

## **EPA # 1189.27**

### **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

#### **1(a) Title of the Information Collection Request (ICR)**

Identification, Listing and Rulemaking Petitions (Proposed Rule titled ‘Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (Phase One)’)

EPA ICR No. 1189.27, Office of Management and Budget (OMB) Control No. 2050-0053.

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

This ICR amends the previously approved ICR (EPA ICR Number 1189.26), OMB Control No. 2050-0053, which covers the Identification, Listing and Rulemaking Petitions under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, codified under 40 Code of Federal Regulations (CFR) parts 260 and 261. This ICR package (EPA ICR Number 1189.27) represents the new information collection requirements imposed by the Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Amendments to the National Minimum Criteria (Phase One); Proposed Rule.

The EPA published a final rule to regulate the disposal of coal combustion residuals (CCR) from electric utilities as solid waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA). See 80 Fed. Reg. 21302 (April 17, 2015). EPA established national minimum criteria for existing and new CCR landfills and CCR surface impoundments and all lateral expansions to include location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, and recordkeeping, notification, and internet posting requirements.

The Agency is currently proposing a rule that will address four provisions of the final rule that were remanded back to the Agency on June 14, 2016 by the U.S. Court of Appeals for the D.C. Circuit. The Agency is also proposing six provisions that establish alternative performance standards for owners and operators of CCR units located in states that have approved CCR permit programs (participating states) or are otherwise subject to oversight through a permit program administered by EPA. Finally, the Agency is proposing an additional revision based on comments received since the date of the final CCR rule.

In December 2016, the President signed the Water Infrastructure Improvements for the Nation (WIIN) Act, which amended RCRA Subtitle D and established new statutory provisions applicable to CCR landfills and CCR surface impoundments. In particular, the WIIN Act provides that, states may, but are not required to, develop and submit a permit (or other system of prior approval) program for CCR disposal to EPA for approval. Such a program does not have to be identical to the requirements in the CCR rule (40 CFR part 257, subpart D), but must be at least as protective as the CCR rule. EPA has developed Guidance to provide states with information needed to apply for permit program approval.

This ICR addresses the following changes in information requirements associated with the CCR Remand Rule provisions and with anticipated adoption of flexibilities under the WIIN Act by states:

*Changes in notification and documentation for minimal volume non-groundwater releases, site specific remedies*

1. **CCR Remand Rule Provision 1: Non-groundwater Releases:** Revise notification and certification requirements for minimal-volume non-groundwater releases under 40 CFR 257.96 and 40 CFR 257.97
2. **WIIN Act Alternative Performance Standard 2: Corrective Action Remedy:** Eliminates documentation related to 40 CFR 257.97 and 40 CFR 257.98 in cases where states determine that remediation of a release is not necessary based on site-specific conditions

*Expand alternative closure provisions to qualifying plants for non-CCR wastes*

3. **CCR Remand Rule Additional Provision 1: Alternative Closure Requirements:** Qualifying plants may submit documentation for delay; delay final closure documentation required under 40.257.102, 40. 257.103 for five years.

*Revise groundwater monitoring documentation for qualifying facilities*

4. **WIIN Act Alternative Performance Standard 3: Suspension of Groundwater Monitoring Requirements:** Suspend documentation requirements under 40 CFR 257.90 through 98 in implementing states for units demonstrating “no migration.”

*Third-Party Certification: Professional Engineer Certifications*

5. **WIIN Act Alternative Performance Standard 6: Professional Engineer Certifications:** Revised costs of certification for up to 40 provisions under 40 CFR 257 for eligible units in states adopting WIIN Act flexibilities that opt to use review by engineers at state agencies in place of third-party professional engineer certifications.

Two other changes in requirements associated with WIIN Act Alternative Performance Standards will affect information collection in future years, but will not take effect within the scope of this ICR. WIIN Act Alternative Performance Standard 4: Corrective Action Demonstration Period: Revised demonstration periods, if adopted by states, would eliminate some future documentation under 40 CFR 257.93(f)(6) for eligible units. WIIN Act Alternative Performance Standard 5: Length of Post-Closure Care Period: Revised post-closure care period would change timing of notification under 40 CFR 257.105(i)(13) and 40 CFR 257.105(i)(13) at eligible units in adopting states. Future ICRs will address the impact of these provisions.

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

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

The CCR rule regulates the disposal of CCR generated by electric utilities as solid waste under RCRA Subtitle D and finalizes national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions. These regulations are established under the authority of sections 1006(b), 1008(a), 2002(a), 3001, 4004, and 4005(a) of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§ 6906(b), 6907(a), 6912(a), 6944 and 6945(a).

At the time the CCR regulations issued on April 17, 2015, under Subtitle D of RCRA EPA had no formal role in rule implementation nor could the agency enforce the requirements in the rule. Therefore, the regulations were “self-implementing,” that is, a facility must comply with them without any action by a regulatory agency. As a result, EPA also encouraged states to revise their Solid Waste Management Plans (SWMPs) and submit these revisions to EPA for approval. EPA explained that revised SWMPs were the best mechanisms available to show alignment between state and federal requirements,

provide the public the opportunity to review and comment on states' plans for regulating CCR landfills and surface impoundments in their state, and to demonstrate consistency with the federal requirements.

To address concerns about the absence of adequate regulatory oversight under Subtitle D, EPA also sought to enhance the protectiveness of the regulatory requirements by providing for state and public notifications of the third party certifications, as well as requiring a robust set of other information that documents the decisions made or actions taken to comply with the technical requirements of the rule.

The combined mechanisms of recordkeeping, notifications, and maintaining a publicly accessible internet site under the final rule are needed to provide interested parties with the information necessary to determine whether the owner or operator is operating in accordance with the requirements of the rule. These requirements will minimize the danger of owners or operators abusing the self-implementing system established in this rule, through increased transparency that will facilitate enforcement by states and private citizens. EPA has consolidated the recordkeeping, notification and internet posting requirements into a single section of the regulations in an effort to make the regulations easier to follow. See 40 CFR §§ 257.105, 257.106, and 257.107.

With the passage of the WIIN Act in December 2016, RCRA Subtitle D was amended to provide new statutory authority pertaining to the management of CCR in landfills and surface impoundments. The WIIN Act allows states may, but are not required to, develop and submit a CCR permit program (or other system of prior approval) to EPA for approval. Such a program does not have to be identical to the requirements in the CCR rule (40 CFR part 257, subpart D), but must be at least as protective as the CCR rule. EPA is developing a Guidance document to provide states with the information needed to apply for permit program approval.

