

SUPPORTING STATEMENT for Identification, Listing and Rulemaking Petitions (Proposed

Rule titled ‘Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles’)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

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

Identification, Listing and Rulemaking Petitions (Proposed Rule titled ‘Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles’)

EPA ICR No. 1189.31, Office of Management and Budget (OMB) Control No. 2050-0053.

1(b) Short Characterization

This ICR amends the previously approved ICR (EPA ICR Number 1189.26), OMB Control No. 2050-0053, which covers the Identification, Listing and Rulemaking Petitions under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, codified under 40 Code of Federal Regulations (CFR) parts 260 and 261. This ICR package (EPA ICR Number 1189.28) represents the new information collection requirements imposed by the Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles (referred to herein as the Proposed Rule).

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

EPA is proposing the following targeted changes to the 2015 CCR rule: revisions to the annual groundwater monitoring and corrective action report requirements, establishing an alternate risk-based groundwater protection standard for boron, and revisions to the publicly accessible CCR website requirements. The Agency is also proposing to address two provisions of the final rule that were remanded back to EPA on August 21, 2018 by the U.S. Court of Appeals for the D.C. Circuit. Specifically, EPA is proposing to revise the CCR beneficial use definition and the requirements applicable to piles of CCR. Regarding revisions to the beneficial use definition, EPA is proposing to eliminate the mass-based numerical threshold used to trigger an environmental demonstration and instead replace it with specific location-based criteria. Regarding the requirements applicable to piles, EPA is proposing to introduce a single approach to consistently address the potential environmental and human health issues associated with piles, regardless of whether a pile is on the land on-site (at an electric utility or independent power producer site) or off-site (at a beneficial use site) and whether the CCR is destined for disposal or beneficial use. This ICR addresses the following changes in information requirements associated with the Proposed Rule provisions:

Changes in provisions associated with beneficial use of CCR

1. Revisions to Criterion 4 of the beneficial use definition at 40 CFR 257.73

- a. **Location-based standard investigation costs:** revising the Criterion 4 requirements to replace the “12,400 tons or more” condition with a location-based standard consistent with the location restrictions applicable to CCR management units at 40 CFR 257.60 through 257.64. This revision would require beneficial users to investigate potentially affected projects to determine whether location-based standards apply.
- b. **Criterion 4 demonstrations:** per the revisions above, requiring Criterion 4 demonstrations for a subset of unencapsulated, non-roadway uses of CCR of quantities less than 12,400 tons (larger quantities already meet the Criterion 4 demonstration requirement) that meet the location-based criteria above.

Changes in provisions associated with groundwater monitoring and corrective action

- 2. **Revisions to the annual groundwater monitoring and corrective action report requirements:** revising the report requirements to include an additional information summary. No new information is required to be collected or displayed as part of the revision; the revision only requires the standardized display of key information already present in existing reports.

Changes in provisions associated with recordkeeping, notification, and posting of information to the internet

- 3. **Website updates:** revisions requiring that all publicly accessible internet sites be open to the public, without requiring registrations, certifications, logins, passwords, or other information from parties accessing the site, and revisions requiring that documents posted to the sites not be locked or restricted from being able to be downloaded, read, printed, or shared, and available for direct access and download without requiring users to send manual or automated requests to access specific documents.

The remaining provision in the rule addresses regulations governing CCR stored in piles and makes no changes to requirements affected by the Paperwork Reduction Act.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

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

At the time the CCR regulations issued on April 17, 2015, under Subtitle D of RCRA EPA had no formal role in rule implementation nor could the agency enforce the requirements in the rule. Therefore, the regulations were “self-implementing,” that is, a facility must comply with them without any action by a regulatory agency.

To address concerns about the absence of adequate regulatory oversight under Subtitle D, EPA also sought to enhance the protectiveness of the regulatory requirements by providing for state and public

notifications of the third party certifications, as well as requiring a robust set of other information that documents the decisions made or actions taken to comply with the technical requirements of the rule.

