

**SUPPORTING STATEMENT FOR
EPA INFORMATION COLLECTION REQUEST NUMBER 1597.12
REPORTING AND RECORDKEEPING REQUIREMENTS FOR THE PROPOSED
AEROSOL CAN UNIVERSAL WASTE PROPOSED RULE**

March 2018

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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 “Reporting And Recordkeeping Requirements for the Final Aerosol Can Universal Waste Proposed Rule,” EPA ICR Number 1597.12, OMB Number 2050-0145.

1(b) Short Characterization

Under current RCRA regulations, aerosol cans are categorized as hazardous waste and must be managed by a permitted RCRA hazardous waste treatment, storage, and disposal facility (TSDF). Because the contents and/or propellant within aerosol cans may be flammable, these cans may adversely impact human health and the environment if not properly disposed. In the absence of government intervention, facilities that generate waste aerosol cans (“generators”) would likely send them to municipal solid waste landfills (MSWLFs), which generally are less protective of human health and the environment than disposal at TSDFs.

While the RCRA Subtitle C requirements, when followed, reduce the risks associated with aerosol cans, facilities that generate hazardous aerosol can waste do not always manage these wastes in compliance with RCRA regulations. Many generators may not realize that aerosol cans are hazardous or may be unaware of the proper method of disposing of these wastes. The proposed designation of aerosol cans as Universal Waste (UW) will address this issue by simplifying the process of managing aerosol cans as hazardous waste. The UW designation will reduce the regulatory burden and cost of properly disposing of aerosol cans, creating an incentive for generators to dispose of them appropriately.

The current regulation of aerosol can wastes is also inconsistent across the U.S. Some states (i.e., Colorado, New Mexico, Utah and California) have already taken steps to treat aerosol cans as universal waste while most other states have not. This has created a situation in which requirements for managing aerosol cans vary from state to state. Because aerosol cans often cross state boundaries during the process of disposal, establishing uniform requirements across all states will reduce the complexity of managing aerosol cans. This will likely decrease the costs of managing aerosol cans at TSDFs and increase regulatory compliance.

The key provisions of the proposed rule include the following:

- Aerosol cans managed under the proposed rule are not counted toward a facility’s RCRA generator status.
- The existing universal waste requirements currently applicable to small quantity handlers of universal waste (SQHUWs) and large quantity handlers of universal waste (LQHUWs) will also be applicable to handlers of aerosol can waste. For both SQHUWs and LQHUWs, these requirements include waste management standards, labeling and marking, accumulation time limits, employee training, response to releases, requirements related to off-site shipments, and export requirements. LQHUWs are also subject to additional notification and tracking requirements.
- All handlers must manage their universal waste aerosol cans in a manner designed to prevent fire, explosion, and unauthorized releases to the environment.

- The containers in which aerosol cans are stored should be labeled to easily identify what is in them. EPA is proposing that one of the following phrases be used for labeling the containers; “Universal Waste-Aerosol Cans”, “Waste Aerosol Cans” or “Used Aerosol Cans”.
- Generators of waste aerosol cans will be allowed to ship waste aerosol cans to other handlers without using a hazardous waste manifest or a hazardous waste transporter.
- Generators of waste aerosol cans will be allowed to puncture and drain the cans prior to shipping, storing, or recycling them.

This ICR is a description of the information collection requirements for all handlers of waste aerosol cans under the universal waste requirements. The scope of this ICR is limited to the information collection requirements associated with handling aerosol cans as universal waste. This ICR does not describe the reduction in burden from avoided compliance with the information collection requirements associated with handling aerosol cans as hazardous waste. The reduction in burden from avoided compliance with the hazardous waste information collection requirements is described in a separate ICR (OMB Control Number 2050-0213).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

The requirements covered in this ICR are necessary for EPA to oversee the generation and management of waste aerosol cans. EPA is requiring the establishment of these information collection requirements under the authority of RCRA Subtitle C.

2(b) Practical Utility and Users of the Data

EPA will use the collected information to ensure that aerosol can wastes are managed in a cost-effective manner that minimizes risks to human health and the environment.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

None of the information required by the proposed rule will duplicate information required by existing RCRA regulations.

3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA opened a 30-day public comment period for collection activities in the proposed rule, which was published in the *Federal Register* on 03/16/2018 (83 FR 11654). To assist the public in commenting on the proposal, EPA raised a number of issues in the preamble to the proposed rule and asked for the

public to comment on them. At the end of the comment period, EPA will review public comments received in response to the notice and will address comments received, as appropriate.

