

**SUPPORTING STATEMENT FOR  
INFORMATION COLLECTION REQUEST NUMBER 1688.09  
“RCRA EXPANDED PUBLIC PARTICIPATION”**

June 2018

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION.....	4
1(a)	Title of the Information Collection.....	4
1(b)	Short Characterization.....	4
2.	NEED FOR AND USE OF THE COLLECTION.....	5
2(a)	Need/Authority for the Collection.....	5
2(b)	Practical Utility/Users of the Data.....	5
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA.....	5
3(a)	Nonduplication.....	5
3(b)	Public Notice.....	6
3(c)	Consultations.....	6
3(d)	Effects of Less Frequent Collection.....	6
3(e)	General Guidelines.....	6
3(f)	Confidentiality.....	6
3(g)	Sensitive Questions.....	6
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED.....	7
4(a)	Respondents/NAICS Codes.....	7
4(b)	Information Requested.....	8
5.	THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.....	10
5(a)	Agency Activities.....	11
5(b)	Collection Methodology and Management.....	11
5(c)	Small Entity Flexibility.....	11
5(d)	Collection Schedule.....	12

6.	ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION.....	12
6(a)	Estimating Respondent Hours.....	12
6(b)	Estimating Respondent Costs.....	12
	Labor Costs.....	12
	Capital/Start-Up Costs.....	13
6(c)	Estimating Agency Hour and Cost Burden.....	14
6(d)	Estimating the Respondent Universe and Total Hour and Cost Burden.....	16
6(e)	Bottom Line Hour and Cost Burden.....	17
6(f)	Reasons for Change in Burden.....	21
6(g)	Burden Statement.....	17

## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### 1(a) Title of the Information Collection

This ICR is titled “RCRA Expanded Public Participation (Renewal),” ICR number 1688.09, OMB number 2050-0149.

### 1(b) Short Characterization

The Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. EPA has a statutory obligation, under Section 7004(b) of RCRA, to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under the Act. The regulations implementing these requirements are codified at 40 *CFR* Parts 124 and 270.

EPA promulgated requirements for providing additional opportunities for the public to be involved in the RCRA permitting process at 40 *CFR* 124.31 through 124.33 and at 40 *CFR* 270.62 and 270.66. The Part 124 requirements apply to all types of hazardous waste treatment, storage, and disposal facilities, unless exempted under a specific section; the Part 270 requirements apply only to hazardous waste combustors planning trial burns.

In summary, the expanded public participation regulations require:

- A permit applicant to provide notice of and hold an informal meeting with the public before submitting a Part B application, and to submit a summary of the meeting to the agency (§124.31);
- The Agency to issue a public notice when it receives an application (§124.32);
- Certain facilities (as decided by the Agency Director on a case-by-case basis) to set up and maintain an information repository (§124.33); and
- The Agency to issue a public notice of an upcoming trial burn at a permitted hazardous waste combustion facility (§§ 270.62(b)(6) and 270.66(d)(3)), or at a hazardous waste combustion facility operating under interim status (§§ 270.62(d) and 270.66(g)).

EPA believes that these regulations encourage people to become involved in the permitting process and increase understanding of hazardous waste facilities.

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

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

Section 7004(b) of RCRA gives EPA broad authority to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under RCRA. In addition, the statute specifies certain public notices (i.e., radio, newspaper, and a letter to relevant agencies) that EPA must provide before issuing any RCRA permit. The statute also establishes a process by which the public can dispute a permit and request a public hearing to discuss it. EPA carries out much of its RCRA public involvement at 40 *CFR* Parts 124 and 270.

In 1995, EPA expanded the public participation requirements under the RCRA program by promulgating the RCRA Expanded Public Participation Rule (60 *FR* 63417; December 11, 1995). The rule responded to calls by the Administration and stakeholders (e.g., States and private citizens) to provide earlier and better public participation in EPA's permitting programs, including procedures for more timely information sharing. In particular, the rule required earlier public involvement in the permitting process (e.g., pre-application meetings), expanded public notice for significant events (e.g., notices of upcoming trial burns), and more opportunities for the exchange of permitting information (e.g., information repository).

