (assumed to accumulate more than 6,000 kg) whose generator status changed to Small Quantity Generator (SQG) or CESQG under the 2008 DSW exclusions, since they will now incur training costs as LQGs under the 2014 DSW Final Rule. The 2014 Final Rule RIA used unit cost estimates from the 2008 DSW Rule RIA, which had higher training costs for LQGs than SQGs. However, in this ICR, the burden estimates are based on EPA’s 2014 ICR No. 0820.11, where the personnel training costs are the same for LQGs and SQGs. Thus, the incremental costs for these generators are zero.



The 2014 Final Rule adds emergency procedures requirements for CESQGs who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the DSW generator-controlled exclusion and verified recycler exclusion. In addition, emergency procedures activities vary across LQGs and SQGs. Therefore, following the 2014 Final Rule RIA, there is incremental burden for generators accumulating more than 6,000 kg whose generator status changed to SQG or CESQG under the 2008 DSW exclusions. The incremental burden is calculated as the difference between LQG and SQG costs for emergency preparedness. Burden for these activities is given in EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)).

There are a total of 80 facilities participating in the verified recycler exclusion. Based on the 2014 Final Rule RIA, 1.3% of generators under the generator-controlled exclusion and the verified recycler exclusion are CESQGs, and 1.7% of generators per year that have an emergency incident. Therefore, there are 0.02 generators accumulating less than 6,000 kg that will conduct emergency procedures activities per year.

Similarly, based on the 2014 Final Rule RIA, 20% of generators under the generator-controlled exclusion and the verified recycler exclusion are LQGs switching status, and 1.7% of generators per year that have an emergency incident. Therefore, there are 0.3 generators accumulating more than 6,000 kg that will conduct emergency procedures activities per year.

These assumptions are reflected in Exhibit 1.

#### **Revision 2: Revise the 2008 DSW Generator-Controlled Exclusion**

EPA estimates that 83 generators will be eligible for the DSW exclusion for generator-controlled recycling during the period 2015-2017 covered by this ICR. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

#### Recordkeeping for the Tolling Provision

EPA estimates that 27 generators operating under the exclusion at 40 CFR 261.4(a)(23) will operate under a tolling arrangement. Both the generator and the contractor must maintain records of all hazardous secondary materials shipped pursuant to the tolling arrangement.

EPA estimates that burden per respondent for these recordkeeping requirements will be similar to recordkeeping requirements for generators operating under the exclusion at 40 CFR 261.4(a)(24) given in EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste).

These assumptions are reflected in Exhibit 1.

#### Legitimacy Documentation

EPA is requiring facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions of 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite. The document would consist of a written narrative outlining how their recycling meets each of the four factors of legitimacy as described in 40 CFR 260.43 and would be kept onsite for the duration of the recycling and for three years after recycling operations cease. The total number of generator-controlled exclusions facilities is estimated at 83, as described above. The number of facilities subject to this requirement is 28 (calculated as 83 divided by three).

#### Emergency Preparedness and Response

### *Personnel Training*

The 2014 Final Rule adds training requirements for Conditionally Exempt Small Quantity Generators (CESQGs) who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the DSW generator-controlled exclusion and verified recycler exclusion.<sup>14</sup> Given a total of 83 facilities participating in the generator-controlled exclusion, and 1.3% of generators under the generator-controlled exclusion and the VRE that are CESQGs (based on the 2014 Final Rule RIA), there is 1 respondent that will conduct personnel training per year.

Based on EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)), EPA estimated that two activities, collecting job-related data and maintaining that information at the facility, would be completed. Following the 2014 Final Rule RIA, burden for these two personnel training activities is assumed to be similar to burden for personnel training for Small Quantity Generators (SQGs), as given in EPA's 2014 ICR No. 0820.11.

These assumptions are reflected in Exhibit 1.

### *Contingency Plan*

Under the 2014 Final Rule, Large Quantity Generators (LQGs) who switched generator status to SQG or CESQG under the 2008 DSW exclusions will now be required to prepare and implement a contingency plan if they are recycling under the generator-controlled exclusion, verified recycler exclusion, or are intermediate facilities and recyclers that do not have a RCRA permit. Given a total of 83 facilities participating in the generator-controlled, 20% of generators under the generator-controlled exclusion and the verified recycler exclusion that are LQGs switching status (based on the 2014 Final Rule RIA), 17 generators will conduct contingency planning activities per year. In addition, based on the 2014 Final Rule RIA, the ICR assumes that 10% of LQGs amend contingency plans each year (i.e., 2 respondents per year).

Burden for these activities is assumed to be similar to burden for contingency planning for LQGs given in EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). These assumptions are reflected in Exhibit 1.

### *Emergency Procedures*

The 2014 Final Rule adds emergency procedures requirements for CESQGs who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the DSW generator-controlled exclusion and verified recycler exclusion. In addition, emergency procedures activities vary across LQGs and SQGs. Therefore, following the 2014 Final Rule RIA, there is incremental burden for generators accumulating more than 6,000 kg whose generator status changed to SQG or CESQG under the 2008 DSW exclusions. The incremental burden is calculated as the difference between LQG and SQG costs for emergency preparedness. Burden for these activities is given in EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)).

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<sup>14</sup> Note that the 2014 Final Rule RIA also calculated incremental costs for Large Quantity Generators (LQGs) (assumed to accumulate more than 6,000 kg) whose generator status changed to Small Quantity Generator (SQG) or CESQG under the 2008 DSW exclusions, since they will now incur training costs as LQGs under the 2014 DSW Final Rule. The 2014 Final Rule RIA used unit cost estimates from the 2008 DSW Rule RIA, which had higher training costs for LQGs than SQGs. However, in this ICR, the burden estimates are based on EPA's 2014 ICR No. 0820.11, where the personnel training costs are the same for LQGs and SQGs. Thus, the incremental costs for these generators are zero.

There are a total of 83 facilities participating in the generator-controlled exclusion. Based on the 2014 Final Rule RIA, 1.3% of generators under the generator-controlled exclusion and the verified recycler exclusion are CESQGs, and 1.7% of generators per year that have an emergency incident. Therefore, there are 0.02 generators accumulating less than 6,000 kg that will conduct emergency procedures activities per year.

Similarly, based on the 2014 Final Rule RIA, 20% of generators under the generator-controlled exclusion and the verified recycler exclusion are LQGs switching status, and 1.7% of generators per year that have an emergency incident. Therefore, there are 0.3 generators accumulating more than 6,000 kg that will conduct emergency procedures activities per year.

These assumptions are reflected in Exhibit 1.

### **Revision 3: Revise the Definition of “Legitimate” Recycling**

#### Legitimacy Documentation

EPA estimates that approximately five percent of wastes do not meet all four legitimacy factors, in particular Factor 4, but the recycling practice is legitimate (based on the 2014 Final Rule RIA).<sup>15</sup> This ICR assumes that between 5,000 and 10,000 facilities conduct recycling/reuse activities under affected pre-2008 DSW exclusions (the mid-point of 7,500 facilities). Therefore, the estimated number of facilities required to prepare legitimacy documentation, certification, and notification will be 75 facilities (7,500 facilities x 1% of wastes requiring legitimacy documentation).

EPA estimates that one-third of these facilities will choose to document legitimacy using an in-house employee audit, one-third will choose to do this using an outside vendor, and one-third will choose to use readily available information. Because this activity occurs only once in the three year ICR period, the annual equivalent number of facilities is 25. The annual number of facilities using each of the three methods described above is eight facilities.

Facilities will also be required to repeat these efforts at least once every three years. However, EPA assumes that no facilities will repeat these efforts more frequently than once every three years, and therefore no facilities will be required to repeat these efforts between 2015 and 2017.

Facilities will be required to maintain documentation and certification for three years and to make this information available upon request. EPA assumes that one-third of the burden falls on each year of the three-year period and therefore that an equivalent of one-third of the 75 facilities (25) will perform this activity annually.

Based on pages 107 and 108 of EPA’s 2008 ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), EPA assumes that 60% of facilities do not currently perform similar activities as part of standard business practices and that 30% of facilities will be required to document. Therefore, five facilities will be required to document legitimacy each year of this ICR (75 facilities x 60% x 30% divided by three).

As a result of the final rule, affected facilities will be required to send notification to the regulatory agency. Because this activity occurs only once in the three year ICR period, the annual number of affected facilities is 25.

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<sup>15</sup> 5% “rare” future annual frequency represents the midpoint of a 0% to 10% range in any given future year of wastes not meeting all four legitimacy factors (2014 Final Rule RIA).

EPA estimated burden per respondent for legitimacy documentation according to estimates given in the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, which were based on EPA's 2008 ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste). These assumptions are reflected in Exhibit 1.