3(c) Consultations

EPA published a Notice of Data Availability (NODA) in 2014, entitled “Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices to Enhance Effectiveness to the Resource Conservation and Recovery Act Program.”¹ The NODA focused on the retail sector and solicited information regarding the hazardous waste management practices of establishments. EPA received 44 comments from stakeholders, and more than one-third of the respondents focused on the regulatory framework for managing retail products, including aerosol cans, as universal waste. Many of the comments focused on the very large number of generators of aerosol can waste in the retail sector. EPA referenced the information and data received through these comments while designing the aerosol can universal waste rule.

3(d) Effects of Less Frequent Collection

EPA has carefully considered the burden imposed upon the regulated community by the proposed rule. EPA is confident that those activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed. EPA believes strongly that, if the minimum information collection requirements of the proposed rule are not met, neither the industry nor EPA will be able to ensure that waste aerosol cans are being managed in a manner protective of 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, EPA’s ICR Handbook, and other applicable OMB guidance.

3(f) Confidentiality

Section 3007(b) of RCRA and 40 *CFR* Part 2, Subpart B, which defines EPA’s general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the proposed rule. If such a claim is asserted, EPA must and will treat the information in accordance with the regulations cited above. 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 proposed rule.

¹ EPA. (2014). Hazardous Waste Management and the Retail Sector: Providing and Seeking Information on Practices to Enhance Effectiveness to the RCRA Program. Docket ID: EPA-HQ-RCRA-2012-0426. <https://www.regulations.gov/document?D=EPA-HQ-RCRA-2012-0426-0001>

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and NAICS Codes

The following is a list of North American Industrial Classification System (NAICS) codes associated with the facilities most likely to be affected by the information collection requirements covered in this ICR. This list includes all of the NAICS codes EPA identified for generators of aerosol can hazardous waste in the 2015 BR database. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be impacted by this action.

NAICS	NAICS CATEGORY
44-45	Retail Trade
31-33	Manufacturing
48-49	Transportation and Warehousing
62	Health Care and Social Assistance
92	Public Administration
61	Educational Services
54	Professional, Scientific, and Technical Services
56	Administrative and Support and Waste Management and Remediation Services
42	Wholesale Trade
22	Utilities
81	Other Services (except Public Administration)
21	Mining, Quarrying, and Oil and Gas Extraction
23	Construction
71	Arts, Entertainment, and Recreation
55	Management of Companies and Enterprises
53	Real Estate and Rental and Leasing
51	Information
11	Agriculture, Forestry, Fishing and Hunting

The information collection requirements of the proposed rule vary based on facility generator and handler status. The proposed rule is expected to affect facilities within all three hazardous waste generators categories:

- Large Quantity Generators (LQGs): Monthly generation ≥ 1.1 tons HW or > 0.001 tons acute HW
- Small Quantity Generators (SQGs): Monthly generation > 0.11 tons HW and < 1.1 tons HW and $\leq .001$ acute HW
- Very Small Quantity Generators (VSQGs): Monthly generation $\leq .11$ tons HW and ≤ 0.001 acute HW per month

Additionally, the proposed rule is expected to affect both categories of universal waste handlers:

- Large Quantity Handlers (LQHs): Annual generation \geq 5.5 tons UW per year
- Small Quantity Handlers (SQHs): Annual generation $<$ 5.5 tons UW per year

If facilities generate hazardous and universal wastes, they may be classified as both generators and handlers. Overall, the information collection requirements for hazardous waste generators are more stringent than the requirements for universal waste handlers.

4(b) Information Requested

This section describes information collection requirements applicable to entities that will be affected by the proposed rule. All of the provisions in the proposed rule are intended to provide greater flexibility to generators of waste aerosol cans.

Notification

Under the proposed rule, large quantity handlers of universal waste must notify EPA of aerosol can universal waste management activities. LQHUs that have already notified EPA of hazardous waste management activities under RCRA and have received an EPA identification number are not required to re-notify. As part of the notification process, LQHUs will be required to provide the following information to EPA:

- The universal waste handler's name and mailing address;
- The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- The address or physical location of the universal waste management activities;
- A list of all the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans); and
- A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

Rule Familiarization

This ICR estimates that existing facilities that decide to manage their aerosol cans as universal waste will spend a limited amount of legal, managerial, and technical time reviewing the provisions of the rule. This ICR also estimates that new facilities will spend a limited amount of labor time reviewing existing universal waste regulations.