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

The Proposed rule improves access to the information required to be reported to publicly available websites by regulated utilities under the 2015 CCR Rule. This ICR describes those changes.

2(b) Use/Users of the Data

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

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

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

EPA believes that these requirements will enhance the protectiveness of the rule by providing for requiring a robust set of information that documents the decisions made or actions taken to comply with the technical requirements of the rule. Further, EPA believes that the establishment and maintenance of this information in both the operating record and on a publicly accessible internet site is appropriate so as to allow states and citizens access to all of the information necessary to show that the rule has been implemented in accordance with the regulatory requirements. EPA has consolidated the recordkeeping

and notification requirements into a comprehensive listing in a single section of the regulations. See 40 CFR §§ 257.105 and 257.106, respectively. The Agency anticipates that this will facilitate compliance, and will provide other interested parties with an easy to read guide to the reporting provisions of the rule.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

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

Changes to recordkeeping requirements under the Proposed Rule are not duplicative with any information required by the existing Federal RCRA regulations.

3(b) Consultations

EPA will have a comment period on the proposed rule to solicit comment, and will hold a public meeting, the date of this meeting will be announced in the *Federal Register*.

3(c) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA will open a public comment period for the ICR when the Proposed Rule is published in the *Federal Register*. At the end of the comment period, EPA will review public comments received in response to the notice and address comments received in the final rule.

3(d) Effects of Less Frequent Collection

EPA has carefully considered the information collection burden imposed by the 2015 CCR rule, and the adjustments in this Proposed Rule. EPA is confident that those activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed.

3(e) General Guidelines

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

3(f) Confidentiality and Sensitive Questions

(i) Confidentiality

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

(ii) Sensitive Questions

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

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

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

The information collection requirements covered in this ICR may affect two universes of respondents:

- (1) electric utility facilities and independent power producers that fall under the North American Industry Classification System (NAICS) code 221112 – may be affected by provisions that revise requirements associated with groundwater monitoring and corrective action reports that must be submitted annually by owner/operators of CCR management units, and by provisions that revise requirements associated with publicly available CCR compliance websites, which must be maintained by owner/operators of CCR management units; and
- (2) entities and projects that employ CCR for beneficial use, including:
 - a. Concrete batch plants (NAICS codes 327320, 32733, and 327390);
 - b. Cement kilns (NAICS 327310);
 - c. Highway construction projects (NAICS 237310);
 - d. Non-road construction projects (NAICS 23);
 - e. Municipalities using CCR for snow and ice control projects;
 - f. Wallboard plants (NAICS 327420);
 - g. Farms and other agricultural establishments using FGD gypsum in agricultural applications as a soil amendment (NAICS 11); and
 - h. Oil and gas field services (NAICS 213112)

4(b) Information Requested

The Proposed Rule adjusts several of the information requirements associated with beneficial use of CCR, groundwater monitoring and corrective action, and recordkeeping, notification, and posting of information to the internet requirements of the 2015 CCR Rule, as described below.

(i) Data Items

All affected facilities will need to become familiar with the Proposed Rule. Qualifying facilities and units that are currently required to undertake information collection activities may see alterations in the requirements for, and timing of, some of these activities; most of these changes reduce burden. Activities potentially affected include investigations for whether certain requirements apply to activities, demonstration requirements, reporting requirements, and website requirements under 40 CFR 257.

(ii) Respondent Activities

Rule Familiarization

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

Change in Criterion 4 of the beneficial use definition at 40 CFR 257.73

Under the Proposed Rule, EPA is proposing to revise the Criterion 4 requirements to replace the “12,400 tons or more condition” with a location-based standard consistent with the location restrictions applicable to CCR management units at 40 CFR 257.60 through 257.64. As a result of this revision, respondents affected by this change will need to:

- (1) Conduct an investigation to determine whether the location-based standards apply to each specific project (unless the project already used CCR quantities of 12,400 or more, in which case Criterion 4 already applied to the project); and

- (2) Complete the Criterion 4 demonstration pursuant to 40 CFR 257.73 for each project potentially affected by the location-based standards (unless the project already used CCR quantities of 12,400 or more, in which case the demonstration would have already been completed).

