

**SUPPORTING STATEMENT FOR**  
**EPA INFORMATION COLLECTION REQUEST NUMBER 1189.29**  
**IDENTIFICATION, LISTING AND RULEMAKING PETITIONS**  
**(RENEWAL)**

**November 2018**

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

## **1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION**

This information collection request (ICR) is entitled “Identification, Listing and Rule-making Petitions (Renewal),” EPA ICR #1189.29, OMB Control # 2050-0053.

## **1(b) SHORT CHARACTERIZATION**

Under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, Congress directed the U.S. Environmental Protection Agency (EPA) to implement a comprehensive program for the safe management of hazardous waste. In addition, Congress wrote that “[a]ny person may petition the Administrator for the promulgation, amendment or repeal of any regulation” under RCRA (section 7004(a)).

40 CFR Parts 260 and 261 contain provisions that allow regulated entities to apply for petitions, variances, exclusions, and exemptions from various RCRA requirements. 40 CFR Part 257 contains provisions regarding the management of coal combustion residuals (CCR) under Subtitle D of the RCRA statute.

In the following paragraphs, EPA briefly describes the 40 CFR Parts 260 and 261 paperwork requirements, and the Part 257 requirements related to CCR. In Sections 1 through 5 of this ICR, EPA presents a comprehensive description of the associated paperwork requirements. In Section 6, EPA estimates the total annual burden and cost to respondents and the government associated with these paperwork requirements. .

Where appropriate, the sections below address 40 CFR Parts 260, 261, and 257 (relevant to coal ash) together; where specific requirements are discussed, the supporting statement addresses each part of the program separately. In Section 6, the supporting statement first addresses 40 CFR Parts 260 and 261 paperwork requirements, including rulemaking petitions, solid waste and boiler variance requirements, hazardous waste exclusions, hazardous waste listing exemptions, and hazardous waste import-export revisions, and then separately addresses the 40 CFR Part 257 requirements related to disposal of CCR.

## **40 CFR Parts 260 and 261 RULEMAKING PETITIONS**

In section 7004(b)(1) of RCRA, Congress directed the Administrator to develop and publish minimum guidelines for public participation in rulemaking petition processes. 40 CFR

Part 260, Subpart C establishes procedures for submitting rulemaking petitions. Under section 260.20(b), all rulemaking petitioners must submit basic information with their demonstrations, including name, address, and statement of interest in the proposed action. Under section 260.21, all petitioners for equivalent testing or analytical methods must include specific information in their petitions and demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Under section 260.22, petitions to amend Part 261 to exclude a waste produced at a particular facility (more simply, to delist a waste) must meet extensive informational requirements. When a petition is submitted, the Agency reviews materials, deliberates, publishes its tentative decision in the Federal Register, and requests public comment. EPA also may hold informal public hearings (if requested by an interested person or at the discretion of the Administrator) to hear oral comments on its tentative decision. After evaluating all comments, EPA publishes its final decision in the Federal Register.

## **SOLID WASTE AND BOILER VARIANCE REQUIREMENTS**

In 1985, EPA promulgated regulations governing procedures and informational requirements for variances from classification as a solid waste or for classification as a boiler in sections 260.30 - 260.33. Sections 260.30, 260.31, and 260.33 comprise the standards, criteria, and procedures for variances from classification as a solid waste for three types of materials: materials that are collected speculatively without sufficient amounts being recycled; materials that are reclaimed and then reused within the original primary production process in which they were generated; and materials that have been reclaimed, but must be reclaimed further before the materials are completely recovered. In sections 260.32 and 260.33, EPA promulgated regulations governing the procedures and criteria for obtaining a variance for classification as a boiler. This variance is available to owner or operators of enclosed flame combustion devices.

## **HAZARDOUS WASTE EXCLUSIONS**

Sections 261.3 and 261.4 contain provisions that allow generators to obtain a solid or hazardous waste exclusion for certain types of wastes. Facilities applying for these exclusions must either submit supporting information or keep detailed records.

Under section 261.3(a)(2)(iv), generators may obtain a hazardous waste exclusion for wastewater mixtures subject to Clean Water Act regulation. In 2005, EPA revised the Wastewater Treatment Exemptions for Hazardous Waste Mixtures, also known as the “Headworks Rule” under 40 CFR 261.3(a)(2)(iv) (A), (B), (D), (F), or (G). This Headworks Exclusion final rule (70 FR 57769; October 4, 2005) added benzene and 2-ethoxyethanol to the existing list of solvents that are eligible for the exemptions. The scrubber waters derived-from the combustion of any of the exempted solvents also are included in the exemption. In addition, this rule added an option to allow generators to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Finally, this rule extended the eligibility for the

de minimis exemption to other listed hazardous wastes (beyond discarded commercial chemical products) and to non-manufacturing facilities.

Under section 261.3(c)(2)(ii)(C), generators may obtain an exclusion for certain nonwastewater residues resulting from high metals recovery processing (HTMR) of K061, K062, and F006 waste.

In addition, under section 261.4(a)(9), generators may claim a solid waste exclusion for spent wood preserving solutions and wastewaters from the wood preserving process, as specified. Section 261.4(a)(17) provides that secondary materials, other than listed hazardous wastes, generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or beneficiation, are excluded from being a solid waste so long as certain criteria are met.<sup>1</sup> Under section 261.4(a)(20)(ii)(A), generators and intermediate handlers may obtain a hazardous waste exclusion for zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers. Section 261.4(a)(20)(iii)(B), allows manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to obtain a hazardous waste exclusion. Under section 261.4(b)(6), generators of chromium-containing waste may obtain a hazardous waste exclusion under certain conditions.

Also addressed under this section is the shipment of samples between generators and laboratories for the purpose of testing to determine its characteristics or composition. Sample handlers who are not subject to U.S. Department of Transportation (DOT) or U.S. Postal Service (USPS) shipping requirements must comply with the information requirements of section 261.4(d)(2).

In 1988, EPA promulgated regulations for generators, collectors, and testers of treatability study samples in sections 261.4(e) and (f). When intended for treatability studies, hazardous waste otherwise subject to regulation under Subtitle C of RCRA is exempted from these regulations, provided that the requirements in sections 261.4(e) and (f) are met, including the following information requests: initial notification, recordkeeping, reporting, and final notification. In addition, generators and collectors of treatability study samples also may request quantity limit increases and time extensions, as specified in section 261.4(e)(3).

In 2006, EPA amended the RCRA hazardous waste regulations by establishing a conditional exclusion for used cathode ray tubes (CRTs) under 40 CFR 261.39, 261.40 and 261.41, to encourage greater reuse, recycling, and better management of this growing waste stream (see 71 FR 42928; July 28, 2006). Under this conditional exclusion, used CRTs and glass removed from CRTs sent for recycling or reuse are excluded from the definition of solid waste, if they meet specified conditions.

In 2013, EPA amended the RCRA solid and hazardous waste regulations to conditionally exclude wipes that are contaminated with hazardous solvents under 40 CFR 261.4(a)(26) and (b)(18). Under this conditional exclusion, solvent-contaminated wipes that are cleaned and reused are excluded from the definition of solid waste and solvent-contaminated wipes that are sent for disposal to a landfill or combustor are excluded from the definition of hazardous waste. Also in 2013, EPA revised the RCRA hazardous waste regulations to conditionally exclude carbon dioxide (CO<sub>2</sub>) streams that are hazardous under 40 CFR 261.4(h), provided these hazardous CO<sub>2</sub>

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<sup>1</sup> Note that this exclusion was originally promulgated at 40 CFR 261.4(a)(15). EPA subsequently moved it to 40 CFR 261.4(a)(17).

streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions.

In 2014, EPA revised certain export provisions of the 2006 CRT final rule. The revisions allow EPA to obtain additional information to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.

### ***HAZARDOUS WASTE LISTING EXEMPTIONS***

In 1990, EPA promulgated regulations under 40 CFR 261.31(b)(2)(ii) governing procedures and informational requirements for generators and treatment, storage and disposal facilities proving their sludges are exempt from listing as F037 and F038 wastes. Sections 261.35 (b) and (c), which were also promulgated in 1990, govern procedures and informational requirements for the cleaning or replacement of all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams.

In 1990, EPA promulgated (and amended in 1991 and 2005) regulations in 40 CFR 261.35 exempting wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives from being listed as F032 wastes once the generator has met the established requirements.

In 2005, EPA promulgated a mass loadings-based hazardous waste listing (i.e., K181) for certain organic dyes and/or pigments manufacturing wastes in 40 CFR section 261.32 (see 70 FR 9138; February 24, 2005). Under this listing approach, these wastes are hazardous if they contain any of seven specific constituents of concern (CoCs) at annual mass loading levels that meet or exceed the specified regulatory levels. If generators determine that their wastes are below regulatory levels for all CoCs, then their wastes are nonhazardous. If their wastes meet or exceed the regulatory levels for any of the CoCs, the wastes must be managed as K181 hazardous wastes unless they are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in §258.40, (ii) disposed in a Subtitle C landfill unit subject to either §264.301 or §265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in §258.40, §264.301, or §265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an on-site combustion unit that is permitted under the Clean Air Act.

In 2008, EPA amended the list of hazardous wastes from non-specific sources under 40 CFR 261.31 by modifying the scope of EPA Hazardous Waste No. F019 (see 73 FR 31756; June 4, 2008). EPA amended the F019 listing to exclude wastewater treatment sludges generated from zinc phosphating, when zinc phosphating is used in the motor vehicle manufacturing process, provided that the wastes are not placed outside on the land prior to shipment to a landfill for disposal, and the wastes are disposed in landfill units that are subject to or meet the landfill design criteria specified. Under the amendment, the generators of such wastes may exclude these wastes from the F019 listing provided they meet the conditions for the exclusion.

This ICR describes the new information collection requirements imposed by the final rule. Sections 1 through 5 of this document describe the information collection requirements covered in this ICR (e.g., in regard to need and use of the information collected). Section 6 estimates the annual hour and cost burden to respondents and the Agency under these requirements.

## **HAZARDOUS WASTE EXPORT-IMPORT REVISIONS**

In 2016, EPA promulgated revisions to the existing regulations regarding the export and import of hazardous wastes into the United States (see 81 FR 85696; November 28, 2016). Some of these revisions were to 40 CFR Parts 260 and 261. First, EPA amended § 260.10 by adding a few definitions. Second, EPA amended § 260.11 by updating the incorporation by reference. Third, EPA revised the waste characterization and treatability sample exclusions in § 261.4(d) and § 261.4(e) to add a limit of 25 kg per sample in cases where the sample is to be exported or imported. Fourth, EPA replaced citations in § 261.6(a)(3) and (a)(5) to import and export requirements in 40 CFR Part 262 subparts E and F with references to 40 CFR Part 262 subpart H. Finally, EPA amended § 261.39(a)(5) by adding requirements for electronic export notices (in place of existing paper ones), electronic export annual reports (in place of existing paper ones), and completely new electronic filing of consent related information in US Customs and Border Protection's Automated Export System (AES) for each conditionally excluded export shipment of CRTs for recycling.

### **40 CFR Part 257**

#### **DISPOSAL OF COAL COMBUSTION RESIDUALS**

Solid wastes that are neither listed nor characteristic hazardous waste are subject to the requirements of RCRA Subtitle D. Subtitle D of RCRA establishes a framework for federal, state, and local government cooperation in controlling the management of non-hazardous solid waste. The federal role in this management structure is to establish the overall regulatory direction, by providing minimum national standards that will protect human health and the environment, and to provide technical assistance to states for planning and developing their own environmentally sound waste management practices. The actual planning and any direct implementation of solid waste programs under RCRA Subtitle D, however, remains a state and local function, and RCRA envisions that states will devise programs to deal with state-specific conditions and needs.

The requirements under "Disposal of Coal Combustion Residuals from Electric Utilities (Final Rule)," EPA ICR Number 1189.25, OMB Control Number 2050-0053, and the 2018 "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One)" (Final Rule) are included in this supporting statement..

EPA published a final rule to regulate the disposal of coal combustion residuals (CCR) from electric utilities as solid waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA). See 80 Fed. Reg. 21302 (April 17, 2015). EPA established national minimum criteria for existing and new CCR landfills and CCR surface impoundments and all lateral expansions<sup>2</sup> 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. In 2018, EPA published a final rule (see 83 FR 36435) that modifies a number of these requirements and incorporates anticipated state applications and programs consistent with the Water Infrastructure Improvements for the Nation (WIIN) Act, but does not change the scope or focus of the program.

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<sup>2</sup> A "lateral expansion" is defined in the CCR rule as a horizontal expansion of the waste unit boundaries of a CCR unit made after the rule's effective date, October 19, 2015.

The 2015 rule requires any existing unlined CCR surface impoundment that is contaminating groundwater above a regulated constituent's groundwater protection standard to stop receiving CCR and either retrofit or close, except in limited circumstances. The rule also requires the closure of any CCR landfill or CCR surface impoundment that cannot meet the applicable performance criteria for location restrictions or structural integrity established in this rule. CCR surface impoundments that are no longer receiving CCR as of the effective date of the rule, but still contain water and CCR, will be subject to all applicable regulatory requirements, unless the owner or operator of the facility closes the inactive unit (e.g., the impoundment is closed with a final cover system) no later than three years from the effective date of the rule.

This rule applies to all CCRs generated by electric utilities and independent power producers that fall within the North American Industry Classification system (NAICS) code 221112 and may affect the following entities: electric utility facilities and independent power producers that fall under the NAICS code 221112. Specifically, the final rule applies to owners and operators of new and existing landfills and new and existing surface impoundments, including all lateral expansions of landfills and surface impoundments that dispose or otherwise engage in solid waste management of CCRs generated from the combustion of coal at electric utilities and independent power producers. These requirements also apply to CCR units located off-site of the electric utilities' or independent power producers' facilities that receive CCR for disposal. In addition, the rule applies to certain inactive CCR surface impoundments (i.e., units not receiving CCR after the effective date of the rule) at active electric utilities' or independent power producers' facilities, regardless of the fuel currently used at the facility to produce electricity (e.g., coal, natural gas, oil), if the CCR unit still contains CCR and liquids.

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

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

### **2(a) NEED AND AUTHORITY FOR THE COLLECTION**

EPA promulgated the provisions for identification, listing and rulemaking petitions under the authority of Subtitle C of RCRA, and for CCR under the authority of Subtitle D of RCRA.

#### ***40 CFR Parts 260 and 261 RULEMAKING PETITIONS***

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. This information is used by EPA to determine each petitioner's interest in the proposed rulemaking petition, and contributes to EPA's goal of comprehensively protecting human health and the environment.

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or



superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA needs this information to determine whether the proposed method is equivalent or superior to the specified method. This requirement contributes to EPA's goal of preventing contamination to the environment.

Section 260.22 requires petitioners seeking to delist a specific waste to demonstrate that the waste does not meet any hazardous waste criteria. The delisting petition provides an alternative to facilities whose wastes are generally described (listed) in Subpart D of Part 261, yet may not be hazardous. EPA needs the information to evaluate the accuracy of each delisting petition and determine whether an exclusion is warranted.

### ***SOLID WASTE AND BOILER VARIANCE REQUIREMENTS***

Section 260.33 requires persons requesting variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the relevant criteria contained in section 260.31. EPA needs this information to ensure that these materials are actually being recycled and not being accumulated to evade hazardous waste regulation. The practice of recycling specific materials from waste streams reduces the need to use natural resources, energy, and disposal capacity. By allowing legitimate recyclers an opportunity to exempt specific recycled materials from hazardous waste regulation, EPA promotes this environmentally and socially beneficial practice.

Section 260.33 requires persons requesting variances for classification as a boiler (for enclosed devices using controlled flame combustion) to submit demonstrations that address the relevant criteria detailed in section 260.32. EPA needs this information to evaluate the compatibility of the proposed device to classification as a boiler. Because boilers may be used to treat hazardous wastes (boilers that treat hazardous wastes are subject to substantive requirements in 40 CFR Part 266), the specific petition informational requirements aid in realizing EPA's goal of insuring that only properly designed hazardous waste treatment units are in operation.

### ***HAZARDOUS WASTE EXCLUSIONS***

Sections 261.3(a)(2)(iv) and 261.3(c)(2)(ii)(C) require facilities to prepare and submit materials in support of a wastewater or nonwastewater exemption, respectively. EPA needs to collect this information to ensure that facilities qualify for the exemption and can manage these wastes in a manner protective of human health and the environment.

Under the revised headworks exclusion (see 70 FR 57769; October 4, 2005), facilities may choose to comply with certain of the exemptions at 261.3(a)(2)(iv) by directly measuring solvent chemical concentration levels at the headworks of the wastewater treatment system. Facilities choosing direct monitoring must develop and follow a sampling and analysis plan that meets the weekly average standards set for the appropriate wastes. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. Facilities must submit a copy of the sampling plan to the appropriate regulatory authority. Prior to commencement of direct monitoring, the facility must confirm that the plan has been received by the overseeing agency (e.g., by certified mail return receipt). Upon confirmation that the plan has been delivered successfully, the facility will be allowed to commence direct monitoring to demonstrate compliance. Facilities are required to keep a copy of their sampling plan on-site. EPA is not

requiring any other formal notification to the agency, unless a change in the facility's operations mandates a change in its monitoring.

Under the revised headworks exclusion at section 261.3(a)(2)(iv)(D), all manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes and all non-manufacturing facilities claiming a *de minimis* loss of any listed hazardous waste must include in their Clean Water Act (CWA) permit application (or for indirect dischargers to publicly owned treatment works (POTWs), the submission to their pretreatment control authority) a list of the Appendix VII hazardous constituents and the land disposal restrictions (LDR) constituents associated with each listed waste. In addition, facilities are required to keep a copy of the CWA permit application or POTW submission on site to demonstrate to inspectors that the permit writer or control authority was notified of the possible *de minimis* releases of hazardous constituents.

Section 261.4(a)(9) allows facilities to obtain a solid waste exclusion for spent wood preserving solutions, as specified, and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood. EPA needs to be notified of this exclusion to ensure that the materials handled by the facility qualify for the exclusion and that facilities can manage these wastes in a manner protective of human health and the environment.

Section 261.4(a)(17) provides that secondary materials (i.e., sludges, by-products, and spent materials as defined in section 261.1) (other than listed hazardous wastes) generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or beneficiation, are excluded from being a solid waste so long as certain criteria are met. EPA needs specified paperwork (e.g., one-time notification and application) to learn about the exclusion claim and, if necessary, to make a site-specific determination regarding on-site units.

Section 261.4(a)(20) establishes conditions for excluding zinc fertilizers made from recycled hazardous secondary materials. EPA needs specified paperwork (e.g., one-time notification and appropriate records) to track the exclusions and to ensure that they are warranted.

Section 261.4(a)(26)(i) requires that reusable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled "excluded Solvent-contaminated Wipes." Section 261.4(a)(26)(iv) requires generators of reusable wipes to maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes.

Section 261.4(b)(6) allows facilities to obtain a hazardous waste exclusion for chromium-containing waste under certain conditions. EPA needs this information to determine whether an exclusion is appropriate.

Section 261.4(b)(18)(i) requires that disposable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." Section 261.4(b)(18)(iv) requires generators of disposable wipes to maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes.

Section 261.4(d) requires persons who generate or collect samples for the sole purpose of testing to determine its characteristics or composition comply with all applicable DOT, USPS or other applicable shipping requirements. EPA needs the generator and laboratory to maintain

appropriate shipping records to ensure that the package does not leak, spill, or vaporize from its packaging into the environment.

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational provisions. EPA needs this information to document the legitimate activities of sample generators or collectors and to track these wastes to ensure their proper handling and management. Section 261.4(e)(3) contains provisions for generators and collectors to increase the sample quantity limits or receive a time extension. EPA needs to collect this information to ensure that an increase or extension is warranted.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA needs the information in sections 261.1(e) and (f) to document that only the legitimate users of treatability samples obtain relief from comprehensive hazardous waste regulation. By requiring treatability study sample generators, collectors, and testing facilities to comply with alternate provisions, EPA promotes the development and research of new, less expensive, and more environmentally benign treatment technologies. These new technologies, in turn, will aid in the reduction of environmental contamination and safeguard human health and the environment.

Section 261.4(h) requires any generator who claims that a CO<sub>2</sub> stream is excluded under this section to post on company website and keep on site a signed certification statement worded as specified.

Section 261.39(a)(2) requires generators of used CRTs destined for recycling to label or mark clearly each container in which used, broken CRTs are contained with one of the following phrases: "Used cathode ray tube(s) - contains leaded glass" or "Used cathode ray tube(s) - contains leaded glass from televisions or computers." Generators also must label each container with the words: "Do not mix with other glass materials."

Section 261.39(a)(5) requires exporters of used, broken CRTs to provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. Upon request by EPA, the exporter must furnish to EPA any additional information that a receiving country requests in order to respond to a notification. Exporters must keep copies of notifications and consents for a period of three years following receipt of the consent. In addition, section 261.40 requires exporters of used, intact CRTs destined for recycling to meet the conditions of section 261.39(a)(5). Because CRTs are sometimes exported to more than one recycler in the receiving country, EPA revised the requirement for information that an exporter must provide on the export notification under section 261.39(a)(5) to include more than the name and address of the recycler and any alternate recycler. The revised requirements state that the exporter must provide name and address of the recycler or recyclers and the estimated quantity of CRTs to be sent to each facility, as well as the names of any alternate recyclers.

Section 261.39(a)(5)(x) requires exporters of used, broken CRTs to file with EPA, no later than March 1 of each year, a report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) of all CRTs exported during the previous calendar year.

Section 261.41 requires exporters of used, intact CRTs for reuse to send a one-time notification to EPA. In addition, they must keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused. This

documentation must be retained for a period of at least three years from the date the CRTs were exported. To require exporters to submit more complete information about the purported reuse of the exported CRTs over a specific period of time, EPA revised the export notification requirement by adding items to the reuse notification that are modeled on those required in the notification for CRTs exported for recycling. This notification, under section 261.41(a), may cover export activities extending over a 12 month or lesser period.

Section 261.41(b) requires CRT exporters of used CRTs for reuse to keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRT will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, CRT exporters of used CRTs for reuse must also provide a third-party translation of the normal business records into English upon request by EPA.

### ***HAZARDOUS WASTE LISTING EXEMPTIONS***

Section 261.31(b)(2)(ii) requires generators and treatment, storage and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes. These persons must maintain in their operating or other on-site records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit. EPA needs this information to document these legitimate activities and to ensure proper handling and management.

Section 261.32(d) establishes the procedures for demonstrating that organic dyes and/or pigment production nonwastewaters are not K181. Section 261.32(d)(1) allows generators that have knowledge that their waste contains none of the K181 constituents identified in section 261.32(c) can use their knowledge to determine that their waste is not K181. Generators must keep documentation supporting this annual determination on site for three years.

Section 261.32(d)(2) allows generators to use knowledge of their wastes to conclude that mass loadings for the K181 constituents are below the listing levels, if the total annual generation quantity of organic dyes and/or pigments production nonwastewaters is 1,000 metric tons or less. To make this determination, generators must document that the annual quantity of nonwastewaters expected to be generated is 1,000 metric tons or less, track the actual quantity of nonwastewaters generated over the course of the calendar year, keep a running total of the K181 constituent mass loadings over the course of the calendar year, and keep specified records on site for three years.

Section 261.32(d)(3) requires generators with a total annual generation quantity of organic dyes and/or pigments production nonwastewaters greater than 1,000 metric tons to comply with the testing requirements to make a determination that their wastes are not K181. These generators must develop and follow a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes based on knowledge of the wastes. In addition, generators must record the analytical results, record the waste quantity represented by the sampling and analysis results, calculate constituent-specific mass loadings, keep a running total of the K181 constituent mass loadings over the course of the calendar year, and determine

whether the mass of any of the K181 constituents is below the K181 listing levels. Generators must keep specified documentation on site for three years.

Section 261.32(d)(4) for the K181 landfill disposal and combustion exemptions requires generators to maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit subject to or meets the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

Sections 261.35 (b) and (c) require generators of wood preserving process wastes to clean or replace all process equipment that may come into contact with chlorophenolic formulations or constituents thereof in order to avoid a F032 hazardous waste listing. EPA needs the generator to prepare and demonstrate compliance with an equipment cleaning or replacement plan in order to validate the claims that the wood preserving process wastes equipment has been cleaned or replaced in a manner that precludes it from being listed as a F032 waste.

Under 40 CFR 261.31(b)(4)(ii), the generator of wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing (i.e., ensure that shipments of such waste are placed in landfill units that are subject to certain liner design criteria). This recordkeeping requirement is needed in order for the generator to demonstrate to the regulatory agencies that each shipment of its waste was sent to an appropriate landfill.

### ***HAZARDOUS WASTE EXPORT-IMPORT REVISIONS***

The requirements are necessary for EPA to oversee the international trade of hazardous wastes. EPA is making the changes/amendments under the authority of Section 1006, 1007, 2002(a), 3001-3010, 3013-3015, and 3017 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6905, 6906, 6912, 6921-6930, 6934, and 6938.

#### ***40 CFR Part 257***

### ***DISPOSAL OF COAL COMBUSTION RESIDUALS***

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

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

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

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

With the passage of the WIIN Act in December 2016, RCRA Subtitle D was amended to provide new statutory authority pertaining to the management of CCR in landfills and surface impoundments. The WIIN Act allows states may, but are not required to, develop and submit a CCR permit program (or other system of prior approval) to EPA for approval. This ICR covers the voluntary action that states may take to obtain permit program approval.

## **2(b) PRACTICAL UTILITY AND USERS OF THE DATA**

### ***40 CFR Parts 260 and 261 RULEMAKING PETITIONS***

EPA uses the general informational requirements required under section 260.20 to obtain basic information on petitioners and on each petitioner's interest in the proposed rulemaking petition. EPA uses petitions for equivalent testing or analytical methods to determine that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA uses delisting petitions to evaluate whether a waste meets the hazardous waste criteria.

### ***SOLID WASTE AND BOILER VARIANCE REQUIREMENTS***

EPA uses the information contained in requests for variances from classification as a solid waste to substantiate that these materials actually are recycled and are not accumulated to evade hazardous waste regulations. EPA uses the information contained in requests for variances from classification as a boiler to ascertain the compatibility of the proposed device to classification as a boiler.

### ***HAZARDOUS WASTE EXCLUSIONS***

EPA uses the various information required under sections 261.3, 261.4, 261.39 and 261.41 to ensure that hazardous waste exclusions and exemptions are granted only under certain protective conditions.

## ***HAZARDOUS WASTE LISTING EXEMPTIONS***

EPA uses the information maintained under sections 261.31(b)(2)(ii), 261.31(b)(4)(ii), 261.32(d) and 261.35(b) and (c) to substantiate and confirm the proper handling and management of these materials according to prescribed conditions.

## ***HAZARDOUS WASTE EXPORT-IMPORT REVISIONS***

The Office of Enforcement and Compliance Assurance, U.S. EPA, uses the information provided by each U.S. exporter, receiving facility, transporter, and recognized trader to determine compliance with the applicable RCRA regulatory provisions. In addition, the information is used to determine the number, origin, destination, and type of exports from and imports to the U.S. for tracking purposes and for reporting to the OECD. This information also is used to assess the efficiency of the program.

### ***40 CFR Part 257***

## ***DISPOSAL OF COAL COMBUSTION RESIDUALS***

The CCR rule 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 complete 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.

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

With the passage of the WIIN Act in December 2016, RCRA Subtitle D was amended to provide new statutory authority pertaining to the management of CCR in landfills and surface impoundments. The WIIN Act allows states to seek CCR permit program approval from EPA. If a state elects to pursue program approval, the information provided by the state will allow EPA to assess and determine whether the state submission meets the statutory requirements.

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

#### **3(a) NONDUPLICATION**

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

#### **3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSIONS TO OMB**

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency issued two separate notices in the Federal Register on August 10, 2018, soliciting public comments on the accuracy of the burden estimates in this supporting statement (83 FR 39743 and 39744). We received four anonymous comments to these notices; however, they were not relevant to the burden estimates in this ICR.

#### **3(c) CONSULTATIONS**

The regulations covered by this ICR were promulgated using proper rulemaking procedures. In updating this ICR, EPA spoke with Agency staff in Headquarters and the Regions, State representatives, and industry representatives. Their feedback is reflected in this ICR. EPA's Burden Estimate Methodology, which is attached to this Supporting Statement, provides information on the consultations. The following members of EPA Regions, the States, and regulated community were contacted:

- Sara Kinslow, U. S. EPA Region 3 (215-814-5577)
- Michelle Peace, U. S. EPA Region 6 (214-665-7430)
- Kevin Snowden, U. S. EPA Region 7 (913-551-7022)
- Dave Bartus, U.S. EPA Region 10 (206-553-2804)
- Jim Ferritto, Michigan Department of Environmental Quality (231-876-4454)
- Kenney Setliff, ExxonMobil Oil Corporation (409-240-3518)
- Caleb Poenitzsch, Samsung (512-838-0665)

In addition, in assessing the burden related to CCR, EPA conducted regulatory analysis and an extensive public comment process as part of the 2018 Phase 1 Part 1 rulemaking; including public meetings related to that effort, and analyzed data posted to public web sites by the regulated community in compliance with the 2015 rulemaking to estimate affected universe and annual burden related to specific activities.

#### **3(d) EFFECTS OF LESS FREQUENT COLLECTION**

EPA has carefully considered the burden imposed upon the regulated community by these regulations. EPA is confident that those activities required of respondents are necessary,



and to the extent possible, has attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, EPA cannot ensure that hazardous wastes are properly managed and do not pose a serious 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, OMB's Information Collection Review Handbook, applicable OMB guidance, and EPA's ICR Handbook. In addition, this information collection complies with EPA's Data Standards and Information Quality Guidelines.

### **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. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the regulations. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also will assure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

None of the information collection requirements covered in this ICR requires the disclosure of confidential business information.

EPA believes that the recordkeeping, notification, and internet posting requirements under the final rule are necessary as a mechanism for States and citizens to monitor the situation of CCR units, such as when groundwater monitoring shows evidence of potential contamination, so that they can determine when intervention is appropriate. The "transparency" requirements under the final rule serve as a key component by ensuring that the entities primarily responsible for enforcing the requirements have access to the information necessary to determine whether enforcement is warranted.

### **3(g) 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 AND NAICS CODES**

Table 1 presents a list of the North American Industry Classification System (NAICS) codes associated with the industries and facilities most likely to be affected by the information collection requirements covered under this ICR.

**Table 1. List of NAICS Codes**

Description	NAICS Code
Lumber and Wood Products Manufacturing	321
Chemical Manufacturing	325
Petroleum and Coal Products Manufacturing	324
Plastics and Rubber Product Manufacturing	326
Primary Metal Industries	331
Fabricated Metal Products	332
Industrial and Commercial Machinery and Computer Equipment	333 334
Computer Equipment	334
Transportation Equipment	336
Business Services	541
Educational Services	611
Scientific Research and Development Services	5417
Environmental Services	924
Nonclassifiable Establishments	N/A
Fertilizer Manufacturing	32532
Zinc Sulfide Manufacturing	32531
Iron and Steel Mills	331111
Zinc Refining, Primary	331419
Zinc Dust Reclaiming	331492
Hazardous Waste Collection	562112
Flavoring Extracts and Flavoring Syrups Manufacturing	311930
Food Preparations Manufacturing	311942
Industrial Gases Manufacturing	32512
Industrial Inorganic Chemicals Manufacturing	32518, 331311
Biological Products Manufacturing (Except Diagnostic Substances)	325414
Synthetic Organic Dyes and Pigments Manufacturing	32511, 325132, 325192
Industrial Organic Chemicals Manufacturing	325199
Pesticides and Agricultural Chemicals Manufacturing	32532
Solid Waste Landfills and Disposal Sites, Nonhazardous	562212
Chemicals and Allied Products (Wholesale trade)	42269
Agricultural crop production	111
Agricultural livestock production	112
Agricultural services	115, 311, 541, 561, 812
Forestry	111, 113, 115
Fishing, hunting, trapping	111, 112, 114
Metal mining	212, 213
Coal mining	212, 213
Oil & gas extraction	211, 213
Non-metallic minerals, except fuels	212, 213
General contractors	233-235
Heavy construction	233-235
Special trade contractors	233-235
Food & kindred products	111, 311, 312
Tobacco products	312
Textile mill products	313-315
Apparel & other textile products	313-315, 336, 339
Lumber & wood products	113, 321, 333
Furniture & fixtures	336, 337, 339
Paper & allied products	322, 326
Printing & publishing	323, 511, 512
Chemicals & allied products	211, 311, 325, 331
Petroleum and coal products	324
Rubber & miscellaneous plastics products	316, 325, 326, 337, 339

Description	NAICS Code
Agricultural production – livestock	112
Food & kindred products	311
Textile mill products	313
Lumber & wood products	321
Furniture & fixtures	337
Paper & allied products	322
Chemicals & allied products	325
Petroleum & coal products	324
Rubber & miscellaneous plastics products	326
Leather & leather products	316
Stove, clay, glass & concrete products	327
Primary metal industries	331
Fabricated metal products	332
Industrial machinery & equipment	333
Electrical & electronic equipment	334, 335
Transportation equipment	336
Instruments & related products	3333, 3345
Motor freight transportation & warehousing	493
Airports, flying fields, & airport terminal services	48819, 56172
Transportation services nec	488999
Electric, gas, & sanitary services	221
Wholesale trade - durable goods	421
Wholesale trade - nondurable goods	422
Miscellaneous retail	453998
Dry-cleaning & industrial laundry services	8123
Business services	514, 532, 541, 561
Health services	621, 622, 623
Engineering & management services	712
Executive, legislative & general government	921
Environmental quality & housing	924, 925
National security & international affairs	928
Automobile Manufacturing	336111
Light Trucks & Utility Vehicle Manufacturing	336112
Printing	323
Publishing (printed matter)	511
Business Services (copy shops)	561
Chemical and Allied Products	211, 325, 331
Plastics and Rubber	313, 315, 325, 326, 337, 339
Fabricated Metal products	332, 339
Industrial Machinery and Equipment	314, 332, 333, 336
Furniture and Fixtures	337
Auto Dealers (retail trade)	441
Military Bases	928
Electronics and Computers	334
Transportation Equipment	332, 336, 488, 541, 811
Auto Repair and maintenance	811
Crude Petroleum and Natural Gas Extraction	211111
Utilities	22
Manufacturing	31-331
Transportation	48-49
Administrative and support and Waste Management and Remediation Services	56
Public Administration	92
Oil and Gas Extraction	211
Mining (except Oil and Gas)	212
Petroleum and Coal Products Manufacturing	324
Chemical Manufacturing	325

Description	NAICS Code
Plastics and Rubber Products Manufacturing	326
Nonmetallic Mineral Product Manufacturing	327
Primary Metal Manufacturing	331
Fabricated Metal Product Manufacturing	332
Machinery Manufacturing	333
Computer and Electronic Product Manufacturing	334
Electrical Equipment, Appliance, and Component Manufacturing	335
Transportation Equipment Manufacturing	336
Miscellaneous Manufacturing	339
Merchant Wholesalers, Durable Goods	423
Merchant Wholesalers, Nondurable Goods	424
Credit Intermediation and Related Activities	522
Funds, Trusts, and Other Financial Vehicles	525
Real Estate	531
Professional, Scientific, and Technical Services	541
Administrative and Support Services	561
Waste Management and Remediation Services	562
Accommodation	721
Religious, Grantmaking, Civic, Professional, and Similar Organizations	813

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

#### **4(b) INFORMATION REQUESTED**

##### ***40 CFR Parts 260 and 261***

##### ***READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS***

(i) Data items:

The petitioner must read and understand all of the regulations that pertain to the identification, listing, and rulemaking petitions.

(ii) Respondent activities:

- The respondent must read and understand the appropriate regulations for identification, listing, and rulemaking petitions.

##### ***RULEMAKING PETITIONS***

###### **General Requirements**

(i) Data items:

Section 260.20(b) requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 266 to submit the following general information:

- The petitioner's name and address;
- A statement of the petitioner's interest in the proposed action;
- A description of the proposed action, including, when appropriate, the proposed regulatory language; and
- A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(ii) Respondent activities:

All rulemaking petitioners need to undertake the following activities to comply with the general requirements detailed in section 260.20(b):

- Gather information and prepare a statement about the petitioner's interest in and a description of the proposed action; and
- State the need and justification for the proposed action and compile supporting evidence.

###### **Equivalent Methods Petitions**

(i) Data items:

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. Specifically, a petitioner must submit the following data items:

- A full description of the proposed method, including all procedural steps and equipment used in the method;
- A description of the types of wastes or waste matrices for which the proposed method may be used;
- Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in 40 CFR Parts 261, 264, and 265;
- An assessment of any factors which may interfere with, or limit the use of, the proposed method;
- A description of the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and
- Any additional information that the Administrator reasonably may require to evaluate the petition.