#### **Revision 4: Revise the Solid Waste Variances and Non-Waste Determinations, Including the 1985 Partial Reclamation Variance**

##### Notice and Potential Re-Application for Solid Waste Variances in the Event of a Change

Based on the 2014 Final Rule RIA, EPA estimates that there will be four variance re-applications annually under 40 CFR 260.33(c). Burden per facility for the non-waste determination is assumed to be equivalent to burden for re-application for non-waste determination in EPA ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste). Burden per facility for the partial recycling variance is assumed to be equivalent to burden for application for this variance in existing EPA ICR No. 1189.20 (Identification, Listing and Rulemaking Petitions). These assumptions are reflected in Exhibit 1.

##### Re-Application for Solid Waste Variances and Non-Waste Determinations Every Ten Years

Based on the 2014 Final Rule RIA, one facility will re-submit a non-waste determination petition and two facilities will submit a solid waste variance annually as a result of the provision at 40 CFR 260.33(d) that variances and non-waste determinations should be effective for a fixed term not to exceed ten years. At the end of this term, facilities must re-apply for a variance or non-waste determination. These estimates are calculated using the number of annual non-waste determination petition facilities (14) and variance facilities (20) divided by ten.

##### Biennial Notification for Non-Waste Determination and Variance Facilities

Facilities with either a solid waste variance or a non-waste determination will need to re-notify biennially under the finalized revisions to 40 CFR 260.33(d). This includes 73.5 non-waste determination petition facilities and 20 solid waste variance facilities described in the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. Since re-notification will only occur every other year, of which only one occurs between 2015 and 2017, an average of one-third of these 94 facilities (31) will notify on an annual basis.

Based on EPA's 2008 ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), EPA estimates that, each year, five percent of entities (5) will re-notify because they stopped operating under the exclusion.

These assumptions are reflected in Exhibit 1.

##### Revisions to Partial Reclamation Variance

Facilities applying for partial reclamation variances will be required to meet a revised list of five factors to obtain the variance. EPA estimates that there are an average of four variance applications annually under 40 CFR 260.31(c), based on the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, and the facilities applying for these variances will be required to document that their applications meet these five factors. Because the revisions involve clarifications of existing factors and removal of a sixth factor, EPA estimates burden per activity for each applicant for the five remaining factors

remains the same as burden given in existing EPA ICR No. 1189.20 (Identification, Listing and Rulemaking Petitions). These assumptions are reflected in Exhibit 1.

#### Change to Non-Waste Determination Process

Facilities seeking a non-waste determination under 40 CFR 260.34 will be required to demonstrate why they cannot or should not meet existing exclusions to the definition of solid waste. EPA estimates seven facilities will seek non-waste determinations each year. EPA estimates burden per activity for each applicant is similar to the burden given for providing information about “other relevant factors” for a partial reclamation variance under existing EPA ICR No. 1189.20 (Identification, Listing and Rulemaking Petitions). These assumptions are reflected in Exhibit 1.

#### **Revision 5: Add a New “Remanufacturing” DSW Exclusion**

EPA estimates that four generators will apply for the finalized remanufacturing exclusion. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

#### Petition Process

Based on the RIA for EPA’s 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, EPA estimates that five percent of the four eligible facilities in remanufacturing NAICS codes described in the RIA will file a petition to add chemicals or industrial and/or chemical functions to the exclusion, which will also require sampling and analytical costs to document hazardous secondary material characterization. The assumptions underlying the estimated number of generators is described in greater detail in Section 6(d)(1) of this ICR (Respondent Universe). Also based on the RIA for EPA’s 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, EPA estimates that these petitions are submitted an average of once every five years. On an annual basis, 0.04 facilities will perform each of these two activities.

EPA estimated burden per respondent according to estimates given in the RIA for EPA’s 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. These assumptions are reflected in Exhibit 1.

#### Generator

##### *Notification*

Based on the RIA for EPA’s 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, EPA estimates that four eligible generators in manufacturing NAICS codes will submit initial notification prior to re-use under the remanufacturing exclusion over three years. On an annual basis, this is the equivalent of one notification. These generators will be required to re-submit on subsequent even-numbered years, of which there is one during the period 2015-2017, indicating that these same four generators will re-submit during that year, or an average of one generator per year over the period 2015-2017.

Based on EPA’s ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), EPA estimates that, each year, five percent of generators (0.2) will re-notify because they stopped operating under the exclusion.

EPA estimates that burden per respondent for these three notification activities will be similar to the cost to notify under a 2008 DSW exclusion given in EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste).

These assumptions are reflected in Exhibit 1.

#### *Remanufacturing Plan*

Remanufacturing plans are prepared by the generator and the remanufacturer. EPA assumes each of the four generators will work with a single remanufacturer. Based on this information, EPA estimates that one generator per year will be required to make advance arrangements for remanufacturing and to prepare a remanufacturing plan in accordance with the finalized remanufacturing exemption.

Generators will be required to maintain this plan on-site for three years, and therefore the equivalent of one-third of generators (1) will perform this activity on an annual basis.

EPA estimates that generators will submit contractual arrangements with every twentieth shipment. Because each generator will ship an average of 10.6 shipments per year, an average of 53% of facilities (2) will be required to submit contractual arrangements in a single year.

Although the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste did not estimate burden for these requirements, EPA estimates burden per respondent for each of these four remanufacturing plan activities to be equivalent to burden for notification of intent to export in EPA's 2008 ICR No. 0820.10 (Hazardous Waste Generator Standards (Renewal)).

These assumptions are reflected in Exhibit 1.

#### *Record of Shipments and Confirmations of Receipts*

Facilities operating under the finalized remanufacturing exclusion will be required to maintain records of shipments and confirmations of receipts for a three-year period from the date of shipment. EPA estimates that four eligible facilities will be required to maintain these records over three years, and that each facility will produce 10.6 shipments per year. On an annual basis, one facility will produce a total of 10.6 shipments per year and will perform each of these two activities with each shipment. Therefore, the annual number of respondent activities is 14 (four facilities over three years, multiplied by 10.6 shipments per year).

EPA estimates that burden per respondent for these recordkeeping requirements will be similar to recordkeeping requirements for generators operating under the exclusion at 40 CFR 261.4(a)(24) given in EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste).

These assumptions are reflected in Exhibit 1.

#### *Management in Tanks and Containers*

EPA estimates that the four facilities operating under the finalized remanufacturing exclusion will be required to label or record in a log materials stored in tanks or containers prior to manufacturing. This cost is estimated on an annual basis and is assumed to require a similar level of effort to the burden for documenting that storage procedures are satisfied under the speculative accumulation provisions of the finalized revisions to the DSW exclusions, as described at the end of this section. These assumptions are reflected in Exhibit 1.

### *No Speculative Accumulation*

EPA assumes that all facilities eligible for the finalized remanufacturing exclusion are already required to comply with the speculative accumulation provisions of RCRA Subtitle C. Therefore, no additional facilities will be required to comply with these provisions. This assumption is reflected in Exhibit 1.

### *Technical Standards and NESHAPs*

Generators will be required to comply with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types and with air pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is estimated in Exhibit 3.

### Remanufacturer

#### *Notification*

Based on the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, EPA estimates that four eligible remanufacturers in manufacturing NAICS codes will submit initial notifications prior to reuse under the remanufacturing exclusion over three years. On an annual basis, this is the equivalent of one notification. These remanufacturers will be required to re-submit on subsequent even-numbered years, of which there is one during the ICR period 2015-2017, indicating that these same four remanufacturers will re-submit during that year, or an average of one remanufacturer per year over the period 2015-2017.

Based on EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste), EPA estimates that, each year, five percent of remanufacturers (0.2) will re-notify because they stopped operating under the exclusion.

EPA estimates that burden per respondent for these three notification activities will be similar to the cost to notify under a 2008 DSW exclusion given in EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste).

These assumptions are reflected in Exhibit 1.

#### *Remanufacturing Plan*

Remanufacturing plans are prepared by the generator and the remanufacturer. EPA assumes the number of remanufacturers is equivalent to the number of generators. Based on this information, EPA estimates that one remanufacturer per year will be required to make advance arrangements with a generator and to prepare a remanufacturing plan in accordance with the finalized re-manufacturing exemption.

Remanufacturers will be required to maintain this plan on-site for three years, and therefore the equivalent of one-third of remanufacturers (1) will perform this activity on an annual basis.

EPA estimates that remanufacturers will submit contractual arrangements with every twentieth shipment. Because each generator will ship an average of 10.6 shipments per year, and the number of generators and remanufacturers is assumed to be equal, an average of 53% of facilities (2) will be required to submit contractual arrangements in a single year.

Although the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste did not estimate burden for these requirements, EPA estimates burden per respondent for each of these four remanufacturing plan activities to be equivalent to burden for notification of intent to export in EPA's 2008 ICR No. 0820.10 (Hazardous Waste Generator Standards (Renewal)).

