

**SUPPORTING STATEMENT FOR  
OMB CONTROL NO. 2050-0073  
"INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL  
FURNACES"**

**September 2020**

# IDENTIFICATION OF THE INFORMATION COLLECTION

## 1(a) TITLE OF THE INFORMATION COLLECTION

This ICR is entitled "Information Requirements for Boilers and Industrial Furnaces (Renewal)," EPA ICR #1361.18, OMB Control No. 2050-0073.

## 1(b) SHORT CHARACTERIZATION/ABSTRACT

On February 21, 1991 and August 25, 1992, EPA promulgated regulations at 40 CFR Parts 260, 261, 264, 265, 266, and 270 covering boilers and industrial furnaces (BIFs) burning hazardous waste. Specifically, 40 CFR Part 266, Subpart H establishes standards for the burning of hazardous waste in BIFs. 40 CFR Part 270.22 establishes Part B application information requirements for BIFs burning hazardous waste, and 40 CFR Part 270.66 establishes permit requirements for BIFs. Owners and operators of BIF facilities must comply with these regulations in addition to those regulations applicable to all hazardous waste facilities, as mentioned above.

On September 30, 1999, EPA amended the above regulations with the following provisions:

- Comparable fuel specification: Under 40 CFR Part 261.38, wastes that meet the comparable fuel specification can be excluded from the definition of solid waste. Generators claiming the exclusion must demonstrate that the waste meets the specification by submitting a one-time notice. The notice must claim the exclusion, and demonstrate the development and implementation of a waste sampling and analysis plan that supports the comparable fuel specification.
- Lead recovery furnace exemption: Under 40 CFR Part 266.100(h), lead recovery furnaces that process hazardous waste for the recovery of lead and that are subject to Secondary Lead Smelting National Emissions Standards for Hazardous Air Pollutants Regulations, may apply for a conditional exemption from 40 CFR Part 266 regulations. To claim the exemption, the facility owner or operator must submit a one-time notice identifying each hazardous waste burned and demonstrating that the waste burned has a total concentration of organic compounds (Listed in 40 CFR Part 261, Appendix VIII) of less than 500 ppm by weight.
- Regulation of residues: Under 40 CFR Part 266.112(b)(2)(i), in complying with 40 CFR Part 268.43 F039 nonwastewater levels for polychlorinated dibenzodioxins and polychlorinated dibenzo-furans, analyses must be performed for total hexachlorodibenzodioxins, total hexachlorodibenzofurans, total pentachlorodibenzodioxins, total pentachlorodibenzofurans, total tetrachlorodibenzodioxins, and total tetrachlorodibenzofurans.

On April 8, 2015, EPA eliminated the Comparable Fuel Exclusion because of a vacatur ordered by the U.S. Court of Appeals for the D.C. Circuit Court.

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

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

Regulations covering BIFs and general hazardous waste facilities are promulgated under authority of Sections 1006, 2002, 3001 through 3007, 3010, and 7004 of RCRA, as amended. And codified in 40 CFR Parts 264, 265, 266, and 270 as described below.

#### ***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

40 CFR Part 264.12(b) requires the owner or operator of a facility that receives off-site waste to send a one-time notice to the generator stating that he or she has the appropriate permits for, and will accept, the waste the generator is shipping. The owner or operator must retain a copy of the notice. The notice is needed to ensure that waste is being managed properly.

40 CFR Parts 264.12(c) and 265.12(b) require owners and operators transferring ownership of a facility during its operating life, to notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270. This information is needed to help new owners and operators understand applicable regulations and facilitate compliance.

40 CFR Parts 264.13(a)(1) and 265.13(a)(1) require owners or operators to obtain a detailed chemical and physical analysis of a representative sample of the waste that will be received. 40 CFR Part 266.102(b) requires owners and operators of permitted BIFs to quantify the concentration of any hazardous constituent identified in appendix VIII of Part 261 that may reasonably be expected to be in the waste. 40 CFR Part 266.103(c)(3)(ii)(B) requires owners and operators of interim status BIFs that recycle collected particulate matter to analyze waste for metals content to determine if changes in metal content affect the ability of the facility to meet the metals emissions standards established under 40 CFR Part 266.103(c) or (d). EPA and the owner or operator use information obtained in the waste analysis sample to determine: 1) whether the waste meets the permit standards or limitations of the BIF regulations, particularly for metals, HCl, chlorine, and organics, so that a facility can adequately handle incoming waste; and 2) whether the waste is really what the generator claims it to be. The owner or operator also uses information obtained from the waste analysis to determine whether there are any potential dangers from handling the waste. The waste analysis requirement is a principal control for operating parameters, because it is not possible to continuously measure emissions of all compounds. Waste analysis thus contributes to EPA's goal of preventing undetected releases or reactions of hazardous waste on-site.

40 CFR Parts 264.13(b) and 265.13(b) state that the owner or operator of a hazardous waste facility must develop and follow a written waste analysis plan that describes the procedures to be used in obtaining a detailed chemical and physical analysis of the waste. EPA uses the waste analysis plan as a planning tool to ensure the quality of information obtained from the waste analysis samples required in 40 CFR Parts 264.13(a)(1) and 265.13(a)(1).

40 CFR Parts 264.15(d) and 265.15(d) require the owner or operator of a facility to record inspections in an inspection log or summary. EPA and owners and operators use information in the inspection log to determine whether facility equipment is safe for handling hazardous waste. The inspection requirement contributes to EPA's goal of preventing hazardous waste constituents from being released into the environment due to faulty or deteriorated equipment.

40 CFR Parts 264.16(d) and 265.16(d) require owners and operators to maintain copies of personnel training documents and records at the facility. Both EPA and owners and operators use information in personnel training records to determine whether employees have acquired the necessary expertise to perform their jobs. EPA also reviews personnel records to determine whether employees are receiving a level of training that is commensurate with their duties and responsibilities as well as their ability to respond to any emergency situations at the facility. Requiring owners and operators to maintain personnel training documents decreases the likelihood that employees are unqualified to handle hazardous waste or respond to emergencies. The personnel recordkeeping requirement contributes to EPA's goal of minimizing the potential for employee-related mistakes that may threaten human health and the environment.

40 CFR Part 264.17(c) states that any owner or operator who treats, stores, or disposes of ignitable or reactive wastes, or mixes incompatible wastes, must document compliance with 40 CFR Parts 264.17(a) and (b), which require certain precautions to prevent reactions that will threaten human health or the environment. EPA uses information in the documentation of compliance to determine whether facilities are operating in a manner that is protective of human health and the environment. The documentation requirement contributes to EPA's goal of minimizing unanticipated damage from the treatment, storage, or disposal of hazardous waste.

40 CFR Part 264.73 and 265.73 require owners or operators of hazardous waste treatment, storage, or disposal facilities to keep a written operating record at the facility. Other recordkeeping requirements under 40 CFR Parts 264 and 265, Subpart E, include submitting copies of records of waste disposal locations and quantities under 40 CFR Parts 264.73(b)(2) and 265.73(b)(2) to the Regional Administrator and local land authority upon closure of the facility (40 CFR Parts 264.74(c) and 265.74(c)). In addition, 40 CFR Part 264.37(b) requires facilities to document in the operating record any refusal of State or local authorities to enter into arrangements for emergency situations. EPA uses information collected pursuant to these regulations to select appropriate corrective action and cleanup measures should an unanticipated release of hazardous waste occur. EPA compliance officials refer to the operating record to determine the following: 1) what cleanup measures are appropriate and 2) whether operating requirements can be better tailored to the needs of a particular site. EPA anticipates that the owner or operator will use information included in the operating record to prevent receiving, or placing in proximity, wastes that are incompatible with other wastes that are likely to ignite or explode. Requiring facilities to develop and maintain an operating record and conduct the recordkeeping activities contributes to EPA's goal of minimizing damage to the environment due to the treatment, storage, or disposal of hazardous waste.

Section 3004(a)(5) of RCRA, as amended, requires EPA to develop standards for contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste. EPA codified regulations that address this statutory requirement in 40 CFR Parts 264 and 265. 40 CFR Parts 264.51 through 264.54; 264.56; 265.51 through 265.54; and 265.56 require all owners and operators of hazardous waste facilities to prepare and maintain contingency plans, and to notify State and local authorities and prepare emergency reports whenever an imminent or actual emergency situation occurs. EPA reviews the contingency plan and emergency reports to determine whether a facility has developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water. Notifications to State and local authorities facilitate remedial actions and evacuations, if necessary. Requiring facilities to develop and maintain contingency plans and prepare emergency response reports and notifications contributes to EPA's goal of minimizing unanticipated damage from the treatment, storage, or disposal of hazardous waste.

EPA promulgated regulations in 40 CFR Parts 264 and 265, Subpart G that require owners and operators to develop closure plans, amend these plans when appropriate, and submit to EPA closure certifications. EPA reviews information in the closure plans to determine whether closure activities will comply with the regulatory requirements. EPA uses information in the closure certifications to determine that closure took place in accordance with the approved closure plan.

In addition, 40 CFR Parts 264.113 and 265.113 allow owners and operators to apply for allowances and extensions during the closure period by preparing and submitting demonstrations. These demonstrations are needed to ensure that any activities taking place during closure are protective of human health and the environment.

### ***SPECIFIC UNIT REQUIREMENTS FOR BIFs***

EPA promulgated regulations in 40 CFR Parts 266.100 and 266.108 that allow owners and operators of certain BIF units to apply for an exemption from BIF regulations. Collecting this information contributes to EPA's goal of ensuring that only those facilities that satisfy exemption requirements be excluded from burning regulations.

EPA promulgated regulations in 40 CFR Part 266.102 covering permitted BIFs. Under 40 CFR Part 266.102(e)(8), EPA subjects permitted units to monitoring and inspection requirements. Facilities with permitted BIF units are required to comply with standards that control the following emissions:

- Organic emissions limiting CO emissions, and in some cases, HC emissions to specified levels and demonstrating compliance with a DRE Standard (40 CFR Part 266.104);
- Particulate matter emissions by limiting PM emissions to the specified level (40 CFR Part 266.105);
- Metals emissions by complying with specified Tier I feed rate screening limits, Tier II emission rate screening limits, Tier III site-specific risk assessments, adjusted Tier I feed rate screening limits, or an alternative implementation approach (40 CFR Part 266.106); and
- HCl and Cl<sub>2</sub> gas emissions by complying with Tier I feed rate screening limits, Tier II emission rate screening limits, Tier III site-specific risk assessments, or adjusted Tier I feed rate screening limits (40 CFR Parts 266.107).

These requirements contribute to EPA's goal of ensuring that BIF units are being operated in

compliance with the terms of their permits and applicable standards.

40 CFR Part 266.104(a)(2) allows owners and operators to submit a demonstration for an alternative POHC designation. EPA needs to collect this information to ensure that any POHC used is an effective indicator of combustion efficiency.

40 CFR Part 266.106(f) allows owners and operators to submit information in support of an alternative implementation approach. EPA needs to collect this information to ensure that any approach used will work effectively and safely.

40 CFR Part 266.111 sets forth information requirements for facilities that directly transfer hazardous waste from a transport vehicle to a BIF unit without the use of a storage unit. These requirements contribute to EPA's goal of ensuring that waste is transferred in a manner that minimizes the likelihood of a release.

40 CFR Part 266.112 allows residue derived from the burning or processing of hazardous waste to be exempt from being classified as hazardous waste if the owner or operator can demonstrate that the burning of the hazardous waste does not significantly affect the character of the residue. Under Appendix IX, section 7, an owner or operator may use an alternative statistical approach and an approach for the handling of nondetect data points if he or she prepares and maintains supporting rationale for such an approach. EPA needs to collect this information to ensure that residue generated during the combustion of hazardous waste in BIFs is managed in a manner protective of human health and the environment.

#### ***PART B PERMIT APPLICATION AND PERMIT MODIFICATION REQUIREMENTS FOR BIFs***

RCRA Section 3005 requires EPA to promulgate regulations detailing informational requirements for owners and operators submitting Part B permit applications. EPA promulgated these requirements in 40 CFR Parts 264 and 270:

- 40 CFR Part 270.14(a) allows owners and operators to petition EPA for relief from submission of information prescribed in Part B on a case-by-case basis by demonstrating that such information cannot be provided to the extent required.
- 40 CFR Part 270.14(b)(1)-(14) requires owners and operators of hazardous waste management facilities to submit information on compliance with general facility standards in their Part B permit applications.
- 40 CFR Parts 270.14(b)(15)-(16) require owners and operators of new facilities to submit detailed written estimates of the cost of facility closure and post-closure care in accordance with the requirements of 40 CFR Parts 264.142(a) and 264.144(a), respectively.
- 40 CFR Parts 270.14(b)(15)-(16) also require owners and operators to establish and provide evidence of financial assurance for facility closure (40 CFR Part 264.143) and post-closure (40 CFR Part 264.145). Owners and operators can establish financial assurance with a number of financial instruments.
- 40 CFR Part 270.14(b)(17) requires owners and operators to document the amount of insurance meeting specifications detailed in 40 CFR Part 264.147(a) and, if applicable, 264.147(b), that are in effect before initial receipt of hazardous waste for treatment, storage, or disposal.
- 40 CFR Part 270.14(b)(18) requires owners and operators to provide proof of coverage by a State financial mechanism in compliance with 40 CFR Parts 264.149 or 264.150, where appropriate.
- 40 CFR Part 264.149 allows owners and operators to use State-required financial assurance mechanisms to meet 40 CFR Parts 264.143, 264.145, or 264.147 requirements.

- 40 CFR Part 264.150 requires owners and operators to notify EPA when a State assumes legal responsibility or assures availability of funds for an owner or operator's compliance with the closure, post-closure care, or liability requirements of this part.
- 40 CFR Part 270.14(b)(19) requires owners and operators to provide a topographic map showing a distance of 1000 feet around the facility.
- 40 CFR Part 270.33 establishes informational requirements for owners and operators developing schedules of compliance leading to compliance with RCRA regulations. EPA needs this information to determine whether schedules of compliance are reasonable.

EPA needs the various Part B permit information to evaluate the compliance of facilities with the permitting standards. These requirements contribute to EPA's goal of insuring that hazardous waste management facilities are operated in a manner fully protective of human health and the environment.

EPA promulgated regulations at 40 CFR Parts 270.66 and 270.22 requiring owners and operators of BIFs to submit specific additional information.

EPA needs to collect information on all alternative means of fugitive emissions control to ensure that the method desired performs effectively.

EPA needs to collect information relating to the various permit operating periods to ensure that the BIF unit can meet the standards set forth in 40 CFR Part 266, Subpart H. EPA needs to collect information on the trial burn to determine whether a facility can comply with emissions standards and to establish permit limits.

EPA needs to collect information supporting a waiver of a trial burn to ensure that any waiver desired by an applicant is approved only if the prescribed testing is unnecessary.

EPA needs to collect information for an alternative HC limit to ensure that the limit will be protective of human health and the environment.

EPA promulgated regulations in 40 CFR Parts 270.22(c) and 266.106(f) that allow owners and operators to submit information in a Part B application in support of an alternative implementation approach. EPA needs to collect this information to ensure that any approach used will work effectively and safely.

Under 40 CFR Part 270.22(d), owners and operators must submit information describing the automatic hazardous waste feed cutoff system. EPA needs this information to ensure that such a system is installed at the facility and that the owner or operator is familiar with its operation.

EPA promulgated regulations in 40 CFR Parts 270.22(e) and 266.111 that set forth information requirements for facilities that directly transfer hazardous waste from a transport vehicle to a BIF unit without the use of a storage unit. These requirements contribute to EPA's goal of ensuring that waste is transferred in a manner that minimizes the likelihood of a release.

EPA promulgated regulations in 40 CFR Parts 270.22(f) and 266.112 that allow residue that is derived from the burning or processing of hazardous waste to be exempt from being classified as hazardous waste if the owner or operator can demonstrate that the burning of the hazardous waste does not significantly affect the character of the residue. EPA needs to collect this information to ensure that

residue generated during the combustion of hazardous waste in BIFs in managed in a manner protective of human health and the environment.

EPA promulgated regulations in 40 CFR Part 270 outlining procedures for modification and transfer of permits:

- Compliance with Class 1 modification requirements and submittal of specific financial and contractual information before transferring ownership or operational control of a facility (40 CFR Part 270.40(b));
- Specified procedures for owners and operators submitting permit modifications at the request of the Agency (40 CFR Part 270.41);
- Specified procedures for owners and operators applying for Class 1 permit modifications (40 CFR Part 270.42(a)), and owners and operators applying for Class 2 or 3 permit modifications (40 CFR Part 270.42(b) - (c));
- Specified procedures for owners and operators requesting a classification of a permit modification (40 CFR Part 270.42(d)); and
- Specified procedures for owners and operators applying for temporary authorization (40 CFR Part 270.42(e)).

EPA needs this information to comprehensively evaluate whether requests for modifications or transfer of ownership should be granted. The permit modification procedures contribute to EPA's goal of providing a role for the public in the permitting process. In general, these informational requirements aid in meeting EPA's goal of ascertaining and minimizing risks to human health and the environment from hazardous waste management facilities.

EPA promulgated regulations in 40 CFR Parts 270.50 and 270.51 requiring owners and operators to renew their Part B permit. In order to renew an expiring permit, owners and operators must submit an application containing the information required under 40 CFR Part 270.14 and the applicable sections of 40 CFR Parts 270.15 through 270.29. The permit renewal process provides EPA with an opportunity to complete an extensive review of the facility permit to determine whether the terms of the permit continue to provide the most appropriate mechanism for protecting human health and the environment.

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

### ***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

#### **General Facility Operating Requirements**

##### **Foreign Shipment Import Report, Notice of Appropriate Permits, and Notice of Part 264 or 265, and Part 270 Requirements**

EPA uses foreign shipment import reports to determine the quantities and types of hazardous wastes being imported from abroad. Information in the foreign shipment import report also allows EPA to determine whether hazardous wastes will be safely transported and managed.

Generators use notices of appropriate permits to ensure that their waste is being managed by a permitted facility. Owners and operators of TSDFs must keep the notices in the operating record, and



these notices may be reviewed by EPA during facility inspections.

New owners and operators use the notice of Part 264 and Part 270 requirements to improve their understanding of applicable regulations.

### **Waste Analysis, Waste Analysis Plan, Inspection Schedule, and Documentation of Compliance**

The waste analysis and waste analysis plan, as well as the inspection schedule and documentation of compliance for ignitable or incompatible wastes, are primarily designed to ensure that a facility is complying with the BIF regulations and can adequately handle incoming waste as demonstrated during the trial burn or compliance testing. Information associated with these requirements is also used to ensure that the incoming waste is really what the generator claims it to be, and to prevent unauthorized releases of pollutants during burning of hazardous waste on-site. Much of the information in the waste analysis plan will also be used to provide a quality assurance check on both the generator and the owners' and operators' facilities.

### **Personnel Training**

Both EPA and owners and operators use information in the personnel training records to ensure that personnel acquire the necessary expertise to perform their jobs. During inspections, EPA reviews job descriptions and training documents to determine whether each person is receiving a level of training that is commensurate with the person's duties and responsibilities as well as the ability to respond to any emergency situations at the facility.

### **Recordkeeping Requirements**

The facility owner or operator uses information included in the operating record and waste disposal location and quantity records to prevent the facility from receiving or placing in proximity wastes that are incompatible or that are likely to ignite or explode. If an unanticipated release of hazardous waste occurs, the owner or operator may review information in the operating record to determine the composition of the waste. Reviewing information in the operating record facilitates the owner's or operator's selection of an appropriate corrective action and cleanup measure. By providing facility-specific data, the operating record also enables EPA compliance officials to determine whether operating requirements can be better tailored to the needs of a particular site.