(ii) Respondent activities:

In order to comply with the requirements for petitions for equivalent testing or analytical methods, petitioners are required to perform the following activities:

- Describe the proposed method;
- Describe all the procedural steps and equipment required for the proposed method;
- Describe all wastes or waste matrices for which the proposed method may be used;
- Compare the results obtained from using the proposed method with those obtained from using the corresponding prescribed method in 40 CFR Parts 261, 264, or 265;
- Assess any factors which may interfere with or limit the use of the proposed method;
- Describe the quality control procedures necessary to ensure the sensitivity, accuracy, and reproducibility of the proposed method; and
- Provide any additional information requested by the Administrator.

These petitioners also must comply with the general requirements for rulemaking petitions in section 260.20.

**Delisting Petitions**

(i) Data items:

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any of the criteria under which it was listed as a hazardous or an acutely hazardous waste. The petition also must demonstrate to the Administrator that the waste should not be listed for any other factor. Finally, the petition must demonstrate that the waste does not meet the characteristic hazardous criteria in Subpart C of Part 261. Specifically, the petitioner must submit the following items:

- The name and address of the laboratory facility performing the sampling or tests of the waste;

- The names and qualifications of the persons sampling and testing the waste;
- The dates of sampling and testing;
- The location of the generating facility;
- A description of the manufacturing processes or other operations and feed materials producing the waste;
- An assessment of whether the manufacturing processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- Pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- A description of the methodologies and equipment used to obtain the representative samples;
- A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- A description of the tests performed and their results;
- The names and model numbers of the instruments used to conduct the tests;
- A signed certification by the petitioner; and
- Any additional information the Administrator reasonably may require to evaluate the petition.

(ii) Respondent activities:

In order to comply with the requirements for petitions to delist a waste produced at a specific facility, petitioners are required to perform the following activities:

- Provide general information on the laboratory conducting the tests;
- Provide detailed information on individuals sampling and testing the waste samples;
- Provide the dates of sampling and testing;
- Provide information on the location of the facility;
- Describe the manufacturing processes or other operations and feed materials producing the waste;
- Assess whether the generator facility's processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- Describe the waste;
- Estimate the average maximum monthly and annual quantities of waste covered by the demonstration;
- Provide pertinent data on and discussion of the factors delineated in the respective criterion for listing hazardous waste, where the demonstration is based on the factors in §261.11(a)(3);
- Describe the methodologies and equipment used to obtain the representative samples;

- Describe the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
- Describe the tests performed and their results;
- Provide the names and model numbers of the instruments used to conduct the tests;
- Certify that the petition is true, accurate, and complete; and
- Provide any additional information required by the Administrator.

Petitioners also must comply with the general requirements for rulemaking petitions in section 260.20.

## ***SOLID WASTE AND BOILER VARIANCE REQUIREMENTS***

### **Variations from Classification as a Solid Waste**

(i) Data items:

Section 260.33 requires persons that request variances from classification as a solid waste to address the relevant criteria contained in section 260.31. Section 260.31 contains criteria for variances from classification as a solid waste for the following three types of recycled materials:

- Materials that are collected speculatively without sufficient amounts being recycled;
- Materials that are reclaimed and then reused within the original primary production process in which they were generated; and
- Materials which have been reclaimed, but must be reclaimed further before the materials are completely recovered.

The informational requirements for each of the three types of recycled materials are discussed in turn.

Section 260.31(a) details requirements for persons that request a variance from classification as a solid waste certain materials that are accumulated speculatively without sufficient amounts being recycled or transferred for recycling in the following year. The person requesting a variance must submit the following information:

- The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;
- The reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
- The quantity of the material already accumulated, and the quantity expected to be generated and accumulated before the material is recycled;
- The extent to which the material is handled to minimize loss; and
- Any additional relevant information.

Section 260.31(b) details requirements for persons that request a variance from classification as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production processes in which the materials were generated, if the reclamation operation is an essential part of the production process. The person that requests the variance must submit the following information:



- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;
- Provide information on the prevalence of the industry-wide practice;
- A description of the extent to which the material is handled before reclamation to minimize loss;
- A description of the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;
- A description of the location of the reclamation operation in relation to the production process;
- A description of whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
- A description of whether the person who generates the materials also reclaims it; and
- Any additional relevant information.

Section 260.31(c) details requirements for persons that request a variance from classification as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like. The resulting material may be commodity-like even though it is not yet a commercial product, and has to be reclaimed further. The person that requests this variance must submit the following information:

- A description of the degree of processing the material has undergone and the degree of further processing that is required;
- Information on the value of the material after it has been reclaimed;
- A description of the degree to which the reclaimed material is like an analogous raw material;
- A description of the extent to which an end market for the reclaimed material is guaranteed;
- A description of the extent to which the reclaimed material is handled to minimize loss; and
- Any additional relevant information.

(ii) Respondent activities:

In order to comply with the requirements for variances from classification as a solid waste those materials that are accumulated speculatively, as defined in section 260.31(a), persons that request a variance must perform the following activities:

- Provide information on the manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur;
- Provide information on the reason that the petitioner has accumulated for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

- Provide information on the quantity of the material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
- Provide information on the extent to which the material is handled to minimize loss; and
- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that are reclaimed and then reused as feedstock, as defined in section 260.31(b), persons that request a variance must perform the following activities:

- Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials;
- Describe the industry-wide prevalence of the practice;
- Describe the extent to which the material is handled before reclamation to minimize loss;
- Describe the time periods between the generation of the material and its reclamation, and between reclamation and return to the original primary production process;
- Describe the location of the reclamation operation in relation to the production process;
- Describe whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
- Describe whether the person who generates the material also reclaims it; and
- Provide any additional relevant information.

In order to comply with the requirements for variances from classification as a solid waste those materials that have been reclaimed but must be reclaimed further, as defined in section 260.31(c), persons that request a variance must perform the following activities:

- Provide information on the degree of processing the material has undergone and the degree of further processing that is required;
- Provide information on the value of the material after it has been reclaimed;
- Describe the degree to which the reclaimed material is like an analogous raw material;
- Examine the extent to which an end market for the reclaimed material is guaranteed;
- Describe the extent to which the reclaimed material is handled to minimize loss; and
- Provide any additional relevant information.

### **Variations from Classification as a Boiler**

(i) Data items:

Section 260.33 requires persons that request to classify as a boiler certain enclosed devices using controlled flame combustion (even though these devices do not meet the definition

of boiler as defined in §260.10) to address the relevant criteria in section 260.32. Section 260.32 lists the following informational requirements:

- A description of the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- A description of the extent to which the combustion chamber and energy recovery equipment are of integral design;
- A description of the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- A description of the extent to which exported energy is utilized;
- A description of the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Any additional relevant information.

(ii) Respondent activities:

In order to comply with the requirements for variances to be classified as a boiler, persons that request this variance must perform the following activities:

- Describe the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- Describe the extent to which the combustion chamber and energy recovery equipment are of integral design;
- Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;
- Describe the extent to which exported energy is utilized;
- Describe the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases; and
- Provide any additional relevant information.

### ***HAZARDOUS WASTE EXCLUSIONS***

Sections 261.3 and 261.4 set forth provisions for petitioning EPA (or the implementing agency) for a hazardous waste exclusion or other exemption for certain types of waste. The information collection requirements associated with these provisions are discussed in turn below.

#### **Wastewater Exemption**

(i) Data items:

Under section 261.3(a)(2)(iv), a generator may obtain a hazardous waste exemption for certain mixtures of hazardous and solid wastes if the generator can demonstrate that the mixture consists of wastewater whose discharge is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater).

(ii) Respondent activities:

- Demonstrate the wastewater exclusion.

## Revisions to the Headworks Exclusion

### A. Direct Monitoring: Sampling and Analysis Plan

Under 261.3(a)(2)(iv), facilities choosing direct monitoring must develop and follow a sampling and analysis plan that meets the weekly average standards set for the appropriate wastes. The sampling and analysis plan must include:

(i) Data Items:

- The wastewater monitoring point location (i.e., headworks)
- The sampling frequency and methodology
- List of chemical constituents in wastewater to be monitored.

(ii) Respondent Activities:

- Facilities must submit a copy of the sampling plan to the appropriate regulatory authority.
- Prior to commencement of direct monitoring, the facility must confirm that the plan has been received by the overseeing agency (e.g., by certified mail return receipt).
- Upon confirmation that the plan has been delivered successfully, the facility will be allowed to commence direct monitoring to demonstrate compliance.
- Facilities will be required to keep a copy of their sampling plan on-site.
- EPA is not requiring any other formal notification to the agency, unless a change in the facility's operations mandates a change in its monitoring.

### B. Facilities Claiming Expanded *de minimis* Exemption

Additionally, for all manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes or non-manufacturing facilities claiming a *de minimis* loss of wastes listed in 261.31 through 261.33, the CWA permit application (or for indirect dischargers to POTWs, the submission to their pretreatment control authority) must list the Appendix VII hazardous constituents and the LDR constituents associated with the listed wastes. In addition, facilities will be required to keep a copy of the CWA permit application or POTW submission on site.

(i) Data Items:

- For facilities choosing to conduct direct monitoring, a sampling and analysis plan that includes the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored.
- For manufacturing facilities claiming a *de minimis* loss of F- or K-listed wastes or non-manufacturing facilities claiming a *de minimis* loss of wastes listed in 261.31 through 261.33, the CWA permit application or the submission to a pretreatment control authority must list the Appendix VII hazardous constituents and the LDR constituents associated with each listed waste.

## Nonwastewater Exemption

(i) Data items:

Under section 261.3(c)(2)(ii)(C), a facility may obtain a hazardous waste exclusion for certain nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste in rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or industrial furnaces. To obtain this exemption, a one-time notification and certification must be placed in the facility's files and sent to EPA or authorized State. The notification must state that the K061, K062, or F006 HTMR residues meet the generic exclusion levels for all constituents and do not exhibit any hazardous waste characteristics.

(ii) Respondent activities:

- Prepare and submit a one-time notification and certification for the K061, K062, or F006 HTMR residue; and
- Maintain the notification and certification in facility files.

**Exclusion for Spent Wood Preserving Solutions and Wastewaters from Wood Preserving Processes**

40 CFR 261.4(a)(9)(iii) requires that facilities generating and recovering wood preserving wastewaters and spent wood preserving solutions provide EPA (or the authorized State) with a one-time notification which certifies that the plant meets all the conditions under section 261.4(a)(9)(iii) and provides the date on which the plant operator certifies that the exclusion will go into effect.

(i) Data items:

- A notification which certifies that the recycling activities will meet the conditions set forth in section 261.4(a)(9)(iii); and
- A notification of violation and reinstatement.

(ii) Respondent activities:

- Facilities seeking an exemption under section 261.4(a)(9)(iii) must:
- Prepare and submit the notification to EPA or the authorized State; and
- Update the notification to inform EPA of a violation of a condition and apply for reinstatement, if needed.

**Exclusion for Secondary Materials from the Mineral Processing Industry**

40 CFR 261.4(a)(17)(iv) provides that the Regional Administrator or the State Director may make a site-specific determination, after public review and comment, that only solid mineral processing secondary materials may be placed on pads, rather than in tanks, containers, or buildings. The decision-maker must affirm that pads are designed, constructed, and operated to prevent significant releases of the secondary materials into the environment. The pads must provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.

40 CFR 261.4(a)(17)(v) provides that facilities generating and recovering mineral processing secondary materials must provide EPA (or an authorized State) with a one-time notification which describes:

- The mineral processing materials to be recycled;
- The type and location of storage units and recycling process; and
- The annual quantities expected to be placed in non land-based units.

This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

(i) Data items:

- An application for a site-specific determination.
- A notification describing the mineral processing materials to be recycled; type and location of storage units and recycling process; and annual quantities expected to be placed in non land-based units.

(ii) Respondent activities:

- Facilities generating and recovering mineral processing secondary materials must:
- Prepare and submit application for a determination;
- Prepare and submit notification to EPA or the authorized State; and
- Update notification, if needed.

**Exclusion for Hazardous Waste Secondary Materials Incorporated into Zinc Fertilizers**

**A. Notification for Generators and Intermediate Handlers**

40 CFR 261.4(a)(20)(ii)(A) requires generators and intermediate handlers of zinc-bearing hazardous waste secondary materials that are to be incorporated into zinc fertilizers to submit a one-time notification to the Regional Administrator or State Director.

(i) Data Items:

- The one-time notification must include the following information:
- Name, address and EPA ID number of the generator facility; and
- When the facility intends to begin managing hazardous secondary materials in accordance with the conditions in the rule.

(ii) Respondent Activity:

- Complete and submit the one-time notification.

**B. Record of Shipments for Generators and Intermediate Handlers**

40 CFR 261.4(a)(20)(ii)(C) requires secondary materials generators and intermediate handlers to keep records of shipments of excluded hazardous secondary materials for no less than three years.

(i) Data Items:

The shipping records must at a minimum contain the following information:

- Name of the transporter and date of the shipment;
- Name and address of the fertilizer manufacturer who received the excluded material; and

- Type and quantity of excluded secondary material in each shipment.

(ii) Respondent Activity:

Keep the following records of shipping activities:

- Name of the transporter and date of the shipment;
- Name and address of the fertilizer manufacturer who received the excluded material; and
- Type and quantity of excluded secondary material in each shipment.

**C. Notification for Manufacturers**

40 CFR 261.4(a)(20)(iii)(B) requires manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to submit a one-time notification to the Regional Administrator.

(i) Data Items:

The one-time notification must include the following information:

- Name of the manufacturer, address and EPA ID number of the manufacturing facility; and
- When the facility intends to begin managing hazardous secondary materials in accordance with the conditions in the rule.

(ii) Respondent Activity:

- Complete and submit the one-time notification.

**D. Record of Shipments for Manufacturers**

Under proposed 40 CFR 261.4(a)(20)(iii)(C), manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must maintain for a minimum of three years records of all shipments of excluded secondary materials received by the manufacturers.

(i) Data Items:

The shipping records would at a minimum contain the following information:

- Name and address of the generating facility;
- Name of transporter and date the materials were received;
- Quantity received; and
- Brief description of the industrial process that generated the waste.

(ii) Respondent Activity:

Keep the following records:

- Name and address of the generating facility;
- Name of transporter and date the materials were received;
- Record of the quantity received; and
- Brief description of the industrial process that generated the waste.

## **E. Annual Report for Manufacturers**

Under 40 CFR 261.4(a)(20)(iii)(D), manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must submit to the Director an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizer or zinc fertilizer ingredients in the previous year.

### (i) Data Items:

The annual report must include the following:

- Record of the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizer or zinc fertilizer ingredients in the previous year;
- Name and address of each generating facility; and
- The industrial process(es) from which the materials were generated.

### (ii) Respondent Activity:

- Complete and submit the annual report.

## **F. Product Sampling and Analysis for Manufacturers**

Under 40 CFR 261.4(a)(21)(ii), the manufacturer must perform sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months and for dioxins no less than every twelve months. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) that is introduced into commerce. The recordkeeping requirements for product sampling and analysis are listed in 40 CFR 261.4(a)(21)(iii) and require the manufacturer to maintain specified sampling/analysis records for no less than three years.

### (i) Data Items:

The records of sampling/analysis must include the following:

- The dates and times product samples were taken, and the dates the samples were analyzed;
- The names and qualifications of the person(s) taking the samples;
- A description of the methods and equipment used to take the samples;
- The name and address of the laboratory facility at which analyses of the samples were performed;
- A description of the analytical methods used, including any cleanup and sample preparation methods; and
- All laboratory analytical results used to determine compliance with the contaminant limits specified in this paragraph.

### (ii) Respondent Activities:

- Sample and analyze the product as specified; and
- Keep records of all sampling and analyses for three years.



## **Exemption for Chromium-Containing Waste**

(i) Data items:

Under section 261.4(b)(6), a generator of waste that fails the test for Toxicity Characteristic because of the presence of chromium may obtain a hazardous waste exclusion if the generator can demonstrate that:

- The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively), and the process does not generate hexavalent chromium; and
- The waste is typically and frequently managed in non-oxidizing environments.

(ii) Respondent activities:

- The generator must demonstrate the chromium-containing waste meets the hazardous waste exclusion.

## **Exemption for Samples**

(i) Data items:

Handlers of samples used for the sole purpose of testing characteristics or composition under 40 CFR 261.4(d) are not subject to 40 CFR Parts 262 through 268 and Part 270 when specified activities occur. These include samples being transported to a laboratory for the purpose of testing, a sample being transported back to the sample collector after testing, a sample being stored by the sample collector before transport to a laboratory for testing, a sample being stored in the laboratory before testing, a sample being stored in the laboratory after testing but before it is returned to the sample collector, or a sample being stored temporarily in the laboratory after testing for a specific purpose. Samples that are not already covered by DOT or USPS shipping requirements must be accompanied by the following information, as specified in section 261.4(d)(2)(ii)(A):

- The sample collector's name, mailing address, and telephone number;
- The laboratory's name, mailing address, and telephone number;
- The quantity of the sample;
- The date of shipment; and
- A description of the sample.

(ii) Respondent activities:

- Maintain information on the sample and collector that shows that the sample collectors and laboratories are complying with applicable shipping requirements.

## **Exemptions for Treatability Study Samples**

(i) Data items:

Persons who generate or collect samples for the purpose of conducting treatability studies, as defined in section 260.10, are exempt from 40 CFR Parts 261, 262, and 263 and the notification requirements of section 3010 of RCRA provided that the sample is being: (1)

collected and prepared for transportation by the generator or sample collector; (2) accumulated or stored by the generator or collector prior to transportation to a laboratory or testing facility; or (3) transported to the laboratory or testing facility for the purpose of conducting a treatability study. To qualify for this exemption, the sample must meet the quantity limits specified in section 261.4(e)(2).

To qualify for this exemption, the generator or sample collector must collect and maintain the following information for a period of three years after the completion of the treatability study:

- Copies of the shipping documents;
- A copy of the contract with the facility conducting the treatability study; and
- Documentation showing:
  - The amount of waste shipped under the exemption;
  - The name, address, and EPA identification number of the laboratory facility that received the waste;
  - The date the shipment was made; and
  - Whether unused samples or residues were returned to the generator.

In addition, the generator reports information regarding volumes shipped, laboratory, dates of shipment, and return of samples in its Biennial Report.

Persons who generate or collect samples for the purpose of conducting treatability studies also may apply for up to an additional two years for treatability studies involving bioremediation or to increase the quantity limits on treatability study samples. The limits may be increased for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under certain circumstances (e.g., an equipment or mechanical failure during the conduct of the treatability study or a need to verify the results of a previously conducted treatability study). Persons applying for time or quantity limit increases under section 261.4(e)(3) must submit the following information to the Regional Administrator:

- The reason why the generator or sample collector requires additional time or the quantity of sample for treatability study evaluation;
- The amount of the additional time or sample quantity needed;
- Documentation for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;
- A description of the technical modifications or change of specifications to be evaluated and the expected results;
- Information on the cause of the equipment failure and the remedies taken to prevent its future occurrence (if the request for a limit increase was due to an equipment failure); and
- Any additional information considered necessary by the Administrator.

(ii) Respondent activities:

In order to comply with the informational provisions in section 261.4(e), generators or collectors of treatability study samples must undertake the following activities:

- Collect, copy, file, and maintain information for a period of three years after the completion of the treatability study;
- Prepare and report to EPA information regarding volumes shipped, testing facility, dates of shipment, and return of samples in the Biennial Report;
- If applying for a quantity limit increase under §261.4(e)(3), prepare and submit request; and
- If applying for an extension of up to two years under §261.4(e)(3) for a treatability study involving bioremediation, prepare and submit request.

**Exemptions for Treatability Study Samples Undergoing Testing**

(i) Data items:

Samples undergoing treatability studies and laboratories and testing facilities conducting such treatability studies are not subject to requirements at 40 CFR Parts 124, 261-266, 268, and 270, or to the notification requirements of section 3010 of RCRA, provided that conditions detailed in section 261.4(f) are met. These conditions include the following informational requirements:

- Written notification to the Regional Administrator that the facility intends to conduct treatability studies (45 days before testing is initiated);
- Records showing compliance with the treatment rate limits and the storage time and quantity limits, including:
  - The name, address, and EPA identification number of the generator or sample collector of each waste sample;
  - The date the shipment was received;
  - The quantity of the waste accepted;
  - The quantity of 'as received' waste in storage each day;
  - The date the treatment study was initiated and the amount of 'as received' waste introduced to treatment each day;
  - The date the treatability study was concluded; and
  - The date any unused sample or residues generated from the treatability sample were returned to the generator or the sample collector or, if sent to a designated facility, the name of the designated facility and its EPA identification number.
- Copies of the treatability study contract and all associated sample shipping papers;
- An annual report to the Regional Administrator estimating the number of treatability studies and the amount of waste expected to be used in treatability studies during the current year and information on the past year's activities, including:

- The name, address, and EPA identification number of the facility conducting the treatability study;
  - The types of treatability studies conducted;
  - The names and addresses of individuals for whom the treatability studies were conducted;
  - The total quantity of waste in storage each day;
  - The quantity and types of waste subjected to treatability studies each day;
  - The date each treatability study was conducted; and
  - The final disposition of residues and unused samples from each treatability study.
- A letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

(ii) Respondent activities:

In order to comply with requirements for samples undergoing treatability studies at testing facilities detailed in section 261.4(f), testing facility representatives must undertake the following activities:

- Notify the Regional Administrator that the facility intends to conduct treatability tests (45 days before testing is initiated);
- Maintain records for a period of three years after the completion of the treatability study that show compliance with the treatment rate limits, storage time and quantity limits, and contract and shipping paper requirements;
- By March 15 of each year, prepare and submit an annual report to the Regional Administrator estimating the number of treatability studies and the amount of waste expected to be used in treatability studies during the current year and information on the past year's activities; and
- Prepare and submit a termination letter informing the Regional Administrator that the facility is no longer planning to conduct any treatability studies at the site.

**Recycling of Cathode Ray Tubes (CRTs)**

**A. Labels**

Under 40 CFR 261.39(a)(2), generators of used, broken CRTs destined for recycling must label or mark clearly each container in which the CRTs are contained.

(i) Data items:

- Label or mark with the phrase: “Used cathode ray tube(s) – contains leaded glass” or “Used cathode ray tube(s) - contains leaded glass from televisions or computers.”
- Label or mark with the words: “Do not mix with other glass materials.”

(ii) Respondent activity:

- Label or mark clearly each container, as specified.

**B. Export Notification for Used CRTs Destined for Recycling**

Under 40 CFR 261.39(a)(5), exporters of used, broken CRTs must provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. Upon request by EPA, the exporter must furnish to EPA any additional information that a receiving country requests in order to respond to a notification. Exporters must keep copies of notifications and consents for a period of three years following receipt of the consent.

Under 40 CFR 261.40, exporters of used, intact CRTs destined for recycling must meet the conditions of section 261.39(a)(5).

(i) Data items:

- Notification of intent to export that includes the following information:
  - Name, mailing address, telephone number, and EPA ID number (if any) of the exporter;
  - The estimated frequency or rate at which CRTs are to be exported and the period of time over which they are to be exported;
  - The estimated total quantity of CRTs sent to each facility specified in kilograms;
  - All points of entry to and departure from each foreign country through which the CRTs will pass;
  - A description of the means by which each shipment of the CRTs will be transported (e.g., air, highway, rail, water);
  - Name and address of the recycler or recyclers as well as the names of any alternate recyclers;
  - A description of the manner in which the CRTs will be recycled in the receiving country;
  - The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country; and
  - Signature of the exporter.
- On the front of the envelope used to submit the written notification, the words: “Attention: Notification of Intent to Export.”
- Additional information that a receiving country requests in order to respond to a notification.
- Receiving/transit country’s written consent to the receipt of the CRTs.
- Notification of receiving/transit country’s objection to the receipt of the CRTs, if applicable.
- Notification of receiving/transit country’s withdrawal of a prior consent to the receipt of CRTs, if applicable.

(ii) Respondent activities:

- Prepare and submit written notification.
- Prepare and submit additional information that a receiving country requests in order to respond to a notification.
- Keep copies of notifications and consents.

Under new 40 CFR 261.39(a)(5)(x), exporters must file with EPA no later than March 1 of each year, a report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) of all CRTs exported during the previous calendar year. Such reports must also include the following:

- The name, EPA ID number (if applicable), and mailing and site address of the exporter;
- The calendar year covered by the report;
- A certification signed by the exporter.

**C. Export Notification for Used CRTs Destined for Reuse**

Under 40 CFR 261.41, exporters of used, intact CRTs for reuse must send a one-time notification to EPA. In addition, they must keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

(i) Data items:

- Notification that includes the following information:
  - Name, mailing address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.
  - The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.
  - The estimated total quantity of CRTs specified in kilograms.
  - All points of entry to and departure from each transit country through which the CRTs will pass, a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.
  - A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)).
  - The name and address of the ultimate destination facility or facilities and the estimated quantity of CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities.
  - A description of the manner in which the CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the CRTs.
  - A certification signed by the exporter.

(ii) Respondent activities:

- Prepare and submit a one-time notification.
- Keep copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused. If the documents are written in a language other than English, CRT exporters of used CRTs for reuse must also provide a third-party translation of the normal business records into English upon request by EPA.

## **Solvent-Contaminated Reusable Wipes**

### **A. Labeling Containers**

Under 40 CFR 261.4(a)(26)(i), reusable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.”

(i) Data Item:

Label with the words “Excluded Solvent-Contaminated Wipes.”

(ii) Respondent Activity:

Affix label with the words “Excluded Solvent-Contaminated Wipes” to each container of reusable wipes.

### **B. Recordkeeping Requirements**

Under 40 CFR 261.4(a)(26)(iv), generators of reusable wipes must maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes according to 40 CFR 261.4(a)(26).

(i) Data Items:

- Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;
- Documentation that the 180-day accumulation time limit in 40 CFR 261.4(a)(26)(ii) is being met; and
- Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry-cleaned on-site or at the point of being transported off-site for laundering or dry-cleaning.

(ii) Respondent Activities:

- Maintain at the site specified documentation that excluded solvent-contaminated wipes are being managed according to 40 CFR 261.4(a)(26).

## **Solvent-Contaminated Disposable Wipes**

### **A. Labeling Containers**

Under 40 CFR 261.4(b)(18)(i), disposable wipes, when accumulated, stored, managed, and transported, must be contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.”

(i) Data Item:

Label with the words “Excluded Solvent-Contaminated Wipes.”

(ii) Respondent Activity:

Affix label with the words “Excluded Solvent-Contaminated Wipes” to each container of disposable wipes.

### **B. Recordkeeping Requirements**

Under 40 CFR 261.4(b)(18)(iv), generators of disposable wipes must maintain at their site specified documentation that they are managing excluded solvent-contaminated wipes according to 40 CFR 261.4(b)(18).

(i) Data Items:

- Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;
- Documentation that the 180-day accumulation time limit in 40 CFR 261.4(b)(18)(ii) is being met; and
- Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal.

(ii) Respondent Activities:

- Maintain at the site specified documentation that excluded solvent-contaminated wipes are being managed according to 40 CFR 261.4(b)(18).

**Carbon Dioxide (CO<sub>2</sub>) Streams in Geological Sequestration Activities**

The conditional exclusion requires that any generator (person or persons, by site, who capture the carbon dioxide for eventual injection into a Class VI Underground Injection Control well) and any owner/operator of a Class VI UIC well who claim that a CO<sub>2</sub> stream is exempt under section 261.4(h) to have an authorized representative sign a certification statement worded as specified. The signed certification statement must be posted to the company website (if such is available) and kept on site for no less than three years. The signed certification, which must be made available within 72 hours of a written request from EPA, must be renewed every year by anyone claiming the exclusion.



(i) Data Item:

A signed certification statement from the generator and Class VI UIC well owner/operator.

(ii) Respondent Activities:

Generators and Class VI UIC well owner/operators claiming the exclusion must perform the following:

- Prepare the certification statement and have it signed by the authorized representative;
- Keep the signed certification statement onsite for no less than three years;
- Post the certification statement to the company website (if such is available);
- Renew and report the certification every year the exclusion is claimed; and
- Make the certification available to EPA or state, if requested.

### ***HAZARDOUS WASTE LISTING EXEMPTIONS***

#### **Hazardous Wastes from Non-Specific Sources**

(i) Data items:

Section 261.31(b)(2)(ii) requires generators and treatment, storage, and disposal facilities to prove that their sludges are exempt from listing as F037 and F038 wastes by maintaining, in their operating or other on-site records, the following data items:

- Documents and data sufficient to prove that:
  - The unit is an aggressive biological treatment unit; and
  - The sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(ii) Respondent activities:

To qualify for an exemption, a facility must perform the following respondent activities:

- Develop data and documents to support the criteria for the exemption; and
- Maintain records on site.

#### **Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement**

(i) Data items:

Section 261.35 specifies procedures that wood preserving plants that used chlorophenolic formulations or constituents must follow to minimize or eliminate the escape of hazardous waste or constituents, leachate, contaminated drippage, or hazardous waste decomposition products to ground water, surface water, or the atmosphere. These generators must either develop and follow an equipment cleaning plan or an equipment replacement plan containing the following information:

- A written equipment cleaning plan that describes the following:
  - The equipment to be cleaned;

- How the equipment will be cleaned;
- The solvent to be used in cleaning;
- How the solvent rinses will be tested; and
- How cleaning residues will be disposed.
- A written equipment replacement plan that describes the following:
  - The equipment to be replaced;
  - How the equipment will be replaced; and
  - How the equipment will be disposed.

Generators also must keep records documenting the cleaning and replacement as part of the facility's operating record. These records must contain the following information:

- The name and address of the facility;
- Formulations previously used and the date on which their use ceased in each process at the plant;
- Formulations currently used in each process at the plant;
- The equipment cleaning or replacement plan;
- The name and address of any persons who conducted the cleaning or replacement;
- The dates on which cleaning or replacement was accomplished;
- The dates of sampling and testing;
- A description of the sample handling and preparation techniques used for extraction, containerization, preservation, and chain-of-custody of the samples;
- A description of the tests performed, the date the tests were performed, and the results of the tests;
- The name and model numbers of the instrument(s) used in performing the tests;
- Documentation of QA/QC procedures; and
- A certification statement by an authorized representative stating that all process equipment was cleaned or replaced according to the cleaning or replacement plan.

(ii) Respondent activities:

- Prepare an equipment cleaning or replacement plan;
- Prepare and maintain documentation showing that equipment was cleaned or replaced in accordance with the plan; and
- Prepare and maintain a certification by an authorized representative that the cleaning or replacement occurred in accordance with the facility's plan.

**Procedures for Demonstrating that Organic Dyes and/or Pigments Production Nonwastewaters Are Not K181**

**A. Determination Based on No K181 Constituents**

Under §261.32(d)(1), generators that have knowledge that their waste contains none of the K181 constituents identified in §261.32(c) can use their knowledge to determine that their waste is not K181. Generators must keep documentation supporting this annual determination on site for three years.

(i) Data item:

- Documentation supporting the determination that organic dyes and/or pigments production nonwastewater is not K181.

(ii) Respondent activities:

- Determine that the organic dyes and/or pigments production nonwastewater is not K181;
- Document the basis for determining that the organic dyes and/or pigments production nonwastewater is not K181; and
- Keep each annual supporting documentation on site.

**B. Determination For Generated Quantities of 1,000 MT/Yr or Less for Wastes That Contain K181 Constituents**

Under §261.32(d)(2), generators can use knowledge of their waste to conclude that mass loadings for the K181 constituents are below the listing levels, if the total annual generation quantity of organic dyes and/or pigments production nonwastewaters is 1,000 metric tons or less. To make this determination, generators must document that the annual quantity of nonwastewaters expected to be generated is 1,000 metric tons or less, track the actual quantity of nonwastewaters generated over the course of the calendar year (i.e., from January 1 through December 31 of each year), keep a running total of the K181 constituent mass loadings over the course of the calendar year, and keep specified records on site for three years, as specified in §§261.32(d)(2)(i) through (iv).

(i) Data items:

- Documentation demonstrating that the annual quantity of organic dyes and/or pigments production nonwastewaters expected to be generated is 1,000 metric tons or less;
- Quantity of organic dyes and/or pigments production nonwastewaters generated;
- Relevant process information used; and
- Calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(ii) Respondent activities:

- Document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be 1,000 metric tons or less;
- Track the actual quantity of nonwastewaters generated over the course of the calendar year;
- Keep a running total of the K181 constituent mass loadings over the course of the calendar year; and
- Keep supporting documentation on site.

**C. Determination for Generated Quantities Greater Than 1,000 MT/Yr for Wastes That Contain K181 Constituents**

Under §261.32(d)(3), generators with a total annual generation quantity of organic dyes and/or pigments production nonwastewaters greater than 1,000 metric tons are required to

comply with the testing requirements to make a determination that their wastes are not K181. These generators must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes based on knowledge of the wastes, as specified in §§261.32(d)(3)(i) through (iii). In collecting and analyzing the waste samples, generators must follow the waste sampling and analysis plan (§261.32(d)(3)(iv)).

Under §§261.32(d)(3)(v) through (ix), generators must record the analytical results, record the waste quantity represented by the sampling and analysis results, calculate constituent-specific mass loadings (i.e., the product of concentrations and waste quantity), keep a running total of the K181 constituent mass loadings over the course of the calendar year, and determine whether the mass of any of the K181 constituents is below the K181 listing levels.

In addition, generators must keep specified documentation on site for three years, as specified in §261.32(d)(3)(x).

Pursuant to §261.32(d)(3)(xi), nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous. The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. Generators then can use knowledge of the wastes to support subsequent annual determinations. If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination.

The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels. If testing is reinstated, a description of the process change must be retained.

(i) Data items:

- Documentation on which K181 constituents are reasonably expected to be present in the wastes;
- Waste sampling and analysis plan to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:
  - A discussion of the number of samples needed to characterize the wastes fully;
  - The planned sample collection method to obtain representative waste samples;
  - A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and
  - A detailed description of the test methods to be used, including sample preparation, clean-up (if necessary), and determinative methods;
- Waste sampling and analysis results (including QA/QC data);
- Quantity of organic dyes and/or pigments production nonwastewaters generated; and
- Calculations performed to determine annual mass loadings for each K181 constituent in the nonwastewaters.

- If the annual testing requirements are suspended after three successful demonstrations that the waste are nonhazardous, records of the process knowledge information used to support a nonhazardous determination.
- If the manufacturing or waste treatment processes generating the wastes are significantly altered as specified, a description of the process change.

(ii) Respondent activities:

- Determine which K181 constituents are reasonably expected to be present in the wastes;
- Develop waste sampling and analysis plan;
- Collect and analyze samples in accordance with the waste sampling and analysis plan;
- Record analytical results;
- Record the waste quantity represented by the sampling and analysis results;
- Calculate constituent-specific mass loadings;
- Keep a running total of the K181 constituent mass loadings over the course of the calendar year;
- Determine whether the mass of any of the K181 constituents is below the K181 listing levels; and
- Keep supporting documentation on site.
- If the annual testing requirements are suspended after three successful demonstrations that the wastes are nonhazardous, the generator can:
  - Use knowledge of the waste to support subsequent annual determination; and
  - Keep records of the process knowledge information used to support a nonhazardous determination.
- If the manufacturing or waste treatment processes generating the wastes are significantly altered as specified, reinstate annual testing requirements and retain a description of the process change.

**D. Recordkeeping Demonstrations for Use of Appropriate Landfills and Combustion Units**

Under the §261.32(d)(4) landfill disposal and combustion exemptions, generators must maintain documentation demonstrating that each shipment of waste was received by a landfill unit subject to or meets the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description. This documentation must be maintained on site for a period of three years.

(i) Data item:

- Documentation demonstrating that each shipment of waste was received by a landfill unit subject to the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

(ii) Respondent activity:

- Maintain documentation demonstrating that each shipment of waste was received by a landfill unit subject to the landfill design standards set out in the listing description, or was treated in a combustion unit as specified in the listing description.

## **Exclusion of Certain Wastewater Treatment Sludges Generated from Zinc Phosphating from the F019 Listing**

Under final 40 CFR 261.31(b)(4)(ii), generators must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the condition of the listing. The shipping records would at a minimum contain the following information:

- Name and address of the generating facility;
- Brief description of the industrial process that generated the wastes;
- Volume of waste generated and disposed of off site;
- Date when waste volumes were generated and sent off site;
- Name and address of the receiving facility; and
- Documentation confirming receipt of the waste by the receiving facility.

## ***HAZARDOUS WASTE EXPORT-IMPORT REVISIONS***

### **CDX Registration**

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

The rule establishes requirements for electronic reporting for exporters and importers of hazardous waste. CDX registration will be required for exporters by December 31, 2016, and will be required for all importers by the complete IT system implementation year. Implementation is expected between 2018 and 2022. Many of the activities required for these entities will be determined by instructions associated with EPA's electronic document receiving system. Under the rule, EPA plans to develop enhancements to WIETS to receive these submittals, likely using the Agency-wide CDX system, which will facilitate the electronic submittal of required documents. WIETS guides users through the registration and reporting procedures. Electronic submittal is required for all exporters and importers, with the exception of companies that meet certain conditions specified by EPA. Each entity required to submit documents electronically will need to register to use the system. To the extent that CROMERR applies, each submittal will require that the exporter or importer provide an electronic signature.