In May of 2003, EPA finalized the Public Involvement Policy. The policy updates an earlier policy issued in 1981. Among other things, the policy calls for a strengthened commitment to meaningful public involvement, greater attention to the specific concerns and interests of affected people and entities, and use of a wider variety of public involvement techniques. In this regard, the RCRA Expanded Public Participation Rule can serve as an example to the EPA programs of how to achieve many of the goals of the policy.

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

The required activities and information are needed to help assure timely and effective public participation in the permitting process. The requirements are intended to provide equal access to information to all stakeholders in the permitting process: the permitting agency, the permit applicant, and the community where a facility is located. Some facilities may be required to develop information repositories to allow for expanded public participation and access to detailed facility information as part of the permitting process.

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

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

The information collections covered in this ICR are not available from sources other than

the respondents. EPA's Office of Solid Waste is the only office within the Agency collecting this information, and no other Federal agency or department collects this information.

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

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on March 21, 2018. EPA announced in the Federal Register (83 FR 12384) that it intended to this ICR. The notice included a request for comments and information to enable the EPA to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The comment period ended on May 21, 2018. The Agency received three comments on this notice that were not related to the ICR.

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

The rule covered by this ICR was developed using proper rulemaking procedures. EPA made every effort to consult with the general public, State and industry officials, and appropriate Federal agencies. In 2005, EPA Regional offices and selected facilities provided feedback on the hour and cost burden estimates included in the ICR. One facility in particular provided feedback on the hour and cost burden estimates: Mr. Bart Wesley and Mr. Lloyd Tabary of DSM Copolymer, Addis, LA. In 2012, EPA contacted facilities which had submitted part B permit applications post-2008 to seek their input on the burden associated with these requirements. The feedback from the respondents suggested that the burden estimates (provided in 2005) were accurate representations of the burden associated with this information collection request. In 2015, EPA again consulted with two facilities that had recently submitted Part B permit applications and thus were subject to these information submission requirements. EPA specifically inquired about the requirements regarding the pre-application public meeting. One of the respondents suggested the burden estimate was low, the other suggested it was high indicating that the Agency's estimate is a reasonable midpoint for the range of possible outcomes. For this ICR renewal, the Agency reached out once again to facilities that had submitted an original Part B permit application – this time since 2015. However, of the facilities contacted, EPA only heard back from one facility. This facility, the Hanford Facility in Washington is one of the highest profile, largest and most complicated RCRA facilities. The point of contact at Hanford suggested the burden of holding informal public meetings before submitting a Part B permit application is approximately 150 to 250 hours – significantly higher than the EPA's estimate. The vast majority of that time is required to respond to the large number of public comments and questions that are typically received at the meeting regarding the facility. However, EPA does not believe the Hanford facility is representative of the typical

hazardous waste TSD facility and thus has decided not to adjust its burden estimate based on only this data point. In this ICR (ICR number 1688.09), EPA has retained the hour estimates provided by the 2005 facility contacts and subsequently validated in 2009 and 2012, and updated their cost estimates to 2018 levels.

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

EPA sought to reduce the reporting frequency to the minimum that is necessary to ensure compliance with the rule. It would not be possible to collect this information less frequently and still assure that the requirements of permit and public involvement regulations are met by owners or operators. The reporting frequency is essential to assure that any changes in the trial burn plans or in the anticipated permit application contents are made known to EPA and to the public.

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

This ICR does not exceed any of the OMB guidelines found in 5 CFR 1320.5. This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's Information Collection Review Handbook, and other applicable OMB guidance.

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

Section 3007(b) of RCRA and 40 *CFR* Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality. If the Agency receives any confidential information, it will manage that information according to the protocols established by the Agency, as appropriate.

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

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

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

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

The following is a list of North American Industrial Classification System (NAICS) codes associated with the facilities most likely to be affected by the expanded public participation requirements analyzed under this ICR:

22132	Sewage Treatment Facilities
32411	Petroleum Refineries
32511	Petrochemical Manufacturing
32512	Industrial Gas Manufacturing

