

**INFORMATION COLLECTION REQUEST**

**SUPPORTING STATEMENT FOR**  
**RCRA DEFINITION OF SOLID WASTE**  
**OMB Control No. 2050-0202, EPA ICR No. 2310.06**

**April 2018**

Office of Resource Conservation and Recovery  
United States Environmental Protection Agency  
Washington, D.C. 20460

# TABLE OF CONTENTS

|  |    |
|--|----|
| 1. IDENTIFICATION OF THE INFORMATION COLLECTION.....   | 1  |
| 1(a) Title and Number of the Information Collection.....   | 1  |
| 1(b) Short Characterization.....   | 1  |
| 2. NEED FOR AND USE OF THE COLLECTION.....   | 2  |
| 2(a) Need and Authority for the Collection.....  | 2  |
| 2(b) Practical Utility and Users of the Data.....  | 4  |
| 3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA.....                                     | 6  |
| 3(a) Nonduplication.....   | 6  |
| 3(b) Public Notice.....  | 6  |
| 3(c) Consultations.....  | 6  |
| 3(d) Effects of Less Frequent Collection.....  | 6  |
| 3(e) General Guidelines.....   | 7  |
| 3(f) Confidentiality.....  | 7  |
| 3(g) Sensitive Questions.....  | 7  |
| 4. THE RESPONDENTS AND THE INFORMATION REQUESTED.....  | 7  |
| 4(a) Respondents and NAICS Codes.....  | 7  |
| 4(b) Information Requested.....  | 8  |
| 5. THE INFORMATION COLLECTED: AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT..... | 24 |
| 5(a) Agency Activities.....  | 24 |
| 5(b) Collection Methodology and Management.....  | 27 |
| 5(c) Small Entity Flexibility.....   | 28 |
| 5(d) Collection Schedule.....  | 28 |
| 6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION.....  | 29 |
| 6(a) Estimating Respondent Burden Hours.....   | 29 |
| 6(b) Estimating Respondent Costs.....  | 29 |
| 6(c) Estimating Agency Hour and Cost Burden.....   | 31 |
| 6(d) Estimating the Annual Respondent Universe and Total Hour and Cost Burden.....                       | 32 |
| 6(e) Bottom Line Hour and Cost Burden.....   | 45 |
| 6(f) Reasons for Change in Burden.....   | 46 |
| 6(g) Public Burden Statement.....  | 47 |

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

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

This Information Collection Request (ICR) is entitled “RCRA Definition of Solid Waste” OMB Control No. 2050-0202, EPA ICR Number 2310.06. This ICR covers the three-year period 2018-2021.

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

In 2015, the U.S. Environmental Protection Agency (EPA) published revisions to the “definition of solid waste” (DSW) that exclude certain industrial hazardous secondary materials from regulation as “solid waste” and “hazardous waste” under Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended (73 FR 64688, October 30, 2015). Specifically, EPA amended 40 CFR Part 261 to provide that hazardous secondary materials reclaimed under the control of the generator are not solid wastes if specified conditions are met. EPA also amended Part 261 to provide that hazardous secondary materials that are generated and then transferred to another person for the purpose of reclamation are not solid waste, provided that specified conditions are met. Finally, EPA finalized other amendments to address particular issues, including standards in Part 260 to enable a person to apply to EPA for a formal determination that a material is not discarded and therefore not a solid waste and to codify the RCRA concept of “legitimate recycling” for recycling under the final rule.

As a matter of law, the orders issued by the United States Court of appeals for the District of Columbia Circuit on July 7, 2014 and amended on March 6, 2018: (1) vacated the 2015 verified recycler exclusion for hazardous waste that is recycled off-site (except for certain provisions); (2) reinstate the transfer-based exclusion from the 2008 rule to replace the now vacated 2015 verified recycler exclusion; (3) upheld the containment and emergency preparedness provisions and the eligibility of spent petroleum catalysts for the reinstated transfer-based exclusion; (4) vacated factor 4 of the 2015 definition of legitimate recycling in its entirety; and (5) reinstated the 2008 version of factor 4 to replace the now-vacated 2015 version of factor 4. The court issued the mandate for its decision on March 14, 2018, at which point the orders became effective.

The changes to the regulations due to the vacatur are expected to affect a total of 105 facilities, resulting in a total net burden reduction of 2,122 hours and \$26,132.21 per year. This change in burden in response to the vacatur is captured by the Emergency Information Collection Request EPA ICR Number 2310.05 and has been factored into the baseline for this Information Collection Request.

Following the orders issued by the United States Court of appeals for the District of Columbia Circuit on July 7, 2014 and amended on March 6, 2018, the existing paperwork requirements for the RCRA DSW exclusions are currently organized around 6 requirements:

- Requirement 1. DSW off-site transfer-based exclusion;
- Requirement 2. DSW generator-controlled exclusion;
- Requirement 3. Solid waste variances and non-waste determinations
- Requirement 4. DSW “remanufacturing” exclusion;

Requirement 5: Required recordkeeping for speculative accumulation.

Requirement 6: Export Requirements

## 2. NEED FOR AND USE OF THE COLLECTION

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

EPA promulgated the DSW regulations are under the authority of sections 2002, 3001, 3002, 3003, 3004, 3007, 3010, and 3017 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), and as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6921, 6922, 6923, and 6924. The information requested under the DSW regulations is the minimum information necessary to ensure that hazardous secondary material is being managed in a manner protective of human health and the environment.

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

- *Off-site Transfer Based Exclusion for Hazardous Secondary Material:* Generators that send their hazardous secondary materials to facilities that do not have a permit are required to conduct a “reasonable efforts” environmental audit of the receiving facilities. EPA considers this to be the minimum information needed to enable a creditable audit of the receiving facility. EPA requires generators to follow certain emergency preparedness and response regulations as a condition of the transfer-based exclusion. Generators that accumulate less than 6,000 kg of hazardous secondary material on site must comply with the emergency preparedness and response requirements in part 265 subpart C, while generators accumulating more than 6,000 kg of hazardous secondary material on site must comply with part 265 subparts C and D. These emergency preparedness and response conditions include recordkeeping requirements for personnel training, as well as recordkeeping and reporting requirements for contingency planning and emergency procedures. These conditions contribute to EPA’s goal of minimizing the potential for employee-related mistakes that may threaten human health and the environment, as well as minimizing unanticipated damage from the accumulation of hazardous waste at generator sites. EPA also has financial assurance requirements as a condition of exclusion. The associated paperwork requirements for these provisions are the minimal amount of requirements necessary needed to ensure owners/operators use a financial mechanism.
- *Hazardous Secondary Material Generated and Reclaimed under the Control of the Generator:* EPA has certification requirement for materials that are generated and reclaimed under the control of the generator because of existing complexities in corporate ownership and liability. The certification is needed for hazardous secondary materials that are generated and reclaimed within the same company and under certain tolling arrangements. The certification increases the company’s awareness and accountability for ensuring that the generator and reclamation facilities are in fact under its ownership. The certification also may be needed by regulators (e.g., on-site inspectors) to verify compliance. Under the generator-controlled exclusion at 40 CFR 261.4(a)(23), EPA requires the tolling contractor to maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the

shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. EPA also requires generators to follow certain emergency preparedness and response regulations as a condition of the generator-controlled exclusion. Generators that accumulate less than 6,000 kg of hazardous secondary material on site must comply with the emergency preparedness and response requirements in part 265 subpart C, while generators accumulating more than 6,000 kg of hazardous secondary material on site must comply with part 265 subparts C and D. These emergency preparedness and response conditions include recordkeeping requirements for personnel training, as well as recordkeeping and reporting requirements for contingency planning and emergency procedures. These conditions contribute to EPA's goal of minimizing the potential for employee-related mistakes that may threaten human health and the environment, as well as minimizing unanticipated damage from the accumulation of hazardous waste at generator sites.

- *Solid Waste Variances and Non-Waste Determinations:* The intent of the solid waste variance and non-waste determination petition process is to provide petitioners with an administrative procedure for receiving a formal determination that their material is not a solid waste. For cases where there is ambiguity about whether a secondary material is a solid waste, this process may be needed to provide regulatory certainty for both the facility and Agency. EPA has the following requirements in Part 260: (1) requiring facilities to send notice to the Administrator and potentially re-apply for a variance in the event of a change in circumstances that affect how a hazardous secondary material meets the criteria upon which a variance or non-waste determination has been based; (2) establishing a fixed term not to exceed ten years for variance and non-waste determinations, at the end of which facilities must re-apply for a variance or non-waste determination; (3) requirements that all the criteria for a partial reclamation variance must be met; and (4) requirements that that petitioners demonstrate why they cannot meet, or should not have to meet, existing solid waste exclusions under §§ 261.2 or 261.4.
- *Remanufacturing Exclusion:* Under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments. Regulatory authorities need such recordkeeping requirements to determine if ensures that hazardous secondary materials are being transferred to their intended destinations in accordance with the exclusions.
- *Recordkeeping and Labeling for Speculative Accumulation:* Under the revised speculative accumulation requirement in 261.1(c)(8), all persons subject to the speculative accumulation requirements (including but not limited to persons operating under the generator-controlled exclusions of 261.4(a)(23)) must label the storage unit by indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. Such information is needed by inspectors and other regulatory authorities to quickly ascertain how long a facility has been storing an excluded hazardous secondary material, and, therefore, whether that facility was in compliance with the storage time limits of 40 CFR 261.1(c)(8).
- *Recordkeeping for Export under the Transfer-Based Exclusion:* Generators are able to export their hazardous waste secondary materials under the transfer-based exclusion if they provide notice and obtain consent of the receiving country, and file an annual report. Such procedures help ensure, for example, that the materials will not be discarded and give the receiving country an opportunity to respond to the intended shipment (e.g., request additional information).