Revise annual groundwater monitoring and corrective action report requirements

Under the Proposed Rule, EPA is proposing requiring an additional information summary to the annually-required groundwater monitoring and corrective action report. This information summary will not require owner/operators to collect or display new information related to groundwater monitoring and/or corrective action. Rather, the additional summary is meant to present in one place in a standardized fashion some key information that is already in the existing reports.

Revise reporting and documentation requirements

Under the Proposed Rule, EPA is proposing to add additional requirements to publicly accessible internet sites:

- (1) all publicly accessible internet sites must be open to the public, without requiring registrations, certifications, logins, passwords, or other information from parties accessing the site; and
- (2) documents posted to the sites must not be locked or restricted from being able to be downloaded, read, printed, or shared, and available for direct access and download without requiring users to send manual or automated requests to access specific documents.

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

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

Burden to State and Local Agencies and Others

EPA does not anticipate any changes in the burden to state and local agencies. If some municipalities or local government jurisdictions use CCR for snow and ice control and need to comply with the additional reporting or recordkeeping requirements related to the revisions to Criterion 4 of the beneficial use definition, these affected entities may incur incremental costs. However, data are not available identifying how many projects of this type exist, and this ICR is not able to quantify this potential (modest) impact.

Burden to the Federal Government

EPA is not expected to incur any additional burden as a result of the Proposed Rule. EPA may have a reduced burden due to the shorter time it may take to review the standardized groundwater and corrective action reports, but this is not quantified in this ICR.

5(b) Collection Methodology and Management

Most information can be maintained in the facility operating record or on a publicly accessible internet website rather than in submittals to EPA. For the information that is submitted (e.g., beneficial use demonstrations), EPA ensures the accuracy and completeness of the collected information by reviewing each submittal.

5(c) Small Entity Flexibility

EPA determined that the Proposed Rule will not have a significant economic impact on a substantial number of small entities in the corresponding Economic Analysis.¹

5(d) Collection Schedule

The information provided varies based on the provisions of the 2015 CCR Rule and on the timing of individual beneficial use projects involving CCR.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The unit burden applied to various respondents is based on the type of regulated facility (e.g., beneficial use facility or coal-fired electric utility).

6(a) Respondent Burden

This section provides estimates of the respondent hourly burden associated with the information collection requirements covered in this ICR. The section includes burden hours by labor type per respondent, as well as the overall burden hours for all respondents. The respondent burden is separated into two sections: respondent burden changes for beneficial users of CCR and respondent burden changes for coal-fired electric utilities.

Respondent Burden Change for Beneficial Users of CCR: Change in Criterion 4 of the beneficial use definition at 40 CFR 257.73

The proposed change in Criterion 4 of the beneficial use definition proposes to revise the Criterion 4 requirements to replace the “12,400 tons or more condition” with a location-based standard consistent with the location restrictions applicable to CCR management units at 40 CFR 257.60 through 257.64. This change requires facilities with projects smaller than 12,400 tons to:

- 1) Conduct an investigation to determine whether the location-based standards apply to the project, and
- 2) Complete the Criterion 4 demonstration if the project is affected by the location-based standards

The additional investigation and demonstration costs result in an increase in costs to affected facilities (Exhibit 6-1). In addition to the investigation and demonstration costs, EPA assumes that facility staff will require time to review the Proposed Rule. The time required for this review will be limited because most of the final provisions amend current requirements as opposed to introducing completely new provisions. This analysis assumes that rule familiarization will only occur in year 1. The total number of expected labor hours multiplied by the total number of affected facilities provides the total labor burden of becoming familiar with the rule (Exhibit 6-1).