Annual Review of Regulations

This ICR estimates that handlers of aerosol can universal waste under the proposed rule conduct an annual review of the regulations. This review involves a limited amount of legal, managerial, and technician time.

Personnel Safety Training

Under the proposed rule, large quantity handlers of universal waste must ensure that all employees are thoroughly familiar with proper aerosol can waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

Shipping Recordkeeping

The proposed rule requires large quantity handlers of aerosol can universal waste to keep a record of each shipment of universal waste sent and received by the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. Large quantity handlers must retain the records for all shipments for at least three years. The record for each shipment of universal waste must include the following information:

- The name and address of the originating or destination facility;
- The quantity of each type of universal waste sent or received (e.g., batteries, pesticides, thermostats, aerosol cans);
- The date the shipment of universal waste was sent or received.

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

5(a) Agency Activities

Most of the information that is required of handlers of aerosol can universal waste would be kept on site and not submitted to EPA formally. The Agency will conduct the following activities in response to notification of universal waste management activity by LQHs:

- Review and file notification of universal waste aerosol can management provided by large quantity handlers;
- Send an EPA identification number to large quantity handlers; and
- Enter notification information into a database.

5(b) Collection Methodology and Management

In collecting and analyzing the information required by the proposed aerosol can universal waste rule, the Agency will rely upon hard copy forms, electronic submissions, and applicable database software, where appropriate.

5(c) Small Entity Flexibility

Some respondents will be small organizations. However, all of the provisions in the proposed rule are intended to provide greater flexibility to facilities involved in aerosol can management. Some facilities that are currently SQGs may become LQHUWs or SQHUWs. Regulatory requirements for handlers of universal waste are considerably simpler than those applicable to small quantity generators of hazardous waste.

Additionally, EPA exempted SQHUWs from several administrative requirements

applicable to LQHUWs. For example, EPA does not require SQHUWs of universal wastes to submit notifications of universal waste management or to obtain an EPA identification number. EPA also does not require SQHUWs of aerosol can wastes to keep records of their universal waste shipments. EPA believes these exemptions would encourage small businesses to safely manage aerosol can wastes in compliance with the regulation.

Finally, the aerosol can universal waste rule is a regulatory relief initiative that should reduce regulatory burden and costs for universal waste handlers, but should particularly benefit small entities.

5(d) Collection Schedule

EPA will collect information under the proposed rule on a one-time or as-needed basis. EPA will not collect any information on a regular schedule.

6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION

The RIA for the proposed rule estimates costs as a range to address uncertainties regarding several unit cost inputs for the analysis. This ICR uses the high-end estimates for these inputs.²

6(a) Estimating Respondent Burden

Exhibit 1, on page 16, summarizes the change to respondent burden associated with the new paperwork requirements in the proposed rule. While EPA expects that the proposed rule, if finalized, will result in an overall reduction in burden to generators, EPA expects the proposed rule to increase the burden associated with compliance with universal waste information collection requirements for a subsection of generators. As shown in the exhibit, the expected increase in burden for handlers of universal waste aerosol cans is a total of 5,973 hours annually under the provisions of the proposed rule. Thus, the total number of burden hours during the first three years is estimated to be approximately 17,919 hours³.

The expected annual increase in respondent burden reflects costs within three broad categories: (a) one-time costs associated with new facilities that enter the universe of affected facilities each year, (b) fixed annual costs that remain relatively constant from year to year, and (c) variable costs that occur throughout the year and vary by the number of universal waste shipments made by each facility.

6(b) Estimating Respondent Costs

² Overall, the low-end costs estimated in the RIA are less than two percent lower than the high-end costs. The low-end and high-end estimates are discussed in greater detail in U.S. EPA, Regulatory Impact Analysis of Proposed Rule To Add Aerosol Cans to the Universal Waste Rule, September 2017.

³ However, EPA estimated that the cumulative impact of the proposed rule may result in a decrease of 39,113 annual burden hours.

On page 16, Exhibit 1 also summarizes the total costs for information collection activities associated with the proposed rule by respondent generator and handler status before and after the proposed rule. Additional detailed information on the costs of each rule provision by generator and handler status is provided in Exhibits 3A-E, located on pages 18-22. These cost estimates reflect the costs of labor as well as operations and maintenance (O&M) costs where applicable. As shown in Exhibit 1, which only reflects an increase in labor burden, the total increase in cost burden during the first three years of the proposed rule is \$432,000. Whereassummarized in Exhibits 3A-E, there is an estimated \$22 increase in O&M costs.