Under the rule, EPA estimates that any staff involved in the reporting of export/import notices, annual reports, or other required documents would have to register using the electronic receiving system. If identity proofing fails, registrants are routed to an "electronic signature agreement" form that is completed on the computer, printed out, signed, and then mailed to EPA. In addition, EPA estimates that 10 percent of users will have to update their information each year. EPA also estimates that 10 percent of users will have to register as new users due to employee turnover and 1 percent of users will have to re-register due to compromised signatures each year.

#### **ii) Respondent Activities:**

All users will need to register using EPA's electronic receiving system and update their information when necessary. EPA estimates that importers will have an average of 4.8 users and exporters will have an average of 5.1 users.<sup>3</sup> If identity proofing fails, the user will need to print and complete a document, sign it, and mail it to EPA.

## **Notification**

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

Under the §262.83(b), exporters sending hazardous waste to Canada, Mexico, and non-OECD countries will be required to submit additional information with each notice. This additional information includes an e-mail address and fax number for each listed party on the notice, all anticipated ports of exit, all anticipated transporters for the shipments, any interim facilities to be used during the transfer of waste, and the OECD waste codes and recycling or disposal operation codes for all waste streams to be shipped.

Exporters to Canada will not experience an additional burden from listing transporters and interim facilities, as these data elements are already required by Canadian regulations. Exporters to other OECD countries are already required to submit this information, and will therefore experience no change in their cost burden as a result of the rule.

Once the electronic system becomes fully operational, exporters will have the option to use the duplication feature in WIETS (in which data field information is copied from the previous notice), which will reduce this estimated burden for entities that submit identical notices (with the exception of the first and last shipment date fields) from year to year. EPA estimates that 60 percent of exporters will be able to take advantage of this duplication feature and incur no additional burden for providing supplemental information in WIETS starting in the second year after electronic submittal is formally mandated. The remaining 40 percent of exporters will have to enter this information for each new export notice.

The rule would require receiving facilities in the U.S. importing waste from *maquiladoras* in Mexico to submit import notices on behalf of these foreign exporters for any waste shipments not controlled as hazardous waste exports by Mexican authorities.

The rule also requires electronic submittal of notices using WIETS. To the extent that CROMERR applies, this would require exporters and importers to provide an electronic signature with each notice.

The rule will eliminate the existing §264.12(a)(1) requirement that importers notify a regional administrator four weeks prior to receiving a shipment of hazardous waste for the first time. This will result in a cost savings for U.S. importers.

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

Exporters must prepare and submit an export notice at least 60 days before the initial shipment is intended to be shipped off site. This notice may cover export activities extending over a 12 month period. If CROMERR applies, they must also electronically sign the notice.

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<sup>3</sup> EPA estimates that large firms will have 6 employees and small firms will have 3 employees register to use the EPA's electronic receiving system. The estimates of 4.7 and 5 users per entity are based on the distribution of large and small firms among potentially affected importers and exporters based on data collected from Dun & Bradstreet (D&B).



Importers must prepare and submit a notice on behalf of the foreign exporter for shipments from *maquiladoras* in Mexico that are not controlled as hazardous waste exports by the foreign authority. The notice must contain detailed information regarding the exporter, waste details, transporters, means of transport and containers to be used, all points of entry and departure for each foreign country of transit, receiving facility information, and ultimate management method, and may cover shipments over a 12-month period. If CROMERR applies, importers must also electronically sign the notice.

One-time notices identifying the name, address, and contact information for a U.S. receiving facility and every new waste stream they intend to import are no longer required.

### **Re-notification**

(i) Data Items:

Under §262.83(b), as under the existing §262.53(c), when the conditions specified under the original notification change, the U.S. exporter must provide EPA with a re-notification of the change. The rule requires electronic submittal of all re-notifications sent to EPA. This will require each exporter to provide an electronic signature for certain data elements on each notice submitted.

Also, under §262.83(e) and (f) where a single shipment cannot be delivered or is rejected for any reason, the transporter or receiving facility must notify the exporter, EPA and the country of import or transit of the situation. Then, alternate management must be found in the country of import that is acceptable to the country of import, or the shipment must be returned to the United States; and finally, the exporter must submit an exception report.

(ii) Respondent Activities:

U.S. exporters must prepare and submit a re-notification to EPA if they wish to change the terms of the original notice. U.S. exports must submit an exception report if the shipment cannot be delivered. To the extent that CROMERR applies, the exporter must sign these documents electronically.

### **Annual Reports**

(i) Data Items:

Under §262.83(g), as under the existing §262.87(a), LQG exporters must list OECD waste codes for all shipments in addition to RCRA waste codes as part of each annual report. The rule will also require electronic submittal of all annual reports of exports of hazardous waste and CRTs for recycling. This will require each annual report to be signed electronically.

(ii) Respondent Activities:

U.S. exporters must enter OECD waste codes into each annual report. Exporters must also electronically sign each annual report.

### **Exemption of Wastes Destined for Laboratory Analysis**

(i) Data Items:

Under the existing §262.82(g), import and export shipments of RCRA hazardous wastes with OECD countries other than Canada and Mexico are exempt from the Subpart H

requirements if they are explicitly destined for laboratory analysis to assess their physical/chemical characteristics or to determine their suitability for recovery operations and no more than 25kg. Under existing regulations in 40 CFR Part 261, domestic shipments of hazardous waste sent for laboratory analysis are exempt from hazardous waste requirements if they fall within certain weight limits. Existing weight limits for exempted waste shipments range from 1kg for acute hazardous waste to 10,000kg of media contaminated with non-acute hazardous waste. The rule makes exporters and importers shipping samples for laboratory analysis to and from Canada, Mexico, and non-OECD countries subject to the additional limitation of samples weighing no more than 25kg to be exempt from export and import requirements. As a result, currently-exempt shipments may no longer be exempt. EPA estimates that four previously-exempted shipments (two export shipments and two import shipments) will no longer be exempted each year after the implementation of the rule.

(ii) Respondent Activities:

U.S. exporters shipping samples less than the domestic limits in 40 CFR Part 261 but greater than 25kg for laboratory analysis to Canada, Mexico, or a non-OECD country will now need to comply with the subpart H requirements, including submitting an export notice, obtaining an AOC, filing the additional items in AES to validate consent for the sample shipment, completing and signing a movement/tracking document, and receiving and maintaining a confirmation of recovery. Transporters of these samples will need to comply with hazardous waste manifest and movement document requirements to obtain, sign, and maintain a copy of the RCRA manifest and obtain and sign the movement/tracking document. U.S. importers receiving samples less than the domestic limits in 40 CFR Part 261 but greater than 25kg for laboratory analysis from Canada, Mexico, or a non-OECD country will now need to comply with the subpart H requirements, including signing the RCRA manifest and submitting the RCRA manifest to EPA, signing the movement/tracking document and providing a copy to the exporter, EPA, and competent authority of the country of export to confirm receipt, and sending a confirmation of recovery to the exporter, EPA, and foreign authority.

### **AES Requirements**

(i) Data Items:

Under the rule in subpart H, exporters will be required to fill in between two and five additional fields to validate consent as part of their existing filing in CBP's AES. The rule would also add the same filing requirements for CRTs exported for recycling under 40 CFR 261.39.

(ii) Respondent Activities:

Exporters of CRTs for recycling and hazardous waste for recycling or disposal must file between two and five additional fields to validate consent as part of their existing AES filing.

### **40 CFR Part 257**

#### **DISPOSAL OF COAL COMBUSTION RESIDUALS**

(1) **Beneficial Use of CCR**

Under 40 CFR 257.53, beneficial use of CCR means the CCR meet all of the following conditions: (1) the CCR must provide a functional benefit; (2) the CCR must substitute for the use of a virgin material, conserving natural resources that would otherwise need to be obtained through practices, such as extraction; (3) the use of the CCR must meet relevant product

specifications, regulatory standards or design standards when available, and when such standards are not available, CCR are not used in excess quantities; and (4) when unencapsulated use of CCR involving placement on the land of 12,400 tons or more in non-roadway applications, the user must demonstrate and keep records, and provide such documentation upon request, that environmental releases to ground water, surface water, soil and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to ground water, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.

(i) Respondent Activities:

Beneficial users of CCR must perform the following activities:

- Prepare and keep demonstration required under 40 CFR 257.53.

(2) **Location Restrictions**

(a) **Placement above the Uppermost Aquifer**

Under 40 CFR 257.60, new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR landfills and CCR surface impoundments must be constructed with a base that is located no less than 1.52 meters (five feet) above the upper limit of the uppermost aquifer, or to demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection between any portion of the base of the CCR unit and the uppermost aquifer due to normal fluctuations in groundwater elevations (including the seasonal high water table). The owner or operator must demonstrate by the dates specified in 40 CFR 257.60(c) that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(e), the notification requirements specified in 40 CFR 257.106(e), and the internet requirements specified in 40 CFR 257.107(e). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.60(a).
- Obtain certification required under 40 CFR 257.60(b).

(b) **Wetlands**

Under 40 CFR 257.61, new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR landfills and CCR surface impoundments must not be located in wetlands, as defined in 40 CFR 232.2, unless the owner or operator demonstrates by the dates specified in 40 CFR 257.61(c) that the CCR unit meets the requirements of 40 CFR 257.61(a)(1) through (a)(5).

In addition, the owner or operator must comply with the recordkeeping requirements specified in 40 CFR 257.105(e), the notification requirements specified in 40 CFR 257.106(e), and the internet requirements specified in 40 CFR 257.107(e). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.61(a).
- Obtain certification required under 40 CFR 257.61(b).

**(c) Fault Areas**

Under 40 CFR 257.62, new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR landfills and CCR surface impoundments must not be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time unless the owner or operator demonstrates by the dates specified in 40 CFR 257.62(c) that an alternative setback distance of less than 60 meters (200 feet) will prevent damage to the structural integrity of the CCR unit.

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(e), the notification requirements specified in 40 CFR 257.106(e), and the internet requirements specified in 40 CFR 257.107(e). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.62(a).
- Obtain certification required under 40 CFR 257.62(b).

**(d) Seismic Impact Zones**

Under 40 CFR 257.63, new CCR landfills, existing and new CCR surface impoundments, and all lateral expansions of CCR landfills and CCR surface impoundments must not be located in seismic impact zones unless the owner or operator demonstrates by the dates specified in 40 CFR 257.63(c) that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(e), the notification requirements specified in 40 CFR 257.106(e), and the internet requirements specified in 40 CFR 257.107(e). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.63(a).
- Obtain certification required under 40 CFR 257.63(b).

**(e) Unstable Areas**

Under 40 CFR 257.64, an existing or new CCR landfill, existing or new CCR surface impoundment, or any lateral expansion of a CCR landfill or CCR surface impoundment must not be located in an unstable area unless the owner or operator demonstrates by the dates specified in

40 CFR 257.64(d) that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted. The owner or operator must consider all of the factors at 40 CFR 257.64(b), at a minimum, when determining whether an area is unstable.

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(e), the notification requirements specified in 40 CFR 257.106(e), and the internet requirements specified in 40 CFR 257.107(e). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.64(a).
- Obtain certification required under 40 CFR 257.64(c).

**(3) Design Criteria**

**(a) Liner Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill**

Under 40 CFR 257.70, new CCR landfills and any lateral expansion of a CCR landfill must be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of 40 CFR 257.70(b) or an alternative composite liner that meets the requirements in 40 CFR 257.70(c), and a leachate collection and removal system that meets the requirements of 40 CFR 257.70(d).

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(f), the notification requirements specified in 40 CFR 257.106(f), and the internet requirements specified in 40 CFR 257.107(f). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Obtain certification required under 40 CFR 257.70(c)(2).
- Obtain certification required under 40 CFR 257.70(e).
- Obtain certification required under 40 CFR 257.70(f).

**(b) Liner Design Criteria for Existing CCR Surface Impoundments**

Under 40 CFR 257.71, the owner or operator of an existing CCR surface impoundment must document whether or not such unit was constructed with any one of the following: (i) a liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec; (ii) a composite liner that meets the requirements of 40 CFR 257.70(b); or (iii) an alternative liner that meets the requirements of 40 CFR 257.70(c)

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(f), the notification requirements specified in 40 CFR 257.106(f), and the internet requirements specified in 40 CFR 257.107(f). These

requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Document liner type under 40 CFR 257.71(a).
- Obtain certification required under 40 CFR 257.71(b).

**(c) Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment**

Under 40 CFR 257.72, new CCR surface impoundments and lateral expansions of existing and new CCR surface impoundments must be designed, constructed, operated, and maintained with either a composite liner or an alternative composite liner that meets the requirements of 40 CFR 257.70(b) or (c).

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(f), the notification requirements specified in 40 CFR 257.106(f), and the internet requirements specified in 40 CFR 257.107(f). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Obtain certification required under 40 CFR 257.72(c).
- Obtain certification required under 40 CFR 257.72(d).

**(d) Structural Integrity Criteria for Existing CCR Surface Impoundments**

40 CFR 257.73 provides structural integrity criteria requirements for existing CCR surface impoundments. These requirements include: periodic hazard potential classification assessments, a written Emergency Action Plan (EAP), changes to the history of construction, periodic structural stability assessments, and periodic safety factor assessments

The requirements of 40 CFR 257.73(a) apply to all existing CCR surface impoundments, except for those existing CCR surface impoundments that are incised CCR units. If an incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of 40 CFR 257.73(a)

Owners and operators of CCR units must comply with the recordkeeping requirements specified in 40 CFR 257.105(f), the notification requirements specified in 40 CFR 257.106(f), and the internet requirements specified in 40 CFR 257.107(f). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Place on or immediately adjacent to the CCR unit a permanent identification marker showing the identification number of the CCR unit, as required under 40 CFR 257.73(a)(1).
  - Document the initial and periodic hazard potential classification assessments of the CCR unit, as required under 40 CFR 257.73(a)(2).
  - Obtain certification required under 40 CFR 257.73(a)(2)(ii).
  - Prepare a written EAP, as required under 40 CFR 257.73(a)(3).
  - Prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders, as required under 40 CFR 257.73(a)(3)(i)(E).
  - Amend the EAP, as required under 40 CFR 257.73(a)(3)(ii).
  - Obtain certification required under 40 CFR 257.73(a)(3)(iv)).
  - Prepare documentation required under 40 CFR 257.73(a)(3)(v).
  - Compile history of construction required under 40 CFR 257.73(c).
  - Conduct and document initial and periodic structural stability assessments, s required under 40 CFR 257.73(d).
  - Prepare action plan required under 40 CFR 257.73(d)(2).
  - Obtain certification required under 40 CFR 257.73(d)(3).
  - Conduct and document initial and periodic safety factor assessments for each CCR unit, as required under 40 CFR 257.73(e).
  - Obtain certification required under 40 CFR 257.73(e)(2).
- (e) Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment**

40 CFR 257.74 provides structural integrity criteria requirements for new CCR surface impoundments and any lateral expansion of a CCR surface impoundment. These requirements include: periodic hazard potential classification assessments, a written Emergency Action Plan (EAP), design and construction plans, periodic structural stability assessments, and periodic safety factor assessments

Owners and operators of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(f), the notification requirements specified in 40 CFR 257.106(f), and the internet requirements specified in 40 CFR 257.107(f). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.

**(i) Respondent Activities:**

Owners and operators must perform the following activities:

- Place on or immediately adjacent to the CCR unit a permanent identification marker showing the identification number of the CCR unit, as required under 40 CFR 257.74(a)(1).
- Document the initial and periodic hazard potential classification assessments of the CCR unit, as required under 40 CFR 257.74(a)(2).
- Obtain certification required under 40 CFR 257.74(a)(2)(ii).
- Prepare a written EAP, as required under 40 CFR 257.74(a)(3).

- Prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders, as required under 40 CFR 257.74(a)(3)(i)(E)
- Amend the EAP, as required under 40 CFR 257.74(a)(3)(ii)
- Obtain certification required under 40 CFR 257.74(a)(3)(iv).
- Prepare documentation required under 40 CFR 257.74(a)(3)(v).
- Compile the design and construction plans for the CCR unit, as required under 40 CFR 257.74(c).
- Conduct and document initial and periodic structural stability assessments, as required under 40 CFR 257.74(d).
- Prepare action plan required under 40 CFR 257.74(d)(2).
- Obtain certification required under 40 CFR 257.74(d)(3).
- Conduct and document initial and periodic safety factor assessments for each CCR unit, as required under 40 CFR 257.74(e).
- Obtain certification required under 40 CFR 257.74(e)(2).

**(4) Operating Criteria**

**(a) Air Criteria**

Under 40 CFR 257.80, the owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(g), the notification requirements specified in 40 CFR 257.106(g), and the internet requirements specified in 40 CFR 257.107(g). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

**(i) Respondent Activities:**

Owners and operators must perform the following activities:

- Prepare CCR fugitive dust control plan required under 40 CFR 257.80(b).
- Amend CCR fugitive dust control plan, as required under 40 CFR 257.80(b)(6).
- Obtain certification required under 40 CFR 257.80(b)(7)
- Prepare annual CCR fugitive dust control report required under 40 CFR 257.80(c).

**(b) Run-On and Run-Off Controls for CCR Landfills**

Under 40 CFR 257.81, the owner or operator of an existing or new CCR landfill or any lateral expansion of a CCR landfill must design, construct, operate, and maintain: (1) a run-on control system to prevent flow onto the active portion of the CCR unit during the peak discharge from a 24-hour, 25-year storm; and (2) a run-off control system from the active portion of the CCR unit to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Run-off from the active portion of the CCR unit must be handled in accordance with the surface water requirements under 40 CFR 257.3-3



The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(g), the notification requirements specified in 40 CFR 257.106(g), and the internet requirements specified in 40 CFR 257.107(g). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare initial and periodic run-on and run-off control system plans required under 40 CFR 257.81(c).
- Amend run-on and run-off control system plans, as required under 40 CFR 257.81(c)(2).
- Obtain certification required under 40 CFR 257.81(c)(5).

**(c) Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments**

Under 40 CFR 257.82, the owner or operator of an existing or new CCR surface impoundment or any expansion of a CCR surface impoundment must design, construct, operate, and maintain an inflow design flood control system as specified in 40 CFR 257.82(a)(1) and (a)(2).

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(g), the notification requirements specified in 40 CFR 257.106(g), and the internet requirements specified in CFR 257.107(g). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare initial and periodic inflow design flood control system plans required under 40 CFR 257.82(c).
- Amend the inflow design flood control system plan, as required under 40 CFR 257.82(c)(2).
- Obtain certification required under 40 CFR 257.82(c)(5).

**(d) Inspection Requirements for CCR Surface Impoundments**

Under 40 CFR 257.83, all CCR surface impoundments and any lateral expansion of a CCR surface impoundment must be inspected.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(g), the notification requirements specified in 40 CFR 257.106(g), and the internet requirements specified in 40 CFR 257.107(g). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Conduct inspections required under 40 CFR 257.83(a).
- Conduct inspections required under 40 CFR 257.83(b)(1)).

- Develop inspection report required under 40 CFR 257.83(b)(2).
- Develop and implement action plan to remedy structural weakness or disrupting condition, as required under 40 CFR 257.83(b)(5).

**(e) Inspection Requirements for CCR Landfills**

Under 40 CFR 257.84, all CCR landfills must be inspected.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(g), the notification requirements specified in 40 CFR 257.106(g), and the internet requirements specified in 40 CFR 257.107(g). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Conduct inspections required under 40 CFR 257.84(a).
- Conduct inspections required under 40 CFR 257.84(b)(1).
- Develop inspection report required under 40 CFR 257.84(b)(2).
- Develop and implement action plan to remedy structural weakness or disrupting condition, as required under 40 CFR 257.84(b)(5).

**(5) Groundwater Monitoring and Corrective Action**

**(a) Applicability**

Except as provided for in 40 CFR 257.100 for inactive CCR surface impoundments, all CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under 40 CFR 257.90 through 257.98.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Develop annual groundwater monitoring and corrective action report required under 40 CFR 257.90(e).

**(b) Groundwater Monitoring Systems**

Owners and operators of CCR units must install a groundwater monitoring system.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices, as required under 40 CFR 257.91(e)(1).
- Obtain certification required under 40 CFR 257.91(f).

**(c) Groundwater Sampling and Analysis Requirements**

Under 40 CFR 257.93, the groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by 40 CFR 257.91.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Develop sampling and analysis program.
- Obtain certification required under 40 CFR 257.93(f)(6).

**(d) Detection Monitoring Program**

Owners and operators of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with 40 CFR 257.94.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.94(d)(1)-(2).
- Obtain certification required under 40 CFR 257.94(d)(3).
- Prepare demonstration required under 40 CFR 257.94(e)(2).
- Prepare notification required under 40 CFR 257.94(e)(3).

**(e) Assessment Monitoring Program**

Pursuant to 40 CFR 257.95, assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in Appendix III to 40 CFR Part 257.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.95(c)(1)-(2).
- Obtain certification required under 40 CFR 257.95(c)(3).
- Compile results of the Appendix III and Appendix IV constituent concentrations required under 40 CFR 257.95(d)(1).
- Prepare notification required under 40 CFR 257.95(e).
- Prepare notification required under 40 CFR 257.95(g).
- Prepare notification required under 40 CFR 257.95(g)(2).
- Prepare demonstration required under 40 CFR 257.95(g)(3)(ii).
- Develop report that includes the factual or evidentiary basis for any conclusions in the demonstration required under 40 CFR 257.95(g)(3)(ii).
- Obtain certification required under 40 CFR 257.95(g)(3)(ii).
- Prepare notification required under 40 CFR 257.95(g)(5).

**(f) Assessment of Corrective Measures**

40 CFR 257.96 identifies the requirements for the assessment of corrective measures.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare demonstration required under 40 CFR 257.96(a).
- Obtain certification required under 40 CFR 257.96(a).
- Complete assessment of corrective measures required under 40 CFR 257.96(d).
- Discuss the results of the corrective measures assessment prior to the selection of remedy in a public meeting with interested and affected parties, as required under 40 CFR 257.96(e).

**(g) Selection of Remedy**

Based on the results of the corrective measures assessment conducted under 40 CFR 257.96, the owner or operator of the CCR unit must select a remedy that, at a minimum, meets the standards listed in 40 CFR 257.97(b).

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h),

and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare semi-annual report describing the progress in selecting and designing the remedy.
- Prepare report on selected remedy.
- Obtain certification required under 40 CFR 257.97(a).

**(h) Implementation of the Corrective Action Program**

40 CFR 257.98 identifies the requirements for implementation of the Corrective Action Program.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(h), the notification requirements specified in 40 CFR 257.106(h), and the internet requirements specified in 40 CFR 257.107(h). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare notification required under 40 CFR 257.98(e).
- Obtain certification required under 40 CFR 257.98(e).

**(6) Closure and Post-Closure Care**

**(a) Closure or Retrofit of CCR Landfills and CCR Surface Impoundments**

40 CFR 257.101 identifies the requirements for the closure or retrofit of CCR landfills and CCR surface impoundments for cause.

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing or retrofitting under the requirements of 40 CFR 257.101(a)(1), as required under 40 CFR 257.101(a)(2).
- Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing under the requirements of 40 CFR 257.101(b)(1) or (b)(2), as required under 40 CFR 257.101(b)(3).
- Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing under the requirements of 40 CFR 257.101(c)(1), as required under 40 CFR 257.101(c)(2).
- Include statement in the notification required under 40 CFR 257.102(g) that the CCR landfill is closing under the requirements of 40 CFR 257.101(d)(1), as required under 40 CFR 257.101(d)(2).

**(b) Criteria for Conducting Closure or Retrofit of CCR Landfills and CCR Surface Impoundments**

40 CFR 257.102 identifies the requirements for conducting closure of CCR landfills and CCR surface impoundments.

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(i), the notification requirements specified in 40 CFR 257.106(i), and the internet requirements specified in 40 CFR 257.107(i). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare written closure plan required under 40 CFR 257.102(b).
- Amend written closure plan required under 40 CFR 257.102(b)(3).
- Obtain certification required under 40 CFR 257.102(b)(4).
- Obtain certification required under 40 CFR 257.102(d)(3)(iii).
- Provide written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use, as required under 40 CFR 257.102(e)(2)(ii).
- Prepare demonstration required under 40 CFR 257.102(f)(2).
- Obtain certification required under 40 CFR 257.102(f)(3).
- Prepare notification required under 40 CFR 257.102(g).
- Prepare notification required under 40 CFR 257.102(h).
- Obtain certification required under 40 CFR 257.102(h).
- Prepare notification required under 40 CFR 257.102(i).
- Prepare written retrofit plan required under 40 CFR 257.102(k)(2).
- Prepare notification required under 40 CFR 257.102(k)(5).
- Prepare notification required under 40 CFR 257.102(k)(6).

**(c) Alternative Closure Requirements**

Per 40 CFR 257.103, the owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR landfill or CCR surface impoundment that is subject to closure or retrofit pursuant to 40 CFR 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either 40 CFR 257.103(a) or (b).

The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(i), the notification requirements specified in 40 CFR 257.106(i), and the internet requirements specified in 40 CFR 257.107(i). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Obtain certification required under 40 CFR 257.103(a)(1).

- Document that there is no alternative CCR disposal capacity.
- Obtain certification required under 40 CFR 257.103(b)(1).
- Document the permanent cessation of a coal-fired boiler(s) by a certain date.
- Prepare notification required under 40 CFR 257.103(c)(1).
- Prepare periodic progress reports required by 40 CFR 257.103(a)(1)(iii) or (b)(1)(iii),
- Prepare notification required under 40 CFR 257.103(c)(3).

**(d) Post-Closure Care Requirements**

Except as provided by either 40 CFR 257.104(a)(2) or (a)(3), 40 CFR 257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR landfills and CCR surface impoundments that are subject to the closure criteria under 40 CFR 257.102.

An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by 40 CFR 257.102(c) is not subject to the post-closure care criteria under this section. An owner or operator of an inactive CCR surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is not subject to the post-closure care criteria under this section.

In addition, the owner or operator of the CCR unit must comply with the recordkeeping requirements specified in 40 CFR 257.105(i), the notification requirements specified in 40 CFR 257.106(i), and the internet requirements specified in 40 CFR 257.107(i). These requirements are covered under “Recordkeeping, Notification, and Posting of Information to the Internet.”

(i) Respondent Activities:

Owners and operators must perform the following activities:

- Prepare written post-closure plan required under 40 CFR 257.104(d).
- Amend written post-closure plan, as required under 40 CFR 257.104(d)(3).
- Obtain certification required under 40 CFR 257.104(d)(4).
- Prepare notification required under 40 CFR 257.104(e).
- Obtain certification required under 40 CFR 257.104(e).

**(7) Recordkeeping, Notification, and Posting of Information to the Internet**

**(a) Recordkeeping Requirements**

40 CFR 257.105 identifies the recordkeeping requirements applicable to owners and operator of CCR units subject to 40 CFR Part 257, Subpart D. Owners and operators must maintain files of all information required by this section in a written operating record at their facility. Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.

An owner or operator of more than one CCR unit subject to the provisions of 40 CFR Part 257, Subpart D may comply with the requirements of 40 CFR 257.105 in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be

maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.

The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by 40 CFR Part 257, Subpart D, if requested, when such information is not otherwise available on the owner or operator's publicly accessible internet site.

(i) Data Items:

- Location restrictions
  - Demonstrations documenting whether or not the CCR unit is in compliance with the requirements under 40 CFR 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a). (40 CFR 257.105(e))
- Design criteria
  - The design and construction certifications as required by 40 CFR 257.70(e) and (f). (40 CFR 257.105(f)(1))
  - The documentation of liner type as required by 40 CFR 257.71(a). (40 CFR 257.105(f)(2))
  - The design and construction certifications as required by 40 CFR 257.72(c) and (d). (40 CFR 257.105(f)(3))
  - Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by 40 CFR 257.73(a)(1) and 257.74(a)(1). (40 CFR 257.105(f)(4))
  - The initial and periodic hazard potential classification assessments as required by 40 CFR 257.73(a)(2) and 257.74(a)(2). (40 CFR 257.105(f)(5))
  - The emergency action plan (EAP), and any amendment of the EAP, as required by 40 CFR 257.73(a)(3) and 257.74(a)(3), except that the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in 40 CFR 257.105(b). (40 CFR 257.105(f)(6))
  - Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by 40 CFR 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E). (40 CFR 257.105(f)(7))
  - Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by 40 CFR 257.73(a)(3)(v) and 257.74(a)(3)(v). (40 CFR 257.105(f)(8))
  - The history of construction, and any revisions of it, as required by 40 CFR 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with 40 CFR 257.102. (40 CFR 257.105(f)(9))
  - The initial and periodic structural stability assessments as required by 40 CFR 257.73(d) and 257.74(d). (40 CFR 257.105(f)(10))
  - The action plan to remedy structural stability deficiencies as required by 40 CFR 257.73(d)(2) and 257.74(d)(2). (40 CFR 257.105(f)(11))



- The initial and periodic safety factor assessments as required by 40 CFR 257.73(e) and 257.74(e). (40 CFR 257.105(f)(12))
- The design and construction plans, and any revisions of it, as required by 40 CFR 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with 40 CFR 257.102. (40 CFR 257.105(f)(13))
- Operating criteria
  - The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by 40 CFR 257.80(b), except that the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in 40 CFR 257.105(b). (40 CFR 257.105(g)(1))
  - The annual CCR fugitive dust control report required by 40 CFR 257.80(c). (40 CFR 257.105(g)(2))
  - The initial and periodic run-on and run-off control system plans as required by 40 CFR 257.81(c). (40 CFR 257.105(g)(3))
  - The initial and periodic inflow design flood control system plan as required by 40 CFR 257.82(c). (40 CFR 257.105(g)(4))
  - Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by 40 CFR 257.83(a). (40 CFR 257.105(g)(5))
  - The periodic inspection report as required by 40 CFR 257.83(b)(2). (40 CFR 257.105(g)(6))
  - The action plan as required by 40 CFR 257.83(b)(5). (40 CFR 257.105(g)(7))
  - Documentation recording the results of the weekly inspection by a qualified person as required by 40 CFR 257.84(a). (40 CFR 257.105(g)(8))
  - The periodic inspection report as required by 40 CFR 257.84(b)(2). (40 CFR 257.105(g)(9))
- Groundwater monitoring and corrective action
  - The annual groundwater monitoring and corrective action report as required by 40 CFR 257.90(e). (40 CFR 257.105(h)(1))
  - Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by 40 CFR 257.91(e)(1). (40 CFR 257.105(h)(2))
  - The groundwater monitoring system certification as required by 40 CFR 257.91(f). (40 CFR 257.105(h)(3))
  - The selection of a statistical method certification as required by 40 CFR 257.93(f)(6). (40 CFR 257.105(h)(4))
  - Within 30 days of establishing an assessment monitoring program, the notification as required by 40 CFR 257.94(e)(3). (40 CFR 257.105(h)(5))

- The results of the Appendix III to this part and Appendix IV to this part constituent concentrations as required by 40 CFR 257.95(d)(1). (40 CFR 257.105(h)(6))
- Within 30 days of returning to a detection monitoring program, the notification as required by 40 CFR 257.94(e). (40 CFR 257.105(h)(7))
- Within 30 days of detecting one or more constituents in Appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by 40 CFR 257.94(g) and (g)(2). (40 CFR 257.105(h)(8))
- Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by 40 CFR 257.95(g)(5). (40 CFR 257.105(h)(9))
- The completed assessment of corrective measures as required by 40 CFR 257.96(d). (40 CFR 257.105(h)(10))
- Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by 40 CFR 257.96(e). (40 CFR 257.105(h)(11))
- The semi-annual reports describing the progress in selecting and designing the remedy and the selection of remedy report as required by 40 CFR 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed. (40 CFR 257.105(h)(12))
- Within 30 days of completing the remedy, the notification as required by 40 CFR 257.98(e). (40 CFR 257.105(h)(13))
- Closure and post-closure care
  - The notification of intent to initiate closure of the CCR unit as required by 40 CFR 257.100(c)(1). (40 CFR 257.105(i)(1))
  - The annual progress reports of closure implementation as required by 40 CFR 257.100(c)(2)(i) and (c)(2)(ii). (40 CFR 257.105(i)(2))
  - The notification of closure completion as required by 40 CFR 257.100(c)(3). (40 CFR 257.105(i)(3))
  - The written closure plan, and any amendment of the plan, as required by 40 CFR 257.102(b). (40 CFR 257.105(i)(4))
  - The written demonstration(s), including the certification required by 40 CFR 257.102(e)(2)(iii), for a time extension for initiating closure as required by 40 CFR 257.102(e)(2)(ii). (40 CFR 257.105(i)(5))
  - The written demonstration(s), including the certification required by 40 CFR 257.102(f)(2)(iii), for a time extension for completing closure or retrofit as required by 40 CFR 257.102(f)(2)(i). (40 CFR 257.105(i)(6) and (j)(4))
  - The notification of intent to close a CCR unit as required by 40 CFR 257.102(g). (40 CFR 257.105(i)(7))
  - The notification of completion of closure of a CCR unit as required by 40 CFR 257.102(h). (40 CFR 257.105(i)(8))

- The notification recording a notation on the deed as required by 40 CFR 257.102(i). (40 CFR 257.105(i)(9))
- The notification of intent to comply with the alternative closure requirements as required by 40 CFR 257.103(c)(1). (40 CFR 257.105(i)(10))
- The annual progress reports under the alternative closure requirements as required by 40 CFR 257.103(c)(2). (40 CFR 257.105(i)(11))
- The written post-closure plan, and any amendment of the plan, as required by 40 CFR 257.104(d). (40 CFR 257.105(i)(12))
- The notification of completion of post-closure care period as required by 40 CFR 257.104(e). (40 CFR 257.105(i)(13))
- The written retrofit plan, and any amendment of the plan, as required by 40 CFR 257.102(k)(2). (40 CFR 257.105(j)(1))
- The notification of intent to retrofit a CCR unit as required by 40 CFR 257.102(k)(5). (40 CFR 257.105(j)(5))
- The notification of completion of retrofit of a CCR unit as required by 40 CFR 257.102(k)(6). (40 CFR 257.105(j)(6))

(ii) Respondent Activities:

Owners and operators must perform the following activities:

- Location restrictions
  - Place the demonstrations required under 40 CFR 257.60(a) in the facility's operating record.
  - Place the demonstrations required under 40 CFR 257.61(a) in the facility's operating record.
  - Place the demonstrations required under 40 CFR 257.62(a) in the facility's operating record.
  - Place the demonstrations required under 40 CFR 257.63(a) in the facility's operating record.
  - Place the demonstrations required under 40 CFR 257.64(a) in the facility's operating record.
- Design criteria
  - Place the certification required under 40 CFR 257.70(e) in the facility's operating record.
  - Place the certification required under 40 CFR 257.70(f) in the facility's operating record.
  - Place the documentation required under 40 CFR 257.71(a) in the facility's operating record.
  - Place the certifications required under 40 CFR 257.72(c) in the facility's operating record.
  - Place the certifications required under 40 CFR 257.72(d) in the facility's operating record.
  - Place the documentation required under 40 CFR 257.73(a)(1) in the facility's operating record.

- Place the documentation required under 40 CFR 257.74(a)(1) in the facility's operating record.
- Place the initial and periodic hazard potential classification assessments required under 40 CFR 257.73(a)(2) in the facility's operating record.
- Place the initial and periodic hazard potential classification assessments required under 40 CFR 257.74(a)(2) in the facility's operating record.
- Place the EAP, and any amendment of the EAP, required under 40 CFR 257.73(a)(3) in the facility's operating record.
- Place the EAP, and any amendment of the EAP, required under 40 CFR 257.74(a)(3) in the facility's operating record.
- Place documentation required under 40 CFR 257.73(a)(3)(i)(E) in the facility's operating record.
- Place documentation required under 40 CFR 257.74(a)(3)(i)(E) in the facility's operating record.
- Place documentation required under 40 CFR 257.73(a)(3)(v) in the facility's operating record.
- Place documentation required under 40 CFR 257.74(a)(3)(v) in the facility's operating record.
- Place the history of construction, and any revisions of it, required under 40 CFR 257.73(c) in the facility's operating record.
- Place the initial and periodic structural stability assessments required under 40 CFR 257.73(d) in the facility's operating record.
- Place the initial and periodic structural stability assessments required under 40 CFR 257.74(d) in the facility's operating record.
- Place the action plan to remedy structural stability deficiencies required under 40 CFR 257.73(d)(2) in the facility's operating record.
- Place the action plan to remedy structural stability deficiencies required under 40 CFR 257.74(d)(2) in the facility's operating record.
- Place the initial and periodic safety factor assessments required under 40 CFR 257.73(e) in the facility's operating record.
- Place the initial and periodic safety factor assessments required under 40 CFR 257.74(e) in the facility's operating record.
- Place the design and construction plans, and any revisions of it, required under 40 CFR 257.74(c) in the facility's operating record.
- Operating criteria
  - Place the CCR fugitive dust control plan, and any subsequent amendment of the plan, required under 40 CFR 257.80(b) in the facility's operating record.
  - Place the annual CCR fugitive dust control report required under 40 CFR 257.80(c) in the facility's operating record.
  - Place the initial and periodic run-on and run-off control system plans required under 40 CFR 257.81(c) in the facility's operating record.
  - Place the initial and periodic inflow design flood control system plan required under 40 CFR 257.82(c) in the facility's operating record.

