

Request for a Non-Substantive Change to an Existing Approved Information Collection

(EPA ICR No. 1446.13; OMB Control No. 2070-0112)

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I. Introduction

Why is EPA Requesting a Non-Substantive Change?

This non-substantive change request reallocates individual paperwork activities, or information collections (ICs), from a guidance-related ICR to an existing approved ICR. This change request also effectuates the burden changes described in the guidance-related ICR and summarized herein. The changes described in this request are non-substantive because OMB has already approved them in the guidance-related ICR package under [OMB Control No. 2070-0211](#). As explained in guidance-related ICR, the incremental changes to the baseline paperwork activities and their related burden, as well as the analysis of the program change burden, are related to EPA's regulations pertaining to the disposal of polychlorinated biphenyls (PCBs). The guidance-related ICR also points out the burden associated with EPA's PCB regulations are primarily presented in a separate ICR package approved under [OMB Control No. 2070-0112](#). Additionally, the guidance-related ICR qualitatively discussed changes that would decrease the burden associated with ICR package approved under OMB Control No. 2070-0112. Given the closely related nature of the guidance-related ICR and the overall PCB ICR, EPA is seeking to consolidate the burden from the guidance-related ICR into the ICR package approved under OMB Control No. 2070-0112.

II. Background

Overview of the Guidance and the Guidance-Related ICR

On October 4, 2019, EPA published a guidance entitled, “[Guidance for Applicants Requesting to Treat/Dispose of PCBs Using Incineration or an Alternative Method \(New\)](#)”. The guidance consolidated and updated two previously existing guidance documents pertaining to the approval process for methods of disposing of PCBs. Under the Toxic Substances Control Act (TSCA), persons disposing of regulated PCBs are required to use approved methods and, in some cases, obtain an approval. Two of the approved methods to dispose of PCB wastes are incinerators and high efficiency boilers that comply with requirements in §§761.70 or 761.71, respectively. §761.70(d) discusses the approval process where an application and a demonstration test are required prior to destroying PCBs in an incinerator. Under §761.60(e), facilities may request approval of a method alternative to incinerators or high efficiency boilers if the method can achieve a level of performance equivalent to an incinerator approved under §761.70. As such, the approval process for §761.60(e) is generally similar to the discussion presented in §761.70(d).

Guidance documents were developed in 1986 for persons applying to EPA for approval to dispose of PCBs using incineration (§761.70) or a method alternative to incineration (§761.60(e)). The guidances were split into two documents (thermal and non-thermal) and they present and discuss the format, content, and suggested level of detail for approval applications, test plans, and test reports. These guidance documents have been updated and combined into a single document under the most recent guidance.

OMB approved the guidance-related ICR on October 1, 2019 under OMB Control No. 2070-0211. The guidance-related ICR addresses the paperwork activities associated with the amended reporting and recordkeeping requirements and the incremental program change burdens, specifically:

- Reading the guidance,
- Utilizing tables from the guidance when submitting an application.

The guidance-related ICR also qualitatively discusses that the simplified and improved guidance and tables will ultimately reduce burden for parties submitting PCB-disposal applications by streamlining the application and approval process. However, the guidance-related ICR did not quantify those changes, because they would have created a net negative burden, which could not have existed in a stand-alone ICR.

Did OMB Review the Guidance Under Executive Order (EO) 12866?

No. The guidance was not a significant regulatory action under the EO. However, EPA did submit the guidance-related ICR to OMB for review as required under the Paperwork Reduction Act and OMB’s implementing regulations at 5 CFR 1320.11. OMB approved the guidance-related ICR package on October 1, 2019.

III. Description of Non-Substantive Changes

What Information Collection Request (ICR) is EPA changing?

ICR Title: PCBs, Consolidated Reporting and Recordkeeping Requirements

ICR Numbers: EPA ICR No. 1446.12; [OMB Control No. 2070-0112](#)

What is the current status of this ICR?

This ICR is currently approved through November 30, 2022. The ICR currently identifies the information collections (ICs), responses per IC, and burden subtotal per IC shown in Table 1. The total annual burden approved for this ICR is 681,373 hours, with an estimated 87,190 respondents per year.

What are the changes that EPA is making to this ICR?