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

### **Off-site Transfer Based Exclusion for Hazardous Secondary Material**

Generators that send their hazardous secondary materials to facilities that do not have a permit are required to conduct a “reasonable efforts” environmental audit of the receiving facilities. This information will be made available upon request by a regulatory authority in order to ensure generators conducted a creditable audit of the receiving facility. The emergency preparedness and response conditions include recordkeeping requirements for personnel training. This information will be used by both EPA and generators to determine whether employees have acquired the necessary expertise to perform their jobs. EPA also needs this information to review personnel records to determine whether employees are receiving a level of training that is commensurate with their duties and responsibilities as well as their ability to respond to any emergency situations at the facility. In addition, the contingency plans may be reviewed by EPA inspectors to determine whether generators have developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water. EPA also has financial assurance requirements as a condition of exclusion. The associated paperwork requirements will be used by EPA to ensure owners/operators use a financial mechanism.

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

EPA has certification requirements for certain materials that are generated and reclaimed under the control of the generator (i.e., within the same company and under certain tolling arrangements) because of existing complexities in corporate ownership and liability. The certification will be used to hold the company accountable for knowing and complying with the definition of “hazardous secondary materials generated and reclaimed under the control of the generator” and to enable regulatory authorities to determine when facilities are eligible for this exclusion. The certification will also be used by the generator to increase the company’s awareness and accountability for ensuring that the generator and reclamation facilities are in fact under its ownership. The emergency preparedness and response conditions include recordkeeping requirements for personnel training. This information will be used by both EPA and generators to determine whether employees have acquired the necessary expertise to perform their jobs. EPA also needs this information to review personnel records to determine whether employees are receiving a level of training that is commensurate with their duties and responsibilities as well as their ability to respond to any emergency situations at the facility. In addition, the contingency plans may be reviewed by EPA inspectors to determine whether generators have developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water.

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

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

### **Remanufacturing Exclusion**

Under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments. Regulatory authorities need such recordkeeping requirements to determine if ensures that hazardous secondary materials are being transferred to their intended destinations in accordance with the exclusions.

### **Recordkeeping and Labeling for Speculative Accumulation**

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

### **Recordkeeping for Export under the Transfer-Based Exclusion**

Generators are able to export their hazardous waste secondary materials under the transfer-based exclusion if they provide notice and obtain consent of the receiving country, and file an annual report. Such procedures help ensure, for example, that the materials will not be discarded and give the receiving country an opportunity to respond to the intended shipment (e.g., request additional information).

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

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

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

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

A notice published on April 27, 2018 (83 FR 8259) serves as the public notice for this ICR. Responses to comments were taken into account in developing the final rulemaking.

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

In April 2018, EPA contacted a number of hazardous secondary materials generators and to solicit input in this ICR

The table below identifies the organizations contacted for this ICR. Although EPA did not receive feedback from all nine organizations contacted, feedback from the facilities that provided feedback is reflected in the burden and cost assumptions of this ICR.

**Organizations EPA Contacted for ICR Preparation  
(April 2018)**

| <b>Name of Organization</b> | <b>Name of Representative</b> | <b>Phone Number</b> |
|-----------------------------|-------------------------------|---------------------|
| General Electric            | Jim Verderese                 | 814-875-2019        |
| Carpenter Technology Corp   | Sean McGowan                  | 610-208-2000        |

| <b>Name of Organization</b>       | <b>Name of Representative</b> | <b>Phone Number</b> |
|-----------------------------------|-------------------------------|---------------------|
| CCL Label Inc                     | David Venanzi                 | 609-953-5050        |
| Consolidated Packaging Group Inc. | Jacob Schwartz                | 201-440-4240        |
| Aleris Rolled Products            | Bruce Schlichter              | 856-863-5452        |
| V&S Lebanon Galvanizing LLC       | Wayne Stehman                 | 717-861-7777        |
| Pfizer Pharmaceutical             | Ruth Llorens                  | 787-858-2323        |
| Fiabila Inc.                      | Oliver Corregge               | 973-659-9510        |

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

EPA is confident that the activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed. In addition, other requirements can be satisfied by activities already being undertaken by respondents. If the minimum information collection requirements of the rule are not met, EPA will not be able to ensure that the hazardous secondary materials are being properly managed and do not pose a threat to human health and the environment.

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

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

**3(f) *Confidentiality***

Participation under the exclusions is voluntary. EPA does not expect to deem any information collected under the rule to be CBI (Confidential Business Information). If such a claim were asserted, EPA must and will treat the information in accordance with the applicable regulations (e.g., 40 CFR Part 2, Subpart B). EPA also will assure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

**3(g) *Sensitive Questions***

No questions of a sensitive nature are included in the information collection requirements associated with the rule.

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

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

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



NAICS Codes of Potentially Affected Industries

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

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

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

##### **Off-site Transfer Based Exclusion for Hazardous Secondary Material**

The transfer-based exclusion requires emergency preparedness and response conditions, financial assurance, and maintenance of records of hazardous secondary material shipments and confirmation of receipts for three years.

##### Recordkeeping

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

##### Financial Assurance

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

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

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

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

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

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

**(3) Letter of Credit**

- (i) Data items
  - Irrevocable standby letter of credit whose wording is identical to the wording specified in section 261.151(c).
  - Letter from the owner or operator under section 261.143(c)(4), referring to the letter of credit by number, issuing institution, and date,

and providing the following information: The EPA Identification Number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.

- A letter from the issuing institution under section 261.143(c)(5), notifying both the owner or operator and the Regional Administrator by certified mail of a decision not to extend the expiration date.
- Evidence of an increase in the credit or other financial assurance as specified to cover the increase, whenever the current cost estimate increases to an amount greater than the amount of the credit, as provided under section 261.143(c)(7).

(ii) Respondent activities

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

**(4) Insurance**

(i) Data items

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

(ii) Respondent activities

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

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

**(i) Data items**

- Information required under section 261.143(e)(3):
  - A letter signed by the owner's or operator's chief financial officer and worded as specified in section 261.151(e).
  - A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.
  - A special report from the owner's or operator's independent certified public accountant to the owner or operator, if required. The special report shall be based upon an agreed upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of the comparison, and the reasons for any differences.
- A letter as required under section 261.143(e)(4) from the owner/operator's chief financial officer that:
  - Requests the extension;
  - Certifies that he has grounds to believe that the owner or operator meets the criteria of the financial test;
  - Specifies for each facility to be covered by the test the EPA Identification Number (if any issued), name, address, and current cost estimates to be covered by the test;
  - Specifies the date ending the owner's or operator's last complete fiscal year before the effective date of these regulations;
  - Specifies the date, no later than 90 days after the end of such fiscal year, when he will submit the documents specified in paragraph (e)(3) of this section; and
  - Certifies that the year-end financial statements of the owner or operator for such fiscal year will be audited by an independent certified public accountant.
- Annual update of information as required under section 261.143(e)(5), after the initial submission of these items.
- Notice as required under section 261.143(e)(6) from the owner/operator to the Regional Administrator of intent to establish alternate financial assurance as specified in this section.
- Reports as required under section 261.143(e)(7) of financial condition from the owner or operator in addition to those specified in paragraph (e)(3) of this section, if requested by the Regional Administrator.
- A guarantee whose wording is identical to the wording specified in section 261.151(g)(1). A certified copy of the guarantee must accompany the items sent to the Regional Administrator. The terms of the guarantee must address the criteria specified in section 261.143(e)(10)(i)-(iii).
- A letter under section 261.143(e)(10) from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

**(ii) Respondent activities**

- The owner/operator must perform the following activities:
  - Prepare and submit to EPA a signed letter, copy of the independent certified public accountant's report on examination of the

- owner's or operator's financial statements, a special report from the owner's or operator's independent certified public accountant if applicable, and a guarantee if applicable.
- To obtain an extension of the time allowed for submission of the documents specified in section 261.143(e)(3), prepare and send a letter to the Regional Administrator of each Region in which the owner's or operator's facilities to be covered by the financial test are located.
  - Prepare and submit updated information to EPA under section 261.143(e)(5), at the close of each fiscal year, as specified.
  - Prepare and submit a notice to EPA by certified mail of intent to establish alternate financial assurance.
  - Prepare and submit reports of financial condition, if requested by the Regional Administrator.
  - Obtain alternate financial assurance and obtain EPA approval if required because the financial tests are no longer met or disallowed by EPA.
  - Comply with the terms in the letter from the chief financial officer and guarantee.

### Emergency Preparedness and Response

#### (i) Data items

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

#### (ii) Respondent activities

- Collect and maintain the personnel training records as described above
- Under contingency planning requirements, generators must:
  - o Collect data required in contingency plan;
  - o Document whether authorities decline arrangement;
  - o Write contingency plan;
  - o Maintain contingency plan;
  - o Submit contingency plan to relevant emergency centers; and
  - o Amend contingency plan, when appropriate
- Under emergency procedure requirements, generators accumulating less than 6,000 kg of hazardous secondary material must:
  - o Observe scene of hazardous waste discharge;
  - o Report by phone requested data for NRC;
  - o Document that local officials declines to enter into arrangements for coordinating response; and
  - o Providing post-emergency information by phone
- Under emergency procedure requirements, generators accumulating more than 6,000 kg of hazardous secondary material must:
  - o Collect information required in emergency report;
  - o Write emergency report; and
  - o Call OSC or notify NRC; notify local authorities if advisable

Reasonable Efforts

(i) Data items

- Documentation and certification that is available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority

(ii) Respondent Activities

- Conduct reasonable efforts for intermediate facilities and reclaimers and prepare certification statement using outside vendor
- Maintain for a minimum of three years documentation and certification that reasonable efforts were made as specified

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

## Certifications

### (i) Data items

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

### (ii) Respondent activities

- The generator or tolling contractor must prepare the certification

## Recordkeeping Requirement for Tolling Arrangements

### (i) Data items

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

### (ii) Respondent activities

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



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

#### Emergency Preparedness and Response

##### (i) Data items

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

##### (ii) Respondent activities

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

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

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

#### Variances from Classification as a Solid Waste

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

#### (i) Data items

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

(ii) Respondent activities

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

Non-Waste Determinations under 40 CFR 260.34

Under current 40 CFR 260.30, persons may apply for a non-waste determination in order to receive a formal determination that their hazardous secondary materials are not discarded and, therefore, are not solid wastes when legitimately reclaimed. There are two types of non-waste determinations: (1) a determination for hazardous secondary materials reclaimed in a continuous industrial process; and (2) a determination for hazardous secondary materials indistinguishable in all relevant aspects from a product or intermediate. Each non-waste determination is based on a set of criteria that is codified in 40 CFR 260.34.