### **Contingency Plan and Emergency Procedures**

Local emergency response teams, certain hazardous waste generators, treatment, storage, and disposal facility owners or operators, and EPA use information included in the contingency plan to assure an appropriate response to any unplanned release of hazardous waste or hazardous waste constituents. EPA reviews information in the contingency plan and emergency report to determine whether additional site-specific emergency provisions are necessary.

### **Closure Requirements**

EPA uses information contained in closure plans to determine whether an owner or operator's planned closure activities will comply with environmental regulations. EPA officials use information

contained in closure certifications to ensure that the owner or operator closed his/her facility according to the specifications outlined in the approved closure plan. EPA uses information contained in demonstrations to ensure that any activities taking place during the closure period are protective of human health and the environment.

### **Financial Requirements**

The closure care and liability coverage financial instruments submitted by the owner or operator are reviewed by EPA to determine compliance with the applicable Subpart H regulations. This review involves determinations of the validity of the instrument, acceptability of the financial assurance provider, adequacy of the instrument amount, and fulfillment of the other regulatory requirements. The information is also used to direct funds for closure care and liability coverage in the event of default or bankruptcy of a facility owner or operator.

### **Conditions Applicable to All Permits**

EPA uses data collected from permitted facilities to evaluate compliance with the terms of the permit and to decide whether cause exists for modifying, revoking and reissuing, or terminating the permit. By collecting this information, EPA ensures that permitted facilities are operating in a manner protective of human health and the environment.

### ***SPECIFIC UNIT REQUIREMENTS FOR BIFs***

#### **Exemptions from the BIF Regulations**

EPA uses information collected under 40 CFR Parts 266.100 and 266.108 to determine whether a facility complies with the conditions that allow an exemption from BIF regulations.

#### **Permit Standards**

EPA uses monitoring and inspection information to ensure that a facility is complying with all the terms of its permit and all applicable standards and conditions, including standards covering the control of organic emissions (40 CFR Part 266.104), particulate matter (40 CFR Part 266.105), metals emissions (40 CFR Part 266.106), HCl and Cl<sub>2</sub> gas emissions (40 CFR Part 266.107).

#### **Standards to Control Organic Emissions**

EPA uses information submitted in support of an alternative POHC designation to evaluate whether the proposed POHC can serve as an effective indicator of combustion efficiency.

#### **Standards to Control Metals Emissions**

EPA uses information submitted in support of an alternative implementation approach to evaluate whether the proposed approach can be used effectively and safely.

#### **Direct Transfer Requirements**

EPA uses information concerning the direct transfer of waste to evaluate the equipment used and to ensure that waste is being transferred in a manner that minimizes the likelihood of a release.

## **Regulation of Residues**

EPA uses information submitted in support of an exclusion of residue from being classified as a hazardous waste to evaluate whether such an exclusion is warranted. EPA uses information submitted in support of the use of an alternative statistical approach and an approach for the handling of nondetect data points to ensure that the approaches used are supported by valid data and assumptions.

## ***PART B PERMIT APPLICATION AND PERMIT MODIFICATION REQUIREMENTS FOR BIFs***

### **General Part B Information Requirements for BIFs**

EPA uses the information requirements in 40 CFR Parts 264 and 270 for owners and operators submitting Part B applications to evaluate compliance with various elements of the regulations. For example, the general facility standards informational requirements provide EPA with information demonstrating compliance with standards regarding the facility's contingency plan, the inspection schedule, and security procedures. EPA uses the financial assurance information requirements to evaluate the facility owner's financial ability to close the facility, to maintain the facility after closure, and to respond to any contingencies. Owners and operators use schedules of compliance to develop a list of activities needed to come into compliance with the applicable regulations. EPA uses performance test plans and documentation of compliance to ensure that design and operating procedures are in accordance with air emissions standards.

### **Specific Part B Information Requirements for BIFs**

#### **Fugitive Emissions**

EPA uses information submitted in support of an alternative means of fugitive emissions control to ensure that the proposed method will perform effectively.

#### **Requirements Relating to the Pre-Trial Burn, Trial Burn, and Post-Trial Burn Periods**

EPA uses information relating to the various permit operating periods to evaluate whether the BIF unit can meet the standards set forth in 40 CFR Part 266, Subpart H. EPA uses information submitted in the trial burn plan to evaluate whether a facility's plans are adequate. EPA uses trial burn results to determine whether a facility can meet applicable standards and to set permit conditions. These requirements contribute to EPA's goal of ensuring that facilities can meet the standards set forth in 40 CFR Part 266, Subpart H.

#### **Waivers of the Trial Burn**

EPA uses information submitted in support of a waiver of a trial burn to evaluate whether the proposed waiver should be granted, based on human health and environmental considerations.

#### **Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials**

EPA uses information submitted in support of an alternative HC limit to evaluate whether the limit will be protective of human health and the environment.

#### **Alternative Metals Implementation Approach**

EPA uses information submitted in support of an alternative implementation approach, as described at 40 CFR Parts 266.103(b), 266.106(f), and appendix IX, section 10, to evaluate whether the proposed approach will work effectively and safely.

#### **Automatic Hazardous Waste Feed Cutoff System**

EPA uses information on the automatic hazardous waste feed cutoff system to evaluate whether the system has been installed and is being operated correctly.

#### **Direct Transfer Requirements**

EPA uses information collected on direct transfer equipment to evaluate and ensure that the integrity of the equipment and its maintenance and operation minimizes the likelihood of a release.

#### **Regulation of Residues**

EPA uses information submitted in support of an exclusion of residue from classification as a hazardous waste to evaluate whether the residue meets the required conditions for exclusion. EPA needs to collect this information to ensure that residue generated during the combustion of hazardous waste in BIFs is managed in a manner protective of human health and the environment.

#### **Permit Modifications for BIFs**

##### **Permit Modifications**

EPA uses permit information to evaluate the initial permit applications and any subsequent requests for modifications. The public may also use draft EPA permit and permit modification determinations which incorporate data submitted by facilities to assess hazardous waste management facilities being developed in their communities.

##### **Expiration and Continuation of Permits**

EPA uses permit renewal applications to ensure that the terms of the facility permit remain protective of human health and the environment.

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

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

The information collections covered in this ICR are not available from sources other than the respondents. EPA's Office of Solid Waste is the only office within the Agency collecting this information, and no other Federal agency or department collects this information. In addition, the Office of Solid Waste has systematically reorganized its ICR structure to eliminate gaps or duplication.

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

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the *Federal Register* on March 26, 2020 (85 FR 17056), and provided a 60 day comment period. One comment was received but it was about the upcoming election and not about the ICR.

**3(c) CONSULTATIONS**

John Richardson	Eco Services	225-359-3768
Neal Whitten	Eastman Chemical Co.	423-229-5868
Fran Falcon	Dow Chemical	979-238-9764

There are no changes to the burden calculations based on these consultations.

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

EPA has carefully considered the burden imposed upon the regulated community by the specific unit and special waste processes and types regulations. Consequently, EPA is confident that those activities required of respondents are necessary, and to the extent possible, minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, EPA will be unable to fulfill its Congressional mandate to protect public health and the environment.

**3(e) GENERAL GUIDELINES**

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act as amended, OMB's implementing regulations, OMB's Information Collection Request Handbook (EPA, February 1999), and other applicable OMB guidance, except for the records retention period. The BIF regulations require that records be retained until closure of the facility.

**3(f) CONFIDENTIALITY**

EPA proposes to collect information only to the extent necessary for the implementation of the promulgated rule and does not intend to collect any information related to trade secrets of the stakeholders. Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B define EPA's general policy on the public disclosure of information, and contain provisions for confidentiality of business information. EPA protects from public disclosure all Confidential Business Information (CBI) obtained under RCRA, and has provided businesses with procedures to claim confidentiality for such CBI. EPA makes extra efforts to protect the confidentiality of this CBI.

**3(g) SENSITIVE QUESTIONS**

No questions of a sensitive nature are included in any of the information collection requirements. This ICR complies with the Privacy Act of 1974 and OMB Circular A-130.

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

**4(a) RESPONDENTS SIC/NAICS CODES**

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes associated with facilities most likely affected by the information requirements covered in this ICR. <b>Industry Sector</b>	<b>SIC Code(s)</b>	<b>NAICS Code(s)</b>
Mining: Nonmetallic Minerals, Except Fuels: Miscellaneous Nonmetallic Minerals, not elsewhere classified	1499	212399
Commercial Printing, Lithographic	2752	323110
All Other Miscellaneous Chemical Product and Preparation Manufacturing	2819, 2899	325998
Plastics Material and Resin Manufacturing	2821	325211
Paints and Allied Products	2851	
All Other Basic Organic Chemical Manufacturing	2869	325199
Petroleum Refineries	2911	32411
Manufacturing: Stone, Clay and Glass Products: Cement, Hydraulic	3241	32731
Manufacturing: Stone, Clay and Glass Products: Concrete Block and Brick	3271	327331

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes associated with facilities most likely affected by the information requirements covered in this ICR. <b>Industry Sector</b>	<b>SIC Code(s)</b>	<b>NAICS Code(s)</b>
Manufacturing: Stone, Clay and Glass Products: Ready-Mixed Concrete	3273	32732
Manufacturing: Stone, Clay and Glass Products: Minerals, Ground or Treated	3295	21232, 21239
Manufacturing: Stone, Clay and Glass Products: Non-metallic Mineral Products, not elsewhere classified	3299	327999
Plating and Polishing	3471	332813
Industrial Machinery	3599	333999
Electronic Components	3679	334419
Motor Vehicle Parts and Accessories	3714	3363
Local Trucking Without Storage	4212	48411, 56211
Electric Systems	4911	2211
Sewerage Systems	4952	22132
Waste Treatment and Disposal	4953	5622
Petroleum Bulk Stations and Terminals	5171	42271
New and Used Car Dealers	5511	4411
Gasoline Service Stations	5541	4471
General Automotive Repair Shops	7538	811111

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

##### ***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

##### **General Facility Operating Requirements**

##### **Foreign Shipment Import Report**

(i) Data items:

- 40 CFR Parts 264.12(a) and 265.12(a) require owners or operators that have arranged to receive hazardous wastes from foreign sources to notify the Regional Administrator in writing at least four weeks prior to the expected date of arrival of the shipments at the facility.
- The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262, subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

(ii) Respondent activities:

In order to comply with the foreign shipment report requirements, respondents must perform the following activities:

- Read the regulations;
- Collect data; and
- Prepare and submit the notification and the tracking documents

**Notice of Appropriate Permits**

(i) Data items:

40 CFR Part 264.12(b) requires the owner or operator of a facility that receives off-site waste to inform the generator in writing that he or she has the appropriate permits, and will accept, the waste the generator is shipping. This notice must be sent to the generator before receiving the first shipment of waste. The owner or operator must retain a copy of the notice at the facility.

(ii) Respondent activities:

In order to comply with 40 CFR Part 264.12(b), respondents must perform the following activities:

- Read the regulations;
- Prepare and submit the one-time notice; and
- Retain a copy of the notice.

**Notice of Part 264 or 265, and Part 270 Requirements**

(i) Data item:

40 CFR Parts 264.12(c) and 265.12(b) require owners or operators transferring ownership of a facility during its operating life to notify the new owner or operator in writing of the requirements of 40 CFR Part 264 or 265 and Part 270. This notice must be submitted before the transfer in ownership.

(ii) Respondent activities:

In order to comply with 40 CFR Parts 264.12(c) and 265.12(b), respondents must perform the following activities:

- Read the regulations; and
- Prepare and submit the notice.

**Waste Analysis**

(i) Data items:

Waste analysis is required for all facilities with permitted and interim status BIFs. Regulations covering waste analysis have been promulgated as general hazardous waste facility requirements at 40



CFR Parts 264.13 and 265.13, and as specific unit requirements for BIFs at 40 CFR Part 266.102(b) and (e), 266.103(b) and (c), and appendix IX of Part 266. 40 CFR Parts 264.13(a)(1) and 265.13(a)(1) require an owner or operator to obtain a detailed chemical and physical analysis of any hazardous waste he or she intends to treat, store, or dispose. 40 CFR Parts 264.13(a)(2) and 265.13(a)(2) state that the analysis may include data, either existing or published, developed under 40 CFR Part 261, as well as existing data on the hazardous waste or hazardous waste generated from similar processes. For facilities with permitted BIF units, this analysis must include a quantification of the concentration of any hazardous constituents identified in appendix VIII of 40 CFR Part 261 that are reasonably expected to be in the waste, as required by 40 CFR Part 266.102(b). Appendix VIII constituents excluded from this analysis must be identified and the basis for their exclusion explained.

(ii) Respondent activities:

In order to comply with the waste analysis requirements of the above referenced sections, respondents must perform the following activities:

- Read the regulations;
- Collect data; and
- Perform waste analysis (sampling, testing).

**Personnel Training**

(i) Data items:

40 CFR Parts 264.16(d) and 265.16(d) require an owner or operator to maintain copies of personnel training documents and records at the facility. These documents should include the following data items:

- Job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
- Written job description for each position, which includes the necessary skill, education, or other qualifications and duties of employees assigned to each position;
- Written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and
- Records that document that the training or job experience required have been given to, and completed by, facility personnel.

(ii) Respondent activities:

Respondent activities associated with 40 CFR Parts 264.16(d) and 265.16(d) include:

- Read the regulations;
- Collect the data items listed above; and
- Maintain (e.g., photocopying and filing) the specified training records at the facility until closure or three years from the time the employee last worked at the facility.

## **Documentation of Compliance for Ignitable, Reactive, or Incompatible Wastes**

### (i) Data items:

40 CFR Part 264.17(c) states that the owner or operator of a hazardous waste facility must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The owner or operator of a permitted facility must document compliance with the requirements outlined in 40 CFR Part 264.17(a) and (b). The documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in 40 CFR Part 264.13), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

### (ii) Respondent activities:

Respondent activities associated with 40 CFR Part 264.17(c) include:

- Read the regulations;
- Collect and document the data items mentioned above; and
- Maintain (e.g., photocopying and filing) documentation at the facility.

## **Recordkeeping Requirements**

### **Operating Record Requirements**

#### (i) Data items:

40 CFR Parts 264.73 and 265.73 outline specific operating recordkeeping requirements that are imposed on TSDFs. This ICR covers the requirements found at these citations that apply to facilities with BIF units. For these facilities, the operating record must contain the following data items:

- A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by Appendix I;
- The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area;
- Records and results of waste analyses performed;
- Summary reports and details of all incidents that require implementing the contingency plan;
- Records and results of inspection reports (which must be kept for three years);
- Monitoring, testing, or analytical data and corrective action where required;
- Closure cost estimates;
- For permitted facilities, a certification (must be done at least once a year) that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage, or disposal that is the practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment; and
- Documents stating refusal of State or local authorities to enter into arrangements to address emergency situations, as required by 40 CFR Parts 264.37(b) and 265.37(b).

#### (ii) Respondent activities:

In order to comply with 40 CFR Parts 264.73 and 265.73, owners or operators are required to maintain a written operating record at the facility. Respondent activities associated with maintaining an operating record for BIF units include maintaining (e.g., photocopying and filing) the other data items listed above.

## **Emergency Procedures**

### **Emergency Reporting and Recordkeeping Requirements**

(i) Data items:

40 CFR Parts 264.56(a)(2) and 265.56(a)(2) require owners and operators to immediately notify State and local authorities with designated response roles of an imminent or actual emergency situation. 40 CFR Parts 264.56(d)(1) and 265.56(d)(1) require owners and operators to notify local authorities if his or her assessment of a release, fire, or explosion indicates that evacuation of local areas may be advisable.

40 CFR Parts 264.56(d)(2) and 265.56(d)(2) require the facility emergency coordinator to notify the on-scene coordinator or the National Response Center of any release, fire, or explosion that could threaten human health or the environment outside the facility. The emergency notification report must include the following information:

- Name and telephone number of reporter;
- Name and address of facility;
- Time and type of incident;
- Name and quantity of material(s) involved;
- The extent of injuries; and
- Possible hazards to human health or the environment outside the facility.

40 CFR Parts 264.56(i) and 265.56(i) state that the owner or operator must notify the Regional Administrator and appropriate State and local authorities that their facility is in compliance with 40 CFR Parts 264.56(h) and 265.56(h) before resuming operations in the affected area(s) of the facility.

Within 15 days of the incident, owners and operators are required, under 40 CFR Parts 264.56(j) and 265.56(j) to submit a written report ("owner or operator emergency report") on the incident to the Regional Administrator. The report must include the following data items:

- Name, address, and telephone number of the owner or operator;
- Name, address, and telephone number of the facility;
- Date, time, and type of incident;
- Name and quantity of material(s) involved;
- The extent of injuries;
- An assessment of actual or potential hazards to human health or the environment; and
- Estimated quantity and disposition of recovered material that resulted from the incident.

(ii) Respondent activities:

In order to comply with the reporting requirements of 40 CFR Part 264.56(a)(2) and 265.56(a)(2),

owners and operators must perform the following activities:

- Submit the required notification of an imminent or actual emergency situation to State and/or local authorities.

In order to comply with the reporting requirements of 40 CFR Parts 264.56(d)(1) and 265.56(d)(1), owners and operators must perform the following activities:

- Notify local authorities of the owner or operator's recommendation to evacuate local areas.

In order to comply with the reporting requirements of 40 CFR Parts 264.56(d)(2) and 265.56(d)(2), owners and operators must perform the following activities:

- Notify the on-scene coordinator or the National Response Center of any release.

In order to prepare an emergency report under 40 CFR Parts 264.56(d)(2) and 265.56(d)(2), emergency coordinators must conduct the following activities:

- Collect the information required in the emergency report; and
- Write the emergency notification report.

In order to prepare an owner or operator's emergency report under 40 CFR Parts 264.56(j) and 265.56(j), owners and operators must conduct the following activities:

- Read the regulations;
- Collect the information required in the emergency report; and
- Prepare and submit the emergency report.

In addition to preparing an emergency report, the owner or operator must notify the Regional Administrator that the facility is in compliance with 40 CFR Parts 264.56(h) and 265.56(h) before resuming operations in affected areas of the facility. Respondent activities associated with this requirement include the following:

- Compile information that demonstrates that all affected areas are in compliance; and
- Prepare and submit a letter notifying the Regional Administrator of this compliance.

40 CFR Parts 264.56 and 265.56 require the owner or operator to note in the operating record the time, date, and details of any incident that requires implementing the contingency plan (40 CFR Parts 264.56(j) and 265.56(j)). Respondent activities associated with this requirement are burdened in the respondent activity section for the operating record requirements.

## **Closure Requirements**

### **Extensions and Allowances During the Closure Period**

- (i) Data items:

Under 40 CFR Parts 264.113 and 265.113, owners and operators may prepare demonstrations in support of certain extensions and allowances during the closure period. 40 CFR Parts 264.113(a) and 265.113(a) allow owners and operators to request an extension for the treatment, storage, or removal of hazardous waste. To receive such an extension, the owner or operator must request a permit modification and demonstrate the following:

- Treatment, storage, and removal activities will, of necessity, take longer than 90 days to complete; or
- The hazardous waste management unit or facility has the capacity to receive additional hazardous or non-hazardous wastes; there is a likelihood that operations will be recommenced within one year; and closure of the unit would be incompatible with continued operation of the site; and
- The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

40 CFR Parts 264.113(b) and 265.113(b) allow owners and operators to request an extension of the closure period. To receive such an extension, the owner or operator must request a permit modification and demonstrate the following:

- Partial or final closure activities will, of necessity, take longer than 180 days to complete; or
- The hazardous waste management unit or facility has the capacity to receive additional hazardous or non-hazardous wastes; there is a reasonable likelihood that operations will be recommenced within one year; and closure of the unit would be incompatible with continued operation of the site; and
- The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

(ii) Respondent activities:

The burden associated with developing a permit modification for such an extension or allowance is addressed in the Part B permit application and permit modifications portion of this ICR. Other respondent activities associated with obtaining an extension or allowance include the following:

- Prepare and submit the demonstration for an extension for treatment, storage, or removal of hazardous waste;
- Prepare and submit the demonstration for an extension of the closure period; and
- Prepare and submit the demonstration for receiving non-hazardous wastes.