The CCR Remand Rule, as well as implementation of flexibilities under the WIIN Act, adjusts several of the closure, monitoring, corrective action, and certification requirements of the 2015 CCR Rule. This ICR describes those changes.

## **2(b) Use/Users of the Data**

The CCR Remand Rule adjusts certain provisions of the 2015 CCR Rule, which requires owners or operators of CCR units to document how the various provisions of the rule have been met by placing information (e.g., demonstrations, plans, records, notifications, and reports) in the operating record and providing notification of these actions to the state and/or appropriate Tribal authority. The owner or operator is also required to establish and maintain a publicly accessible internet site that posts documentation that has, in many instances, also been entered into the operating record. The owner or operator must place files documenting compliance with the location restrictions; design criteria; operating criteria; groundwater monitoring and corrective action; closure and post-closure care, into the operating record, with the specific documentation requirements found in 40 CFR 257.105. Each file must be maintained in the operating record for a period of at least five years following submittal of the file into the operating record. In certain instances, however, files must be maintained until the CCR unit completes closure.

Owners or operators are required to notify State Directors and/or the appropriate Tribal authority when specific documentation has been placed in the operating record and on the owner or operator's publicly accessible web site. In most instances these notifications must be certified by a qualified professional engineer and, in certain instances will be accompanied with additional information and or data supporting the notification. Notification requirements have been consolidated in 40 CFR 257.106, and are required for location criteria, design criteria, operating criteria, groundwater monitoring and corrective action and closure and post-closure care.

Owners and operators are required to establish and maintain a publicly accessible internet site, titled "CCR Rule Compliance Data and Information." Owners or operators that maintain multiple CCR

units may elect to use one internet site in order to comply with these requirements, provided that the website clearly and distinctly identifies information from each of the CCR units by name and location. Internet postings are required for various elements identified in the following sections: location restrictions; design criteria; operating criteria; groundwater monitoring and corrective action; closure and post-closure care. Information posted to the internet site must be available for a period no less than five years from the initial posting date, unless otherwise noted in the rule. Posting of information must be completed no later than 30 days from submittal of the information to the operating record.

EPA believes that these requirements will enhance the protectiveness of the rule by providing for state and public notifications of the third party certifications, as well as requiring a robust set of other information that documents the decisions made or actions taken to comply with the technical requirements of the rule. Further, EPA believes that the establishment and maintenance of this information in both the operating record and on a publicly accessible internet site is appropriate so as to allow states and citizens access to all of the information necessary to show that the rule has been implemented in accordance with the regulatory requirements. EPA has consolidated the recordkeeping and notification requirements into a comprehensive listing in a single section of the regulations. See 40 CFR §§ 257.105 and 257.106, respectively. The Agency anticipates that this will facilitate compliance, and will provide other interested parties with an easy to read guide to the reporting provisions of the rule.

With the passage of the WIIN Act in December 2016, RCRA Subtitle D was amended to provide new statutory authority pertaining to the management of CCR in landfills and surface impoundments. The WIIN Act allows states to seek CCR permit program approval from EPA. This ICR covers the voluntary action that states may take to obtain CCR permit program approval and implement flexibilities under the WIIN Act. EPA is developing a Guidance document to provide states with the information needed to apply for permit program approval. If a state elects to pursue program approval, the information provided by the state will allow EPA to assess and determine whether the state submission meets the statutory requirements.

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

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

None of the information required by the regulations covered in this ICR is available from any source but the respondents. None of the regulations are duplicative of any other EPA regulations.

Changes to recordkeeping requirements under the CCR Remand rule are not duplicative with any information required by the existing Federal RCRA regulations.

#### **3(b) Consultations**

EPA is opening a 45-day comment period on the proposed rule to solicit comment on the rule and associated ICR.

#### **3(c) Public Notice**

In compliance with the Paperwork Reduction Act of 1995, EPA will open a public comment period for the ICR at the time that this Proposed Rule is published in the *Federal Register*. At the end of the comment period, EPA will review public comments received in response to the notice and will address comments received, as appropriate. A discussion of the comments received and the associated response will be included in the ICR for the final rule.

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

EPA has carefully considered the information collection burden imposed by the 2015 CCR rule, and the adjustments proposed by the CCR Remand Rule and flexibilities under the WIIN Act. 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.

**3(e) General Guidelines**

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, and applicable OMB guidance. In addition, this information collection complies with EPA's Data Standards and Information Quality Guidelines.

**3(f) Confidentiality and Sensitive Questions**

**(i) Confidentiality**

None of the information collection requirements of the 2015 CCR Rule, the WIIN Act, or the CCR Remand Rule require the disclosure of confidential business information.

**(ii) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements covered in this ICR.

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

##### **4(a) Respondents/North American Industry Classification System (NAICS) Codes**

The information collection requirements covered in this ICR may affect electric utility facilities and independent power producers that fall under the North American Industry Classification System (NAICS) code 221112.

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

The CCR Remand Rule, as well as implementation of flexibilities under the WIIN Act, adjusts several of the information requirements associated with closure, monitoring, corrective action, and certification requirements of the 2015 CCR Rule, as described below.

###### **(i) Data Items**

All affected facilities will need to become familiar with the Remand rule and relevant WIIN Act provisions (in adopting states). Qualifying facilities and units that are currently required to undertake information collection activities may see alterations in the requirements for, and timing of, some of these activities; most of these changes reduce burden. Activities potentially affected include various certification requirements, notification requirements (including public meeting requirements for minimal-volume, non-groundwater releases), and documentation requirements for various activities under 40 CFR 257.

###### **(ii) Respondent Activities**

###### *Rule Familiarization*

All sources are expected to spend time to read and understand the new requirements when the rule is promulgated.

###### *Changes in notification and documentation for minimal volume non-groundwater releases, site specific remedies*

Under CCR Remand Rule Provision 1: Non-groundwater Releases, facilities with qualifying minimal-volume non-groundwater releases will not be required to undertake the public notification and documentation activities associated with corrective action under 40 CFR 257.96 and 40 CFR 257.97. In addition, under WIIN Act Alternative Performance Standard 2: Corrective Action Remedy, in cases where states determine that remediation of a release is not necessary based on site-specific conditions, qualifying facilities will not be required to provide documentation of corrective action activities under 40 CFR 257.97 and 40 CFR 257.98.