(i) Data items

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

(ii) Respondent activities

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

**Remanufacturing Exclusion**

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

- The hazardous secondary material consists of one or more of the following solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, and methanol;
  - The hazardous secondary material originated from using one or more of the above-listed solvents in commercial grade for reacting, extracting, purifying, or blending chemicals in the pharmaceutical, organic chemical, or plastics and resins manufacturing sectors, or the paint and coatings sector;
  - After re-manufacturing, the continuing use of the solvent is limited to reacting, extracting, purifying, or blending chemicals in the pharmaceutical, organic chemical, or plastics and resins manufacturing sectors, or the paint and coatings sector, or using them as ingredients in a product. These allowed continuing uses correspond to chemical functional uses enumerated under the final modification to the Inventory Update Rule of the Toxic Substances Control Act (40 CFR Parts 704, 710–711), including Industrial Function Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents become part of the mixture); and
  - After remanufacturing, the continuing use of the solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles (i.e., disallowed continuing uses that correspond to chemical functional uses in Industrial Function Code U029 under the proposed modification of the Inventory Update Rule of the Toxics Substances Control Act).
- (i) Data items
- Remanufacturing exclusion:
    - Remanufacturing plan including:
      - Name, address and EPA ID number of the generator(s) and the remanufacturer(s)
      - Types and expected annual volumes of solvents to be remanufactured;
      - The processes and industry sectors that generate the solvents;
      - The specific uses and industry sectors for the remanufactured solvents; and
      - Certification from the remanufacturer
    - Records of shipments and confirmation of receipts
    - Management in tanks and containers
      - Prior to remanufacturing, includes labels on the tanks and containers or a record of the material being stored
    - No speculative accumulation
      - See requirements prohibiting speculative accumulation per 40 CFR 261.1(c)(8)

- Petition to add other chemicals, industries, and/or chemical functions to the remanufacturing exclusion (includes a waste characterization test)
- (ii) Respondent activities
  - Remanufacturing exclusion:
    - Both the hazardous secondary material generator and the remanufacturer will have to:
      - Notify EPA or the State Director, if the state is authorized for the program, and update the notification every two years per 40 CFR 260.42;
      - Develop and maintain a remanufacturing plan;
      - Maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;
      - Prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards that would be the same as those found in 40 CFR part 264 subparts I and J, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored. During remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, ensure that there is effective control of hazardous air emissions by complying with all applicable NESHAP standards, and with the requirements of 40 CFR part 264 or 265 subparts AA, BB, CC. This activity would be covered under existing EPA ICRs 1572: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types, 820: Hazardous Waste Generator Standards and 1593: Air Emission Standards for Tanks, Surface Impoundment and Containers; and
      - Meet the requirements prohibiting speculative accumulation per 40 CFR 261.1(c)(8)
  - Petition process:
    - Prepare and submit a petition for adding to the eligibility criteria (e.g., adding industries, adding chemicals) of the exclusion

### **Recordkeeping for Speculative Accumulation**

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

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

(ii) Respondent activities

- Label and perform any recordkeeping to document speculative accumulation limits are being met.

**Recordkeeping for Export under the Transfer-Based Exclusion**

Generators are able to export their hazardous waste secondary materials under the transfer-based exclusion if they provide notice and obtain consent of the receiving country, and file an annual report.

(i) Data items

- Keep copies of notifications and Acknowledgments of Consent to Export for a period of three years following receipt of the Acknowledgment.

(ii) Respondent activities

- Submit a complete notification to EPA at least sixty days before the initial shipment is intended to be shipped offsite. This notification may cover export activities extending over a twelve month or lesser period.
- Submit a renotification when specified conditions on the notification change as applicable.
- Re-notify EPA if a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility.
- Keep copies of notifications and Acknowledgments of Consent to Export for a period of three years following receipt of the Acknowledgment.
- Prepare and submit annual report no later than March 1 of each year.

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

**5(a) Agency Activities**

**Off-site Transfer Based Exclusion for Hazardous Secondary Material**

Financial Assurance

- Trust fund
  - Receive and evaluate originally signed duplicate of the trust agreement and formal certification of acknowledgement
  - Receive and evaluate other financial assurance

- Receive, review, and respond to request for release of the amount in excess of the current cost estimate
  - Receive, review, and respond to request for release of the amount in excess of current cost estimate covered by trust fund
  - Instruct the trustee to release to the owner/operator such funds as EPA specifies in writing
  - Take other action as needed
- Surety bond guaranteeing payment into a trust fund
  - Receive and evaluate surety bond
  - Receive, review, and file evidence of the increase in the penal sum or other financial assurance to cover the increase
  - Receive and evaluate alternate financial assurance if required because of cancellation of the bond
  - Receive, review, and file notice of cancellation from surety company
  - Take other action as needed
- Letter of credit
  - Receive and evaluate letter of credit and letter referring to the letter of credit
  - Receive, review, and file evidence of an increase in the credit or other financial assurance as specified to cover the increase
  - Receive and evaluate alternate financial assurance if required because of termination of credit
  - Receive, review, and file a notice of a decision not to extend the expiration date of the credit from the issuing institution
  - Take other action as needed
- Insurance
  - Receive and evaluate certificate of insurance
  - Receive, review, and approve reimbursements for expenditures
  - Receive, review, and file evidence of an increase in the policy or approve other financial assurance as specified to cover the increase
  - Receive and evaluate alternate financial assurance if required because of cancellation, termination, or failure to renew the insurance
  - Receive, review, and file notice of cancellation
  - Take other action as needed

- Financial test and corporate guarantee
  - Receive and evaluate a signed letter and accompanying material
  - Receive, review, and approve an extension of the time allowed for submission of the documents specified in section 261.143(e)(3)
  - Receive, review, and file updated information at the close of each fiscal year
  - Receive, review, and file a notice of intent to establish alternate financial assurance
  - Request, receive, review and file reports of financial condition
  - Receive and evaluate alternate financial assurance
  - Prepare and transmit notice of disallowance
  - Take other action as needed

Emergency Preparedness

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

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

Emergency Preparedness

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

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

Re-Application

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



### Re-Notification

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

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

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

### Non-Waste Determination

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

### **Remanufacturing Exclusion**

#### Petition Process

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

### Technical Standards

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

#### NESHAP Standards

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

#### **Recordkeeping for Speculative Accumulation**

This revision does not contain agency activities.

#### **Recordkeeping for Export under the Transfer-Based Exclusion**

- Receive, review, and file shipment notifications and renotifications.
- Receive, review, and file annual reports.

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

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

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

The exclusions in this ICR are voluntary and deregulatory. As such, there is no adverse burden impact to large or small entities.

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

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

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

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

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

This section estimates the burden of reporting and recordkeeping RCRA DSW exclusions.

The estimates of the number of entities subject to the rule's requirements were estimated based on EPA's 2014 Regulatory Impact Analysis (RIA) for this rulemaking,<sup>1</sup> the final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule),<sup>2</sup> and notifications from hazardous secondary material generators in RCRAInfo. The unit burden and cost of the requirements were estimated based on the 2014 Final Rule RIA, as well as burden estimates taken from the final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule),<sup>3</sup> This supporting statement provides burden and cost estimates for the three years 2018-2021. All costs are presented in year 2017 dollars.

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

Exhibit 1 provides estimates of the respondent hourly burden associated with the final rule's paperwork requirements. Exhibit 1 includes burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents.

### **6(b) Estimating Respondent Costs**

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

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

The labor wage rates used to estimate costs to respondents were calculated as shown in the following table. The 2017 average wage rates from are the average wage rates are reported in the Bureau of Labor Statistics, 2017 National Occupational Employment and Wage Estimate, released March 30, 2018. The fringe benefit cost factor is calculated from the Bureau of Labor Statistics, Employer Costs for Worker Compensation, released June 9, 2017. The overhead loading factor is calculated from Remedial Action Cost Engineering and Requirements (RACER) cost estimating software 2005 defaults.

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

---

1 Regulatory Impact Analysis. EPA's 2014 Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. 8 October 2014.

2 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

3 Ibid.

| A              | B  | C  | D                                  | E                           | F<br>[C x D x E]                            |
|----------------|--|--|------------------------------------|-----------------------------|---|
| Labor Category | US Bureau of Labor Statistics Standard Occupational Code | Non-loaded 2017 average (mean) wage rate (\$ per hour) | Fringe benefits loading multiplier | Overhead loading multiplier | Loaded 2017 average wage rate (\$ per hour) |
| 1. Legal       | 23-1011 lawyers  | \$68.22  | 1.43                               | 1.336                       | \$ 130.33                                   |
| 2. Managerial  | 11-1021 general & operations managers                    | \$59.35  | 1.43                               | 1.336                       | \$113.39                                    |
| 3. Technical   | 17-2081 environmental engineers                          | \$43.83  | 1.43                               | 1.336                       | \$83.74                                     |
| 4. Clerical    | 43-9061 office clerks, general                           | \$16.30  | 1.43                               | 1.336                       | \$31.14                                     |

**(2) Capital Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements covered in this ICR.

**(3) Operation & Maintenance Costs**

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” This ICR includes O&M costs for postage (i.e., \$0.48 for regular mail, \$3.16 for certified mail, and \$11.73 for registered mail).