- Place documentation required under 40 CFR 257.83(a) in the facility's operating record.
- Place the periodic inspection report required under 40 CFR 257.83(b)(2) in the facility's operating record.
- Place the action plan required under 40 CFR 257.83(b)(5) in the facility's operating record.
- Place documentation required under 40 CFR 257.84(a) in the facility's operating record.
- Place the periodic inspection report required under 40 CFR 257.84(b)(2) in the facility's operating record.
- Groundwater monitoring and corrective action
  - Place the annual groundwater monitoring and corrective action report required under 40 CFR 257.90(e) in the facility's operating record.
  - Place documentation required under 40 CFR 257.91(e)(1) in the facility's operating record.
  - Place the groundwater monitoring system certification required under 40 CFR 257.91(f) in the facility's operating record.
  - Place the selection of a statistical method certification required under 40 CFR 257.93(f)(6) in the facility's operating record.
  - Place the notification required under 40 CFR 257.94(e)(3) in the facility's operating record.
  - Place the documentation required under 40 CFR 257.95(d)(1) in the facility's operating record.
  - Place the notification required under 40 CFR 257.94(e) in the facility's operating record.
  - Place the notifications required under 40 CFR 257.94(g) and (g)(2) in the facility's operating record.
  - Place the notification required under 40 CFR 257.95(g)(5) in the facility's operating record.
  - Place the completed assessment of corrective measures required under 40 CFR 257.96(d) in the facility's operating record.
  - Place documentation required under 40 CFR 257.96(e) in the facility's operating record.
  - Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record.
  - Place the selection of remedy report required under 40 CFR 257.97(a) in the facility's operating record.
  - Place the notification required under 40 CFR 257.98(e) in the facility's operating record.
- Closure and post-closure care
  - Place the notification required under 40 CFR 257.100(c)(1) in the facility's operating record.

- Place the annual progress reports of closure implementation required under 40 CFR 257.100(c)(2)(i) and (c)(2)(ii) in the facility's operating record.
- Place the notification required under 40 CFR 257.100(c)(3) in the facility's operating record.
- Place the written closure plan, and any amendment of the plan, required under 40 CFR 257.102(b) in the facility's operating record.
- Place the written demonstration(s) required under 40 CFR 257.102(e)(2)(ii) in the facility's operating record.
- Place the certification required under 40 CFR 257.102(e)(2)(iii) in the facility's operating record.
- Place the written demonstration(s) required under 40 CFR 257.102(f)(2)(i) in the facility's operating record.
- Place the certification required under 40 CFR 257.102(f)(2)(iii) in the facility's operating record.
- Place the notification required under 40 CFR 257.102(g) in the facility's operating record.
- Place the notification required under 40 CFR 257.102(h) in the facility's operating record.
- Place the notification required under 40 CFR 257.102(i) in the facility's operating record.
- Place the notification required under 40 CFR 257.103(c)(1) in the facility's operating record.
- Place the annual progress reports required under 40 CFR 257.103(c)(2) in the facility's operating record.
- Place the written post-closure plan, and any amendment of the plan, required under 40 CFR 257.104(d) in the facility's operating record.
- Place the notification required under 40 CFR 257.104(e) in the facility's operating record.
- Place the written retrofit plan, and any amendment of the plan, required under 40 CFR 257.102(k)(2) in the facility's operating record.
- Place the notification required under 40 CFR 257.102(k)(5) in the facility's operating record.
- Place the notification required under 40 CFR 257.102(k)(6) in the facility's operating record.

**(b) Notification Requirements**

40 CFR 257.106 identifies the notification requirements applicable to owners and operator of CCR units subject to 40 CFR Part 257, Subpart D. Owners and operators must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.

The notifications required 40 CFR 257.106(e) through (i) must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of 40 CFR 257.106, *before the close of*

*business* means the notification must be postmarked or sent by electronic mail (e-mail). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.

If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.

Notifications may be combined as long as the deadline requirement for each notification is met. Unless otherwise required in 40 CFR 257.106, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by 40 CFR 257.105.

(i) Data Items:

- Location restrictions
  - Notification to the State Director and/or appropriate Tribal authority that each demonstration specified under 40 CFR 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site). (40 CFR 257.106(e))
- Design criteria
  - Notification of the availability of the design certification specified under 40 CFR 257.105(f)(1) or (f)(3) and copy of the alternative composite liner design, if applicable. (40 CFR 257.106(f)(1))
  - Notification of the availability of the construction certification specified under 40 CFR 257.105(f)(1) or (f)(3). (40 CFR 257.106(f)(2))
  - Notification of the availability of the documentation of liner type specified under 40 CFR 257.105(f)(2). (40 CFR 257.106(f)(3))
  - Notification of the availability of the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5). (40 CFR 257.106(f)(4))
  - Notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under 40 CFR 257.105(f)(6). (40 CFR 257.106(f)(5))
  - Notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under 40 CFR 257.105(f)(7). (40 CFR 257.106(f)(6))
  - Notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under 40 CFR 257.105(f)(8). (40 CFR 257.106(f)(7))
  - Notification of the availability of the history of construction, and any revision of it, specified under 40 CFR 257.105(f)(9). (40 CFR 257.106(f)(8))
  - Notification of the availability of the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10). (40 CFR 257.106(f)(9))

- Notification of the availability of the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11). (40 CFR 257.106(f)(10))
- Notification of the availability of the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12). (40 CFR 257.106(f)(11))
- Notification of the availability of the design and construction plans, and any revision of them, specified under 40 CFR 257.105(f)(13). (40 CFR 257.106(f)(12))
- Operating criteria
  - Notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1). (40 CFR 257.106(g)(1))
  - Notification of the availability of the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2). (40 CFR 257.106(g)(2))
  - Notification of the availability of the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3). (40 CFR 257.106(g)(3))
  - Notification of the availability of the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4). (40 CFR 257.106(g)(4))
  - Notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(6). (40 CFR 257.106(g)(5))
  - Notification of the availability of the action plan specified under 40 CFR 257.105(g)(7). (40 CFR 257.106(g)(6))
  - Notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(9). (40 CFR 257.106(g)(7))
- Groundwater monitoring and corrective action
  - Notification of the availability of the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1). (40 CFR 257.106(h)(1))
  - Notification of the availability of the groundwater monitoring system certification specified under 40 CFR 257.105(h)(3). (40 CFR 257.106(h)(2))
  - Notification of the availability of the selection of a statistical method certification specified under 40 CFR 257.105(h)(4). (40 CFR 257.106(h)(3))
  - Notification that an assessment monitoring programs has been established specified under 40 CFR 257.105(h)(5). (40 CFR 257.106(h)(4))
  - Notification that the CCR unit is returning to a detection monitoring program specified under 40 CFR 257.105(h)(7). (40 CFR 257.106(h)(5))
  - Notification that one or more constituents in Appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under 40 CFR 257.105(h)(8). (40 CFR 257.106(h)(6))
  - Notification that an assessment of corrective measures has been initiated specified under 40 CFR 257.105(h)(9). (40 CFR 257.106(h)(7))



- Notification of the availability of assessment of corrective measures specified under 40 CFR 257.105(h)(10). (40 CFR 257.106(h)(8))
- Notification of the availability of the semi-annual report describing the progress in selecting and designing the remedy under 40 CFR 257.105(h)(12). (40 CFR 257.106(h)(9))
- Notification of the availability of the selection of remedy report specified under 40 CFR 257.105(h)(12). (40 CFR 257.106(h)(9))
- Notification of the completion of the remedy specified under 40 CFR 257.105(h)(13). (40 CFR 257.106(h)(10))
- Closure and post-closure care
  - Notification of the intent to initiate closure of the CCR unit specified under 40 CFR 257.105(i)(1). (40 CFR 257.106(i)(1))
  - Notification of the availability of the annual progress reports of closure implementation specified under 40 CFR 257.105(i)(2). (40 CFR 257.106(i)(2))
  - Notification of closure completion specified under 40 CFR 257.105(i)(3). (40 CFR 257.106(i)(3))
  - Notification of the availability of the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4). (40 CFR 257.106(i)(4))
  - Notification of the availability of the demonstration(s) for a time extension for initiating closure specified under 40 CFR 257.105(i)(5). (40 CFR 257.106(i)(5))
  - Notification of the availability of the demonstration(s) for a time extension for completing closure specified under 40 CFR 257.105(i)(6). (40 CFR 257.106(i)(6))
  - Notification of intent to close a CCR unit specified under 40 CFR 257.105(i)(7). (40 CFR 257.106(i)(7))
  - Notification of completion of closure of a CCR unit specified under 40 CFR 257.105(i)(8). (40 CFR 257.106(i)(8))
  - Notification of the deed notation as required by 40 CFR 257.105(i)(9). (40 CFR 257.106(i)(9))
  - Notification of intent to comply with the alternative closure requirements specified under 40 CFR 257.105(i)(10). (40 CFR 257.106(i)(10))
  - The annual progress reports under the alternative closure requirements as required by 40 CFR 257.105(i)(11). (40 CFR 257.106(i)(11))
  - Notification of the availability of the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12). (40 CFR 257.106(i)(12))
  - Notification of completion of post-closure care specified under 40 CFR 257.105(i)(13). (40 CFR 257.106(i)(13))
  - Notification of the availability of the written retrofit plan, and any amendment of the plan, specified under 40 CFR 257.105(j)(1). (40 CFR 257.106(j)(1))

- Notification of intent to retrofit a CCR unit specified under 40 CFR 257.105(j)(5). (40 CFR 257.106(j)(5))
- Notification of completion of retrofit of a CCR unit specified under 40 CFR 257.105(j)(6). (40 CFR 257.106(j)(6))

(ii) Respondent Activities:

Owners and operators must perform the following activities:

- Location restrictions
  - Provide notification that each demonstration specified under 40 CFR 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.
- Design criteria
  - Provide notification of the availability of the design certification specified under 40 CFR 257.105(f)(1) or (f)(3) and copy of the alternative composite liner design, if applicable.
  - Provide notification of the availability of the construction certification specified under 40 CFR 257.105(f)(1) or (f)(3).
  - Provide notification of the availability of the documentation of liner type specified under 40 CFR 257.105(f)(2).
  - Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5).
  - Provide notification of the availability of the EAP, and any revisions of the EAP, specified under 40 CFR 257.105(f)(6).
  - Provide notification of the availability of documentation specified under 40 CFR 257.105(f)(7).
  - Provide notification of documentation specified under 40 CFR 257.105(f)(8).
  - Provide notification of the availability of the history of construction, and any revision of it, specified under 40 CFR 257.105(f)(9).
  - Provide notification of the availability of the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10).
  - Provide notification of the availability of the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11).
  - Provide notification of the availability of the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12).
  - Provide notification of the availability of the design and construction plans, and any revision of them, specified under 40 CFR 257.105(f)(13).
- Operating criteria
  - Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1).
  - Provide notification of the availability of the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2).

- Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3).
- Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4).
- Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(6).
- Provide notification of the availability of the action plan specified under 40 CFR 257.105(g)(7).
- Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(9).
- Groundwater monitoring and corrective action
  - Provide notification of the availability of the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1).
  - Provide notification of the availability of the certification specified under 40 CFR 257.105(h)(3).
  - Provide notification of the availability of the certification specified under 40 CFR 257.105(h)(4).
  - Provide notification that an assessment monitoring programs has been established specified under 40 CFR 257.105(h)(5).
  - Provide notification that the CCR unit is returning to a detection monitoring program specified under 40 CFR 257.105(h)(7)
  - Provide notification that one or more constituents in Appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under 40 CFR 257.105(h)(8).
  - Provide notification that an assessment of corrective measures has been initiated specified under 40 CFR 257.105(h)(9)
  - Provide notification of the availability of assessment of corrective measures specified under 40 CFR 257.105(h)(10).
  - Provide notification of the availability of the semi-annual report describing the progress in selecting and designing the remedy specified under 40 CFR 257.105(h)(12).
  - Provide notification of the availability of the selection of remedy report specified under 40 CFR 257.105(h)(12).
  - Provide notification of the completion of the remedy specified under 40 CFR 257.105(h)(13).
- Closure and post-closure care
  - Provide notification of the intent to initiate closure of the CCR unit specified under 40 CFR 257.105(i)(1).
  - Provide notification of the availability of the annual progress reports of closure implementation specified under 40 CFR 257.105(i)(2).
  - Provide notification of closure completion specified under 40 CFR 257.105(i)(3).

- Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4).
- Provide notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(5).
- Provide notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(6).
- Provide notification of intent to close a CCR unit specified under 40 CFR 257.105(i)(7).
- Provide notification of completion of closure of a CCR unit specified under 40 CFR 257.105(i)(8).
- Provide notification of the deed notation as required by 40 CFR 257.105(i)(9).
- Provide notification of intent to comply with the alternative closure requirements specified under 40 CFR 257.105(i)(10)
- Provide notification of the annual progress reports under the alternative closure requirements required under 40 CFR 257.105(i)(11).
- Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12).
- Provide notification of completion of post-closure care specified under 40 CFR 257.105(i)(13).
- Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under 40 CFR 257.105(j)(1).
- Provide notification of intent to retrofit a CCR unit specified under 40 CFR 257.105(j)(5).
- Provide notification of completion of retrofit of a CCR unit specified under 40 CFR 257.105(j)(6).

**(c) Publicly Accessible Internet Site Requirements**

40 CFR 257.107 identifies the publicly accessible internet site requirements applicable to owners and operator of CCR units subject to 40 CFR Part 257, Subpart D. Owners and operators must maintain a publicly accessible internet site (CCR website) containing the information specified in this section. The owner or operator’s website must be titled “CCR Rule Compliance Data and Information.”

An owner or operator of more than one CCR unit subject to the provisions of 40 CFR Part 257, Subpart D may comply with the requirements of 40 CFR 257.107 by using the same internet site for multiple CCR units provided the CCR website clearly delineates information by the name of each unit.

Unless otherwise required in 40 CFR 257.107, the information required to be posted to the CCR website must be made available to the public for at least five years following the date on which the information was first posted to the CCR website.

Unless otherwise required in 40 CFR 257.107, the information must be posted to the CCR website within 30 days of placing the pertinent information required by 40 CFR 257.105 in the operating record.

(i) Data Items:

- Location restrictions
  - Each demonstration specified under 40 CFR 257.105(e) on the owner or operator's CCR website. (40 CFR 257.107(e))
- Design criteria
  - Design certification specified under 40 CFR 257.105(f)(1) or (f)(3). (40 CFR 257.107(f)(1))
  - The construction certification specified under 40 CFR 257.105(f)(1) or (f)(3). (40 CFR 257.107(f)(2))
  - The documentation of liner type specified under 40 CFR 257.105(f)(2). (40 CFR 257.107(f)(3))
  - The initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5). (40 CFR 257.107(f)(4))
  - The emergency action plan (EAP) specified under 40 CFR 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR website. (40 CFR 257.107(f)(5))
  - Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under 40 CFR 257.105(f)(7). (40 CFR 257.107(f)(6))
  - Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under 40 CFR 257.105(f)(8). (40 CFR 257.107(f)(7))
  - The history of construction, and any revisions of it, specified under 40 CFR 257.105(f)(9). (40 CFR 257.107(f)(8))
  - The initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10). (40 CFR 257.107(f)(9))
  - The action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11). (40 CFR 257.107(f)(10))
  - The initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12). (40 CFR 257.107(f)(11))
  - The design and construction plans, and any revisions of them, specified under 40 CFR 257.105(f)(13). (40 CFR 257.107(f)(12))
- Operating criteria
  - The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1). (40 CFR 257.107(g)(1))
  - The annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2). (40 CFR 257.107(g)(2))
  - The initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3). (40 CFR 257.107(g)(3))
  - The initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4). (40 CFR 257.107(g)(4))

- The periodic inspection reports specified under 40 CFR 257.105(g)(6). (40 CFR 257.107(g)(5))
- The action plan specified under 40 CFR 257.105(g)(7). (40 CFR 257.107(g)(6))
- The periodic inspection reports specified under 40 CFR 257.105(g)(9). (40 CFR 257.107(g)(7))
- Groundwater monitoring and corrective action
  - The annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1). (40 CFR 257.107(h)(1))
  - The groundwater monitoring system certification specified under 40 CFR 257.105(h)(3). (40 CFR 257.107(h)(2))
  - The selection of a statistical method certification specified under 40 CFR 257.105(h)(4). (40 CFR 257.107(h)(3))
  - The notification that an assessment monitoring programs has been established specified under 40 CFR 257.105(h)(5). (40 CFR 257.107(h)(4))
  - The notification that the CCR unit is returning to a detection monitoring program specified under 40 CFR 257.105(h)(7). (40 CFR 257.107(h)(5))
  - The notification that one or more constituents in Appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under 40 CFR 257.105(h)(8). (40 CFR 257.107(h)(6))
  - The notification that an assessment of corrective measures has been initiated specified under 40 CFR 257.105(h)(9). (40 CFR 257.107(h)(7))
  - The assessment of corrective measures specified under 40 CFR 257.105(h)(10). (40 CFR 257.107(h)(8))
  - The semi-annual reports describing the progress in selecting and designing the remedy. (40 CFR 257.107(h)(9))
  - The selection of remedy report specified under 40 CFR 257.105(h)(12), except that the selection of remedy report must be maintained until the remedy has been completed. (40 CFR 257.107(h)(9))
  - The notification that the remedy has been completed specified under 40 CFR 257.105(h)(13). (40 CFR 257.107(h)(10))
- Closure and post-closure care
  - The notification of intent to initiate closure of the CCR unit specified under 40 CFR 257.105(i)(1). (40 CFR 257.107(i)(1))
  - The annual progress reports of closure implementation specified under 40 CFR 257.105(i)(2). (40 CFR 257.107(i)(2))
  - The notification of closure completion specified under 40 CFR 257.105(i)(3). (40 CFR 257.107(i)(3))
  - The written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4). (40 CFR 257.107(i)(4))
  - The demonstration(s) for a time extension for initiating closure specified under 40 CFR 257.105(i)(5). (40 CFR 257.107(i)(5))

- The demonstration(s) for a time extension for completing closure specified under 40 CFR 257.105(i)(6). (40 CFR 257.107(i)(6))
- The notification of intent to close a CCR unit specified under 40 CFR 257.105(i)(7). (40 CFR 257.107(i)(7))
- The notification of completion of closure of a CCR unit specified under 40 CFR 257.105(i)(8). (40 CFR 257.107(i)(8))
- The notification recording a notation on the deed as required by 40 CFR 257.105(i)(9). (40 CFR 257.107(i)(9))
- The notification of intent to comply with the alternative closure requirements as required by 40 CFR 257.105(i)(10). (40 CFR 257.107(i)(10))
- The annual progress reports under the alternative closure requirements as required by 40 CFR 257.105(i)(11). (40 CFR 257.107(i)(11))
- The written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12). (40 CFR 257.107(i)(12))
- The notification of completion of post-closure care specified under 40 CFR 257.105(i)(13). (40 CFR 257.107(i)(13))
- The written retrofit plan, and any amendment of the plan, specified under 40 CFR 257.105(j)(1). (40 CFR 257.107(j)(2))
- The notification of intent to retrofit a CCR unit specified under 40 CFR 257.105(j)(5). (40 CFR 257.107(j)(5))
- The notification of completion of retrofit of a CCR unit specified under 40 CFR 257.105(j)(6). (40 CFR 257.107(j)(6))

(ii) Respondent Activities:

Owners and operators must perform the following activities:

- Location restrictions
  - Place each demonstration specified under 40 CFR 257.105(e) on the owner or operator's CCR website.
- Design criteria
  - Place the certification required under 40 CFR 257.105(f)(1) or (f)(3) on the owner or operator's CCR website.
  - Place the certification specified under 40 CFR 257.105(f)(1) or (f)(3) on the owner or operator's CCR website.
  - Place the documentation specified under 40 CFR 257.105(f)(2) on the owner or operator's CCR website.
  - Place the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5) on the owner or operator's CCR website.
  - Place the EAP specified under 40 CFR 257.105(f)(6) on the owner or operator's CCR website.
  - Place documentation specified under 40 CFR 257.105(f)(7) on the owner or operator's CCR website.

- Place documentation specified under 40 CFR 257.105(f)(8) on the owner or operator's CCR website.
- Place the history of construction, and any revisions of it, specified under 40 CFR 257.105(f)(9) on the owner or operator's CCR website.
- Place the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10) on the owner or operator's CCR website.
- Place the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11) on the owner or operator's CCR website.
- Place the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12) on the owner or operator's CCR website.
- Place the design and construction plans, and any revisions of them, specified under 40 CFR 257.105(f)(13) on the owner or operator's CCR website.
- Operating criteria
  - Place the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1) on the owner or operator's CCR website.
  - Place the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2) on the owner or operator's CCR website.
  - Place the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3) on the owner or operator's CCR website.
  - Place the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4) on the owner or operator's CCR website.
  - Place the periodic inspection reports specified under 40 CFR 257.105(g)(6) on the owner or operator's CCR website.
  - Place the action plan specified under 40 CFR 257.105(g)(7) on the owner or operator's CCR website.
  - Place the periodic inspection reports specified under 40 CFR 257.105(g)(9) on the owner or operator's CCR website.
- Groundwater monitoring and corrective action
  - Place the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1) on the owner or operator's CCR website.
  - Place the certification specified under 40 CFR 257.105(h)(3) on the owner or operator's CCR website.
  - Place the certification specified under 40 CFR 257.105(h)(4) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(h)(5) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(h)(7) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(h)(8) on the owner or operator's CCR website.



- Place the notification specified under 40 CFR 257.105(h)(9) on the owner or operator's CCR website.
- Place the assessment of corrective measures specified under 40 CFR 257.105(h)(10) on the owner or operator's CCR website.
- Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.105(h)(12) on the owner or operator's CCR website.
- Place the selection of remedy report specified under 40 CFR 257.105(h)(12) on the owner or operator's CCR website.
- Place the notification specified under 40 CFR 257.105(h)(13) on the owner or operator's CCR website.
- Closure and post-closure care
  - Place the notification specified under 40 CFR 257.105(i)(1) on the owner or operator's CCR website.
  - Place the annual progress reports of closure implementation specified under 40 CFR 257.105(i)(2) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(i)(3) on the owner or operator's CCR website.
  - Place the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4) on the owner or operator's CCR website.
  - Place the demonstration(s) specified under 40 CFR 257.105(i)(5) on the owner or operator's CCR website.
  - Place the demonstration(s) specified under 40 CFR 257.105(i)(6) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(i)(7) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(i)(8) on the owner or operator's CCR website.
  - Place the notification required under 40 CFR 257.105(i)(9) on the owner or operator's CCR website.
  - Place the notification required under 40 CFR 257.105(i)(10) on the owner or operator's CCR website.
  - Place the annual progress reports required under 40 CFR 257.105(i)(11) on the owner or operator's CCR website.
  - Place the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(i)(13) on the owner or operator's CCR website.
  - Place the written retrofit plan, and any amendment of the plan, specified under 40 CFR 257.105(j)(1) on the owner or operator's CCR website.
  - Place the notification specified under 40 CFR 257.105(j)(5) on the owner or operator's CCR website.

- Place the notification required under 40 CFR 257.105(j)(6) on the owner or operator's CCR website.

### **(8) Solid Waste Management Plans**

States and territories where the CCR units will be regulated under the final rule may prepare a solid waste management plan to address the issuance of the revised federal requirements in the CCR rule. This would be a voluntary activity.

#### **(i) Respondent Activity:**

State government agencies and Tribal authorities are expected to perform the following activity:

- Prepare solid waste management plan.

### **(9) State CCR Permit Program Applications**

With the passage of the WIIN Act in December 2016, RCRA Subtitle D was amended to provide new statutory authority pertaining to the management of CCR in landfills and surface impoundments. The WIIN Act allows states to seek CCR permit program approval from EPA. Such a program does not have to be identical to the requirements in the CCR rule (40 CFR part 257, subpart D), but must be at least as protective as the CCR rule. EPA is developing a Guidance document to provide states with the information needed to apply for permit program approval. States and territories where the CCR units will be regulated under the final rule may prepare and submit program approval from EPA. This would be a voluntary activity.

#### **(ii) Respondent Activity:**

State government agencies and Tribal authorities are expected to perform the following activity:

- Prepare application for a state CCR permit program consistent with EPA's guidance document.

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

### **5(a) AGENCY ACTIVITIES**

#### ***40 CFR Parts 260 and 261***

#### ***REVIEW OF RULEMAKING PETITIONS***

EPA follows specific procedures when reviewing all rulemaking petitions. As specified under section 260.22, the Agency will review the information and make a tentative decision, publish its tentative decision in the Federal Register and request written comments, hold a public meeting (if requested by an interested person or at the discretion of the Administrator), review all comments, and publish its final decision in the Federal Register. Depending on the complexity of the petition, the Agency may spend significant time in review.

EPA follows specific procedures in reviewing delisting petitions.<sup>4</sup> All petitions received are logged in, filed, and reviewed. This initial review focuses on completeness of the documentation and representativeness of the analytical data. EPA may request additional information if the petition is judged incomplete. When all needed information is obtained, EPA will review the petition and make a tentative determination. A workgroup composed of staff from different offices within EPA reviews these determinations to evaluate the quality and representativeness of the data. When the workgroup's comments, if any, are addressed, the Office of General Counsel reviews the determination. If the Office of General Counsel concurs, the determination is reviewed by the Assistant Administrator for Solid Waste and Emergency Response. The Assistant Administrator's decision is published in the Federal Register, along with a request for comments. After public comments are received, the review process is repeated and concludes with the Assistant Administrator's final decision.

Specific Agency activities consist of the following:

- Review petition information;
- Request additional information, if required;
- Enter information into a database;
- Hold meetings;
- Deliberate;
- Make a draft determination and publish draft Federal Register notice;
- Review comments and deliberate; and
- Make determination and publish final Federal Register notice.

### ***REVIEW OF SOLID WASTE AND BOILER VARIANCE DEMONSTRATIONS***

Agency activities associated with the variances from classification as a solid waste or classification as a boiler include the following:

- Review the demonstrations to verify whether they meet the relevant criteria as detailed in §260.31 for variances from classification as a solid waste and in §260.32 for variances for classification as a boiler;
- Request additional information, if necessary;
- Deliberate and issue a draft determination;
- Publicize the draft determination by newspaper advertisement and radio broadcast in the local area of the petitioner;
- Hold a public hearing and initiate a 30-day public comment period; and
- Review comments and make the final decision.

### ***REVIEW OF HAZARDOUS WASTE EXCLUSION PETITIONS***

Agency activities associated with information submitted in support of sections 261.3 and 261.4 exclusions include the following:

- File the nonwastewater notifications;

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<sup>4</sup> See Petitions to Delist Hazardous Wastes: A Guidance Manual, April 1985, EPA/530-SW-85-003, U.S. Environmental Protection Agency.

- Review, approve, or deny the notifications and the updates, and keep records of these documents;
- Review applications for site-specific determinations and keep records of these documents;
- Process hazardous secondary materials generator notification;
- Process zinc fertilizer manufacturer notification;
- Process zinc fertilizer manufacturer annual report;
- Review requests for quantity increases for treatability studies and issue a decision;
- Review requests for extensions of up to two years for treatability studies and issue a decision;
- File notifications of testing of treatability samples;
- File annual reports on treatability study testing; and
- File termination letters of treatability study testing.

### ***CATHODE RAY TUBES (CRTs) EXCLUSION ACTIVITIES***

#### **A. Labels**

There are no Agency activities associated with the labeling requirements under 40 CFR 261.39(a)(2).

#### **B. Export Notification for Used CRTs Destined for Recycling**

Agency activities associated with the conditional exclusion for used CRTs exported for recycling include:

- Receive and review notification submitted by an exporter of used CRTs to determine whether or not the notification is complete. A notification is complete when EPA determines that it satisfies the requirements of 40 CFR 261.39(a)(5)(i).
- Solicit, from exporter, additional information requested by the receiving country.
- Provide, in conjunction with the Department of State, the complete notification to the receiving country.
- Forward the receiving/transit country's written consent to the receipt of the used CRTs to the exporter.
- Prepare and send written notification to the exporter if the receiving/transit country objects to the receipt of the used CRTs or withdraws a prior consent.
- Keep copies of notifications, consents, and other related documents.

#### **C. Annual Report for CRTs Exported for Recycling**

Agency activities associated with the new requirement for submission of an annual report for exporters of CRTs sent for recycling include the following:

- Receive and record the report.

#### **D. Export Notification for Used CRTs Destined for Reuse**

Agency activities associated with the conditional exclusion for used CRTs exported for reuse include:

- Receive and review notification submitted by exporter of used CRTs.
- Keep copy of notification.

#### ***REVIEW OF HEADWORKS EXCLUSION DEMONSTRATIONS***

The Agency will receive, review, and file the sampling and analysis plan submitted by claimants who use direct monitoring. There are no other Agency activities under the rule.

#### ***REVIEW OF DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181***

There are no Agency activities associated with the information collection requirements for generators of organic dyes and/or pigments production nonwastewaters.

#### ***F019 LISTING EXCLUSION ACTIVITIES OF CERTAIN WASTEWATER TREATMENT SLUDGES GENERATED FROM ZINC PHOSPHATING***

The Agency does not require waste generators to submit any information for its review and approval under the final rule under 40 CFR 261.31(b)(4)(ii). The Agency instead requires that the waste generators maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing. Therefore, the Agency activities associated with the final rule relate to ensuring compliance with the recordkeeping requirements.

#### ***SOLVENT-CONTAMINATED WIPES EXCLUSION ACTIVITIES***

There are no Agency activities associated with the new information collection requirements.

#### ***CARBON DIOXIDE (CO<sub>2</sub>) EXCLUSION ACTIVITIES***

EPA may perform the following:

- Prepare and transmit a written request to generators or Class VI UIC well owner/operators requesting a copy of their signed certification; and
- Receive, review and file signed certification.

Most information required by this rulemaking is maintained in records in the facility's operating record and therefore is not formally submitted to EPA. For the information that may be submitted – specifically a revised Solid Waste Management Plan (SWMP) submitted by a State – the Agency will review and, as appropriate, approve the SWMPs. Early in the development of the waste management infrastructure, a process was created to encourage States to effectively plan for and manage their solid wastes through the development of SWMPs. Currently, most states have SWMPs that have been submitted to and approved by EPA. EPA recommends that States take advantage of this process, already in the regulations, by revising their SWMPs to address the issuance of the revised federal requirements and to submit revisions of these plans to EPA.

#### ***40 CFR Part 257***

#### ***DISPOSAL OF COAL COMBUSTION RESIDUALS***

Most information required by this rulemaking is maintained in records in the facility's operating record and therefore is not formally submitted to EPA. For the information that may be submitted – specifically a revised Solid Waste Management Plan (SWMP) or application for a CCR permit program submitted by a State – the Agency will review and, as appropriate, approve the SWMP or permit program submittal. Early in the development of the waste management infrastructure, a process was created to encourage States to effectively plan for and manage their solid wastes through the development of SWMPs. Currently, many states have SWMPs that have been submitted to and approved by EPA. EPA recommends that States take advantage of this process, already in the regulations, by revising their SWMPs to address the issuance of the revised federal requirements and to submit revisions of these plans to EPA. Currently, no states have approved CCR permit programs as authorized under the WIIN Act of 2016.

### **5(b) COLLECTION METHODOLOGY AND MANAGEMENT**

In collecting and analyzing the information required under the identification, listing, and rulemaking petition requirements, EPA uses electronic equipment such as personal computers and applicable database software, when appropriate.

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

### **5(c) SMALL ENTITY FLEXIBILITY**

When promulgating the regulations covered under this ICR, EPA considered the effect of these regulations on small businesses. The exclusions, delisting petitions, and other paperwork provisions included in Parts 260 and 261, and presented in this ICR are de-regulatory in nature. They relieve facilities generating or managing certain types of materials or wastes from the RCRA hazardous waste regulations. This can benefit small and large businesses alike by reducing their regulatory burden. In addition, EPA conditionally exempts from the hazardous waste regulations sites that generate 100 kilograms or less per month of hazardous waste (section 261.5). EPA expects that a number of these conditionally exempt sites are owned by small entities.

#### ***40 CFR Parts 260 and 261 CATHODE RAY TUBES (CRTs) EXCLUSION***

In establishing the conditional exclusion for used CRTs, EPA considered the reporting and recordkeeping burden for small businesses. In addition, the conditional exclusion is a regulatory relief initiative that should reduce hour and cost burden for generators and subsequent handlers of excluded CRTs, but should particularly benefit small entities.

#### ***HEADWORKS EXCLUSION***

EPA believes that the revisions to the Headworks Exclusion rule will not have adverse burden impacts on small entities, for the following reasons. First, the rule extends the exemption at 40 CFR 261.3(a)(2)(iv)(A) and (B) to two additional wastes (benzene and 2-ethoxyethanol), clarifies that the exemption applies to combustor scrubber water, and expands the *de minimis* exemption to non-manufacturing sites and *de minimis* releases of F- and K- listed wastes. In this

regard, the rule is *de-regulatory*; both small and large entities could benefit from reduced hazardous waste management costs. In addition, the exemptions are non-mandatory, i.e., entities need not claim the exemption unless it is cost-effective for them. Finally, the rule gives claimants added flexibility in demonstrating their compliance with the exemptions. They may continue to use their existing methods (e.g., mass balance) or direct monitoring, whichever is more cost-effective.

#### ***DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181***

The rule includes a mass loadings-based listing for organic dyes and/or pigments production nonwastewaters that allows generators to determine whether their waste is nonhazardous under the listing. Thus, although the final rule adds the K181 wastes to the hazardous waste listings, the rule provides flexibility to both large and small generators to determine whether they can manage their waste as nonhazardous, as specified. If a small entity's waste does qualify as hazardous under the listings, the small entity may be eligible for complying with the small quantity generator standards, which impose fewer paperwork requirements than the standards for large quantity generators.

#### ***EXCLUSION OF CERTAIN WASTEWATER TREATMENT SLUDGES GENERATED FROM ZINC PHOSPHATING FROM THE F019 LISTING***

The conditional exclusion is intended to be *de-regulatory* and would relieve both small and large waste generators from the RCRA hazardous waste program requirements, as specified. In addition, EPA has kept the paperwork requirements under the conditional exclusion as streamlined and as consistent with standard industry practices as possible, to thereby minimize the burden on both large and small entities.

#### ***SOLVENT-CONTAMINATED WIPES EXCLUSIONS***

The final exclusions will provide regulatory relief from parts of the Federal RCRA hazardous waste regulations for both large and small generators and subsequent handlers by establishing a set of conditions to address potential risks associated with the management of solvent-contaminated wipes. Thus, small facilities, among others, would see relief.

In addition, due to the fact that the universe of generators affected by the provisions in the final exclusions is comprised predominately of small businesses, EPA has set, as a primary goal of the final exclusions, that the management standards be easy to understand and practical to implement. EPA believes that the provisions of the final exclusions will: (1) encourage compliance; (2) enhance consistency between State programs; (3) clearly define when the solvent-contaminated wipes exit the RCRA Subtitle C management system; and (4) reduce compliance costs.

Finally, the conditional exclusions are voluntary. Large and small generators eligible for the exclusions have the option of managing their solvent-contaminated wipes under the existing Federal program (i.e., RCRA Subtitle C) or under one of the conditional exclusions.

#### ***CARBON DIOXIDE (CO<sub>2</sub>) EXCLUSION***

The conditional exclusion is optional and will only be claimed if generators and Class VI UIC well owner/operators find that the exclusion is in their best interest. EPA believes that the conditional exclusion will reduce the burden for generators and owner/operators, regardless of size, because they would no longer be required to comply with the existing RCRA hazardous waste regulations for the exempted CO<sub>2</sub> stream.

EPA determined that the final rule will not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this final rule consist of one small county, 31 small cities, 32 small companies, and 13 small cooperative owner entities that own at least one coal-burning power plant. There are 91 coal-burning power plants that are owned by the 77 small owner entities. Those plants fall into the following categories: one small county plant, 31 small city plants, 42 plants owned by small companies, and 17 small cooperative plants.

#### **40 CFR Part 257**

#### **DISPOSAL OF COAL COMBUSTION RESIDUALS**

The RIAs for the 2015 CCR rule estimated CCR compliance costs as a percentage of revenues for each entity and found that for almost all small entities affected by the rule the estimated annualized costs were less than 1% of revenues.