EPA is making two distinct changes to the ICR. First, EPA is adjusting the baseline unit burden for submitting PCB disposal applications. EPA is updating and clarifying the number of parties that will apply for a disposal permit and also correcting a transcription error. Second, EPA is transferring certain information collection activities and related burden recently approved under OMB Control No. 2070-0211 (identified in Table 2 of this request) to this ICR (i.e., OMB Control No. 2070-0112). Additionally, due to the simplifying nature of the guidance document, EPA expects that the amount of time required for a party to complete an application will decrease. Therefore, EPA is decreasing the burden allotted to creating and submitting a PCB disposal application

Table 1. Currently Approved ICs under EPA ICR No. 1446.12

| Subparts | Total # of Respondents | Total Hours Per Year | Total Hours Per Respondent ^[a] | Total Cost Per Year | Total Cost Per Hour ^[b] |
|--------------------------------|------------------------|----------------------|---|---------------------|------------------------------------|
| Reporting | | | | | |
| Subpart B | 30 | 30 | 1 | \$913 | \$30 |
| Subpart D | 312 | 141,591 | 353 | \$3,624,106 | \$3 |
| Subpart E | 3 | 61 | 20 | \$4,357 | \$71 |
| Subpart G | 100 | 17 | 0.167 | \$1,299 | \$78 |
| Subpart J | 124 | 7,316 | 59 | \$554,652 | \$76 |
| Subpart K | 300 | 450 | 1.5 | \$29,100 | \$65 |
| Subpart T | 5 | 80 | 16 | \$5,059 | \$63 |
| Subtotal Reporting | 874 | 122,545 | | \$4,219,486 | \$34 |
| Third-Party Reporting | | | | | |
| Subpart B | 20 | 3 | 0.17 | \$262 | \$87 |
| Subpart D | 23,147 | 2,663 | 0.12 | \$204,275 | \$77 |
| Subpart G | 402 | 232 | 0.58 | \$12,536 | \$54 |
| Subpart J | 72 | 36 | 0.50 | \$1,598 | \$44 |
| Subpart K | 3,695 | 924 | 0.25 | \$70,205 | \$75 |
| Subtotal Third-Party Reporting | 27,336 | 3,858 | | \$288,876 | \$75 |
| Recordkeeping | | | | | |
| Subpart B | 16,200 | 2,125 | 0.13 | \$157,469 | \$74 |
| Subpart D | 30,633 | 74,327 | 2.43 | \$3,146,541 | \$42 |
| Subpart E | 81 | 972 | 12 | \$76,140 | \$78 |
| Subpart G | 215 | 1,638 | 7.62 | \$111,388 | \$68 |
| Subpart J | 11,846 | 475,862 | 40 | \$22,371,774 | \$47 |
| Subpart T | 5 | 80 | 16 | \$2,444 | \$30 |
| Subtotal Recordkeeping | 58,980 | 555,004 | | \$25,865,756 | \$48 |
| Totals | 87,190 | 681,407 | | \$30,374,118 | |

Adjustments – Burden Increases*Baseline Correction*

EPA is correcting an apparent transcription error related to ICR No. 1446.12. Although the supporting statement for that ICR outlines various burden activities that total to 681,407 hours of burden per year, the approved burden on the November 20, 2019 Notice of Office of

Management and Budget Action is 681,373 hours.¹ The represents a difference of 34 hours. The supporting statement's estimate of 681,407 hours was correct and the approved estimated of 681,373 hours as presented on the action notice appears to be a simple typographical error as no changes to the supporting statement were made during OMB's review. EPA seeks to add the 34 hours to the total approved burden.

Changes to the Baseline Unit Burden

EPA is updating the burden associated with applying for approval to operate a PCB disposal facility and updating and clarifying the number of facilities it expects to submit such applications each year.

Currently, the ICR approved under OMB Control No. 2070-0112 estimates that there are 15 relevant applications per year. This is broken down into 5 new applications for incinerator and non-thermal facilities (2,000 hrs to prepare), 3 applications for incinerator modifications and 2 modification applications for non-thermal facilities (700 hrs to prepare), and 5 renewal requests for all technologies, without modifications (8 hours to prepare). This results in a weighted average of approximately 900 hours per application. The breakdown of respondents in the existing ICR is presented in Table 2.

