

**2Supporting Statement for a Request for OMB Review under  
The Paperwork Reduction Act**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title and Numbers of the Information Collection**

**Identification, Listing and Rulemaking Petitions (Proposed Rule titled ‘Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure; Legacy Units’)**

**EPA ICR No.: 2609.01 OMB Control No.: 2050-NEW  
Docket ID No.: EPA-HQ-OLEM-2019-0173**

**1(b) Short Characterization**

This ICR amends the previously approved ICR (EPA ICR Number 1189.29), OMB Control No. 2050-0053, which covers the Identification, Listing and Rulemaking Petitions under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, codified under 40 Code of Federal Regulations (CFR) part 257. This ICR package (EPA ICR Number 2609.01) represents the new information collection requirements imposed by the proposed rule titled ‘Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure; Legacy Units’ (referred to herein as the Part B Proposed Rule).

The EPA published a final rule to regulate the disposal of coal combustion residuals (CCR) from electric utilities as solid waste under RCRA Subtitle D. See 80 Fed. Reg. 21302 (April 17, 2015). EPA established national minimum criteria for existing and new CCR landfills and CCR surface impoundments and all lateral expansions to include location restrictions, design and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, and recordkeeping, notification, and internet posting requirements. Since the final rule, several court decisions have required accelerated closure timelines for many units and forced closures for many units previously categorized as lined.<sup>1</sup> The Part B Proposed Rule allows for units to receive variances for unlined surface impounds, use CCR during closure, and requires additional documentation for closing units.

---

<sup>1</sup> See *Utility Solid Waste Activities Group, et al v EPA*, No. 15-1219 (D.C. Circuit) and *Waterkeeper Alliance Inc. et al. v. EPA* No. 18-1289 (D.C. Circuit)

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

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

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

At the time the CCR regulations issued on April 17, 2015, under Subtitle D of RCRA, EPA had no formal role in rule implementation or enforcement of the requirements in the rule. Therefore, the regulations were “self-implementing,” that is, a facility must comply with them without any action by a regulatory agency.

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

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

The proposed Part B Rule requires additional documentation for several provisions designed to align the current practices of CCR units with the recent court decisions. Most of these provisions are optional, and only owner/operators that are anticipated to receive an operational cost savings will respond. Additional documentation is required of units that wish to demonstrate the suitability of a current liner (Provision 1), to place CCR in management units subject to forced closure (Provision 2), or avoid intermediate documentation requirements by certifying closure completion before groundwater remediation at a site is completed (Provision 3). Only one provision (Provision 5, revised closure plans and annual closure progress reports) imposes additional requirements on an involuntary basis.

### **2(b) Use/Users of the Data**

The proposed Part B Rule adjusts certain provisions of the 2015 CCR Rule, which requires owners or operators of CCR units to document how the various provisions of the rule have been met by placing information (e.g., demonstrations, plans, records, notifications, and reports) in the

operating record and providing notification of these actions to the state and/or appropriate Tribal authority. The owner or operator is also required to establish and maintain a publicly accessible internet site that displays documentation that has, in many instances, also been entered into the operating record. The owner or operator must place files documenting compliance with the location restrictions; design criteria; operating criteria; groundwater monitoring and corrective action; closure and post-closure care, into the operating record, with the specific documentation requirements found in 40 CFR 257.105. Each file must be maintained in the operating record for a period of at least five years following submittal of the file into the operating record. In certain instances, however, files must be maintained until the CCR unit completes closure.

Additional documentation requirements under the proposed Part B Rule provisions will be similarly maintained, and may also be submitted directly to EPA, in the case of applications, demonstrations, or other reports that EPA must affirmatively approve for certain activities to be allowed to take place under the proposed rule. Users of the additional documentation include EPA (who will determine the completeness of applications for alternative liner demonstrations and the appropriateness of the revised closure plans that include placing CCR in units subject to forced closure under Provision 2, Co-Proposed Option 1), states that operate their own CCR program, and other private or public entities that may use the information to inform legal proceedings. For example, community groups currently access CCR unit information on the CCR compliance websites required under 40 CFR 257.107 to inform the public regarding local CCR management practices; these groups will likely use this information in a similar manner.