The ICR estimates (based on the 2014 RIA) that sampling and analytical costs for a hazardous secondary material characterization are \$334 per sample (updated to 2017 dollars using the Bureau of Labor Statistics Consumer Price Index (CPI)). The ICR includes a \$0.12 cost for making copies of plans, from EPA’s 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). Also, EPA assumes O&M costs of \$5.67 per

long distance call, based on the estimate given in EPA’s 2008 ICR No. 820.10 (Hazardous Waste Generator Standards), updated to 2017 dollars using the Bureau of Labor Statistics Consumer Price Index. The ICR includes a \$28.26 unit O&M cost based on EPA’s 2007 ICR No. 1189.20 to prepare and submit a re-application and to provide additional information on whether partial reclamation is substantial. The ICR also includes a \$28.18 unit O&M cost for the preparation of an initial variance application (based on EPA’s 2012 ICR No. 1189.24), and estimates that the O&M unit cost for a re-application or renewal of the variance as 50% of that for the initial application, or \$14.09 (based on the 2014 RIA). The ICR also estimates a \$3,820 O&M cost for generators using the transfer-based exclusion to hire an outside auditor to conduct a reasonable efforts audit based on the 2008 ICR.

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

The final rule will be administered by RCRA-authorized state government regulatory programs and EPA. Unloaded mean hourly labor wage rates for states’ activities were taken from the Bureau of Labor Statistics’ (BLS) Occupational Employment Statistics from “May 2017 National Occupational Employment and Wage Estimates” for Federal, State, and Local Government (NAICS 999001) released March 30, 2018. The fringe benefit cost factor is calculated from the Bureau of Labor Statistics, Employer Costs for Worker Compensation, released June 9, 2017. The overhead loading factor is calculated from Remedial Action Cost Engineering and Requirements (RACER) cost estimating software 2005 defaults.

| <b>Agency Labor<br/>(Based on 2017 Federal, State, and Local Government Loaded Hourly Wage Rates)</b> |   |  |                                    |                             |   |
|---|---|--|------------------------------------|-----------------------------|---|
| A   | B   | C  | D                                  | E                           | F<br>[C x D x E]                            |
| Labor Category  | US Bureau of Labor Statistics Occupational Code | Non-loaded 2017 average (mean) wage rate (\$ per hour) | Fringe benefits loading multiplier | Overhead loading multiplier | Loaded 2017 average wage rate (\$ per hour) |
| 1. Legal  | 23-1011 lawyers                                 | \$52.39  | 1.43                               | 1.336                       | \$100.09                                    |
| 2. Managerial   | 11-0000   | \$48.69  | 1.43                               | 1.336                       | \$93.02                                     |
| 3. Technical  | 17-2081 environmental engineers                 | \$41.78  | 1.43                               | 1.336                       | \$79.82                                     |
| 4. Clerical   | 43-9061 office clerks, general                  | \$16.11  | 1.43                               | 1.336                       | \$30.78                                     |

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

In this section, EPA first describes the estimated respondent universe. EPA then estimates the annual burden to respondents for the DSW paperwork requirements.

**(1) Respondent Universe**

EPA obtained some of the respondent universe estimates for the 2014 Final Rule ICR.<sup>4</sup> The previous 2014 Final Rule ICR relied on EPA's 2014 Regulatory Impact Analysis (RIA) for the rulemaking<sup>5</sup> and the 2011 Proposed Rule ICR.<sup>6</sup> However, this ICR relies on EPA's RCRAInfo database to estimate the number of facilities using the transfer-based exclusion and the generator-controlled exclusion. Facilities that manage hazardous secondary material under these exclusions report the tons of hazardous secondary material they manage on-site or off-site. Thus, the RCRAInfo database of facilities managing hazardous secondary material under the transfer-based exclusion and generator-controlled exclusion in 2015 provides a more accurate estimate of the generators operating under these exclusions. Following are the primary respondent universe estimates that are used in this ICR:

- 60 generators will participate in the transfer-based exclusion in 40 CFR 261.4(a)(24). This figure is estimated using the RCRAInfo database of facilities that manage hazardous secondary materials. The RCRAInfo database indicates that in 2015, 60 generators notified as hazardous secondary material generators that transferred hazardous secondary material off-site to a permitted reclaimer. Thus, EPA assumes that 60 generators participate in the transfer-based exclusion annually.
- 8 generators will need to conduct a reasonable efforts environmental audit for intermediate facilities and reclaimers as specified. This figure is estimated using the RCRAInfo database of facilities that manage hazardous secondary materials. The RCRAInfo database indicates that in 2015, 8 facilities reported as reclaimers receiving hazardous secondary material from off-site. Of these 8 facilities, almost all the facilities have a RCRA Part B permit or interim status. Thus, EPA expects that of the 60 generators that participate in the transfer-based exclusion, most send their hazardous secondary material to a facility that has a RCRA Part B permit or interim status. Thus, most of these generators will not need to conduct a reasonable efforts environmental audit. Assuming one of the 8 facilities that reported as a reclaimed receiving hazardous secondary material from off-site, and assuming an equal distribution of generators that ship to reclaimers, this ICR estimates that 8 generators will need to conduct a reasonable efforts audit annually. During the time period that the 2008 DSW rule was in effect (December 2008 through June 2015), all reclamation facilities participating the exclusion had RCRA permits, so no generators were required to perform reasonable efforts. In the future, if reclamation facilities without permit do participate in the exclusion, EPA expects they will generally do so in partnership with generators in order to address a particular wastestream, because otherwise generators will generally continue to use permitted facilities.
- 62 generators will generate and reclaim their hazardous secondary materials under the control of the generator at 40 CFR 261.4(a)(23). This figure is estimated using the RCRAInfo database of facilities that manage hazardous secondary materials. The RCRAInfo database indicates that in 2015, 62 generators notified as hazardous secondary material generators that participated in the generator-controlled exclusion. Of these generators, 59 reported that they reclaimed hazardous secondary material on-site or transferred hazardous secondary material to a reclaimer within the same company, and 3 reported that they managed hazardous secondary material under a tolling arrangement. 62 generator-controlled exclusion facilities will be required to prepare and maintain documentation of their legitimacy determination onsite. Documentation must be a written description of how the recycling meets all four factors in 40 CFR 260.43(a).

---

4 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

5 Regulatory Impact Analysis. EPA's 2014 Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste. 8 October 2014.

6 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Proposed Rule). 30 June 2011.

- 1 facility will re-submit a non-waste determination petition annually as a result of the provision at 40 CFR 260.33(d) that variances and non-waste determinations should be effective for a fixed term not to exceed ten years. At the end of this term, facilities must re-apply for a non-waste determination. This estimate is based on the 2014 Final Rule RIA using the number of annual average non-waste determination petition facilities in the first three years of the analysis period (14) divided by ten.
- 2 facilities will re-submit a variance petition annually as a result of the provision at 40 CFR 260.33(d) that variances and non-waste determinations should be effective for a fixed term not to exceed ten years. At the end of this term, facilities must re-apply for a variance. This estimate is based on the 2014 Final Rule RIA using the number of annual average variance petition facilities in the first three years of the analysis period (20) divided by ten.
- 4 variance re-applications will be submitted annually as a result of the requirement to re-apply for a variance if material no longer meets relevant variance criteria. This estimate is based on EPA's 2014 RIA for this rulemaking.
- 1 generator will generate and reclaim their hazardous secondary materials under the remanufacturing exclusion. Although the RCRAInfo database indicates that in 2015 no generators reported that they were operating under the remanufacturing exclusion, EPA anticipates that 1 generator will generate and reclaim their hazardous secondary material under the remanufacturing exclusion.
- 7,500 facilities utilize the pre-2008 DSW exclusions. This estimate is based on the 2014 Final Rule RIA that assumes that between 5,000 and 10,000 facilities conduct recycling/reuse activities under the six affected pre-2008 DSW exclusions. The mid-point of 7,500 facilities is used in the cost calculation.
- 36 exporters will complete a notification to EPA prior to shipment, keep copies of notifications and Acknowledgements of Consent to Export, and submit an annual report. This estimate is derived from the 2012 Information Collection Request for the RCRA Definition of Solid Waste.<sup>7</sup>

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

### **Off-site Transfer Based Exclusion for Hazardous Secondary Material**

EPA estimates that 60 generators will be eligible for the transfer-based exclusion during the period 2018-2021 covered by this ICR. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

#### Emergency Preparedness and Response

##### *Personnel Training*

The RCRA DSW requirements include training requirements for generators who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the DSW transfer-based exclusion. Given a total of 60 facilities participating in the transfer-based exclusion, and 1.3% of generators under the transfer based exclusion are VSQGs (based on the 2014 Final Rule RIA), there is 1 respondent that will conduct personnel training per year.

---

<sup>7</sup> Information Collection Request. Supporting Statement for RCRA Definition of Solid Waste. 10 May 2012.

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

These assumptions are reflected in Exhibit 1.

#### *Contingency Plan*

Under the DSW requirements, generators that accumulate more than 6,000 kg of hazardous secondary material are required to prepare and implement a contingency plan if they are recycling under the transfer-based exclusion or are intermediate facilities and recyclers that do not have a RCRA permit. Given a total of 60 facilities participating in the transfer-based exclusion, and 1 is estimated to accumulate less than 6,000 kg of hazardous secondary material, EPA estimates that 59 will conduct contingency planning activities per year. In addition, based on the 2014 Final Rule RIA, the ICR assumes that 10% of facilities amend contingency plans each year (i.e., 6 respondents per year).

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

#### *Emergency Procedures*

The DSW requirements includes emergency procedures requirements for facilities that are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the transfer-based exclusion. Burden for these activities is derived from EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). However, based on the 2014 Final Rule RIA, 1.7% of generators per year that have an emergency incident. Therefore, based on EPA's estimate that there is 1 generator that accumulates less than 6,000 of hazardous secondary material that is operating under the transfer-based exclusion, EPA assumes there are no generators accumulating less than 6,000 kg of hazardous secondary material that will conduct emergency procedures activities per year.