###### *Expand alternative closure provisions to qualifying plants for non-CCR wastes*

Under CCR Remand Rule Additional Provision 1: Alternative Closure Requirements, qualifying plants with units that would otherwise be required to close based on 40 CFR 257.103 may provide documentation demonstrating that they have no alternative disposal capacity for non-CCR wastes, and may delay final closure requirements (and documentation required under 40 CFR 257.102 and 257.103) for up to five years.

###### *Revise groundwater monitoring documentation for qualifying facilities*

Under WIIN Act Alternative Performance Standard 3: Suspension of Groundwater Monitoring Requirements, qualifying plants with units that can successfully demonstrate “no migration” in states that adopt the relevant flexibility under the WIIN Act, may not be required to undertake groundwater monitoring and the associated documentation requirements under 40 CFR 257.90 through 98.

### *Third-Party Certification: Professional Engineer Certifications*

Under WIIN Act Alternative Performance Standard 6: Professional Engineer Certifications, eligible units in states adopting WIIN Act flexibilities would be able to forego the cost of third-party certification for up to 40 provisions that require technical demonstrations made by the owners or operator under 40 CFR 257. For states that adopt this flexibility; states could use review by engineers at state agencies in place of third-party professional engineer certifications for any or all of these provisions. These changes would potentially reduce the cost of documentation under 40 CFR 257 for facilities in adopting states.

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

### **5(a) Federal, State, and Local Government Activities**

#### **Burden to State and Local Agencies and Others**

EPA does not anticipate any incremental burden on states related to Proposed CCR Remand Rule provisions or to state adoption of WIIN Act flexibilities.

#### **Burden to the Federal Government**

EPA is not expected to incur any additional burden as a result of the CCR Remand rule.

### **5(b) Collection Methodology and Management**

Most information can be maintained in the facility operating record or on a publicly accessible internet website rather than in submittals to EPA. For the information that is submitted (i.e., a State SWMP or a State CCR permit program application), EPA ensures the accuracy and completeness of the collected information by reviewing each submittal. EPA only reviews SWMPs or CCR permit programs submitted by States and notifies them of any action taken by the Agency.

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

EPA determined that the 2015 CCR final rule will not have a significant economic impact on a substantial number of small entities. The CCR Remand rule reduces the burden associated with the 2015 CCR rule, and does not increase burden on any small entities.

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

The information provided varies based on the provision of the 2015 CCR Rule. However, the CCR Remand Rule and flexibilities implemented under the WIIN Act reduce burden.

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

The unit burden applied to various respondents is based on the number of regulated units, the specific design features of those units, and occurrences such as releases and planned closures.

### 6(a) Respondent Burden

This section provides estimates of the respondent hourly burden associated with the information collection requirements covered in this ICR. In many cases the CCR Remand rule reduces burden; that is, burden estimates presented here are *negative*. The section includes burden hours by labor type per respondent, as well as the overall burden hours for all respondents.

#### ***Respondent Burden for Rule Familiarization***

EPA assumes that facility staff will require time to review the CCR Remand rule and determine which provisions apply to the facility. The time required for this review will be limited because most of the final provisions amend current requirements as opposed to introducing completely new provisions. Many of the provisions are straightforward, such as those regarding public disclosure. Others apply only after a release or for units in particular regions or states. This analysis assumes that rule familiarization will only occur in year 1.

EPA assumes that all facilities will thoroughly read the rules, and has estimated an average labor hour burden. The total number of expected labor hours multiplied by the total number of affected facilities provides the total labor burden of becoming familiar with the rule (Exhibit 6-1).

**Exhibit 6-1: Rule Familiarization (in Hours)**

Activity	Number of Respondent Activities	Legal	Mgr.	Tech.	Clerical	Hours Per Activity	Total Labor Burden
Read Regulations	414	.5	2	2.5	0	5	2,070
<b>Total Burden Hours</b>	<b>414</b>	<b>207</b>	<b>828</b>	<b>1,025</b>	<b>0</b>	<b>2070</b>	<b>2,070</b>

#### ***Respondent Burden Avoided: Changes in notification and documentation for minimal volume non-groundwater releases (CCR Remand Rule Provision 1) and site specific remedies (WIIN Act Alternative Performance Standard 2)***

For qualifying incidents involving minimal-volume, non-groundwater releases with limited cleanup time-frames, CCR Remand Rule Provision 1 eliminates the requirement that facilities undertake the demonstration and notification requirements associated with the Assessment of Corrective Measures (40 CFR 257.96), Selection of Remedy (40 CFR 257.97), Implementation of the Corrective Action Program (40 CFR 257.98), and the associated record-keeping requirements under 40 CFR 257.105. These activities vary in labor-hour requirements and labor category requirements, but are calculated consistently with the methods and assumptions used for the 2015 CCR Rule, which implemented the baseline requirements. In addition, under the WIIN Act Alternative Performance Standard 2, in cases where states determine that remediation of a release is not necessary based on site-specific conditions, qualifying facilities will not be required to provide documentation of corrective action activities under 40 CFR 257.97 and 40 CFR 257.98.



Exhibit 6-2 presents the estimates of annual respondent burden (in hours) for changes in non-groundwater release response and reporting under Remand Rule Provision 1. Exhibit 6-3 presents the estimates of annual respondent burden (in hours) for changes in documentation of corrective action activities under WIIN Act Alternative Performance Standard 2.