### **3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-Duplication**

None of the information required by the regulations covered in this ICR is available from any source but the respondents. None of the regulations are duplicative of any other EPA regulations. Changes to recordkeeping requirements under the proposed Part B Rule are not duplicative with any information required by the existing Federal RCRA regulations.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

In compliance with the Paperwork Reduction Act of 1995, EPA opened a public comment period for the ICR when the Amendments to the National Regulations (Phase One, Part One) rule was published in the *Federal Register* on July 30, 2018 (83 FR 36435, Docket No. EPA-HQ-OLEM-2017-0286); this proposed rule in part incorporates a number of comments received. However, none of the comments received affected the assumptions of methodologies used to estimate paperwork burden in this ICR.

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

In compliance with the Paperwork Reduction Act of 1995, EPA opened a public comment period for the ICR when the Amendments to the National Regulations (Phase One, Part One) rule was published in the *Federal Register* on July 30, 2018 (83 FR 36435, Docket No. EPA-HQ-OLEM-2017-0286). At the end of the comment period, EPA reviewed public

comments received in response to the notice.

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

EPA has carefully considered the information collection burden imposed by the 2015 CCR rule, and the adjustments in the proposed Part B Rule. EPA is confident that those activities required of respondents are necessary to provide sufficient information to state and public users to make informed decisions about policies and actions related to implementation of the 2015 CCR rule. To the extent possible, the Agency has attempted to minimize the burden imposed by refining existing information requirements and specifying electronic publication of the information on existing web sites. Furthermore, the majority of the activities required of respondents under the proposed Part B Rule are voluntary in nature and are required only if the respondents wish to avail themselves of the operational cost savings associated with new compliance options under the proposed rule.

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

This information collection complies with the general guidelines found at 5 CFR 1320.5.

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

None of the information collection requirements of the 2015 CCR Rule or the Part B Proposed Rule require the disclosure of confidential business information.

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

There are no sensitive questions contained in this information collection.

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

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

Respondents affected by this activity are electric power generators who use coal to produce electricity; these plants are categorized mainly under NAICS code 221112 (Fossil Fuel Electric Power Generation).<sup>2</sup>

---

<sup>2</sup> The 2015 final CCR rule directly affected facilities in NAICS code 221112, “Fossil Fuel Electric Power Generation.” However, some owners of coal-fired electric utility plants may use a different primary NAICS codes, e.g., municipal-owned utilities may use a primary NAICS code associated with local governments, and some smaller electricity-generating cooperatives may use NAICS code 221118, “Other Electric Power Generation” in lieu of NAICS code 221112. In addition, the 2015 final CCR rule also noted other industries that may be indirectly affected, including the commercial waste transportation industry (NAICS 484230, “Specialized Freight (except Used Goods), Trucking, Long-Distance”), the commercial waste disposal industry (NAICS 562212, “Solid Waste Landfills,” NAICS 562219, “Other Non-Hazardous Waste Treatment and Disposal,” and NAICS 562910, “Environmental Cleanup/Remediation Services”), and sand and gravel pits and quarries (NAICS 212, “Mining, except Oil and Gas”). In rare cases, a respondent affected by the proposed Part B Rule may fall into an industry beyond coal-fired electric utility plants, i.e., an off-site landfill that only receives CCR waste and therefore meets the definition of a CCR management unit under 40 CFR 257.

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

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

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

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

Respondent activities are grouped according to the relevant provision from the Proposed part B rule. The following provisions include paperwork or reporting requirements:

#### *Provision 1*

This provision allows the owner/operator of a CCR surface impoundment to demonstrate that the impoundment's clay liner meets the § 4004(a) standard for sanitary landfill classification, and therefore that the unit should be classified as "lined" under the CCR Rule. For each unit, owners/operators must submit an application to EPA expressing their interest to pursue a liner demonstration. If the demonstration for a given unit is approved by EPA, the owner/operator may proceed to complete the demonstration. This provision is voluntary; owners/operators of CCR impoundments are not required to submit the application, or to submit the demonstration if their application is approved.

#### *Provision 2*

This provision includes two co-proposed options allowing for the placement of CCR in CCR management units subject to forced closure:

- Co-Proposed Option 1: Owner/operators of CCR management units subject to forced closure wishing to place CCR in these units must complete a final cover system demonstration and revise their closure plans. The demonstration and closure plan are subject to EPA review; if EPA's review rejects the submitted documentation, placement of CCR in the unit subject to forced closure is not allowed.
- Co-Proposed Option 2: Owner/operators of CCR management units subject to forced closure wishing to place CCR in these units as a beneficial use must revise their closure plans.