There are a total of 59 estimated facilities participating in the transfer-based exclusion that accumulate more than 6,000 kg of hazardous secondary material. Based on the 2014 Final Rule RIA, 1.7% of generators per year that have an emergency incident. Therefore, EPA estimates there is 1 generator accumulating more than 6,000 kg that will conduct emergency procedures activities per year.

These assumptions are reflected in Exhibit 1.

#### Financial Requirements

EPA estimates that 1 intermediate or reclamation facilities will claim an exclusion under section 261.4(a)(24) and therefore be subject to the financial assurance requirements. The RCRAInfo database indicates that in 2015, 8 facilities reported as reclaimers receiving hazardous secondary material from off-site under the transfer-based exclusion. Of these 8 facilities, almost all the facilities have a RCRA Part B permit or interim status. The RCRAInfo permitting database indicates that only 1 facility does not have a RCRA Part B permit or interim status that is also reporting as a reclaimer receiving hazardous secondary material from off-site.

Each facility must prepare a cost estimate under section 261.142. Each facility must also update the cost estimate annually, revise it as



required, and maintain records of the most up-to-date version. Each facility must establish financial assurance as required under section 261.143. Facilities must establish coverage by using one or more of the following: trust fund, surety bond guaranteeing payment into a trust fund, letter of credit, insurance, and financial test or guarantee. The estimated burden for preparing a cost estimate and obtaining financial assurance is assumed to be similar to the burden for facilities with a RCRA Part B permit or interim status that must prepare cost estimates and obtain financial assurance in EPA's 2016 ICR No. 1573.14 (Part B Permit Application, Permit Modifications, and Special Permits").

These assumptions are reflected in Exhibit 1.

### Reasonable Efforts

EPA estimates that 8 generators will conduct a reasonable efforts environmental audit annually.

Under the requirements found at 261.4(a)(24)(v)(C), the generator must perform the following activities:

- Conduct reasonable efforts for intermediate facilities and reclaimers as specified and prepare the certification statement.
- Maintain for a minimum of three years documentation and certification that reasonable efforts were made as specified.
- Make documentation and certification available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority.

The estimates for the burden is taken from EPA's 2012 ICR No. 2310.02 (RCRA Definition of Solid Waste).

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

EPA estimates that 62 generators will utilize DSW exclusion for generator-controlled recycling during the time period covered by this ICR. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

### Recordkeeping for the Tolling Provision

EPA estimates that 3 generators operating under the exclusion at 40 CFR 261.4(a)(23) will operate under a tolling arrangement. Both the generator and the contractor must maintain records of all hazardous secondary materials shipped pursuant to the tolling arrangement.

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

These assumptions are reflected in Exhibit 1.

### Legitimacy Documentation

EPA is requiring facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions of 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite. The document would consist of a written narrative outlining how their recycling meets each of the four factors of legitimacy as described in 40 CFR 260.43 and would be kept onsite for the duration of the recycling

and for three years after recycling operations cease. The total number of generator-controlled exclusion facilities is estimated at 62, as described above. The number of facilities subject to this requirement is 21 (calculated as 62 divided by three).

### Emergency Preparedness and Response

#### *Personnel Training*

The RCRA DSW requirements include training requirements for generators who are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the generator-controlled exclusion. Given a total of 62 facilities participating in the generator-controlled exclusion, and 1.3% of generators under the generator-controlled exclusion are VSQGs (based on the 2014 Final Rule RIA), there is 1 respondent that will conduct personnel training per year.

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

These assumptions are reflected in Exhibit 1.

#### *Contingency Plan*

Under the DSW requirements, generators that accumulate more than 6,000 kg of hazardous secondary material are required to prepare and implement a contingency plan if they are recycling under the generator-controlled exclusion. Given a total of 62 facilities participating in the generator-controlled exclusion, and 1 is estimated to accumulate less than 6,000 kg of hazardous secondary material, EPA estimates that 61 will conduct contingency planning activities per year. In addition, based on the 2014 Final Rule RIA, the ICR assumes that 10% of facilities amend contingency plans each year (i.e., 5 respondents per year).

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

#### *Emergency Procedures*

The DSW requirements includes emergency procedures requirements for facilities that are accumulating less than 6,000 kg of hazardous secondary material and recycling them under the generator-controlled exclusion. Burden for these activities is derived from EPA's 2014 ICR No. 0820.11 (Hazardous Waste Generator Standards (Renewal)). However, based on the 2014 Final Rule RIA, 1.7% of generators per year that have an emergency incident. Therefore, based on EPA's estimate that there is 1 generator that accumulates less than 6,000 of hazardous secondary material that is operating under the generator-controlled exclusion, EPA assumes there are no generators accumulating less than 6,000 kg of hazardous secondary material that will conduct emergency procedures activities per year.

There are a total of 61 estimated facilities participating in the generator-controlled exclusion that accumulate more than 6,000 kg of hazardous secondary material. Based on the 2014 Final Rule RIA, 1.7% of generators per year that have an emergency incident. Therefore, EPA estimates there is 1 generator accumulating more than 6,000 kg that will conduct emergency procedures activities per year.

These assumptions are reflected in Exhibit 1.

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

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

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

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

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

#### Revisions to Partial Reclamation Variance

Facilities applying for partial reclamation variances will be required to meet a revised list of five factors to obtain the variance. EPA estimates that there are an average of four variance applications annually under 40 CFR 260.31(c), based on the RIA for EPA's 2014 Final Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, and the facilities applying for these variances will be required to document that their applications meet these five factors. Because the revisions involve clarifications of existing factors and removal of a sixth factor, EPA estimates burden per activity for each applicant for the five remaining factors remains the same as burden given in existing EPA ICR No. 1189.20 (Identification, Listing and Rulemaking Petitions). These assumptions are reflected in Exhibit 1.

#### Change to Non-Waste Determination Process

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

### **Remanufacturing Exclusion**

EPA estimates that one generator will utilize the remanufacturing exclusion. This calculation is described in greater detail in Section 6(d)(1) of this ICR.

#### Petition Process

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

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

#### Generator

##### *Remanufacturing Plan*

Remanufacturing plans are prepared by the generator and the remanufacturer. EPA assumes the one generator will work with a single remanufacturer. Based on this information, EPA estimates that 0.3 generators per year will be required to make advance arrangements for remanufacturing and to prepare a remanufacturing plan in accordance with the finalized remanufacturing exemption.

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

EPA estimates that generators will submit contractual arrangements with every twentieth shipment. Because each generator will ship an average of 10.6 shipments per year, an average of 53% of facilities (.5) will be required to submit contractual arrangements in a single year.

EPA estimates burden per respondent for each of these four remanufacturing plan activities to be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>8</sup>

These assumptions are reflected in Exhibit 1.

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

Facilities operating under the finalized remanufacturing exclusion will be required to maintain records of shipments and confirmations of receipts for a three-year period from the date of shipment. EPA estimates that one eligible facility will be required to maintain these records over three years, and that each facility will produce 10.6 shipments per year. On an annual basis, one facility will produce a total of 10.6 shipments per year and will perform each of these two activities with each shipment. Therefore, the annual number of respondent activities is 3.5 (one facilities over three years, multiplied by 10.6 shipments per year).

EPA estimates that burden per respondent for these recordkeeping requirements will be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>9</sup>

These assumptions are reflected in Exhibit 1.

---

8 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

9 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

### *Management in Tanks and Containers*

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

#### Remanufacturer

##### *Remanufacturing Plan*

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

Remanufacturers will be required to maintain this plan on-site for three years, and therefore the equivalent of one-third of remanufacturers (0.3) will perform this activity on an annual basis.

EPA estimates that remanufacturers will submit contractual arrangements with every twentieth shipment. Because each generator will ship an average of 10.6 shipments per year, and the number of generators and remanufacturers is assumed to be equal, an average of 53% of facilities (.5) will be required to submit contractual arrangements in a single year.

EPA estimates burden per respondent for each of these four remanufacturing plan activities to be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>10</sup>

These assumptions are reflected in Exhibit 1.

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

Remanufacturers operating under the finalized remanufacturing exclusion will be required to maintain records of shipments and confirmations of receipts for a three-year period from the date of shipment. EPA estimates that one eligible facilities will be required to maintain these records over three years, and that the facility will produce 10.6 shipments per year. On an annual basis, one re-manufacturer will produce a total of 10.6 shipments per year. Therefore, the annual number of respondent activities is 3.5. These assumptions are reflected in Exhibit 1.

EPA estimates that burden per respondent for these recordkeeping requirements will be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>11</sup>

### *Management in Tanks and Containers*

EPA estimates that the one remanufacturer operating under the re-manufacturing exclusion will be required to label or record in a log materials stored in tanks or containers prior to remanufacturing. This cost is estimated on an annual basis. EPA estimates that burden per respondent

---

10 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

11 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

for these recordkeeping requirements will be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>12</sup>

These assumptions are reflected in Exhibit 1.

### **Recordkeeping for Speculative Accumulation**

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

#### Recordkeeping for Speculative Accumulation

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

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

EPA estimates that burden per respondent for these recordkeeping requirements will be equivalent to the burden estimated in final 2014 ICR for the Revisions for the RCRA Definition of Solid Waste (Final Rule).<sup>13</sup> The 2014 ICR estimated the burden and costs per respondent for six activities related to labeling and documentation.

These assumptions are reflected in Exhibit 1.

### **Recordkeeping for Export under the Transfer-Based Exclusion**

EPA estimates that 36 exporters will complete a notification to EPA prior to shipment, keep copies of notifications and Acknowledgements of Consent to Export, and submit an annual report. This estimate is derived from the 2012 Information Collection Request for the RCRA Definition of Solid Waste.<sup>14</sup> The estimated burden for the export paperwork requirements is derived from the 2016 Information Collection Request for the Hazardous Waste Export-Import Revisions Rule.<sup>15</sup>

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

##### **(1) Respondent Tally**

---

12 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

13 Information Collection Request. Supporting Statement for Revisions to the RCRA Definition of Solid Waste (Final Rule). December 2014.