**Exhibit 6-2: CCR Remand Rule Provision 1: Non-groundwater Releases**

**(Avoided Burden in Hours)**

<b>Activity</b>	<b>Number of Respon. Activities</b>	<b>Legal</b>	<b>Mgr.</b>	<b>Tech.</b>	<b>Clerical</b>	<b>Hours Per Activity</b>	<b>Total Labor Burden</b>
Prepare demonstration required under 40 CFR 257.96(a)	4	0.00	1.00	16.00	3.00	20.00	80.00
Obtain certification required under 40 CFR 257.96(a)	4	0.00	0.00	3.00	0.50	3.50	14.00
Discuss the results of the corrective measures assessment prior to the selection of remedy in a public meeting with interested and affected parties, as required under 40 CFR 257.96(e)	4	2.00	4.00	10.00	0.00	16.00	64.00
Prepare semi-annual report describing the progress in selecting and designing the remedy	4	0.00	12.00	24.00	4.00	40.00	160.00
Prepare notification required under 40 CFR 257.98(e)	4	0.00	0.50	0.00	0.00	0.50	2.00
Obtain certification required under 40 CFR 257.98(e)	4	0.00	0.00	3.00	0.50	3.50	14.00
Place documentation required under 40 CFR 257.96(e) in the facility's operating record	4	0.00	0.00	0.00	0.02	0.02	0.08
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record	4	0.00	0.00	0.00	0.02	0.02	0.08
Place notification required under 40 CFR 257.98(e) in facility operating record	4	0.00	0.00	0.00	0.02	0.02	0.08
<b>Total Avoided Burden Hours</b>	<b>4</b>						<b>334.24</b>
<b>(Total Burden Hours Added)</b>	<b>4</b>						<b>(334.24)</b>

**Exhibit 6-3: CCR Remand Rule Alternative Performance Standard 2: Corrective Action Remedy**

**(Avoided Burden in Hours)**

<b>Activity</b>	<b>Number of Respon. Activities</b>	<b>Legal</b>	<b>Mgr.</b>	<b>Tech.</b>	<b>Clerical</b>	<b>Hours Per Activity</b>	<b>Total Labor Burden</b>
Prepare semi-annual report describing the progress in selecting and designing the remedy (40 CFR 257.97)	53	0.00	12.00	24.00	4.00	40.00	2,120.00
Prepare report on selected remedy	53	0.00	7.50	50.00	5.75	63.25	3,352.25
Obtain certification required under 40 CFR 257.97(a)	53	0.00	0.00	3.00	0.50	3.50	185.50
Prepare notification required under 40 CFR 257.98(e)	53	0.00	0.50	0.00	0.00	0.50	26.50
Obtain certification required under 40 CFR 257.98(e)	53	0.00	0.00	3.00	0.50	3.50	185.50
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record	53	0.00	0.00	0.00	0.02	0.02	1.06
Place the selection of remedy report required under 40 CFR 257.97(a) in the facility's operating record	53	0.00	0.00	0.00	0.02	0.02	1.06
Place the notification required under 40 CFR 257.98(e) in the facility's operating record	53	0.00	0.00	0.00	0.02	0.02	1.06
<b>Total Avoided Burden Hours</b>	53						<b>5,872.93</b>
<b>(Total Burden Hours Added)</b>	53						<b>(5,872.93)</b>

***Respondent Burden Changes: Alternative Closure Requirements under (CCR Remand Rule Additional Provision 1)***

Within certain geographic regions, CCR Remand Rule Additional Provision 1 expands the alternative closure provisions of the 2015 CCR Rule under 40 CFR 257.103 to qualifying plants with units that would otherwise be required to close based on that have no alternative disposal capacity for non-CCR wastes. Qualifying plants are those who are in regions located in or serving specific electrical markets, and are able to demonstrate lack of disposal capacity as required under the CCR rule. Pending approval, these plants may delay final unit closure requirements (and documentation required under 40.257.102, 40. 257.103) for up to five years.

Because the implementation schedule for the 2015 CCR Rule mandates documentation for alternative closure no sooner than 2020, the only activities within the scope of this ICR are the initial filings for plants wishing to demonstrate lack of alternative capacity in 2020. This represents an increase in information collection from those plants, followed by a delay in information collection associated with unit closure (if units remain open). That delay will be reflected in future ICRs. Exhibit 6-4 presents the estimates of annual respondent burden (in hours) for changes in non-groundwater release response and reporting under Remand Rule Alternative Provision 1.

**Exhibit 6-4: CCR Remand Rule Additional Provision 1: Alternative Closure Requirements  
(Burden in Hours)**

<b>Activity</b>	<b>Number of Respon. Activities</b>	<b>Legal</b>	<b>Mgr.</b>	<b>Tech.</b>	<b>Clerical</b>	<b>Hours Per Activity</b>	<b>Total Labor Burden</b>
Obtain certification required under 40 CFR 257.103(a)(1)	51	0.00	0.00	3.00	0.50	3.50	178.50
Document that there is no alternative CCR disposal capacity	51	0.00	1.00	16.00	3.00	20.00	1,020.00
Prepare notification required under 40 CFR 257.103(c)(1)	51	0.00	0.50	0.00	0.00	0.50	25.50
Prepare notification required under 40 CFR 257.103(c)(3)	51	0.00	0.50	0.00	0.00	0.50	25.50
Place the notification required under 40 CFR 257.103(c)(1) in the facility's operating record.	51	0.00	0.00	0.00	0.02	0.02	1.02
<b>Total Burden Hours</b>	<b>51</b>						<b>1250.52</b>

***Respondent Burden Changes: Revise groundwater monitoring documentation for qualifying facilities (WIIN Act Alternative Performance Standard 3)***

Under WIIN Act Alternative Performance Standard 3: Suspension of Groundwater Monitoring Requirements, qualifying plants with units that can successfully demonstrate “no migration” in states that adopt the relevant flexibility under the WIIN Act, may not be required to undertake groundwater monitoring and the associated documentation requirements under 40 CFR 257.90 through 98. Review of the federal requirements for “no migration” findings have determined that only one facility has achieved this status in 40 years. Therefore, the burden changes anticipated within the period of this ICR are negligible, and are not separately calculated.

***Respondent Burden Changes: Third-Party Certification: Professional Engineer Certifications (WIIN Act Alternative Performance Standard 6)***

The 2015 CCR rule includes 40 provisions under that require technical demonstrations made by the owners or operator under 40 CFR 257. Under the WIIN Act's Alternative Performance Standard 6: Professional Engineer Certifications, eligible units in states adopting WIIN Act flexibilities would be able to forego the cost of third-party certification for some or all of these, if states determine that review by engineers at state agencies in place of third-party professional engineer certifications would provide comparable adequacy.