#### *Provision 3*

This provision allows for an additional closure option for CCR units being closed by removal of CCR ("clean closure"). This provision allows units closing by removal of CCR to certify closure once all removal and decontamination activities are complete, aside from groundwater corrective action, which may be allowed to continue during the post-closure care period. This provision entails several additional documentation requirements for any CCR unit pursuing this additional closure option: a closure plan revision, a post-closure plan revision, and property deed notation revision. However, this provision also results in several avoided documentation requirements: hazard potential classification, structural stability assessment,

safety factor assessment, fugitive dust control annual report, and annual inspection report. The avoided documentation requirements arise from the fact that they are not required for closed units, and under this additional closure option, units would be able to certify closure earlier than otherwise. Some avoided requirements are annual, while the others recur on a five-year basis.

#### *Provision 5*

This provision adds two new documentation requirements for closing units. First, facilities must re-post any prior Notices of Intent to Close, and the re-posted versions must specify an intended date of closure. Any future Notices of Intent to Close, i.e., non-re-postings, must also specify an intended date of closure. Second, all units undergoing closure must file annual closure progress reports.

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

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

Under the proposed Part B Rule, EPA will review some the new documentation submitted to the Agency. However, EPA does not anticipate an increase in burden.

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

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

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

All owner/operators regardless of company size will be treated in the same manner. EPA's Regulatory Impact Analysis determined that the proposed Part B Rule is a cost-saving rule that will not have a significant economic impact on a substantial number of small entities.<sup>3</sup>

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

Information collected varies based on the provisions of the 2015 CCR Rule and the timing of coal-fired boiler closure. The requirements outlined in this ICR contain some one-time submissions and some regularly-recurring reporting activities, including annual progress reports. The majority of requirements are new (but voluntary) one-time submissions, though Provision 5 of the proposed Part B Rule also requires annual closure progress reports and adds additional requirements to one-time Notices of Intent to Close that will be posted in the future.

---

<sup>3</sup> *Regulatory Impact Analysis: EPA's 2019 RCRA Proposed Rule; Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure; Legacy Units, December 2019.*

## 6. 1 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

### 6(a) Estimating Respondent Burden

EPA relies on estimates of the universe of respondents affected from the corresponding Regulatory Impact Analysis and estimates of the relative burden of specific requirements from the prior approved ICR for the CCR program.<sup>4</sup> Currently, there are 300 total coal-fired power plants potentially subject to the requirements in the Proposed Part B Rule, which includes a maximum of 407 CCR units for which an owner/operator would be subject to one of the reporting requirements. The per-respondent burdens and the number of total respondent activities are given in **Table 6.1** and the total annual respondent burden is shown in **Table 6.2**.

**Table 6.1: RESPONDENT BURDEN ESTIMATES**

Collection Activities	Annual Responses	Hours per Response			
		Leg.	Mgr.	Tech.	Cler.
<b>Provision 1</b>					
Alternate liner demonstration application	26	0.00	1.10	27.00	1.62
Alternate liner demonstration	5	0.00	11.00	270.00	16.20
<b>Provision 2, Co-Proposed Option 1</b>					
Final cover system demonstration	70	0.00	0.00	2.00	0.25
Closure plan revision	70	8.00	18.00	96.00	15.60
<b>Provision 2, Co-Proposed Option 2</b>					
Closure plan revision	92	8.00	18.00	96.00	15.60
<b>Provision 3</b>					
Closure plan revision	21	8.00	18.00	96.00	15.60
Post-closure plan revision	21	8.00	18.00	96.00	15.60
Property deed notation	21	0.00	0.00	0.00	0.00
Avoided hazard classification	(21)	0.00	0.50	20.00	3.00
Avoided structural stability assessment	(21)	0.00	1.00	16.00	3.00
Avoided safety factor assessment	(21)	0.00	1.00	16.00	3.00
Avoided fugitive dust control annual report	(21)	0.00	0.00	3.00	0.50
Avoided annual inspection report	(21)	0.00	0.00	3.00	0.50
<b>Provision 5</b>					
Notice of Intent to Close revision	54	0.00	0.50	0.00	0.00
Annual closure progress reports	271	0.00	0.00	3.00	0.50
<b>Totals with Provision 2, Co-Proposed Option 1</b>	455				
<b>Totals with Provision 2, Co-Proposed Option 2</b>	407				
Notes:					
1. Negative response numbers (i.e., those in parentheses) indicate a reduction in burden.					