Although the 2015 final rule does not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. The 2018 Phase 1 Part 1 final rule is deregulatory in nature and reduces costs to both large and small entities.

#### **5(d) COLLECTION SCHEDULE**

Because rulemaking petitions are voluntarily submitted, there is no collection schedule for these information requests. A discussion of a collection schedule, therefore, is not relevant.

The zinc fertilizer rule (see 67 FR 48393; July 24, 2002) requires generators to submit to EPA a one-time notification of their intent to begin managing hazardous secondary materials under the terms of the exclusion. Generators would keep a record on site of all shipments of hazardous secondary materials for at least three years. The rule also requires manufacturers to sample and analyze the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months and for dioxins no less than every twelve months. In addition, manufacturers will submit an annual report to EPA describing the hazardous secondary materials used to make zinc fertilizer. Manufacturers also must keep a record of all shipments of hazardous secondary materials received for at least three years.

Generators and collectors of treatability study samples must submit additional information along with their Biennial Report. Facilities with samples undergoing treatability studies must comply with the following collection schedule:

- 45 days before they initiate treatability studies, facilities must notify the Regional Administrator;
- By March 15 of each year, facilities must submit to the Regional Administrator an annual report regarding their treatability study activities; and



- Upon determining to cease treatability studies, facilities must inform the Regional Administrator.

#### **40 CFR Parts 260 and 261**

#### **CATHODE RAY TUBES (CRTs) EXCLUSION**

Under the conditional exclusion rule for used cathode ray tubes (see 71 FR 42928; July 28, 2006), used CRTs and glass removed from CRTs sent for recycling or reuse are excluded from the definition of solid waste, if they meet specified conditions.

##### **A. Labels**

Generators of used, broken CRTs destined for recycling must label or mark clearly each container in which the CRTs are contained, as specified. EPA believes that each container should be labeled or marked to ensure proper management and handling.

##### **B. Export Notification for Used CRTs Destined for Recycling**

Exporters of used CRTs destined for recycling must provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. A complete notification must be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. In addition, upon request by EPA, exporters must furnish to EPA any additional information that a receiving country requests in order to respond to a notification.

##### **C. Export Notification for Used CRTs Destined for Reuse**

Exporters of used CRTs destined for reuse must send a one-time notification to EPA. In addition, they must keep at the facility copies of normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused.

#### **REVISIONS TO THE HEADWORKS EXCLUSION**

The Headworks Exclusion rule (see 70 FR 57769; October 4, 2005) allows generators to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Facilities choosing to conduct direct monitoring must prepare and submit a sampling and analysis plan to the regulatory agency prior to commencement of monitoring and confirm receipt by the regulatory agency. EPA is not requiring any other formal notification to the regulatory agency, unless a change in the facility's operations mandates a change in monitoring.

In addition, this rule allows manufacturing facilities to claim a *de minimis* loss of F- or K-listed wastes and non-manufacturing facilities to claim a *de minimis* loss of any listed hazardous waste. Facilities claiming any part of the expanded *de minimis* exemption must list Appendix VII and LDR hazardous constituents for each affected waste in the CWA permit application or the submission to a pretreatment control authority, in order to be eligible for the exemption.

#### **DEMONSTRATIONS THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181**

Under the final rule (see 70 FR 9138; February 24, 2005), generators of organic dyes and/or pigments production nonwastewaters will have to conduct nonhazardous determinations

annually to verify that the wastes remain nonhazardous. For facilities that generate 1,000 metric tons or less per year, this determination will be based on knowledge of their wastes. For facilities that generate more than 1,000 metric tons per year, this determination will be based on waste sampling and analysis. These annual testing requirements will be suspended if the wastes remain nonhazardous for three consecutive years of testing. However, if the manufacturing or waste treatment process generating the wastes is significantly altered, the annual testing requirements will be reinstated. EPA believes such a schedule will ensure that generators take measures to determine whether their wastes qualify for the nonhazardous claim.

### ***CARBON DIOXIDE (CO<sub>2</sub>) EXCLUSION***

The following is the collection schedule under the final exclusion:

- Generators and Class VI UIC well owner/operators that claim the exclusion must sign a certification statement attesting to their compliance with the conditions and keep it onsite for three years.
- Generators and Class VI UIC well owner/operators claiming the exclusion must post the signed certification statement to the company website (if such is available).
- The signed certification must be renewed and reposted each year that the exclusion is claimed.
- The signed certification must be made available within 72 hours of a written request from EPA or authorized state officials.

For revisions of existing State SWMPs, EPA is strongly encouraging States to adopt at least the rule's federal minimum criteria into their regulations. EPA expects that States will elect to submit their SWMPs for approval because EPA's approval of a revised SWMP signals EPA's opinion that the State SWMP meets the minimum federal criteria.

### ***HAZARDOUS WASTE EXPORT-IMPORT REVISIONS***

There are no Agency activities associated with the information collection requirements.

#### ***40 CFR Parts 257***

### ***DISPOSAL OF COAL COMBUSTION RESIDUALS***

Because State SWMPs and CCR permit program approval applications under the WIIN Act are voluntarily submitted, there is no collection schedule for these information requests.

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

### **6(a) ESTIMATING RESPONDENT BURDEN**

This ICR is a comprehensive presentation of all information collection activities required for identification, listing, and rulemaking petition regulations. EPA estimated respondent burden hours associated with all 40 CFR Parts 260 and 261 requirements covered in this ICR in Exhibits 1-6 below. Exhibit 1 addresses the burden for petitioners to read and understand the regulations for identification, listing, and rulemaking petitions. Exhibit 2 addresses general requirements for

all rulemaking petitions as well as equivalent testing or analytical method petitions and delisting petitions. Exhibit 3 addresses variances from classification as a solid waste or for classification as a boiler. Exhibit 4 addresses provisions for obtaining hazardous waste exclusions and exemptions under sections 261.3 and 261.4. Exhibit 5 addresses the paperwork requirements under sections 261.31 and 261.35. Each of these exhibits includes the number of hours required to conduct each information collection activity and the cost associated with each requirement. Exhibit 6 addresses the total annual estimated burden hours and costs to. Exhibit 7 provides the total annual estimated burden hours and costs for all activities covered in this renewal.

This ICR is also a comprehensive presentation of all information collection activities required for disposal of CCR under Subtitle D of RCRA. EPA estimated respondent burden hours associated with all 40 CFR Part 257 requirements covered in this ICR in Exhibits CCR-1 through CCR-9 below. Exhibit CCR-1 addresses the burden for owners and operators of CCR units to read the regulations, and adhere to the location restrictions regulations under 40 CFR 257.60. Exhibit CCR-2 addresses the respondent burden to comply with design criteria under sections 40 CFR 257.70 through 40 CFR 257.74. Exhibit CCR-3 addresses the respondent burden to comply with operating criteria under 40 CFR 257.80 through 40 CFR 257.84. Exhibit CCR-4 addresses provisions related to groundwater monitoring and corrective action covered under 40 CFR 257.90 through 40 CFR 257.98. Exhibit CCR-5 addresses the respondent burden related to closure and post-closure care, as required under 40 CFR 257.101 through 40 CFR 257.104. Exhibit CCR-5 addresses the respondent burden related to recordkeeping, notification, and posting information to the internet, as required under 40 CFR 257.105 through 40 CFR 257.107. Exhibit CCR-7 addresses the state government agency and tribal authority burden related to recordkeeping, notification, and posting information to the internet, as required under 40 CFR 257.106. Exhibit CCR-8a addresses the state government agency and tribal authority burden associated with the preparation of solid waste management plans and CCR permit program applications. Exhibit CCR-8b addresses the Agency burden associated with the review and approval of solid waste management plans and CCR permit program applications. Exhibit CCR-9 provides a summary of the total burden hours and costs for all activities related to the disposal of CCR under Subtitle D of RCRA.

## 6(b) ESTIMATING RESPONDENT COSTS

### 40 CFR Parts 260 and 261

#### (1) Labor Costs

EPA estimates an average hourly labor cost for respondents of \$130.33 for legal staff, \$113.39 for managerial staff, \$83.74 for technical staff, and \$31.14 for clerical staff. The labor wage rates used to estimate costs to respondents were calculated as shown in the following table. The 2017 average wage rates are from the average wage rates 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.

A	B	C	D	E	F [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

EPA estimates there will be no capital costs incurred under this ICR for activities associated with 40 CFR Parts 260 and 261.

#### (3) Operation and Maintenance Costs

Operation and maintenance (O&M) costs include postage, materials, and lump-sum purchased service costs. Examples of O&M costs include:

- Laboratory fees for analyzing samples;
- Contractor travel/lodging costs;
- Professional certifications for certain work performed; and
- Mailing and shipping costs.

To estimate O&M costs, EPA used the June 2010 Consumer Price Index data from the U.S. Bureau of Labor Statistics' (BLS) at [http://www.bls.gov/cpi/cpi\\_dr.htm](http://www.bls.gov/cpi/cpi_dr.htm).

## **40 CFR Part 257**

### **DISPOSAL OF COAL COMBUSTION RESIDUALS**

Exhibits CCR-1 through CCR-8 provide estimates of the annual respondent costs associated with the information collection requirements covered in this ICR associated with 40 CFR Part 257. These costs are based on the cost of labor, capital, and operation and maintenance (O&M). Note that the labor costs estimated for respondent activities associated with 40 CFR Part 257 differ, as described below, from those estimated for respondent activities associated with 40 CFR Parts 260 and 261.

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

Using the total burden hours discussed in Section 6(a) and the hourly labor costs outlined in this section, Exhibits CCR-1 through CCR-8 illustrate the labor costs associated with the information collection requirements covered in this ICR.

##### **(a) Owners and Operators of CCR Units**

EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$124.30 for legal staff, \$105.04 for managerial staff, \$50.63 for technical staff, and \$29.70 for clerical staff. These hourly labor rates are based on the most current estimates of national cross-industry wages by the U.S. Bureau of Labor Statistics<sup>5</sup> 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 factor<sup>6</sup> of 1.78 to account for fringe benefits<sup>7</sup> and overhead.<sup>8</sup> These respondent labor costs were updated to 2018 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.<sup>9</sup> The labor rates are displayed in the table below.

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<sup>5</sup> U.S. Bureau of Labor Statistics (BLS)'s May 2017 National Industry-Specific Occupational Employment and Wage Estimates cross all industry sectors, at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm)

<sup>6</sup> =  $[1 + (\text{Fringe Benefits } \%) ] / [(100\% - \text{Fringe Benefits } \%) \times (1 + \text{Overhead } \%) ]$

<sup>7</sup> 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>.

<sup>8</sup> 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/](http://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/).

<sup>9</sup> 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.

Owner/Operator Labor Rates for Disposal of Coal Combustion Residuals						
A	B	C	D	E	F	$C \times F \times \frac{G(1+D)}{(1-D)(1+E)}$
Labor Category	US Bureau of Labor Statistics Standard Occupational Code	Non-loaded 2017 average (mean) wage rate (\$ per hour)	Fringe benefits as percent of total employee compensation	Overhead percentage	Employment Cost Index Adjustment to 2018 Levels	Loaded 2018 average wage rate (\$ per hour)
1. Legal	23-1011 Lawyers	\$68.22	33.3%	12%	1.028	\$ 125.14
2. Managerial	11-0000 Management Occupations	\$57.65	33.3%	12%	1.028	\$105.75
3. Technical	17-3026 Industrial Engineering Technicians	\$27.79	33.3%	12%	1.028	\$50.98
4. Clerical	43-9061 Office Clerks, General	\$16.30	33.3%	12%	1.028	\$29.90

**(b) State Government Agencies and Tribal Authorities**

EPA estimates an average hourly labor cost of \$87.25 for legal staff, \$84.94 for managerial staff, \$45.22 for technical staff, and \$32.27 for clerical staff. These hourly labor rates are based on the most current estimates of State government wages by the U.S. Bureau of Labor Statistics<sup>10</sup> for occupational groups SOC 23-1011: Lawyers; SOC 11-0000: Management Occupations; SOC 19-4091: Environmental Science and Protection Technicians; and SOC 43-9061: Office Clerks, General, respectively, multiplied by a factor<sup>11</sup> of 1.97 to account for fringe benefits<sup>12</sup> and overhead.<sup>13</sup> These labor costs were updated to 2018 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.<sup>14</sup> The labor rates are displayed in the table below.

<sup>10</sup> U.S. Bureau of Labor Statistics (BLS)'s May 2017 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 999200 – State Government (OES Designation), at: [http://www.bls.gov/oes/current/naics4\\_999200.htm#b17-0000](http://www.bls.gov/oes/current/naics4_999200.htm#b17-0000)

<sup>11</sup> = [1+ (Fringe Benefits %)] / [(100% - Fringe Benefits %) x (1+ Overhead %)]

<sup>12</sup> Applied 37.6% fringe benefits percentage from “Table 3. State and local government, by major occupational and 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.t03.htm>.

<sup>13</sup> In absence of data specific to state governments, applied 12% Federal civilian overhead cost factor from Figure C1 of the REVISED February 2008 OMB Circular A-76 [http://www.whitehouse.gov/omb/circulars\\_a076\\_a76\\_incl\\_tech\\_correction/](http://www.whitehouse.gov/omb/circulars_a076_a76_incl_tech_correction/).

<sup>14</sup> Bureau of Labor Statistics, "Table 7. Employment Cost Index for total compensation, for State and local government workers, by occupational and industry," Employment Cost Index Historical Listing - Volume V, 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. State and local government workers, All workers, June 2017=132.0 and June 2018=135.1.

State Government and Tribal Authorities Labor Rates for Disposal of Coal Combustion Residuals						
A	B	C	D	E	F	$C \times F \times \frac{G(1+D)}{(1-D)(1+E)}$
Labor Category	US Bureau of Labor Statistics Standard Occupational Code	Non-loaded 2017 average (mean) wage rate (\$ per hour)	Fringe benefits as percent of total employee compensation	Overhead percentage	Employment Cost Index Adjustment to 2018 Levels	Loaded 2018 average wage rate (\$ per hour)
1. Legal	23-1011 Lawyers	\$43.32	37.6%	12%	1.0230	\$87.25
2. Managerial	11-0000 Management Occupations	\$42.17	37.6%	12%	1.0230	\$84.94
3. Technical	19-4091 Environmental Science and Protection Technicians	\$22.45	37.6%	12%	1.0230	\$45.22
4. Clerical	43-9061 Office Clerks, General	\$16.02	37.6%	12%	1.0230	\$32.27

**(2) Capital Costs**

EPA estimates there will be no capital costs incurred under this ICR for activities associated with 40 CFR Part 257.

**(3) Operation and Maintenance Costs**

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. For this ICR, O&M costs include: mailing costs, certification fees, and sampling costs. O&M costs were obtained from the regulatory impact analysis for the final rule, and updated to 2018 levels using Consumer Price Indexes developed by the U.S. Bureau of Labor Statistics.<sup>15</sup> O&M costs are shown in Exhibits 1 through 8 for all applicable respondent activities. For this collection, the annual O&M cost for private entities is expected to be \$12,420,892.

**6(c) ESTIMATING AGENCY BURDEN AND COST**

**40 CFR Parts 260 and 261**

Exhibit 8 and 9 below present the annual estimated Agency burden hours and costs associated with the requirements covered in this renewal. Exhibit 10 provides the total annual estimated Agency burden hours and costs for all activities covered in this renewal. EPA estimates an average hourly labor cost of \$100.09 for legal staff, \$93.02 for managerial staff, \$79.82 for technical staff, and \$30.78 for clerical staff. The labor wage rates used to estimate costs to Agency (Federal or State) were calculated as shown in the following table. Unloaded

<sup>15</sup> Bureau of Labor Statistics, "Historical Consumer Price Index for All Urban Consumers (CPI-U): U. S. city average, all items, by month." September 2018. Available online at: <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-201809.pdf>, last accessed on October 26, 2018. All items, December 2011=225.672 and September 2018=252.439

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 (Based on 2017 Federal, State, and Local Government Loaded Hourly Wage Rates)</b>					
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F [C x D x E]</b>
<b>Labor Category</b>	<b>US Bureau of Labor Statistics Occupational Code</b>	<b>Non-loaded 2017 average (mean) wage rate (\$ per hour)</b>	<b>Fringe benefits loading multiplier</b>	<b>Overhead loading multiplier</b>	<b>Loaded 2017 average wage rate (\$ per hour)</b>
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

**40 CFR Part 257**

**DISPOSAL OF COAL COMBUSTION RESIDUALS**

For Agency burden related to CCR, EPA estimates an average hourly labor cost of \$91.34 for legal staff (GS-15, Step 5), \$80.59 for managerial staff (GS-15, Step 1), \$57.98 for technical staff (GS-13, Step 1), and \$24.74 for clerical staff (GS-06, Step 1). To derive these hourly estimates, EPA referred to the General Schedule (GS) Salary Table 2018.<sup>16</sup> This publication summarizes the unloaded (base) hourly rate for various labor categories in the Federal Government. EPA then applied the standard government overhead factor of 1.6 to the unloaded rate to derive loaded hourly rates. The labor rates are summarized in the table below.

<b>Agency Labor Rates for Disposal of Coal Combustion Residuals</b>				
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E [C x D]</b>
<b>Labor Category</b>	<b>General Schedule (GS) Code</b>	<b>January 2018 Base Rate</b>	<b>Overhead Rate</b>	<b>2018 Loaded Rate</b>
Legal	GS-15, Step 5	\$57.09	1.6	\$91.34
Managerial	GS-15, Step 1	\$50.37	1.6	\$80.59
Technical	GS-13, Step 1	\$36.24	1.6	\$57.98
Clerical	GS-06, Step 1	\$15.46	1.6	\$24.74

<sup>16</sup> Office of Policy and Management (OPM) 2018 General Schedule (Base) Hourly Rate Pay Table. Accessed October 30, 2018 at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/general-schedule/>.



## **6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COST**

### ***40 CFR Parts 260 and 261***

#### ***READING AND UNDERSTANDING THE REGULATIONS FOR IDENTIFICATION, LISTING, AND RULEMAKING PETITIONS (Exhibit 1)***

The petitioner must read and understand all of the applicable regulations in 40 CFR Parts 260 and/or 261. This cost is a one-time cost. EPA estimates that all facilities submitting petitions and demonstrations will read the regulations. Thus, EPA estimates that 25,507 respondents will read the pertinent Part 260 and 261 regulations each year.

#### ***RULEMAKING PETITIONS (Exhibit 2)***

Section 260.20 requires petitioners seeking to modify or revoke any provision in 40 CFR Parts 260 - 265 and 268 to submit specific information. Based on consultations with the Regions and States, EPA estimates that approximately 8 rulemaking petitions will be submitted every year.

Section 260.21 requires petitioners for equivalent testing or analytical methods to demonstrate to the satisfaction of the Administrator that the proposed method is equal to or superior to the corresponding method in terms of its sensitivity, accuracy, and reproducibility. EPA estimates that each year, one of the 8 rulemaking petitions submitted will be a petition for equivalent testing or analytical methods. The facility also is expected to comply with the section 260.20 general requirements.

Section 260.22 requires petitioners seeking to amend 40 CFR Part 261 to exclude a waste produced at a particular facility to demonstrate that the waste does not meet any hazardous waste criteria. EPA estimates that 4 of the 8 rulemaking petitions submitted annually will be delisting petitions for wastes produced at specific facilities. These facilities are also expected to comply with the section 260.20 general requirements.

#### ***SOLID WASTE AND BOILER VARIANCE REQUIREMENTS (Exhibit 3)***

Section 260.33 requires facilities that request variances from classification as a solid waste for specified recycled materials (e.g., speculatively collected materials) to address the criteria contained in section 260.31. EPA estimates that for each of the three types of variances described in section 260.31, 10 facilities will submit a request each year, for a total of 30 variance requests annually.

Section 260.32 requires persons requesting to classify as a boiler certain enclosed devices (using controlled flame combustion) to submit a demonstration addressing the criteria detailed in section 260.32. EPA estimates that one facility will request this variance each year.

#### ***HAZARDOUS WASTE EXCLUSIONS (Exhibit 4)***

Under section 261.3(a)(2), facilities may claim a wastewater exclusion. Section 261.3(a)(2)(iv) allows facilities to claim the “Headworks Rule” exemption as amended by the October 4, 2005 final rule (70 FR 57769). EPA estimates that an incremental count of 3,266 facilities may voluntarily claim a Headworks Exclusion exemption under 40 CFR 261.3(a)(2)(iv)(A), (B), (F),

or (G). EPA estimates that during the three-year life of this ICR, 3,266 facilities (or 1,089 facilities per year) may be expected to read the rule, and 1,811 facilities may initially prepare and submit a sampling and analysis plan to the regulatory agency and confirm delivery prior to commencing direct monitoring. EPA estimates that these 1,811 facilities may conduct direct monitoring annually, on average, during the life of this ICR, and that between 1% to 2% of these 1,811 facilities (say 1.5%, or 27 facilities), on average, may need to modify their site-specific plan each year because a change in the facility operations mandates a change in the plan. In addition, EPA estimates that 1,337 facilities may take advantage of the expanded *de minimis* exemption each year under section 261.3(a)(2)(iv)(D). Some of the burden associated with these claimants is one-year only (i.e., initial first year), and some of the burden is annually recurring. Furthermore, because the purpose of this ICR is to estimate *annual* burden under the rule, EPA has annualized burden over the 3-year lifespan of this ICR.

Section 261.3(c)(2) allows facilities to obtain a hazardous waste exclusion for certain nonwastewater residues. EPA estimates that one facility will submit a nonwastewater exemption under section 261.3(c)(2).

Section 261.4(a)(9)(iii) allows facilities to exclude from being a solid waste spent wood preserving solutions and wastewaters from wood preserving processes. EPA believes that most facilities have already taken advantage of this exclusion, but EPA conservatively estimates that five new facilities each year will prepare and submit a notification. An additional 15 facilities will submit a notice of violation and apply for reinstatement annually.

Section 261.4(a)(17) allows facilities to prepare an application for a site-specific process unit determination for their solid mineral processing materials and to provide notice to EPA. Note that this exclusion was voided by the courts. Therefore, no respondents are expected to claim this exclusion.

Under section 261.4(a)(20)(ii)(A), generators and intermediate handlers may obtain a hazardous waste exclusion for zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers. Section 261.4(a)(20)(iii)(B), allows manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials to obtain a hazardous waste exclusion. EPA estimates that 24 generators of zinc-bearing hazardous secondary materials used to make fertilizers and five manufacturers of zinc fertilizers or zinc fertilizer ingredients will use the conditional exclusion. These facilities must submit a notification and maintain records. The manufacturers must also submit an annual report, perform sampling and analysis, and keep sampling and analysis records.

EPA estimates that one facility will prepare a demonstration for chromium-containing waste by following the requirements in section 261.4(b)(6).

EPA estimates that most of the samples shipped to or returned by a laboratory will be covered by DOT or USPS shipping requirements. EPA estimates that 45 samples per year will not be covered by these requirements and therefore will be subject to the information requirements specified in section 261.4(d)(2)(ii)(A).

Section 261.4(e)(2) requires persons who generate or collect samples for the purpose of conducting treatability studies to comply with specific informational collections. EPA estimates

that two facilities will generate or collect treatability study samples every year and therefore will need to collect and maintain information and report to EPA in the Biennial Report.

Section 261.4(e)(3) allows persons who generate or collect samples for the purpose of conducting treatability studies to petition to increase the quantity limits on treatability study samples. EPA estimates that one of the generators or collectors of treatability study samples will submit this request. Section 261.4(e)(3) also provides for a two-year extension for treatability studies involving bioremediation. EPA estimates that one of the generators or collectors of these samples will submit a request for an extension.

Section 261.4(f) requires testing facilities conducting treatability studies to comply with a number of informational requirement provisions. EPA estimates that two testing facilities will seek an exemption each year. These facilities must submit a notification, maintain records, submit an annual report, and submit a termination letter once testing has been completed.

Section 261.39(a)(2) requires generators of used, broken CRTs destined for recycling to label or mark clearly each container (e.g., “gaylord” box) in which used, broken CRTs are contained, as specified. EPA estimates that, each year, respondents will use 32,423 containers. EPA assumes that these respondents will mark each of these containers by writing the specified words on them. EPA also assumes that each container will be used only once.

Section 261.39(a)(5) requires exporters of used, broken CRTs to provide written notification to EPA of an intended export before the CRTs are scheduled to leave the U.S. EPA estimates that, each year, 256 shipments of used CRTs will be exported for recycling. EPA expects that these exporters will notify the Agency of their intent to export the used CRTs. In addition, the Agency estimates that approximately 26 exporters will furnish additional information.

Section 261.39(a)(5)(x) requires exporters of CRTs sent for recycling to file with EPA no later than March 1 of each year, a report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) of all CRTs exported during the previous calendar year. EPA estimated that approximately 12 U.S. exporters of CRTs sent for recycling will be required to prepare and submit an annual report.

Section 261.41 requires exporters of used, intact CRTs for reuse to send a one-time notification to EPA. EPA estimates that, each year, 14 respondents will export used CRTs for reuse. EPA assumes that all these respondents will notify the Agency once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 5 respondents (i.e., 14 respondents / 3 years), on average, will submit the one-time notification each year.

Section 261.41(b) requires exporters of used CRTs for reuse to keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRT will be reused. If the documents are written in a language other than English, CRT exporters of used CRTs for reuse must also provide a third-party translation of the normal business records into English upon request by EPA. EPA estimated that between 32 to 58 business records will need to be translated into English.

Sections 261.4(a)(26) and 261.4(b)(18) require generators of solvent-contaminated wipes that use the conditional exclusions for solvent-contaminated wipes to label containers and keep

records. EPA estimates that, each year, generators of reusable wipes will use a total of 1,994,266 plastic bags and will affix one label on each plastic bag. EPA also estimates that, each year, 62,423 generators of reusable wipes will comply with the recordkeeping requirements. In addition, EPA estimates that, each year, generators of disposable wipes will use a total of 124,491 bags and will affix one label to each plastic bag. Finally, EPA estimates that, each year, 5,428 generators of disposable wipes will comply with the recordkeeping requirements.

Section 261.4(h) requires generators and Class VI UIC well owner/operators that use the conditional exclusion for carbon dioxide (CO<sub>2</sub>) streams in geologic sequestration activities to prepare and post a certification statement and renew their certification. EPA estimates that 2 generators and 1 Class VI UIC well owner/operator will prepare the certification statement on average annually. EPA also estimates that 3 generators and 1 Class VI UIC well owner/operator will renew the certification on average annually.

### ***HAZARDOUS WASTE LISTING EXEMPTIONS (Exhibit 5)***

EPA estimates that one facility will claim the section 261.31(b)(2) sludge hazardous waste exemption each year. This facility will maintain information supporting the criteria for exemption.

EPA estimates that one facility per year will develop equipment cleaning or replacement plans under section 261.35, document cleaning or replacement in the facility operating record, and certify that procedures were followed.

Section 261.32 (d) allows facilities to claim a listing exemption for K181 organic dyes and/or pigments production nonwastewaters. EPA estimates that two facilities will use knowledge of their wastes to determine that their wastes do not contain any of the K181 constituents identified in §261.32(c). EPA estimates that, each year, 22 facilities that generate 1,000 metric tons or less of wastes containing K181 constituents will follow the procedures under §261.32(d)(2) to determine whether or not their wastes exceed the mass loading levels in the listing. EPA estimates that, each year, eight of the nine facilities that generate more than 1,000 metric tons of wastes containing K181 constituents will follow the procedures under §261.32(d)(3) to determine whether or not their wastes exceed the mass loading levels in the listing. (The remaining one facility may continue to burn its waste with high organic content in on site boilers permitted by the State under the Clean Air Act for energy recovery; this waste is also exempt from the K181 listing, and the resultant ash may thus be managed as nonhazardous.)

Section 261.31(b)(4) allows motor vehicle manufacturers to claim a listing exemption for F019 wastewater treatment sludges from the chemical conversion coating of aluminum. Such facilities must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing. EPA estimates that seven generators would claim this exemption, incurring negligible burden for this activity since they would most likely keep such records as a standard business practice (e.g., invoices or shipping papers).

**Exhibit 1. Reading the Regulations Annual Estimated Respondent Burden and Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Reading and Understanding the Regulations for ID, Listing, and Rulemaking Petitions</b>											
Read the Regulations	0.25	0.50	1.00	0.00	1.75	\$173.02	\$0.00	\$0.00	2,603	4,555.25	\$450,365
Total: Read the Regulations	0.25	0.50	1.00	0.00	1.75	\$173.02	\$0.00	\$0.00	2,603	4,555.25	\$450,365

**Exhibit 2. Rulemaking Petitions Annual Estimated Respondent Burden and Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Rulemaking Petitions</b>											
<b>General Requirements (260.20)</b>											
Describe/prepare a statement on											
proposed action	1.63	5.45	16.35	7.63	31.06	\$2,437.41	\$0.00	\$10,892	5	155.30	\$66,647.05
State the need and justification											
for the proposed action	0.00	5.45	54.49	0.00	59.94	\$5,180.95	\$0.00	\$0.00	5	299.70	\$25,904.76
Subtotal	1.63	10.90	70.84	7.63	91.00	\$7,618.36	\$0.00	\$10,892.00	5	455.00	\$92,551.81
<b>Equivalent Methods Petitions (260.21)</b>											
Describe the proposed method	0.00	3.00	20.00	1.00	24.00	\$2,046.11	\$0.00	\$0.00	1	24.00	\$2,046.11
Describe the proposed methods'											
procedural steps and equipment	0.00	2.00	10.00	1.00	13.00	\$1,095.32	\$0.00	\$0.00	1	13.00	\$1,095.32
Describe wastes/waste matrices for											
proposed method	0.00	3.00	20.00	2.00	25.00	\$2,077.25	\$0.00	\$0.00	1	25.00	\$2,077.25
Compare results from proposed											
method with results from											
prescribed method	0.00	2.00	10.00	0.00	12.00	\$1,064.18	\$0.00	\$0.00	1	12.00	\$1,064.18
Assess any limiting factors for											
the proposed method	0.00	5.00	30.00	2.00	37.00	\$3,141.43	\$0.00	\$0.00	1	37.00	\$3,141.43
Describe the quality and control											
procedures	0.00	3.00	20.00	1.00	24.00	\$2,046.11	\$0.00	\$0.00	1	24.00	\$2,046.11
Provide any additional information	0.00	2.00	10.00	1.00	13.00	\$1,095.32	\$0.00	\$0.00	1	13.00	\$1,095.32
Subtotal	0.00	20.00	120.00	8.00	148.00	\$12,565.72	\$0.00	\$0.00	1	148.00	\$12,565.72
<b>Delisting Petition (260.22)</b>											
Provide general information on the											
laboratory conducting the tests	0.00	0.00	8.79	0.00	15.38	\$736.26	\$0.00	\$0.00	4	61.52	\$2,945.06
Provide detailed information on the											
individuals sampling and testing											
the waste samples	0.00	4.40	0.88	0.88	10.76	\$599.48	\$0.00	\$1,609.00	4	43.04	\$8,833.93
Provide the dates of sampling											
and testing	0.00	0.00	0.88	0.00	1.54	\$73.63	\$0.00	\$0.00	4	6.16	\$294.51
Provide information on the location											
of the facility	0.00	0.00	0.88	0.88	3.08	\$101.01	\$0.00	\$0.00	4	12.32	\$404.02
Describe the manufacturing processes											
or other operations and feed											
materials producing the waste	0.00	4.40	87.92	0.88	163.10	\$7,888.50	\$0.00	\$0.00	4	652.40	\$31,554.02
Assess variability of generator's											
waste stream	0.00	0.00	87.92	0.00	153.86	\$7,362.65	\$0.00	\$0.00	4	615.44	\$29,450.59
Describe the waste	0.00	0.00	17.58	0.88	32.31	\$1,499.91	\$0.00	\$0.00	4	129.24	\$5,999.63

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
Estimate the average maximum monthly and annual quantities of waste covered by the demonstration	0.00	0.00	17.58	0.00	30.77	\$1,472.53	\$0.00	\$0.00	4	123.08	\$5,890.12
Provide pertinent data on discussion of factors per 261.11(a)(3)	0.00	0.00	43.96	0.88	78.47	\$3,708.70	\$0.00	\$0.00	4	313.88	\$14,834.81
Describe the methodologies and equipment used for representative samples	0.00	0.00	35.17	0.88	63.09	\$2,972.44	\$0.00	\$32,180.00	4	252.36	\$140,609.75
Describe the sample handling and preparation techniques	0.00	0.00	17.58	0.88	32.31	\$1,499.91	\$0.00	\$0.00	4	129.24	\$5,999.63
Describe the tests performed and their results	0.00	0.00	0.88	0.88	3.08	\$101.01	\$0.00	\$5,324.00	4	12.32	\$21,700.02
Provide the name and model numbers of instruments used	0.00	0.00	0.88	0.88	3.08	\$101.01	\$0.00	\$0.00	4	12.32	\$404.02
Certify petition	0.00	0.88	0.00	0.00	1.54	\$99.70	\$0.00	\$0.00	4	6.16	\$398.78
Provide any additional information	0.00	3.52	21.98	0.00	55.63	\$2,239.44	\$0.00	\$0.00	4	222.52	\$8,957.78
Subtotal	0.00	13.19	342.90	7.91	648.00	\$30,456.17	\$0.00	\$39,113.00	4	2,592.00	\$278,276.68
<b>Total: Rulemaking Petitions</b>	varies	varies	varies	varies	varies	\$50,640.25	\$0.00	\$50,005.00	varies	3,195.00	\$383,394.21

**Exhibit 3. Solid Waste and Boiler Variance Requirements Annual Estimated Respondent Burden and Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Solid Waste and Boiler Variance Requirements</b>											
<b>Variance from Classification as a Solid Waste (260.31)(a) and 260.33(a)</b>											
Provide information on the manner in which the material is expected to be recycled	0.00	0.00	30.00	0.00	30.00	\$2,512.20	\$0.00	\$25.00	10	300.00	\$25,372.00
Explain why the petitioner has accumulated for one or more years without recycling 75% of the volume accumulated at the beginning of the year	0.00	0.00	5.00	0.00	5.00	\$418.70	\$0.00	\$0.00	10	50.00	\$4,187.00
Provide information on the quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled	0.00	0.00	24.00	0.00	24.00	\$2,009.76	\$0.00	\$0.00	10	240.00	\$20,097.60
Provide information on the extent to which the material is handled to minimize loss	0.00	0.00	6.00	0.00	6.00	\$502.44	\$0.00	\$0.00	10	60.00	\$5,024.40
Provide any additional relevant information	0.00	0.00	10.00	0.00	10.00	\$837.40	\$0.00	\$0.00	10	100.00	\$8,374.00
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>75.00</b>	<b>0.00</b>	<b>75.00</b>	<b>\$6,280.50</b>	<b>\$0.00</b>	<b>\$25.00</b>	<b>10</b>	<b>750.00</b>	<b>\$63,055.00</b>
<b>Variance From Classification as a Solid Waste (260.31(b) and 260.33(a))</b>											
Provide information on the economic viability of the production process using virgin materials solely, rather than reclaimed materials	0.00	0.00	40.00	0.00	40.00	\$3,349.60	\$0.00	\$25.00	10	400.00	\$33,746.00
Describe the industry-wide prevalence of the practice	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Describe the extent to which the material is handled before reclamation to minimize loss	0.00	0.00	24.00	0.00	24.00	\$2,009.76	\$0.00	\$0.00	10	240.00	\$20,097.60
Describe the time periods between material generation and reclamation, and between reclamation and return to original primary production process	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Describe the location of the reclamation											



INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
operation and production process	0.00	0.00	1.00	0.00	1.00	\$83.74	\$0.00	\$0.00	10	10.00	\$837.40
Describe whether the reclaimed material is used for the purpose for which it was originally produced											
when returned to the original process	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Describe whether the person who generates the material also reclaims it	0.00	0.00	1.00	0.00	1.00	\$83.74	\$0.00	\$0.00	10	10.00	\$837.40
Provide any additional relevant information	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Subtotal	0.00	0.00	146.00	0.00	146.00	\$12,226.04	\$0.00	\$25.00	10	1,460.00	\$122,510.40
<b>Variance From Classification as a Solid Waste (260.31(c) and 260.33(a))</b>											
Provide information on the degree of processing the material has undergone and the degree of further processing that is required	0.00	0.00	40.00	0.00	40.00	\$3,349.60	\$0.00	\$25.00	10	400.00	\$33,746.00
Provide information on the value of the reclaimed material	0.00	0.00	16.00	0.00	16.00	\$1,339.84	\$0.00	\$0.00	10	160.00	\$13,398.40
Describe the degree to which the reclaimed material is like an analogous raw material	0.00	0.00	40.00	0.00	40.00	\$3,349.60	\$0.00	\$0.00	10	400.00	\$33,496.00
Examine the extent to which an end market for the reclaimed material is guaranteed	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Describe the extent to which the reclaimed material is handled to minimize loss	0.00	0.00	6.00	0.00	6.00	\$502.44	\$0.00	\$0.00	10	60.00	\$5,024.40
Provide any additional relevant information	0.00	0.00	20.00	0.00	20.00	\$1,674.80	\$0.00	\$0.00	10	200.00	\$16,748.00
Subtotal	0.00	0.00	142.00	0.00	142.00	\$11,891.08	\$0.00	\$25.00	10	1,420.00	\$119,160.80
<b>Variance for Classification as a Boiler (260.32 and 260.33(a))</b>											
Describe the extent to which the unit has provisions for recovering and exporting thermal energy from steam, heated fluids, or heated gases	0.00	1.00	10.00	0.00	11.00	\$950.79	\$0.00	\$0.00	1	11.00	\$950.79
Describe the extent to which the combustion chamber and energy recovery equipment are of integral											