**Closure Certification**

(i) Data items:

40 CFR Parts 264.115 and 265.115 require owners or operators to submit to the Regional Administrator a certification that the unit or facility has been closed in accordance with the specifications in the approved closure plan. Documentation supporting the independent registered professional engineer's certification must be furnished to the Regional Administrator upon request until he or she releases the owner or operator from the financial assurance requirements for closure under 40 CFR Parts 264.143(i) and 265.143(h).

(ii) Respondent activities:

Respondent activities associated with closure certification include:

- Read the regulations;
- Have a registered professional engineer inspect the facility;
- Collect documentation to support the certification; and
- Write and submit the closure certification.

## **Financial Requirements**

### **Financial Responsibility for Corrective Action**

(i) Data items:

40 CFR Parts 264.101(b) and 264.101(c) require owners and operators of facilities containing solid waste management units (SWMUs) to institute corrective action as necessary, and to provide assurances of financial responsibility for completing such corrective action. This assurance must contain the following data item:

- Documented assurances of financial responsibility in the permit for the means of corrective action chosen.

(ii) Respondent activities:

Fulfilling the information collection requirements for corrective action financial assurance will include the following respondent activities:

- Read the regulations;
- Prepare and submit to the Regional Administrator, with the permit, documented assurances of financial responsibility for the corrective action chosen to be implemented; and
- Demonstrate, if applicable, that permission to implement correction action beyond facility boundary was denied.

### **Cost Estimates for Closure Care**

(i) Data items:

40 CFR Parts 264.142 and 265.142 require owners and operators to maintain a detailed written estimate of the cost of facility closure care until closure of the facility, in accordance with the requirements specified in 40 CFR Parts 264.142(a) and 265.142(a). These estimates must include the following data items:

- An adjustment of the closure cost estimate for inflation within sixty days of the anniversary date of the establishment of the financial instrument(s) used to assure financial responsibility for closure (thirty days in the case of owners or operators using the financial test or corporate guarantee)(40 CFR Parts 264.142(b) and 265.142(b)); and
- A revision of the closure estimate no later than thirty days after a modification has been made to the closure plan which increases the closure cost (40 CFR Parts 264.142(c) and 265.142(c)).

(ii) Respondent activities:

Since permitted facilities submit cost estimates for closure care with the Part B permit application, activities associated with developing and modifying the closure cost estimates are discussed in the Part B permit applications and permit modifications portion of this ICR. Owners and operators will need to engage in several activities in order to collect and maintain the data required by 40 CFR Parts 264.142 and 265.142:

- Periodically adjust the cost estimate to include inflation and/or revisions to the closure plan; and
- Amend cost estimate due to closure plan changes.

**Closure Financial Assurance Requirements**

Owners or operators are required to establish and provide evidence of financial assurance for facility closure (40 CFR Parts 264.143 and 265.143). Several financial instruments are described throughout this section for the purpose of establishing financial assurance:

**(1) Closure Trust Fund**

(i) Data items:

40 CFR Parts 264.143(a) and 265.143(a) explain that owners or operators may establish a closure trust fund in order to comply with 40 CFR Parts 264.143 and 265.143 requirements. Data items for establishing and providing evidence of a closure trust fund include:

- A trust agreement in compliance with 40 CFR Parts 264.143(a)(2)-(8) and (10), and 265.143(a)(2)-(8) and (10).

(ii) Respondent activities:

Owners and operators establishing a trust fund in order to comply with the closure financial assurance requirements of 40 CFR Parts 264.143 and 265.143 will need to engage in the following respondent activities:

- Gather and submit relevant information to the issuing institution;
- Establish a closure trust fund, in compliance with 40 CFR Parts 264.143(a)(2)-(8) and (10) and 265.143(a)(2)-(8) and (10);
- Submit an originally signed duplicate of the trust agreement to the EPA Regional Administrator (owners or operators of new facilities must submit this at least sixty days prior to receiving hazardous waste for treatment, storage, or disposal);
- For owners and operators of new facilities, submit a receipt for the first payment under the trust agreement before the initial receipt of hazardous wastes; and
- Amend trust fund due to changes in closure plan.

**(2) Surety Bond Guaranteeing Payment into a Closure Trust Fund**

(i) Data items:

40 CFR Parts 264.143(b) and 265.143(b) allow owners and operators to establish surety bonds in order to comply with the financial assurance requirements of 40 CFR Parts 264.143 and 265.143. Establishing surety bonds that guarantee payment into a closure trust fund will entail the collection of the following data items:

- A surety bond and trust agreement indicating the conditions of payment into the closure standby trust fund specified in 40 CFR Parts 264.143(b)(2)-(6) and (8), and 265.143(b)(2)-(6) and (8); and
- Evidence of an increase or decrease in the closure cost estimate that may require the penal sum of the surety bond to be increased or decreased accordingly (40 CFR Parts 264.143(b)(7) and 265.143(b)(7)).

(ii) Respondent activities:

In collecting these data items, owners and operators will need to engage in the following respondent activities:

- Gather and submit relevant information to the issuing institution;
- Establish a surety bond and trust agreement that comply with the financial assurance requirements of 40 CFR Parts 264.143 and 265.143;
- Submit originally signed duplicates of the surety bond and trust agreement to the Regional Administrator (for new facilities, these must be submitted at least sixty days before receiving hazardous waste for disposal);
- Submit evidence of and obtain approval from the Regional Administrator for alternate financial assurance mechanisms, in the case of cancellation of the bond by the surety;
- Increase the penal sum amount, in the case of a corresponding increase in the closure cost estimate; and
- Submit evidence of such an increase in the closure cost estimate to the Regional Administrator.

**(3) Surety Bond Guaranteeing Performance of Closure Care**

(i) Data items:

40 CFR Part 264.143(c) allows owners or operators of permitted facilities to comply with 40 CFR Part 264.143 requirements by obtaining a surety bond that guarantees performance of closure care. Data items for this option include:

- A surety bond and trust agreement indicating the conditions of payment into the standby trust fund specified in 40 CFR Parts 264.143(c)(2)-(6) and (8); and
- Evidence of an increase in the closure cost estimate that may require the penal sum of the surety bond to be increased or decreased accordingly (40 CFR Parts 264.143(c)(7)).

(ii) Respondent activities:

In collecting these data items, owners and operators will need to engage in the following respondent activities:

- Gather and submit relevant information to the issuing institution;
- Obtain a surety bond and trust agreement that comply with the financial assurance requirements of 40 CFR Part 264.143;



- Submit originally signed duplicates of the surety bond and trust agreement to the Regional Administrator (for new facilities, these must be submitted at least sixty days prior to receiving hazardous wastes for disposal);
- Submit evidence of and obtain approval from the Regional Administrator for alternate financial assurance mechanisms, in the case of cancellation of the bond by the surety;
- Increase the penal sum amount, in the case of a corresponding increase in the closure cost estimate; and
- Submit evidence of such an increase in the closure cost estimate to the Regional Administrator.

**(4) Closure Letter of Credit**

(i) Data items:

40 CFR Parts 264.143(d) and 265.143(c) specify that owners or operators may obtain an irrevocable standby letter of credit in order to satisfy financial assurance requirements. Data items for this information collection include:

- A letter of credit from an issuing institution authorized to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency;
- A trust agreement indicating the conditions of payment into the standby trust fund specified in 40 CFR Parts 264.143(d)(2)-(4) and (6), and 265.143(c)(2)-(4) and (6);
- Notification from the issuing institution to the owner or operator and EPA of a decision not to extend the expiration date mailed at least 120 days before the current expiration date of the letter of credit (40 CFR Parts 264.143(d)(5) and 265.143(c)(5));
- A letter (to accompany the letter of credit) from the owner or operator providing the following information:
  - The number, issuing institution, and date of the letter of credit;
  - The EPA identification number, name, and address of the facility; and
  - The amount of funds assured for closure care for the facility by the letter of credit; and
- Evidence of an increase in the closure cost estimate that may require the amount of credit to be increased accordingly (40 CFR Parts 264.143(d)(7) and 265.143(c)(7)).

(ii) Respondent activities:

Owners and operators will need to engage in the following activities in order to satisfy the financial assurance requirements with a closure letter of credit:

- Gather and submit relevant information to the issuing institution;
- Obtain a letter of credit from an issuing institution and establish the stand-by trust fund;
- Write a letter from the owner or operator to accompany the letter of credit;
- Submit the following documents to the Regional Administrator:
  - The letter of credit (in the case of new permitted facilities, this must be submitted at least sixty days prior to receiving hazardous waste for treatment, storage, or disposal, pursuant to 40 CFR Part 264.143(d)(1));
  - The accompanying letter from the owner or operator; and
  - An originally signed duplicate of the trust agreement;
  - Increase the amount of the letter of credit, in the case of corresponding increase in the closure cost estimate; and

- Submit evidence of such an increase in the closure cost estimate to the Regional Administrator.

**(5) Closure Insurance**

(i) Data items:

Owners or operators may satisfy the financial assurance requirements for closure or post-closure care by establishing closure insurance according to 40 CFR Parts 264.143(e) and 265.143(d). Data items for this information collection include:

- A closure insurance policy (identified by a certificate of insurance) that meets the requirements specified in 40 CFR Parts 264.143(e)(1)-(4) and (8), and 265.143(d)(1)-(4) and (8);
- Evidence of an increase in the closure cost estimate that may require the face amount of the insurance policy to be increased accordingly (40 CFR Parts 264.143(e)(7) and 265.143(d)(7)).

(ii) Respondent activities:

Collecting this data will entail the following respondent activities:

- Gather and submit relevant information to the issuing institution;
- Establish a closure insurance policy that satisfies the requirements of 40 CFR Parts 264.143 and 265.143;
- Submit a certificate of this insurance policy to the Regional Administrator (for new facilities, this must be submitted at least sixty days prior to receiving hazardous wastes for treatment, storage, or disposal);
- Submit evidence of an increase in the current closure cost estimate that may require the face amount of the insurance policy to be modified accordingly.

**(6) Financial Test and Corporate Guarantee for Closure Care**

(i) Data items:

40 CFR Parts 264.143(f) and 265.143(e) allow owners and operators to satisfy closure financial assurance requirements by demonstrating financial strength using the financial test specified in these sections. Data items for this demonstration include:

- A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR Part 264.151(f);
- A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year;
- A special report from the owner's or operator's independent certified public accountant to the owner or operator covering the specifications outlined in 40 CFR Parts 264.143(f)(3)(iii) and 265.143(e)(3)(iii);
- If an extension of submission of the above documents is sought, a letter from the owner's or operator's chief financial officer to the Regional Administrator of each Region in which facilities to be covered under the financial test are located. This letter, allowed only under 40 CFR Part 265.143(e)(4), must contain the following data items:
  - o A request for the extension;

- o A certification that the chief financial officer believes that the owner or operator meets the criteria of the financial test;
  - o For each facility to be covered by the test, the EPA identification number, name, address, and current closure cost estimates to be covered by the test;
  - o A specification of the date (no later than ninety days after the end of such fiscal year) when the owner or operator will submit the documents specified in 40 CFR Part 265.143(e)(3); and
  - o A certification that the year-end financial statements of the owner or operator for such fiscal year will be audited by an independent certified public accountant;
- Annual updates of the above data items;
  - A notice of intent to establish alternative financial assurance, if the owner or operator fails the financial test and no longer meets the requirements of 40 CFR Parts 264.143(f)(1) and 265.143(e)(1);
  - Reports of financial conditions as required by the Regional Administrator (40 CFR Parts 264.143(f)(7) and 265.143(e)(7));
  - If applicable, a written guarantee from the parent corporation of the owner or operator that satisfies financial assurance requirements (40 CFR Parts 264.143(f)(10) and 265.143(e)(10)); and
  - Notification from the insurer to the owner or operator and EPA of a decision to cancel, terminate, or fail to renew the policy (40 CFR Part 265.143(e)(11)(ii)).

(ii) Respondent activities:

Owners or operators will need to engage in the following respondent activities in order to collect the data required by these sections:

- Write the letter signed by the chief financial officer;
- Submit the following documents to the Regional Administrator (for new facilities, these documents must be submitted at least sixty days prior to receiving hazardous waste for treatment, storage, or disposal):
  - o The letter signed by the chief financial officer;
  - o A copy of the independent certified public accountant's report; and
  - o The special report from the independent certified public accountant;
- If applicable, write and submit a letter from the chief financial officer requesting an extension for submission of the above documents;
- Submit updated information annually;
- If applicable, write and submit a notice, by certified mail, to the Regional Administrator of intent to establish other financial insurance;
- Write and submit additional reports of financial condition at any time, as directed by the Regional Administrator; and
- If applicable, submit the corporate guarantee from the parent corporation of the owner or operator.

**(7) Use of a Financial Mechanism for Multiple Facilities**

(i) Data items:

40 CFR Parts 264.143(h) and 265.143(g) specify that owners or operators may use one of the above financial assurance mechanisms to meet the requirements of 40 CFR Parts 264.143 and 265.143 for more than one facility. In such cases, the owner and operator must provide the following data items for each facility:

- EPA identification number, name, and address; and
- The amount of funds for closure care assured by the mechanism.

(ii) Respondent activities:

To comply with the requirements of these sections, owners and operators will need to engage in the following activities:

- Read the regulations;
- Submit the data items listed above to the Regional Administrator; and
- If the facilities covered by the mechanism are located in more than one Region, submit identical evidence of financial assurance to all the applicable Regional Administrators.

### **Liability Requirements**

#### **(1) Coverage for Sudden or Nonsudden Accidental Occurrences**

(i) Data items:

40 CFR Parts 264.147(a) and 265.147(a) specify that owners and operators of hazardous waste treatment, storage, and disposal facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. In order to comply with these sections, owners or operators will need to gather the following data items:

Liability coverage demonstrated by one of the following documents (data items for these documents are described in full in the following sections):

- o A liability insurance policy (40 CFR Parts 264.147(a)(1), 265.147(a)(1), 264.147(b)(1), or 265.147(b)(1)), accompanied by a signed duplicate original of a Hazardous Waste Facility Liability Endorsement or a Certificate of Liability Insurance (40 CFR Parts 264.147(a)(1) and 264.147(b)(1) only);
- o Written evidence of passing a financial test or a written guarantee for liability coverage from the owner's or operator's parent corporation, a firm whose parent corporation is the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator (40 CFR Parts 264.147(a)(2), 265.147(a)(2), 264.147(b)(2), and 265.147(b)(2));
- o A letter of credit for liability coverage (40 CFR Parts 264.147(a)(3), 265.147(a)(3), 264.147(b)(3), and 265.147(b)(3));
- o A surety bond for liability coverage (40 CFR Parts 264.147(a)(4), 265.147(a)(4), 264.147(b)(4), and 265.147(b)(4));
- o A trust fund for liability coverage (40 CFR Parts 264.147(a)(5), 265.147(a)(5), 264.147(b)(5), and 265.147(b)(5)); or

- o A combination of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund (40 CFR Parts 264.147(a)(6), 265.147(a)(6), 264.147(b)(6), and 265.147(b)(6));
- o A written notification to the Regional Administrator whenever a claim or verification of a valid claim for bodily injury or property damages caused by the operation of a hazardous waste treatment, storage, or disposal facility is made against the owner or operator (40 CFR Parts 264.147(a)(7), 265.147(a)(7), 264.147(b)(7), and 265.147(b)(7)); and
- o A written notification to the Regional Administrator whenever the amount of financial assurance for liability coverage under one of the above-mentioned instruments is reduced, contingent on a claim or verification of a valid claim (40 CFR Parts 264.147(a)(7), 265.147(a)(7), 264.147(b)(7), and 265.147(b)(7)).

(ii) Respondent activities:

Owners and operators will need to engage in the following activities in order to comply with the information collection requirements of 40 CFR Parts 264.147(a) and (b), and 265.147(a) and (b):

- Establish liability coverage using one of the financial instruments listed above;
- Prepare, write, and submit a notification to the Regional Administrator whenever a claim for bodily injury is made against the owner or operator; and
- Prepare, write, and submit a notification to the Regional Administrator whenever the amount of financial assurance for liability coverage is reduced.

Submission of the two notifications listed immediately above will only occur in the event of a claim; therefore, if no accidental releases occur, owners or operators may never need to submit these notifications.

**(2) Liability Insurance**

(i) Data items:

40 CFR Parts 264.147(a)(1), 264.147(b)(1), 265.147(a)(1), and 265.147(b)(1) require owners or operators to submit the following data item:

- A duplicate of the endorsement or certificate of insurance, and, if requested by the Regional Administrator, a duplicate of the insurance policy.

(ii) Respondent activities:

Owners and operators will need to engage in the following activities to complete the requirements for this option:

- Gather and submit relevant information to the issuing institution;
- Obtain an insurance policy amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance and meet other specifications outlined in 40 CFR Parts 264.147(a)(1), 264.147(b)(1), 265.147(a)(1), or 265.147(b)(1);
- Submit a signed duplicate original of the endorsement or the certificate of insurance to the Regional Administrator, or Regional Administrators if the facilities are located in more than one Region; and

- If requested by the Regional Administrator, submit a signed duplicate original of the insurance policy (for new facilities this must be submitted at least sixty days before receiving hazardous waste for treatment, storage, or disposal).

### **(3) Variance of Financial Responsibility Regulations**

#### **(i) Data item:**

40 CFR Part 265.147(c) provides for a variance from the financial responsibility requirements if the owner or operator can demonstrate that the required levels of financial responsibility are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility. The request for a variance must be submitted in writing to EPA, and may include technical and engineering information that is deemed necessary by the Regional Administrator.

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

Owners and operators that wish to apply for a variance must prepare and submit information in support of the variance.

### **(4) Adjustments by the Regional Administrator**

#### **(i) Data items:**

40 CFR Parts 264.147(d) and 265.147(d) allow Regional Administrators to adjust the level of financial responsibility required under 40 CFR Parts 264.147 and 265.147 in order to protect human health and the environment. Respondents will need to furnish the following data items should Regional Administrators make such a determination:

- Any information which the Regional Administrator requests to determine whether cause exists for such adjustments of level or type of coverage; and
- If the Regional Administrator decides to adjust the level or type of coverage, the data elements necessary for a permit modification (detailed in the Part B permit application and permit modification portion of this ICR).

#### **(ii) Respondent activities:**

Owners or operators will need to engage in the following activities in order to satisfy the information collection requirements of this section:

- Submit to the Regional Administrator any requested information; and
- Prepare, write, and submit a permit modification if the Regional Administrator decides to adjust level or type of coverage (specific respondent activities for permit modifications are detailed in the permit application and permit modification portion of this ICR).