These assumptions are reflected in Exhibit 1.

#### *Record of Shipments and Confirmations of Receipts*

Remanufacturers operating under the finalized remanufacturing exclusion will be required to maintain records of shipments and confirmations of receipts for a three-year period from the date of shipment. EPA estimates that 4 eligible facilities will be required to maintain these records over three years, and that each facility will produce 10.6 shipments per year. On an annual basis, one re-manufacturer will produce a total of 10.6 shipments per year. Therefore, the annual number of respondent activities is 14 (4 facilities over three years, multiplied by 10.6 shipments per year). These assumptions are reflected in Exhibit 1.

EPA estimates that burden per respondent for these recordkeeping requirements will be similar to recordkeeping requirements for generators operating under the exclusion at 40 CFR 261.4(a)(24) given in EPA's ICR No. 2310.02 (Revisions to the RCRA Definition of Solid Waste).

#### *Management in Tanks and Containers*

EPA estimates that the four remanufacturers operating under the finalized re-manufacturing exclusion will be required to label or record in a log materials stored in tanks or containers prior to remanufacturing. This cost is estimated on an annual basis and is assumed to require a similar level of effort to the burden for documenting that storage procedures are satisfied under the speculative accumulation provisions of the finalized revisions to the DSW exclusions, as described at the end of this section. These assumptions are reflected in Exhibit 1.

#### *No Speculative Accumulation*

EPA assumes that all remanufacturers eligible for the finalized remanufacturing exclusion are already required to comply with the speculative accumulation provisions of RCRA Subtitle C. Therefore, no additional facilities will be required to comply with these provisions. This assumption is reflected in Exhibit 1.

#### *Technical Standards and NESHAPs*

Generators will be required to comply with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types and with air pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is estimated in Exhibit 3.

### **Revision 6: Add Emergency Preparedness and Response to DSW Generator-Controlled Exclusion, Verified Recycler Exclusion, and VRE Intermediate Facilities and Recyclers Without a RCRA Permit**

Annual respondent burden is presented under Revisions 2 and 3 earlier in this section.



## **Revision 7: Require Recordkeeping for Speculative Accumulation**

EPA estimates that 7,500 facilities eligible for pre-2008 DSW recycling exclusions will be affected by the final revisions. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

### Recordkeeping for Speculative Accumulation

Based on the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, EPA estimates that 7,500 facilities will be required to label containers in satellite and accumulation areas under the finalized revisions to the pre-2008 DSW Recycling Exclusions.

EPA estimates that 7,500 facilities must demonstrate that no speculative accumulation is occurring. This includes preparing procedures to ensure waste is not stored for more than a year and documenting that these procedures are satisfied, as well as preparing a description of waste generation and management practices and documenting that the unit is emptied at least once annually. Documentation is estimated on an annual basis; preparing procedures and description only occur once each and therefore the 7,500 facilities are annualized over the three-year ICR period to 2,500 facilities for these two activities.

The 2014 RIA estimated the burden and costs per respondent for six activities related to labeling and documentation. The RIA based its assumptions on EPA's 2008 ICR No. 0820.10 (Hazardous Waste Generator Standards (Renewal)).

These assumptions are reflected in Exhibit 1.

### **(3) Annual Respondent Hour and Cost Impacts under Existing Paperwork Requirements**

Several requirements are preserved from EPA's ICR 2310.02 (Revisions to the RCRA Definition of Solid Waste). These include notification requirements under the verified recycler exclusion and generator controlled exclusion, shipment recordkeeping and financial assurance under the verified recycler exclusion, certifications for generator-controlled recycling, and application and re-application requirements for non-waste determinations. Hourly burdens for these requirements were retained from ICR 2310.02, with labor rates and O&M costs updated to current-year dollars. Respondent burdens for these requirements are presented in Exhibit 2.

Several new provisions will require facilities to comply with requirements of existing RCRA-related ICRs with which they may not already comply. As a result, these entities will see some burden impacts under the existing paperwork requirements.

Exhibit 3 presents the total annual burden under the final rule's paperwork requirements, as well as the annual burden impacts under the existing paperwork requirements. The impacts under the existing requirements are presented according to the approved ICR in which the requirements are addressed. Below is a brief discussion of these ICRs:

- Revisions to the RCRA Definition of Solid Waste (EPA ICR No. 2310.02). Respondents and government agencies will no longer need to comply with the 2008 DSW exclusion for offsite transfer recycling that is replaced with the verified recycler exclusion. Nevertheless, the requirements from 2008 that are listed in Exhibits 2 and 5 continue.

- Hazardous Waste Generator Standards (EPA ICR No. 0820). EPA estimates that generators and remanufacturers operating under the finalized remanufacturing exclusion will see additional burden from complying with air quality standards.
- Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types (EPA ICR No. 1572). EPA estimates that generators and remanufacturers operating under the finalized remanufacturing exclusion will see additional burden from complying with technical standards for tanks and containers.
- Air Emission Standards for Tanks, Surface Impoundment and Containers (EPA ICR No. 1593). EPA estimates that generators and remanufacturers operating under the finalized remanufacturing exclusion will see additional burden from complying with NESHAP standards for tanks and containers.

**6(e) Bottom Line Hour and Cost Burden**

**(1) Respondent Tally**

As shown in Exhibit 1 and Exhibit 2, EPA estimates the total annual burden to respondents under the new paperwork requirements as a result of the final rule changes to be 34,454 hours and \$68,071 in O&M costs (\$2,378,111, including labor costs), respectively. Burden and costs continuing from the 2008 ICR No. 2310.02 include 2,034 hours and \$299 in O&M (\$144,235, including labor costs), respectively. The total annual burden and O&M costs are estimated at 36,488 hours and \$68,370 in O&M costs, or 109,464 hours and \$205,110 in O&M over three years.

EPA estimates that the 2014 Final Revisions to the DSW rule will also affect other related ICRs, changing their annual burden and costs to 762 hours and \$8,611 in O&M (\$64,767 including labor costs), respectively. The total annual respondent burden and cost as a result of the rule, including impacts to associated ICRs, would be 37,250 hours and \$76,981 O&M (\$2,587,112, including labor costs), respectively.

Note: The burden estimates in Exhibits 1 through 3 are based on an assumption that all states will adopt the final rule. EPA notes, however, that authorized states are not required to adopt the final rule. Because of this, some states may not adopt it and others may adopt only parts of it, which would affect the actual burden under the rule.

**(2) Agency Tally**

As shown in Exhibit 4 and Exhibit 5, EPA estimates the total annual burden to the government under the new paperwork requirements as a result of the final rule changes to be 3,112 hours and \$29 in O&M costs (\$169,636, including labor costs). Burden and costs continuing from the 2008 ICR No. 2310.02 include 1,832 hours and \$59 in O&M (\$101,152, including labor costs), respectively. The total annual burden and O&M costs are estimated at 4,944 hours and \$88 in O&M costs, or 14,832 hours and \$264 in O&M costs over three years.

EPA estimates that the final 2014 revisions to the DSW rule will also affect other related ICRs, changing their annual burden to 10 hours and \$0 O&M (\$401 including labor costs). The total annual agency burden and cost as a result of the rule, including impacts to associated ICRs, would be 4,954 hours and \$88 O&M (\$271,118, including labor costs), respectively.

Note: The burden estimates in Exhibits 3 and 4 are based on an assumption that all states will adopt the final rule. EPA notes, however, that authorized states are not required to adopt the

final rule. Because of this, some states may not adopt it and others may adopt only parts of it, which would affect the actual burden under the rule.

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

The table below summarizes the current OMB inventory for the 2008 DSW ICR No. 2310.02, the changes in burden estimated under the 2014 final rule, and the new total burden for this final DSW rule ICR.

	<b>Annual Burden Hours</b>	<b>Annualized Capital and O&amp;M Costs</b>
Current OMB inventory	20,403	\$556,562
Change in burden	16,085	(\$488,192)
New burden for DSW ICR	36,488	\$68,370

The change in burden is due primarily to finalized program changes, with additional adjustments to wages and costs due to inflation. The burden hours presented in this ICR have increased relative to the current OMB inventory. The new burden estimate shows a net annual increase of approximately 16,085 hours. The Agency estimates that the final amendments would reduce capital and O&M costs by approximately \$488,192. However, additional O&M costs are added to other related ICRs, as described above.