Of the 40 requirements:

- Five (5) address one-time certification for units affected by location restrictions; requirements under these provisions have generally been completed according to the 2015 CCR Rule implementation schedule; (40 CFR 257.60 – 40 CFR 257.64)
- Fourteen (14) address design criteria for liners and structural integrity for existing and new units; (40 CFR 257.70, 40 CFR 257.71, 40 CFR 257.73, 40 CFR 257.74)
- Three (3) address operating criteria for air, run-on and run-off controls, and hydrologic and hydraulic capacity (40 CFR 257.80)
- Nine (9) address groundwater monitoring and corrective action at relevant units. (40 CFR 257.91 – 40 CFR 257.98)
- Nine (9) address closure and post-closure care for all units. (40 CFR 257.100, 40 CFR 257.102, 40 CFR 257. 103, 40 CFR 257.104)

Changes in the certification practices under these requirements would potentially reduce the total burden hours and cost of documentation under 40 CFR 257 for respondents in adopting states, but the total impact may be offset by engineers assigned by the states at the cost of either the state or the respondents. Because the number of certifications required by the CCR Remand Rule is unchanged from the number required by the 2015 CCR Rule, this ICR does not identify a change in the number of total burden hours associated with the provision. Anticipated changes in cost are discussed in Section 6(b).

**6(b) Estimating Respondent Costs**

**(i) Estimating Labor Costs**

Consistent with the ICR for the 2015 CCR Rule, EPA used the Bureau of Labor Statistics 2017 series on Employment cost for total compensation for civilian workers and for state and local government workers to identify wage rates for different occupation categories.<sup>1</sup> For all rule provisions, labor hours are distributed across four general labor categories: Legal staff, Management Staff, Technical staff (including Engineers), and Clerical staff. Wage rates for each BLS Occupation Title were multiplied by a fringe benefits factor of 1.5 to create a loaded wage rate.<sup>2</sup> Exhibit 6-5 presents the hourly wage rates.

**Exhibit 6-5: Weighted-Average Loaded Hourly Wage Rates (2018 Dollars)**

<b>Labor Category</b>	<b>Respondents</b>	<b>State and Local Government</b>
Legal	\$150.84	\$64.96
Management	\$122.59	\$60.98
Technical	\$64.51	\$36.49
Clerical	\$38.34	\$23.28

To estimate the labor costs for each rule provision, EPA multiplied the number of hours expected in each labor category—discussed in detail above—by that category’s BLS labor wage rate. The cost for each facility was then multiplied by the total number of affected facilities to arrive at the total cost. Exhibit 14 below presents the total burden and cost for each provision.

<sup>1</sup> For workers employed by the private sector (respondents), see: Bureau of Labor Statistics; "Table 4. Employment Cost Index for total compensation, for civilian workers, by occupational and industry;" Employment Cost Index, Historical Listing - Volume V, Continuous Occupational and Industry Series, September 1975 – March 2017; April 2017. Available online at: <http://www.bls.gov/web/eci/ecicois.pdf>, last accessed on June 30, 2017. For State and local government workers, see: Civilian Workers, All Workers, June 2011=114.8 and March 2017=129.0. Bureau of Labor Statistics, "Table 7. Employment Cost Index for total compensation, for State and local government workers, by occupational and industry," Employment Cost Index Historical Listing - Volume V, April 2017. Available online at: <http://www.bls.gov/web/eci/ecicois.pdf>, last accessed on June 30, 2017. State and Local Government Workers, All Workers, June 2012=118.6 and March 2017=131.7.

<sup>2</sup> The benefits multiplier is based on an average for the sectors as estimated by BLS in its Employer Costs for Employee Compensation. BLS includes items such as sick leave and vacation as benefits.

**(ii) Estimating Capital and Operations and Maintenance (O&M) 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.

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.” In the context of the 2015 CCR Rule, O&M costs include development of a number of technical reports, including engineering certification reports (valued at \$370 per report) and remedy selection reports for units requiring corrective action (valued at \$93,545 per report). Exhibit 6-6 summarizes the costs and cost savings associated with changes to requirements under the CCR Remand Rule.

**Exhibit 6-6: Annual O&M Cost Changes Under the CCR Remand Rule (2018 Dollars)**

<b>Requirement</b>	<b>Affected Units</b>	<b>Unit Cost (Savings)</b>	<b>Total</b>
<b>Provision 1: Non-GW Releases (Reduced Burden)</b>			
Obtain certification required under 40 CFR 257.96(a)	4	(\$370)	(\$1,480)
Obtain certification required under 40 CFR 257.98(e)	4	(\$370)	(\$1,480)
<b>Additional Provision 1: Alternative Closure</b>			
Obtain certification required under 40 CFR 257.103(a)(1)	51	\$370	\$18,870
<b>Alternative Performance Standard 2: Corrective Action Remedy (Reduced Burden)</b>			
Prepare report on selected remedy (40 CFR 257.97)	53	(\$97,545)	(\$5,169,885)
Obtain certification required under 40 CFR 257.97(a)	53	(\$370)	(\$19,610)
Obtain certification required under 40 CFR 257.98(e)	53	(\$370)	(\$19,610)
<b>Total Burden (Burden Reduction)</b>	<b>108</b>		<b>(\$5,193,195)</b>

These expenses represent changes from the costs estimated under the 2015 CCR Rule. Note that under WIIN Act Alternative Performance Standard 6: Professional Engineer Certifications, the analysis supporting this ICR estimates that 2,372 third-party certification reports may be affected by the rule. However, because it is not clear to what extent states adopting WIIN Act provisions will alter the process or authorship for developing the reports, this ICR does not estimate any O&M cost changes associated WIIN Act Alternative Performance Standard 6.

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

EPA does not anticipate agency burden associated with the changes in paperwork requirements under the Proposed CCR Remand Rule or adoption of WIIN Act flexibilities by states.

**6(d) Estimating the Respondent Universe and Total Burden and Costs**

In this section, EPA describes the respondent universe affected by the information collection requirements under the proposed rule.

**Respondent Universe**

Consistent with the 2015 CCR RIA, EPA estimates that 414 coal-fired electric utility plants will be affected by the Proposed CCR Remand Rule. Exhibit 6-7 presents the number of CCR units subject to the information collection requirements under the rule.<sup>3</sup>

**Exhibit 6-7: Respondent Universe Under the CCR Remand Rule**

Category	2015	2016	2017	Average
Landfills – Existing	286	284	282	284
Landfills – New	2	3	3	3
Impoundments – Existing	633	628	613	625
Impoundments – New	0	4	18	7
<b>Total</b>	<b>921</b>	<b>919</b>	<b>916</b>	<b>919</b>

**6(e) Bottom Line Burden Hours and Costs**

Exhibit 6-8 presents the bottom line burden hours and costs. The total number of respondents includes all regulated facilities (414) or, where activities are associated with CCR units, a subset of the total number of units (919).