### **(5) Financial Test for Liability Coverage**

#### **(i) Data items:**

40 CFR Parts 264.147(f) and 265.147(f) allow owners or operators to satisfy liability requirements by passing a financial test. Data items for these sections include:

- A letter signed by the owner's or operator's chief financial officer and worded as specified in 40 CFR Part 264.151(g); if the financial test is also being used to demonstrate closure financial assurance, the letter specified in 40 CFR Part 264.151(g) must be submitted to cover both forms of financial responsibility;
- A copy of an independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year;
- A special report from the owner's or operator's independent certified public accountant to the owner or operator covering the specifications outlined in 40 CFR Parts 264.147(f)(3)(iii) and 265.147(f)(3)(iii);
- If an extension of submission of the above documents is sought, a letter from the owner's or operator's chief financial officer to the Regional Administrator of each Region in which facilities to be covered under the financial test are located. This letter, allowed only under 40 CFR Part 265.147(f)(4), must contain the following data items:
  - A request for the extension;
  - A certification that the chief financial officer believes that the owner or operator meets the criteria of the financial test;
  - For each facility to be covered by the test, the EPA identification number, name, address, and current closure cost estimates to be covered by the test;
  - A specification of the date (no later than ninety days after the end of such fiscal year) when the owner or operator will submit the documents specified in 40 CFR Part 265.147(f)(3); and
  - A certification that the year-end financial statements of the owner or operator for such fiscal year will be audited by an independent certified public accountant;
- Annual updates of the above data items; and
- Should the owner or operator fail the test and no longer meet the requirements of 40 CFR Parts 264.147(f)(1) or 265.147(f)(1), evidence of insurance obtained for the entire amount of required liability coverage specified in 40 CFR Parts 264.147 and 265.147.

(ii) Respondent activities:

Owners or operators will need to engage in the following respondent activities in order to collect the data required by these sections:

- Write the letter signed by the chief financial officer;
- Submit the following documents to the Regional Administrator (for new facilities, these documents must be submitted at least sixty days prior to receiving hazardous waste for treatment, storage, or disposal):
  - The letter signed by the chief financial officer;
  - A copy of an independent certified public accountant's report; and
  - The special report from an independent certified public accountant;
- If applicable, write and submit a letter from the chief financial officer requesting an extension for submission of the above documents;
- Submit updated information annually; and
- Should the owner or operator fail the test and no longer meet 40 CFR Parts 264.147 or 265.147 requirements, submit evidence to the Regional Administrator of insurance obtained for the entire amount of required liability coverage specified in these sections.

## **(6) Guarantee for Liability Coverage**

### **(i) Data items:**

40 CFR Parts 264.147(g) and 265.147(g) allow owners or operators to meet liability requirements by obtaining a written guarantee, under the conditions specified in 40 CFR Parts 264.147(g)(2) and 265.147(g)(2). Data items for this option include:

- A certified copy of a written guarantee from the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator; and
- In the case of corporations incorporated in the United States, a written statement from applicable Attorney(s) General or Insurance Commissioners to EPA indicating that a guarantee executed as described in the regulations is a legally valid and enforceable obligation in that State (40 CFR Parts 264.147(g)(2) and 265.147(g)(2)).
- In the case of corporations incorporated outside the United States, identification by the non-U.S. corporation of a registered agent for service of process in each State in which the facility covered by the guarantee is located and in the State in which it has its principal place of business, and a written statement from applicable Attorney(s) General or Insurance Commissioner of each applicable State indicating that a guarantee executed as described in the regulations is a legally valid and enforceable obligation in that State (40 CFR Parts 264.147(g)(2) and 265.147(g)(2)).
- A letter from the guarantor's chief financial officer as specified in 40 CFR Parts 264.147(f)(3) and 265.147(f)(3) that demonstrates that the guarantor has passed the financial test.

### **(ii) Respondent activities:**

Owners or operators will need to engage in the following respondent activities in order to collect the data required by these sections:

- Obtain a written guarantee from the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator;
- Submit a certified copy of this written guarantee to the Regional Administrator along with the items specified in 40 CFR Parts 264.147(f)(3) and 265.147(f)(3); and
- Submit a letter from the guarantor's chief financial officer as specified in 40 CFR Parts 264.147(f)(3) and 265.147(f)(3) that demonstrates that the guarantor has passed the financial test ; and
- Submit updated information annually.

## **(7) Letter of Credit for Liability Coverage**

### **(i) Data items:**

40 CFR Parts 264.147(h) and 265.147(h) allow owners or operators to satisfy financial requirements for liability by obtaining the following data item:

- An irrevocable standby letter of credit that conforms to applicable requirements and is submitted from a financial institution with the authority to issue letters of credit, whose



letter of credit operations are regulated and examined by a Federal or State agency, and whose letters of credit meet the requirements of 40 CFR Part 264.147(h).

(ii) Respondent activities:

Owners or operators using this option to satisfy financial assurance for liability will need to engage in the following activities:

- Gather and submit relevant information to the issuing institution;
- Obtain the standby letter of credit described above; and
- Submit a copy of this letter of credit to the Regional Administrator.

**(8) Surety Bond for Liability Coverage**

(i) Data items:

40 CFR Parts 264.147(i) and 265.147(i) allow owners or operators to satisfy financial requirements for liability. Under 40 CFR Parts 264.147(i)(4) and 265.147(i)(4), a surety bond may be used to satisfy the requirements of this section only if the applicable Attorneys General or Insurance Commissioners have submitted a written statement to EPA that a surety bond executed as described in the regulations is a legally valid and enforceable obligation in that State. The owner or operator must obtain the following data item:

- A surety bond (and other information, where applicable) that conforms to the requirements specified in 40 CFR Parts 264.147(i) and 265.147(i).

(ii) Respondent activities:

Owners or operators using this option to satisfy financial assurance for liability will need to engage in the following activities:

- Gather and submit relevant information to the issuing institution;
- Obtain the surety bond described above; and
- Submit a copy of this surety bond to the Regional Administrator.

**(9) Trust Fund for Liability Coverage**

(i) Data items:

40 CFR Parts 264.147(j) and 265.147(j) allow owners or operators to satisfy financial requirements for liability by establishing a trust fund which involves collection of the following data item:

- A trust agreement that conforms to the requirements specified in 40 CFR Parts 264.147(j) and 265.147(j).

(ii) Respondent activities:

Owners or operators using this option to satisfy financial assurance for liability will need to engage in the following activities:

- Gather and submit relevant information to the issuing institution;
- Establish the trust fund described above; and
- Submit an originally signed duplicate of the trust agreement to the Regional Administrator.

### **Incapacity of Owners or Operators, Guarantors, or Financial Institutions**

#### (i) Data items:

40 CFR Parts 264.148 and 265.148 require owners or operators to submit the following data item if applicable:

- A notification of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor (if the guarantor is named as the debtor, the collection of this data is the guarantor's responsibility).

#### (ii) Respondent activities:

Activities for this data collection will include:

- Submit, by certified mail, a notice to the Regional Administrator indicating the commencement of bankruptcy proceedings in which the owner or operator or guarantor is named as debtor.

### **Use of State-Required Mechanisms**

#### (i) Data items:

40 CFR Parts 264.149 and 265.149 allow owners or operators to use State-required financial assurance mechanisms to meet 40 CFR Parts 264.143, 264.147, 265.143, or 265.147 requirements. Data items for this option include:

- A letter from the owner or operator requesting that the State-required mechanism be considered acceptable for meeting the requirements of this subpart;
- Evidence of the establishment of a State-required mechanism, including the following information:
  - The facility's EPA identification number, name, and address; and
  - The amount of funds for closure care or liability coverage assured by the mechanism; and
- Any additional information required by the Regional Administrator in order to make the determination.

#### (ii) Respondent activities:

Activities for this data collection will include:

- Submit to the Regional Administrator:
  - The letter from the owner or operator;
  - Written evidence of the establishment of a State-required financial assurance mechanism; and
  - Any additional information requested by the Regional Administrator.

## **State Assumption of Responsibility**

### (i) Data items:

40 CFR Parts 264.150 and 265.150 require owners or operators to notify EPA when a State assumes legal responsibility or assures availability of funds for an owner's or operator's compliance with the closure or liability requirements of this part. Data items to be collected in this case include:

- A letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this subpart;
- A letter from the State describing the nature of the State's assumption of responsibility, including the following information:
  - The facility's EPA identification number, name, and address; and
  - The amount of funds for closure care or liability coverage that are guaranteed by the State; and
  - Any additional information which the Regional Administrator deems necessary to make the determination whether the State's assumption of responsibility is acceptable.

### (ii) Respondent activities:

Activities for this data collection will include:

- Submit to the Regional Administrator:
- The letter from the owner or operator;
- The letter from the State describing the State's assumption of responsibility and including the information specified above; and
- Any additional information requested by the Regional Administrator.

## **Conditions Applicable to All Permits**

### (i) Data items:

40 CFR Part 270, Subpart C specifies conditions applicable to all permitted facilities. 40 CFR Part 270.30(h) requires owners and operators of permitted facilities to furnish any relevant information requested by EPA to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with the permit. 40 CFR Part 270.30(j)(2) and (3) requires permittees to retain records of all monitoring information, copies of all reports required by the permit, the certification required by 40 CFR Part 264.73(b)(9), and records of all data used to complete the application for a period of at least three years from the date of the sample, measurement, report, certification, or application. [These requirements are burdened in the section entitled "Operating Record" of this ICR.] In addition, 40 CFR Part 270.30(l) specifies the following reporting requirements, which are applicable to all permitted facilities:

- Prompt notice of planned physical alternations or additions (40 CFR Part 270.30(l)(1));
- Notice of planned changes or activities which may result in noncompliance with permit requirements (40 CFR Part 270.30(l)(2));
- Letter certifying that the facility has been constructed or modified in compliance with the permit (40 CFR Part 270.30(l)(2)(i));
- Monitoring reports, submitted at the intervals specified in the permit (40 CFR Part 270.30(l)(4));

- Reports of compliance or noncompliance, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit, submitted no later than 14 days following each schedule date (40 CFR Part 270.30(l)(5));
- A report containing information concerning a release that may threaten drinking water supplies (40 CFR Part 270.30(l)(6)(i)(A)), or information concerning a release, fire, or explosion which could threaten human health or the environment outside the facility (40 CFR Parts 270.30(l)(6)(i)(B)), within 24 hours from the time the permittee becomes aware of the circumstances. Such a report must include the following information:
  - Name, address, and telephone number of the owner or operator;
  - Name, address, and telephone number of the facility;
  - Date, time, and type of incident;
  - Name and quantity of material(s) involved;
  - The extent of injuries, if any;
  - An assessment of actual or potential hazards to the environment and human health outside the facility; and
  - Estimated quantity and disposition of recovered material that resulted from the incident.
- A written notice within five days of noncompliance, or a written report within 15 days, that includes a description of the noncompliance and its cause, the period of noncompliance, the anticipated time the noncompliance is expected to continue, and steps taken to reduce, eliminate, and prevent reoccurrence of the noncompliance (40 CFR Part 270.30(l)(6)(iii));
- Report of other noncompliance not submitted with monitoring reports, compliance schedule reports, and reports of releases, fires, or explosions (40 CFR Part 270.30(l)(10)); and
- For cases where the permittee becomes aware that he or she failed to submit any relevant facts in a permit application, or submitted incorrect information in any permit application or report, corrected or new information (40 CFR Part 270.30(l)(11)).

(ii) Respondent activities:

In order to comply with 40 CFR Part 270, Subpart C, owners and operators of permitted facilities must perform the following activities:

- Prepare and submit the required information as described above.

## ***SPECIFIC UNIT REQUIREMENTS FOR BIFs***

### **Exemptions from the BIF Regulations**

#### **Exemptions for Metal Recovery Furnaces**

(i) Data items:

40 CFR Part 266.100(d) provides owners and operators of metal recovery furnaces (smelting, melting and refining furnaces, but not cement kilns, aggregate kilns, or HAFs) that process hazardous waste solely for metal recovery, with the opportunity to be conditionally exempt from the requirements of 40 CFR Parts 266.102 through 266.111. The owner or operator must provide the following information to obtain this exemption:

- A one-time written notice to the Director indicating the following:
  - The owner or operator's claim of exemption under 40 CFR Part 266.100(c)(1);
  - A statement assuring that the hazardous waste is burned solely for metal recovery consistent with the provisions of 40 CFR Part 266.100(c)(2);
  - A statement that the hazardous waste contains recoverable levels of metals; and
  - Assurance that the owner or operator will comply with the sampling and analysis and recordkeeping requirements contained in 40 CFR Part 266.100(c).
- Records documenting compliance with 40 CFR Part 266.100(c) including:
  - Records of the sampling and analysis of the hazardous waste and other feedstocks;
  - Documentation of the limits on levels of toxic organic constituents and Btu values of the waste; and
  - Documentation on the levels of recoverable metals in the hazardous waste compared to the normal nonhazardous feedstocks.
- In addition to being subject to the requirements for all metal recovery furnaces, the owners or operators of a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, must provide a one-time written notice to the Director, which contains the following information:
  - Identification of each hazardous waste burned;
  - Specification of whether the owner or operator claims an exemption for each waste under 40 CFR Part 266.100(c)(1) or 266.100(c)(3); and
  - Certification that hazardous waste is burned under the provisions of 40 CFR Part 266.100(c)(3) and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements, as required by 40 CFR Part 266.100(c)(3)(D).

(ii) Respondent activities:

Respondent activities associated with 40 CFR Part 266.100(c) include:

- Read the regulations;
- Prepare and submit a one-time notice (40 CFR Part 266.100(c)(1)(i));
- Sample and analyze the hazardous waste and other feedstocks (40 CFR Part 266.100(c)(1)(ii));
- Maintain records until closure of the facility to document compliance (40 CFR Part 266.100(c)(1)(iii)); and
- Prepare and submit a one-time notice for a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing (40 CFR Part 266.100(c)(3)).

**Exemptions for Smelting, Melting, and Refining Furnaces that recover Precious Metals**

(i) Data items:

40 CFR Part 266.100(g) allows owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, or ruthenium to be conditionally exempt from the requirements of 40 CFR Parts 266.101 through 266.111. Data items

required to obtain this exemption include the following:

- A one-time written notice to the Director indicating the following:
- The owner or operator's claim of exemption under 40 CFR Part 266.100(g);
  - A statement that the hazardous waste is burned for legitimate recovery of precious metal; and
  - Assurance that the owner or operator will comply with the sampling and analysis and recordkeeping requirements specified in 40 CFR Part 266.100(g).
- Documentation indicating that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metals.

(ii) Respondent activities:

In order to comply with the requirements of 40 CFR Part 266.100(f), owners and operators must perform the following activities:

- Read the regulations;
- Prepare and submit a one-time notice (40 CFR Part 266.100(g)(1));
- Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metals (40 CFR Part 266.100(g)(2)); and
- Maintain records until closure of the facility to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal (40 CFR Part 266.100(g) (3))

### **Lead Recovery Furnace Exemptions**

(i) Data items:

As required by 40 CFR Part 266.100(h), lead recovery furnaces processing hazardous waste for the recovery of lead are subject to regulation under the Secondary Lead Smelting NESHAP. Such facilities are conditionally exempt from regulation under 40 CFR Part 266, except for 40 CFR Part 266.101. Facilities desiring this exemption must provide a one-time notice to EPA identifying each hazardous waste burned and specify that the lead recovery furnace claims the exemption. The notice must also demonstrate that the waste burned has a total concentration of organic compounds listed in 40 CFR Part 261, Appendix VIII of less than 500 ppm by weight, as fired and as provided in 40 CFR Part 266.100(d)(2)(i), or is listed in 40 CFR Part 266, Appendix XI.

(ii) Respondent activity:

- Prepare and submit a one-time notice identifying each hazardous waste burned, specifying that the receiving lead recovery furnace claims the exemption, and demonstrating that the waste complies with 40 CFR Part 266 requirements.

## **Small Quantity On-Site Burner Exemption**

### (i) Data items:

40 CFR Part 266.108 specifies the requirements for exemption from the regulations of this subpart for facilities that burn hazardous waste in a small quantity on-site boiler or industrial furnace. The owner or operator of facilities qualifying for the small quantity burner exemption must provide the following data items:

- A one-time signed, written notice to EPA indicating the following:
  - The combustion unit is operating as a small quantity burner of hazardous waste;
  - The owner and operator are in compliance with the requirements of 40 CFR Part 266.108; and
  - The maximum quantity of hazardous waste that the facility may burn per month as provided by 40 CFR Part 266.108(a)(1);
- Documentation demonstrating compliance with the hazardous waste quantity, firing rate, and heating value limits of 40 CFR Part 266.108 including:
  - The quantity of hazardous waste and other fuel burned in each unit per calendar month; and
  - The heating value of the hazardous waste.

### (ii) Respondent activities:

Respondent activities associated with 40 CFR Part 266.108 include:

- Read the regulations;
- Gather and analyze data to determine whether the boiler or industrial furnace qualifies for a small quantity burner exemption (40 CFR Part 266.108(a)-(c));
- Prepare and submit notification of qualification for exemption (40 CFR Part 266.108(d)); and
- Maintain records documenting hazardous waste quantity, firing rate, and heating value limits until closure of the facility (40 CFR Part 266.108(e)).

## **Permit Standards**

### **Monitoring and Inspections**

#### (i) Data items:

Owners and operators of permitted BIF units must operate in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit. Facilities with permitted BIF units are required to comply with standards that control the following emissions:

- Organic emissions by limiting CO emissions, and in some cases, HC emissions to specified levels and complying with a DRE Standard (40 CFR Part 266.104);
- Particulate matter emissions by limiting particulate emissions to specified levels(40 CFR Part 266.105)

- Metals emissions by complying with specified Tier I feed rate screening limits, Tier II emission rate screening limits, Tier III site-specific risk assessments, adjusted Tier I feed rate screening limits, or an alternative implementation approach (40 CFR Part 266.106); and
- HCl and Cl<sub>2</sub> gas emissions by complying with Tier I feed rate screening limits, Tier II emission rate screening limits, Tier III site-specific risk assessments, or adjusted Tier I feed rate screening limits (40 CFR Part 266.107).

Appendix IX, section 2 includes information collection requirements covering performance specifications for continuous emissions monitoring systems (CEMS). Appendix IX, section 3 includes information collection requirements covering sampling and analytical methods. 40 CFR Part 266.102(e) specifies operating requirements for BIFs burning hazardous waste. Each of these sections and their associated information collection requirements are discussed below.

Appendix IX, section 2 contains procedures that are intended to be used to evaluate the acceptability of the CEMS at the time of its installation or whenever specified in the regulations or permits. Data items associated with Appendix IX, section 2 include the following:

- If the combustion unit is taken out of service during the calibration drift (CD) test period, records of the onset and duration of downtime;
- If periodic automatic or manual adjustments are made to the CEMS zero and calibration settings, a record of the CEMS response immediately after a calibration drift test and a data sheet summarizing the results;
- Records of the time (upscale response time) required to reach 95 percent of the stable value during the calibration drift test;
- Records of the responses of the CEMS at three measurement points;
- Data sheets summarizing results;
- Reports of data from all performance test methods (PTM);
- A tabular summary of the results of the calibration drift, relative accuracy (RA), response time, and calibration error test, as appropriate;
- A demonstration for an alternative RA procedure, if desired;
- A quality assurance program to evaluate and monitor CEMS performance;
- A demonstration for an alternative calibration procedure; and
- Records of HC emissions.

Appendix IX, section 3 contains procedures for sampling and analysis of metals, hexavalent chromium, HCl and Cl<sub>2</sub>, PCDDs and PCDFs, and aldehydes and ketones. This ICR assumes that most Appendix IX, section 3 sampling and analysis will be performed during the trial burn, and has therefore been subsumed under the burden for conducting a trial burn, which is included in the Part B permit application and permit modifications portion of this ICR. However, facilities that choose to use an alternative metals implementation approach, instead of monitoring the feed rate of metals in each feedstream, will need to perform metals emissions monitoring on a daily basis. Data items for these facilities include the following:

- For metals emissions, records of the data for sampling trains; and
- For monitoring of metals, records of emissions data and a laboratory log for all calibrations.