Labor Costs

For purposes of this analysis, this ICR estimates an average hourly respondent labor cost (including fringe benefits and overhead costs) of \$160.74 for legal staff, \$113.78 for managerial staff, \$49.22 for technical staff, and \$37.11 for clerical staff. These hourly labor costs were obtained from the following sources:

- Hourly Wage: Bureau of Labor Statistics, occupational earnings data for May 2016.⁴
- Fringe Benefit Cost Factor: Bureau of Labor Statistics, Employer Costs for Worker Compensation, released June 9, 2017. Table 10: Employer Costs per Hour Worked for Employee Compensation and Costs as a Percent of Total Compensation: Private Workers, by Industry Group, March 2017.
- Overhead Loading Factor: Remedial Action Cost Engineering and Requirements (RACER) cost estimating software 2005 defaults.

The overhead cost adjustment factor is approximately 1.336.⁵ Because industry-specific data is not readily available, this RIA uses the overhead cost adjustment factor from the Remedial Action Cost Engineering Requirements (RACER) System software (a cost estimating software) 2005 defaults. This RIA estimates that costs included in the overhead cost adjustment factor generally do not overlap with the overhead costs estimated directly in the RIA. The overhead cost adjustment factor does not explicitly include the direct administrative or fixed costs associated with implementing the regulatory requirements of RCRA, which are estimated directly in the RIA.⁶ Importantly, there are drawbacks to accounting for overhead costs by adjusting hourly labor rates. Overhead costs might not vary with the magnitude of changes in labor caused by the rule. Some of the overhead costs that facilities experience are unlikely to vary continuously with quantities of labor. However, due to the lack of facility-specific data and due to the inherent uncertainty in the changes in overhead costs associated with changes in labor

⁴ Bureau of Labor Statistics, May 2016 National Occupational Employment and Wage Estimates. Accessed August 2017 at http://www.bls.gov/oes/current/oes_nat.htm.

⁵ Loaded labor rates are adjusted to include 2 percent general and administrative overhead, 16.6 percent fixed overhead, 5 percent insurance, and 10 percent profit ($1 + 0.02 + 0.166 + 0.05 + 0.10 = 1.336$) estimated using RACER cost estimating software 2005 defaults. General and administrative cost overhead can include expenses such as human resources, payroll, accounting, sales personnel, executive salaries, legal fees, office supplies, equipment, communications, administrative buildings, office space, travel, subscriptions, and other overhead items related to administrative activities that support operating labor. Fixed overhead can include a proportion of the cost of building services (e.g., medical, safety, recreation, general engineering, general plant maintenance, janitorial, and cafeteria), electricity, heating, interplant transportation, warehouses, shipping and receiving facilities, insurance, and other resources shared throughout the organization in support of operating labor.

⁶ Additionally, this overhead cost adjustment factor, when applied to the loaded labor rates, is in line with the "Guidelines for Regulatory Impact Analysis." (U.S. Department of Health and Human Services, "Guidelines for Regulatory Impact Analysis," 2016. Available at: https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf)

hours devoted to regulatory compliance, this RIA concludes that the average relationship is the best that can be approximated. In order to ensure that this RIA fully captures the opportunity cost of a unit of time associated with RCRA regulatory compliance, this RIA relies on the RACER overhead cost adjustment factor.

Operation & Maintenance Costs

O&M costs are those costs associated with materials and services procured for the information collection requirements included in the ICR. For this ICR, O&M costs primarily include the following: costs of postage/shipping (approximately \$2.00 to \$4.00/doc) and photocopies (approximately \$0.10 to \$0.15/page).

6(c) Estimating Agency Burden and Costs

The Agency burden hours and costs associated with all the requirements covered in this ICR are reported in Exhibit 4. This ICR uses the 2017 Federal Pay Schedule salary figures to estimate hourly compensation of EPA legal, managerial, technical, and clerical staff.⁷ For purposes of this ICR, the following government services levels were assigned:

- Legal Staff: GS-15, Step 5 (\$115.31/hr)
- Managerial Staff: GS-13, Step 5 (\$82.95/hr)
- Technical Staff: GS-11, Step 5 (\$58.21/hr)
- Clerical Staff: GS-06, Step 5 (\$35.39/hr)

The hourly rates above reflect base salary plus the fringe benefit and overhead factors cited above.

Estimating State and Local Authority Burden and Cost

To the extent that state agencies incur costs associated with administering universal waste programs, they may experience an increase in burden. Such activities may include reviewing notifications, reviewing requests for EPA IDs, and issuing EPA IDs. However, these tasks may also be undertaken by EPA. Without available data on the magnitude of these burdens that will fall to the states rather than EPA, this analysis estimates that the burden associated with these activities are borne by EPA rather than by the states.