**Exhibit 6-8: Annual Total for Labor Burden, Labor Costs, and Other Costs**

Provision	Total Respondents	Total Labor Burden (Burden Reductions)	Labor Costs (Savings)	Other Costs (Savings)
Rule Familiarization	138 annualized 414 over three years	690 annualized 2,070 over three years	\$66,499.44	<i>none</i>
CCR Remand Rule Provision 1: Non-Groundwater Releases	4	(334.24)	(\$25,474.40)	(\$2,960.00)
WIIN Act Alternative Performance Standard 2: Corrective Action Remedy	53	(5,872.93)	(\$425,434.71)	(\$5,209,105.00)
CCR Remand Rule Additional Provision 1: Alternative Closure Requirements	51 annualized 153 over three years	1,250.52	\$81,897.84	\$18,870.00
WIIN Act Alternative Performance Standard 6: Third-Party Certification: Professional Engineer	Varies (342 highest number required for specific certification)	0 Change in labor cost only	(\$217,320.57)	<i>none</i>
<b>Yearly Average CCR Remand Rule</b>	<b>Varies</b>	<b>(4,266.65)</b>	<b>(\$519,832)</b>	<b>(\$5,193,195)</b>
<b>Yearly Average from 2017 ICR</b>	<b>Varies</b>	<b>354,602</b>	<b>\$22,745,615<sup>1</sup></b>	<b>\$41,112,513<sup>1</sup></b>
<b>Total</b>	<b>Varies</b>	<b>350,335</b>	<b>\$22,225,783</b>	<b>\$35,919,318</b>

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

This ICR reflects a decrease to the currently approved burden hour and cost estimates based on changes to requirements under the Proposed Coal Combustion Residue (CCR) Remand Rule and state adoption of anticipated flexibilities under 2016 Water Infrastructure Investment for the Nation (WIIN) Act. These program changes will result in an annual burden decrease of 4,267 hours and \$5,713,027 (\$519,832 in labor costs and \$5,193,195 in other costs). This is a deregulatory action under EO 13771.

<sup>3</sup> The universe estimates in this ICR were obtained from the RIA developed for this rulemaking: EPA’s 2015 RCRA Final Rule Regulating Coal Combustion Residual (CCR) Landfills and Surface Impoundments at Coal-Fired Electric Utility Power Plants, Appendix M, October 2014.

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

The annual reporting and recordkeeping burden for this collection of information is estimated to reduce baseline burden by 4,267 hours and \$5.2 million per year, for a final estimate of 350,335 hours and \$22.2 million per year. 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-OLEM-2017-0286, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the OLEM 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 OLEM 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-OLEM-2017-0286 and OMB Control Number 2050-0053 in any correspondence.

# **ATTACHMENT**

## **INFORMATION COLLECTION REQUEST 1189.26 BURDEN ESTIMATE METHODOLOGY**

40 CFR Part 257 contains provisions that regulate the disposal of CCR generated by electric utilities as solid waste under RCRA Subtitle D and finalizes national minimum criteria for existing and new CCR landfills and existing and new CCR surface impoundments and all lateral expansions. This regulatory process entails some amount of burden that is shouldered by the regulated community. In accordance with the 1995 Paperwork Reduction Act (as amended), EPA must estimate respondent and Agency burden associated with all regulatory activities in 40 CFR Part 257. Once burden estimates are developed, EPA submits an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for approval. This attachment provides a detailed breakdown of the burden estimates and number of entities affected that are associated with the Proposed CCR Remand Rule (the regulatory activities cited above).



**EXHIBIT 9. Summary**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**TOTAL ESTIMATED RESPONDENT HOUR AND COST BURDEN SUMMARY <sup>a</sup>**

	<b>Annual Burden Hours</b>	<b>Annual Labor Cost</b>	<b>Annual Capital/Startup Cost</b>	<b>Annual O&amp;M Cost</b>	<b>Total Annual Cost</b>
Location Restrictions (Exhibit 1)	5,368.25	\$360,790.84	\$0.00	\$114,560.00	\$475,350.84
Design Criteria (Exhibit 2)	31,433.25	\$1,944,719.12	\$0.00	\$594,142.00	\$2,538,861.12
Operating Criteria (Exhibit 3)	172,864.50	\$11,705,627.21	\$0.00	\$1,829,320.00	\$13,534,947.21
Groundwater Monitoring and Corrective Action (Exhibit 4)	94,750.70	\$5,853,064.46	\$0.00	\$30,284,066.00	\$36,137,130.46
Closure and Post-Closure Care (Exhibit 5)	36,068.50	\$2,180,021.73	\$0.00	\$8,265,790.00	\$10,445,811.73
Recordkeeping, Notification, and Posting of Information to the Internet - Owners and Operators of CCR Units (Exhibit 6)	7,075.78	\$403,429.25	\$0.00	\$24,635.18	\$428,064.43
Recordkeeping, Notification, and Posting of Information to the Internet - State Government Agencies and Tribal Authorities (Exhibit 7)	515.92	\$17,541.28	\$0.00	\$0.00	\$17,541.28
Solid Waste Managemet Plans (Exhibit 8a)	680.00	\$28,785.80	\$0.00	\$0.00	\$28,785.80
State CCR Permit Program Application (Exhibit 8a)	5,845.00	\$251,635.30	\$0.00	\$0.00	\$251,635.30
<b>Subtotal</b>	<b>354,602</b>	<b>\$22,745,615</b>	<b>\$0.00</b>	<b>\$41,112,513</b>	<b>\$63,858,128</b>
Incremental CCR Remand Rule Total (Exhibit 10)	(4,267)	(\$519,832)	\$0.00	(\$5,193,195)	(\$5,713,027)
<b>Total</b>	<b>350,335</b>	<b>\$22,225,783</b>	<b>\$0.00</b>	<b>\$35,919,318</b>	<b>\$58,145,101</b>
<b>3-year Total</b>	<b>1,051,006</b>	<b>\$66,677,348</b>	<b>\$0.00</b>	<b>\$107,757,955</b>	<b>\$174,435,302</b>

<sup>a</sup> Exhibit includes rounding error.