40 CFR Part 266.102(e)(8) requires the owner or operator to maintain the following data items



while burning hazardous waste:

- If specified by the permit, documentation of the monitoring of feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks, and feed rates of ash, metals, and total chloride and chlorine, if specified by the permit;
- If specified by the permit, a record of the monitoring of carbon monoxide, hydrocarbons, and oxygen on a continuous basis at a common point in the boiler or industrial furnace downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating requirements specified in 40 CFR Part 266.102(e)(2)(ii);
- Upon request of the Director, documentation of the sampling and analysis of the hazardous waste and (other fuels and industrial furnace feed stocks as appropriate), residues, and exhaust emissions;
- Record of daily visual inspections of the boiler or industrial furnace and associated equipment for leaks, spills, fugitive emissions, and signs of tampering;
- Record of weekly or monthly testing of the automatic hazardous waste feed cutoff system and associated alarms when hazardous waste is burned to verify operability; and
- If desired, a demonstration submitted to the Director that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate.

(ii) Respondent activities:

To comply with the requirements of Appendix IX, section 2, owners and operators must perform the following activities:

- Read the regulations;
- Test the CD, response time, CE test procedure, and RA test procedure; record data; maintain monitors (Appendix IX, section 2);
- If the combustion unit is taken out of service during the CD test period, record the onset and duration of downtime (Appendix IX, sections 2.1.5.2 and 2.2.5.2);
- If periodic automatic or manual adjustments are made to the CEMS zero and calibration settings, record the CEMS response immediately after a calibration drift test (Appendix IX, sections 2.1.6.1.1 and 2.2.6.1.1);
- Record the time (upscale response time) required to reach 95 percent of the stable value during the CD test (Appendix IX, sections 2.1.6.2.1 and 2.2.6.2.1);
- Record the responses of the CEMS at three measurement points (Appendix IX, sections 2.1.6.3.1.2 and 2.2.6.3.1.2);
- Summarize results on data sheets (Appendix IX, sections 2.1.6.1.2, 2.1.6.3.2, 2.1.6.4.5, 2.2.6.1.2, and 2.2.6.3.2);
- Prepare a report of the data from all performance test methods (Appendix IX, section 2.1.6.4.3);
- Prepare and submit a report of the results of the CD, RA, response time, and CE test, as appropriate (Appendix IX, section 2.1.8 and 2.2.8);
- Prepare and submit a request for an alternative RA procedure (Appendix IX, section 2.1.9.2);
- Develop a quality assurance program to evaluate and monitor CEMS performance (Appendix IX, sections 2.1.10 and 2.2.9);
- Prepare and submit a demonstration for an alternative calibration procedure (Appendix IX, section 2.1.10.1 and 2.2.9.1);

- Conduct a quarterly CE test (Appendix IX, section 2.1.10.3 and 2.2.9.3); and
- Conduct an annual performance specification test (Appendix IX, section 2.1.10.4 and 2.2.9.4).

To comply with the requirements of Appendix IX, section 3 (also known as SW 846), owners and operators of facilities using an alternative implementation approach for metals must perform the following activities:

- Read the regulations;
- Determine metals emissions (Appendix IX, section 3.1);
- For monitoring of metals emissions, record data for sampling trains (Appendix IX, sections 3.1.5.1.5); and
- For monitoring of metals emissions, record emissions data and maintain a laboratory log for all calibrations (Appendix IX, section 3.1.6).

To comply with the requirements of 40 CFR Part 266.102(e), owners and operators must perform the following activities:

- Read the regulations;
- Conduct monitoring and inspections of hazardous waste, other fuels and feedstock, and stack gas emissions (40 CFR Part 266.102(e)(8)(i));
- Inspect the boiler or industrial furnace and associated equipment at least daily (40 CFR Part 266.102 (e)(8)(iii));
- Inspect the hazardous waste feed cutoff system and associated alarms at least weekly (40 CFR Part 266.102(e)(8)(iv)); or
- Demonstrate that weekly inspections of the hazardous waste feed cutoff system will unduly restrict or upset operations and, if approved, conduct operational testing once every 30 days (40 CFR Part 266.102(e)(8)(iv)); and
- Record monitoring and inspection data in the operating log (40 CFR Part 266.102(e)(8)(v)).

### **Recordkeeping**

(i) Data items:

40 CFR Part 266.102(e)(10) requires owners and operators to maintain the monitoring and inspection data items specified in 40 CFR Part 266.102(e) in the operating record until closure of the facility.

(ii) Respondent activities:

The owner or operator must retain all of the information and data required by 40 CFR Part 266.102(e) in the operating record of the facility until closure of the facility (40 CFR Part 266.102(e)(10)).

### **Standards to Control Organic Emissions**

(i) Data item:

40 CFR Part 266.104 requires a boiler or industrial furnace burning hazardous waste to achieve a destruction and removal efficiency (DRE) of 99.99 percent for all organic hazardous constituents in the waste feed. Principal organic hazardous constituents (POHCs) are those compounds for which compliance with the DRE requirements of 40 CFR Part 266.104 shall be demonstrated in a trial burn in conformance with the procedures prescribed in 40 CFR Part 270.66. POHCs are most likely to be selected from among those compounds listed in 40 CFR Part 261, appendix VIII, that are also present in the normal waste feed. However, 40 CFR Part 266.104(a)(2) allows owners or operators to submit a demonstration for an alternative POHC. The data item associated with 40 CFR Part 266.104(a)(2) is:

- Demonstration submitted to the Regional Administrator that a compound not listed in appendix VIII or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirement of 40 CFR Part 266.104.

(ii) Respondent activities:

To comply with the requirements of 40 CFR Part 266.104(a), owners or operators must:

- Read the regulations; and
- Prepare and submit a demonstration for an alternate POHC designation (40 CFR Part 266.104(a)(2)).

### **Standards to Control Metal Emissions**

(i) Data item:

Under 40 CFR Part 266.106(f), the Director may approve on a case-by-case basis approaches to implementing the Tier II or Tier III metals emission limits as specified in 40 CFR Parts 266.106(c) and 266.106(d) alternative to monitoring the feed rate of metals in each feed stream. To be granted an alternative as specified in 40 CFR Part 266.106(f), owners or operators must provide calculations for emission limits.

(ii) Respondent activities:

To comply with 40 CFR Part 266.106(f), owners or operators must engage in the following activities:

- Read the regulations; and
- Prepare and submit information in support of an alternative implementation approach, as provided by 40 CFR Part 266.106(f).

### **Direct Transfer Requirements**

(i) Data items:

The regulations in 40 CFR Part 266.111 apply to owners and operators of boilers and industrial furnaces subject to 40 CFR Parts 266.102 or 266.103 if hazardous waste is directly transferred from a transport vehicle to a boiler or industrial furnace without the use of a storage unit. Owners and operators of these facilities must comply with the regulations as specified in 40 CFR Part 266.111(d)(2) in areas where direct transfer vehicles (containers) are located. The data items associated with this regulation include the following:

- Certification by the local Fire Marshall that the installation meets the subject NFPA codes;
- For existing direct transfer equipment that does not have secondary containment, a written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 40 CFR Part 270.11(d) that attests to the equipment's integrity and includes the following:
  - Design standards, if available, according to which the direct transfer equipment was constructed;
  - Hazardous characteristics of the waste(s) that have been or will be handled;
  - Existing corrosion protection measures;
  - Documented age of the equipment, if available (otherwise, an estimate of the age); and
  - Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion, and erosion are accounted for; and
- Record of hourly inspections when hazardous waste is being transferred from the transport vehicle (container) to the boiler or industrial furnace that includes the inspection of the following:
  - Overfill/spill control equipment to ensure that it is in good working order;
  - The above ground portions of the direct transfer equipment to detect corrosion, erosion, or releases of waste; and
  - Data gathered from monitoring equipment and leak-detection equipment to ensure that the direct transfer equipment is being operated according to its design.
  - The owner or operator must inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 40 CFR Part 265.195(b) of this chapter:

(ii) Respondent activities:

Owners and operators must be involved in the following activities to comply with 40 CFR Part 266.111:

- Read the regulations;
- Collect data in support of a certification that the installation meets subject NFPA codes (40 CFR Part 266.111(d)(2));
- Obtain and keep on file a written certification that the installation meets subject NFPA codes (40 CFR Part 266.111(d)(2));
- For existing direct transfer equipment that does not have secondary containment, collect data in support of an assessment that attests to the equipment's integrity (40 CFR Part 266.111(e)(2));
- Obtain and keep on file a written assessment that attests to the equipment's integrity (40

- CFR Part 266.111(e)(2));
- Conduct inspections of equipment and data gathered (40 CFR Part 266.111(e)(3)(i)-(ii)); and
- Record and maintain inspection data until closure of the facility (40 CFR Part 266.111(e)(iii)).

## Regulation of Residues

40 CFR Part 266.112 allows owners and operators of certain BIFs to receive an exemption from classification as a hazardous waste of residue generated during the burning of hazardous waste if the owner or operator can demonstrate that the burning of the hazardous waste does not significantly affect the character of the residue. Owners or operators comply with the requirements by demonstrating either a comparison of waste-derived residue with normal residue, or a comparison of waste-derived residue concentrations with health-based limits.

Data items associated with the demonstration of a comparison of waste-derived residue with normal residue include the following:

- Demonstration that the hazardous waste does not significantly affect the residue by demonstrating the following:
  - The waste-derived residue does not contain appendix VIII, Part 261 constituents that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste by the methods specified in 40 CFR Part 266 Appendix IX
  - The concentrations of nonmetal toxic constituents of concern (as specified in 40 CFR Part 266.112(b)(1)) in the waste-derived residue does not exceed the health-based levels specified in appendix VII, Part 266; and
  - Waste derived residue is sampled and analyzed as often as necessary to ensure that the residue generated during each 24-hour period does not have concentrations of toxic constituents that are higher than the health-based limits.

Data items associated with the demonstration of a comparison of waste-derived residue concentrations with health-based limits include the following:

- As required by 40 CFR Part 266.112(b)(2)(i), in complying with the 40 CFR Part 268.43 F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analysis of residues must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans.

Documentation of compliance with 40 CFR Part 266.112 that record the following:

- Levels of constituents in appendix VIII, Part 261, that are present in waste-derived residues;
- If the waste-derived residue is compared with the normal residue under 40 CFR Part 266.112(b)(1), the following must be recorded:
  - The levels of constituents in appendix VIII, Part 261 that are present in normal residues; and

- Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

In addition, Appendix IX, sections 7.3 and 7.4 require owners and operators to maintain supporting rationale for alternate statistical practices used to demonstrate conformance with the exemption requirements. Data items include the following:

- For an alternate statistical approach, supporting rationale that demonstrates sound statistical practice; and
- Supporting rationale for an approach for handling nondetect data points.

(ii) Respondent activities:

Respondents must engage in the following activities to comply with 40 CFR Part 266.112:

- Read the regulations;
- Demonstrate that the hazardous waste does not significantly affect the residue (40 CFR Part 266.112(b));
- Analyze residues for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans to meet F039 nonwastewater standards;
- For an alternate statistical approach, prepare and maintain on file a rationale that demonstrates sound statistical practice (Appendix IX, section 7.3);
- Prepare and maintain on file a supporting rationale for an approach for handling nondetect data points (Appendix IX, section 7.4); and
- Record and maintain information documenting compliance until closure of the facility (40 CFR Part 266.112(c)).

***PART B PERMIT APPLICATION AND PERMIT MODIFICATION REQUIREMENTS FOR BIFs***

**General Part B Information Requirements for BIFs**

**Legal Review**

(i) Data items:

EPA believes that respondents will conduct legal reviews of their permit applications prior to submitting them to the Agency. No data items are required.

(ii) Respondent activities:

Owners and operators will conduct legal reviews of their permit applications prior to submitting them to the Agency. Such reviews may include checks for accuracy, completeness and conformance with the regulations.

**General Requirements**

(i) Data items:

Under 40 CFR Part 270.14(a), owners and operators may obtain from EPA relief from submission of information prescribed in Part B on a case-by-case basis by demonstrating that such information cannot be provided to the extent required.

(ii) Respondent activities:

Respondent activities associated with the demonstration submitted under 40 CFR Part 270.14(a) include:

- Read the regulations;
- Prepare and submit the demonstration; and
- File the demonstration at the facility.

**General Facility Standards**

(i) Data items:

Under 40 CFR Part 270.14(b) (1)-(14), owners and operators of hazardous waste management facilities must submit in their Part B permit applications information on compliance with general facility standards. Data items required under these sections include the following:

- A general description of the facility (40 CFR Part 270.14(b)(1));
- Chemical and physical analyses of the hazardous waste to be handled at the facility. At a minimum, these analyses should contain all the information that must be known to treat, store, or dispose of the wastes properly in accordance with Part 264 (40 CFR Part 270.14(b)(2));
- A waste analysis plan. The plan should contain information required under 40 CFR Part 264.13(b) (1)-(7) and, for off-site facilities, the information required under 40 CFR Part 264.13(c);
  - A description of the security procedures and equipment required by 40 CFR Part 264.14, or a justification demonstrating the reasons for requesting a waiver of this requirement. To obtain a waiver, owners and operators must demonstrate to EPA that:
    - Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of the facility; and
    - Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this part;
- A general inspection schedule, as required under 40 CFR Part 264.15(b), for monitoring equipment that is important in preventing, detecting, or responding to environmental or human health hazards (40 CFR Part 270.14(b)(5)). Where applicable, the inspection schedule should include the specific requirements in 40 CFR Parts 264.174, 264.193(i), 264.195, 264.226, 264.254, 264.273, 264.303 and 264.602, and should identify the types of problems that are to be investigated during the inspection;
- If an exemption from special equipment requirements is sought under 40 CFR Part 264.32, a demonstration that none of the hazards posed by waste handled at the facility could require the use of equipment required under 40 CFR Parts 264.32(a) through (d);

- If an exemption from the aisle space requirements of 40 CFR Part 264.35 is sought, a demonstration that the aisle space is not needed to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operating in an emergency (40 CFR Part 270.14(b)(6));
- A contingency plan as required under 40 CFR Part 264 Subpart D. Data elements that should be included in this plan are listed below (40 CFR Part 264.52):
  - A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services;
  - An updated list of the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators;
  - An updated list of all emergency equipment at the facility and the location, physical description, and capabilities of the emergency equipment. The contingency plan should also indicate where the emergency equipment will be required; and
  - An evacuation plan for facility personnel where there is a possibility that evacuation may be necessary;
- A description of procedures, structures, or equipment used at the facility for the following purposes:
  - To prevent hazards in unloading operations;
  - To prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding;
  - To prevent contamination of water supplies;
  - To mitigate effects of equipment failure and power outages; and
  - To prevent undue exposure of personnel to hazardous waste;
- A description of precautions taken under 40 CFR Part 264.17 to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, including documentation demonstrating compliance with 40 CFR Part 264.17(c). The documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions;
- A description of traffic patterns, estimated volume, and control (40 CFR Part 270.14(b)(10));
- Facility location information (40 CFR Part 270.14(b)(11)). At a minimum, the location information provided must include:
  - An identification of the political jurisdiction in which the facility is proposed to be located;
  - If the facility is proposed to be located in an area listed in appendix VI of Part 264, a demonstration of compliance with the seismic standard as defined under 40 CFR Part 264.18(a). This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant;
  - An identification of whether the facility is located within a 100-year floodplain. The identification must include the following information:
    - The source of data for the determination;
    - A copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available; and



- An identification of the 100-year flood level and any other special flooding factors which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;
- Facilities located in a 100-year floodplain may submit a demonstration for exemption from design and operating standards under 40 CFR Part 264.18(b). The demonstration must establish the following:
  - Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or
  - For existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs;
- Owners and operators of facilities located in the 100-year floodplain that are not exempt from the design and operating standards under 40 CFR Part 264.18(b) must provide the following information:
  - Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a 100-year flood; and
  - Structural or other engineering studies showing the design of operational units and flood protection devices at the facility and how these will prevent washout; or
  - If applicable, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded;
- Existing facilities not in compliance with 40 CFR Part 264.18(b) must provide a plan showing how the facility will be brought into compliance, along with a schedule for compliance;
- An outline of both the introductory and continuing training programs used to prepare persons to operate or maintain the facility in a safe manner as required to demonstrate compliance with 40 CFR Part 264.16, and a brief description of how training will be designed to meet actual job tasks in accordance with the requirements in 40 CFR Part 264.16(a)(3); and
- A closure plan as required under 40 CFR Parts 264.112 and 264.197. The closure plan must include the information required under 40 CFR Part 264.112(b) (1)-(7).

(ii) Respondent activities:

In order to provide the data items listed above, respondents must perform the following activities:

- Read the regulations;
- Prepare a written description of the facility;
- Collect the analytical information required under 40 CFR Part 270.14(b)(2) and prepare a written report of the analyses conducted;
- Collect the data required in the waste analysis plan;
- Write the waste analysis plan;
- Prepare the description of security procedures and equipment; or
- Prepare a demonstration for a waiver of the security procedures and equipment requirements;

- Develop an inspection schedule;
- If applicable, prepare a demonstration for exemption from special equipment requirements;
- If applicable, prepare a demonstration for exemption from aisle space requirements;
- Collect the data required in the contingency plan;
- Write the contingency plan;
- Prepare the description of procedures, structures, or equipment;
- Prepare a description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes;
- Prepare a description of traffic patterns, estimated volume, and control;
- Compile and document the facility location information required under 40 CFR Part 270.14(b)(11);
- If the facility is proposed to be located in an area listed in Appendix VI, prepare a demonstration of compliance with the seismic standard;
- For facilities in a 100-year floodplain, prepare a demonstration for exemption from design and operating standards under 40 CFR Part 264.18(b);
- For facilities in a 100-year floodplain that are not exempt from 40 CFR Part 264.18(b), prepare an engineering analysis and engineering studies;
- For facilities not in compliance with 40 CFR Part 264.18(b), a compliance plan and schedule of compliance;
- Prepare outline of personnel training programs and description of training design;
- Write descriptions of the necessary closure activities;
- Estimate final closure;
- Write the closure schedule;
- Submit the general facility standards information; and
- File a copy of the documentation at the facility.

## **Financial Assurance**

### **(1) Use of a Financial Mechanism for Multiple Facilities**

#### **(i) Data items:**

40 CFR Part 264.143(h) specifies that owners and operators may use one of several financial assurance mechanisms to meet the requirements of 40 CFR Part 264.143 for more than one facility. In such cases, the owner or operator must provide the following data items for each facility:

- EPA identification number, name, and address; and
- The amount of funds for closure care assured by the mechanism.

#### **(ii) Respondent activities:**

The information required under this section will be submitted with the information provided by the owner or operator to establish one of the financial assurance mechanisms listed above. Therefore, this ICR assumes that any respondent activities related to the requirements of this section are already covered under the previous sections.

### **(2) Liability Requirements**

40 CFR Part 270.14(b)(17) requires owners and operators of new facilities to provide documentation showing the amount of insurance meeting the specification of 40 CFR Part 264.147(a) and, if applicable, 40 CFR Part 264.147(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal.