Table 2. Existing Burden for PCB Disposal Permit Applications under the ICR with OMB Control No. 2070-0112

| Type of Application | Types of Respondents | Respondents | Responses per respondent | Annual No. of Responses | Hours per Response | Total Hours |
|---------------------|---|-------------|--------------------------|-------------------------|--------------------|-------------|
| New | Incinerators, Non-Thermal Facilities | 5 | 1 | 5 | 2,000 | 10,000 |
| Modifications | Incinerators, Non-Thermal Facilities | 5 | 1 | 5 | 700 | 3,500 |
| Renewals | Incinerators, Non-Thermal Facilities, Landfills | 5 | 1 | 5 | 8 | 40 |
| Total | | 15 | N/A | 15 | 903* | 13,540 |
| *Weighted average | | | | | | |

In issuing this update, EPA seeks to recalibrate the way the applications are grouped and the amount of burden associated with these activities. There will still be 5 new applications, none of which are assumed to be for landfills, which agrees with the currently approved PCB Mega ICR. The updated ICR will group renewal and modification applications together. EPA expects 3 renewal or modification applications for landfills. EPA expects that there will be 7 non-landfill renewal or modification applications. This results in an adjusted baseline application burden of approximately 995 hours per application (weighted average), or 14,924 hours per year. EPA's

¹ https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201811-2070-002

updated estimate reflects an annual burden increase of 1,384 hours. This adjustment is outlined in Table 3.

Table 3. Updated Burden for PCB Disposal Permit Applications under the ICR with OMB Control No. 2070-0112 After Baseline Adjustments

| Type of Application | Types of Respondents | Respondents | Responses per respondent | Annual No. of Responses | Hours per Response | Total Hours |
|-------------------------|--------------------------------------|-------------|--------------------------|-------------------------|--------------------|-------------|
| New | Incinerators, Non-Thermal Facilities | 5 | 1 | 5 | 2,000 | 10,000 |
| Modification & Renewals | Incinerators, Non-Thermal Facilities | 7 | 1 | 7 | 700 | 4,900 |
| Modification & Renewals | Landfills | 3 | 1 | 3 | 8 | 24 |
| Total | | 15 | N/A | 15 | 995* | 14,924 |
| *Weighted average | | | | | | |

Program Changes – Burden Increases

Amended Policy on Renewal Applications Inadvertently Omitted from Guidance-Related ICR

Recent EPA policy, presented in the 2019 [Guidance for Applicants Requesting To Treat/Dispose of PCBs Using Incineration or an Alternative Method](#), recommends that EPA Regions uniformly require a full, updated application and re-demonstration of the technology from facilities looking to renew their permits. While the previous estimate of 8 hours to complete a renewal application reflected a more perfunctory renewal process that was previously used in some Regions, EPA formalized the best practice of requiring a full, updated renewal application in the 2019 Guidance to improve Regional consistency. EPA estimates the completion of a full, updated renewal application under the 2019 policy guidance would be 700 hours per response. EPA inadvertently omitted this burden analysis from the ICR recently approved under OMB Control No. 2070-0211. This program change increase results in an application burden of approximately 1,133 hours per application (weighted average), or 17,000 hours per year, as shown in Table 4. EPA's updated estimate reflects an annual program change burden increase of 2,076 hours. As explained elsewhere in this request, other aspects of the 2019 policy guidance offset the burden increase associated with requiring full, updated applications from facilities looking to renew their permits.

Table 4. Updated Burden for PCB Disposal Permit Applications under the ICR with OMB Control No. 2070-0112 After Applying Program Change Increase for Amended Policy on Renewal Applications Inadvertently Omitted from Guidance-Related ICR

| Type of Application | Types of Respondents | Respondents | Responses per respondent | Annual No. of Responses | Hours per Response | Total Hours |
|-------------------------|--------------------------------------|-------------|--------------------------|-------------------------|--------------------|-------------|
| New | Incinerators, Non-Thermal Facilities | 5 | 1 | 5 | 2,000 | 10,000 |
| Modification & Renewals | Incinerators, Non-Thermal Facilities | 7 | 1 | 7 | 700 | 4,900 |
| Modification & Renewals | Landfills | 3 | 1 | 3 | 700 | 2,100 |
| Total | | 15 | N/A | 15 | 1,133* | 17,000 |
| *Weighted average | | | | | | |