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

Respondent Universe

On page 17, Exhibit 2 reports the estimated annual universe of facilities that may choose to opt in to each of the provisions of the proposed rule covered in this ICR. The total estimated annual number of respondents is 639. EPA identified 18,900 additional facilities that generate

⁷ U.S. Office of Personnel Management, Salary Table 2017-GS, Incorporating the 1% General Schedule Increase, Effective January 2017, Hourly Basic Rates by Grade and Step, accessed at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/> September 26, 2017.

aerosol can wastes that may choose to opt in to the rule provisions. However, EPA's economic analysis in the RIA determined that these facilities are likely to find it less costly to continue managing aerosol cans as hazardous waste.

Respondent Burden and Cost

Based on the universe data presented in Exhibit 2, this section estimates the change in respondent burden associated with all of the information collection requirements covered in this ICR. The total changes in respondent burden and cost are reported in Exhibits 3A-E found on pages 18-20. This section describes the assumptions used in developing the burden estimates.

One Time Costs

EPA estimates one-time costs for facilities that enter the universe of facilities affected by the rule in a given year. Facilities are estimated to incur these costs only in the year in which they enter the affected universe. EPA estimates that new facilities will open at a rate equal to 5.9 percent of the size of the universe each year.⁸

Notification

Under the proposed rule, notification is required for new facilities that are LQHs. SQHs are not required to notify under the proposed rule. This ICR estimates notification costs of approximately \$62 per facility. This cost reflects 0.08 hours of managerial time, 0.93 hours of technician time, and 0.08 hours of administrative time, as well as an O&M cost of approximately \$3.85. This ICR estimates that approximately 6 new LQHs will enter the post-rule universe each year and incur the costs associated with the UW notification requirements.

Rule Familiarization

Under the proposed rule, new LQHs and SQHs that enter the regulatory universe are estimated to incur costs to familiarize themselves with the Universal Waste Rule and other RCRA regulations. LQHs are expected to spend 0.5 hours of legal time, 1 hour of managerial time, and 1.5 hours of technical time familiarizing themselves with the Universal Waste Rule and other RCRA regulations. SQHs are expected to spend 1 hour of managerial time and 1.5 hours of technical time. As a result, new LQHs and SQHs are expected to incur costs of \$268 and \$188 on rule familiarization respectively as result of the proposed rule.

This ICR also estimates rule familiarization costs for *existing* facilities that decide to manage their aerosol cans as universal waste. As for new UW facilities, this ICR estimates that rule familiarization at existing facilities costs \$268 for LQHs and \$188 for SQHs, or \$19 and \$13 respectively when annualized at a seven percent discount rate. EPA expects 431 facilities that are

⁸ EPA estimated this percentage based on the average establishment entry rate from the 2014 Business Dynamic Statistics for the two most common NAICS codes among generators of waste aerosol cans (Retail Trade and Manufacturing). https://www.census.gov/ces/dataproducts/bds/data_firm.html

SQHs post-rule and 208 facilities that are LQHs post-rule to incur these rule familiarization costs.

Fixed Annual Costs

Fixed annual costs include costs that typically remain unchanged from year to year for facilities potentially affected by the proposed rule.

Annual Review of Regulations

Under the proposed rule, universal waste handlers are expected to incur costs associated with an annual review of the regulations, estimated to cost \$93 for LQHs and \$61 for SQHs. This ICR estimates that 28 facilities will change generator status from LQG to SQG/SQH and incur costs of \$61 each year. This ICR also estimates that 92 facilities will change generator status from SQG to LQH and incur costs of \$93 each year.

Annual Employee Training

Under the proposed rule, handlers of universal waste aerosol cans will incur training costs. LQHs are estimated to train four technicians and two managers through a two-hour training. Additionally, LQHs are estimated to incur 0.6 hours of clerical time and 4 managerial hours to develop the training. SQHs are estimated to train 2 to 4 technicians and 1 to 2 managers through a one-hour training, and are also estimated to incur 2 hours of managerial time to develop the training.

Under the proposed rule, this ICR estimates that 6 facilities will change generator status from LQG to LQH and 92 facilities will change generator status from SQG to LQH. These facilities are expected to incur costs of approximately \$1,326 each year on employee training. This ICR also estimates that 385 facilities will change generator status from SQG to SQH. EPA expects these facilities to incur costs of \$652 each year on employee training.