**(a) Coverage for Sudden or Nonsudden Accidental Occurrences**

(i) Data items:

40 CFR Part 264.147(a) requires owners and operators of hazardous waste TSDFs, or a group of such facilities, to demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations at the facility or group of facilities. In order to comply with these requirements, owners and operators will need to gather the following data items:

- A liability insurance policy (40 CFR Parts 264.147(a)(1) and 264.147(b)(1)), accompanied by a signed duplicate original of a Hazardous Waste Facility Liability Endorsement or a Certificate of Liability Insurance;
- Written evidence of passing a financial test or a written guarantee for liability coverage from the owner or operator's parent corporation (40 CFR Parts 264.147(a)(2) and 264.147(b)(2));
- A letter of credit for liability coverage (40 CFR Parts 264.147(a)(3) and 264.147(b)(3));
- A surety bond for liability coverage (40 CFR Parts 264.147(a)(4) and 264.147(b)(4));
- A trust fund for liability coverage (40 CFR Parts 264.147(a)(5) and 264.147(b)(5)); or
- A combination of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund (40 CFR Parts 264.147(a)(6) and 264.147(b)(6)).

(ii) Respondent activities:

To comply with the requirements of these sections, owners and operators will need to perform the following activities:

- Read the regulations;
- Gather and submit relevant information to the issuing institution; and
- Obtain and submit documentation of liability coverage using one of the financial instruments listed above.

**(b) Request for Variance**

(i) Data item:

40 CFR Part 264.147(c) allows owners and operators to obtain a variance from EPA if they can demonstrate that the levels of financial responsibility required for sudden and nonsudden accidental occurrences are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities. The data item for this demonstration is:

- A request for a variance submitted as part of the permit application under 40 CFR Part

270.14(b)(17) for new facilities, or pursuant to the procedures for permit modification under 40 CFR Parts 270.41 and 124.5. This request may include technical and engineering information as deemed necessary by EPA.

(ii) Respondent activities:

Owners and operators will need to engage in the following activities in requesting a variance:

- Read the regulations; and
- Prepare and submit the request for variance, including any technical or engineering information required by EPA.

**(c) Adjustments by the Regional Administrator**

(i) Data items:

40 CFR Part 264.147(d) allows EPA to adjust the level of financial responsibility required under 40 CFR Part 264.147 in order to protect human health and the environment. Respondents will need to furnish the following data items should EPA decide to make such a determination:

- Any information that EPA requests to determine whether cause exists for such adjustments of level or type of coverage; and
- If the Regional Administrator decides to adjust the level or type of coverage, the data elements necessary for a permit modification. The activities and estimated burden and cost associated with permit modifications are included under the section on permit modifications below.

(ii) Respondent activities:

Owners and operators will need to engage in the following activities in order to satisfy the information collection requirements of this section:

- Read the regulations; and
- Prepare and submit to EPA any requested information.

**(3) Coverage by a State Financial Mechanism**

(i) Data items:

40 CFR Part 270.14(b)(18) requires owners and operators to provide proof of coverage by a State financial mechanism in compliance with 40 CFR Parts 264.149 or 264.150, where appropriate. 40 CFR Part 264.149 allows owners and operators to use State-required financial assurance mechanisms to meet 40 CFR Parts 264.143 or 264.147 requirements. 40 CFR Part 264.150 requires owners and operators to notify EPA when a State assumes legal responsibility or assures availability of funds for an owner or operator's compliance with the closure care or liability requirements of this part. Data items associated with these requirements include the following:

- A letter from the owner or operator requesting the following:
  - The State-required mechanism be considered acceptable for meeting the requirements of this subpart; or
  - The State's assumption of responsibility be considered acceptable for meeting the requirements of this subpart;
- Evidence of the establishment of a State-required mechanism or a letter from the State describing the nature of the State's assumption of responsibility. Each of these data items should include the following information:
  - The facility's EPA identification number, name, and address; and
  - The amount of funds for closure care or liability coverage assured by the mechanism; and
- Any additional information required by EPA in order to make the determination.

(ii) Respondent activities:

Respondent activities associated with the requirements of 40 CFR Part 264.149 include the following:

- Read the regulations;
- Submit the letter from the owner or operator;
- Submit written evidence of the establishment of a State-required financial assurance mechanism or letter from the State describing the State's assumption of responsibility and including the information specified above; and
- Submit any additional information requested by EPA.

**Topographical Map**

(i) Data items:

40 CFR Part 270.14(b)(19) requires owners and operators to provide a topographic map showing a distance of 1000 feet around the facility. The map shall clearly show the following information:

- Map scale and date;
- 100-year floodplain area;
- Surface waters including intermittent streams;
- Surrounding land uses;
- A wind rose (i.e., prevailing wind speed and direction);
- Orientation of the map;
- Legal boundaries of the facility site;
- Access control (e.g. fences, gates);
- Injection and withdrawal wells both on-site and off-site;
- Buildings; treatment, storage, or disposal operations; or other structure;
- Barriers for drainage or flood control; and
- Location of operational units within the facility site, where hazardous waste is (or will be) treated, stored, or disposed (including equipment cleanup areas);

(ii) Respondent activities:

Respondents must perform the following activities in order to provide the topographic map:

- Read the regulations;
- Collect the necessary information; and
- Develop and submit the map.

### **Schedules of Compliance**

#### (i) Data items:

40 CFR Part 270.33 requires owners and operators to specify in the permit a schedule of compliance leading to compliance with RCRA regulations, where appropriate. Data items required under this section include the following:

- A schedule of compliance (40 CFR Part 270.33(a)). The schedule must include the following information:
  - A requirement for compliance as soon as possible;
  - Interim requirements and the dates for their achievement, if the permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance;
  - Interim dates for the submission of reports of progress toward completion of the interim requirements and a projected completion date, if the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion; and
  - A requirement that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify EPA in writing of compliance or noncompliance with the interim or final requirements;
- If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued, an application for a permit modification that contains a new or additional schedule leading to timely cessation of activities (40 CFR Part 270.33(b)(1)). Permit modifications are discussed in the permit modification section of this ICR;
- If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, a schedule leading to termination which will ensure timely compliance with applicable requirements (40 CFR Part 270.33(b)(2));
- If the permittee is undecided whether to cease conducting regulated activities, he or she may apply for a permit or submit an application for a permit modification to establish two schedules of compliance. The two schedules shall contain information as outlined in 40 CFR Part 270.33(b)(3) (i)-(iv). Permit modifications are discussed in the permit modification section of this ICR; and
- If the permittee decides to cease conducting regulated activities, written evidence of a firm public commitment to cease conducting regulated activities.

#### (ii) Respondent activities:

In order to comply with the requirements of 40 CFR Part 270.33, owners and operators must perform the following activities:

- Read the regulations;
- Develop and submit a schedule of compliance;
- Develop and submit an alternative schedule of compliance under 40 CFR Part 270.33(b)

- (2));
- If necessary, develop and submit an application for two schedules of compliance; and
- Document and submit evidence of firm public commitment to cease conducting regulated activities.

## **Specific Part B Requirements for BIFs**

### **Fugitive Emissions**

#### (i) Data items:

40 CFR Part 266.102(e)(7) stipulates that owners and operators must control fugitive emissions by keeping the combustion zone totally sealed against fugitive emissions and maintaining the combustion zone pressure lower than atmospheric pressure. Owners and operators may apply for an alternative means of control by submitting a demonstration with the Part B application that an alternate means of control can provide equivalent emission control.

#### (ii) Respondent activities:

In order to comply with the requirements of 40 CFR Part 266.102(e)(7), owners and operators must perform the following activities:

- Read the regulations; and
- Prepare and submit a demonstration of equivalent fugitive emissions control (40 CFR Part 266.102(e)(7)).

### **Requirements Relating to the Pre-Trial Burn, Trial Burn, and Post-Trial Burn Periods**

#### (i) Data items:

40 CFR Parts 270.22, 270.66, and Appendix IX, section 3 specify requirements for owners and operators of BIFs burning hazardous waste during the pre-trial burn, trial burn, and post-trial burn periods. The data items associated with the specific Part B information requirements enumerated in these sections include the following:

- Request for an extension of the 720-hour operational pretrial burn period;
- Statement submitted with the Part B of the permit application suggesting the conditions necessary to operate in compliance with the standards of 40 CFR Parts 266.104 through 266.107 during the pre-trial burn period;
- Statement submitted with Part B of the permit application that identifies the conditions necessary to operate in compliance with the performance standards of 40 CFR Parts 266.104 through 266.107 during the post-trial burn period;
- Trial burn plan that includes the following information:
  - An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, as specified in 40 CFR Parts 270.66(c)(1)(i) through 270.66(c)(1)(ii);
  - An analysis of each hazardous waste, as fired, including the information as specified in 40 CFR Parts 270.66(c)(2)(i) through 270.66(c)(2)(iii);
  - A description of blending procedures

- A detailed engineering description of the boiler or industrial furnace, including the information as specified in 40 CFR Parts 270.66(c)(3)(i) through 270.66(c)(3)(viii);
- A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;
- A detailed test schedule for each hazardous waste for which the trial burn is planned, including the date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Director's decision under 40 CFR Part 270.66(b)(2);
- A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feed stocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 40 CFR Parts 266.104 through 266.107;
- A description of, and planned operating conditions for, any emission control equipment that will be used;
- Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction; and
- Other information that the Director reasonably finds necessary to determine whether to approve the trial burn plan.
- Certification that the trial burn has been carried out in accordance with the approved trial burn plan;
- Record of the results of the trial burn determinations specified in 40 CFR Part 270.66(c);
- Record of the data collected during the trial burn, including the following information specified in Appendix IX, section 3:
  - Records of the data for sampling trains;
  - A demonstration of two or more trains for HCl and Cl<sub>2</sub> monitoring;
  - For PCDD and PCDF monitoring, a record of retention time windows for each homologous series; and
  - For PCDD and PCDF sample analysis, a report of the audit sample concentration and the analyst's name.
- Certifications on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 40 CFR Part 270.11 for all submissions required under 40 CFR Part 270.66(d).
- Record of the determinations based on the trial burn that includes the following:
  - A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams;
  - When a DRE trial burn is required under 40 CFR Part 266.104(a), a quantitative analysis of the trial POHCs in the hazardous waste feed; a quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and a computation of the DRE, in accordance with the DRE formula;
  - When a trial burn for chlorinated dioxins and furans is required under 40 CFR Part 266.104(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated di-benzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
  - When a trial burn for particulate matter, metals or HCl/Cl<sub>2</sub> is required under 40



- CFR Parts 266.105, 266.106(c) or (d), or 266.107(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of particulate matter, metals, or HCl and Cl<sub>2</sub>, and computations showing conformance with the applicable emission performance standards;
- When a trial burn for DRE, metals, or HCl/Cl<sub>2</sub> is required under 40 CFR Parts 266.104(a), 266.106(c) or (d), or 266.107(b)(2) or (c), a quantitative analysis of the scrubber water, ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;
- Identification of sources of fugitive emissions and their means of control;
- A continuous measurement of carbon monoxide, oxygen, and where required, hydrocarbons, in the stack gas; and
- Other information requested by the Director.
- A notice to the Director to establish a later date for submission of the Part B application or trial burn results, if completion of the trial burn conflicts with the date set for submission of the Part B application.

(ii) Respondent activities:

To comply with the requirements specified in 40 CFR Parts 270.66, 270.22, and 266.104 through 266.107, owners or operators must perform the following activities:

- Read the regulations;
- Prepare and submit a request for an extension of the 720-hour operational period (40 CFR Part 270.66(b)(1));
- Prepare and submit a statement suggesting the conditions necessary to operate in compliance with 40 CFR Parts 266.104 through 266.107 during the pre-trial burn period;
- Prepare and submit a statement suggesting the conditions necessary to operate in compliance with 40 CFR Parts 266.104 through 266.107 during the post-trial burn period;
- Prepare and submit a trial burn plan (40 CFR Parts 270.66(c) and 270.22(a));
- Conduct the trial burn and perform the following Appendix IX, section 3 activities (40 CFR Parts 270.66(d), 270.22(a), 266.104 - .107, and Appendix IX, section 3):
  - Determine emissions of metals, hexavalent chromium, HCl, Cl<sub>2</sub>, PCDDs, PCDFs, aldehydes, and ketones (Appendix IX, sections 3.1 through 3.6);
  - Record data for sampling trains (Appendix IX, sections 3.1.5.1.5, 3.2.5.1.5, 3.3.1.7.5.2, and 3.5.6.6.2);
  - Prepare and submit demonstration of two or more trains for HCl and Cl<sub>2</sub> monitoring (Appendix IX, section 3.3.1.7.5.10);
  - For PCDD and PCDF monitoring, record retention time windows for each homologous series (Appendix IX, section 3.4.6.1.2.2); and
  - For PCDD and PCDF sample analysis, prepare and submit a report of the audit sample concentration and the analyst's name (Appendix IX, section 3.4.8.4);
- Prepare and submit a certification that the trial burn has been carried out in accordance with the approved plan, and submit results of all determinations (40 CFR Part 270.66(d)(3));
- Submit data collected during any trial burn (40 CFR Part 270.66(d)(4));
- Certify all submissions (40 CFR Part 270.66(d)(5));
- Make determinations based on the trial burn (40 CFR Parts 270.66(f) and 266.104-.107)); and
- Prepare and submit a notice to the Director to establish a later date for submission of the

Part B application or trial burn results, if completion of the trial burn conflicts with the date set for submission of the Part B application (40 CFR Part 270.66(g)).

### **Waivers of the Trial Burn**

#### **(1) Waiver of the Trial Burn for Boilers Operating Under Special Operating Requirements**

(i) Data items:

40 CFR Part 270.22(a)(2)(i) requires owners or operators of a boiler to submit documentation that the boiler operates under the special operating requirements as specified in 40 CFR Part 266.110 when seeking a waiver for the DRE trial burn.

(ii) Respondent activities:

To comply with 40 CFR Part 270.22(a)(2)(i), respondents must:

- Read the regulations; and
- Prepare and submit documentation that the boiler operates under the special operating requirements provided by 40 CFR Part 266.110.

#### **(2) Waiver of the Trial Burn for Boilers and Industrial Furnaces Burning Low-Risk Waste**

(i) Data items:

Under 40 CFR Part 270.22(a)(2)(ii), owners or operators of boilers and industrial furnaces seeking to be permitted under the provisions for low-risk waste provided by 40 CFR Parts 266.104(a)(5) and 266.109(a) must submit the following data items:

- Documentation that the device is operated in conformance with the requirements of 40 CFR Part 266.109(a)(1);
- Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in appendix VIII of Part 261, except for those constituents that would reasonably not be expected to be in the waste;
- Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in 40 CFR Part 270.22(a)(2)(ii)(B) using procedures provided by 40 CFR Part 266.109(a)(2)(ii);
- Results of emissions dispersion modeling for emissions identified in 40 CFR Part 270.22(a)(2)(ii)(C) using modeling procedures prescribed by 40 CFR Part 266.106(h); and
- Documentation that the maximum annual average ground level concentration of each constituent identified in 40 CFR Part 270.22(a)(2)(ii)(B) quantified in conformance with 40 CFR Part 270.22(a)(2)(ii)(D) does not exceed the allowable ambient level established in appendix IV or V of Part 266.

(ii) Respondent activities:

Owners or operators must engage in the following activities to comply with 40 CFR Part 270.22(a)(2)(ii):

- Read the regulations; and
- Prepare and submit information in support of a waiver of the DRE trial burn (40 CFR Parts 266.109(a)(2) and 270.22(a)(2)(ii)).

**(3) Waiver of the Trial Burn for Metals**

(i) Data items:

40 CFR Part 270.22(a)(3) allows owners or operators to apply for a waiver of the trial burn for metals by seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 40 CFR Parts 266.106(b) and 266.106(e). Owners or operators need to submit the following data items to obtain this waiver:

- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- Documentation of the concentration of each metal controlled by 40 CFR Parts 266.106(b) or 266.106(e) in the hazardous waste, other fuels, and industrial furnace feed stocks, and calculations of the total feed rate of each metal;
- Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 40 CFR Parts 266.106(b) or 266.106(e) will not be exceeded during the averaging period;
- Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by 40 CFR Parts 266.106(b)(3) through 266.106(b)(5);
- Documentation of compliance with the provisions of 40 CFR Part 266.106(b)(6) if applicable, for facilities with multiple stacks;
- Documentation that the facility does not fail the criteria provided by 40 CFR Part 266.106(b)(7) for eligibility to comply with the screening limits; and
- Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.

(ii) Respondent activities:

Owners or operators must engage in the following activities to comply with the regulations in 40 CFR Parts 270.22(a)(3) and 266.106:

- Read the regulations; and
- Prepare and submit information in support of a waiver of the trial burn for metals (40 CFR Part 270.22(a)(3)).

**(4) Waiver of the Trial Burn for Particulate Matter**

(i) Data items:

Under 40 CFR Parts 270.22(a)(4) and 266.105, owners and operators seeking to be permitted under the low risk waste exemption provisions of 40 CFR Part 266.109(b) which waives the particulate standard (and the trial burn to demonstrate conformance with the standard) must submit the following information:

- Documentation showing that the BIF unit qualifies for the waiver of the DRE trial burn under the provisions for low risk waste, as provided in 40 CFR Part 270.22(a)(2)(ii); and
- Documentation showing that the BIF unit qualifies for a waiver of the trial burn for metals, as provided in 40 CFR Part 270.22(a)(3).

(ii) Respondent activities:

To obtain a waiver from the trial burn for particulate matter, owners and operators must perform the following activities:

- Read the regulations; and
- Prepare and submit documentation in support of a waiver of the DRE trial burn for BIFs burning low risk waste.

**(5) Waiver of the Trial Burn for HCl and Cl<sub>2</sub> Emissions**

(i) Data items:

Under 40 CFR Parts 270.22(a)(5) and 266.107, owners or operators can seek a waiver of the trial burn for HCl and Cl<sub>2</sub> by seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by 40 CFR Parts 266.107(b)(1) and 266.107(e). To obtain this waiver, owners or operators must submit the following data items:

- Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- Documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feed stocks, and calculations of the total feed rate of total chloride and chlorine;
- Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 40 CFR Part 266.107(b)(1)(e) will not be exceeded during the averaging period;
- Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by 40 CFR Part 266.107(b)(3);
- Documentation of compliance with the provisions of 40 CFR Part 266.107(b)(4), if applicable, for facilities with multiple stacks;
- Documentation that the facility does not fail the criteria provided by 40 CFR Part 266.107(b)(3) for eligibility to comply with the screening limits; and
- Proposed sampling and analysis plan for total chloride and chlorine fuels, the hazardous waste, other fuels, and industrial furnace feed stocks.

(ii) Respondent activities:

Respondents must engage in the following activities to comply with 40 CFR Parts 270.22(a)(5) and 266.107:

- Read the regulations; and
- Prepare and submit information in support of a waiver of the trial burn for HCl and Cl (40 CFR Part 270.22(a)(5)).

**(6) Data in Lieu of a Trial Burn**

(i) Data items:

40 CFR Part 270.66(a)(6) provides owners or operators with the opportunity to seek an exemption from the trial burn requirements to demonstrate conformance with 40 CFR Parts 266.104 through 266.107, and 270.66. To seek the exemption, owners or operators can provide the information required by 40 CFR Part 270.66 from previous compliance testing of the device in conformance with 40 CFR Part 266.103, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous waste under similar conditions. If data from a similar device is used to support the trial burn waiver, the design and operating information required by 40 CFR Part 270.66 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The specific data items that must be submitted to fulfill these requirements include the following:

- A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;
- The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available;
- Supplemental information the Director finds necessary to achieve the purposes of 40 CFR Part 270.22(a)(6); and
- For a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in 40 CFR Part 266.104(a), including:
  - Specification of the constituents in appendix VIII, Part 261, that the applicant has identified in the hazardous waste for which a permit is sought; and
  - Documentation of differences from the POHCs in the hazardous waste for which burn data are provided.

(ii) Respondent activities:

To comply with 40 CFR Parts 270.22(a)(6), 270.66, and 266.103(c)(3), respondents must perform the following activities:

- Read the regulations;  
Provide information in support of using compliance test data from one unit in lieu of testing a similar on-site unit (40 CFR Parts 270.22(a)(6), 270.66, and 266.103(c)(3)); and
- Submit data from a similar unit operating under similar conditions (40 CFR Part 270.22(a)(6)).