32551 Paint and Coating Manufacturing  
 33271 Machine Shops  
 33422 Radio and Television Broadcasting and Wireless Communications Equipment  
 Manufacturing  
 33633 Motor Vehicle Steering and Suspension Components (except Spring)  
 Manufacturing  
 33634 Motor Vehicle Brake System Manufacturing  
 33635 Motor Vehicle Transmission and Power Train Parts Manufacturing  
 42271 Petroleum Bulk Stations and Terminals  
 44111 New Car Dealers  
 44711 Gasoline Stations with Convenience Store  
 44719 Other Gasoline Stations  
 48411 General Freight Trucking, Local  
 48421 Used Household and Office Goods Moving  
 48422 Specialized Freight (except Used Goods) Trucking, Local  
 56292 Materials Recovery Facilities  
 221111 Hydroelectric Power Generation  
 221112 Fossil Fuel Electric Power Generation  
 221113 Nuclear Electric Power Generation  
 221119 Other Electric Power Generation  
 221121 Electric Bulk Power Transmission and Control  
 221122 Electric Power Distribution  
 311942 Spice and Extract Manufacturing  
 323110 Commercial Lithographic Printing  
 323114 Quick Printing  
 325131 Inorganic Dye and Pigment Manufacturing  
 325188 All Other Basic Inorganic Chemical Manufacturing  
 325193 Ethyl Alcohol Manufacturing  
 325199 All Other Basic Organic Chemical Manufacturing  
 325211 Plastics Material and Resin Manufacturing  
 325998 All Other Miscellaneous Chemical Product Manufacturing  
 331311 Alumina Refining  
 332813 Electroplating, Plating, Polishing, Anodizing, and Coloring  
 332999 Other Miscellaneous Fabricated Metal Product Manufacturing  
 333319 Other Commercial and Service Industry Machinery Manufacturing  
 333999 All Other General Purpose Machinery Manufacturing  
 334418 Printed Circuit/Electronics Assembly Manufacturing  
 334419 Other Electronic Component Manufacturing  
 336211 Motor Vehicle Body Manufacturing  
 336312 Gasoline Engine and Engine Parts Manufacturing  
 336322 Other Motor Vehicle Electrical and Electronic Equipment Manufacturing  
 336399 All Other Motor Vehicle Part Manufacturing  
 454311 Heating Oil Dealers  
 454312 Liquefied Petroleum Gas (Bottled Gas) Dealers



562111	Solid Waste Collection
562112	Hazardous Waste Collection
562119	Other Waste Collection
562211	Hazardous Waste Treatment and Disposal
562212	Solid Waste Landfills
562213	Solid Waste Combustors and Incinerators
562219	Other Nonhazardous Waste Treatment and Disposal
811111	General Automotive Repair

**4(b) Information Requested**

**Pre-application Public Meeting and Notice**

Under 40 *CFR* 124.31(a) and (b), facilities applying for an initial Part B permit or a Part B permit renewal, where the renewal application is proposing a change that would qualify as a Class 3 permit modification under 40 *CFR* 270.42, are required to hold at least one meeting with the public prior to submitting the Part B permit application to the permitting agency. The applicant must submit a summary of the meeting, along with the list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, to the permitting agency as part of the Part B application (§124.31(c)). Under 40 *CFR* 124.31(d), applicants must provide public notice (i.e., newspaper advertisement, visible and accessible sign, and broadcast media announcement) of the pre-application meeting at least 30 days prior to the meeting. The applicant also must provide a copy of the notice to the permitting agency and to the appropriate units of State and local government. (Note: In regard to 40 *CFR* 124.31(c), this ICR addresses the respondent activities associated with collecting the required information. Submittal of this information to the permitting agency is addressed in *Supporting Statement for EPA ICR “Part B Permit Application, Permit Modifications, And Special Permits.” OMB Control No. 2050-0009*).

(i) Data Items:

- A public notice that includes:
  - The date, time, and location of the meeting;
  - A brief description of the purpose of the meeting;
  - A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
  - A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and

- The name, address, and telephone number of a contact person for the applicant.
- Information to be submitted to the permitting agency as part of the Part B permit application:
  - Copy of newspaper notice announcing the pre-application meeting;
  - A summary of a pre-application meeting with the public;
  - A list of attendees and their addresses; and
  - Copies of any written comments or materials distributed at the meeting.

(ii) Respondent Activities:

To comply with the requirements in Section 124.31, applicants must perform the following activities:

- Read the regulations;
- Prepare notice of pre-application meeting;
- Prepare a multilingual notice of pre-application meeting, if appropriate;
- Provide for publication/posting/broadcasting of notice;
- Provide copy of pre-application meeting notice to the permitting agency and appropriate units of State and local government;
- Retain documentation of the notice;
- Prepare for and conduct the meeting;
- Prepare a meeting summary; and
- Copy the list of attendees with their addresses.