Transfer of Application Guidance Activities and Burden from Guidance-Related ICR

The guidance-related ICR estimates that it will take 27.5 hours of a technician's time to read the guidance and become familiarized with the application process for the disposal of PCBs. The guidance also provides a number of helpful tables that can be utilized by parties submitting an application. The ICR estimates that filling out the tables in the guidance will take an additional 12.5 hours of a technician's time. Finally, the guidance-related ICR estimated that 8 parties would be impacted by the burden. However, EPA has adjusted its estimate of the number of responses up from 8 in the guidance-related ICR to 12 to conform with the baseline adjustments identified in this request for no material/non-substantive change (i.e., 5 respondents/responses for new incinerator, non-thermal facility applications and 7 respondents/responses for modification & renewal applications). The cumulative 40 hours of burden per respondent is to be added to the existing burden associated with submitting a disposal permit application for incinerators or non-thermal facilities, which exists in the ICR approved under OMB Control No. 2070-0112. The additional guidance-related burden is presented in Table 5.

Table 5. New, Guidance-Related IC and Burden Approved under OMB Control No. 2070-0211

| New IC from Guidance-Related ICR | No. of Respondents | Annual Responses Per Respondent | Annual No. of Responses | Burden Per Response | Annual Burden |
|----------------------------------|--------------------|---------------------------------|-------------------------|---------------------|---------------|
| Reading Guidance | 12 | 1 | 12 | 27.5 | 330 |
| Filling out Tables in Guidance | 12 | 1 | 12 | 12.5 | 150 |
| Total | 12 | 1 | 12 | 40 | 480 |

Program Changes – Burden Decreases*Burden Reduction Resulting from Use of New Application Guidance*

Due to the simplifying nature of the application guidance document and the tables it provides, EPA estimates that the required time to complete and submit an application will be reduced by 40 percent. For example, the currently approved ICR (2070-0112) estimates that it takes 2,000 hours to submit a new application. EPA is updating the burden estimate to show that it will only take 1,240 hours (60% of 2,000 hours (1,200) plus the 40 additional hours to read the guidance and fill out the tables using the guidance. The additional 40 hours per respondent is applied to all non-landfill applications. Although The final burden after all baseline and adjustments and program changes is presented in Table 6.

Table 6. Final Burden for PCB Disposal Permit Applications under the ICR with OMB Control No. 2070-0112

| Type of Application | Types of Respondents | Respondents | Responses per respondent | Annual No. of Responses | Hours per Response | Total Hours |
|-------------------------|--------------------------------------|-------------|--------------------------|-------------------------|--------------------|-------------|
| New | Incinerators, Non-Thermal Facilities | 5 | 1 | 5 | 1,240 | 6,200 |
| Modification & Renewals | Incinerators, Non-Thermal Facilities | 7 | 1 | 7 | 460 | 3,220 |
| Modification & Renewals | Landfills | 3 | 1 | 3 | 700 | 2,100 |
| Total | | 15 | N/A | 15 | 768 | 11,520 |

Bottom Line Changes in Burden

As a result of refined baseline estimates (adjustments), including addressing the existing transcription error, and burden reductions associated with the use of the new guidance addressing requesting to treat/dispose of PCBs using incineration or an alternative method, there is an annual net burden reduction of 1,986 hours.

Table 7. Activity Burden Changes for PCB Disposal Permit Applications under the ICR with OMB Control No. 2070-0112

| Description of Changes | Hours | Reference |
|--|--------|-----------|
| Activity Baseline: | 13,540 | Table 2 |
| Baseline Adjustment (revised application type groupings and estimated responses) | +1,384 | Table 3 |
| Baseline Adjustment (correction of typographical error) | +34 | N/A |
| Program Change Increase (uniform requirement for full, updated renewal applications for landfills) | +2,076 | Table 4 |
| Program Change Increase (read new guidance and fill out tables presented in new guidance) | +480 | Table 5 |
| - 5 new applications from Incinerators, Non-Thermal Facilities | +330 | |
| - 7 renewal/modification applications from Incinerators, Non-Thermal Facilities | +150 | |
| Program Change Decrease (adoption of new Applicants Guide) | -5,960 | Table 6 |
| - 5 new applications from Incinerators, Non-Thermal Facilities | -4,000 | |
| - 7 renewal/modification applications from Incinerators, Non-Thermal Facilities | -1,960 | |
| Net Burden Change: | -1,986 | |
| Revised Activity Estimate | 11,554 | |

The adjustments to Agency estimates as well as program changes resulting from the guidance combine for a net burden reduction of 1,986 hours under OMB Control No. 2070-0112. This represents a total burden reduction of approximately .3 percent over the currently approved ICR. Tables 7 and 8 present the currently approved and updated sections of the relevant tables from the ICR with OMB Control No. 2070-0112.