The specific burden estimates for closure plan revisions, demonstrations, avoided requirements under Provision 3, and additional reporting requirements under Provision 5 are assumed to be equivalent to similar requirements from the prior CCR program ICR.<sup>5</sup> The total annual burden

<sup>4</sup> See EPA ICR #1189.29.

<sup>5</sup> See EPA ICR #1189.29. Specifically, this ICR uses the estimated burden for the activity: “Prepare semi-annual report describing the progress in selecting and designing the remedy” under 40 CFR 257.97 as an estimate for items 4 and 6 in Table 6.1. The estimate for items 3 and 5 is calculated as the sum of the semi-annual reporting and the

for all firms is estimated to be either 17,301 hours (assuming Provision 2, Co-Proposed Option 1 is included) or 20,170 hours (assuming Provision 2, Co-Proposed Option 2 is included).

**Table 6.2: TOTAL ANNUAL RESPONDENT BURDEN ESTIMATES**

Collection Activities	Burden Hours (per year)				Total Hours
	Leg.	Mgr.	Tech.	Cler.	
<b>Provision 1</b>					
Alternate liner demonstration application	0.00	28.97	711.00	42.66	782.63
Alternate liner demonstrations	0.00	52.07	1,278.00	76.68	1,406.75
<b>Provision 2, Co-Proposed Option 1</b>					
Final cover system demonstration	0.00	0.00	140.67	17.58	158.25
Closure plan revision	562.67	1,266.00	6,752.00	1,097.20	9,677.87
<b>Provision 2, Co-Proposed Option 2</b>					
Closure plan revision	738.67	1,662.00	8,864.00	1,440.40	12,705.07
<b>Provision 3</b>					
Closure plan revision	168.00	378.00	2,016.00	327.60	2,889.60
Post-closure plan revision	168.00	378.00	2,016.00	327.60	2,889.60
Property deed notation	0.00	0.00	0.00	0.00	0.00
Avoided hazard classification	0.00	(10.50)	(420.00)	(63.00)	(493.50)
Avoided structural stability assessment	0.00	(21.00)	(336.00)	(63.00)	(420.00)
Avoided safety factor assessment	0.00	(21.00)	(336.00)	(63.00)	(420.00)
Avoided fugitive dust control annual report	0.00	0.00	(63.00)	(10.50)	(73.50)
Avoided annual inspection report	0.00	0.00	(63.00)	(10.50)	(73.50)
<b>Provision 5</b>					
Notice of Intent to Close revision	0.00	27.17	0.00	0.00	27.17
Annual closure progress reports	0.00	0.00	814.00	135.67	949.67
<b>Totals with Provision 2, Co-Proposed Option 1</b>	<b>898.67</b>	<b>2,077.70</b>	<b>12,509.67</b>	<b>1,814.99</b>	<b>17,301.02</b>
<b>Totals with Provision 2, Co-Proposed Option 2</b>	<b>1,074.67</b>	<b>2,473.70</b>	<b>14,481.00</b>	<b>2,140.61</b>	<b>20,169.97</b>
Notes:					
1. Negative response numbers (i.e., those in parentheses) indicate a reduction in burden.					

### 6(b) Estimating Respondent Costs

Respondent hourly costs in this ICR have been calculated using data from the Bureau of Labor Statistics, following the most recent ICR related to CCR regulations.<sup>6</sup> Total hourly cost estimates include wages, fringe benefits, and overhead. Unadjusted hourly rates are from BLS.<sup>7</sup> This ICR assumed a fringe benefits rate of 33.3% and an overhead rate of 12% (a total

requirement to “Document that there is no alternative CCR disposal capacity” under 40 CFR 257.103. The burden estimate for item 2 is estimated as the requirement to obtain certification that there is no alternative CCR disposal capacity under 40 CFR 257.103.

<sup>6</sup> See EPA ICR #1189.29.