## Information Repository

Under 40 *CFR* 124.33, the Agency Director has the authority to require certain applicants/facilities to establish and maintain an information repository. Applicants/facilities instructed by the Agency Director to establish an information repository must, at a minimum, provide a written notice about the information repository to all individuals on the facility mailing list. The Agency Director will determine the information to be placed in the information repository.

(i) Data Items:

- Written notice about the information repository; and
- Information in the repository, e.g.:
  - A summary of the pre-application public meeting;
  - A copy of the Part B permit application; and
  - Any other information the Agency Director determines to be relevant to public understanding of permitting activities at the facility.

(ii) Respondent Activities:

To comply with the requirements in section 124.33, applicants must conduct the following activities:

- Read the regulations;
- Arrange with a local building for space to establish the information repository;
- Provide notice of the repository to individuals on the facility mailing list;
- Provide a multilingual notice of the repository to individuals on the facility mailing list, if appropriate;
- Establish the information repository; and
- Maintain the information repository.

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

### **5(a) Agency Activities**

#### **Notice at Application Submittal**

40 *CFR* 124.32 requires the Agency to provide public notice, as set forth in sections 124.10(c)(1)(ix) and (x), at the application submittal stage.

#### **Information Repository**

40 *CFR* 124.33 provides discretionary authority for the Agency to require, on a case-by-case basis, the owner or operator of a facility to set up an information repository, and to provide a notice to the facility mailing list about the repository. Section 124.33(d) requires the Agency Director to specify the contents of the repository and establish requirements for informing the public about the establishment of the repository (at a minimum, the Agency Director will require the facility to provide written notice to the facility mailing list).

#### **Trial Burn Notice**

40 *CFR* 270.62(b)(6), 270.62(d), 270.66(d)(3), and 270.66(g) require the Agency to provide public notice, as set forth in sections 124.10(c)(1)(ix) and (x), of an impending trial burn at a permitted hazardous waste combustion facility, or at a hazardous waste combustion facility operating under interim status.

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

In collecting and analyzing the information required by the expanded public participation activities, EPA uses equipment such as personal computers and applicable data base software, when appropriate. The public will receive information through newspaper announcements and other media, and, in some cases, will have access to additional data through an information repository as specified by the Agency under 40 *CFR* 124.33.

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

In developing the regulations for expanding public involvement in the RCRA permitting process, EPA was sensitive to the needs and concerns of small businesses. Therefore, the regulations describe the minimum efforts necessary to fulfill the public involvement requirements. EPA avoided including narrow, prescriptive requirements in the final RCRA Expanded Public Participation Rule, in order to provide as much flexibility as possible—for the facility, the community, and the Agency—in implementing the requirements. Furthermore, EPA conducted a small entity impact screening analysis for the proposed rule and determined that there were no small entities significantly impacted (see 59 *FR* 28680; June 2, 1994). Because there were no substantive changes to the public participation requirements since the proposal, EPA determined that the requirements do not significantly impact small entities.

EPA's intent in developing the requirements was to provide flexibility for a facility, in cooperation with local agencies or community groups, to determine the most effective communication mechanisms for a particular situation. EPA recognizes that, in some situations, an information repository could become resource-intensive for a facility or for the local community. EPA addressed this concern by providing discretion to the Agency Director to determine whether to require a repository, rather than requiring it for all facilities.

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

Many of the requirements do not have specific schedules governing the submittal of the information. Requirements that have specific time frames associated with them are described below.

#### **Pre-application Public Meeting and Notice**

40 *CFR* 124.31(d) requires the applicant to provide public notice of the pre-application meeting at least 30 days before the meeting is scheduled.

#### **Notice at Application Submittal**

40 *CFR* 124.32(b)(2) requires the Agency Director to publish the notice “within a reasonable period of time after the application is received.”

#### **Trial Burn Notice**

40 *CFR* 270.62(b)(6)(i), 270.62(d), 270.66(d)(3)(i), and 270.66(g) require the Agency Director to provide notice to the mailing list and to appropriate units of State and local government “within a reasonable time period before the scheduled trial burn.”