The final revisions to the DSW recycling exclusions are in response to a January 2009 petition submitted to the EPA by the Sierra Club (San Francisco, CA), claiming potential increases in risks to human health and the environment associated with recycling of hazardous secondary materials excluded under the 2008 DSW final rule. These final revisions are intended to ensure that the exclusions, as implemented, encourage recycling in industrial operations under conditions necessary to protect human health and the environment from potential mismanagement of hazardous secondary materials. Some final revisions potentially affect EPA’s October 2008 DSW recycling exclusions, while other final revisions potentially affect pre-2008 DSW recycling exclusions which date between 1985 and 1998. Following is a brief summary of the final revisions:

- Revision 1. Replace the 2008 DSW off-site transfer-based exclusion with the 2014 DSW verified recycler exclusion;
- Revision 2. Revise the 2008 DSW generator-controlled exclusion;
- Revision 3. Revise the definition of “legitimate” recycling;
- Revision 4. Revise the solid waste variances and non-waste determinations, including the 1985 partial recycling variance;
- Revision 5. Add a new “remanufacturing” DSW exclusion.
- Revision 6. Add emergency preparedness and response to DSW generator-controlled exclusion, verified recycler exclusion, and VRE intermediate facilities and recyclers without a RCRA permit.
- Revision 7: Require recordkeeping for speculative accumulation

The final rule would also yield an annual respondent burden increase of 762 hours and \$8,611 O&M in other related ICRs.

### **6(g) Public Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.0 hours per response.

Generators that pursue the verified recycler exclusion have an average annual reporting burden of 50.4 hours per response and an average annual recordkeeping burden of 4.0 hours per response.

Generators that pursue the exclusion for generator controlled recycling have an average annual reporting burden of 0.4 hours per response and an average annual recordkeeping burden of 3.2 hours per response.

To comply with new requirements regarding legitimate recycling, respondents that have an average new annual reporting burden of 0.4 hours per response and an average annual recordkeeping burden of 5.1 hours.

Respondents that pursue recycling variances and non-waste determinations have an average new annual reporting burden of 13.1 hours per response and no recordkeeping burden.

Respondents that pursue the remanufacturing exclusion have an average new reporting burden of 0.9 hours per response and an average new annual recordkeeping burden of 0.2 hours per year.

Respondents that have to comply with speculative accumulation recordkeeping and labeling requirements have no new reporting burden and an average new recordkeeping burden of 0.9 hours per response.

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-RCRA-2010-0742, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Resource Conservation and Recovery Act (RCRA) Docket is 202-566-0270. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the

system, select “search,” then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-RCRA-2010-0742 and OMB Control Number 2050-0202 in any correspondence.

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
	\$136.96	\$104.08	\$72.07	\$25.57							
<b>Verified Recycler Exclusion (Revision 1)</b>											
<b>Generators</b>											
<i>Emergency Preparedness and Response</i>											
<b>Generators that accumulate more than 6,000 kg of hazardous secondary material</b>											
<i>Contingency Planning</i>											
Collect data required in contingency plan	0.00	0.00	3.35	1.65	5.00	\$283.63	\$0.00	\$0.00	16	80.00	\$4,538.08
Document whether authorities decline arrangement	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$0.00	16	8.00	\$204.64
Write contingency plan	0.00	0.00	7.50	2.50	10.00	\$604.45	\$0.00	\$0.00	16	160.00	\$9,671.20
Maintain contingency plan	0.00	0.00	0.00	1.00	1.00	\$25.57	\$0.00	\$0.00	16	16.00	\$409.12
Submit contingency plan to relevant emergency centers	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$4.55	16	8.00	\$277.44
Amend contingency plan when appropriate	0.00	0.00	1.50	1.20	2.70	\$138.79	\$0.00	\$0.10	2	5.40	\$277.78
<i>Emergency Procedures</i>											
Collect information	0.00	0.00	-0.28	1.50	1.22	\$18.18	\$0.00	\$0.00	0.3	0.37	\$5.45
Emergency reporting	1.28	0.00	0.90	-0.10	2.08	\$237.61	\$0.00	-\$5.29	0.3	0.62	\$69.70
Notifying/coordination with authorities	0.00	0.10	0.30	0.00	0.40	\$32.03	\$0.00	\$10.59	0.3	0.12	\$12.79
<b>Generators that accumulate less than 6,000 kg of hazardous secondary material</b>											
<i>Personnel Training</i>											
Collect job-related data	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$0.00	1	0.5	\$12.79
Maintain information at facility	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.00	1	0.1	\$2.56
<i>Emergency Procedures</i>											
Observe scene of hazardous waste discharge	0.00	0.00	0.50	0.00	0.50	\$36.04	\$0.00	\$0.00	0.02	0.01	\$0.72
Report by phone requested data items to NRC	0.00	0.00	0.50	0.00	0.50	\$36.04	\$0.00	\$5.29	0.02	0.01	\$0.83
Document that local officials decline to enter into arrangements for coordinating response	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	0.02	0.00	\$0.14

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
	\$136.96	\$104.08	\$72.07	\$25.57							
Post emergency information by phone	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.00	0.02	0.00	\$0.05
<b>Reclaimers</b>											
<b>Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))</b>											
Initial variance application	0.00	0.00	142.00	0.00	142.00	\$10,233.94	\$0.00	\$26.30	9	1,278	\$92,342.16
Submit notice of change	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	4	0.4	\$12.04
Prepare and submit a re-application in the event of a change	0.00	0.00	71.00	0.00	71.00	\$5,116.97	\$0.00	\$13.15	1	71	\$5,130.12
Renew the variance every 10 years	0.00	0.00	71.00	0.00	71.00	\$5,116.97	\$0.00	\$13.15	9	639	\$46,171.08
<b>Revisions to the Generator-Controlled Exclusion for Hazardous Secondary Materials (Revision 2)</b>											
<b>Recordkeeping for the Tolling Provision</b>											
Tolling contractor must maintain at its facility for no less than three years records of all hazardous secondary materials received pursuant to the written contract with the tolling manufacturer.	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	27	1.35	\$34.56
Tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor.	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	27	1.35	\$34.56
<b>Legitimacy documentation</b>											
Prepare documentation statement - using in-house employee audit	0.00	2.00	14.00	4.00	20.00	\$1,319.42	\$0.00	\$659.46	9	180	\$17,809.92
Prepare documentation statement - using outside vendor	0.00	2.00	4.00	0.00	6.00	\$496.44	\$0.00	\$3,297.32	9	54	\$34,143.84
Prepare documentation statement - using readily available information	0.00	2.00	4.00	0.00	6.00	\$496.44	\$0.00	\$0.00	9	54	\$4,467.96
Repeat at least every three years - using in-house employee audit	0.00	2.00	14.00	4.00	20.00	\$1,319.42	\$0.00	\$659.46	0	0	\$0

**Exhibit 1:**  
**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
	\$136.96	\$104.08	\$72.07	\$25.57							
Repeat at least every three years - using outside vendor	0.00	2.00	4.00	0.00	6.00	\$496.44	\$0.00	\$3,297.32	0	0	\$0
Repeat at least every three years - using readily available information	0.00	2.00	4.00	0.00	6.00	\$496.44	\$0.00	\$0.00	0	0	\$0
Maintain for a minimum of three years documentation	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	28	1.4	\$35.84
Make documentation available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	5	0.5	\$15.05
<b>Emergency Preparedness and Response</b>											
<b>Generators that accumulate more than 6,000 kg of hazardous secondary material</b>											
<i>Contingency Planning</i>											
Collect data required in contingency plan	0.00	0.00	3.35	1.65	5.00	\$283.63	\$0.00	\$0.00	17	85	\$4,821.71
Document whether authorities decline arrangement	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$0.00	17	8.5	\$217.43
Write contingency plan	0.00	0.00	7.50	2.50	10.00	\$604.45	\$0.00	\$0.00	17	170	\$10,275.65
Maintain contingency plan	0.00	0.00	0.00	1.00	1.00	\$25.57	\$0.00	\$0.00	17	17	\$434.69
Submit contingency plan to relevant emergency centers	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$4.55	17	8.5	\$294.78
Amend contingency plan when appropriate	0.00	0.00	1.50	1.20	2.70	\$138.79	\$0.00	\$0.10	2	5.4	\$277.78
<i>Emergency Procedures</i>											
Collect information	0.00	0.00	-0.28	1.50	1.22	\$18.18	\$0.00	\$0.00	0.3	0.37	\$5.45
Emergency reporting	1.28	0.00	0.90	-0.10	2.08	\$237.61	\$0.00	-\$5.29	0.3	0.62	\$69.70
Notifying/coordination with authorities	0.00	0.10	0.30	0.00	0.40	\$32.03	\$0.00	\$10.59	0.3	0.12	\$12.79
<b>Generators that accumulate less than 6,000 kg of hazardous secondary material</b>											
<i>Personnel Training</i>											
Collect job-related data	0.00	0.00	0.00	0.50	0.50	\$12.79	\$0.00	\$0.00	1	0.5	\$12.79