## **Alternative HC Limit for Industrial Furnaces With Organic Matter in Raw Materials**

### (i) Data items:

40 CFR Part 270.22(b) allows owners or operators of industrial furnaces to request an alternative HC limit under 40 CFR Part 266.104(f). Data items associated with this request include the following:

- Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
- Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
- Test burn protocol to confirm the baseline HC (and CO) level;
- A trial burn plan that includes the following:
  - Demonstration that the flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
  - Identification of the types and concentrations of organic compounds listed in appendix VIII, Part 261, that are emitted when burning hazardous waste in conformance with procedures prescribed by the Director;
- Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
- Additional information the Director finds necessary to achieve the purposes of 40 CFR Part 270.22(b).

### (ii) Respondent activities:

Respondents must engage in the following activities to comply with 40 CFR Parts 270.22(b) and 266.104(f):

- Read the regulations; and
- Prepare and submit information in support of an alternative HC limit, as provided in 40 CFR Parts 266.104(f) and 270.22(b).

## **Alternative Metals Implementation Approach**

### (i) Data items:

40 CFR Part 270.22(c) provides owners and operators the opportunity to be permitted under an alternative metals implementation approach under 40 CFR Part 266.106(f). When seeking to be permitted under an alternative metals implementation approach under these sections, owners or operators must submit the following information:

- Documentation specifying how the approach ensures compliance with the metals emissions standards of 40 CFR Parts 266.106(c) or 266.106(d);
- Documentation specifying how an alternative approach can be effectively implemented and monitored; and

- Additional information that the Director finds necessary to achieve the purposes of 40 CFR Part 270.22(c).

(ii) Respondent activities:

To comply with the requirements in 40 CFR Parts 270.22(c) and 266.106(f), owners or operators must perform the following activities:

- Read the regulations; and
- Prepare and submit information in support of an alternative implementation approach, as provided by 40 CFR Parts 270.22(c) and 266.106(f).

### **Automatic Hazardous Waste Feed Cutoff System**

(i) Data item:

40 CFR Part 270.22(d) requires owners and operators to submit information describing the automatic hazardous waste feed cutoff system, including any pre-alarm systems that may be used.

(ii) Respondent activities:

To comply with 40 CFR Part 270.22(d), respondents must engage in the following activities:

- Read the regulations; and
- Prepare and submit information describing the automatic waste feed cutoff system (40 CFR Part 270.22(d)).

### **Direct Transfer Requirements**

(i) Data items:

Under 40 CFR Part 270.22(e) owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 40 CFR Part 266.111. Data items associated with these requirements include the following:

- Certification by the local Fire Marshall that the installation meets the subject NFPA codes;
- A written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 40 CFR Part 270.11(d) that attests to the equipment's integrity and includes the following:
  - Design standards, if available, according to which the direct transfer equipment was constructed;
  - Hazardous characteristics of the waste(s) that have been or will be handled;
  - Existing corrosion protection measures;
  - Documented age of the equipment, if available, (otherwise, an estimate of the age); and
  - Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion, and erosion are accounted for; and

- Record of hourly inspections when hazardous waste is being transferred from the transport vehicle (container) to the boiler or industrial furnace that includes the inspection of the following:
  - Overfill/spill control equipment to ensure that it is in good working order;
  - The above ground portions of the direct transfer equipment to detect corrosion, erosion, or releases of waste; and
  - Data gathered from monitoring equipment and leak-detection equipment to ensure that the direct transfer equipment is being operated according to its design.

(ii) Respondent activities:

Owners and operators must complete the following activities to comply with 40 CFR Parts 270.22(e) and 266.111:

- Read the regulations;
- Collect data in support of a certification that the installation meets subject NFPA codes (40 CFR Part 266.111(d)(2));
- Obtain and keep on file a written certification that the installation meets subject NFPA codes (40 CFR Part 266.111(d)(2));
- Collect data in support of an assessment that attests to the equipment's integrity (40 CFR Part 266.111(e)(2));
- Obtain and keep on file a written assessment that attests to the equipment's integrity (40 CFR Part 266.111(e)(2));
- Conduct inspections of equipment and data gathered (40 CFR Part 266.111(e)(3)(i)-(ii)); and
- Record and maintain inspection data until closure of the facility (40 CFR Part 266.111(e)(3)(iii)).

**Regulation of Residues**

(i) Data items:

40 CFR Part 270.22(f) allows owners and operators of certain BIFs to receive an exemption from classification as a hazardous waste of residue generated during the burning of hazardous waste if the owner or operator can demonstrate that the burning of the hazardous waste does not significantly affect the character of the residue. Data items associated with this demonstration include the following:

- Demonstration that the hazardous waste does not significantly affect the residue by demonstrating the following:
  - The waste-derived residue does not contain appendix VIII, Part 261 constituents that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste by the methods specified in 40 CFR Parts 266.112(b)(1)(i) through 266.112(b)(1)(ii); or
  - The concentrations of nonmetal toxic constituents of concern (as specified in 40 CFR Part 266.112(b)(1)) in the waste-derived residue does not exceed the health-based levels specified in appendix VIII, Part 266; and
  - Waste derived residue is sampled and analyzed as often as necessary to ensure that the residue generated during each 24-hour period does not have concentrations of



- toxic constituents that are higher than the health-based limits.
- Documentation of compliance with 40 CFR Part 266.112 that record the following:
  - Levels of constituents in appendix VIII, Part 261, that are present in waste-derived residues;
  - If the waste-derived residue is compared with the normal residue under 40 CFR Part 266.112(b)(1), the following must be recorded:
    - The levels of constituents in appendix VIII, Part 261 that are present in normal residues; and
    - Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

In addition, Appendix IX, sections 7.3 and 7.4 require owners and operators to maintain supporting rationale for alternate statistical practices used to demonstrate conformance with the exemption requirements. Data items include the following:

- For an alternate statistical approach, supporting rationale that demonstrates sound statistical practice; and
- Supporting rationale for an approach for handling nondetect data points.

(ii) Respondent activities:

Respondents must complete the following activities to comply with 40 CFR Parts 270.22(f) and 266.112:

- Read the regulations;
- For an alternate statistical approach, prepare and maintain on file a rationale that demonstrates sound statistical practice (Appendix IX, section 7.3); and
- Prepare and maintain on file a supporting rationale for an approach for handling nondetect data points (Appendix IX, section 7.4).

## **Permit Modifications for BIFs**

### **Transfer of Permits**

(i) Data items:

40 CFR Part 270.40(b) explains that changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of EPA. The requirements associated with applying for a Class 1 modification are discussed in this ICR under 40 CFR Part 270.42(a). In addition to the Class 1 modification requirements, owners and operators must also submit the following information in order to transfer ownership or operational control of a facility:

- A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees; and
- A demonstration that the new owner or operator is complying with the requirements of Subpart H (financial requirements), within 6 months of the date of the change of ownership or operational control of the facility. The requirements associated with this

demonstration are discussed in this ICR under 40 CFR Parts 270.14(b) (15) and (16).

(ii) Respondent activities:

In complying with the requirements of this section, owners and operators must perform the following activities:

- Read the regulations; and
- Prepare and submit the written agreement.

**Permit Modification at the Request of the Agency**

(i) Data items:

EPA has the authority under 40 CFR Part 270.41 to modify any permit when certain causes for modification exist, including substantial alterations to the facility, new information not available at the time of permitting, new statutory requirements or regulations, and events over which the permittee has little or no control and for which there is no reasonable remedy. Facilities required to submit a Agency-initiated permit modification will submit a Class 2 or Class 3 permit modification as described under 40 CFR Part 270.42.

(ii) Respondent activities:

In complying with the requirements for Agency-initiated permit modifications, respondents must perform the following activities:

- Read the regulations;
- Prepare and submit the modification request;
- Prepare and submit proof of public notice; and
- File a record of the permit modification request at the facility.

**Permit Modification at the Request of the Permittee**

**(1) Class 1 Modifications**

(i) Data items:

In making an application for a Class 1 permit modification under 40 CFR Part 270.42(a), owners and operators must provide the following information:

- A notification to EPA concerning the permit modification within 7 calendar days after the change is put into effect (40 CFR Part 270.42(a)(i)). The notice should specify the changes being made to the permit conditions or supporting documents referenced by the permit and must explain why these changes are necessary;
- Applicable information required by 40 CFR Parts 270.13 through 270.21, 270.62, and 270.63; and
- A written notification of the modification to all persons on the facility mailing list and the appropriate units of State and local governments (40 CFR Part 270.42(a)(ii)). This

notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior EPA approval, the notification must be made within 90 calendar days after EPA approves the request.

(ii) Respondent activities:

In complying with the requirements for Class 1 permit modifications, owners and operators must perform the following activities:

- Read the regulations;
- Prepare and submit the notification required under 40 CFR Part 270.42(a)(i);
- Prepare and submit the applicable information required by 40 CFR Parts 270.13 through 270.21, 270.62, and 270.63;
- Prepare and submit written notification to all persons on the mailing list and the appropriate units of State and local governments; and
- File a record of the permit modification request and supporting documents at the facility.

**(2) Class 2 and 3 Modifications**

(i) Data items:

In making an application for a Class 2 or 3 permit modification under 40 CFR Part 270.42(b) or 270.42(c), respectively, owners and operators must provide the following information:

- A modification request, submitted to EPA, that:
  - Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
  - Identifies that the modification is a Class 2 modification;
  - Explains why the modification is needed; and
  - Provides the applicable information required by 40 CFR Parts 270.13 through 270.21, 270.62, and 270.63;
- A written notification of the modification request to all persons on the facility mailing list and the appropriate units of State and local governments, and publication of the notice in a major local newspaper of general circulation. The notice must be mailed and published within 7 days before or after the date of submission of the modification request, and must contain the information listed in 40 CFR Part 270.42(b)(2) (i)-(vi) or 270.42(c)(2) (i)-(vi). In addition, the permittee must provide to EPA evidence of the mailing and publication; and
- A record of the permit modification request and supporting documents, placed in a location accessible to the public in the vicinity of the permitted facility.

(ii) Respondent activities:

In complying with the requirements for Class 2 or 3 permit modifications, owners and operators must perform the following activities:

- Read the regulations;
- Prepare and submit the modification request;
- Prepare and distribute a written notification of the modification request;

- Provide for newspaper publication of the notice;
- Prepare and submit to EPA proof of public notice; and
- File a record of the permit modification request and supporting documents.

**(3) Request for Classification of a Permit Modification**

(i) Data item:

For modifications that are not explicitly listed in appendix I of 40 CFR Part 270.42(d)(1), the permittee may submit a Class 3 modification request, or he or she may request that the Director review the modification and classify it as a Class 1 or Class 2 modification. For such a request, the permittee must provide the Agency with the necessary information to support the requested classification.

(ii) Respondent activities:

To request a classification for a permit modification, the permittee must perform the following activities:

- Read the regulations; and
- Prepare and submit information to support the requested classification.

**Temporary Authorizations**

(i) Data items:

In making an application for temporary authorization under 40 CFR Part 270.42(e), owners and operators must supply the following information:

- A temporary authorization request containing the following information listed under 40 CFR Part 270.42(e)(2)(ii)(A)-(C):
  - A description of the activities to be conducted under the temporary authorization;
  - An explanation of why the temporary authorization is necessary; and
  - Sufficient information to ensure compliance with 40 CFR Part 264 standards; and
- A written notification of the temporary authorization request to all persons on the facility mailing list and to the appropriate units of State and local governments (40 CFR Part 270.42(e)(2)(iii)). This notification must be made within 7 days of submission of the authorization request.

(ii) Respondent activities:

In complying with the requirements for temporary authorization, owners and operators must perform the following activities:

- Read the regulations;
- Prepare and submit a temporary authorization request; and
- Prepare and distribute notification of the temporary authorization request to all persons on the facility mailing list and to the appropriate units of State and local governments.

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

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

#### ***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

##### **General Facility Operating Requirements**

The requirements for the foreign shipment import report state that owners or operators must notify the Regional Administrator of the anticipated collection of hazardous waste. In turn, the Agency must review the information included in the notification. EPA also performs on-site review of facility inspection records.

##### **Recordkeeping Requirements**

Only one Agency activity is associated with the operating record requirements: on-site review of the record.

##### **Contingency Plan and Emergency Procedures**

###### **Contingency Plan**

One Agency activity is associated with the development and amendment of the contingency plan: reviewing the contingency plan during on-site inspections.

###### **Emergency Reporting Requirements**

Agency activities associated with emergency reporting requirements include reviewing documents in the owners' or operators' and emergency coordinators' emergency reports.

##### **Closure Requirements**

Agency activities associated with the regulations promulgated in 40 CFR, Parts 264 and 265, Subpart G, include reviewing the following data items:

- Closure plans;
- Closure plan amendment notifications;
- Partial/final closure notifications;
- Demonstrations for closure extensions and allowances; and
- Closure certifications.

##### **Financial Requirements**

EPA uses the cost estimates and financial assurance mechanisms to ensure compliance with Subpart H. In the event that an owner or operator is unable or unwilling to perform closure activities or to pay third-party damages, EPA will draw upon the mechanisms. The cost estimates are submitted to the

Region or authorized State as part of the permit process.

The financial assurance instruments for closure care and liability coverage, with standard wording, are submitted by the owner or operator (or the third-party financial entity) to the Region or authorized State that serves the area where the facility is located. These submissions must be made by the effective date of the regulations for existing facilities -- July 6, 1982 (Assurance) and July 15, 1982 (Liability) -- and sixty days before the initial receipt of hazardous wastes at new facilities. There was a phase-in period for nonsudden coverage for existing facilities. January 16, 1985 was the final phase-in date.

When financial assurance information is submitted, EPA conducts a review for completeness, then enters the information into the RCRAInfo database. The EPA Regional or State offices establish a file for each applicant that contains the submissions. The financial instruments are maintained in a secure area.

Submissions are tabulated in the EPA Regional Offices and Headquarters and are used by Agency management to oversee implementation of the RCRA financial responsibility requirements. The information is also shared with States to assist them in implementing their hazardous waste management programs. There are no plans to publish information obtained under the Subpart H financial requirements.

### **Conditions Applicable to All Permits**

EPA reviews all information submitted at intervals specified in the permit. This information includes monitoring reports and reports on compliance or noncompliance with compliance schedules. EPA also reviews information that may be submitted on occasion by facilities, if necessary. Such information includes notices of planned physical alterations or additions; notices of planned changes or activities; letters certifying compliance; information concerning releases, fires, or explosions; reports of other noncompliance; and corrected or new information.

### ***SPECIFIC UNIT REQUIREMENTS FOR BIFs***

#### **Exemptions from the BIF Regulations**

##### **Exemptions for Metal Recovery Furnaces**

Agency activities associated with demonstrations for exemptions from the boiler and industrial furnace regulations for metal recovery furnaces include reviewing and evaluating both the one-time notice submitted under 40 CFR Part 266.100(c)(1)(i) and the one-time notice required by 40 CFR Part 266.100(c)(3) submitted for a lead or nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing. In addition, the Agency must enter this information into a database.

##### **Exemptions For Lead Recovery Furnaces**

Agency activities associated with demonstrations from the boiler and industrial furnace regulations for lead recovery furnaces include reviewing the one-time notice required by 40 CFR Part 266.100(h). In addition, the Agency must enter this information into a database.

##### **Exemptions For Smelting, Melting, and Refining Furnaces**

Agency activities associated with demonstrations for exemptions from the boiler and industrial

furnace regulations for smelting, melting, and refining furnaces include reviewing and evaluating the one-time notice submitted under 40 CFR Part 266.100(f) and entering this information into a database.

### **Small Quantity On-Site Burner Exemption**

Agency activities associated with demonstrations for exemptions from the boiler and industrial furnace regulations for small quantity on-site burners include reviewing and evaluating the notification of qualification for the exemption provided by 40 CFR Part 266.108(d), and entering the information into a database.

## **Permit Standards**

### **Monitoring and Inspections**

Agency activities associated with monitoring and inspections requirements for permitted burners, as specified in 40 CFR Part 266.102(e)(8) and Appendix IX, sections 2 and 3, include reviewing data and results of tests and methods, reviewing requests for an alternative relative accuracy procedure, and evaluating the demonstration that weekly inspections of the hazardous waste feed cutoff system will unduly restrict or upset operations. In addition, EPA must enter this information into a database. While other information collected as part of monitoring and inspections is not submitted to EPA, EPA may review such records during facility inspections.

### **Standards to Control Organic Emissions**

Agency activities associated with the standards to control organic emissions as specified in 40 CFR Part 266.104 include reviewing and evaluating demonstrations for an alternate POHC designation and entering this information into a database.

### **Standards to Control Metal Emissions**

Agency activities associated with the standards to control metal emissions include reviewing and evaluating information submitted in support of an alternative implementation approach, as provided by 40 CFR Part 266.106(f). In addition, the Agency must enter this information into a database.

### **Direct Transfer Requirements**

Owners and operator of BIFs are not required to submit any information to EPA relating to their direct transfer operations. EPA may review information on a facility's direct transfer system during facility inspections.

### **Regulation of Residues**

Agency activities associated with the regulation of residues as specified in 40 CFR Part 266.112 include reviewing, evaluating, and entering into a database, demonstrations that hazardous waste does not significantly affect the residue.

## ***PART B PERMIT APPLICATION AND PERMIT MODIFICATION REQUIREMENTS FOR BIFs***

### **General Part B Information Requirements for BIFs**

#### **General Requirements**

Agency activities associated with demonstrations by owners and operators to obtain allowance from Regional Administrators to submit information prescribed in Part B on a case-by-case basis include reviewing and approving demonstration and entering the information into a database.

#### **General Facility Standards**

Agency activities associated with the requirement that owners and operators of hazardous waste management facilities submit in their Part B permit applications information on compliance with general facility standards include reviewing the required information and entering it into a database.

#### **Financial Assurance**

##### **(1) Cost Estimates for Closure Care**

Agency activities associated with cost estimates for closure care include reviewing written cost estimates and entering the information into a database.

##### **(2) Financial Assurance for Closure Care**

Agency activities associated with the requirements for financial assurance for closure care include reviewing the documentation of financial assurance submitted by the respondent and entering the information into a database.

##### **(3) Use of a Financial Mechanism for Multiple Facilities**

The information required under this section will be submitted with the information provided by the owner or operator to establish financial assurance mechanisms. Therefore, this ICR assumes that any Agency activities related to the requirements of this section are already covered under the previous sections.

##### **(4) Liability Requirements**

###### **(a) Coverage for Sudden or Nonsudden Accidental Occurrences**

Agency activities associated with the establishment of liability coverage for sudden or nonsudden accidental occurrences include reviewing the information submitted and entering information into a database.

###### **(b) Request for Variance**

Agency activities associated with allowing owners and operators to obtain a variance from EPA include reviewing requests for variance, including any technical or engineering information required by EPA.



**(c) Adjustments by the Regional Administrator**

Agency activities associated with allowing the Agency to adjust the level of financial responsibility required under 40 CFR Part 264.147 to protect human health and the environment include reviewing any information requested by the Agency and, if the Agency decides to adjust the level or type of coverage, permit modifications. The Agency burden associated with permit modifications is discussed below under the section entitled "Permit Modifications."

**(5) Coverage by a State Financial Mechanism**

Agency activities associated with establishing coverage by State financial mechanisms include reviewing letters from owners and operators, written evidence of the establishment of State-required financial assurance mechanisms, or letters from the State describing the State's assumption of responsibility and including the information specified above, and any additional information requested by EPA.