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

### 6(a) Estimating Respondent Hours

EPA estimates respondent burden hours for the information collection requirements associated with the pre-application meeting and the information repository requirements in Exhibit 1. The burden estimates for each activity presented in Exhibit 1 include the burden hours (total and by labor type) per facility, as well as the overall burden hours associated with the given activities.

### 6(b) Estimating Respondent Costs

#### Labor Costs

EPA estimates an average hourly respondent labor cost of \$130.33 for legal staff, \$113.39 for managerial staff, \$83.74 for technical staff, and \$31.14 for clerical staff. These respondent labor costs were obtained from the previously approved ICR (i.e., EPA ICR Number 1688.08), and updated to 2018 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics

#### Capital/Start-Up Costs

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. For this ICR, capital costs include the purchase of file cabinets for an information repository.

In complying with the requirements covered in this ICR, facilities may be required to maintain an information repository. The information repository will require file cabinet space to retain the information required. EPA took the following steps to estimate the cost of the file cabinets:

- Estimate the number of file cabinets per facility required for the information repository. Given that the standard-size, five-drawer, lateral file cabinet is expected to hold approximately 16,000 pages of material, EPA estimates that each facility would need to purchase only one file cabinet to retain copies of the applications and other required documentation within the time period of this ICR. The approximate cost of purchasing a file cabinet is estimated at \$830.

- Calculate the annualized cost. EPA used the following formula to calculate the annual cost to facilities for acquiring the file cabinets:

$$\text{Annualized Net Present Value} = \$830 \times [1/(\sum 1/(1+k)^t)]$$

where k = discount rate of 7 percent; and

t = life of permit (10 years).<sup>1</sup>

EPA estimates that each facility will pay an annual cost of \$118 for its file cabinet. This capital cost is shown in Exhibit 3.

### **Operation and Maintenance Costs**

Operation and maintenance (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.” For this ICR, O&M costs include:

- (ii) Newspaper advertisement: EPA estimates that a permit applicant will incur a cost of \$28 for one inch of column space in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility.
- (iii) Broadcast media announcement: EPA assumes that the radio broadcast will be a public service. Therefore, the applicant will incur no costs for the radio announcement.
- (iv) Meeting materials: EPA estimates that a permit applicant will incur a cost of \$30 for 100 copies of a three-piece handout (i.e., 300 pages @ \$0.10/page).
- (v) Space rental: EPA assumes that a permit applicant will conduct the pre-application public meeting in a community center. Thus, the applicant will incur no space rental costs.
- (vi) Mailing costs: EPA estimates that a permit applicant will incur a cost of \$3.48 to mail the pre-application notice to the permitting agency and the appropriate units of State and local government (i.e., 6 government agencies @ \$0.58/agency (\$0.49 for stamp and \$0.09 for envelope)). EPA also estimates a cost of \$145 for mailing a written notice about the information repository to all individuals on the facility mailing list (i.e., 250 individuals on the facility mailing list @ \$0.58/individual).

These O&M costs are shown in Exhibit 1.

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

EPA estimates the Agency hour and cost burden associated with all of the requirements covered in this ICR in Exhibit 2.

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<sup>1</sup> Based on an OMB-approved discount rate of seven percent (OMB Circular A-94) and an estimated life of 10 years for a permit.

## Describing Agency Activities

Notice at Application Submittal. To estimate the number of facilities for which the Agency will have to provide public notice at application submittal in each year covered by the ICR, EPA referred to RCRAInfo.<sup>2,3</sup> Based on RCRAInfo data, EPA estimated the average annual number of Part B permit applications to be received over a three year period for initial permits and permit renewals.<sup>4</sup> By adding these two estimates, EPA ascertained the number of application submittals for which the Agency will have to provide public notice during the three-year period covered in the ICR. Based on RCRAInfo data, EPA estimates that 4 initial Part B permit applications, on average, will be received annually over a three year period and 42 permits, on average, will be renewed annually over a three year period.

Based on the above assumptions, EPA estimates that the Agency will have to provide public notice at application submittal for 46 facilities per year (i.e.,  $4 + 42 = 46$ ).

