



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 10 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

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

**FROM:** Tanya Hodge Mottley, Director  
National Program Chemicals Division  
Office of Pollution Prevention and Toxics

A handwritten signature in black ink that reads "Tanya Hodge Mottley".

**TO:** Angela Hofmann, Director  
Regulatory Coordination

**I. Background**

On October 10, 2014, the U.S. Environmental Protection Agency published a notice in the Federal Register soliciting public comment on its proposal to renew Information Collection Request number 1446.11 and its Supporting Statement (79 FR 61302) for polychlorinated biphenyls. The 60-day public comment period ended December 9, 2014. In response to the notice, the EPA received one set of written comments submitted by the Utilities Solid Waste Activities Group.

In addition, concurrent with the public comment period for this ICR renewal, the EPA conducted a consultative outreach effort. The EPA contacted seven potential respondents to solicit their opinion on the PCB recordkeeping and reporting requirements. The EPA received two sets of written comments, submitted by USWAG and the Color Pigments Manufacturers Association, Inc. The comments submitted by USWAG for the public comment period and the consultative outreach effort were identical.

A copy of all the comments received, as well as the EPA's consultation request to the potential respondents, can be found at [www.regulations.gov](http://www.regulations.gov) under docket ID number EPA-HQ-OPPT-2014-0597. Below is a brief summary of the comments received and the EPA's responses.

**II. Public Comments**

- USWAG commented that the Supporting Statement did not reflect the changes made to the PCB recordkeeping and reporting requirements by the EPA's September 6, 2012 final rule entitled, "Polychlorinated Biphenyls: Revisions to Manifesting Regulations." This final rule aligned the PCB manifest requirements with the EPA's hazardous waste manifest requirements, which resulted in the reorganization and renumbering of many of the PCB manifest requirements. USWAG's recommended corrections include the following:
  - Reference 46 in Table 2-1 and throughout the document regarding Exception Reporting incorrectly refers to 40 CFR § 208(a)(4); this requirement has been

removed from the PCB regulations as a result of the September 6, 2012 direct final rule.

- The reference to the requirement in 40 CFR § 761.215(b) is incorrect because it has been renumbered to 40 CFR § 761.217(b) as a result of the September 6, 2012 direct final rule.
- Reference number 47 discussing “Discrepancy Reporting” incorrectly refers to 40 CFR § 761.210(b); the discrepancy reporting requirement referenced in this discussion is now contained in 40 CFR § 761.215(c).
- Reference numbers 48 and 49 discussing “Unmanifested Waste Reports” incorrectly refer to 40 CFR § 761.211(c); the unmanifested waste reporting requirement referenced in this discussion is now contained in 40 CFR § 761.216(a).

Response: The EPA agrees with USWAG’s comments highlighting these points. Accordingly, the EPA revised the Supporting Statement to reflect the PCB manifest requirement amendments promulgated in the EPA’s September 6, 2012 final rule.

- USWAG questioned the inclusion of specific language used to describe the PCB Transformer Registration requirement and suggested that this be removed from the Supporting Statement.

Response: The EPA agrees with this comment and has updated the language regarding the PCB Transformer Registration requirement.

- In addition to reporting specific references for correction, USWAG stated that they could not provide an accurate review of the PCB reporting and recordkeeping requirements and estimated burden until the EPA amended the Supporting Statement to correct these items.

Response: The EPA’s Office of Pollution Prevention and Toxics and the Office of Resource Conservation and Recovery worked collaboratively to revise and correct the PCB ICR Supporting Statement in response to USWAG’s comments. No other substantive changes were made to the ICR. EPA resubmitted the revised ICR to USWAG on November 17, 2014. The EPA has not received any further comments from USWAG to date regarding this action.

### **III. Consultative Comments**

#### **USWAG**

The consultation comments submitted by USWAG were identical to the public comments submitted by this group. Please see the public comments discussion above.

#### **CPMA**

- CPMA commented that the cost estimates for the burden of compliance provided in the Supporting Statement significantly underestimate the costs of compliance with the reporting obligations because the amount of management supervision and technical time needed for each reporting submission included is too low.

Response: This comment did not provide sufficient detail on what amount of management supervision and technical time is needed for the maintenance of records. The EPA believes that a minimal amount of management supervision is necessary to ensure records are compiled and maintained.

- CPMA also provided specific responses to the EPA's consultation questions on the PCB recordkeeping and recording requirements. CPMA consultation responses are summarized below:
  - CPMA stated that the data collected under this ICR are not publically available. However, this information is readily shared between a company and its customers.
  - CPMA believes the data requirements are clear in the Supporting Statement.
  - CPMA does not support an option for electronic data submissions for reports pursuant to 40 CFR § 761.185 and 40 CFR § 761.187 because many of these reports are confidential. CPMA believes that creating a system for electronic reporting for these documents would be expensive and time-consuming.
  - Although CPMA believes that the EPA has underestimated the costs for the burden of compliance included in the Supporting Statement, the association stated that (1) the description provided above for the recordkeeping requirements applicable to manufacturers and importers of excluded products and processes is correct, accurate and reasonable; and (2) the existing regulatory structure for the control of inadvertent PCBs is reasonable and protective of human health and the environment.

Response: The EPA appreciates CPMA's comments and responses regarding the PCB recordkeeping and recording requirements. However, these comments do not need to be addressed with changes to the Supporting Statement.

cc: Ron Carlson  
Toiya Goodlow