14 Information Collection Request. Supporting Statement for RCRA Definition of Solid Waste. 10 May 2012.

15 Information Collection Request. Supporting Statement for Hazardous Waste Export-Import Revisions Rule. August 2016.

As shown in Exhibit 1, EPA estimates the total annual burden and O&M costs are estimated at 34,883 hours and \$15,475 in O&M costs, or 104,649 hours and \$46,425 in O&M over three years.

**(2) Agency Tally**

As shown in Exhibit 2, EPA estimates the total annual burden and O&M costs are estimated at 1,778 hours and \$0 in O&M costs, or 5,334 hours over three years.

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

There is a small increase in the number of burden hours as compared to the currently approved ICR due to Agency adjustment.

**6(g) Public Burden Statement**

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

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-RCRA-2010-0742, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Resource Conservation and Recovery Act (RCRA) Docket is 202-566-0270. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-RCRA-2010-0742 and OMB Control Number 2050-0202 in any correspondence.

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity  | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|--|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|  | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|  | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|  | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| <b>Requirement 1.) Transfer Based Exclusion</b>                                      |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generators</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <i>Emergency Preparedness and Response</i>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generators that accumulate more than 6,000 kg of hazardous secondary material</b> |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <i>Contingency Planning</i>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect data required in contingency plan  | 0.00                           | 0.00     | 3.35      | 1.65     | 5.00               | \$331.90                      | \$0.00           | \$0.00       | 59                             | 295               | \$19,582.05         |
| Document whether authorities decline arrangement                                     | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$0.00       | 59                             | 30                | \$918.65            |
| Write contingency plan   | 0.00                           | 0.00     | 7.50      | 2.50     | 10.00              | \$705.87                      | \$0.00           | \$0.00       | 59                             | 590               | \$41,646.60         |
| Maintain contingency plan  | 0.00                           | 0.00     | 0.00      | 1.00     | 1.00               | \$31.14                       | \$0.00           | \$0.00       | 59                             | 59                | \$1,837.31          |
| Submit contingency plan to relevant emergency centers                                | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$4.87       | 59                             | 30                | \$1,205.98          |
| Amend contingency plan when appropriate  | 0.00                           | 0.00     | 5.00      | 0.00     | 5.00               | \$418.68                      | \$0.00           | \$0.10       | 6                              | 30                | \$2,512.69          |
| <i>Emergency Procedures</i>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect information  | 0.00                           | 0.00     | 0.22      | 1.50     | 1.72               | \$65.13                       | \$0.00           | \$0.00       | 1                              | 2                 | \$65.13             |
| Emergency reporting  | 1.28                           | 0.00     | 0.90      | 0.00     | 2.18               | \$242.19                      | \$0.00           | \$0.00       | 1                              | 2                 | \$242.19            |
| Notifying/coordination with authorities  | 0.00                           | 0.10     | 0.90      | 0.00     | 1.00               | \$86.70                       | \$0.00           | \$11.35      | 1                              | 1                 | \$98.05             |
| <b>Generators that accumulate less than 6,000 kg of hazardous secondary material</b> |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <i>Personnel Training</i>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect job-related data   | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$0.00       | 1                              | 1                 | \$41.87             |
| Maintain information at facility   | 0.00                           | 0.00     | 0.00      | 0.10     | 0.10               | \$3.11                        | \$0.00           | \$0.00       | 1                              | 0                 | \$3.11              |
| <i>Emergency Procedures</i>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Observe scene of hazardous waste discharge   | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Report by phone requested data items   | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$5.29       | 0                              | 0                 | \$0.00              |