Information Repository. The Agency Director may require facilities to establish information repositories at any point during the permit application process, or during the life of the permit. EPA anticipates that information repositories will be required in a limited number of situations. Unlike the pre-application meeting requirements, facilities submitting post-closure permit applications or modification requests (e.g., a Class 3 modification to add a combustion unit or to begin burning dioxin) could also potentially be required to establish a repository.

EPA is assuming that 15 percent of the estimated 46 annual respondents subject to the pre-application meeting requirements (i.e.,  $0.15 \times 46 = 7$  facilities) will be required to set up a repository (see Section 6(d) for a description of the respondent universe estimate for the pre-application requirements).

Trial Burn Notice. In estimating the number of facilities for which the Agency will have to provide public notice of an upcoming trial burn, EPA again referred to RCRAInfo.<sup>5</sup> RCRAInfo indicates that only one trial burn plan was approved over a three year period.<sup>6</sup> For

2 RCRAInfo is EPA's comprehensive information system on hazardous waste generation and management facilities. RCRAInfo characterizes facility status, regulated activities, and compliance histories and captures detailed data on the generation and management of hazardous waste.

3 EPA referred to the PEVENT table of the Permit, Closure and Post-Closure Module in RCRAInfo to ascertain the permit data.

4 In ascertaining the number of new permit applications, EPA identified records with a permit event code of "OP020" (i.e., Part B Received). In ascertaining the number of permit renewals, EPA identified records with a permit event code of "OP270" (i.e., Permit Expires).

5 EPA referred to the PEVENT table of the Permit, Closure and Post-Closure Module in RCRAInfo to ascertain the permit data.

6 In ascertaining the number of trial burns, EPA identified records with the following permit event codes: "MO070" (i.e., Operating Permit Modification, Trial Burn Plan Approved); "OP070" (i.e.,



purposes of this ICR, EPA assumes that the same number will be approved annually over a three year period.

### **Estimating Agency Hour and Cost Burden**

EPA estimates Agency burden hours for the information collection requirements associated with the application submittal notice, the information repository, and the trial burn notice requirements in Exhibit 2. The burden estimates for each activity presented in Exhibit 2 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours associated with the given activities.

EPA estimates an average hourly labor cost (labor plus overhead) of \$80.59 for legal staff, \$75.36 for managerial staff, \$55.26 for technical staff, and \$22.19 for clerical staff. To derive these estimates, EPA used the General Schedule (GS) Salary Table 2018. For purposes of this ICR, EPA assigned staff the following government service levels:

Legal Staff	GS-15, Step 1
Managerial Staff	GS-14, Step 4
Technical Staff	GS-12, Step 5
Clerical Staff	GS-5, Step 1

To derive hourly estimates, EPA divided annual compensation estimates by 2,080, which is the number of hours in the Federal work-year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6.

Capital/Start-Up Costs. The Agency is not expected to incur capital costs in conducting the activities covered in this ICR.

Operation and Maintenance Costs. For this ICR, O&M costs to the Agency include the costs associated with a public notice announcing that a Part B permit application has been received or that a trial burn will take place. For the announcement of receipt of a RCRA permit application, EPA estimates the total cost of each public notice to be \$150.50. This cost includes the cost of a newspaper announcement and mailing costs for providing a written notice to all individuals on the facility mailing list. EPA assumes that the radio announcement will be a public service. Thus, the Agency will incur no cost for a radio announcement. For the announcement of a trial burn, EPA estimates the total O&M cost of each notice to be \$122.50. These O&M costs are shown in Exhibit 2.

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

#### **Pre-application Public Meeting and Notice**

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Operating Permit, Trial Burn Plan Approved); and “RD070” (i.e., Research and Development, Trial Burn Plan Approved).

The pre-application meeting requirements apply to all facilities applying for an initial RCRA permit, and to already permitted facilities proposing a significant change in facility operations (i.e., changes equivalent to a Class 3 modification) at renewal. These requirements do not apply to other renewal applications (i.e., those that do not include significant changes), post-closure applications, or routine permit modification requests.

To estimate the number of initial RCRA permits, EPA referred to RCRAInfo. Based on RCRAInfo data, EPA estimates that 4 initial Part B permit applications, on average, will be received annually over a three year period.