**Exhibit 1:**  
**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
	\$136.96	\$104.08	\$72.07	\$25.57							
Maintain information at facility	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.00	1	0.1	\$2.56
<i>Emergency Procedures</i>											
Observe scene of hazardous waste discharge	0.00	0.00	0.50	0.00	0.50	\$36.04	\$0.00	\$0.00	0.02	0.01	\$0.72
Report by phone requested data items to NRC	0.00	0.00	0.50	0.00	0.50	\$36.04	\$0.00	\$5.29	0.02	0.01	\$0.83
Document that local officials decline to enter into arrangements for coordinating response	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	0.02	0.00	\$0.14
Post emergency information by phone	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.00	0.02	0.00	\$0.05
<b>Revisions to the Definition of Legitimacy (Revision 3)</b>											
<b>Documentation</b>											
Prepare documentation and certification statement - using in-house employee audit	0.00	2.00	14.00	4.00	20.00	\$1,319.42	0.00	\$659.46	8	160	\$15,831.04
Prepare documentation and certification statement - using outside vendor	0.00	2.00	4.00	0.00	6.00	\$496.44	0.00	\$3,297.32	8	48	\$30,350.08
Prepare documentation and certification statement - using readily available information	0.00	2.00	4.00	0.00	6.00	\$496.44	0.00	\$0.00	8	48	\$3,971.52
Repeat at least every three years - using in-house employee audit	0.00	2.00	14.00	4.00	20.00	\$1,319.42	0.00	\$659.46	0	0	\$0
Repeat at least every three years - using outside vendor	0.00	2.00	4.00	0.00	6.00	\$496.44	0.00	\$3,297.32	0	0	\$0
Repeat at least every three years - using readily available information	0.00	2.00	4.00	0.00	6.00	\$496.44	0.00	\$0.00	0	0	\$0
Maintain for a minimum of three years documentation and certification	0.00	0.00	0.00	0.05	0.05	\$1.28	0.00	\$0.00	25	1.25	\$32.00
Make documentation and certification available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the	0.00	0.00	0.00	0.10	0.10	\$2.56	0.00	\$0.45	5	0.5	\$15.05

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
regulatory authority	\$136.96	\$104.08	\$72.07	\$25.57							
<b>Notification</b>											
Prepare and submit a notification	0	0.1	0.3	0.1	0.50	\$34.59	0.00	\$0.45	25	12.5	\$876.00
<b>Revisions to Solid Waste Variances and Non-Waste Determinations (Revision 4)</b>											
<b>Notice and Potential Reapplication for a Variance in the Event of a Change</b>											
Submit notice of change	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	4	0.4	\$12.04
Prepare and submit a re-application	0.00	0.00	75.00	0.00	75.00	\$5,405.25	\$0.00	\$26.38	1	75	\$5,431.63
<b>Submit a re-application at least every 10 years</b>											
Re-apply for a variance every 10 years	0.00	0.00	75.00	0.00	75.00	\$5,405.25	\$0.00	\$26.38	2	150	\$10,863.26
<b>Submit a re-application at least every 10 years</b>											
Re-apply for non-waste determination every 10 years	0.00	0.00	75.00	0.00	75.00	\$5,405.25	\$0.00	\$26.38	1	75	\$5,431.63
<b>Re-Notification</b>											
Update and submit biennial notification for non-waste determination and variance facilities	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	31	3.1	\$93.31
Update and submit notification that the hazardous secondary materials are no longer managed in accordance with the solid waste variances and non-waste determinations	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$2.95	5	2.5	\$187.70
<b>Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))</b>											
Provide information on whether the degree of partial reclamation the material has undergone is substantial.	0.00	0.00	40.00	0.00	40.00	\$2,882.80	\$0.00	\$26.38	4	160	\$11,636.72
Provide information on whether the partially-reclaimed material has sufficient economic value that it will be purchased for final reclamation	0.00	0.00	16.00	0.00	16.00	\$1,153.12	\$0.00	\$0.00	4	64	\$4,612.48
Describe whether the partially-reclaimed material is a viable substitute for a product or intermediate, produced	0.00	0.00	40.00	0.00	40.00	\$2,882.80	\$0.00	\$0.00	4	160	\$11,531.20

**Exhibit 1:**  
**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
from virgin or raw materials, which feeds subsequent production steps.	\$136.96	\$104.08	\$72.07	\$25.57							
Examine whether there is a guaranteed end market for the partially-reclaimed material	0.00	0.00	20.00	0.00	20.00	\$1,441.40	\$0.00	\$0.00	4	80	\$5,765.60
Describe whether the partially-reclaimed material is handled to minimize loss	0.00	0.00	6.00	0.00	6.00	\$432.42	\$0.00	\$0.00	4	24	\$1,729.68
<b>Change to Non-Waste Determination</b>											
Demonstrate respondent cannot or should not meet the existing DSW exclusions	0.00	0.00	20.00	0.00	20.00	\$1,441.40	\$0.00	\$0.00	7	140	\$10,089.80
<b>Re-Manufacturing Exclusion (Revision 5)</b>											
<b>Rulemaking Petition Process</b>											
Prepare and submit petition to add certain chemicals, industries, and/or chemical function uses to the re-manufacturing criteria	4.00	4.00	130.00	8.00	146.00	\$10,537.8 2	\$0.00	\$23.28	0.04	5.84	\$422.44
Sampling and analytical costs for hazardous secondary material characterization	0.00	0.00	2.00	0.00	2.00	\$144.14	\$0.00	\$312.15	0.04	0.08	\$18.25
<b>Exclusion Conditions</b>											
<b>Generator</b>											
<b>Notification</b>											
Prepare and submit a notification prior to re-use under the re-manufacturing exclusion.	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	1	0.5	\$35.04
Update and submit notification by March 1 of each even numbered year thereafter	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	1	0.1	\$3.01

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
Update and submit notification that the hazardous secondary materials are no longer managed in accordance with the re-manufacturing exclusion	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	0.2	0.02	\$0.60
<b>Re-manufacturing Plan</b>											
Make advance arrangements with re-manufacturer	0.00	0.00	1.50	0.00	1.50	\$108.11	\$0.00	\$0.56	1	1.5	\$108.67
Prepare re-manufacturing plan jointly with re-manufacturer	0.00	0.10	0.30	1.34	1.74	\$66.29	\$0.00	\$0.00	1	1.74	\$66.29
Maintain re-manufacturing plan	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	1	0.05	\$1.28
Submit re-manufacturing plan upon request	0.00	0.00	0.00	0.16	0.16	\$4.09	\$0.00	\$0.45	2	0.32	\$9.08
<b>Record of Shipments and Confirmations of Receipts</b>											
Maintain records of shipments for a period of three years from the dates of shipments.	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	14	0.7	\$17.92
Maintain records of confirmations of receipts for a period of three years from the dates of shipments.	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	14	0.7	\$17.92
<b>Management in Tanks and Containers</b>											
Label or record in a log materials being stored in tanks and containers prior to re-manufacturing	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	4	1	\$72.08
<b>Technical Standards</b>											
<i>Respondents will be required to comply with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types. This burden is calculated in Exhibit 3.</i>											
<b>NESHAP Standards</b>											
<i>Respondents will be required to comply with air pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is calculated in Exhibit 3.</i>											
<b>No Speculative Accumulation</b>											

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
Label containers in satellite accumulation area with start date	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
Label containers in accumulation area with start date	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
Inventory logs must demonstrate that at least 75% by weight or volume of material being recycled is transferred to a different site for recycling in a calendar year.	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
<b>Re-Manufacturer</b>											
<b>Notification</b>											
Prepare and submit a notification prior to re-use under the re-manufacturing exclusion.	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	1	0.5	\$35.04
Update and submit notification by March 1 of each even numbered year thereafter	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	1	0.1	\$3.01
Update and submit notification that the hazardous secondary materials are no longer managed in accordance with the re-manufacturing exclusion.	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	0.2	0.02	\$0.60
<b>Re-manufacturing Plan</b>											
Make advance arrangements with hazardous secondary material generator	0.00	0.00	1.50	0.00	1.50	\$108.11	\$0.00	\$0.56	1	1.5	\$108.67
Prepare re-manufacturing plan jointly with generator	0.00	0.10	0.30	1.34	1.74	\$66.29	\$0.00	\$0.00	1	1.74	\$66.29
Maintain re-manufacturing plan	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	1	0.05	\$1.28
Submit re-manufacturing plan upon request	0.00	0.00	0.00	0.16	0.16	\$4.09	\$0.00	\$0.45	2	0.32	\$9.08
<b>Record of Shipments and Confirmations of Receipts</b>											