**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| to NRC  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Document that local officials decline to enter into arrangements for coordinating response  | 0.00                           | 0.00     | 0.10      | 0.00     | 0.10               | \$8.37                        | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Post emergency information by phone   | 0.00                           | 0.00     | 0.00      | 0.10     | 0.10               | \$3.11                        | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| <b>Recordkeeping under the Transfer Based Exclusion</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generators</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 60                             | 3                 | \$93.42             |
| Maintain at the generating facility for no less than three (3) years confirmations of receipt   | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 60                             | 3                 | \$93.42             |
| <b>Reclaimers</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 60                             | 3                 | \$93.42             |
| Maintain at the generating facility for no less than three (3) years confirmations of receipt   | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 60                             | 3                 | \$93.42             |
| <b>Financial Assurance (40 CFR part 261 subpart H) under the Transfer Based Exclusion</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Reclaimers</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect data for cost estimate  | 0.00                           | 0.00     | 5.00      | 1.00     | 6.00               | \$449.82                      | \$0.00           | \$0.00       | 1                              | 6                 | \$449.82            |
| Prepare cost estimate   | 0.00                           | 0.00     | 5.00      | 2.00     | 7.00               | \$480.96                      | \$0.00           | \$0.00       | 1                              | 7                 | \$480.96            |
| Obtain and submit documentation of financial assurance  | 0.00                           | 0.00     | 2.00      | 1.00     | 3.00               | \$198.61                      | \$0.00           | \$0.00       | 1                              | 3                 | \$198.61            |
| <b>Reasonable Efforts Environmental Audit For Generators Under 40 CFR 261.4(a)(24)</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generators</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Conduct reasonable efforts for inter-   | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$3,214.00   | 8                              | 48                | \$30,205.75         |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| mediate facilities and reclaimers and prepare certification statement using outside vendor  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Repeat reasonable efforts at least every three years using and outside vendor   | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$3,214.00   | 0                              | 0                 | \$0.00              |
| Mainatain documentation and certification available upon request by a regulatory authority  | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$0.00       | 8                              | 4                 | \$124.56            |
| <b>Requirement 2.) Generator-Controlled Exclusion for Hazardous Secondary Materials</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Recordkeeping for the Tolling Provision</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Tolling contractor must maintain at its facility for no less than three years records of all hazardous secondary materials received pursuant to the written contract with the tolling manufacturer. | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 3                              | 0.15              | \$4.67              |
| Tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor.      | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 3                              | 0.15              | \$4.67              |
| <b>Legitimacy documentation</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare documentation statement - using in-house employee audit   | 0.00                           | 2.00     | 14.00     | 4.00     | 20.00              | \$1,523.65                    | \$0.00           | \$706.52     | 7                              | 140               | \$15,611.16         |
| Prepare documentation statement - using outside vendor  | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$3,532.60   | 7                              | 42                | \$28,660.24         |
| Prepare documentation statement - using readily available information   | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$0.00       | 7                              | 42                | \$3,932.04          |
| Repeat at least every three years - using in-house employee audit   | 0.00                           | 2.00     | 14.00     | 4.00     | 20.00              | \$1,523.65                    | \$0.00           | \$706.52     | 0                              | 0                 | \$0.00              |
| Repeat at least every three years - using outside vendor  | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$3,532.60   | 0                              | 0                 | \$0.00              |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| Repeat at least every three years - using readily available information   | 0.00                           | 2.00     | 4.00      | 0.00     | 6.00               | \$561.72                      | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Maintain for a minimum of three years documentation   | 0.00                           | 0.00     | 0.00      | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 21                             | 1.05              | \$32.70             |
| Make documentation available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority | 0.00                           | 0.00     | 0.00      | 0.10     | 0.10               | \$3.11                        | \$0.00           | \$0.48       | 5                              | 0.5               | \$17.97             |
| <b>Emergency Preparedness and Response</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generators that accumulate more than 6,000 kg of hazardous secondary material</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <i>Contingency Planning</i>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect data required in contingency plan   | 0.00                           | 0.00     | 3.35      | 1.65     | 5.00               | \$331.90                      | \$0.00           | \$0.00       | 61                             | 305               | \$20,245.84         |
| Document whether authorities decline arrangement  | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$0.00       | 61                             | 30.5              | \$949.80            |
| Write contingency plan  | 0.00                           | 0.00     | 7.50      | 2.50     | 10.00              | \$705.87                      | \$0.00           | \$0.00       | 61                             | 610               | \$43,058.35         |
| Maintain contingency plan   | 0.00                           | 0.00     | 0.00      | 1.00     | 1.00               | \$31.14                       | \$0.00           | \$0.00       | 61                             | 61                | \$1,899.59          |
| Submit contingency plan to relevant emergency centers   | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$4.87       | 61                             | 30.5              | \$1,246.87          |
| Amend contingency plan when appropriate   | 0.00                           | 0.00     | 5.00      | 0.00     | 5.00               | \$418.68                      | \$0.00           | \$0.00       | 6                              | 30                | \$2,512.09          |
| <i>Emergency Procedures</i>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect information   | 0.00                           | 0.00     | 0.22      | 1.50     | 1.72               | \$65.13                       | \$0.00           | \$0.00       | 1                              | 1.72              | \$65.13             |
| Emergency reporting   | 1.28                           | 0.00     | 0.90      | 0.00     | 2.18               | \$242.19                      | \$0.00           | \$0.00       | 1                              | 2.18              | \$242.19            |
| Notifying/coordination with authorities   | 0.00                           | 0.10     | 0.90      | 0.00     | 1.00               | \$86.70                       | \$0.00           | \$11.35      | 1                              | 1                 | \$98.05             |
| <b>Generators that accumulate less than 6,000 kg of hazardous secondary material</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <i>Personnel Training</i>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Collect job-related data  | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$0.00       | 1                              | 0.5               | \$41.87             |
| Maintain information at facility  | 0.00                           | 0.00     | 0.00      | 0.10     | 0.10               | \$3.11                        | \$0.00           | \$0.00       | 1                              | 0.1               | \$3.11              |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| <i>Emergency Procedures</i>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Observe scene of hazardous waste discharge  | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Report by phone requested data items to NRC   | 0.00                           | 0.00     | 0.50      | 0.00     | 0.50               | \$41.87                       | \$0.00           | \$5.67       | 0                              | 0                 | \$0.00              |
| Document that local officials decline to enter into arrangements for coordinating response  | 0.00                           | 0.00     | 0.10      | 0.00     | 0.10               | \$8.37                        | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Post emergency information by phone   | 0.00                           | 0.00     | 0.00      | 0.10     | 0.10               | \$3.11                        | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| <b>Certifications for Hazardous Secondary Material Generated and Reclaimed Under the Control of the Generator</b>                             |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare the certification   | 0                              | 0.02     | 0         | 0.08     | 0.10               | \$4.76                        | \$0.00           | \$0.00       | 62                             | 6.2               | \$295.06            |
| <b>Requirement 3.) Solid Waste Variances and Non-Waste Determinations</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Notice and Potential Reapplication for a Variance in the Event of a Change</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare and submit a re-application   | 0                              | 0        | 75        | 0        | 75.00              | \$6,280.23                    | \$0.00           | \$28.26      | 1                              | 75                | \$6,308.49          |
| <b>Submit a re-application at least every 10 years</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Re-apply for a variance every 10 years  | 0                              | 0        | 75        | 0        | 75.00              | \$6,280.23                    | \$0.00           | \$28.26      | 2                              | 150               | \$12,616.97         |
| <b>Submit a re-application at least every 10 years</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Re-apply for non-waste determination every 10 years   | 0                              | 0        | 75        | 0        | 75.00              | \$6,280.23                    | \$0.00           | \$28.26      | 1                              | 75                | \$6,308.49          |
| <b>Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Provide information on whether the degree of partial reclamation the material has undergone is substantial.                                   | 0                              | 0        | 40        | 0        | 40.00              | \$3,349.45                    | \$0.00           | \$28.26      | 4                              | 160               | \$13,510.85         |
| Provide information on whether the partially-reclaimed material has sufficient economic value that it will be purchased for final reclamation | 0                              | 0        | 16        | 0        | 16.00              | \$1,339.78                    | \$0.00           | \$0.00       | 4                              | 64                | \$5,359.13          |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| Describe whether the partially-reclaimed material is a viable substitute for a product or intermediate, produced from virgin or raw materials, which feeds subsequent production steps. | 0                              | 0        | 40        | 0        | 40.00              | \$3,349.45                    | \$0.00           | \$0.00       | 4                              | 160               | \$13,397.81         |
| Examine whether there is a guaranteed end market for the partially-reclaimed material   | 0                              | 0        | 20        | 0        | 20.00              | \$1,674.73                    | \$0.00           | \$0.00       | 4                              | 80                | \$6,698.91          |
| Describe whether the partially-reclaimed material is handled to minimize loss   | 0                              | 0        | 6         | 0        | 6.00               | \$502.42                      | \$0.00           | \$0.00       | 4                              | 24                | \$2,009.67          |
| <b>Non-Waste Determinations</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Application for Non-Waste Determination</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare and submit an application   | 4                              | 4        | 130       | 8        | 146.00             | \$12,109.73                   | \$0.00           | \$24.94      | 7                              | 1,022             | \$84,942.69         |
| <b>Re-Application for Non-Waste Determination</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare and submit a re-application   | 2                              | 2        | 65        | 4        | 73.00              | \$6,054.87                    | \$0.00           | \$24.94      | 0                              | 0                 | \$0.00              |
| <b>Change to Non-Waste Determination</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Demonstrate respondent cannot or should not meet the existing DSW exclusions  | 0                              | 0        | 20        | 0        | 20.00              | \$1,674.73                    | \$0.00           | \$0.00       | 7                              | 140               | \$11,723.09         |
| <b>Requirement 4.) Re-Manufacturing Exclusion</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Rulemaking Petition Process</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare and submit petition to add certain chemicals, industries, and/or chemical function uses to the re-manufacturing criteria  | 4                              | 4        | 130       | 8        | 146.00             | \$12,109.73                   | \$0.00           | \$24.94      | 0.04                           | 5.84              | \$485.39            |
| Sampling and analytical costs for hazardous secondary material characterization   | 0                              | 0        | 2         | 0        | 2.00               | \$167.47                      | \$0.00           | \$334.42     | 0.04                           | 0.08              | \$20.08             |
| <b>Exclusion Conditions</b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b>Generator</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| <b><i>Re-manufacturing Plan</i></b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Make advance arrangements with re-manufacturer  | 0                              | 0        | 1.5       | 0        | 1.50               | \$125.60                      | \$0.00           | \$0.60       | 0.3                            | 0.45              | \$37.86             |
| Prepare re-manufacturing plan jointly with re-manufacturer  | 0                              | 0.1      | 0.3       | 1.34     | 1.74               | \$78.19                       | \$0.00           | \$0.00       | 0.3                            | 0.522             | \$23.46             |
| Maintain re-manufacturing plan  | 0                              | 0        | 0         | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 0.3                            | 0.015             | \$0.47              |
| Submit re-manufacturing plan upon request   | 0                              | 0        | 0         | 0.16     | 0.16               | \$4.98                        | \$0.00           | \$0.48       | 0.5                            | 0.08              | \$2.73              |
| <b><i>Record of Shipments and Confirmations of Receipts</i></b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Maintain records of shipments for a period of three years from the dates of shipments.  | 0                              | 0        | 0         | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 3.5                            | 0.175             | \$5.45              |
| Maintain records of confirmations of receipts for a period of three years from the dates of shipments.  | 0                              | 0        | 0         | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 3.5                            | 0.175             | \$5.45              |
| <b><i>Management in Tanks and Containers</i></b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Label or record in a log materials being stored in tanks and containers prior to re-manufacturing   | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 1                              | 0.25              | \$20.93             |
| <b><i>No Speculative Accumulation</i></b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Label containers in satellite accumulation area with start date   | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Label containers in accumulation area with start date   | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| Inventory logs must demonstrate that at least 75% by weight or volume of material being recycled is transferred to a different site for recycling in a calendar year. | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 0                              | 0                 | \$0.00              |
| <b>Re-Manufacturer</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| <b><i>Re-manufacturing Plan</i></b>   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Respondent |          |           |          |                    |                               |                  |              | Total Hours and Costs          |                   |                     |
|---|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|--------------|--------------------------------|-------------------|---------------------|
|   | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year |
|   | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |              |                                |                   |                     |
|   | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |              |                                |                   |                     |
| Make advance arrangements with hazardous secondary material generator                             | 0                              | 0        | 1.5       | 0        | 1.50               | \$125.60                      | \$0.00           | \$0.60       | 0.3                            | 0.45              | \$37.86             |
| Prepare re-manufacturing plan jointly with generator  | 0                              | 0.1      | 0.3       | 1.34     | 1.74               | \$78.19                       | \$0.00           | \$0.00       | 0.3                            | 0.522             | \$23.46             |
| Maintain re-manufacturing plan  | 0                              | 0        | 0         | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.00       | 0.3                            | 0.015             | \$0.47              |
| Submit re-manufacturing plan upon request   | 0                              | 0        | 0         | 0.16     | 0.16               | \$4.98                        | \$0.00           | \$0.48       | 0.5                            | 0.08              | \$2.73              |
| <b><i>Record of Shipments and Confirmations of Receipts</i></b>                                   |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Maintain records of shipments for a period of three years from the dates of shipments.            | 0                              | 0        | 0         | 0.05     | 0.05               | \$1.56                        | \$0.00           | \$0.48       | 3.5                            | 0.175             | \$7.13              |
| <b><i>Management in Tanks and Containers</i></b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Label or record in a log materials being stored in tanks and containers prior to re-manufacturing | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 1                              | 0.25              | \$20.93             |
| <b>Requirement 5.) Recordkeeping for Speculative Accumulation</b>                                 |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Prepare procedures ensuring waste is stored no more than one year                                 | 0                              | 0        | 1         | 0.1      | 1.10               | \$86.85                       | \$0.00           | \$0.00       | 2,500                          | 2,750             | \$217,126.05        |
| Document that storage procedures are satisfied  | 0                              | 0        | 0.25      | 0        | 0.25               | \$20.93                       | \$0.00           | \$0.00       | 7,500                          | 1,875             | \$157,005.63        |
| Prepare a description of waste generation and waste management practices                          | 0                              | 0        | 1.5       | 0.1      | 1.60               | \$128.72                      | \$0.00           | \$0.00       | 2,500                          | 4,000             | \$321,796.48        |
| Document that the unit is emptied at least once a year  | 0                              | 0        | 1         | 0.4      | 1.40               | \$96.19                       | \$0.00           | \$0.00       | 7,500                          | 10,500            | \$721,445.01        |
| Label containers in accumulation area with start date   | 0                              | 0        | 1         | 0        | 1.00               | \$83.74                       | \$0.00           | \$0.00       | 7,500                          | 7,500             | \$628,022.54        |
| Label containers in satellite accumulation area with start date                                   | 0                              | 0        | 0.5       | 0        | 0.50               | \$41.87                       | \$0.00           | \$0.00       | 7,500                          | 3,750             | \$314,011.27        |
| <b>Requirement 6.) Export Requirements</b>  |                                |          |           |          |                    |                               |                  |              |                                |                   |                     |
| Submit notification electronically  | 0.00                           | 1.00     | 2.00      | 0.00     | 3.00               | \$280.86                      | \$0.00           | \$0.00       | 36                             | 108               | \$10,110.95         |
| Maintain copy of consent document   | 0.00                           | 0.00     | 0.00      | 0.50     | 0.50               | \$15.57                       | \$0.00           | \$0.00       | 36                             | 18                | \$560.53            |