To estimate the number of permit renewals involving a significant change in facility operations, EPA again relied on RCRAInfo. RCRAInfo indicates that 42 RCRA permits, on average, will be renewed annually over a three year period. EPA assumes that only ten percent (i.e.,  $42 \times 0.10 = 4$  permits) will involve significant changes to facility operations and thus be subject to the pre-application meeting requirements.

Based on the above assumptions, EPA estimates that 9 facilities (i.e.,  $4 + 4 = 8$ ), on average, will be subject to the pre-application requirements each year.

### **Information Repository**

EPA estimates that, each year, seven facilities will incur the costs associated with the information repository. (See Section 6(c) for a description of the universe estimate for the information repository requirements.)

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

#### **Respondent Tally**

Exhibit 3 shows the aggregate annual hour and cost burden to respondents. As shown in the exhibit, EPA estimates the annual respondent burden to be 4,375 hours and \$326,263.

#### **Agency Tally**

Exhibit 4 shows the aggregate annual hour and cost burden to the Agency. As shown in the exhibit, EPA estimates the annual Agency burden to be 368 hours, at a cost of \$23,595.

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

There is a decrease in overall burden for the ICR of 1,239 hours between the existing ICR and this renewal (5,614 hours – 4,375 hours). This decrease is due to the decrease in the respondent universe from 59 to 46.

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

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 95 hours per response.

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

To comment on EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OLEM-2018-0102, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), WJC 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 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-OLEM-2018-0102 and OMB Control Number 2050-0033 in any correspondence.

<b>Exhibit 1</b>											
<b>Requirements Regarding Expanded Public Participation</b>											
<b>Estimated Annual Respondent Hour and Cost Burden</b>											
	Hours and Costs per Respondent									Total Hours and Costs	
	Legal	Managerial	Technical	Clerical	Respondent	Labor Cost	Capital/	O&M	Number of	Total Hours/	Total
INFORMATION COLLECTION ACTIVITY	\$130.33/hr	\$113.39/hr	\$83.74/hr	\$3114/hr	Hours		Startup Costs	Costs	Respondents/	Year	Cost/Year
<b>Pre-Application Public Meeting and Notice (124.31)</b>											
Read the regulations	0.00	0.10	0.50	0.00	0.50	\$53.00	\$0.00	\$0.00	46	23	\$2,438
Prepare notice of pre-application meeting	0.00	0.25	100	0.25	150	\$120.00	\$0.00	\$0.00	46	69	\$5,520
Prepare multilingual notice of pre-application meeting	0.00	0.00	3.50	100	4.50	\$324.00	\$0.00	\$0.00	46	207	\$14,904
Provide for publication/posting/broadcasting of the notice	0.00	0.00	100	0.50	150	\$99.00	\$0.00	\$28.00	46	69	\$5,842
Provide copy of pre-application meeting notice to the permitting agency and appropriate units of State and local government	0.00	0.25	100	0.25	2.00	\$120.00	\$0.00	\$2.22	46	92	\$5,622
Retain documentation of the notice	0.00	0.00	0.00	0.50	100	\$16.00	\$0.00	\$0.00	46	46	\$736
Prepare for and conduct the meeting	0.00	0.00	64.50	5.50	70.00	\$5,573.00	\$0.00	\$30.00	46	3,220	\$257,738
Prepare meeting summary	0.00	0.00	100	7.00	8.00	\$302.00	\$0.00	\$0.00	46	368	\$13,892
Copy list of attendees with their addresses	0.00	0.00	0.00	100	100	\$3100	\$0.00	\$0.00	46	46	\$1426
Subtotal	0.00	0.60	72.50	16.00	90.00	\$6,638.00	\$0.00	\$60.22	46	4,140	\$308,118
<b>Information Repository (124.33)</b>											
Read the regulations	0.00	0.10	0.50	0.00	0.60	\$53.00	\$0.00	\$0.00	7	4	\$366
Arrange with a local building for space to establish the information repository	0.00	0.00	10.00	0.00	10.00	\$837.00	\$0.00	\$0.00	7	69	\$5,775
Provide notice of repository to individuals on facility mailing list	0.00	0.00	100	150	2.50	\$130.00	\$0.00	\$61.25	7	17	\$1,320
Provide multilingual notice of repository to individuals on facility mailing list	0.00	0.00	3.50	100	4.50	\$324.00	\$0.00	\$61.25	7	31	\$2,659
Establish the information repository	0.00	0.00	0.10	4.40	4.50	\$145.00	\$18.00	\$0.00	7	31	\$1,815
Maintain the information repository	0.00	0.00	10.00	2.00	12.00	\$900.00	\$0.00	\$0.00	7	83	\$6,210
Subtotal	0.00	0.10	25.10	8.90	34.10	\$2,389.00	\$18.00	\$122.50	7	235	\$18,145
<b>TOTAL</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>4,375</b>	<b>\$326,263</b>