¹ *Economic Analysis: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles, July 2019.*

Exhibit 6-1: Proposed Rule Revisions to Criterion 4 of the Beneficial Use Definition at 40 CFR 257.73

(Annual Burden in Hours)							
Activity	Number of Respon. Activities	Legal	Mgr.	Tech.	Clerical	Hours Per Activity	Total Labor Burden
Beneficial use of CCR							
Location-Based Standard Investigation Costs (<u>annual</u>)	2,360	0.00	0.25	1.00	0.75	2.00	4,720.00
Criterion 4 Demonstration (<u>annual</u>)	28	2.00	2.00	35.00	1.00	40.00	1,104.48
Read the regulations (<u>one-time</u>)	345	0.00	0.50	0.50	0.00	1.00	345.34
Total Burden Hours							6,169.82

Respondent Burden Change for Coal-fired Utilities: Revise annual groundwater monitoring and corrective action report requirements

Under the Proposed Rule, EPA is proposing requiring an additional information summary to the annually-required groundwater monitoring and corrective action report. EPA assumes that this will require a one-time activity of two hours to update the reports, and an additional burden of 1.5 hours annually to continue to update the reports, as shown in Exhibit 6-2.

Exhibit 6-2: Proposed Rule Revisions to annual groundwater monitoring and corrective action report requirements

(Annual Burden in Hours)							
Activity	Number of Respon. Activities	Legal	Mgr.	Tech.	Clerical	Hours Per Activity	Total Labor Burden
Groundwater Monitoring and Corrective Action							
Revisions to the Annual Groundwater Monitoring and Corrective Action Report Requirements (<u>One-time</u>)	255	0.00	1.00	1.00	0.00	2.00	509.34
Revisions to the Annual Groundwater Monitoring and Corrective Action Report Requirements (<u>Annual</u>)	764	0.00	0.50	1.00	0.00	1.50	1,146.00
Total Burden Hours							1,655.34

Respondent Burden Change for Coal-fired Utilities: Revise reporting and documentation requirements

Under the Proposed Rule, EPA is proposing to add additional requirements to publicly accessible internet sites, including the requirements that all publicly accessible internet sites must be open to the public, and documents posted to the sites must not be locked or restricted from being able to be

downloaded, read, printed, or shared, and available for direct access and download. EPA assumes this activity will require a one-time burden of 2 hours, as shown in Exhibit 6-3.

Exhibit 6-3: Proposed Rule Revisions to Reporting and Documentation Requirements

Activity	Number of Respon. Activities	(Annual Burden in Hours)						Total Labor Burden
		Legal	Mgr.	Tech.	Clerical	Hours Per Activity		
Recordkeeping, Notification, and Posting of Information to the Internet								
Update Website (One-time)	2	0.00	1.00	1.00	0.00	2.00	3.34	
Total Burden Hours								3.34

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

EPA uses labor rate estimates consistent with the most recent ICR for the CCR program, adjusted to year 2018 dollars. Hourly labor rates for all respondents are based on estimates of national cross-industry wages by the U.S. Bureau of Labor Statistics² for occupational groups SOC 23-1011: Lawyers; SOC 11-0000: Management Occupations; SOC 17-3026: Industrial Engineering Technicians; and SOC 43-9061: Office Clerks, General, respectively, multiplied by a factor³ of 1.78 to account for fringe benefits⁴ and overhead.⁵ These respondent labor costs were updated to 2018 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.⁶ The labor rates are displayed in **Exhibit 6-4** below.

Exhibit 6-4: Weighted-Average Loaded Hourly Wage Rates (2018 Dollars)

Labor Category	Respondents
Legal	\$125.14
Management	\$105.75
Technical	\$50.98
Clerical	\$29.90

² U.S. Bureau of Labor Statistics (BLS)'s [May 2017 National Industry-Specific Occupational Employment and Wage Estimates](http://www.bls.gov/oes/current/oes_nat.htm) cross all industry sectors, at: http://www.bls.gov/oes/current/oes_nat.htm

³ = [1+ (Fringe Benefits %)] / [(100% - Fringe Benefits %) x (1+ Overhead %)]

⁴ Applied "All goods-producing" industry group fringe benefits percentage of 33.3% from "Table 6. Private industry, by major industry group" of the US Bureau of Labor Statistics (BLS) "Employer Costs for Employee Compensation" (ECEC), June 2018 at <https://www.bls.gov/news.release/ecec.t06.htm>.