**EXHIBIT 10a. Provision 1: Non-Groundwater Releases**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS <sup>a</sup>**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital		Number of	Total	Total
	\$150.84/ Hour	\$122.59/ Hour	\$64.51/ Hour	\$38.34 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	2.00	2.50	0.00	5.00	\$481.88	\$0.00	\$0.00	138	690.00	\$66,499.4
<b>SUBTOTAL</b>									<b>138</b>	<b>690.00</b>	<b>\$66,499.4</b>
<b>Groundwater Monitoring and Corrective Action</b>											
<b>Assessment of Corrective Measures (40 CFR 257.96)</b>											
Prepare demonstration required under 40 CFR 257.96(a)	0.00	1.00	16.00	3.00	20.00	(\$1,269.77)	\$0.00	\$0.00	4	(80.00)	(\$5,079.08)
Obtain certification required under 40 CFR 257.96(a)	0.00	0.00	3.00	0.50	3.50	(\$212.70)	\$0.00	(\$370.00)	4	(14.00)	(\$2,330.80)
Discuss the results of the corrective measures assessment prior to the selection of remedy in a public meeting with interested and affected parties, as required under 40 CFR 257.96(e)	2.00	4.00	10.00	0.00	16.00	(\$1,437.14)	\$0.00	\$0.00	4	(64.00)	(\$5,748.56)
<b>Selection of Remedy (40 CFR 257.97)</b>											
Prepare semi-annual report describing the progress in selecting and designing the remedy	0.00	12.00	24.00	4.00	40.00	(\$3,172.68)	\$0.00	\$0.00	4	(160.00)	(\$12,690.72)
<b>Implementation of the Corrective Action Program (40 CFR 257.98)</b>											
Prepare notification required under 40 CFR 257.98(e)	0.00	0.50	0.00	0.00	0.50	(\$61.30)	\$0.00	\$0.00	4	(2.00)	(\$245.20)
Obtain certification required under 40 CFR 257.98(e)	0.00	0.00	3.00	0.50	3.50	(\$212.70)	\$0.00	(\$370.00)	4	(14.00)	(\$2,330.80)
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
Place documentation required under 40 CFR 257.96(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	4	(0.08)	(\$3.08)
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	4	(0.08)	(\$3.08)
Place the notification required under 40 CFR 257.98(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	4	(0.08)	(\$3.08)
<b>SUBTOTAL</b>									<b>4</b>	<b>(334.24)</b>	<b>(\$28,434.40)</b>

a. Exhibit includes rounding error.

**EXHIBIT 10b. Additional Provision 1: Alternative Closure**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS \***

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital		Number of	Total	Total
	\$150.84/ Hour	\$122.59/ Hour	\$64.51/ Hour	\$38.34 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Closure and Post-Closure Care</b>											
<b>Alternative Closure Requirements (40 CFR 257.103)</b>											
Obtain certification required under 40 CFR 257.103(a)(1)	0.00	0.00	3.00	0.50	3.50	\$212.70	\$0.00	\$370.00	51	178.50	\$29,717.7
Document that there is no alternative CCR disposal capacity	0.00	1.00	16.00	3.00	20.00	\$1,269.77	\$0.00	\$0.00	51	1020.00	\$64,758.2
Obtain certification required under 40 CFR 257.103(b)(1)	0.00	0.00	3.00	0.50	3.50	\$212.70	\$0.00	\$370.00	0	0.00	\$0.0
Document the permanent cessation of a coal-fired boiler(s) by a certain date	0.00	1.00	16.00	3.00	20.00	\$1,269.77	\$0.00	\$0.00	0	0.00	\$0.0
Prepare notification required under 40 CFR 257.103(c)(1)	0.00	0.50	0.00	0.00	0.50	\$61.30	\$0.00	\$0.00	51	25.50	\$3,126.3
Prepare periodic progress reports required by 40 CFR 257.103(a)(1)(iii) or (b)(1)(iii)	0.00	0.50	6.50	1.00	8.00	\$518.95	\$0.00	\$0.00	0	0.00	\$0.0
Prepare notification required under 40 CFR 257.103(c)(3)	0.00	0.50	0.00	0.00	0.50	\$61.30	\$0.00	\$0.00	51	25.50	\$3,126.3
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Closure and Post-Closure Care</b>											
Place the notification required under 40 CFR 257.103(c)(1) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.77	\$0.00	\$0.00	51	1.02	\$39.2
Place the annual progress reports required under 40 CFR 257.103(c)(2) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.77	\$0.00	\$0.00	0	0.00	\$0.0
<b>SUBTOTAL</b>									<b>51</b>	<b>1250.52</b>	<b>\$100,767.8</b>

a. Exhibit includes rounding error.

**EXHIBIT 10c. Alternative Performance Standard 2: Corrective Action Remedy**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS <sup>a</sup>**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$150.84/ Hour	Mgr. \$122.59 / Hour	Tech. \$64.51/ Hour	Cler. \$38.34 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
<b>Selection of Remedy (40 CFR 257.97)</b>											
Prepare semi-annual report describing the progress in selecting and designing the remedy	0.00	12.00	24.00	4.00	40.00	(\$3,172.68)	\$0.00	\$0.00	53	(2120.00)	(\$168,152.00)
Prepare report on selected remedy	0.00	7.50	50.00	5.75	63.25	(\$4,365.38)	\$0.00	(\$97,545.00)	53	(3352.25)	(\$5,401,250.10)
Obtain certification required under 40 CFR 257.97(a)	0.00	0.00	3.00	0.50	3.50	(\$212.70)	\$0.00	(\$370.00)	53	(185.50)	(\$30,883.10)
<b>Implementation of the Corrective Action Program (40 CFR 257.98)</b>											
Prepare notification required under 40 CFR 257.98(e)	0.00	0.50	0.00	0.00	0.50	(\$61.30)	\$0.00	\$0.00	53	(26.50)	(\$3,248.90)
Obtain certification required under 40 CFR 257.98(e)	0.00	0.00	3.00	0.50	3.50	(\$212.70)	\$0.00	(\$370.00)	53	(185.50)	(\$30,883.10)
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	53	(1.06)	(\$40.80)
Place the selection of remedy report required under 40 CFR 257.97(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	53	(1.06)	(\$40.80)
Place the notification required under 40 CFR 257.98(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	(\$0.77)	\$0.00	\$0.00	53	(1.06)	(\$40.80)
<b>SUBTOTAL</b>									<b>53</b>	<b>(5872.93)</b>	<b>(\$5,634,539.70)</b>

a. Exhibit includes rounding error.