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
design	0.00	1.00	20.00	0.00	21.00	\$1,788.19	\$0.00	\$0.00	1	21.00	\$1,788.19
Describe the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel	0.00	1.00	20.00	4.00	25.00	\$1,912.75	\$0.00	\$0.00	1	25.00	\$1,912.75
Describe the extent to which exported energy is utilized	0.00	0.00	16.00	3.00	19.00	\$1,433.26	\$0.00	\$0.00	1	19.00	\$1,433.26
Describe the extent to which the device is in common and customary use as a 'boiler' functioning primarily to produce steam, heated fluids, or heated gases	0.00	1.00	20.00	1.00	22.00	\$1,819.33	\$0.00	\$0.00	1	22.00	\$1,819.33
Provide any additional relevant information	0.00	0.00	10.00	8.00	18.00	\$1,086.52	\$0.00	\$0.00	1	18.00	\$1,086.52
Subtotal	0.00	4.00	96.00	16.00	116.00	\$8,990.84	\$0.00	\$0.00	1	116.00	\$8,990.84
<b>Total: Solid Waste and Boiler</b>											
<b>Variance Requirements</b>	varies	varies	varies	varies	479.00	\$39,388.46	\$0.00	\$75.00	varies	3,746.00	\$313,717.04

**Exhibit 4. Exclusions From The Definition Of Hazardous Waste Annual Estimated Respondent Burden And Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Hazardous Waste Exclusions</b>											
<b>Wastewater Exemption (261.3(a)(2)(iv))</b>											
Demonstrate the wastewater exclusion	0.00	4.00	16.00	8.00	28.00	\$2,042.52	\$0.00	\$6.00	1	28.00	\$2,048.52
<b>Revisions to the Headworks Exclusion at 261.3(a)(2)(iv)(A), (B), (D), (F) and (G)</b>											
<b>Direct Monitoring: Site-Specific Sampling Plan</b>											
Prepare and submit site-specific sampling plan	0.00	0.50	1.00	0.50	2.00	\$156.01	\$0.00	\$3.00	604	1,207.33	\$95,986
Conduct direct monitoring	0.00	0.00	24.00	0.00	24.00	\$2,009.76	\$0.00	\$4,714.00	1,811	43,464.00	\$12,176,729
Update and submit the sampling plan if needed	0.00	0.10	0.25	0.15	0.50	\$36.95	\$0.00	\$3.00	27	13.50	\$1,079
<b>Facilities Claiming Expanded de minimis Exemption</b>											
Keep records of documents	0.00	0.00	0.35	0.15	0.50	\$33.98	\$0.00	\$0.00	1,337	668.50	\$45,431
<b>Nonwastewater Exemption (261.3(c)(2)(ii)(C))</b>											
Prepare and submit notification and certification	0.00	1.00	1.00	1.50	3.50	\$243.84	\$0.00	\$13.00	1	3.50	\$256.84
Maintain documents in facility files	0.00	0.00	0.00	0.50	0.50	\$15.57	\$0.00	\$0.00	1	0.50	\$15.57
<b>Exclusion for Spent Wood Preserving Solutions and Wastewaters from Wood Preserving Processes (261.4(a)(9)(iii))</b>											
Prepare and submit notification	0.00	0.50	1.00	6.00	7.50	\$327.28	\$0.00	\$3.00	5	37.50	\$1,651.38
Update notification, if needed	0.00	1.00	8.00	2.00	11.00	\$845.59	\$0.00	\$3.00	15	165.00	\$12,728.85
<b>Exclusion for Secondary Materials from the Mineral Processing Industry (261.4(a)(17))</b>											
Prepare and submit application	0.00	1.00	8.00	1.00	10.00	\$814.45	\$0.00	\$3.00	0	0.00	\$0.00
Prepare and submit notification	0.00	0.50	1.00	8.00	9.50	\$389.56	\$0.00	\$3.00	0	0.00	\$0.00
Update notification, if needed	0.00	0.25	0.50	9.00	9.75	\$350.48	\$0.00	\$3.00	0	0.00	\$0.00
<b>Exclusion for Recycled Hazardous Secondary Materials to Make Zinc Fertilizer Products (261.4(a)(20)-(21))</b>											
<b>Requirements for Generators</b>											
Notification (261.4(a)(20)(ii)(B))											
Complete and submit notification	0.00	0.10	0.25	0.00	0.35	\$32.27	\$0.00	\$3.00	8	2.80	\$282.19
Record of Shipments (261.4(a)(ii)(C))											
Keep records of shipping activities	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	24	2.40	\$74.74
<b>Requirements for Manufacturers</b>											
Notification (261.4(a)(20)(iii)(B))											
Complete and submit notification	0.00	0.10	0.25	0.00	0.35	\$32.27	\$0.00	\$3.00	2	0.70	\$58.91
Record of Shipments (261.4(a)(iii)(C))											
Keep records of shipping activities	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	5	0.50	\$15.57
Annual report (261.4(a)(20)(iii)(D))											
Complete and submit the annual report	0.00	0.25	2.00	0.50	2.75	\$211.40	\$0.00	\$3.00	5	13.75	\$1,071.99
Product sampling and analysis (261.4(a)(21)(ii)(iii))											
Sample and analyze the product	0.00	0.00	1.00	0.00	1.00	\$83.74	\$0.00	\$2,068.00	5	5.00	\$10,758.70
Keep sampling and analysis records	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	5	0.50	\$15.57
<b>Exemption for Chromium-Containing Waste (261.4(b)(6))</b>											
Demonstrate the waste meets the hazardous waste exclusion	0.00	4.00	16.00	8.00	28.00	\$2,042.52	\$0.00	\$6.00	1	28.00	\$2,048.52

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Exemption for Samples (261.4(d)(2)(ii)(A))</b>											
Collect and maintain information on the sample and the collector	0.00	1.00	16.00	4.00	21.00	\$1,577.79	\$0.00	\$6.00	45	945.00	\$71,270.55
<b>Exemption for Treatability Study Samples (261.4)(e)(2)-(3))</b>											
Collect, copy, file and maintain the required information	0.00	0.00	4.00	0.00	4.00	\$334.96	\$0.00	\$25.00	2	8.00	\$719.92
Prepare and report to EPA required information (in the Biennial Report)*	0.00	0.00	4.00	0.00	4.00	\$334.96	\$0.00	\$0.00	2	8.00	\$669.92
Prepare and submit a request for an increase of the quantity limit	0.00	1.00	4.00	1.00	6.00	\$479.49	\$0.00	\$0.00	1	6.00	\$479.49
Prepare and submit a request for an extension of up to two years for treatability studies involving bioremediation	0.00	1.00	4.00	1.00	6.00	\$479.49	\$0.00	\$0.00	1	6.00	\$479.49
<b>Exemption for Treatability Study Samples Undergoing Testing (261.4)(f))</b>											
Notify the Regional Administrator	0.00	1.00	0.00	1.00	2.00	\$144.53	\$0.00	\$13.00	2	4.00	\$315.06
Maintain records for three years	0.00	0.00	0.00	1.00	1.00	\$31.14	\$0.00	\$6.00	2	2.00	\$74.28
Prepare and submit the annual report	0.00	2.00	10.00	4.00	16.00	\$1,188.74	\$0.00	\$13.00	2	32.00	\$2,403.48
Prepare and submit the termination letter	0.00	1.00	0.00	2.00	3.00	\$175.67	\$0.00	\$13.00	2	6.00	\$377.34
<b>Sub-Total: Hazardous Waste Exclusions</b>	varies	varies	varies	varies	202.50	\$14,424.29	\$0.00	\$6,913.00	varies	46,658.48	\$12,427,042
<b>Solid Waste Exclusions</b>											
<b>Labels (261.39(a)(2))</b>											
Prepare and report to EPA required information (in the Biennial Report)*	0.00	0.00	0.00	0.00	0.10	\$1.85	0.00	0.00	32,423	3,242.30	\$60,142.97
<b>Export Notification for Used CRTs Destined for Recycling (261.39(a)(5))</b>											
Prepare and submit written notification	0.00	0.10	1.80	1.50	3.40	\$208.78	0.00	0.38	256	870.40	\$53,545.22
Prepare and submit additional information that a receiving country requests in order to respond to a notification	0.00	0.10	0.50	0.10	0.70	\$56.32	0.00	0.38	26	18.20	\$1,474.28
Keep copies of notifications and consents	0.00	0.00	0.00	0.10	0.10	\$3.11	0.00	0.00	256	25.60	\$797.18
<b>Export Notification for Used CRTs Destined for Reuse (261.41)</b>											
Prepare and submit a one-time notification	0.00	0.10	0.50	0.10	0.70	\$56.32	0.00	0.38	5	3.50	\$283.52
Keep copies of a normal business records (e.g., contracts) demonstrating that each shipment of exported CRTs will be reused	0.00	0.00	0.00	0.10	0.10	\$3.11	0.00	0.00	14	1.40	\$43.60
<b>Sub-Total: Solid Waste Exclusions</b>	varies	varies	varies	varies	5.10	\$329.51	\$0.00	\$1.14	varies	4,161.40	\$116,286.76

**Exhibit 5. Hazardous Waste Listing Exemptions Annual Estimated Respondent Burden and Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Hazardous Waste Listing Exemptions</b>											
<b>Hazardous Wastes from Non-Specific Sources (261.31(b)(2)(ii))</b>											
Develop data and documents to support criteria for exemption	0.00	4.00	40.00	6.00	50.00	\$3,990.00	\$0.00	\$0.00	1	50.00	\$3,990.00
Maintain records	0.00	0.00	0.00	2.00	2.00	\$62.28	\$0.00	\$13.00	1	2.00	\$75.28
<b>Subtotal</b>	<b>0.00</b>	<b>4.00</b>	<b>40.00</b>	<b>8.00</b>	<b>52.00</b>	<b>\$4,052.28</b>	<b>\$0.00</b>	<b>\$13.00</b>	<b>1</b>	<b>52.00</b>	<b>\$4,065.28</b>
<b>Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement (261.35)</b>											
Prepare equipment cleaning or replacement plan	0.00	0.00	24.00	8.00	32.00	\$2,258.88	\$0.00	\$13.00	1	32.00	\$2,271.88
Prepare and maintain documentation supporting cleaning/replacement of equipment in accordance with plan	0.00	2.00	16.00	9.00	27.00	\$1,846.88	\$0.00	\$1,250.00	1	27.00	\$3,096.88
Prepare and maintain certification that equipment was cleaned or replaced in accordance with plan	0.00	2.00	0.00	1.00	3.00	\$257.92	\$0.00	\$0.00	1	3.00	\$257.92
<b>Subtotal</b>	<b>0.00</b>	<b>4.00</b>	<b>40.00</b>	<b>18.00</b>	<b>62.00</b>	<b>\$4,363.68</b>	<b>\$0.00</b>	<b>\$1,263.00</b>	<b>1</b>	<b>62.00</b>	<b>\$5,626.68</b>
<b>PROCEDURES FOR DEMONSTRATING THAT ORGANIC DYES AND/OR PIGMENTS PRODUCTION NONWASTEWATERS ARE NOT K181 (261.32(d))</b>											
<b>Determination Based on No K181 Constituents ((261.32(d)(1))</b>											
Determine that the organic dyes and/or pigments production nonwastewater is not K181	0.00	0.25	1.00	0.00	1.25	\$112.09	\$0.00	\$0.00	2	3	\$224
Document the basis for determining that the organic dyes and/or pigments production nonwastewater is not K181 on an annual basis	0.00	0.00	0.50	0.00	0.50	\$41.87	\$0.00	\$0.00	2	1	\$84
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	2	0	\$6
<b>Subtotal</b>	<b>0.00</b>	<b>0.25</b>	<b>1.50</b>	<b>0.10</b>	<b>1.85</b>	<b>\$157.07</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>2</b>	<b>4</b>	<b>\$314</b>
<b>Determination For Low Volume Wastes that Contain K181 Constituents (261.32(d)(2))</b>											
Document the basis for determining that the annual quantity of nonwastewaters expected to be generated is less than 1,000 metric tons	0.00	0.25	4.00	0.10	4.35	\$366.42	\$0.00	\$0.00	22	96	\$8,061
Track the actual quantity of nonwastewaters generated throughout the year	0.00	0.00	3.00	0.00	3.00	\$251.22	\$0.00	\$0.00	22	66	\$5,527
Keep a running total of the K181 constituent mass loadings over the course of the calendar year	0.00	0.00	3.00	0.00	3.00	\$251.22	\$0.00	\$0.00	22	66	\$5,527
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	22	2	\$69

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Subtotal</b>	0.00	0.25	10.00	0.20	10.45	\$871.98	\$0.00	\$0.00	22	230	\$19,184
<b>Determination for High Volume Wastes with K181 Constituents (261.32(d)(3))</b>											
Determine which K181 constituents are reasonably expected to be present in the wastes based on testing	0.00	0.00	2.00	0.10	2.10	\$170.59	\$0.00	\$4,637.00	8	17	\$38,461
Develop waste sampling and analysis plan	0.00	0.25	4.00	0.50	4.75	\$378.88	\$0.00	\$0.00	8	38	\$3,031
Collect and analyze samples in accordance with the waste sampling and analysis plan	0.00	0.00	2.00	0.25	2.25	\$175.27	\$0.00	\$7,602.00	8	18	\$62,218
Record analytical results	0.00	0.00	0.25	0.00	0.25	\$20.94	\$0.00	\$0.00	8	2	\$167
Record the waste quantity represented by the sampling and analysis results	0.00	0.00	0.25	0.00	0.25	\$20.94	\$0.00	\$0.00	8	2	\$167
Calculate constituent-specific mass loadings	0.00	0.00	1.00	0.00	1.00	\$83.74	\$0.00	\$0.00	8	8	\$670
Keep a running total of the K181 constituent mass loadings over the course of the calendar year	0.00	0.00	3.00	0.00	3.00	\$251.22	\$0.00	\$0.00	8	24	\$2,010
Determine whether the annual mass loadings are below the K181 listing levels	0.00	0.00	0.10	0.00	0.10	\$8.37	\$0.00	\$0.00	8	1	\$67
Keep supporting documentation on site	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	8	1	\$25
If annual testing requirements are suspended, use knowledge of the waste to support subsequent annual determination	0.00	0.25	4.00	0.00	4.25	\$363.31	\$0.00	\$0.00	0	0	\$0
If annual testing requirements are suspended, keep records of the process knowledge information used to support a nonhazardous determination	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	0	0	\$0
If the manufacturing or waste treatment processes generating the wastes are significantly altered, retain a description of the process change	0.00	0.25	1.00	0.10	1.35	\$115.20	\$0.00	\$0.00	0	0	\$0
<b>Subtotal</b>	0.00	varies	varies	varies	varies	varies	\$0.00	varies	varies	111	\$106,816
<b>RECORDKEEPING DEMONSTRATIONS FOR USE OF APPROPRIATE LANDFILLS (261.32(d)(4))</b>											
Maintain documentation demonstrating that each shipment of waste was received by a landfill cell subject to the landfill design standards set out in the listing description	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	30	3	\$93
<b>Facilities Claiming Conditional Exclusion from the F019 Listing (261.31(b)(4)(iii))</b>											

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity									Total Hours and Costs	
	Leg. \$130.33 /Hour	Mgr. \$113.39 /Hour	Tech. \$83.74 /Hour	Cler. \$31.14 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Capital/ Startup Cost	O & M Cost	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
Keep Records of Shipments	0.00	0.00	0.00	0.10	0.10	\$3.11	\$0.00	\$0.00	7	1	\$22
<b>Total: Lists of Hazardous Waste</b>	varies	varies	varies	varies	varies	varies	varies	varies	varies	462.00	136,099

**Exhibit 6. Total Annual Estimated Respondent Burden and Cost**

<b>Information Collection Activity</b>	<b>ICRs</b>	<b>Number of Respondents</b>	<b>Total Hours/Year</b>	<b>Total Labor Cost/Year*</b>	<b>Total Capital Cost/Year</b>	<b>Total O&amp;M Cost/Year</b>	<b>Total Cost/Year</b>
Reading the Regulations	1.Solvent-Contaminated Wipes (reusable & disposable) Exclusion 2.Revisions to Exclusions for CRTs 3.CO <sub>2</sub> Exclusion	22,904	5,727	\$391,025	\$0	\$0	\$391,025
Hazardous Waste Exclusions	1(disposable) & 2 from above	varies	3,782	\$119,484	\$0	\$133,904	\$253,388
Solid Waste Exclusions	1(reusable) & 3 from above	varies	55,592	\$1,658,549	\$0	\$2,244,828	\$3,903,377
Hazardous Waste Export-Import Revised Requirements	Hazardous Waste Export-Import Revisions (ICR #2519.02)	varies	11	\$837	\$0	\$0	\$837
<b>Total Annual Burden</b>		<b>varies</b>	<b>65,112</b>	<b>\$2,169,895</b>	<b>\$0</b>	<b>\$2,378,732</b>	<b>\$4,548,627</b>

\* Cost adjusted based on 2017 average wage rates



**Exhibit 7. Total Annual Estimated Respondent Burden and Cost for All Activities Covered in this  
2018 Renewal ICR (based on totals from Exhibits 1 – 6)**

<b>Information Collection Activity</b>	<b>Number of Respondents</b>	<b>Total Hours/Year</b>	<b>Total Labor Cost/Year</b>	<b>Total Capital Cost/Year</b>	<b>Total O&amp;M Cost/Year</b>	<b>Total Cost/Year</b>
Reading the Regulations	25,507	10,282	\$841,390	\$0	\$0	\$841,390
Rulemaking Petitions	varies	3,195	\$172,482	\$0	\$210,912	\$383,394
Solid Waste and Boiler Variances	varies	3,746	\$312,967	\$0	\$750	\$313,717
Hazardous Waste Exclusions	varies	50,440	\$4,030,677	\$0	\$8,649,753	\$12,680,430
Solid Waste Exclusions	varies	59,753	\$2,344,310	\$0	\$1,675,354	\$4,019,664
Hazardous Waste Listing Exemptions	varies	462	\$36,911	\$0	\$99,188	\$136,099
Hazardous Waste Export-Import Revised Requirements	Varies	11	\$837	\$0	\$0	\$837
<b>Total Annual Burden</b>	<b>varies</b>	<b>127,889</b>	<b>\$7,739,574</b>	<b>\$0</b>	<b>\$10,635,957</b>	<b>\$18,375,531</b>

**Exhibit 8. Annual Estimated Agency Burden and Cost**

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity							Total Hours and Costs	
	Leg. \$100.09 /Hour	Mgr. \$93.02 /Hour	Tech. \$79.82 /Hour	Cler. \$30.78 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>Review of Equivalent Methods Petitions (260.20 and 260.21)</b>									
Review general petition information	0.00	3.00	20.00	0.00	23.00	\$1,875.46	1	23.00	\$1,875.46
Request additional information if required	0.00	0.00	2.00	1.00	3.00	\$190.42	1	3.00	\$190.42
Enter information into a database	0.00	0.00	6.00	2.00	8.00	\$540.48	1	8.00	\$540.48
Hold meetings	0.00	1.00	8.00	0.00	9.00	\$731.58	1	9.00	\$731.58
Deliberate	0.00	2.00	18.00	0.00	20.00	\$1,622.80	1	20.00	\$1,622.80
Make a draft determination, and publish draft Federal Register Notice	10.00	3.00	25.00	4.00	42.00	\$3,398.58	1	42.00	\$3,398.58
Review comments and deliberate	4.00	2.00	10.00	0.00	16.00	\$1,384.60	1	16.00	\$1,384.60
Make determination and publish final Federal Register notice	6.00	2.00	24.00	5.00	37.00	\$2,856.16	1	37.00	\$2,856.16
Subtotal	20.00	13.00	113.00	12.00	158.00	\$12,600.08	1	158.00	\$12,600.08
<b>Review of Delisting Petitions (260.20 and 260.22)</b>									
Review general petition information	3.60	0.90	59.82	5.40	69.72	\$5,384.79	4	278.86	\$21,539.15
Request additional information if required	3.60	0.90	18.44	1.80	24.74	\$1,971.14	4	98.95	\$7,884.56
Enter information into a database	0.00	0.00	7.65	0.00	7.65	\$610.32	4	30.58	\$2,441.27
Hold meetings	1.35	3.15	3.15	1.35	9.00	\$720.76	4	35.98	\$2,883.04
Deliberate*	11.24	3.60	26.09	3.60	44.53	\$3,653.17	4	178.11	\$14,612.67
Make a draft determination, and publish draft Federal Register Notice	0.00	0.00	0.00	0.00	0.00				
Review comments and deliberate	3.60	11.24	44.53	9.00	68.37	\$5,237.18	4	273.46	\$20,948.73
Review comments and deliberate	7.20	11.24	37.33	0.00	55.77	\$4,746.03	4	223.09	\$18,984.11
Make determination and publish final Federal Register notice	0.00	0.00	0.00	0.00	0.00				
Review comments and deliberate	7.20	1.80	9.45	1.80	20.24	\$1,696.94	4	80.96	\$6,787.75
Subtotal	37.78	32.83	206.45	22.94	300.00	\$24,020.32	varies	1,200.00	\$96,081.28
<b>Review of Solid Waste and Boiler Variance Demonstrations (260.31(a),(b),(c), 260.32, and 260.33(a))</b>									
Review the demonstrations	0.00	2.20	18.16	0.00	20.36	\$1,654.10	31	631.12	\$51,276.98
Request additional information if necessary	0.00	0.00	0.55	1.65	2.20	\$94.73	31	68.23	\$2,936.60
Deliberate and issue draft determination	3.85	1.65	25.31	2.20	33.01	\$2,627.13	31	1,023.44	\$81,441.15
Publicize draft determination	0.00	0.00	1.65	4.40	6.05	\$267.25	31	187.63	\$8,284.79
Hold hearing, if required	0.00	0.55	22.01	1.65	24.21	\$1,858.80	31	750.53	\$57,622.68
Review comments and make final determination	2.20	1.65	23.11	2.20	29.16	\$2,286.23	31	904.04	\$70,873.22
Subtotal	6.05	6.05	90.79	12.11	115.00	\$8,788.24	31	3,565.00	\$272,435.42
<b>Review of Hazardous Waste Exclusion Petitions (261.3 and 261.4)</b>									
File nonwastewater notification	0.00	0.00	1.00	1.00	2.00	\$110.60	1	2.00	\$110.60
Review, approve, or deny, and keep records of the notifications and updates	0.00	0.00	2.00	0.25	2.25	\$167.34	20	45.00	\$3,346.70
Review and keep records of applications	0.00	0.00	0.25	0.25	0.50	\$27.65	0	0.00	\$0.00
Process haz. materials generator notification	0.00	0.00	0.25	0.10	0.35	\$23.03	8	2.80	\$184.26
Process zinc fertilizer manufacturer notification	0.00	0.00	0.25	0.10	0.35	\$23.03	2	0.70	\$38.47

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity							Total Hours and Costs	
	Leg. \$100.09 /Hour	Mgr. \$93.02 /Hour	Tech. \$79.82 /Hour	Cler. \$30.78 /Hour	Respon. Hours/ Year	Labor Cost/ Year	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
Process zinc fertilizer manufacturer annual report	0.00	0.00	1.00	0.10	1.10	\$82.90	5	5.50	\$414.49
Review requests for quantity increases for treatability study and issue decision	0.00	0.00	3.00	0.00	3.00	\$239.46	1	3.00	\$239.46
Review requests for two-year extension of treatability study and issue decision	0.00	0.00	3.00	0.00	3.00	\$239.46	1	3.00	\$239.46
File notification of testing of treatability sample	0.00	0.00	1.00	1.00	2.00	\$110.60	2	4.00	\$221.20
File annual report on treatability study testing	0.00	0.00	1.00	1.00	2.00	\$110.60	2	4.00	\$221.20
File termination letter of treatability study testing	0.00	0.00	1.00	1.00	2.00	\$110.60	2	4.00	\$221.20
<b>Revisions to the Headworks Exclusion at 261.3(a)(2)(iv)(A), (B), (D), (F) and (G)</b>									
Review site-specific sampling plans	0.00	0.10	0.50	0.00	0.60	\$49.21	604	362.20	\$29,708
Review updated site-specific sampling plans	0.00	0.00	0.15	0.00	0.15	\$11.97	27	4.05	\$323
<b>Export Notification for Used CRTs Destined for Recycling (261.39(a)(5))</b>									
Review notification submitted by an exporter of used CRTs to determine whether or not the notification is complete	0.00	0.00	1.00	0.00	1.00	\$79.82	256	256.00	\$20,433.92
Solicit form exporter, additional information requested by the receiving country	0.00	0.00	0.50	0.10	0.60	\$42.99	26	15.60	\$1,127.57
Provide, in conjunction with the Department of State, the complete notification to the receiving country	0.00	0.00	0.00	0.16	0.16	\$4.92	256	40.96	\$1,358.03
Forward the receiving/transit country's written consent to the receipt of used CRTs to the exporter	0.00	0.00	0.00	0.16	0.16	\$4.92	0	0.00	\$0.00
Send written notification to the exporter if the receiving/transit country objects to the receipt of the used CRTs or withdraws a prior consent	0.00	0.00	0.50	0.10	0.60	\$42.99	0	0.00	\$0.00
File copies of notifications, consents, and other related documents	0.00	0.00	0.00	0.10	0.10	\$3.08	538	53.80	\$1,655.96
<b>Export Notification for Used CRTs Destined for Reuse (261.41)</b>									
Review notification submitted by exporter of used CRTs	0.00	0.00	0.50	0.00	0.50	\$39.91	5	2.50	\$199.55
File copies of notification	0.00	0.00	0.00	0.10	0.10	\$3.08	5	0.50	\$15.39
Subtotal	0.00	0.10	16.90	5.52	22.52	\$1,528.17	varies	809.61	60058.37
<b>TOTAL: AGENCY ACTIVITIES</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>5,733</b>	<b>\$441,175</b>

**Exhibit 9. Total Annual Estimated Agency Burden and Cost**

ICR	Total Hours/Year	Total Labor Cost/Year*	Total O&M Cost/Year	Total Cost/Year
Solvent-Contaminated Wipes (reusable & disposable) Exclusion	0	\$0	\$0	\$0
Revisions to Exclusions for CRTs	53	\$4,250	\$0	\$4,250
CO <sub>2</sub> Exclusion	0.5	\$31	\$0	\$31
Hazardous Waste Export-Import Revisions	0	\$0	\$0	\$0
<b>Total</b>	<b>53.5</b>	<b>\$4,281</b>	<b>\$0</b>	<b>\$4,281</b>

\* Cost adjusted based on 2017 average wage rates

**Exhibit 10. Total Annual Estimated Agency Burden and Cost for All Activities Covered in this 2018 Renewal ICR  
(based on totals from Exhibits 8 and 9)**

<b>Activities</b>	<b>Total Hours/Year</b>	<b>Total Cost/Year</b>
Exhibit 8	5,733	\$441,175
Exhibit 9	54	\$4,281
Total	5,187	\$445,446

**40 CFR Parts 257**

**DISPOSAL OF COAL COMBUSTION RESIDUALS RULEMAKING**

**(1) Respondent Universe**

EPA estimates that 300 coal-fired electric utility plants will be affected by the final rule. Table CCR-1 presents the number of CCR units subject to the information collection requirements under the rule.<sup>17</sup>

**Table CCR-1. Number of CCR Units Subject to the Information Collection Requirements Covered in this ICR**

Category	2018	2019	2020	Average
Landfills – Existing	222	222	222	222
Landfills – New	2	0	18	7
Impoundments – Existing	540	538	303	460
Impoundments - New	1	0	101	34
<b>Total</b>	<b>765</b>	<b>760</b>	<b>644</b>	<b>723</b>

**(2) Annual Respondent Burden**

**(a) Beneficial Use of CCR (Exhibit CCR-1)**

EPA estimates that, each year, zero users of CCR will demonstrate and keep records of beneficial use, as required under 40 CFR 257.53. This ICR assumes that all beneficial use respondents completed the requirements under 40 CFR 257.53 prior to 2018.

**(b) Reading the Regulations (Exhibit CCR-1)**

EPA estimates that 300 coal-fired electric utility plants will be subject to the information collection requirements under CCR regulations, which include the 2018 final Phase 1 Part 1 rule. EPA assumes that these respondents will read the regulations once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 100 respondents (i.e., 300 respondents / 3 years), on average, will read the regulations each year.

<sup>17</sup> The universe estimates in this ICR were obtained from data collection performed by EPA ORCR from publically-accessible internet sites for CCR management units as required under 40 CFR 257.107, last updated on October 29, 2018.

**(c) Location Restrictions (Exhibit CCR-1)**

*(c1) Placement above the Uppermost Aquifer*

EPA assumes that owners and operators of existing surface impoundments and all new CCR units (i.e., 460 existing surface impoundments + 20 new landfills + 102 new impoundments = 194 units) will demonstrate that each of their CCR units meet the minimum requirements for placement above the uppermost aquifer. EPA further assumes that these demonstrations, which include a certification from a qualified professional engineer, will be prepared once during the three-year life of the ICR.<sup>18</sup> In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 194 units (i.e., 582 units / 3 years), on average, will be subject to this requirement each year.

*(c2) Wetlands*

EPA assumes that owners and operators of existing surface impoundments and all new CCR units (i.e., 460 existing surface impoundments + 20 new landfills + 102 new impoundments = 582 units) will prepare the wetland location restriction demonstration required under 40 CFR 257.61. EPA further assumes that these demonstrations, which include a certification from a qualified professional engineer, will be prepared once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 194 units (i.e., 582 units / 3 years), on average, will be subject to this requirement each year.

*(c3) Fault Areas*

EPA assumes that owners and operators of existing surface impoundments and all new CCR units (i.e., 460 existing surface impoundments + 20 new landfills + 102 new impoundments = 582 units) will prepare the fault area location restriction demonstration required under 40 CFR 257.62. EPA further assumes that these demonstrations, which include a certification from a qualified professional engineer, will be prepared once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 194 units (i.e., 582 units / 3 years), on average, will be subject to this requirement each year.

*(c4) Seismic Impact Zones*

EPA assumes that owners and operators of existing surface impoundments and all new CCR units (i.e., 460 existing surface impoundments + 20 new landfills + 102 new impoundments = 582 units) will prepare the seismic impact zone location restriction demonstration required under 40 CFR 257.63. EPA further assumes that these demonstrations, which include a certification from a qualified professional engineer, will be prepared once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year

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<sup>18</sup> Note that under the WIIN Act a participating State director (i.e., for a state which has an EPA-approved CCR permitting under the WIIN Act) may issue technical certification in lieu of the current requirements to have professional engineers issue the certifications. This does not affect total burden.

period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 194 units (i.e., 582 units / 3 years), on average, will be subject to this requirement each year.

(c5) *Unstable Areas*

EPA assumes that owners and operators of existing surface impoundments and all new CCR units (i.e., 460 existing surface impoundments + 20 new landfills + 102 new impoundments = 582 units) will prepare the unstable areas location restriction demonstration required under 40 CFR 257.64. EPA further assumes that these demonstrations, which include a certification from a qualified professional engineer, will be prepared once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 194 units (i.e., 582 units / 3 years), on average, will be subject to this requirement each year.

(d) **Design Criteria (Exhibit CCR-2)**

(d1) *Liner Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill*

EPA assumes that none of the new CCR landfills will have an alternative composite liner. As a result, none of the new CCR landfills will be subject to the certification requirement at 40 CFR 257.70(c)(2).

EPA assumes that owners and operators of all new CCR landfills will obtain a certification from a qualified professional engineer that the composite liner and the leachate collection and removal system meet the requirements of 40 CFR 257.70. One certification will be obtained prior to the construction of the CCR landfill pursuant to 40 CFR 257.70(e) and one certification will be obtained upon completion of the construction pursuant to 40 CFR 257.70(f). EPA further assumes that each of these certifications will be obtained once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of new CCR landfills by three. Thus, EPA estimates that 7 units (i.e., 20 units / 3 years), on average, will be subject to these certification requirements each year.

(d2) *Liner Design Criteria for Existing CCR Surface Impoundments*

EPA assumes that owners and operators of all existing CCR surface impoundments have already documented the liner type as required under 40 CFR 257.71(a) and obtained the certification required under 40 CFR 257.71(b) prior to 2018, and are unaffected during this ICR.

(d3) *Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment*

EPA assumes that owners and operators of all new CCR surface impoundments will obtain a certification from a qualified professional engineer that the composite liner complies with the requirements of 40 CFR 257.72. One certification will be obtained prior to the construction of the CCR surface impoundment pursuant to 40 CFR 257.72(c) and one certification will be obtained upon completion of the construction pursuant to 40 CFR 257.72(d).



EPA further assumes that each of these certifications will be obtained once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of new CCR surface impoundments by three. Thus, EPA estimates that 34 units (i.e., 102 units / 3 years), on average, will be subject to these certification requirements each year.

(d4) *Structural Integrity Criteria for Existing CCR Surface Impoundments*

Requirements at 40 CFR 257.73(a)

EPA estimates that 80 percent of existing CCR surface impoundments *are not* incised CCR units (i.e., 460 units x 0.80 = 368 units).<sup>19</sup> EPA assumes that owners and operators of these CCR surface impoundments will comply with the requirements at 40 CFR 257.73(a).

EPA assumes that several one-time activities under 40 CFR 257.73(a) were already completed prior to 2018. These activities include placing a permanent identification marker showing the identification number of the CCR unit (40 CFR 257.73(a)(1)) and preparing the Emergency Action Plan (EAP) under 40 CFR 257.73(a)(3). EPA also assumes that several additional activities required under 40 CFR 257.73 were completed in 2016. Because these activities are required once every five years, the next required date of completion will be in 2021, which is outside of the scope of this ICR. These activities include documenting the initial hazard potential classification assessment of the CCR unit (40 CFR 257.73(a)(2))<sup>20</sup> and obtaining the certification required under 40 CFR 257.73(a)(2)(ii)

EPA assumes that two requirements under 40 CFR 257.73(a) will be completed annually. EPA assumes that the requirement to prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders (40 CFR 257.73(a)(3)(i)(E)) will be conducted by the percentage of all units that present a high or significant hazard. EPA assumes that 62 percent of all units present a high or significant hazard.<sup>21</sup> Thus, EPA assumes that 229 units (i.e., 62% of 368 units) will need to complete the documentation under (40 CFR 257.73(a)(3)(i)(E)) annually. EPA also assumes that preparing documentation required under 40 CFR 257.73(a)(3)(v) will be completed by one percent of all non-incised units (i.e., 368 units × 0.01= 4 units).<sup>22</sup>

EPA also assumes that the remaining requirements under 40 CFR 257.73(a) will not be completed during this ICR: amend the EAP (40 CFR 257.73(a)(3)(ii)) and obtain certification

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<sup>19</sup> This assumption is based on information from information request responses from 240 electric utilities. EPA sent out this information request in March, April and December of 2009. All responses, with the exception of information claimed as confidential business information, are available at EPA's "Information Request Responses from Electric Utilities" web page at <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm>, last accessed on December 17, 2014. Based on these responses, 127 of 678 CCR surface impoundments (i.e., 19 percent) are incised units.

<sup>20</sup> 40 CFR 257.73(f)(3) indicates that the frequency for conducting periodic assessments is every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. As a result, no assessments will be conducted during the three-year period covered by this ICR.

<sup>21</sup> According to the data collected by EPA ORCR from postings made to publically-accessible internet sites required under 40 CFR 257.107, last updated on October 29, 2018, 183 out of 294 units with posted hazard classification assessments had hazard classifications of "high" or "significant."

<sup>22</sup> This assumption is retained from the 2017 ICR.

(40 CFR 257.73(a)(3)(iv)). EPA assumes that it will not be necessary to amend the EAP during this ICR.

#### Requirements at 40 CFR 257.73(c) through (e)

EPA estimates that 66 percent of existing CCR surface impoundments have a height of five feet or more and a storage volume of 20 acre-feet or more, or have a height of 20 feet or more (i.e., 460 existing units  $\times$  0.65 = 304 units).<sup>23</sup> EPA assumes that owners and operators of these CCR surface impoundments will comply with the requirements at 40 CFR 257.73(c) through (e).