Table 8. Annual Respondent Hourly Burden and Cost Estimate – Reporting (Table 6-5 in ICR with OMB Control No. 2070-0112)

| | Ref # | Regulatory Citation | Information Collection Activity | Hours and Costs Per Respondent | | | | | Total Hours and Costs | | |
|----------|-------|--|-------------------------------------|--------------------------------|---------|---------|----------|------------|-----------------------|----------|-------------|
| | | | | Mgr. @ | Tech. @ | Cler. @ | Hours/ | Labor | Total | Total | Total |
| | | | | \$77.86 | \$78.33 | \$37.76 | Resp./ | Cost/Resp. | # of | Hours/ | Cost/ |
| | | | | /Hour | /Hour | /Hour | Year (a) | Year (b) | Resp. | Year (c) | Year (d, e) |
| Original | 8 | 761.60(e), (i)(2); .70(a),(b),(d)(2); .75(b)(7),(b)(8)(ii),(c) | Submit disposal permit applications | - | 825 | 75 | 900 | \$67,454 | 15 | 13,500 | \$394,606 |
| Updated | 8 | 761.60(e), (i)(2); .70(a),(b),(d)(2); .75(b)(7),(b)(8)(ii),(c) | Submit disposal permit applications | - | 707 | 61 | 768 | \$57,683 | 15 | 11,520 | \$337,444 |

Table 9. Reporting Burden Under TSCA 6(e) (Table 6-2 in ICR with OMB Control No. 2070-0112)

| | Ref. # | Regulatory Section(s) | Collection Requirement | Time Estimate | Total # Respondents per Year | Comments |
|----------|--------|---|--|--|------------------------------|--|
| Original | 8 | §§761.60(e) and (i)(2); .70(a), (b), and (d); .75(b) (7), (b)(8)(ii), and (c) | Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements. | 15 applications per year, as follows: 5 new applications for incinerator and non-thermal (alternate and landfill) facilities (2,000 hrs to prepare); 3 applications for incinerator modifications and 2 modification applications for non-thermal (alternate and landfill) facilities (700 hrs to prepare); 5 renewal requests for all technologies, without modifications (8 hours to prepare). Number of applicants is based on the number of applications submitted to the Regions and EPA Headquarters during FY2017, the most recent year of full disposal statistics available). | | Revised weighted average burden remains the same, about 900 hours per submission, , based on a slightly higher numbers for new applications, but a reduced effort due to a new guidance for permit applicants which clarifies and streamlines the application process. $[(2,000 \times 5) + (700 \times 5) + (8 \times 5)]/15$. |
| Updated | 8 | §§761.60(e) and (i)(2); .70(a), (b), and (d); .75(b) (7), (b)(8)(ii), and (c) | Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements. | 15 applications per year, as follows: 5 new applications for incinerator and non-thermal facilities (1,240 hrs to prepare); 3 landfill renewal/modification applications (700 hrs to prepare); 7 non-landfill renewal/modification applications (460 hrs to prepare). Number of applicants is based on the number of applications submitted to the Regions and EPA Headquarters during FY2017, the most recent year of full disposal statistics available). | | Revised weighted average burden is 768 hrs. $[(1,240 \times 5) + (700 \times 3) + (460 \times 7)]/15$. |

| | Ref. # | Regulatory Section(s) | Collection Requirement | Time Estimate | Total # Respondents per Year | Comments |
|----------|--------|---------------------------------|--|---------------|------------------------------|---|
| Original | 26 | §§761.70(a)(8), (9); and (d)(5) | Obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator.* | 1,910 hours | 0 | No respondents anticipated. It was assumed that if a facility does not meet the performance criteria, it will not accept PCB waste. |
| Updated | 26 | §§761.70(a)(8), (9); and (d)(5) | Obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator.* | 1,146 hours | 0 | No respondents anticipated. It was assumed that if a facility does not meet the performance criteria, it will not accept PCB waste. |

*EPA does not anticipate that any parties will seek to obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator. However, the burden estimate is being updated from 1,910 to 1,146 to account for the efficiencies provided by the guidance. In the event that such approvals wind up being sought in the future, this burden estimate can be used.