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
Maintain records of shipments for a period of three years from the dates of shipments.	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.45	14	0.7	\$24.22
<b>Management in Tanks and Containers</b>											
Label or record in a log materials being stored in tanks and containers prior to re-manufacturing	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	4	1	\$72.08
<b>Technical Standards</b>											
<i>Respondents will be required to comply with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types. This burden is calculated in Exhibit 3.</i>											
<b>NESHAP Standards</b>											
<i>Respondents will be required to comply with air pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is calculated in Exhibit 3.</i>											
<b>No Speculative Accumulation</b>											
Label containers in satellite accumulation area with start date	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
Label containers in accumulation area with start date	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
Inventory logs must demonstrate that at least 75% by weight or volume of material being recycled is transferred to a different site for recycling in a calendar year.	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	0	0	\$0.00
<b>Recordkeeping for Speculative Accumulation</b>											
Prepare procedures ensuring waste is stored no more than one year	0.00	0.00	1.00	0.10	1.10	\$74.63	\$0.00	\$0.00	2,500	2,750	\$186,575.00
Document that storage procedures are satisfied	0.00	0.00	0.25	0.00	0.25	\$18.02	\$0.00	\$0.00	7,500	1,875	\$135,150.00
Prepare a description of waste generation and waste management practices	0.00	0.00	1.50	0.10	1.60	\$110.66	\$0.00	\$0.00	2,500	4,000	\$276,650.00

**Exhibit 1:**

**Estimated Annual Respondent Hour and Cost Burden – New Paperwork Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond / Activity	Total Hours/Y r	Total Cost/Year
	Legal	Manag.	Technical	Clerica I							
	\$136.96	\$104.08	\$72.07	\$25.57							
Document that the unit is emptied at least once a year	0.00	0.00	1.00	0.40	1.40	\$82.30	\$0.00	\$0.00	7,500	10,500	\$617,250.00
Label containers in accumulation area with start date	0.00	0.00	1.00	0.00	1.00	\$72.07	\$0.00	\$0.00	7,500	7,500	\$540,525.00
Label containers in satellite accumulation area with start date	0.00	0.00	0.50	0.00	0.50	\$36.04	\$0.00	\$0.00	7,500	3,750	\$270,300.00
<b>Total (New Requirements)</b>										<b>34,454</b>	<b>\$2,378,111</b>

**Exhibit 2:  
Estimated Annual Respondent Hour and Cost Burden – Existing Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
<b>Notification under the Verified Recycler Exclusion</b>											
Prepare and submit a notification prior to operating under exclusion	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	27	13.5	\$946.08
Update and submit notification by March 1 of each even numbered year thereafter	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	27	2.7	\$81.27
Update and submit notification that the hazardous secondary materials are no longer managed in accordance with the exclusion	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	4	0.4	\$12.04
<b>Recordkeeping under the Verified Recycler Exclusion</b>											
<b>Generators</b>											
Maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	278	13.9	\$355.84
Maintain at the generating facility for no less than three (3) years confirmations of receipt	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	278	13.9	\$355.84
<b>Reclaimers</b>											
Maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	275	13.75	\$352.00
Maintain at the generating facility for no less than three (3) years confirmations of receipt	0.00	0.00	0.00	0.05	0.05	\$1.28	\$0.00	\$0.00	275	13.75	\$352.00
<b>Financial Assurance (40 CFR part 261 subpart H) under the Verified Recycler Exclusion</b>											
<b>Trust Fund</b>											
<b>Reclaimers</b>											
Prepare and submit an originally signed duplicate of the trust agreement and formal certification	0.50	1.00	2.00	0.50	4.00	\$329.49	\$0.00	\$0.45	18	72	\$5,938.92



**Exhibit 2:**

**Estimated Annual Respondent Hour and Cost Burden – Existing Requirements**

Information Collection Activity	Hours and Costs Per Respondent							Total Hours and Costs			
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
of acknowledgement											
Update Schedule A of the trust agreement	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.00	6	3	\$207.54
Whenever the current cost estimate changes, compare new cost estimates with the trustee's most recent annual valuation of the trust fund	0.00	0.00	0.08	0.00	0.08	\$5.77	\$0.00	\$0.00	55	4.4	\$317.35
Obtain other financial assurance to cover the difference between the current value and new estimate, unless a deposit has been made as specified, if applicable	1.00	2.00	4.00	2.00	9.00	\$684.54	\$0.00	\$0.45	0	0	\$0.00
Based on comparison, submit a written request for release of the amount in excess of the current cost estimate	0.00	0.04	0.05	0.08	0.17	\$9.81	\$0.00	\$0.45	6	1.02	\$61.56
Submit a written request for release of the amount in excess of the current cost estimate covered by the trust fund, if applicable	0.00	0.04	0.05	0.08	0.17	\$9.81	\$0.00	\$0.45	6	1.02	\$61.56
Submit requests for reimbursements, if applicable	0.00	0.04	0.05	0.08	0.17	\$9.81	\$0.00	\$0.00	0	0	\$0.00
<i>Facility and Trustee</i>											
Comply with the terms of the trust agreement	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	110	11	\$793.10
<b>Surety Bond Guaranteeing Payment into a Trust Fund</b>											
<i>Reclaimers</i>											
Prepare and submit the surety bond	1.00	1.00	2.00	2.00	6.00	\$436.32	\$0.00	\$0.45	18	108	\$7,861.86
Submit evidence of the increase in the penal sum or obtain other financial assurance to cover the increase, if applicable	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	6	0.6	\$18.06

**Exhibit 2:**

**Estimated Annual Respondent Hour and Cost Burden – Existing Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
Obtain alternate financial assurance and obtain EPA approval if required because of cancellation of the bond	1.00	2.00	4.00	2.00	9.00	\$684.54	\$0.00	\$0.45	0	0	\$0.00
<i>Surety Company</i>											
Cancel the bond by sending notice of cancellation by certified mail	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$2.95	0	0	\$0.00
<i>Facility and Surety Company</i>											
Comply with the terms of the surety bond	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	110	11	\$793.10
<b>Letter of Credit</b>											
<i>Reclaimers</i>											
Prepare and submit letter of credit	1.00	1.00	2.00	2.00	6.00	\$436.32	\$0.00	\$0.45	18	108	\$7,861.86
Submit evidence of an increase in the credit or obtain other financial assurance as specified to cover the increase, if applicable	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	6	0.6	\$18.06
Obtain alternate financial assurance, if applicable	1.00	2.00	4.00	2.00	9.00	\$684.54	\$0.00	\$0.45	0	0	\$0.00
<i>Issuing Institution</i>											
Send a notice of a decision not to extend the expiration date of the credit by certified mail	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$2.95	0	0	\$0.00
<i>Facility and Issuing Institution</i>											
Comply with the terms of the letter of credit	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	110	11	\$793.10
<b>Insurance</b>											
<i>Reclaimers</i>											
Prepare and submit a certificate of insurance	1.00	1.00	2.00	2.00	6.00	\$436.32	\$0.00	\$0.45	18	108	\$7,861.86
Request reimbursements for expenditures	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	6	0.6	\$18.06
Submit evidence to the Regional Administrator of an increase in the	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	6	0.6	\$18.06

**Exhibit 2:**

**Estimated Annual Respondent Hour and Cost Burden – Existing Requirements**

Information Collection Activity	Hours and Costs Per Respondent							Total Hours and Costs			
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
policy or obtain other financial assurance to cover the increase, if applicable											
Obtain alternate financial assurance and obtain EPA approval if required because of cancellation, termination, or failure to renew the insurance	1.00	2.00	4.00	2.00	9.00	\$684.54	\$0.00	\$0.45	0	0	\$0.00
<i>Insurer</i>											
Cancel, terminate, or fail to renew the policy by sending notice by certified mail	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$2.95	0	0	\$0.00
<i>Facility and Insurer</i>											
Comply with the terms of the certificate of insurance	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	110	11	\$793.10
<b>Financial Test and Corporate Guarantee</b>											
<i>Reclaimers</i>											
Prepare and submit a signed letter, copy of the independent certified public accountant's report on examination of financial statements, a special report from the independent certified public accountant if applicable, and a guarantee	2.00	4.00	12.00	6.00	24.00	\$1,708.50	\$0.00	\$0.45	18	432	\$30,761.10
Prepare and send a letter to the Regional Administrator of each Region in which the owner's or operator's facilities to be covered by the financial test are located, if applicable	0.00	0.04	0.05	0.08	0.17	\$9.81	\$0.00	\$0.45	2	0.34	\$20.52
Prepare and submit updated information at the close of each fiscal year	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	55	27.5	\$1,927.20