Variable Costs

Variable costs include those costs that are experienced throughout the year and vary by the number of universal waste shipments made by each facility. As a result, these costs are dependent on the quantity of universal waste shipped by each facility.

Shipping Recordkeeping

Under the universal waste rule requirements, LQHs must record all universal waste shipments received or shipped. Logs, invoices, bills of lading, or other shipping documents constitute acceptable forms of records. These records must be maintained for at least three years.

The cost to complete and maintain a record of universal waste shipments was estimated as \$3.71 per shipment.⁹ Additionally, LQHs in some states can send hazardous waste to MSW facilities, and do not need to complete any recordkeeping for these shipments. This ICR estimates that 208 LQHs will ship aerosol cans as universal waste post-rule and will experience these costs. SQHs that begin shipping aerosol cans as universal waste are not expected to incur any costs associated with shipping recordkeeping.

6(e) Bottom Line Burden Hours and Cost Tables

On page 16, Exhibit 1 summarizes the total costs of the proposed rule for the first three years by respondent type. Exhibit 2, on page 17, presents the total number of respondents that are expected to experience costs associated with information collection. On pages 18-22, Exhibits 3A-E provide additional detail on the burden and cost estimates. Exhibit 4, on page 23, presents the change in Agency burden.

6(f) Reasons for Change in Burden

EPA expects that the proposed rule collection requirements contained within this ICR package will result in an increase in burden for compliance with information collection requirements specific to the management of aerosol cans as universal waste.. The expected annual increase in burden for handlers of universal waste aerosol cans is a total of 5,973 hours under the provisions of the proposed rule. This corresponds to a cumulative increase in burden of 17,919 hours for the first three years following the rule. This increase in burden reflects paperwork requirements at facilities that ship aerosol cans as universal waste as a result of the proposed rule. The majority of the increase in burden is associated with facilities that change generator status as a result of the designation of aerosol cans as universal waste. However, EPA expects that the proposed rule will result in an overall reduction in burden to generators of aerosol can hazardous waste. The cumulative impact of the proposed rule is estimated to be a net decrease of 39,113 annual burden hours.

⁹ U.S. EPA, Modification of the Hazardous Waste Program: Hazardous Waste Lamps, Final Economic Assessment, March 11, 1999. and Economic Analysis of Including Mercury Containing Devices in the Universal Waste System, Notice of Proposed Rulemaking, February 15, 2002.

Exhibit 1: Average Annual Increase in Respondent Burden and Cost Estimates for the First Three Years

Respondent Type	Total Respondents	Total Hours	Total Labor Costs	O&M Costs	Total Cost
Remain LQG	112	379	\$4,066	\$0	\$4,066
LQG to SQG	44	133	\$1,062	\$0	\$1,062
LQG to LQH	6	130	\$8,927	\$1	\$8,928
SQG to LQH	92	1,925	\$134,169	\$21	\$134,190
SQG to SQH	385	3,406	\$283,817	\$0	\$283,817
AVERAGE ANNUAL COSTS FOR THE FIRST THREE YEARS		5,973	\$432,041	\$22	\$432,063
TOTAL COSTS FOR THE FIRST THREE YEARS		17,919	\$1,296,122	\$67	\$1,296,189
Notes: 1. Numbers may not sum due to rounding.					

Exhibit 2: Estimated Universe of Facilities Expected to Incur Costs as a Result of the Aerosol Can Universal Waste Proposed Rule

Information Collection Activity	Number of Respondents					
	Remain LQG	LQG to SQG	LQG to LQH	SQG to LQH	SQG to SQH	Total
One Time Costs						
Notification of Hazardous Waste Activity	-	-		5	23	28
Rule Familiarization	-	-	0.4	5	23	28
Annual Costs						
Annual Review of Regulations	-	44	6	92	385	527
Personnel Safety Training (annualized cost)	-	44	6	92	385	527
Familiarization with proposed rule without legal council (SQHs under the rule)	30	16	-	-	385	401
Familiarization with proposed rule with legal council (LQHs under the rule)	82	28	6	92	-	126
Variable Costs						
Shipping Recordkeeping (per shipment) (LQHs)	82	28	6	92		208
Total	112	44	6	92	385	639
Notes:						
Totals do not sum due to the fact that some the same facilities are subject to the same requirements.						
Blank cells indicate that no facilities within the respondent category are expected to experience changes in respondent burden as a result of the proposed rule.						