**EXHIBIT 10d. Alternative Performance Standard 6: PE Certifications**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS <sup>a,b,c,d</sup>**

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital		Number of	Total	Total
	\$150.84/ Hour	\$122.59/ Hour	\$64.51/ Hour	\$38.34 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Location Restrictions</b>											
<b>Placement above the Uppermost Aquifer (40 CFR 257.60)</b>											
Obtain certification required under 40 CFR 257.60(b)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	105	366.18	(\$9,582.27)
<b>Wetlands (40 CFR 257.61)</b>											
Obtain certification required under 40 CFR 257.61(b)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	105	366.18	(\$9,582.27)
<b>Fault Areas (40 CFR 257.62)</b>											
Obtain certification required under 40 CFR 257.62(b)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	2	7.18	(\$187.89)
<b>Seismic Impact Zones (40 CFR 257.63)</b>											
Obtain certification required under 40 CFR 257.63(b)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	3	9.58	(\$250.52)
<b>Unstable Areas (40 CFR 257.64)</b>											
Obtain certification required under 40 CFR 257.64(c)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	5	16.76	(\$438.40)
<b>Design Criteria</b>											
<b>Liner Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill (40 CFR 257.70)</b>											
Obtain certification required under 40 CFR 257.70(e)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	2.40	(\$62.63)
<b>Liner Design Criteria for Existing CCR Surface Impoundments (40 CFR 257.71)</b>											
Obtain certification required under 40 CFR 257.71(b)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	142	497.81	(\$13,026.88)
<b>Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment (40 CFR 257.72)</b>											
Obtain certification required under 40 CFR 257.72(c)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	4.79	(\$125.26)
Obtain certification required under 40 CFR 257.72(d)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	4.79	(\$125.26)
<b>Structural Integrity Criteria for Existing CCR Surface Impoundments (40 CFR 257.73)</b>											
Obtain certification required under 40 CFR 257.73(a)(2)(ii)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	114	399.69	(\$10,459.08)
Obtain certification required under 40 CFR 257.73(a)(3)(iv))	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	342	1196.65	(\$31,314.62)
Obtain certification required under 40 CFR 257.73(d)(3)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	92	323.10	(\$8,454.95)
Obtain certification required under 40 CFR 257.73(e)(2)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	92	323.10	(\$8,454.95)
<b>Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment (40 CFR 257.74)</b>											
Obtain certification required under 40 CFR 257.74(a)(2)(ii)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	4.79	(\$125.26)
Obtain certification required under 40 CFR 257.74(a)(3)(iv))	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	4	14.36	(\$375.78)
Obtain certification required under 40 CFR 257.74(d)(3)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	4.79	(\$125.26)
Obtain certification required under 40 CFR 257.74(e)(2)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	4.79	(\$125.26)

**EXHIBIT 10d. Alternative Performance Standard 6: PE Certifications**

**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**

**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS <sup>a,b,c,d</sup>**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital		Number of	Total	Total
	\$150.84/ Hour	\$122.59/ Hour	\$64.51/ Hour	\$38.34 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>Operating Criteria</b>											
<b>Air Criteria (40 CFR 257.80)</b>											
Obtain certification required under 40 CFR 257.80(b)(7)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	209	732.35	(\$19,164.55)
<b>Run-On and Run-Off Controls for CCR Landfills (40 CFR 257.81)</b>											
Obtain certification required under 40 CFR 257.81(c)(5)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	66	229.76	(\$6,012.41)
<b>Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments (40 CFR 257.82)</b>											
Obtain certification required under 40 CFR 257.82(c)(5)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	144	504.99	(\$13,214.77)
<b>Groundwater Monitoring and Corrective Action</b>											
<b>Groundwater Monitoring Systems (40 CFR 257.91)</b>											
Obtain certification required under 40 CFR 257.91(f)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	209	732.35	(\$19,164.55)
<b>Groundwater Sampling and Analysis Requirements (40 CFR 257.93)</b>											
Obtain certification required under 40 CFR 257.93(f)(6)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	209	732.35	(\$19,164.55)
<b>Detection Monitoring Program (40 CFR 257.94)</b>											
Obtain certification required under 40 CFR 257.94(d)(3)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	10	35.90	(\$939.44)
Obtain certification required under 40 CFR 257.94(e)(2)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	46	161.00	(\$4,213.14)
<b>Assessment Monitoring Program (40 CFR 257.95)</b>											
Obtain certification required under 40 CFR 257.95(c)(3)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	1	2.40	(\$62.63)
<b>Closure and Post-Closure Care</b>											
<b>Inactive CCR Surface Impoundments (40 CFR 257.100)</b>											
Obtain certification required under 40 CFR 257.100(b)(6)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	25	88.56	(\$2,317.28)
<b>Criteria for Conducting Closure of CCR Landfills and CCR Surface Impoundments (40 CFR 257.102)</b>											
Obtain certification required under 40 CFR 257.102(b)(4)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	209	732.35	(\$19,164.55)
Obtain certification required under 40 CFR 257.102(d)(3)(iii)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	7	23.94	(\$626.29)
Obtain certification required under 40 CFR 257.102(f)(3)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	7	23.94	(\$626.29)
Obtain certification required under 40 CFR 257.102(h)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	7	23.94	(\$626.29)
<b>Post-Closure Care Requirements (40 CFR 257.104)</b>											
Obtain certification required under 40 CFR 257.104(d)(4)	0.00	0.00	3.00	0.50	3.50	(\$91.59)	\$0.00	\$0.00	209	732.35	(\$19,164.55)
<b>SUBTOTAL</b>									<b>Varies</b>	<b>0.00</b>	<b>(\$217,320.66)</b>

a. Exhibit includes rounding error.

b. Additional PE Certification requirements excluded from table with zero respondent activities during the ICR.

c. Labor Cost/Activity and O&M Cost represent the net costs per activity.

d. The net change in hours is zero; all burden reductions are due to the change in labor costs per activity.