**Exhibit 2:**

**Estimated Annual Respondent Hour and Cost Burden – Existing Requirements**

Information Collection Activity	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O&M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$136.96	\$104.08	\$72.07	\$25.57							
Prepare and submit a notice by certified mail of intent to establish alternate financial assurance	0.00	0.04	0.05	0.08	0.17	\$9.81	\$0.00	\$2.95	0	0	\$0.00
Prepare and submit reports of financial condition if requested	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	0	0	\$0.00
Obtain alternate financial assurance and obtain EPA approval if required because the financial tests are no longer met or disallowed by EPA	1.00	2.00	4.00	2.00	9.00	\$684.54	\$0.00	\$0.45	0	0	\$0.00
Comply with the terms in the letter from the chief financial officer and guarantee	0.00	0.00	0.10	0.00	0.10	\$7.21	\$0.00	\$0.00	55	5.5	\$396.55
<b>Notification under the Generator-Controlled Exclusion</b>											
Prepare and submit a notification prior to recycling	0.00	0.10	0.30	0.10	0.50	\$34.59	\$0.00	\$0.45	28	14	\$981.12
Update and submit notification by March 1 of each even numbered year thereafter	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	28	2.8	\$84.28
Update and submit notification that the hazardous secondary materials are no longer managed in accordance with the exclusion	0.00	0.00	0.00	0.10	0.10	\$2.56	\$0.00	\$0.45	4.2	0.42	\$12.64
<b>Certifications for Hazardous Secondary Material Generated and Reclaimed Under the Control of the Generator</b>											
Prepare the certification	0.00	0.02	0.00	0.08	0.10	\$4.13	\$0.00	\$0.00	61	6.1	\$251.93
<b>Non-Waste Determinations</b>											
<b>Application for Non-Waste Determination</b>											
Prepare and submit an application	4.00	4.00	130.00	8.00	146.00	\$10,537.82	\$0.00	\$23.28	7	1,022	\$73,927.70
<b>Re-Application for Non-Waste Determination</b>											
Prepare and submit a re-application	2.00	2.00	65.00	4.00	73.00	\$5,268.91	\$0.00	\$23.28	0	0	\$0.00
<b>Total (Existing Requirements)</b>										<b>2,034</b>	<b>\$144,235</b>

**Exhibit 3:  
Estimated Annual Respondent Hour and Cost Burden – This and Other ICRs**

	<b>ICR Number</b>	<b>Hours/Year</b>	<b>Labor Cost/Year</b>	<b>Capital Cost/Year</b>	<b>O&amp;M Cost/Year</b>	<b>Total Cost/Year</b>
<b>Respondent Paperwork Requirements</b>						
<b>New Paperwork Requirements for this ICR</b>						
2014 Revisions to the RCRA Definition of Solid Waste	2310.03	34,454	\$2,310,040	\$0	\$68,071	\$2,378,111
Continuing requirements under the 2008 Revisions to the RCRA Definition of Solid Waste	2310.01	2,034	\$143,937	\$0	\$299	\$144,235
<b>New Paperwork Requirements under Existing ICRs</b>						
Hazardous Waste Generator Standards	820	7	\$261	\$0	\$0	\$261
Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types	1572	297	\$11,152	\$0	\$512	\$11,663
Air Emission Standards for Tanks, Surface Impoundment and Containers	1593	458	\$44,743	\$0	\$8,099	\$52,842
<b>Total Respondent Burden</b>		<b>37,250</b>	<b>\$2,510,133</b>	<b>0</b>	<b>\$76,981</b>	<b>\$2,587,112</b>

**Exhibit 4:  
Estimated Annual Agency Hour and Cost Burden – New Requirements**

Information Collection Activity	Hours and Costs Per Agency Activity								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/Activity	Capital Costs	O& M Costs	No. of Agency Activities	Total Hours/Year	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
	\$68.30	\$68.36	\$56.48	\$26.39							
<b>Verified Recycler Exclusion (Revision 1)</b>											
<i>Emergency Preparedness and Response</i>											
<b>Emergency Procedures</b>											
Review submitted release report information	0.00	0.00	0.50	0.00	0.50	\$28.24	\$0.00	\$0.00	0.3	0.15	\$8.47
Enter information into database tracking all releases	0.00	0.00	0.50	0.50	1.00	\$41.44	\$0.00	\$0.00	0.3	0.3	\$12.43
Transmit information to respective response authorities	0.00	0.00	0.25	0.25	0.50	\$20.72	\$0.00	\$0.00	0.3	0.15	\$6.22
<b>Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))</b>											
Receive, Review and File Verified Recycler Exclusion Variance	6.05	6.05	90.79	12.11	115.00	\$6,274.20	\$0.00	\$0.00	9	1,035	\$56,467.80
Receive, Review and File Re-Application in the Event of a Change	3.03	3.03	45.40	6.06	57.52	\$3,138.20	\$0.00	\$0.00	1	57.52	\$3,138.20
Receive, Review and File Re-Application for a Variance Every 10 Years	3.03	3.03	45.40	6.06	57.52	\$3,138.20	\$0.00	\$0.00	9	517.68	\$28,243.80
<b>Revisions to the Generator-Controlled Exclusion for Hazardous Secondary Materials (Revision 2)</b>											
<b>Emergency Procedures</b>											
Review submitted release report information	0.00	0.00	0.50	0.00	0.50	\$28.24	\$0.00	\$0.00	0.3	0.15	\$8.47
Enter information into database tracking all releases	0.00	0.00	0.50	0.50	1.00	\$41.44	\$0.00	\$0.00	0.3	0.3	\$12.43
Transmit information to respective response authorities	0.00	0.00	0.25	0.25	0.50	\$20.72	\$0.00	\$0.00	0.3	0.15	\$6.22
<b>Revisions to the Definition of Legitimacy (Revision 3)</b>											
<b>Legitimacy Documentation</b>											
Evaluate Legitimacy Documentation	2.00	2.00	31.25	4.00	39.25	\$2,143.88	\$0.00	\$0.00	25	981.25	\$53,597.00
<b>Notification</b>											

**Exhibit 4:**  
**Estimated Annual Agency Hour and Cost Burden – New Requirements**

	Hours and Costs Per Agency Activity								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/Activity	Capital Costs	O& M Costs	No. of Agency Activities	Total Hours/Year	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
<b>Information Collection Activity</b>	\$68.30	\$68.36	\$56.48	\$26.39							
Receive, Review, and File Notifications for Factor 4	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	25	3.25	\$157.25
<b>Revisions to Solid Waste Variances and Non-Waste Determinations (Revision 4)</b>											
<b>Re-Application for a Variance</b>											
Receive, Review and File Re-Application in the Event of a Change	8.00	8.00	125.00	16.00	157.00	\$8,575.52	\$0.00	\$0.00	1	157	\$8,575.52
Receive, Review and File Re-Application for a Variance Every 10 Years	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.00	2	0.26	\$11.68
<b>Re-Application for Non-Waste Determination</b>											
Receive, Review and File Re-Application for Non-Waste Determination Every 10 Years	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.00	0	0	\$0.00
<b>Re-Notification</b>											
Receive, Review and File Biennial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	31	4.03	\$194.99
Receive, Review and File Discontinuation Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	5	0.65	\$31.45
<b>Revisions to Partial Reclamation Variance</b>											
<b>Variance from Classification as a Solid Waste (260.31(c) and 260.33(a))</b>											
Review the variance demonstration	0.00	2.20	18.16	0.00	20.36	\$1,176.07	\$0.00	\$0.00	4	81.44	\$4,704.28
Request additional information if necessary	0.00	0.00	0.55	1.65	2.20	\$74.61	\$0.00	\$0.00	4	8.80	\$298.44
Deliberate and issue draft determination	3.85	1.65	25.31	2.20	33.01	\$1,863.32	\$0.00	\$0.00	4	132.04	\$7,453.28
Publicize draft determination	0.00	0.00	1.65	4.40	6.05	\$209.31	\$0.00	\$0.00	4	24.20	\$837.24
Hold hearing, if required	0.00	0.55	22.01	1.65	24.21	\$1,324.27	\$0.00	\$0.00	4	96.84	\$5,297.08
<b>Re-Manufacturing Exclusion (Revision 5)</b>											
<b>Rulemaking Petition Process</b>											
Review the petition	8.00	8.00	125.00	16.00	157.00	\$8,575.52	\$0.00	\$0.00	0.04	6.28	\$343.02
Request additional information if necessary	0.00	0.00	0.55	1.65	2.20	\$74.61	\$0.00	\$0.00	0.04	0.09	\$2.98