<sup>7</sup> Mean hourly rates from 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).



fringe/overhead multiplier of 1.78).<sup>8,9,10</sup> Hourly rates were adjusted to 2019 levels using the BLS Employment Cost Index.<sup>11</sup>

**Table 6.3: RESPONDENT LABOR RATES**

Labor Category	Occupation code	May 2017 Mean Hourly Rate <sup>a</sup> [A]	Fringe/Overhead Multiplier [B]	Employment Cost Index Adjustment to 2019 Levels <sup>d</sup> [C]	2019 Loaded Rate [D] = [A]×[B]×[C]
Legal	23-1011	\$68.22	1.78	1.050	\$127.82
Managerial	11-0000	\$57.65	1.78	1.050	\$108.01
Technical	17-3026	\$27.79	1.78	1.050	\$52.07
Clerical	43-9061	\$16.30	1.78	1.050	\$30.54

Estimated total annual labor costs to the respondents are equal to \$1,046,088 if Provision 2, Co-Proposed Option 1 is included and \$1,223,948 if Provision 2, Co-Proposed Option 2 is included, and are presented in **Table 6.4**.

**Table 6.4: ANNUAL RESPONDENT (OWNER/OPERATOR) LABOR COST ESTIMATES**

Labor category	Hourly cost	Totals with Provision 2, Co-Proposed Option 1			Totals with Provision 2, Co-Proposed Option 2		
		Net Number of respondent activities <sup>1</sup>	Labor hours	Labor Cost Total	Net Number of respondent activities <sup>1</sup>	Labor hours	Labor Cost Total
Legal	\$127.82	112	899	\$114,868	134	1,075	\$137,364
Managerial	\$108.01	135	2,078	\$224,412	157	2,474	\$267,184
Technical	\$52.07	380	12,510	\$651,378	332	14,481	\$754,026
Clerical	\$30.54	380	1,815	\$55,430	332	2,141	\$65,374
<b>Total</b>	Varies	Varies	17,301	\$1,046,088	Varies	20,170	\$1,223,948

Notes:

1. Net activities include the sum of additional activities and incremental reductions in activities

<sup>8</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 “Employer Costs for Employee Compensation” (ECEC), June 2018 at <https://www.bls.gov/news.release/ecec.t06.htm>.

<sup>9</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>10</sup> = [1+ (Fringe Benefits %)] ÷ [(100% - Fringe Benefits %) × (1+ Overhead %)]

<sup>11</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 – March 2019; April 2019. Available online at:

<https://www.bls.gov/web/eci/ecicois.pdf>, last accessed on May 15, 2019. Civilian Workers, All Workers, June 2017=129.7 and March 2019=136.2.

Estimated total annual O&M costs to the respondents are equal to \$4,011,237.20, assuming Provision 2, Co-Proposed Option 1 is included, and \$4,639,111.77, assuming Provision 2, Co-Proposed Option 2 is included. O&M costs are adapted from the relevant activities from the 2015 CCR ICR and are presented in **Table 6.5**.

**Table 6.5: ANNUAL RESPONDENT (OWNER/OPERATOR) O&M COST ESTIMATES**

Collection Activities	O&M Cost	Number of Respondent Activities	Total O&M Cost
<b>Provision 1</b>			
Alternate liner demonstration application	\$10,708.96	26	\$282,002.57
Alternate liner demonstration	\$107,089.58	5	\$506,890.70
<b>Provision 2, Co-Proposed Option 1</b>			
Final cover system demonstration	\$20.58	70	\$1,447.54
Closure plan revision	\$28,605.55	70	\$2,011,923.70
<b>Provision 2, Co-Proposed Option 2</b>			
Closure plan revision	\$28,605.55	92	\$2,641,245.81
<b>Provision 3</b>			
Closure plan revision	\$28,605.55	21	\$600,716.56
Post-closure plan revision	\$28,605.55	21	\$600,716.56
Property deed notation	\$1,143.40	21	\$24,011.37
Avoided hazard classification	\$0.00	(21)	\$0.00
Avoided structural stability assessment	\$3.43	(21)	(\$72.03)
Avoided safety factor assessment	\$3.43	(21)	(\$72.03)
Avoided fugitive dust control annual report	\$388.76	(21)	(\$8,163.87)
Avoided annual inspection report	\$388.76	(21)	(\$8,163.87)
<b>Provision 5</b>			
Notice of Intent to Close revision	\$0.00	54	\$0.00
Annual closure progress reports	\$0.00	271	\$0.00
<b>Totals with Provision 2, Co-Proposed Option 1</b>	Varies	Varies	\$4,011,237.20
<b>Totals with Provision 2, Co-Proposed Option 2</b>	Varies	Varies	\$4,639,111.77