Exhibit 3A: Respondent Cost Estimates for LQGs that remain LQGs Post-Rule

Information Collection Activity	Hours and Costs Per Respondent Per Activity						Total Hours and Cost				
	Legal \$160.74	Managerial \$113.78	Technical \$49.22	Admin. \$37.11	Programmer \$95.72	O&M Cost	Number of Resp.	Total Hours	Total Labor Costs	Total O&M Costs	Total Cost
ANNUAL COSTS											
Rule Familiarization											
Familiarization with proposed rule without legal council	0.00	1.00	1.50	0.00	0.00	\$0.00	30	75	\$393.99	\$0.00	\$393.99
Familiarization with proposed rule with legal council	0.50	1.00	1.50	0.00	0.00	\$0.00	82	246	\$1,538.21	\$0.00	\$1,538.21
VARIABLE COSTS											
Shipping Recordkeeping (per shipment)											
Shipping Recordkeeping	0.00	0.00	0.00	0.10	0.00	0.00	82	58	\$2,133.77	\$0.00	\$2,133.77
TOTAL COST							N/A	379	\$4,066	-	\$4,066
<u>Notes:</u> Numbers may not sum due to rounding.											

Exhibit 3B: Respondent Cost Estimates for LQGs that become SQGs Post-Rule

Information Collection Activity	Hours and Costs Per Respondent Per Activity						Total Hours and Cost				
	Legal \$160.74	Managerial \$113.78	Technical \$49.22	Admin. \$37.11	Programmer \$95.72	O&M Cost (2017\$)	Number of Resp.	Total Hours	Total Labor Costs	Total O&M Costs	Total Cost
ANNUAL COSTS											
Rule Familiarization											
Familiarization with proposed rule without legal counsel	0.00	1.00	1.50	0.00	0.00	\$0.00	16	40	\$210	\$0	\$210
Familiarization with proposed rule with legal counsel	0.50	1.00	1.50	0.00	0.00	\$0.00	28	84	\$525	\$0	\$525
VARIABLE COSTS											
Shipping Recordkeeping (per shipment)											
Shipping Recordkeeping	0.00	0.00	0.00	0.10	0.00	0.00	28	9	\$327	\$0	\$327
TOTAL COST							N/A	133	\$1,062	\$0	\$1,062
<u>Notes:</u> Numbers may not sum due to rounding.											

Exhibit 3C: Respondent Cost Estimates for LQs that become LQHs Post-Rule

	Hours and Costs Per Respondent Per Activity						Total Hours and Cost				
	Legal \$160.74	Manageria l \$113.78	Technical \$49.22	Admin. \$37.11	Programmer \$95.72	O&M Cost (2017\$)	Number of Resp.	Total Hours	Total Labor Costs	Total O&M Costs	Total Cost
Information Collection Activity											
ONE-TIME COSTS											
Notification of Hazardous Waste Activity											
Notification of Hazardous Waste Activity under RCRA Section 3010 - Initial Notification - Complete and submit EPA Form 8700-12	0.00	0.08	0.93	0.08	0.00	3.8	0.4	0.4	\$20	\$1	\$22
Rule Familiarization											
Rule familiarization with legal counsel	0.50	1.00	1.50	0.00	0.00	\$0.00	0.4	1	\$95	\$0	\$95
ANNUAL COSTS											
Annual Review of Regulations											
Read the Regulations	0.25	0.25	0.50	0.00	0.00	\$0.00	6	6	\$559	\$0	\$559
Personnel Safety Training											
Training	0.00	8.00	8.00	0.60	0.00	0	6	100	\$7,958	\$0	\$7,958
Rule Familiarization											
Familiarization with proposed rule with legal council	0.50	1.00	1.50	0.00	0.00	\$0.00	6	18	\$113	\$0	\$113
VARIABLE COSTS											
Shipping Recordkeeping (per shipment)											
Shipping Recordkeeping	0.00	0.00	0.00	0.10	0.00	0	6	5	\$182	\$0	\$182
TOTAL COST								130	\$8,927	\$1	\$8,928
Notes: Numbers may not sum due to rounding.											