**Exhibit 4:**  
**Estimated Annual Agency Hour and Cost Burden – New Requirements**

	Hours and Costs Per Agency Activity								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/Activity	Capital Costs	O& M Costs	No. of Agency Activities	Total Hours/Year	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
<b>Information Collection Activity</b>	\$68.30	\$68.36	\$56.48	\$26.39							
Deliberate and issue draft determination	3.85	1.65	25.31	2.20	33.01	\$1,863.32	\$0.00	\$0.00	0.04	1.32	\$74.53
Publicize draft determination	0.00	0.00	1.65	4.40	6.05	\$209.31	\$0.00	\$0.00	0.04	0.24	\$8.37
Hold hearing, if required	0.00	0.55	22.01	1.65	24.21	\$1,324.27	\$0.00	\$0.00	0.04	0.97	\$52.97
Review comments and make final determination	2.20	1.65	23.11	2.20	29.16	\$1,626.36	\$0.00	\$0.00	0.04	1.17	\$65.05
<b>Exclusion Conditions</b>											
<b>Generator</b>											
<b>Notification</b>											
Receive, Review and File Initial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	1	0.13	\$6.29
Receive, Review and File Biennial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	1	0.13	\$6.29
Receive, Review and File Discontinuation Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	0	0.0	\$0.00
<b>Technical Standards</b>											
<i>Agency will be required to conduct activities associated with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types for additional facilities. This burden is calculated in Exhibit 2.</i>											
<b>NESHAP Standards</b>											
<i>Agency will be required to conduct activities associated with pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is calculated in Exhibit 2.</i>											
<b>Re-Manufacturer</b>											
<b>Notification</b>											
Receive, Review and File Initial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	1	0.13	\$6.29
Receive, Review and File Biennial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	1	0.13	\$6.29
Receive, Review and File Discontinuation Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	0.2	0.03	\$1.26
<b>Technical Standards</b>											
<i>Agency will be required to conduct activities associated with technical standards covered by existing EPA ICR 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types for additional facilities. This burden is calculated in Exhibit 2.</i>											



**Exhibit 4:**

**Estimated Annual Agency Hour and Cost Burden – New Requirements**

	Hours and Costs Per Agency Activity								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activit y	Labor Costs/Activit y	Capita l Costs	O& M Costs	No. of Agency Activitie s	Total Hours/Yea r	Total Cost/Year
	Legal	Manag.	Technical	Clerical							
<b>Information Collection Activity</b>	\$68.30	\$68.36	\$56.48	\$26.39							
<b><i>NESHAP Standards</i></b>											
<i>Agency will be required to conduct activities associated with pollution standards covered by existing EPA ICRs 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers. This burden is calculated in Exhibit 2.</i>											
<b>Total (New Requirements)</b>									<b>3,112</b>	<b>\$169,636</b>	

**Exhibit 5:  
Estimated Annual Agency Hour and Cost Burden – Existing Requirements**

	Hours and Costs Per Respondent								Total Hours and Costs		
	Loaded Hourly Wages				Hours/ Activity	Labor Costs/ Activity	Capital Costs	O& M Costs	No. of Respond. / Activity	Total Hours/ Year	Total Cost/Year
	Legal	Managerial	Technical	Clerical							
	\$68.30	\$68.36	\$56.48	\$26.39							
<b>Notification under Verified Recycler Exclusion</b>											
Receive, Review and File Initial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	27	3.51	\$169.83
Receive, Review and File Biennial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	27	3.51	\$169.83
Receive, Review and File Discontinuation Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	4	0.52	\$25.16
<b>Financial Assurance (40 CFR part 261 subpart H) under Verified Recycler Exclusion</b>											
<b>Trust Fund</b>											
Receive and evaluate originally signed duplicate of the trust agreement and formal certification of acknowledgement	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	18	135	\$7,624.80
Receive and evaluate other financial assurance	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	0	0	\$0.00
Receive, review, and respond to request for release of the amount in excess of the current cost estimate	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.45	6	2.7	\$144.30
Receive, review, and respond to request for release of the amount in excess of current cost estimate covered by trust fund	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.45	6	2.7	\$144.30
Instruct the trustee to release to the owner/operator such funds as EPA specifies in writing	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.45	0	0	\$0.00
Take other action as needed	0.00	0.00	0.10	0.00	0.10	\$5.65	\$0.00	\$0.00	2	0.2	\$11.30
<b>Surety Bond Guaranteeing Payment into a Trust Fund</b>											
Receive and evaluate surety bond	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	18	135	\$7,624.80
Receive, review, and file evidence of the increase in the penal sum or other financial assurance to cover the increase	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	6	2.7	\$141.60

Receive and evaluate alternate financial assurance if required because of cancellation of the bond	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	0	0	\$0.00
Receive, review, and file notice of cancellation from surety company	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	0	0	\$0.00
Take other action as needed	0.00	0.00	0.10	0.00	0.10	\$5.65	\$0.00	\$0.00	2	0.2	\$11.30
<b>Letter of Credit</b>											
Receive and evaluate letter of credit and letter referring to the letter of credit	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	18	135	\$7,624.80
Receive, review, and file evidence of an increase in the credit or other financial assurance as specified to cover the increase	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	6	2.7	\$141.60
Receive and evaluate alternate financial assurance if required because of termination of credit	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	0	0	\$0.00
Receive, review, and file a notice of a decision not to extend the expiration date of the credit from the issuing institution	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	0	0	\$0.00
Take other action as needed	0.00	0.00	0.10	0.00	0.10	\$5.65	\$0.00	\$0.00	2	0.2	\$11.30
<b>Insurance</b>											
Receive and evaluate certificate of insurance	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	18	135	\$7,624.80
Receive, review, and approve reimbursements for expenditures	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	6	2.7	\$141.60
Receive, review, and file evidence of an increase in the policy or approve other financial assurance as specified to cover the increase	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	6	2.7	\$141.60
Receive and evaluate alternate financial assurance if required because of cancellation, termination, or failure to renew the insurance	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	0	0	\$0.00
Receive, review, and file notice of cancellation	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	0	0	\$0.00
Take other action as needed	0.00	0.00	0.10	0.00	0.10	\$5.65	\$0.00	\$0.00	2	0.2	\$11.30
<b>Financial Test and Corporate Guarantee</b>											

Receive and evaluate a signed letter and accompanying material	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	18	135	\$7,624.80
Receive, review, and approve an extension of the time allowed for submission of the documents specified in section 261.143(e)(3)	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	2	0.9	\$47.20
Receive, review, and file updated information at the close of each fiscal year	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	55	24.75	\$1,298.00
Receive, review, and file a notice of intent to establish alternate financial assurance	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	0	0	\$0.00
Request, receive, review and file reports of financial condition	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.00	0	0	\$0.00
Receive and evaluate alternate financial assurance	0.00	0.00	7.50	0.00	7.50	\$423.60	\$0.00	\$0.00	0	0	\$0.00
Prepare and transmit notice of disallowance	0.00	0.10	0.25	0.10	0.45	\$23.60	\$0.00	\$0.45	0	0	\$0.00
Take other action as needed	0.00	0.00	0.10	0.00	0.10	\$5.65	\$0.00	\$0.00	2	0.2	\$11.30
<b>Notification for Generator-Controlled Exclusion</b>											
Receive, Review and File Initial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	28	3.64	\$176.12
Receive, Review and File Biennial Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	28	3.64	\$176.12
Receive, Review and File Discontinuation Notifications	0.00	0.00	0.08	0.05	0.13	\$5.84	\$0.00	\$0.45	4	0.52	\$25.16
<b>Non-Waste Determinations</b>											
<b>Application for Non-Waste Determination</b>											
Evaluate and approve/deny application	8.00	8.00	125.00	16.00	157.00	\$8,575.52	\$0.00	\$0.00	7	1,099	\$60,028.64
<b>Re-Application for Non-Waste Determination</b>											
Evaluate and approve/deny re-application	8.00	8.00	125.00	16.00	157.00	\$8,575.52	\$0.00	\$0.00	0	0	\$0.00
<b>Total (Existing Requirements)</b>										<b>1,832</b>	<b>\$101,152</b>

**Exhibit 6:  
Estimated Annual Agency Hour and Cost Burden - New and Existing Paperwork Requirements**

	<b>ICR Number</b>	<b>Hours/Year</b>	<b>Labor Cost/Year</b>	<b>Capital Cost/Year</b>	<b>O&amp;M Cost/Year</b>	<b>Total Cost/Year</b>
<b>Agency Paperwork Requirements</b>						
<b>Paperwork Requirements for this ICR</b>						
2014 Revisions to the RCRA Definition of Solid Waste	<b>2310.03</b>	<b>3,111.78</b>	<b>\$169,606.25</b>	<b>\$0</b>	<b>\$29</b>	<b>\$169,635.59</b>
Continuing requirements under 2008 Revisions to the RCRA Definition of Solid Waste	2310.01	1,832	\$101,093	\$0	\$59	\$101,152
<b>New Paperwork Requirements under Existing ICRs</b>						
Hazardous Waste Generator Standards	820	4	\$134	\$0	\$0	\$134
Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types	1572	1	\$46	\$0	\$0	\$46
Air Emission Standards for Tanks, Surface Impoundment and Containers	1593	5	\$221	\$0	\$0	\$221
<b>Total Agency Burden</b>		<b>4,954</b>	<b>\$271,100.31</b>	<b>\$0</b>	<b>\$88</b>	<b>\$271,188.15</b>