Estimated total costs to the respondents are equal to the sum of labor costs and O&M costs, for a total cost of \$5,057,325 (including Provision 2, Co-Proposed Option 1), and \$5,863,060 (including Provision 2, Co-Proposed Option 2), as presented in **Table 6.6**. There are no capital costs associated with this collection.

**Table 6.6: TOTAL ANNUAL RESPONDENT (OWNER/OPERATOR) COST ESTIMATES**

Cost Category	Cost with Provision 2, Co-Proposed Option 1	Cost with Provision 2, Co-Proposed Option 2
Labor Costs	\$1,046,088	\$1,223,948
O&M Costs	\$4,011,237	\$4,639,112
<b>TOTAL</b>	<b>\$5,057,325</b>	<b>\$5,863,060</b>

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

EPA does not anticipate any additional burden under the Proposed Part B Rule. EPA assumes that all requirements by EPA to review applications will be met by the existing capacity at EPA to manage CCR-related tasks.

### 6(d) Total Burden Estimates

Table 6.7 displays the annual burdens and costs borne by respondents associated with preparing, filing and reviewing a reporting form resulting from this information collection.

**Table 6.7. TOTAL COST AND BURDEN SUMMARY**

	Annual Burden Hours	Annual Labor Cost	Annual Capital/Startup Cost	Annual O&M Cost	Total Annual Cost
Industry (with Provision 2, Co-Proposed Option 1)	17,301	5,057,325	\$0	\$4,011,237	\$5,057,325
Industry (with Provision 2, Co-Proposed Option 2)	20,170	5,863,060	\$0	\$4,639,112	\$5,863,060

### 6(e) Reasons for Change in Burden

The estimated annual respondent burden has increased by either 17,301 hours (assuming Provision 2, Co-Proposed Option 1 is included) or 20,170 hours (assuming Provision 2, Co-Proposed Option 2 is included) in total estimated respondent burden compared with that identified in the information collection most recently approved respondent burden by OMB associated with the CCR program (175,319 hours).<sup>12</sup> This reflects an increase in the requirements for respondents associated with the proposed Part B Rule. Also, the costs to the industry respondents increased by either \$5,057,325 (assuming Provision 2, Co-Proposed Option 1 is included) or \$5,863,060 (assuming Provision 2, Co-Proposed Option 2 is included), again reflecting the additional requirements associated with the proposed Part B Rule. While there is an increase in ICR burden associated with the additional reporting related to the Proposed Part B Rule, most of the burden is voluntary and is expected to be much smaller in magnitude than the operational cost savings related to closure extensions or the ability to use CCR in closure, as shown in the corresponding Regulatory Impact Analysis for this proposed rule.<sup>13</sup>

### 6(f) Burden Statement

The annual public burden for this collection of information is estimated to average 17.2 hours per response (assuming Provision 2, Co-Proposed Option 1 is included), and 21.1 hours per response (assuming Provision 2, Co-Proposed Option 2 is included). Burden is defined in 5

<sup>12</sup> This ICR burden is compared to EPA ICR #1189.29, OMB Control # 2050-0053, specifically the sections covering 40 CFR Part 257 (CCR regulations).

<sup>13</sup> *Regulatory Impact Analysis: EPA's 2019 RCRA Proposed Rule; Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure; Legacy Units, December 2019.*

CFR 1320.3(b). 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 number for this information collection appears on page 1 of this document. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OLEM-2019-0173, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in-person viewing at the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the WJC West Building, Room 3334, 1301 Constitution Ave., N.W., Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

You may submit comments regarding 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. Submit your comments, referencing Docket ID No. EPA-HQ-OLEM-2019-0173 and OMB Control No. 2050-0053, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA-HQ-OLEM-2019-0173, Mailcode: 28221T, 1200 Pennsylvania Ave., N.W., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.