<b>Exhibit 2</b>											
<b>Requirements Regarding Expanded Public Participation</b>											
<b>Estimated Annual Agency Hour and Cost Burden</b>											
	Hours and Costs Per Respondent								Total Hours and Costs		
	Legal	Managerial	Technical	Clerical	Respondent Hours	Labor Cost	Capital Startup Costs	O&M Costs	Number of Respondents/ Activity	Total Hours/ Year	Total Cost/Year
INFORMATION COLLECTION ACTIVITY	\$80.59/hr	\$75.36/hr	\$55.26/hr	\$22.19/hr							
<b>Notice at Application Submittal (124.32)</b>											
Provide public notice at application submittal	0.00	0.00	150	150	3.00	\$116.00	\$0.00	\$89.25	46	138	\$9,442
Provide multilingual notice	0.00	0.00	3.50	100	4.50	\$216.00	\$0.00	\$6125	46	207	\$12,754
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>5.00</b>	<b>2.50</b>	<b>7.50</b>	<b>\$332.00</b>	<b>\$0.00</b>	<b>\$150.50</b>	<b>46</b>	<b>345</b>	<b>\$22,196</b>
<b>Information Repository (124.33(b) and (d))</b>											
Specify contents of repository	0.00	0.50	100	0.15	165	\$96.00	\$0.00	\$0.00	7	11	\$662
Establish requirements for informing the public	0.00	0.50	0.00	0.15	0.65	\$4100	\$0.00	\$0.00	7	4	\$283
<b>Subtotal</b>	<b>0.00</b>	<b>1.00</b>	<b>100</b>	<b>0.30</b>	<b>2.30</b>	<b>\$137.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>7</b>	<b>15</b>	<b>\$945</b>
<b>Trial Burn Notice (270.62(b)(6) and (d); 270.66(d)(3) and (g))</b>											
Provide public notice prior to trial burns	0.00	0.00	150	150	3.00	\$116.00	\$0.00	\$6125	1	3	\$177
Provide multilingual notice	0.00	0.00	3.50	100	4.50	\$216.00	\$0.00	\$6125	1	5	\$277
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>5.00</b>	<b>2.50</b>	<b>7.50</b>	<b>\$332.00</b>	<b>\$0.00</b>	<b>\$122.50</b>	<b>1</b>	<b>8</b>	<b>\$454</b>
<b>TOTAL</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>\$0.00</b>	<b>varies</b>	<b>varies</b>	<b>368</b>	<b>\$23,595</b>

<b>Exhibit 3</b>					
<b>Total Annual Respondent Hour and Cost Burden</b>					
INFORMATION COLLECTION ACTIVITY	Total Hours	Total Labor Costs	Total Capital Cost	Total O&M Costs	Total Costs
Pre-Application Public Meeting and Notice	4,140	\$305,348	\$0	\$2,770	\$308,118
Information Repository	235	\$16,485	\$814	\$846	\$18,145
<b>TOTAL</b>	<b>4,375</b>	<b>\$321,833</b>	<b>\$814</b>	<b>\$3,616</b>	<b>\$326,263</b>

<b>Exhibit 4</b>					
<b>Total Annual Agency Hour and Cost Burden</b>					
INFORMATION COLLECTION ACTIVITY	Total Hours	Total Labor Costs	Total Capital Cost	Total O&M Costs	Total Costs
Notice at Application Submittal	345	\$15,272	\$0	\$6,924	\$22,196
Information Repository	15	\$945	\$0	\$0	\$945
Public Meeting Notice	8	\$332	\$0	\$122	\$454
<b>TOTAL</b>	<b>368</b>	<b>\$16,549</b>	<b>\$0</b>	<b>\$7,046</b>	<b>\$23,595</b>