EPA assumes that no units will be subject to the requirements at 40 CFR 257.73(c) through (e) during this ICR. Several requirements have been completed prior to 2018, including: compiling history of construction (40 CFR 257.73(c)), conducting and documenting the initial structural stability assessment (40 CFR 257.73(d)),<sup>24</sup> obtaining the certification required under 40 CFR 257.73(d)(3), conducting and documenting the initial safety factor assessment (40 CFR 257.73(e))<sup>25</sup>, and obtaining the certification required under 40 CFR 257.73(e)(2). In addition, any action plans for structural stability that would have been required under 257.73(d)(2) would have been completed at the time of the initial assessment (which has already been completed).

#### *(d5) Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment*

#### Requirements at 40 CFR 257.74(a)

EPA estimates that 80 percent of new CCR surface impoundments *are not* incised CCR units (i.e., 102 units  $\times$  0.80 = 82 units).<sup>26</sup> EPA assumes that owners and operators of these CCR surface impoundments will comply with the requirements at 40 CFR 257.74(a).

EPA also assumes that certain activities under 40 CFR 257.74(a) will be conducted once during the three-year life of the ICR. These activities include: placing a permanent identification marker showing the identification number of the CCR unit (40 CFR 257.74(a)(1)), documenting

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<sup>23</sup> This assumption is based on information from information request responses from 240 electric utilities. EPA sent out this information request in March, April and December of 2009. All responses, with the exception of information claimed as confidential business information, are available at EPA's "Information Request Responses from Electric Utilities" web page at <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm>, last accessed on December 17, 2014. Based on these responses, 448 of 678 CCR surface impoundments (i.e., 66 percent) have a height of five feet or more and a storage volume of 20 acre-feet or more, or have a height of 20 feet or more.

<sup>24</sup> 40 CFR 257.73(f)(3) indicates that the frequency for conducting periodic assessments is every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. As a result, the initial assessment was conducted in 2016, and the next assessment will be conducted in 2021, which is outside of the scope of this ICR.

<sup>25</sup> Ibid.

<sup>26</sup> This assumption is based on information from information request responses from 240 electric utilities. EPA sent out this information request in March, April and December of 2009. All responses, with the exception of information claimed as confidential business information, are available at EPA's "Information Request Responses from Electric Utilities" web page at <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm>, last accessed on December 17, 2014. Based on these responses, 127 of 678 CCR surface impoundments (i.e., 19 percent) are incised units.

the initial hazard potential classification assessment of the CCR unit (40 CFR 257.74(a)(2)),<sup>27</sup> obtaining the certification required under 40 CFR 257.74(a)(2)(ii), and preparing a written EAP (40 CFR 257.74(a)(3)). In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR surface impoundments by three. Thus, EPA estimates that 27 units (i.e., 82 units / 3 years), on average, will be subject to these requirements each year.

EPA further assumes that owners and operators of CCR units subject to the requirements of 40 CFR 257.74(a) will conduct the following activity on an annual basis: prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders (40 CFR 257.74(a)(3)(i) (E)). EPA assumes that only those units that have a high or significant hazard (assumed to be 62%) will be required to complete the documentation.<sup>28</sup>

EPA assumes that no units will amend the EAP (40 CFR 257.74(a)(3)(ii)) during the ICR period. EPA assumes that the average number of new units will obtain the certification required under 40 CFR 257.74(a)(3)(iv) annually (27), and that one percent of units (i.e., 27 units × 0.01 = 0 units) will need to implement the EAP and prepare the documentation required under 40 CFR 257.74(a)(3)(v).<sup>29</sup>

#### Requirements at 40 CFR 257.74(c) through (e)

EPA estimates that 66 percent of new CCR surface impoundments have a height of five feet or more and a storage volume of 20 acre-feet or more, or have a height of 20 feet or more (i.e., 102 units × 0.66 = 67 units).<sup>30</sup> EPA assumes that owners and operators of these CCR surface impoundments will comply with the requirements at 40 CFR 257.74 (c) through (e).

EPA also assumes that certain activities under 40 CFR 257.74(c) through (e) will be conducted once during the three-year life of the ICR. These activities include: compiling the design and construction plans for the CCR unit (40 CFR 257.74(c)), conducting and documenting the initial structural stability assessment (40 CFR 257.74(d)),<sup>31</sup> obtaining the certification required under 40 CFR 257.74(d)(3), conducting and documenting the initial safety

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<sup>27</sup> 40 CFR 257.74(f)(2) indicates that the frequency for conducting periodic assessments is every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. As a result, only the initial assessment will be conducted during the three-year period covered by this ICR.

<sup>28</sup> This assumption is consistent with the assumption applied to existing units as described under 40 CFR 257.73(a).

<sup>29</sup> This assumption is consistent with the assumption applied to existing units as described under 40 CFR 257.73(a) (3)(v).

<sup>30</sup> This assumption is based on information from information request responses from 240 electric utilities. EPA sent out this information request in March, April and December of 2009. All responses, with the exception of information claimed as confidential business information, are available at EPA's "Information Request Responses from Electric Utilities" web page at <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm>, last accessed on December 17, 2014. Based on these responses, 448 of 678 CCR surface impoundments (i.e., 66 percent) have a height of five feet or more and a storage volume of 20 acre-feet or more, or have a height of 20 feet or more.

<sup>31</sup> 40 CFR 257.74(f)(2) indicates that the frequency for conducting periodic assessments is every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. As a result, only the initial assessment will be conducted during the three-year period covered by this ICR.

factor assessment (40 CFR 257.74(e))<sup>32</sup>, and obtaining the certification required under 40 CFR 257.74(e)(2). In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR surface impoundments by three. Thus, EPA estimates that 22 units (i.e., 67 units / 3 years), on average, will be subject to these requirements each year.

In addition, EPA assumes that no units will be required to prepare the action plan required under 40 CFR 257.74(d)(2).

**(e) Operating Criteria (Exhibit CCR-3)**

*(e1) Air Criteria*

EPA assumes that all owners and operators of existing and new CCR units will comply with the air criteria requirements at 40 CFR 257.80. EPA also assumes that owners and operators of new units will prepare the CCR fugitive dust control plan once during the three-year life of the ICR. EPA assumes that existing units have already prepared the dust control plan prior to 2018. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of new CCR units by three. Thus, EPA estimates that 41 units (i.e., 122 units / 3 years), on average, will prepare the CCR fugitive dust control plan each year.

EPA assumes that none of the owners and operators will amend their CCR fugitive dust control plan during the three-year period covered by this ICR.<sup>33</sup>

Based on the above, owners and operators of 41 CCR units will need to obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of 40 CFR 257.80 (40 CFR 257.80(b)(7)).

EPA assumes that owners and operators of 684 CCR units will prepare the annual CCR fugitive dust control report required under 40 CFR 257.80(c).<sup>34</sup>

*(e2) Run-On and Run-Off Controls for CCR Landfills*

EPA assumes that all owners and operators of new CCR landfills will prepare the initial run-on and run-off control system plan required under 40 CFR 257.81(c) once during the three-year life of the ICR. EPA assumes that existing units have already prepared the initial run-on and run-off control system plans prior to 2018. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of new CCR units by three. Thus, EPA estimates

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<sup>32</sup> Ibid.

<sup>33</sup> The RIA for the final rule assumes that each dust control plan would be modified once over its lifespan. The RIA also assumes a 40-year CCR management unit lifespan. (p. 4-22)

<sup>34</sup> EPA assumes that the annual dust control report will be prepared for existing units annually, and for new units the year after they come online. Thus, 684 is derived as the sum of the average existing units (222 landfills + 460 surface impoundments = 682 units) and the annual average of the sum of all new units from 2018-2019 (i.e., 2 landfills + 1 surface impoundments = 3 units). The new units will complete the report twice (in 2019 and 2020), so there are 6 additional reports over 3 years, or 2 additional annual units (i.e., (2 × 3 units) / 3 years = 2 additional units). Thus, the total number of units affected annually is equal to 684 units (i.e., 682 + 2 = 684 units).

that 7 units (i.e., 20 units / 3 years), on average, will prepare the run-on and run-off control plan each year.

EPA assumes that none of the owners and operators will amend their run-on and run-off control system plan during the three-year period covered by this ICR

Based on the above, owners and operators of 7 CCR units will need to obtain a certification from a qualified professional engineer that the initial and periodic run-on and run-off control system plans meet the requirements of 40 CFR 257.81 (40 CFR 257.81(c)(5)).

*(e3) Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments*

EPA assumes that all owners and operators of new CCR surface impoundments will prepare the initial inflow design flood control system plans required under 40 CFR 257.82(c) once during the three-year life of the ICR. EPA assumes that existing units have already prepared the initial inflow design flood control system plans prior to 2018. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 34 units (i.e., 102 units / 3 years), on average, will be subject to this requirement each year.

Based on the above, owners and operators of 34 CCR units will need to obtain a certification from a qualified professional engineer that the initial inflow design flood control system plans meet the requirements of 40 CFR 257.82 (40 CFR 257.82(c)(5)).

*(e4) Inspection Requirements for CCR Surface Impoundments*

EPA assumes that owners and operators of all 494 existing and new CCR surface impoundments will comply with the inspection requirements at 40 CFR 257.83(a) each year.

EPA estimates that 66 percent of existing and new CCR surface impoundments are subject to the periodic structural stability assessment requirements under 40 CFR 257.73(d) or 40 CFR 257.74(d) (i.e., 494 units x 0.66 = 326 units).<sup>35</sup> EPA assumes that all of these CCR units will be inspected annually by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit are consistent with recognized and generally accepted good engineering standards, as required under 40 CFR 257.83(b)(1). EPA also assumes that the qualified professional engineer will develop an inspection report, as required under 40 CFR 257.83(b)(2).

Finally, EPA assumes that owners and operators of 1 percent of the existing and new CCR surface impoundments (i.e., 494 units x 0.01 = 5 units) will develop and implement an action plan to remedy structural weakness or disrupting condition each year.

*(e5) Inspection Requirements for CCR Landfills*

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<sup>35</sup> This assumption is based on information from information request responses from 240 electric utilities. EPA sent out this information request in March, April and December of 2009. All responses, with the exception of information claimed as confidential business information, are available at EPA's "Information Request Responses from Electric Utilities" web page at <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys/index.htm>, last accessed on December 17, 2014. Based on these responses, 448 of 678 CCR surface impoundments (i.e., 66 percent) have a height of five feet or more and a storage volume of 20 acre-feet or more, or have a height of 20 feet or more.

EPA assumes that owners and operators of all 229 existing and new CCR landfills will comply with the inspection requirements at 40 CFR 257.84(a) and (b) each year.

EPA also assumes that owners and operators of 1 percent of the existing and new CCR landfills (i.e., 229 units  $\times$  0.01 = 2 units) will develop and implement an action plan to remedy structural weakness or disrupting condition each year.

**(f) Groundwater Monitoring and Corrective Action (Exhibit CCR-4)**

*(f1) Applicability*

EPA assumes that owners and operators of all 684 existing and new CCR units will develop the annual groundwater monitoring and corrective action report required under 40 CFR 257.90(e).<sup>36</sup>

*(f2) Groundwater Monitoring Systems*

EPA assumes that owners and operators of all 122 new CCR units will document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. EPA assumes that existing units have already completed this requirement prior to 2018. Owners and operators of these units also will obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of 40 CFR 257.91. EPA also assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 41 units (i.e., 122 units / 3 years), on average, will be subject to these requirements each year.

*(f3) Groundwater Sampling and Analysis Requirements*

EPA assumes that owners and operators of all 122 new CCR units will develop a sampling and analysis program. EPA also assumes that owners and operators of these units will obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. EPA further assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 41 units (i.e., 122 units / 3 years), on average, will be subject to this requirement each year.

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<sup>36</sup> EPA assumes that the annual groundwater monitoring and corrective action report will be prepared for existing units annually, and for new units the year after they come online. Thus, 684 is derived as the sum of the average existing units (222 landfills + 460 surface impoundments = 682 units) and the annual average of the sum of all new units from 2018-2019 (i.e., 2 landfills + 1 surface impoundments = 3 units). The new units will complete the report twice (in 2019 and 2020), so there are 6 additional reports over 3 years, or 2 additional annual units (i.e., (2  $\times$  3 units) / 3 years = 2 additional units). Thus, the total number of units affected annually is equal to 684 units (i.e., 682 + 2 = 684 units).

(f4) *Detection Monitoring Program*

EPA assumes that owners and operators of 5 percent of existing and new CCR units (i.e.,  $723 \text{ units} \times 0.05 = 36 \text{ units}$ ) will demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in Appendix III during the active life and the post-closure care period based on the availability of groundwater. EPA also assumes that these owners and operators will obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of 40 CFR 257.94. EPA further assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 12 units (i.e.,  $36 \text{ units} / 3 \text{ years}$ ), on average, will be subject to these requirements each year.

EPA assumes that, each year, owners and operators of 0.79 percent of existing and new CCR units (i.e.,  $723 \text{ units} \times 0.0079 = 6 \text{ units}$ ) will determine that there is a statistically significant increase over background levels for one or more of the constituents listed in Appendix III at any monitoring well at the waste boundary specified under 40 CFR 257.91(a)(2) and will be required to prepared the demonstration and the certification required under 40 CFR 257.94(e)(2).<sup>37</sup> .

Finally, EPA assumes that owners and operators of 51 percent of CCR units will detect a statistically significant increase over background levels for one or more of the constituents listed in Appendix III at any monitoring well at the waste boundary specified under 40 CFR 257.91(a)(2). EPA assumes that 369 units (i.e.,  $0.51 \times 723 \text{ units} = 369 \text{ units}$ ) will prepare a notification stating that an assessment monitoring program has been established in the first year, and that an additional 51 percent of the remaining units that have not yet established an assessment monitoring program will also establish a program in each of the remaining two years of the ICR. Specifically, EPA assumes that 667 units will establish an assessment monitoring program over the three years (i.e.,  $723 \times 0.51 + 723 \times (1 - 0.51) \times 0.51 + 723 \times (1 - 0.51)^2 \times 0.51 = 638 \text{ units}$ ). On an annual basis, this ICR assumes that 213 units (i.e.,  $638 \text{ units} / 3 \text{ years}$ ) will be required to prepare the notification under 40 CFR 257.94(e)(3).

(f5) *Assessment Monitoring Program*

EPA assumes that owners and operators of 5 percent of the CCR units subject to the assessment monitoring requirements (i.e.,  $638 \text{ units} \times 0.05 = 32 \text{ units}$ ) will demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in Appendix IV during the active life and the post-closure care period based on the availability of groundwater (40 CFR 257.95(c)(1)-(2)). EPA also assumes that these owners and operators will obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of 40 CFR 257.95 (40 CFR 257.95(c)(3)). EPA further assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of

<sup>37</sup> This assumption reflects data collected by EPA ORCR from postings made to publically-accessible internet sites required under 40 CFR 257.107, last updated on October 29, 2018. These data indicate that of 762 CCR management units, six have posted alternative source demonstrations following a determination of statistically significant increases (SSIs) resulting from detection monitoring activities.

these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 11 units (i.e., 32 units / 3 years), on average, will be subject to these requirements each year.

EPA assumes that, during the three-year period covered by this ICR, the concentrations of all constituents listed in Appendix IV will be shown to be at or below background values for two consecutive sampling events for 5 percent of the CCR units (i.e., 638 units x 0.05 = 32 units). EPA further assumes that these owners and operators will prepare a notification stating that detection monitoring is resuming for the CCR unit (40 CFR 257.95(e)). In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of CCR units by three. Thus, EPA estimates that 11 units (i.e., 32 units / 3 years), on average, will be subject to this requirement each year. EPA assumes that, during the three-year period covered by this ICR, one or more constituents in Appendix IV will be detected at statistically significant levels above the groundwater protection standard established under 40 CFR 257.95(h) for 5 percent of the CCR units (i.e., 638 units x 0.05 = 32 units). These owners and operators will need to prepare a notification identifying the constituents in Appendix IV that have exceeded the groundwater protection standard (40 CFR 257.95(g)). In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 11 units (i.e., 32 units / 3 years), on average, will be subject to this requirement each year.

This ICR assumes that zero units will be required to notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with 40 CFR 257.95(g)(2) or demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality (40 CFR 257.95(g)(3)(ii)).

This ICR assumes that 5 percent of all units will initiate corrective action, and will prepare a notification stating that an assessment of corrective measures has been initiated under 40 CFR 257.95(g)(5). EPA estimates that 38 units will be required to prepare this notification (i.e.,  $723 \times 0.05 = 36$  units). In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 12 units (i.e., 36 units / 3 years), on average, will be subject to this requirement each year.

*(f6) Assessment of Corrective Measures*

EPA assumes that 12 CCR units will be subject to the assessment of corrective measures requirements under 40 CFR 257.96 each year. This includes the requirements to prepare the demonstration under 40 CFR 257.96(a), obtain the certification under 40 CFR 257.96(a), complete the assessment of corrective measures required under 40 CFR 257.96(d), and discuss the results of the corrective measures assessment prior to the selection of remedy in a public meeting with interested and affected parties, under 40 CFR 257.96(e).

*(f7) Selection of Remedy*

EPA assumes that 12 of the existing and new CCR units will be affected by the requirements under 40 CFR 257.97 during the three-year period covered by this ICR. This



includes the requirements to prepare a semi-annual report describing the progress in selecting and designing the remedy, prepare a report on the selected remedy, and obtain the certification required under 40 CFR 257.97(a).

*(f8) Implementation of the Corrective Action Program*

EPA assumes that none of the existing and new CCR units will be affected by the requirements under 40 CFR 257.98 during the three-year period covered by this ICR.

**(g) Closure and Post-Closure Care (Exhibit CCR-5)**

*(g1) Closure of CCR Landfills and CCR Surface Impoundments*

The burden associated with inclusion of the specified statements in the notifications required under 40 CFR 257.102(g) has been considered under the corresponding regulatory requirements.

*(g2) Criteria for Conducting Closure or Retrofit of CCR Landfills and CCR Surface Impoundments*

EPA assumes that all owners and operators of new CCR units will prepare a written closure plan or written retrofit plan that describes the steps necessary to close or retrofit the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices (40 CFR 257.102(b) and (k)). EPA assumes that existing units completed this requirement prior to 2018. EPA also assumes that owners and operators will obtain a written certification from a qualified professional engineer that the written closure or retrofit plan meets the requirements of 40 CFR 257.102 (40 CFR 257.102(b)(4) and (k)(2)(iv)). EPA assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by dividing the number of CCR units by three. Thus, EPA estimates that 41 units (i.e., 7 landfills + 34 surface impoundments), on average, will be subject to these requirements each year.

EPA assumes that none of the owners and operators will amend their closure or retrofit plan during the three-year period covered by this ICR.

EPA estimates that 7 CCR landfills and 68 CCR surface impoundments units will undergo closure on average each year.<sup>38</sup> EPA assumes that owners and operators of these CCR units will conduct the following activities: obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of 40 CFR 257.102, if the unit is closing (40 CFR 257.102(d)(3)(iii)); obtain a certification from a qualified professional engineer verifying that closure or retrofit has been completed in accordance with the closure or retrofit plan specified in 40 CFR 257.102(b) or (k)(2) and the requirements of 40 CFR 257.102(f)(3) and (k)(4); prepare a notification of intent to close or

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<sup>38</sup> This ICR assumes that the number of new CCR units is equal to one-half of the number of CCR unit closures in every year. According to the data collected on postings made to publically-accessible internet sites required by the 2015 CCR final rule (“CCR compliance websites”) required under 40 CFR 257, by EPA ORCR as of October 30, 2018, the median number of impoundments per facility is 2. This ICR assumes that facilities consolidate impoundments after closures, rather than replacing all closing impoundments with the same number of new impoundments.

retrofit a CCR unit (40 CFR 257.102(g) and (k)(5)); prepare a notification of closure of a CCR unit, if the unit is closing (40 CFR 257.102(h)); and prepare a notification stating that the notation on the deed to the property (or some other instrument that is normally examined during title search) has been recorded (40 CFR 257.102(i)). This ICR assumes that 75 units complete the preceding activities annually, with the exception of the notification of intent to close or retrofit a CCR unit required under 40 CFR 257.102(g), which is assumed to be zero.<sup>39</sup>

*(g3) Alternative Closure Requirement*

EPA assumes that none of the CCR units will be affected by the alternative closure requirements (units undergoing retrofit are also eligible for these alternatives as specified under 40 CFR 257.102(k)(3)) under 40 CFR 257.103 during the three-year period covered by this ICR.

*(g4) Post-Closure Care Requirements*

EPA assumes that all owners and operators of new CCR units will prepare a written post-closure plan (40 CFR 257.104(d)). EPA also assumes that owners and operators will obtain a written certification from a qualified professional engineer that the written post-closure plan meets the requirements of 40 CFR 257.104 (40 CFR 257.104(d)(4)). EPA assumes that these activities will be conducted once during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of these one-time activities by using the average number of new CCR units. Thus, EPA estimates that 41 units (i.e., 34 new surface impoundments + 7 CCR landfills), on average, will be subject to this requirement each year.

EPA assumes that none of the owners and operators will amend their post-closure plan during the three-year period covered by this ICR.

Finally, EPA assumes that none of the owners and operators of the CCR units will prepare a notification verifying that post-closure care has been completed (40 CFR 257.104(e)).

**(h) Recordkeeping, Notification, and Posting of Information to the Internet - Owners and Operators of CCR Units (Exhibit CCR-6)**

EPA assumes that, each year, the 300 owners and operator of the 723 existing and new CCR units will comply with the recordkeeping, notification, and posting requirements of the final rule.

EPA also assumes that these none of these owners and operators will develop a publicly accessible internet site (CCR website) containing the information specified at 40 CFR 257.107 during the three-year life of the ICR.<sup>40</sup> EPA assumes that there are no new owners or operators during the three-year life of the ICR, and that all existing owners and operators have already completed this requirement prior to 2018.

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<sup>39</sup> According to the data collected on postings made to publically-accessible internet sites required by the 2015 CCR final rule (“CCR compliance websites”) required under 40 CFR 257, by EPA ORCR as of October 29, 2018 126 CCR management units have already posted notices of intent (“NOIs”) to close. Because there have been more such notices of intent posted, posted than the number of anticipated annual closures (74), EPA assumes that no additional NOIs will be posted during this ICR.

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**(i) Recordkeeping, Notification, and Posting of Information to the Internet – State Government Agencies and Tribal Authorities (Exhibit CCR-7)**

Owners and operators of CCR units must send the notifications required under 40 CFR 257.106(e) through (i) to the relevant State Director and/or appropriate Tribal authority. EPA assumes that State government agencies and Tribal authorities will review these notifications once received.

**(j) Solid Waste Management Plans (Exhibits CCR-8a and CCR-8b)**

In the currently approved ICR, EPA assumed that 48 States (i.e., 47 States and Puerto Rico) would prepare a solid waste management plan (SWMP) during the three-year life of the ICR. Under the SWMP approval process, a State with an approved SWMP can grant an extension to the compliance dates in the CCR rule to an entity unable to comply. Interest in this authority did not materialize as EPA believed it would at the time the CCR rule was issued. In fact, only three States have approved SWMPs at this time and EPA is not aware of any other States that will seek such approval from EPA. As a result, with this ICR revision, EPA is revising the number of respondents for this voluntary activity from 48 to three. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that one respondent (i.e., 3 respondents / 3 years), on average, will prepare a solid waste management plan each year.

**(k) State Applications for CCR Permit Programs (Exhibits CCR-8a and CCR-8b)**

EPA is aware of 44 States (43 States and Puerto Rico) that have one or more facilities with a CCR website (a requirement of the CCR rule). Of these 44 States, 8 States have only one facility with a CCR website; 2 States have two facilities; 4 States have three facilities; 3 States have four facilities and 27 States have five or more facilities with a CCR website. EPA believes that those States with few facilities subject to the CCR rule (i.e., States with fewer than four facilities with a CCR website) will not invest the resources necessary to prepare and submit an application for a CCR permit program. In addition, based on information EPA has learned through its interactions with the States, EPA believes approximately 75 percent of States with five or more facilities with a CCR website will submit a state program application to the Agency. Thus, EPA estimates that 21 States will seek permit program approval (e.g., 75 percent of 27 States) during the three-year life of the ICR. In estimating the *annual* respondent hour and cost burden over the three-year period covered by this ICR, EPA annualized the hour and cost burden of this one-time activity by dividing the number of respondents by three. Thus, EPA estimates that 7 respondents (i.e., 21 respondents / 3 years), on average, will prepare an application for State CCR permit program each year.

EXHIBIT CCR-1

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

INFORMATION COLLECTION ACTIVITY	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total
	\$125.14 / Hour	\$105.75 / Hour	\$50.98 / Hour	\$29.90 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>Beneficial use of CCR</b>											
Prepare and keep demonstration required under 40 CFR 257.53	2.00	2.00	35.00	1.00	40.00	\$2,275.98	\$0.00	\$0.00	0	0.00	\$0.00
<b>Reading the Regulations</b>											
Read the regulations	0.50	2.00	2.50	0.00	5.00	\$401.52	\$0.00	\$0.00	100	500.00	\$40,152.00
<b>Location Restrictions</b>											
<b>Placement above the Uppermost Aquifer (40 CFR 257.60)</b>											
Prepare demonstration required under 40 CFR 257.60(a)	0.00	0.00	2.00	0.25	2.25	\$109.44	\$0.00	\$0.00	194	436.50	\$21,231.36
Obtain certification required under 40 CFR 257.60(b)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	194	679.00	\$106,290.66
<b>Wetlands (40 CFR 257.61)</b>											
Prepare demonstration required under 40 CFR 257.61(a)	0.00	0.25	1.00	0.75	2.00	\$99.84	\$0.00	\$0.00	194	388.00	\$19,368.96
Obtain certification required under 40 CFR 257.61(b)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	194	679.00	\$106,290.66
<b>Fault Areas (40 CFR 257.62)</b>											
Prepare demonstration required under 40 CFR 257.62(a)	0.00	0.25	1.00	0.75	2.00	\$99.84	\$0.00	\$0.00	194	388.00	\$19,368.96
Obtain certification required under 40 CFR 257.62(b)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	194	679.00	\$106,290.66
<b>Seismic Impact Zones (40 CFR 257.63)</b>											
Prepare demonstration required under 40 CFR 257.63(a)	0.00	0.25	1.00	0.75	2.00	\$99.84	\$0.00	\$0.00	194	388.00	\$19,368.96
Obtain certification required under 40 CFR 257.63(b)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	194	679.00	\$106,290.66
<b>Unstable Areas (40 CFR 257.64)</b>											
Prepare demonstration required under 40 CFR 257.64(a)	0.00	0.25	1.00	0.75	2.00	\$99.84	\$0.00	\$0.00	194	388.00	\$19,368.96
Obtain certification required under 40 CFR 257.64(c)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	194	679.00	\$106,290.66
<b>TOTAL</b>	<b>Varies</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>5,883.50</b>	<b>\$670,312.50</b>

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

EXHIBIT CCR-2

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

INFORMATION COLLECTION ACTIVITY	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	O&M	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
	\$125.14 / Hour	\$105.75 / Hour	\$50.98 / Hour	\$29.90 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost				
<b>Design Criteria</b>											
<b>Liner Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill (40 CFR 257.70)</b>											
Obtain certification required under 40 CFR 257.70(c)(2)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.70(e)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	7	24.50	\$3,835.23
Obtain certification required under 40 CFR 257.70(f)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	7	24.50	\$3,835.23
<b>Liner Design Criteria for Existing CCR Surface Impoundments (40 CFR 257.71)</b>											
Document liner type under 40 CFR 257.71(a)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.71(b)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
<b>Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment (40 CFR 257.72)</b>											
Obtain certification required under 40 CFR 257.72(c)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	34	119.00	\$18,628.26
Obtain certification required under 40 CFR 257.72(d)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	34	119.00	\$18,628.26
<b>Structural Integrity Criteria for Existing CCR Surface Impoundments (40 CFR 257.73)</b>											
Place on or immediately adjacent to the CCR unit a permanent identification marker showing the identification number of the CCR unit, as required under 40 CFR 257.73(a)(1)	0.00	0.00	0.25	0.00	0.25	\$12.75	\$0.00	\$0.00	0	0.00	\$0.00
Document the initial and periodic hazard potential classification assessments of the CCR unit, as required under 40 CFR 257.73(a)(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.73(a)(2)(ii)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Prepare a written EAP, as required under 40 CFR 257.73(a)(3)	0.00	4.00	30.00	5.00	39.00	\$2,101.90	\$0.00	\$1,119.00	0	0.00	\$0.00
Prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders, as required under 40 CFR 257.73(a)(3)(i)(E)	0.00	0.25	0.50	0.25	1.00	\$59.40	\$0.00	\$0.00	229	229.00	\$13,602.60
Amend the EAP, as required under 40 CFR 257.73(a)(3)(ii)	0.00	1.00	8.00	1.00	10.00	\$543.49	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.73(a)(3)(iv))	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Prepare documentation required under 40 CFR 257.73(a)(3)(v)	0.00	0.50	3.00	0.50	4.00	\$220.77	\$0.00	\$0.00	4	16.00	\$883.08
Compile history of construction, as required under 40 CFR 257.73(c)	0.00	0.50	20.00	3.00	23.50	\$1,162.18	\$0.00	\$0.00	0	0.00	\$0.00
Conduct and document initial and periodic structural stability assessments, as required under 40 CFR 257.73(d)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Prepare action plan required under 40 CFR 257.73(d)(2)	0.00	1.00	8.00	1.00	10.00	\$543.49	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.73(d)(3)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Conduct and document initial and periodic safety factor assessments for each CCR unit, as required under 40 CFR 257.73(e)	0.00	4.00	6.00	2.00	12.00	\$788.68	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.73(e)(2)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00

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

EXHIBIT CCR-2 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total
	\$125.14	\$105.75	\$50.98	\$29.90	Hours/	Cost/	Startup	O&M	Respon.	Hours/	Cost/
	/	/	/	/	Activity	Activity	Cost	Cost	Activities	Year	Year
INFORMATION COLLECTION ACTIVITY	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
<b>Design Criteria</b>											
<b>Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment (40 CFR 257.74)</b>											
Place on or immediately adjacent to the CCR unit a permanent identification marker showing the identification number of the CCR unit, as required under 40 CFR 257.74(a)(1)	0.00	0.00	0.25	0.00	0.25	\$12.75	\$0.00	\$0.00	27	6.75	\$344.25
Document the initial and periodic hazard potential classification assessments of the CCR unit, as required under 40 CFR 257.74(a)(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	27	540.00	\$27,300.51
Obtain certification required under 40 CFR 257.74(a)(2)(ii)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	27	94.50	\$14,793.03
Prepare a written EAP, as required under 40 CFR 257.74(a)(3)	0.00	4.00	30.00	5.00	39.00	\$2,101.90	\$0.00	\$1,119.00	27	1,053.00	\$86,964.30
Prepare documentation on an annual face-to-face meeting or exercise between representatives of the owner/operator of the CCR unit and the local emergency responders, as required under 40 CFR 257.74(a)(3)(i)(E)	0.00	0.25	0.50	0.25	1.00	\$59.40	\$0.00	\$0.00	17	17.00	\$1,009.80
Amend the EAP, as required under 40 CFR 257.74(a)(3)(ii)	0.00	1.00	8.00	1.00	10.00	\$167.89	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.74(a)(3)(iv)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	27	94.50	\$14,793.03
Prepare documentation required under 40 CFR 257.74(a)(3)(v)	0.00	0.50	3.00	0.50	4.00	\$220.77	\$0.00	\$0.00	0	0.00	\$0.00
Compile the design and construction plans for the CCR unit, as required under 40 CFR 257.74(c)	0.00	0.50	20.00	3.00	23.50	\$1,162.18	\$0.00	\$0.00	22	517.00	\$25,567.96
Conduct and document initial and periodic structural stability assessments, as required under 40 CFR 257.74(d)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	22	440.00	\$22,244.86
Prepare action plan required under 40 CFR 257.74(d)(2)	0.00	1.00	8.00	1.00	10.00	\$543.49	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.74(d)(3)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	22	77.00	\$12,053.58
Conduct and document initial and periodic safety factor assessments for each CCR unit, as required under 40 CFR 257.74(e)	0.00	4.00	6.00	2.00	12.00	\$788.68	\$0.00	\$0.00	22	264.00	\$17,350.96
Obtain certification required under 40 CFR 257.74(e)(2)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	22	77.00	\$12,053.58
<b>TOTAL</b>	<b>Varies</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>3,712.75</b>	<b>\$293,888.52</b>

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

EXHIBIT CCR-3

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

INFORMATION COLLECTION ACTIVITY	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	O&M	Number of	Total	Total
	\$125.1 4/ Hour	\$105.7 5/ Hour	\$50.9 8/ Hour	\$29.9 0/ Hour	Hours/ Activity	Cost/ Activity	Startup Cost		Respon. Activities	Hours/ Year	Cost/ Year
<b>Operating Criteria</b>											
<b>Air Criteria (40 CFR 257.80)</b>											
Prepare CCR fugitive dust control plan required under 40 CFR 257.80(b)	0.00	0.00	8.00	0.50	8.50	\$422.79	\$0.00	\$5,593.00	41	348.50	\$246,647.39
Amend CCR fugitive dust control plan, as required under 40 CFR 257.80(b)(6)	0.00	0.00	8.00	0.50	8.50	\$422.79	\$0.00	\$5,593.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.80(b)(7)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	41	143.50	\$22,463.49
Prepare annual CCR fugitive dust control report required under 40 CFR 257.80(c)	0.00	0.50	6.50	1.00	8.00	\$414.15	\$0.00	\$0.00	684	5,472.00	\$283,278.60
<b>Run-On and Run-Off Controls for CCR Landfills (40 CFR 257.81)</b>											
Prepare initial and periodic run-on and run-off control system plans required under 40 CFR 257.81(c)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	7	112.00	\$5,886.30
Amend run-on and run-off control system plans, as required under 40 CFR 257.81(c)(2)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.81(c)(5)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	7	24.50	\$3,835.23
<b>Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments (40 CFR 257.82)</b>											
Prepare initial and periodic inflow design flood control system plans required under 40 CFR 257.82(c)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	34	544.00	\$28,590.60
Amend the inflow design flood control system plan, as required under 40 CFR 257.82(c)(2)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.82(c)(5)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	34	119.00	\$18,628.26
<b>Inspection Requirements for CCR Surface Impoundments (40 CFR 257.83)</b>											
Conduct inspections required under 40 CFR 257.83(a)	0.00	13.00	52.00	0.00	65.00	\$4,025.7 1	\$0.00	\$0.00	494	32,110.00	\$1,988,700.74
Conduct inspections required under 40 CFR 257.83(b)(1)	0.00	13.00	52.00	0.00	65.00	\$4,025.7 1	\$0.00	\$0.00	326	21,190.00	\$1,312,381.46
Develop inspection report required under 40 CFR 257.83(b)(2)	0.00	0.00	72.50	0.00	72.50	\$3,696.0 5	\$0.00	\$0.00	326	23,635.00	\$1,204,912.30
Develop and implement action plan to remedy structural weakness or disrupting condition, as required under 40 CFR 257.83(b)(5)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	5	80.00	\$4,204.50
<b>Inspection Requirements for CCR Landfills (40 CFR 257.84)</b>											
Conduct inspections required under 40 CFR 257.84(a)	0.00	13.00	52.00	0.00	65.00	\$4,025.7 1	\$0.00	\$0.00	229	14,885.00	\$921,887.59
Conduct inspections required under 40 CFR 257.84(b)(1)	0.00	13.00	52.00	0.00	65.00	\$4,025.7 1	\$0.00	\$0.00	229	14,885.00	\$921,887.59
Develop inspection report required under 40 CFR 257.84(b)(2)	0.00	0.00	72.50	0.00	72.50	\$3,696.0 5	\$0.00	\$0.00	229	16,602.50	\$846,395.45
Develop and implement action plan to remedy structural weakness or disrupting condition, as required under 40 CFR 257.84(b)(5)	0.00	2.00	10.00	4.00	16.00	\$840.90	\$0.00	\$0.00	2	32.00	\$1,681.80

	<b>TOTAL</b>	<b>Varies</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>130,183.0</b> <b>0</b>	<b>\$7,811,381.30</b>
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<sup>a</sup> Exhibit includes rounding error.