Exhibit 3D: Respondent Cost Estimates for SQGs that become LQHs Post-Rule

Information Collection Activity	Hours and Costs Per Respondent Per Activity						Total Hours and Cost				
	Legal \$160.74	Managerial \$113.78	Technical \$49.22	Admin. \$37.11	Programmer \$95.72	O&M Cost (2017\$)	Number of Resp.	Total Hours	Total Labor Costs	Total O&M Costs	Total Cost
ONE-TIME COSTS											
Notification of Hazardous Waste Activity											
Notification of Hazardous Waste Activity under RCRA Section 3010 - Initial Notification - Complete and submit EPA Form 8700-12	0.00	0.08	0.93	0.08	0.00	3.8	5	6	\$313	\$21	\$334
Rule Familiarization											
Rule familiarization with legal counsel	0.50	1.00	1.50	0.00	0.00	\$0.00	5	16	\$1,450	\$0	\$1,450
ANNUAL COSTS											
Annual Review of Regulations											
Read the Regulations	0.25	0.25	0.50	0.00	0.00	0.00	92	92	\$8,548	\$0	\$8,548
Personnel Safety Training											
Training	0.00	8.00	8.00	0.60	0.00	0.00	92	1,522	\$121,594	\$0	\$121,594
Rule Familiarization											
Familiarization with proposed rule with legal council	0.50	1.00	1.50	0.00	0.00	0.00	92	275	\$1,720	\$0	\$1,720
VARIABLE COSTS											
Shipping Recordkeeping (per shipment)											
Shipping Recordkeeping	0.00	0.00	0.00	0.10	0.00	\$0.00	92	15	\$544	\$0	\$544
TOTAL COST								1,925	\$134,169	\$21	\$134,190
<u>Notes:</u> Numbers may not sum due to rounding..											

Exhibit 3E: Respondent Cost Estimates for SQGs that become SQHs Post-Rule

Information Collection Activity	Hours and Costs Per Respondent Per Activity						Total Hours and Cost				
	Legal \$160.7 4	Managerial \$113.78	Technical \$49.22	Admin. \$37.11	Programme r \$95.72	O&M Cost (2017\$)	Number of Resp.	Total Hours	Total Labor Costs	Total O&M Costs	Total Cost
ONE-TIME COSTS											
Rule Familiarization											
Rule familiarization with legal counsel	0.00	1.00	1.50	0.00	0.00	0.00	23	57	\$4,262	\$0	\$4,262
ANNUAL COSTS											
Annual Review of Regulations											
Read the Regulations	0.15	0.15	0.40	0.00	0.00	0.00	385	270	\$23,437	\$0	\$23,437
Personnel Safety Training											
Training	0.00	4.00	4.00	0.00	0.00	0.00	385	3,080	\$251,061	\$0	\$251,061
Rule Familiarization											
Familiarization with proposed rule without legal council	0.00	1.00	1.50	0.00	0.00	\$0.00	385	963	\$5,057	\$0	\$5,057
VARIABLE COSTS											
Shipping Recordkeeping (per shipment)											
Shipping Recordkeeping	0.00	0.00	0.00	0.10	0.00	0.00	0	-	\$0	\$0	\$0
TOTAL COST								3,406	\$283,817	\$0	\$283,817
Notes:											
Numbers may not sum due to rounding.											

Exhibit 4: Federal Agency Annual Increase in Burden and Cost Estimates for LQGs and SQGs that become LQHs

Information Collection Activity	Hours and Costs Per Respondent Per Activity				Total Hours and Costs			
	Legal \$115.31/hr	Manager \$82.95/hr	Technical \$58.21/hr	Clerical \$35.39/hr	O&M Cost	Number of Resp.	Total Hours	Total Cost
NOTIFICATION								
Review notification for completeness and accuracy	0.00	0.00	0.25	0.00	0.00	6	1	\$84
Review letter requesting EPA ID number and enter this information into a database	0.00	0.00	1.58	0.17	0.00	6	10	\$565
Generate EPA ID number and send EPA ID number to facility	0.00	0.00	0.02	0.40	0.49	6	2	\$88
TOTAL						6	14	\$737
<u>Notes:</u> Numbers may not sum due to rounding.								

6(g) Burden Statement

The average per-facility public reporting and recordkeeping burden for this collection of information during the first year of the rule is estimated to be 3 hours for LQGs that remain LQGs post-rule, 3 hours for LQGs that become SQGs, 22 hours for LQGs that become LQHs, 21 hours for SQGs that become LQHs, and 9 hours for SQGs that become SQHs. Under the proposed rule, the total annual costs related to information collection requirements are estimated to be 379 hours for LQGs that remain LQGs, 133 hours for LQGs that become SQGs, 1130 hours for LQGs that become LQHs, 1,925 hours for SQGs that become LQHs, and 3,406 hours for SQGs that become SQHs.

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-2017-0463, which is available for online viewing at www.regulations.gov, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., 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 RCRA Docket is (202) 566-0270. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OLEM-2017-0463 and OMB Control Number 2050-0145 in any correspondence.