⁵ In absence of data specific to industry, applied 12% Federal civilian overhead cost factor from Figure C1 of the REVISED February 2008 OMB Circular A-76 at

http://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/.

⁶ Bureau of Labor Statistics, "Table 4. Employment Cost Index for total compensation, for civilian workers, by occupational and industry," Employment Cost Index Historical Listing - Volume V, Continuous Occupational and Industry Series, September 1975 – June 2018; July 2018. Available online at:

<https://www.bls.gov/web/eci/ecicois.pdf>, last accessed on October 29, 2018. Civilian workers, All workers, June 2017=129.7 and June 2018=133.3.

(ii) Estimating Capital and Operations and Maintenance (O&M) Costs

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

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” EPA does not anticipate that respondents will incur O&M costs in carrying out the information collection requirements covered in this ICR.

6(c) Estimating Agency Burden and Cost

EPA does not anticipate agency burden associated with the changes in paperwork requirements under the Proposed Rule.

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

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

Respondent Universe: Beneficial users of CCR

EPA estimates that there are 1,036 CCR beneficial use facilities that will be potentially subject to the proposed revisions to Criterion 4 of the beneficial use definition.⁷ As described in Section 4(a)(2), the respondent universe of beneficial users of CCR includes a variety of NAICS codes. Exhibit 6-5 presents the number of beneficial user facilities subject to the information collection requirements under the rule.

Respondent Universe: Coal-fired electric utilities

EPA estimates that all 300 existing coal-fired electric utility plants will be affected by the Proposed Rule, including 764 CCR management units. Exhibit 6-5 presents the number of CCR facilities subject to the information collection requirements under the rule.

Exhibit 6-5: Respondent Universe Under the Proposed Rule

Category	Number of Respondents
Beneficial Use Facilities	1,036
Coal-fired Electric Utilities	300
Total	1,336

6(e) Bottom Line Burden Hours and Costs

Exhibit 6-6 presents the bottom line burden hours and costs. The total number of respondents includes both beneficial use facilities and (1,336) or, where activities are associated with CCR units, a subset of the total number of units (919).

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

⁷ The universe estimates in this ICR were obtained from the EA developed for this rulemaking: *Economic Analysis: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles*, July 2019.

Provision	Total Respondents	Total Labor Burden	Labor Costs	Other Costs
Revisions to Criterion 4 of the Beneficial Use Definition at 40 CFR 257.73	Varies	6,170 annualized 18,509 over three years	\$325,530.53	<i>none</i>
Revisions to annual groundwater monitoring and corrective action report requirements	Varies	1,655 annualized 4,966 over three years	\$119,262.95	<i>none</i>
Revisions to Reporting and Documentation Requirements	2	3.34 annualized 10.02 over three years	\$261.22	<i>none</i>
Yearly Average Proposed Rule	Varies	7,829	\$445,055	\$0.00
Yearly Average from 2018-2020 ICR⁸	Varies	175,319	\$9,908,639	\$7,538,452
Total	Varies	183,148	\$10,353,694	\$7,538,452

6(f) Reasons for Change in Burden

This ICR reflects an increase to the currently approved burden hour and cost estimates based on changes to requirements under the Proposed Rule. These program changes will result in an annual burden increase of 7,829 hours and \$445,055 (\$445,055 in labor costs and \$0 in other costs). This is a regulatory action under EO 13771.

6(g) Burden Statement

The annual reporting and recordkeeping burden for this collection of information is estimated to increase baseline burden by 7,829 hours and \$445,055 per year, for a final estimate of 183,148 hours and \$17.9 million per year. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OLEM-2017-0524, which is available for online viewing at www.regulations.gov, or in person viewing at the OLEM Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OLEM Docket is (202) 566-0270. An electronic version of the public docket is available at www.regulations.gov. 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

⁸ Totals from most recent CCR ICR: EPA ICR #1189.29, OMB Control # 2050-0053.

Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OLEM-2017-0524 and OMB Control Number 2050-0053 in any correspondence.

ATTACHMENT

**INFORMATION COLLECTION REQUEST 1189.26
BURDEN ESTIMATE METHODOLOGY**

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

EXHIBIT 1**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES****TOTAL ESTIMATED RESPONDENT HOUR AND COST BURDEN SUMMARY ^a**

	Annual Burden Hours	Annual Labor Cost	Annual Capital/Startup Cost	Annual O&M Cost	Total Annual Cost
Beneficial Use (Exhibit 2)	6,170	\$325,531	\$0	\$0	\$325,531
Groundwater Monitoring and Corrective Action (Exhibit 3)	1,655	\$119,263	\$0	\$0	\$119,263
Recordkeeping, Notification, and Posting of Information to the Internet - Owners and Operators of CCR Units (Exhibit 4)	3	\$261	\$0	\$0	\$261
Total	7,829	\$445,055	\$0	\$0	\$445,055
3-year Total	23,486	\$1,335,163	\$0	\$0	\$1,335,163

^a Exhibit includes rounding error.

EXHIBIT 2**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES****ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - BENEFICIAL USE FACILITIES ^a**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity							Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/Startup	Number of Respon.	Total Hours/	Total Cost/
	\$125.14/ Hour	\$105.75/ Hour	\$50.98/ Hour	\$29.90/ Hour	Hours/ Activity	Cost/ Activity	O&M Cost	Activities	Year	Year
Beneficial use of CCR										
Location-Based Standard Investigation Costs (annual)	0.00	0.25	1.00	0.75	2.00	\$99.84	0.00	0.00	2,360	4,720.00
Criterion 4 Demonstration (annual)	2.00	2.00	35.00	1.00	40.00	\$2,275.98	0.00	0.00	28	1,104.48
Read the regulations (one-time)	0.00	0.50	0.50	0.00	1.00	\$78.37	0.00	0.00	345	345.34
TOTAL	Varies	Varies	Varies	Varies	Varies	Varies	\$0.00	Varies	Varies	6,169.82
										\$325,530.53

^a Exhibit includes rounding error.

EXHIBIT 3**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES****ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS ^a**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	Number of	Total	Total	
	\$125.14 /	\$105.75 /	\$50.98/	\$29.90/	Hours/	Cost/	Startup	O&M	Respon.	Hours/	Cost/
INFORMATION COLLECTION ACTIVITY	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
Groundwater Monitoring and Corrective Action											
Applicability (40 CFR 257.90)											
Revisions to the Annual Groundwater Monitoring and Corrective Action Report Requirements (<u>One-time</u>)	0.00	1.00	1.00	0.00	2.00	\$156.73	\$0.00	\$0.00	255	509.34	\$39,913.91
Revisions to the Annual Groundwater Monitoring and Corrective Action Report Requirements (<u>Annual</u>)	0.00	0.50	1.00	0.00	1.50	\$103.86	\$0.00	\$0.00	764	1,146.00	\$79,349.04
TOTAL	Varies	Varies	Varies	Varies	Varies	Varies	\$0.00	Varies	Varies	1,655.34	\$119,262.95

^a Exhibit includes rounding error.

EXHIBIT 4**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES****ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS ^a**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	Number of	Total	Total	
	\$125.14/	\$105.75/	\$50.98/	\$29.90/	Hours/	Cost/	Startup	O&M	Respon.	Hours/	Cost/
INFORMATION COLLECTION ACTIVITY	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
Recordkeeping, Notification, and Posting of Information to the Internet											
Publicly Accessible Internet Site Requirements (40 CFR 257.107)											
Develop Internet Site											
Update Website (<u>One-time</u>)	0.00	1.00	1.00	0.00	2.00	\$156.73	\$0.00	\$0.00	2	3.34	\$261.22