EXHIBIT CCR-4

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

INFORMATION COLLECTION ACTIVITY	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/
	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
<b>Groundwater Monitoring and Corrective Action</b>											
<b>Applicability (40 CFR 257.90)</b>											
Develop annual groundwater monitoring and corrective action report required under 40 CFR 257.90(e)	0.00	0.50	6.50	1.00	8.00	\$414.15	\$0.00	\$0.00	684	5,472.00	\$283,278.60
<b>Groundwater Monitoring Systems (40 CFR 257.91)</b>											
Document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices, as required under 40 CFR 257.91(e)(1)	0.00	10.00	211.00	12.70	233.70	\$12,194.01	\$0.00	\$87,605.00	41	9,581.70	\$4,091,759.41
Obtain certification required under 40 CFR 257.91(f)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	41	143.50	\$22,463.49
<b>Groundwater Sampling and Analysis Requirements (40 CFR 257.93)</b>											
Develop sampling and analysis program	0.00	0.00	40.00	0.00	40.00	\$2,039.20	\$0.00	\$16,779.00	41	1,640.00	\$771,546.20
Obtain certification required under 40 CFR 257.93(f)(6)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	41	143.50	\$22,463.49
<b>Detection Monitoring Program (40 CFR 257.94)</b>											
Prepare demonstration required under 40 CFR 257.94(d)(1)-(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	12	240.00	\$12,133.56
Obtain certification required under 40 CFR 257.94(d)(3)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	12	42.00	\$6,574.68
Prepare demonstration required under 40 CFR 257.94(e)(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	6	120.00	\$6,066.78
Obtain certification required under 40 CFR 257.94(e)(2)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	6	21.00	\$3,287.34
Prepare notification required under 40 CFR 257.94(e)(3)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	213	106.50	\$11,263.44
<b>Assessment Monitoring Program (40 CFR 257.95)</b>											
Prepare demonstration required under 40 CFR 257.95(c)(1)-(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	11	220.00	\$11,122.43
Obtain certification required under 40 CFR 257.95(c)(3)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	11	38.50	\$6,026.79
Compile results of the Appendix III and Appendix IV constituent concentrations required under 40 CFR 257.95(d)(1)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	369	184.50	\$19,512.72
Prepare notification required under 40 CFR 257.95(e)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	11	5.50	\$581.68
Prepare notification required under 40 CFR 257.95(g)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	11	5.50	\$581.68
Prepare notification required under 40 CFR 257.95(g)(2)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
Prepare demonstration required under 40 CFR 257.95(g)(3)(ii)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Develop report that includes the factual or evidentiary basis for any conclusions in the demonstration required under 40 CFR 257.95(g)(3)(ii)	0.00	0.50	6.50	1.00	8.00	\$414.15	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.95(g)(3)(ii)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Prepare notification required under 40 CFR 257.95(g)(5)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	12	6.00	\$634.56

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

EXHIBIT CCR-4 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES  
 ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR  
 UNITS <sup>a</sup>

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
<b>Assessment of Corrective Measures (40 CFR 257.96)</b>											
Prepare demonstration required under 40 CFR 257.96(a)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	12	240.00	\$12,133.56
Obtain certification required under 40 CFR 257.96(a)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	12	42.00	\$6,574.68
Complete assessment of corrective measures required under 40 CFR 257.96(d)					0.00	\$0.00	\$0.00	\$0.00	12	0.00	\$0.00
Discuss the results of the corrective measures assessment prior to the selection of remedy in a public meeting with interested and affected parties, as required under 40 CFR 257.96(e)	2.00	4.00	10.00	0.00	16.00	\$1,183.08	\$0.00	\$0.00	12	192.00	\$14,196.96
<b>Selection of Remedy (40 CFR 257.97)</b>											
Prepare semi-annual report describing the progress in selecting and designing the remedy	0.00	12.00	24.00	4.00	40.00	\$2,612.12	\$0.00	\$0.00	12	480.00	\$31,345.44
Prepare report on selected remedy	0.00	7.50	50.00	5.75	63.25	\$3,514.05	\$0.00	\$100,295.00	12	759.00	\$1,245,708.60
Obtain certification required under 40 CFR 257.97(a)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	12	42.00	\$6,574.68
<b>Implementation of the Corrective Action Program (40 CFR 257.98)</b>											
Prepare notification required under 40 CFR 257.98(e)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.98(e)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
<b>TOTAL</b>	<b>Varies</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>19,725.20</b>	<b>\$6,585,830.77</b>

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

**EXHIBIT CCR-5**

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

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Closure and Post-Closure Care</b>											
<b>Closure of CCR Landfills and CCR Surface Impoundments (40 CFR 257.101)</b>											
Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing under the requirements of 40 CFR 257.101(a)(1), as required under 40 CFR 257.101(a)(2)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	0	0.00	\$0.00
Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing under the requirements of 40 CFR 257.101(b)(1) or (b)(2), as required under 40 CFR 257.101(b)(3)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	0	0.00	\$0.00
Include statement in the notification required under 40 CFR 257.102(g) that the CCR surface impoundment is closing under the requirements of 40 CFR 257.101(c)(1), as required under 40 CFR 257.101(c)(2)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	0	0.00	\$0.00
Include statement in the notification required under 40 CFR 257.102(g) that the CCR landfill is closing under the requirements of 40 CFR 257.101(d)(1), as required under 40 CFR 257.101(d)(2)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	0	0.00	\$0.00
<b>Criteria for Conducting Closure of CCR Landfills and CCR Surface Impoundments (40 CFR 257.102)</b>											
Prepare written closure plan required under 40 CFR 257.102(b)	0.00	4.00	40.00	10.00	54.00	\$2,761.20	\$0.00	\$13,938.00	41	2,214.00	\$684,667.20
Amend written closure plan required under 40 CFR 257.102(b)(3)	0.00	2.00	20.00	5.00	27.00	\$1,380.60	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.102(b)(4)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	41	143.50	\$22,463.49
Obtain certification required under 40 CFR 257.102(d)(3)(iii)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	75	262.50	\$41,091.75
Provide written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use, as required under 40 CFR 257.102(e)(2)(ii)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Prepare demonstration required under 40 CFR 257.102(f)(2)	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.102(f)(3)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	75	262.50	\$41,091.75
Prepare notification required under 40 CFR 257.102(g)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
Prepare notification required under 40 CFR 257.102(h)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	75	37.50	\$3,966.00
Obtain certification required under 40 CFR 257.102(h)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	75	262.50	\$41,091.75
Prepare notification required under 40 CFR 257.102(i)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	75	37.50	\$3,966.00

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

EXHIBIT CCR-5 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES  
ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR  
UNITS <sup>a</sup>

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg.	Mgr.	Tech.	Cler.	Respon	Labor	Capital/	O&M	Number of	Total	Total
	\$125.14 / Hour	\$105.75 / Hour	\$50.98 / Hour	\$29.90 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost		Respon. Activities	Hours/ Year	Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Closure and Post-Closure Care</b>											
<b>Alternative Closure Requirements (40 CFR 257.103)</b>											
Obtain certification required under 40 CFR 257.103(a)(1)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Document that there is no alternative CCR disposal capacity	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.103(b)(1)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
Document the permanent cessation of a coal-fired boiler(s) by a certain date	0.00	1.00	16.00	3.00	20.00	\$1,011.13	\$0.00	\$0.00	0	0.00	\$0.00
Prepare notification required under 40 CFR 257.103(c)(1)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
Prepare periodic progress reports required by 40 CFR 257.103(a)(1)(iii) or (b)(1)(iii)	0.00	0.50	6.50	1.00	8.00	\$414.15	\$0.00	\$0.00	0	0.00	\$0.00
Prepare notification required under 40 CFR 257.103(c)(3)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
<b>Post-Closure Care Requirements (40 CFR 257.104)</b>											
Prepare written post-closure plan, as required under 40 CFR 257.104(d)	0.00	4.00	40.00	10.00	54.00	\$2,761.20	\$0.00	\$13,938.00	41	2,214.00	\$684,667.20
Amend written post-closure plan, as required under 40 CFR 257.104(d)(3)	0.00	2.00	20.00	5.00	27.00	\$1,380.60	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.104(d)(4)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	41	143.50	\$22,463.49
Prepare notification required under 40 CFR 257.104(e)	0.00	0.50	0.00	0.00	0.50	\$52.88	\$0.00	\$0.00	0	0.00	\$0.00
Obtain certification required under 40 CFR 257.104(e)	0.00	0.00	3.00	0.50	3.50	\$167.89	\$0.00	\$380.00	0	0.00	\$0.00
<b>TOTAL</b>	<b>Varies</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>5,577.50</b>	<b>\$1,545,468.63</b>

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

EXHIBIT CCR-6

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total
	\$125.14 / Hour	\$105.75 / Hour	\$50.98 / Hour	\$29.90 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Location Restrictions</b>											
Place the demonstrations required under 40 CFR 257.60(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	194	3.88	\$116.40
Place the demonstrations required under 40 CFR 257.61(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	194	3.88	\$116.40
Place the demonstrations required under 40 CFR 257.62(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	194	3.88	\$116.40
Place the demonstrations required under 40 CFR 257.63(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	194	3.88	\$116.40
Place the demonstrations required under 40 CFR 257.64(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	194	3.88	\$116.40
<b>Design Criteria</b>											
Place the certification required under 40 CFR 257.70(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	7	0.14	\$4.20
Place the certification required under 40 CFR 257.70(f) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	7	0.14	\$4.20
Place the documentation required under 40 CFR 257.71(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the certifications required under 40 CFR 257.72(c) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	34	0.68	\$20.40
Place the certifications required under 40 CFR 257.72(d) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	34	0.68	\$20.40
Place the documentation required under 40 CFR 257.73(a)(1) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the documentation required under 40 CFR 257.74(a)(1) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	27	0.54	\$16.20
Place the initial and periodic hazard potential classification assessments required under 40 CFR 257.73(a)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic hazard potential classification assessments required under 40 CFR 257.74(a)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	27	0.54	\$16.20
Place the EAP, and any amendment of the EAP, required under 40 CFR 257.73(a)(3) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the EAP, and any amendment of the EAP, required under 40 CFR 257.74(a)(3) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	27	0.54	\$16.20

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
Place documentation required under 40 257.73(a)(3)(i)(E) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	229	4.58	\$137.40
Place documentation required under 40 257.74(a)(3)(i)(E) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	17	0.34	\$10.20
Place documentation required under 40 CFR 257.73(a)(3)(v) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	4	0.08	\$2.40
Place documentation required under 40 CFR 257.74(a)(3)(v) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the history of construction, and any revisions of it, required under 40 CFR 257.73(c) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic structural stability assessments required under 40 CFR 257.73(d) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic structural stability assessments required under 40 CFR 257.74(d) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	22	0.44	\$13.20
Place the action plan to remedy structural stability deficiencies required under 40 CFR 257.73(d)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the action plan to remedy structural stability deficiencies required under 40 CFR 257.74(d)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic safety factor assessments required under 40 CFR 257.73(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic safety factor assessments required under 40 CFR 257.74(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	22	0.44	\$13.20

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Operating Criteria</b>											
Place the CCR fugitive dust control plan, and any subsequent amendment of the plan, required under 40 CFR 257.80(b) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the annual CCR fugitive dust control report required under 40 CFR 257.80(c) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	684	13.68	\$410.40
Place the initial and periodic run-on and run-off control system plans required under 40 CFR 257.81(c) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	7	0.14	\$4.20
Place the initial and periodic inflow design flood control system plan required under 40 CFR 257.82(c) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	34	0.68	\$20.40
Place documentation required under 40 CFR 257.83(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	494	9.88	\$296.40
Place the periodic inspection report required under 40 CFR 257.83(b)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	326	6.52	\$195.60
Place the action plan required under 40 CFR 257.83(b)(5) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	5	0.10	\$3.00
Place documentation required under 40 CFR 257.84(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	229	4.58	\$137.40
Place the periodic inspection report required under 40 CFR 257.84(b)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	229	4.58	\$137.40

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
Place the annual groundwater monitoring and corrective action report required under 40 CFR 257.90(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	684	13.68	\$410.40
Place documentation required under 40 CFR 257.91(e)(1) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the groundwater monitoring system certification required under 40 CFR 257.91(f) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the selection of a statistical method certification required under 40 CFR 257.93(f)(6) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the notification required under 40 CFR 257.94(e)(3) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	213	4.26	\$127.80
Place the documentation required under 40 CFR 257.95(d)(1) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	369	7.38	\$221.40
Place the notification required under 40 CFR 257.94(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	213	4.26	\$127.80
Place the notifications required under 40 CFR 257.94(g) and (g)(2) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	11	0.22	\$6.60
Place the notification required under 40 CFR 257.95(g)(5) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	12	0.24	\$7.20
Place the completed assessment of corrective measures required under 40 CFR 257.96(d) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	12	0.24	\$7.20
Place documentation required under 40 CFR 257.96(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	12	0.24	\$7.20
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.97(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	12	0.24	\$7.20
Place the selection of remedy report required under 40 CFR 257.97(a) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	12	0.24	\$7.20
Place the notification required under 40 CFR 257.98(e) in the facility's operating record	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00

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



EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Recordkeeping Requirements (40 CFR 257.105)</b>											
<b>Closure and Post-Closure Care</b>											
Place the written closure plan, and any amendment of the plan, required under 40 CFR 257.102(b) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the written demonstration(s) required under 40 CFR 257.102(e)(2)(ii) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the written demonstration(s) required under 40 CFR 257.102(f)(2) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the certification required under 40 CFR 257.102(f)(3) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	75	1.50	\$45.00
Place the notification required under 40 CFR 257.102(g) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the notification required under 40 CFR 257.102(h) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	75	1.50	\$45.00
Place the notification required under 40 CFR 257.102(i) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	75	1.50	\$45.00
Place the notification required under 40 CFR 257.103(c)(1) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the annual progress reports required under 40 CFR 257.103(c)(2) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00
Place the written post-closure plan, and any amendment of the plan, required under 40 CFR 257.104(d) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	41	0.82	\$24.60
Place the notification required under 40 CFR 257.104(e) in the facility's operating record.	0.00	0.00	0.00	0.02	0.02	\$0.60	\$0.00	\$0.00	0	0.00	\$0.00

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Location Restrictions</b>											
Provide notification that each demonstration specified under 40 CFR 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	970	485.00	\$23,367.30
<b>Design Criteria</b>											
Provide notification of the availability of the design certification specified under 40 CFR 257.105(f)(1) or (f)(3) and copy of the alternative composite liner design, if applicable.	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	82	41.00	\$1,975.38
Provide notification of the availability of the construction certification specified under 40 CFR 257.105(f)(1) or (f)(3).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	82	41.00	\$1,975.38
Provide notification of the availability of the documentation of liner type specified under 40 CFR 257.105(f)(2).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	27	13.50	\$650.43
Provide notification of the availability of the EAP, and any revisions of the EAP, specified under 40 CFR 257.105(f)(6).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	27	13.50	\$650.43
Provide notification of the availability of documentation specified under 40 CFR 257.105(f)(7).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	246	123.00	\$5,926.14
Provide notification of documentation specified under 40 CFR 257.105(f)(8).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	4	2.00	\$96.36
Provide notification of the availability of the history of construction, and any revision of it, specified under 40 CFR 257.105(f)(9).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	22	11.00	\$529.98
Provide notification of the availability of the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the design and construction plans, and any revision of them, specified under 40 CFR 257.105(f)(13).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	22	11.00	\$529.98

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon	Labor	Capital/		No. of	Total	Total
	\$125.14	\$105.75	\$50.98	\$29.90	Hours/	Cost/	Startup	O&M	Respon	Hours	Cost/
Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Actvts.	Year	Year	
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Operating Criteria</b>											
Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	41	20.50	\$987.69
Provide notification of the availability of the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	684	342.00	\$16,477.56
Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	7	3.50	\$168.63
Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	34	17.00	\$819.06
Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(6).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	326	163.00	\$7,853.34
Provide notification of the availability of the action plan specified under 40 CFR 257.105(g)(7).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	5	2.50	\$120.45
Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(9).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	229	114.50	\$5,516.61
<b>Groundwater Monitoring and Corrective Action</b>											
Provide notification of the availability of the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	684	342.00	\$16,477.56
Provide notification of the availability of the certification specified under 40 CFR 257.105(h)(3).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	41	20.50	\$987.69

Provide notification of the availability of the certification specified under 40 CFR 257.105(h)(4).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	41	20.50	\$987.69
Provide notification that an assessment monitoring programs has been established specified under 40 CFR 257.105(h)(5).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	213	106.50	\$5,131.17
Provide notification that the CCR unit is returning to a detection monitoring program specified under 40 CFR 257.105(h)(7)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	213	106.50	\$5,131.17
Provide notification that one or more constituents in Appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under 40 CFR 257.105(h)(8).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	11	5.50	\$264.99
Provide notification that an assessment of corrective measures has been initiated specified under 40 CFR 257.105(h)(9)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	12	6.00	\$289.08
Provide notification of the availability of assessment of corrective measures specified under 40 CFR 257.105(h)(10).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	12	6.00	\$289.08
Provide notification of the availability of the semi-annual report describing the progress in selecting and designing the remedy specified under 40 CFR 257.105(h)(12)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	12	6.00	\$289.08
Provide notification of the availability of the selection of remedy report specified under 40 CFR 257.105(h)(12).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	12	6.00	\$289.08
Provide notification of the completion of the remedy specified under 40 CFR 257.105(h)(13).	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00

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

**EXHIBIT CCR-6 (continued)**  
**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**  
**ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - OWNERS AND OPERATORS OF CCR UNITS <sup>a</sup>**

**Hours and Costs Per Respondent Per Activity**

**Total Hours and Costs**

	Leg.	Mgr.	Tech.	Cler.	Respon	Labor	Capital/	O&M	Number of	Total	Total
	\$125.14	\$105.75	\$50.98	\$29.90	Hours/	Cost/	Startup				
	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Closure and Post-Closure Care</b>											
Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	41	20.50	\$987.69
Provide notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(5)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(6)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of intent to close a CCR unit specified under 40 CFR 257.105(i)(7)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00

Provide notification of completion of closure of a CCR unit specified under 40 CFR 257.105(i)(8)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	75	37.50	\$1,806.75
Provide notification of the deed notation as required by 40 CFR 257.105(i)(9)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	75	37.50	\$1,806.75
Provide notification of intent to comply with the alternative closure requirements specified under 40 CFR 257.105(i)(10)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the annual progress reports under the alternative closure requirements required under 40 CFR 257.105(i)(11)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00
Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	41	20.50	\$987.69
Provide notification of completion of post-closure care specified under 40 CFR 257.105(i)(13)	0.00	0.00	0.25	0.25	0.50	\$20.22	\$0.00	\$3.87	0	0.00	\$0.00

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Publicly Accessible Internet Site Requirements (40 CFR 257.107)</b>											
<b>Develop Internet Site</b>											
Develop publicly accessible internet site (CCR website) containing the information specified at 40 CFR 257.107	0.00	2.00	10.00	0.00	12.00	\$721.30	\$0.00	\$0.00	0	0.00	\$0.00
<b>Location Restrictions</b>											
Place each demonstration specified under 40 CFR 257.105(e) on the owner or operator's CCR website	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	82	27.06	\$1,379.24
<b>Design Criteria</b>											
Place the certification required under 40 CFR 257.105(f)(1) or (f)(3) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	82	27.06	\$1,379.24
Place the certification specified under 40 CFR 257.105(f)(1) or (f)(3) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	82	27.06	\$1,379.24
Place the documentation specified under 40 CFR 257.105(f)(2) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the EAP specified under 40 CFR 257.105(f)(6) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	27	8.91	\$454.14
Place documentation specified under 40 CFR 257.105(f)(7) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	246	81.18	\$4,137.72
Place documentation specified under 40 CFR 257.105(f)(8) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	4	1.32	\$67.28
Place the history of construction, and any revisions of it, specified under 40 CFR 257.105(f)(9) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	22	7.26	\$370.04
Place the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the design and construction plans, and any revisions of them, specified under 40 CFR 257.105(f)(13) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	22	7.26	\$370.04

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Publicly Accessible Internet Site Requirements (40 CFR 257.107)</b>											
<b>Operating Criteria</b>											
Place the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	41	13.53	\$689.62
Place the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	684	225.72	\$11,504.88
Place the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	7	2.31	\$117.74
Place the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	34	11.22	\$571.88
Place the periodic inspection reports specified under 40 CFR 257.105(g)(6) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	326	107.58	\$5,483.32
Place the action plan specified under 40 CFR 257.105(g)(7) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	5	1.65	\$84.10
Place the periodic inspection reports specified under 40 CFR 257.105(g)(9) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	229	75.57	\$3,851.78

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

EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Publicly Accessible Internet Site Requirements (40 CFR 257.107)</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
Place the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	684	225.72	\$11,504.88
Place the certification specified under 40 CFR 257.105(h)(3) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	41	13.53	\$689.62
Place the certification specified under 40 CFR 257.105(h)(4) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	41	13.53	\$689.62
Place the notification specified under 40 CFR 257.105(h)(5) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	213	70.29	\$3,582.66
Place the notification specified under 40 CFR 257.105(h)(7) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	213	70.29	\$3,582.66
Place the notification specified under 40 CFR 257.105(h)(8) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	11	3.63	\$185.02
Place the notification specified under 40 CFR 257.105(h)(9) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	12	3.96	\$201.84
Place the assessment of corrective measures specified under 40 CFR 257.105(h)(10) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	12	3.96	\$201.84
Place the semi-annual reports describing the progress in selecting and designing the remedy required under 40 CFR 257.105(h)(12) on the owner or operator's CCR website	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	12	3.96	\$201.84
Place the selection of remedy report specified under 40 CFR 257.105(h)(12) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	12	3.96	\$201.84
Place the notification specified under 40 CFR 257.105(h)(13) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00

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



EXHIBIT CCR-6 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

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

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$125.14 / Hour	Mgr. \$105.75 / Hour	Tech. \$50.98 / Hour	Cler. \$29.90 / Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Publicly Accessible Internet Site Requirements (40 CFR 257.107)</b>											
<b>Closure and Post-Closure Care</b>											
Place the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	41	13.53	\$689.62
Place the demonstration(s) specified under 40 CFR 257.105(i)(5) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the demonstration(s) specified under 40 CFR 257.105(i)(6) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the notification specified under 40 CFR 257.105(i)(7) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the notification specified under 40 CFR 257.105(i)(8) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	75	24.75	\$1,261.50
Place the notification required under 40 CFR 257.105(i)(9) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	75	24.75	\$1,261.50
Place the notification required under 40 CFR 257.105(i)(10) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the annual progress reports required under 40 CFR 257.105(i)(11) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
Place the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	41	13.53	\$689.62
Place the notification specified under 40 CFR 257.105(i)(13) on the owner or operator's CCR website.	0.00	0.00	0.33	0.00	0.33	\$16.82	\$0.00	\$0.00	0	0.00	\$0.00
<b>TOTAL</b>	<b>Varies</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>3,368.70</b>	<b>\$163,428.11</b>

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

EXHIBIT CCR-7

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - STATE GOVERNMENT AGENCIES AND TRIBAL AUTHORITIES <sup>a</sup>

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total
	\$87.25	\$84.94	\$45.22	\$32.27	Hours/	Cost/	Startup	O&M	Respon.	Hours/	Cost/
	/	/	/	/	Activity	Activity	Cost	Cost	Activities	Year	Year
Hour	Hour	Hour	Hour	Hour	Activity	Activity	Cost	Cost	Activities	Year	Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Location Restrictions</b>											
Review notification that each demonstration specified under 40 CFR 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	970	77.60	\$3,511.40
<b>Design Criteria</b>											
Review notification of the availability of the design certification specified under 40 CFR 257.105(f)(1) or (f)(3) and copy of the alternative composite liner design, if applicable.	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	82	6.56	\$296.84
Review notification of the availability of the construction certification specified under 40 CFR 257.105(f)(1) or (f)(3).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	82	6.56	\$296.84
Review notification of the availability of the documentation of liner type specified under 40 CFR 257.105(f)(2).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the initial and periodic hazard potential classification assessments specified under 40 CFR 257.105(f)(5).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	27	2.16	\$97.74
Review notification of the availability of the EAP, and any revisions of the EAP, specified under 40 CFR 257.105(f)(6).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	27	2.16	\$97.74
Review notification of the availability of documentation specified under 40 CFR 257.105(f)(7).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	246	19.68	\$890.52
Review notification of documentation specified under 40 CFR 257.105(f)(8).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	4	0.32	\$14.48
Review notification of the availability of the history of construction, and any revision of it, specified under 40 CFR 257.105(f)(9).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the initial and periodic structural stability assessments specified under 40 CFR 257.105(f)(10).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	22	1.76	\$79.64
Review notification of the availability of the action plan to remedy structural stability deficiencies specified under 40 CFR 257.105(f)(11).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the initial and periodic safety factor assessments specified under 40 CFR 257.105(f)(12).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the design and construction plans, and any revision of them, specified under 40 CFR 257.105(f)(13).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	22	1.76	\$79.64

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

EXHIBIT CCR-7 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM  
ELECTRIC UTILITIES

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - STATE GOVERNMENT AGENCIES AND TRIBAL AUTHORITIES <sup>a</sup>

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

INFORMATION COLLECTION ACTIVITY	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	O&M	Number of	Total	Total
	\$87.25 / Hour	\$84.94 / Hour	\$45.22 / Hour	\$32.27 / Hour	Hours/ Activity	Cost/ Activity	Startup Cost		Respon. Activities	Hours/ Year	Cost/ Year
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Operating Criteria</b>											
Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under 40 CFR 257.105(g)(1).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	41	3.28	\$148.42
Provide notification of the availability of the annual CCR fugitive dust control report specified under 40 CFR 257.105(g)(2).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	684	54.72	\$2,476.08
Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under 40 CFR 257.105(g)(3).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	7	0.56	\$25.34
Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under 40 CFR 257.105(g)(4).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	34	2.72	\$123.08
Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(6).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	326	26.08	\$1,180.12
Provide notification of the availability of the action plan specified under 40 CFR 257.105(g)(7).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	5	0.40	\$18.10
Provide notification of the availability of the periodic inspection reports specified under 40 CFR 257.105(g)(9).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	229	18.32	\$828.98

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

EXHIBIT CCR-7 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - STATE GOVERNMENT AGENCIES AND TRIBAL AUTHORITIES <sup>a</sup>

INFORMATION COLLECTION ACTIVITY	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/		Number of	Total	Total
	\$87.25 /	\$84.94 /	\$45.22 /	\$32.27 /	Hours/ Activity	Cost/ Activity	Startup Cost	O&M Cost	Respon. Activities	Hours/ Year	Cost/ Year
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Groundwater Monitoring and Corrective Action</b>											
Review notification of the availability of the annual groundwater monitoring and corrective action report specified under 40 CFR 257.105(h)(1).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	684	54.72	\$2,476.08
Review notification of the availability of the certification specified under 40 CFR 257.105(h)(3).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	41	3.28	\$148.42
Review notification of the availability of the certification specified under 40 CFR 257.105(h)(4).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	41	3.28	\$148.42
Review notification that an assessment monitoring programs has been established specified under 40 CFR 257.105(h)(5).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	213	17.04	\$771.06
Review notification that the CCR unit is returning to a detection monitoring program specified under 40 CFR 257.105(h)(7)	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	213	17.04	\$771.06
Review notification that one or more constituents in Appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under 40 CFR 257.105(h)(8).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	11	0.88	\$39.82
Review notification that an assessment of corrective measures has been initiated specified under 40 CFR 257.105(h)(9)	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	12	0.96	\$43.44
Review notification of the availability of assessment of corrective measures specified under 40 CFR 257.105(h)(10).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	12	0.96	\$43.44
Review notification of the availability of the semi-annual report describing the progress in selecting and designing the remedy specified under 40 CFR 257.105(h)(12)	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	12	0.96	\$43.44
Review notification of the availability of the selection of remedy report specified under 40 CFR 257.105(h)(12).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	12	0.96	\$43.44

Review notification of the completion of the remedy specified under 40 CFR 257.105(h)(13).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
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<sup>a</sup> Exhibit includes rounding error.

EXHIBIT CCR-7 (continued)

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - STATE GOVERNMENT AGENCIES AND TRIBAL AUTHORITIES <sup>a</sup>

Hours and Costs Per Respondent Per Activity

Total Hours and Costs

	Leg.	Mgr.	Tech.	Cler.	Respon.	Labor	Capital/	O&M	Number of	Total	Total
	\$87.25	\$84.94	\$45.22	\$32.27	Hours/	Cost/	Startup				
	/	/	/	/	Activity	Activity	Cost	Cost	Activities	Year	Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Recordkeeping, Notification, and Posting of Information to the Internet</b>											
<b>Notification Requirements (40 CFR 257.106)</b>											
<b>Closure and Post-Closure Care</b>											
Review notification of the availability of the written closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(4).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	41	3.28	\$148.42
Review notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(5).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the demonstration(s) specified under 40 CFR 257.105(i)(6).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of intent to close a CCR unit specified under 40 CFR 257.105(i)(7).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of completion of closure of a CCR unit specified under 40 CFR 257.105(i)(8)	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	75	6.00	\$271.50
Review notification of the deed notation as required by 40 CFR 257.105(i)(9). (40 CFR 257.106(i)(9))	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	75	6.00	\$271.50
Review notification of intent to comply with the alternative closure requirements specified under 40 CFR 257.105(i)(10)	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the annual progress reports under the alternative closure requirements required under 40 CFR 257.105(i)(11).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
Review notification of the availability of the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	41	3.28	\$148.42
Review notification of the availability of the written post-closure plan, and any amendment of the plan, specified under 40 CFR 257.105(i)(12).	0.00	0.00	0.08	0.00	0.08	\$3.62	\$0.00	\$0.00	0	0.00	\$0.00
<b>TOTAL</b>	<b>Varies</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>343.28</b>	<b>\$15,533.42</b>

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

EXHIBIT CCR-8a

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN - STATE GOVERNMENT AGENCIES AND TRIBAL AUTHORITIES <sup>a</sup>

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$87.25 / Hour	Mgr. \$84.94 / Hour	Tech. \$45.22 / Hour	Cler. \$32.27 / Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Solid Waste Management Plans</b>											
Prepare solid waste management plan	80.00	80.00	500.00	20.00	680.00	\$37,030.60	\$0.00	\$0.00	1	680.00	\$37,030.60
Prepare state CCR permit program application	120.00	95.00	600.00	20.00	835.00	\$46,316.70	\$0.00	\$0.00	7	5,845.00	\$324,216.90
<b>TOTAL</b>	<b>Varies</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>6,525.00</b>	<b>\$361,247.50</b>

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

EXHIBIT 8b

DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

ESTIMATED ANNUAL AGENCY HOUR AND COST BURDEN - AGENCY <sup>a</sup>

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Leg. \$91.34 Hour	Mgr. \$80.59 Hour	Tech. \$57.98 Hour	Cler. \$24.74 Hour	Respon . Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost	O&M Cost	Number of Respon. Activities	Total Hours/ Year	Total Cost/ Year
<b>INFORMATION COLLECTION ACTIVITY</b>											
<b>Solid Waste Management Plans</b>											
Review and approve solid waste management plan submitted by State	12.00	32.00	80.00	5.00	129.00	\$8,437.47	\$0.00	\$0.00	1	129.00	\$8,437.47
Review and approve state CCR permit program application submitted by State	38.00	47.00	120.00	5.00	210.00	\$14,340.66	\$0.00	\$0.00	7	1,470.00	\$100,384.59
<b>TOTAL</b>	<b>Varies</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>1,599.00</b>	<b>\$108,822.06</b>

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

**EXHIBIT CCR-9**  
**DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES**  
**TOTAL ESTIMATED RESPONDENT HOUR AND COST BURDEN SUMMARY <sup>a</sup>**

	<b>Annual Burden Hours</b>	<b>Annual Labor Cost</b>	<b>Annual Capital/Startup Cost</b>	<b>Annual O&amp;M Cost</b>	<b>Total Annual Cost</b>
Location Restrictions (Exhibit 1)	5,883.50	\$301,712.50	\$0.00	\$368,600.00	\$670,312.50
Design Criteria (Exhibit 2)	3,712.75	\$195,275.52	\$0.00	\$98,613.00	\$293,888.52
Operating Criteria (Exhibit 3)	130,183.00	\$7,550,908.30	\$0.00	\$260,473.00	\$7,811,381.30
Groundwater Monitoring and Corrective Action (Exhibit 4)	19,725.20	\$1,051,246.77	\$0.00	\$5,534,584.00	\$6,585,830.77
Closure and Post-Closure Care (Exhibit 5)	5,577.50	\$285,892.63	\$0.00	\$1,259,576.00	\$1,545,468.63
Recordkeeping, Notification, and Posting of Information to the Internet - Owners and Operators of CCR Units (Exhibit 6)	3,368.70	\$146,821.94	\$0.00	\$16,606.17	\$163,428.11
Recordkeeping, Notification, and Posting of Information to the Internet - State Government Agencies and Tribal Authorities (Exhibit 7)	343.28	\$15,533.42	\$0.00	\$0.00	\$15,533.42
Solid Waste Management Plans (Exhibit 8a)	6,525.00	\$361,247.50	\$0.00	\$0.00	\$361,247.50
<b>Total</b>	<b>175,319</b>	<b>\$9,908,639</b>	<b>\$0</b>	<b>\$7,538,452</b>	<b>\$17,447,091</b>
<b>3-year Total</b>	<b>525,957</b>	<b>\$29,725,915</b>	<b>\$0</b>	<b>\$22,615,357</b>	<b>\$52,341,271</b>

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





## **6(e) BOTTOM LINE BURDEN HOURS AND COSTS**

### ***40 CFR Parts 260 and 261***

#### **Respondent Tally**

As shown in Exhibit 7, EPA estimates a total respondent burden of 127,889 hours per year at a cost of \$18,375,531. The bottom line burden to respondents over three years is 383,667 hours, with a cost of approximately \$55,126,593.

#### **Agency Tally**

As shown in Exhibit 10, EPA estimates an annual Agency burden of 5,187 hours at a cost of \$445,446 per year. The bottom line burden to the Agency over three years is 15,561 hours, at a cost of \$1,336,338.

### ***40 CFR Part 257***

#### ***DISPOSAL OF COAL COMBUSTION RESIDUALS***

As shown in Exhibit CCR-9, EPA estimates the annual respondent burden to be 175,319 hours and \$17,447,091. The bottom line burden to respondents over three years is estimated to be 525,957 hours and \$52,341,271. The annual O&M cost to respondents is \$7,538,452.

Exhibit CCR-8b summarizes the total annual Agency hour or cost burden associated with reviewing and approving State SWMPs and CCR permit program applications. As shown in the exhibit, EPA estimates the annual Agency burden to be 1,599 hours and \$108,822.

## **6(f) REASONS FOR CHANGE IN BURDEN**

### ***40 CFR Parts 260 and 261***

ICR #1189.26 was the previously approved ICR for the Parts 260 and 261 paperwork requirements. This ICR includes minor burden associated with the "Hazardous Waste Export-Import Revisions Rule," ICR #2519.02.

The annual respondent burden in this current ICR is estimated to be 127,889 hours, which is an increase of 1,777 hours from the previously finalized/approved ICR. The burden increase is an adjustment to the existing estimates based on data gathered through consultations with EPA Regional and State Offices and the regulated community, not due to program changes.

### ***40 CFR Part 257***

The annual respondent burden in this current ICR is estimated to be 175,319 hours, which is a decrease of 166,948 hours from the previously finalized/approved ICR of 342,267 hours. The burden decrease is a result of an updated (smaller) universe of respondents, and the completion of many one-time requirements in the original ICR period that are not required during this ICR period.

**6(g) BURDEN STATEMENT**

**40 CFR Parts 260 and 261**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 3 minutes per response. The annual public reporting and recordkeeping burden for each type of petition or demonstration submitted under provisions covered in this collection of information is estimated as average hours per respondent (see Exhibit 11 below).

**EXHIBIT 11  
AVERAGE RESPONDENT BURDEN**

<b>Type of Petition or Demonstration</b>	<b>Average Reporting Burden per Respondent</b> (hours/respondent)	<b>Average Record-Keeping Burden per Respondent</b>
Equivalent Methods Petitions	239.00	1.75
Delisting Petition	648.00	1.75
Solid Waste Variance	121.00	1.75
Boiler Variance	116.00	1.75
Wastewater Exemption	28.00	1.75
Nonwastewater Exemption	3.50	2.25
Wood Preserving Processes Exclusion	18.50	1.75
Mineral Processing Exclusion	0.00	1.75
Zinc Fertilizer Exclusion	3.52	3.05
Chromium Exemption	28.00	1.75
Exemption for Samples	21.00	1.75
Exemption for Treatability Study Samples	16.00	5.75
Exemption for Treatability Study Samples Undergoing Testing	21.00	2.75
Exemption for Waste from Non-Specific Sources	0.00	53.75
Equipment Cleaning and Replacement	0.00	63.75
Listing Exemption for Organic Dyes and Pigments Production Nonwastewaters	0.00	28.18
Exclusion for recycling of Used CRTs	4.90	1.95
Revisions to Headworks Exclusion	26.50	2.25
F019 Listing Exemption	0.00	1.89
Solvent-Contaminated Wipes Exclusion	0.00	0.96
Revisions to Exclusions for CRTs	3.24	1.16
CO <sub>2</sub> Exclusion	0.00	18.38

## **40 CFR Part 257**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 7 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 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-2018-0534, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC 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 OSWER 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 No. EPA-HQ-OLEM-2018-0534 and OMB control number 2050-0053 in any correspondence.