**Exhibit 1.) Estimated Annual Respondent Hour and Cost Burden**

| Information Collection Activity  | Hours and Costs Per Respondent |          |           |          |                    |                               |                  | Total Hours and Costs |                                |                   |                       |
|----------------------------------|--------------------------------|----------|-----------|----------|--------------------|-------------------------------|------------------|-----------------------|--------------------------------|-------------------|-----------------------|
|                                  | Loaded Hourly Wages            |          |           |          | Hours/<br>Activity | Labor<br>Costs/ Ac-<br>tivity | Capital<br>Costs | O&M<br>Costs          | No. of<br>Respond/<br>Activity | Total<br>Hours/Yr | Total Cost/<br>Year   |
|                                  | Legal                          | Manag.   | Technical | Clerical |                    |                               |                  |                       |                                |                   |                       |
|                                  | \$130.33                       | \$113.39 | \$83.74   | \$31.14  |                    |                               |                  |                       |                                |                   |                       |
| Develop and submit annual report | 0.00                           | 1.00     | 2.00      | 0.50     | 3.50               | \$296.43                      | \$0.00           | \$0.00                | 0                              | 0                 | \$0.00                |
| <b>Total Respondent Burden</b>   |                                |          |           |          |                    |                               |                  | <b>\$15,475.14</b>    |                                | <b>34,883.13</b>  | <b>\$2,752,557.39</b> |



**Exhibit 2.) Estimated Annual Agency Hour and Cost Burden**

| Information Collection Activity   | Hours and Costs Per Agency Activity |        |           |          |                    |                         |                  |                  | Total Hours and Costs          |                     |                     |
|---|-------------------------------------|--------|-----------|----------|--------------------|-------------------------|------------------|------------------|--------------------------------|---------------------|---------------------|
|   | Loaded Hourly Wages                 |        |           |          | Hours/<br>Activity | Labor<br>Costs/Activity | Capital<br>Costs | O&<br>M<br>Costs | No. of<br>Agency<br>Activities | Total<br>Hours/Year | Total Cost/<br>Year |
|   | Legal                               | Manag. | Technical | Clerical |                    |                         |                  |                  |                                |                     |                     |
|   | 100.09                              | 93.02  | \$79.82   | \$30.78  |                    |                         |                  |                  |                                |                     |                     |
| <b>Requirement 1.) Transfer Based Exclusion</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <i>Emergency Preparedness and Response</i>  |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <b>Emergency Procedures</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review submitted release report information   | 0                                   | 0      | 0.5       | 0        | 0.5                | \$39.91                 | \$0.00           | \$0.00           | 1                              | 0.5                 | \$39.91             |
| Enter information into database tracking all releases                                     | 0                                   | 0      | 0.5       | 0.5      | 1                  | \$55.30                 | \$0.00           | \$0.00           | 1                              | 1                   | \$55.30             |
| Transmit information to respective response authorities                                   | 0                                   | 0      | 0.25      | 0.25     | 0.5                | \$27.65                 | \$0.00           | \$0.00           | 1                              | 0.5                 | \$27.65             |
| <b>Financial Assurance (40 CFR part 261 subpart H) under the Transfer Based Exclusion</b> |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review financial estimates and instruments  | 4                                   | 1      | 16        | 0        | 21                 | \$1,770.50              | \$0.00           | \$0.00           | 1                              | 21                  | \$1,770.50          |
| <b>Requirement 2.) Generator-Controlled Exclusion for Hazardous Secondary Materials</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <b>Emergency Procedures</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review submitted release report information   | 0                                   | 0      | 0.5       | 0        | 0.5                | \$39.91                 | \$0.00           | \$0.00           | 1                              | 0.5                 | \$39.91             |
| Enter information into database tracking all releases                                     | 0                                   | 0      | 0.5       | 0.5      | 1                  | \$55.30                 | \$0.00           | \$0.00           | 1                              | 1                   | \$55.30             |
| Transmit information to respective response authorities                                   | 0                                   | 0      | 0.25      | 0.25     | 0.5                | \$27.65                 | \$0.00           | \$0.00           | 1                              | 0.5                 | \$27.65             |
| <b>Requirement 3.) Solid Waste Variances and Non-Waste Determinations</b>                 |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <b>Re-Application for a Variance</b>  |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Receive, Review and File Re-Application in the Event of a Change                          | 8                                   | 8      | 125       | 16       | 157                | \$12,014.82             | \$0.00           | \$0.00           | 1                              | 157                 | \$12,014.82         |
| Receive, Review and File Re-Application for a Variance Every 10 Years                     | 0                                   | 0      | 0.08      | 0.05     | 0.13               | \$7.92                  | \$0.00           | \$0.00           | 2                              | 0.26                | \$15.85             |

Exhibit 2.) Estimated Annual Agency Hour and Cost Burden

| Information Collection Activity  | Hours and Costs Per Agency Activity |        |           |          |                    |                         |                  |                  | Total Hours and Costs          |                     |                     |
|--|-------------------------------------|--------|-----------|----------|--------------------|-------------------------|------------------|------------------|--------------------------------|---------------------|---------------------|
|  | Loaded Hourly Wages                 |        |           |          | Hours/<br>Activity | Labor<br>Costs/Activity | Capital<br>Costs | O&<br>M<br>Costs | No. of<br>Agency<br>Activities | Total<br>Hours/Year | Total Cost/<br>Year |
|  | Legal                               | Manag. | Technical | Clerical |                    |                         |                  |                  |                                |                     |                     |
|  | 100.09                              | 93.02  | \$79.82   | \$30.78  |                    |                         |                  |                  |                                |                     |                     |
| <b>Application for Non-Waste Determination</b>                                     |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Evaluate and approve/deny application  | 8                                   | 8      | 125       | 16       | 157                | \$12,014.82             | \$0.00           | \$0.00           | 7                              | 1099                | \$13,204,284.62     |
| <b>Re-Application for Non-Waste Determination</b>                                  |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Receive, Review and File Re-Application for Non-Waste Determination Every 10 Years | 0                                   | 0      | 0.08      | 0.05     | 0.13               | \$7.92                  | \$0.00           | \$0.00           | 0                              | 0                   | \$0.00              |
| <b>Revisions to Partial Reclamation Variance</b>                                   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <b>Variance from Classification as a Solid Waste (260.31(c) and 260.33(a))</b>     |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review the variance demonstration  | 0                                   | 2.2    | 18.16     | 0        | 20.36              | \$1,654.18              | \$0.00           | \$0.00           | 4                              | 81.44               | \$134,716.04        |
| Request additional information if necessary  | 0                                   | 0      | 0.55      | 1.65     | 2.2                | \$94.68                 | \$0.00           | \$0.00           | 4                              | 8.8                 | \$833.22            |
| Deliberate and issue draft determination   | 3.85                                | 1.65   | 25.31     | 2.2      | 33.01              | \$2,626.78              | \$0.00           | \$0.00           | 4                              | 132.04              | \$346,840.50        |
| Publicize draft determination  | 0                                   | 0      | 1.65      | 4.4      | 6.05               | \$267.13                | \$0.00           | \$0.00           | 4                              | 24.2                | \$6,464.43          |
| Hold hearing, if required  | 0                                   | 0.55   | 22.01     | 1.65     | 24.21              | \$1,858.78              | \$0.00           | \$0.00           | 4                              | 96.84               | \$180,004.27        |
| <b>Requirement 4.) Re-Manufacturing Exclusion</b>                                  |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| <b>Rulemaking Petition Process</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review the petition  | 8                                   | 8      | 125       | 16       | 157                | \$12,014.82             | \$0.00           | \$0.00           | 0.04                           | 6.28                | \$75,453.05         |
| Request additional information if necessary  | 0                                   | 0      | 0.55      | 1.65     | 2.2                | \$94.68                 | \$0.00           | \$0.00           | 0.04                           | 0.088               | \$8.33              |
| Deliberate and issue draft determination   | 3.85                                | 1.65   | 25.31     | 2.2      | 33.01              | \$2,626.78              | \$0.00           | \$0.00           | 0.04                           | 1.3204              | \$3,468.40          |
| Publicize draft determination  | 0                                   | 0      | 1.65      | 4.4      | 6.05               | \$267.13                | \$0.00           | \$0.00           | 0.04                           | 0.242               | \$64.64             |
| Hold hearing, if required  | 0                                   | 0.55   | 22.01     | 1.65     | 24.21              | \$1,858.78              | \$0.00           | \$0.00           | 0.04                           | 0.9684              | \$1,800.04          |
| Review comments and make final determination                                       | 2.2                                 | 1.65   | 23.11     | 2.2      | 29.16              | \$2,286.03              | \$0.00           | \$0.00           | 0.04                           | 1.1664              | \$2,666.43          |
| <b>Requirement 6.) Export Requirements</b>   |                                     |        |           |          |                    |                         |                  |                  |                                |                     |                     |
| Review export notification   | 0                                   | 1      | 1         | 0        | 2                  | \$172.84                | \$0.00           | \$0.00           | 36                             | 72                  | \$12,444.56         |

**Exhibit 2.) Estimated Annual Agency Hour and Cost Burden**

| Information Collection Activity | Hours and Costs Per Agency Activity |        |           |          |                    |                         |                  |                  | Total Hours and Costs          |                     |                        |
|---------------------------------|-------------------------------------|--------|-----------|----------|--------------------|-------------------------|------------------|------------------|--------------------------------|---------------------|------------------------|
|                                 | Loaded Hourly Wages                 |        |           |          | Hours/<br>Activity | Labor<br>Costs/Activity | Capital<br>Costs | O&<br>M<br>Costs | No. of<br>Agency<br>Activities | Total<br>Hours/Year | Total Cost/<br>Year    |
|                                 | Legal                               | Manag. | Technical | Clerical |                    |                         |                  |                  |                                |                     |                        |
|                                 | 100.09                              | 93.02  | \$79.82   | \$30.78  |                    |                         |                  |                  |                                |                     |                        |
| Review annual report            | 0                                   | 1      | 1         | 0        | 2                  | \$172.84                | \$0.00           | \$0.00           | 36                             | 72                  | \$12,444.56            |
| <b>Total Agency Burden</b>      |                                     |        |           |          |                    |                         |                  | <b>\$0.00</b>    |                                | <b>1,778.65</b>     | <b>\$13,995,539.99</b> |