**Topographical Map**

Agency activities associated with the requirement that owners and operators must provide a topographical map include reviewing the topographical map and entering the information into a database.

**Schedules of Compliance**

Agency activities associated with the requirement that owners and operators specify in permits a schedule of compliance leading to compliance with the Act and regulations, where appropriate, include reviewing the following information: schedules of compliance, alternative schedules of compliance under 40 CFR Part 270.33(b)(2), applications for two schedules of compliance, and evidence of firm public commitment to cease conducting regulated activities. The Agency will also enter the information into a database.

**Specific Part B Information Requirements for BIFs**

**Fugitive Emissions**

Agency activities associated with fugitive emissions demonstrations include reviewing and evaluating information supporting a demonstration for an alternate means of fugitive emissions control and entering this information into a database.

**Part B Information Requirements for the Pre-Trial Burn, Trial Burn, and Post-Trial Burn Periods**

Agency activities associated with the specific Part B information requirements for boilers and industrial furnaces burning hazardous waste requests for an extension of the 720-hour operational period, and statements suggesting the conditions necessary to operate in compliance with 40 CFR Parts 266.104 through 266.107 during the pre-trial and post-trial burn periods. In addition, the Agency must review and evaluate trial burn plans, the data collected during trial burns, the certifications of submissions, and the determinations based on the trial burn. The Agency must also review and evaluate certifications that the trial burn has been carried out in accordance with the approved plan and submit the results of its

determinations. The Agency must enter all of this information into a database.

### **Waivers of the Trial Burn**

#### **(1) Waiver of the Trial Burn for Boilers Operating Under Special Operating Requirements**

Agency activities associated with the waiver of the trial burn for boilers operating under special operating requirements include reviewing and evaluating the documentation that the boiler operates under the special operating requirements provided by 40 CFR Part 266.110 and entering this information into a database.

#### **(2) Waiver of the Trial Burn For Boilers and Industrial Furnaces Burning Low-Risk Waste**

Agency activities associated with the waiver of the trial burn for boilers and industrial furnaces burning low-risk waste as specified in 40 CFR Parts 266.109(a)(2) and 270.22(a)(2)(ii) include reviewing and evaluating information in support of a waiver of the DRE trial burn and entering this information into a database.

#### **(3) Waiver of the Trial Burn for Metals**

Agency activities associated with the waiver of the trial burn for metals as specified in 40 CFR Parts 270.22(a)(3) and 266.106 include reviewing and evaluating the information supporting the waiver and entering this information into a database.

#### **(4) Waiver of the Trial Burn for Particulate Matter**

Agency activities associated with the waiver of the trial burn for particulate matter as specified in 40 CFR Parts 270.22(a)(4) and 266.105 include reviewing and evaluating the information supporting the waiver and entering the information into a database.

#### **(5) Waiver of the Trial Burn for HCl and Cl Emissions**

Agency activities associated with the waiver of the trial burn for HCl and Cl emissions as specified in 40 CFR Parts 270.22(a)(5) and 266.107 include reviewing and evaluating the information supporting the waiver and entering this information into a database.

#### **(6) Data in Lieu of a Trial Burn**

Agency activities associated with the submission of data in lieu of a trial burn as specified in 40 CFR Parts 270.22(a)(6), 270.66, and 266.103(c)(3) include reviewing and evaluating information supporting the use of compliance test data, or trial burn data from a similar unit, in lieu of conducting a trial burn, and entering this information into a database. In addition, the Agency must review, evaluate, and enter into a database the data from the similar unit that is operating under similar conditions.

### **Alternative HC Limit for Industrial Furnaces With Organic Matter in Raw Materials**

Agency activities associated with the alternative HC limit for industrial furnaces with organic matter in raw materials include reviewing and evaluating information supporting an alternative HC limit, as provided in 40 CFR Parts 270.22(b) and 266.104(f), and entering this information into a database.

### **Alternative Metals Implementation Approach**

Agency activities associated with the alternative metals implementation approach include reviewing and evaluating information supporting the approach as provided by 40 CFR Parts 270.22(c) and 266.106(f) and entering this information into a database.

### **Automatic Hazardous Waste Feed Cutoff System**

Agency activities associated with the automatic hazardous waste feed cutoff system as specified in 40 CFR Part 270.22(d) include reviewing and evaluating the information describing the system and entering this information into a database.

### **Direct Transfer Requirements**

Owners and operator of BIFs are not required to submit any information to EPA relating to their direct transfer operations. EPA may review information on a facility's direct transfer system during facility inspections.

### **Regulation of Residues**

Owners and operator of BIFs are not required to submit any information in their Part B Permit Applications relating to their claim of exemption for their residues from classification as hazardous waste. EPA may review this information, however, during facility inspections.

## **Permit Modifications for BIFs**

### **Transfer of Permits**

Agency activities associated with the transfer of permits include reviewing written agreements and entering the information into a database.

### **Permit Modification at the Request of the Agency**

Agency activities associated with Agency-initiated permit modifications include reviewing the modification request and entering the information into a database.

### **Permit Modification at the Request of the Permittee**

#### **(1) Class 1 Modifications**

Agency activities associated with applications for Class 1 permit modifications include reviewing notifications required under 40 CFR Part 270.42(a)(i), and applicable information required by 40 CFR Parts 270.13 through 270.21, 270.62, and 270.63, and entering the information into a database.

#### **(2) Class 2 and 3 Modifications**

Agency activities associated with applications for Class 2 or 3 permit modifications include reviewing modifications requests and written notifications, and entering the information into a database.

### **(3) Request for Classification of a Permit Modification**

Agency activities associated with requests for classification of a permit modification include reviewing the information submitted in support of a request, making a determination on the request, and entering the information into a database.

#### **Temporary Authorizations**

Agency activities associated with applications for temporary authorization include reviewing temporary authorization requests and entering the information into a database.

#### **Expiration and Continuation of Permits**

Agency activities associated with renewing existing permits include conducting the same activities as they would for initial permit applications.

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

In collecting and analyzing the information required for boilers and industrial furnaces, EPA uses electronic equipment such as personal computers and applicable database software, where appropriate.

For information that is kept in facility files rather than submitted, the Agency visits the facility and collect any information that it wishes to review. Agency management of collected information includes review of information, making determinations, and filing and storing the information collected.

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

In response to concerns regarding the burden placed on facilities that burn small quantities of hazardous waste, EPA has provided for an exemption under Section 3004(q)(2)(B) of RCRA. The Agency has carefully evaluated the risks posed by small quantity burning and concluded that a conditional exemption for small quantity burners should be allowed where hazardous waste combustion poses an insignificant risk. This small quantity burner exemption would therefore reduce the burden placed on small entities.

In addition, EPA expects that in certain cases, respondents of small organizations will be able to complete recordkeeping, reporting, and application requirements in less time than large organizations because the permits will not be as detailed, or they will not be required to conduct as many monitoring activities or submit as many reports, because they have fewer activities requiring monitoring and reporting. However, a parallel does not always exist between the size of an organization and the amount of time needed to maintain records or submit reports. EPA has taken steps to minimize the burdens for all facilities, regardless of the size of the business.

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

### ***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

#### **General Facility Operating Requirements**

The reporting requirements outlined in the regulations will vary according to individual facility circumstances (e.g., when receiving hazardous waste from a foreign source).

#### **Recordkeeping Requirements**

Since the operating record is maintained at the facility, discussion of a collection schedule is not applicable. Copies of records of waste disposal are submitted to EPA upon closure of the facility.

#### **Contingency Plan and Emergency Procedures**

The contingency plan is collected when the permittee submits the Part B permit application. A discussion of the contingency plan collection schedule for permitted facilities is included in the permit application and permit modification portion of this ICR.

The owner or operator must submit a written report of any incident that requires implementation of the contingency plan within 15 days after the incident occurs. The emergency coordinator must immediately notify the appropriate authorities of an imminent or actual emergency situation.

#### **Closure Requirements**

Permitted facilities submit their closure plans to EPA when submitting a Part B permit application. A discussion addressing collection schedules for permitted facilities is included in the permit application and permit modification portion of this ICR.

The owner or operator must submit a certification of closure to the Regional Administrator within 60 days of final closure.

#### **Financial Requirements**

For closure cost estimates, owners or operators must prepare initial cost estimates for activities identified in the closure plans. Thereafter, owners or operators must provide annual adjustments of these cost estimates to account for inflation. Also, owners or operators may be required to prepare new cost estimates, if changes in the closure plan increase closure costs. This burden will vary from facility to facility.

For closure care financial instruments, owners or operators must initially establish a financial instrument(s) assuring the cost of closure care. Thereafter, owners or operators must annually check the amount covered by the instrument(s) to make sure it equals the adjusted cost estimate, and change the amount assured accordingly.

For liability coverage requirements, owners or operators of facilities identified in 40 CFR Parts 264.147 and 265.147 must initially demonstrate liability coverage for sudden and nonsudden accidents

during the facilities' active life. Some of the financial instruments for liability coverage require additional reporting on an annual basis; for example, owners or operators must annually submit documentation to EPA supporting the use of the financial test or guarantee. Furthermore, owners or operators may also have to provide information due to varying circumstances; for example, whenever a claim for bodily injury or property damages caused by a hazardous waste treatment, storage, or disposal facility is made.

### **Conditions Applicable to All Permits**

EPA collects information from permitted facilities at intervals specified in the permit. EPA may also collect other information if the Agency determines that it needs information to determine whether a permit should be terminated, revoked and reissued, or modified. EPA may collect additional information from permitted facilities if noncompliance with permit conditions occurs.

### ***SPECIFIC UNIT REQUIREMENTS FOR BIFS***

#### **Exemptions from the BIF Regulations**

40 CFR Part 266.100 exempts from BIF regulations certain furnaces engaged in metal or lead recovery, smelting, melting, and refining, and BIFs that burn small quantities of hazardous waste on site. As the submittal of such a demonstration is optional, there is no specified time frame for submitting these demonstrations.

#### **Permit Standards**

##### **Monitoring and Inspections**

Appendix IX, section 2 specifies testing and reporting procedures that must be followed to ensure that continuous emissions monitoring systems are installed and operated properly. The results of these tests must be reported to EPA prior to burning, and at times specified in the regulations and the facility's permit. There is no specified schedule for demonstrations submitted under Appendix IX, section 2.

Appendix IX, section 3 specifies monitoring and recording procedures that must be followed during burning of hazardous waste. With the exception of audit samples, which must be submitted with the results of compliance samples in relevant reports, this information is not submitted to EPA, but may be reviewed by the Agency during facility inspections. There is no specified schedule for demonstrations submitted under Appendix IX, section 3. There is no specified schedule for submittal of demonstrations performed under 40 CFR Part 266.103(e)(8).

##### **Recordkeeping**

40 CFR Part 266.102(e)(10) requires owners and operators of BIFs to maintain all information and data collected under this section until closure of the facility. While this data is not submitted to EPA, the Agency may review records during facility inspections.

#### **Standards to Control Organic Emissions**

40 CFR Part 266.104(a)(2) requires owners and operators that wish to use as a POHC a compound that is not listed in Appendix VIII to submit a demonstration and receive approval before using such a compound. There is no specified submission schedule.

## **Standards to Control Metal Emissions**

40 CFR Part 266.106(f) requires owners and operators that wish to use an alternative implementation approach for metals to submit a demonstration. There is no specified submission schedule.

## **Regulation of Residues**

40 CFR Part 266.112 allows owners and operators to obtain a hazardous waste exemption for residue derived from burning or processing hazardous waste by submitting a demonstration and receiving approval. There is no specified submission schedule.

## ***PART B PERMIT APPLICATION AND PERMIT MODIFICATION REQUIREMENTS FOR BIFs***

### **General Part B Information Requirements for BIFs**

Owners and operators of existing facilities may be required to submit a Part B application for their BIF unit(s) at any time during the period covered by this ICR. Owners and operators also may voluntarily submit their Part B application at any time. Owners and operators of new BIF units must submit their Part B application at least 180 days before physical construction is expected to commence.

This ICR assumes that all information required under 40 CFR Part 270.10 (Contents of the Permit Application), 40 CFR Part 270.14(a) (General Requirements), 40 CFR Part 270.14(b)(1)-(14) (General Facility Standards), 40 CFR Part 270.14(b)(15)-(16) (Financial Assurance), 40 CFR Part 270.14(b)(19) (Topographical Map), and 40 CFR Part 270.33 (Schedules of Compliance) is submitted with the Part B application, with the exception of the following financial assurance requirements:

- Cost estimates for closure (40 CFR Parts 270.14(b)(15) and 264.142). Cost estimates and documentation of financial instruments for closure care must be submitted to EPA at least 60 days prior to the initial receipt of hazardous waste for treatment, storage, or disposal. Insurance documentation must be submitted within the same time frame. Respondents must also submit any requested information and permit modifications to EPA within a reasonable time, if EPA decides that an adjustment is necessary.
- Coverage by a State Financial Mechanism (40 CFR Parts 270.14(b)(15) and 264.147(b)(18)). Owners and operators of new facilities must submit proof of coverage by a State financial mechanism to EPA at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. If a State assumes legal responsibility for a facility's compliance with the closure care or liability requirements, the owner or operator must submit evidence of this to EPA within a reasonable time.

### **Specific Part B Information Requirements For BIFs**

#### **Fugitive Emissions and Part B Information Requirements for the Pre-Trial Burn, Trial Burn, and Post-Trial Burn Periods**

40 CFR Parts 270.66, 270.22, 266.102, and 266.104 - .107 specify information that must be submitted in the Part B permit application. EPA expects that all Part B applications will be called in and submitted during the period covered by this ICR.

### **Waivers of the Trial Burn**

Owners and operators wishing to obtain a waiver for certain trial burn requirements under 40 CFR Part 270.22(a) must submit information to the Agency in the Part B permit application.

### **Alternative HC Limit for Industrial Furnaces With Organic Matter in Raw Materials**

Owners and operators wishing to establish an alternative HC limit must submit information with the Part B permit application.

### **Alternative Metals Implementation Approach**

Owners and operators wishing to establish an alternative metals implementation approach must submit information with the Part B permit application.

### **Automatic Hazardous Waste Feed Cutoff System**

Owners and operators must submit information concerning the automatic waste feed cutoff system with the Part B permit application.

### **Direct Transfer Requirements**

Owners and operator of BIFs are not required to submit any information to EPA relating to their direct transfer operations. EPA may review information on a facility's direct transfer system during facility inspections.

### **Regulation of Residues**

Owners and operators wishing to obtain a hazardous waste exemption for residue derived from burning or processing hazardous waste may submit a demonstration with the Part B permit application.

### **Permit Modifications for BIFs**

#### **Transfer of Permits**

Upon a change of ownership or operational control of a facility, the new owner or operator must submit a revised permit application to EPA no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control occurs, the old owner or operator will comply with the requirements of 40 CFR Part 264, Subpart H until the new owner or operator has demonstrated that he or she is complying with the requirements of that Subpart. The new owner or operator must demonstrate compliance with Subpart H requirements within six months of the date of the change of ownership or operational control of the facility.

#### **Permit Modification at the Request of the Agency**

Permit modifications made at the request of the Agency are submitted according to the time frame discussed below for permit modifications made at the request of the permittee.



## **Permit Modification at the Request of the Permittee**

### **(1) Class 1 Modifications**

The permittee must notify EPA concerning the Class 1 modification by certified mail or other means that establishes proof of delivery within seven calendar days after the change is put into effect. The permittee must also send a notice of the modification to all persons on the facility mailing list within 90 calendar days after the change. For Class 1 modifications that require prior EPA approval, the notification must be made within 90 calendar days after EPA approves the request.

### **(2) Class 2 and 3 Modifications**

The permittee must send a notice of the Class 2 or 3 modification request to all persons on the facility mailing list and publish the notice in a major newspaper of general circulation within seven days before or after the date of submission of the modification request.

### **(3) Requests for Classification of a Permit Modification**

For permit modifications that are not specifically listed in Appendix I of 40 CFR Part 270.42, a permittee may submit information in support of a request for a Class 1 or Class 2 permit modification. The permittee must submit this information and receive the Agency's determination before making the modification.

## **Temporary Authorizations**

The permittee must send a notice regarding the temporary authorization request to all persons on the facility mailing list. This notification must be made within seven days of the submission of the authorization request.

## **Expiration and Continuation of Permits**

All RCRA permits must be renewed no later than 10 years after the date of issuance. Since EPA plans to issue permits for BIF units during the period covered by this ICR, the Agency does not expect to receive any Part B renewal applications.

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

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

In the attached excel file, exhibits 1 – 4 provide a detailed breakdown of the respondent burden hours and cost associated with all of the information collections requirements covered this ICR. These exhibits show the average number of hours required to conduct the information collection activity and the average cost associated with each requirement. Table 2 below summarizes the total respondent burden and costs and provides annual bottom-line burden and costs associated with all information collection requirements applicable to facilities with BIF units.

The estimated burden and cost represents the average burden and cost incurred by a facility with BIF units. In developing these estimates, EPA recognizes that the burden for each facility will vary, depending on the number, capacity, and complexity of the BIF units at the facility. Consequently, the burden estimates included in this ICR neither supersede existing technical guidance nor constitute new guidance on the frequency or cost of complying with the information collection requirements associated with the BIF regulations.

## **6(b) ESTIMATING RESPONDENT COSTS**

### **Labor Costs**

For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$170.23 for legal staff, \$121.96 for managerial staff, \$67.86 for technical staff, and \$39.02 for clerical staff. These wage rates are based on salaries, overhead and fringe benefits for the industries listed in section 4.a. “Respondent NAICS Codes”, according to the Bureau of Labor Statistics labor rates for 2020.

### **Annual Capital and Operation & Maintenance Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. Capital costs incurred by respondents in this ICR include the cost to buy a monitor, sampling system, and data acquisition system for respondents required to conduct monitoring and inspections of hazardous waste.

Operation and maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as “the recurring dollar amount of costs associated with O&M or purchasing services.” O&M costs covered in this ICR include the following:

- Mailing or long-distance phone call (estimated at \$4.40 per response);
- Photocopying and document storage overhead (estimated at \$.15 per page); and
- Laboratory analysis (varies).

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

EPA estimates an average hourly Agency labor cost of \$83.84 for legal staff, \$60.32 for managerial staff, \$42.32 for technical staff, and \$25.73 for clerical staff. EPA used the 2020 Federal Pay Schedule salary figures, adjusted by 1.6 for overhead, to estimate annual compensation of Regional legal, managerial, technical, and clerical staff. For purposes of this ICR, EPA assigned Regional staff the following government service levels:

Legal staff	GS-15, Step 1
Managerial staff	GS-13, Step 1
Technical staff	GS-11, Step 1
Clerical staff	GS-06, Step 1

In the attached excel file, exhibits 5 – 7 provide a detailed breakdown of the Agency burden hours and cost associated with all of the information collections requirements covered this ICR. Table 3 below is a summary table of the bottom line Agency burden and cost.

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

Based on data compiled from the EPA Regions, EPA estimated that, over the three-year period covered by ICR 1361.18, there will be, on average, 36 BIF facilities in operation or in the process of closing.

**Table 1  
Number of Facilities with Operating BIFs**

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***GENERAL FACILITY STANDARDS APPLICABLE TO BIFs***

Facilities with permitted and interim status BIF units will be subject to certain general facility standards of 40 CFR Parts 264 and 265.

**General Facility Operating Requirements**

**Notice of Appropriate Permits**

EPA estimates that approximately 15 percent of operating BIFs accept off-site waste. These commercial facilities must submit a one-time notice to these generators before accepting their waste.

**Notice of Part 264 or Part 265, and Part 270 Requirements**

EPA estimates that no facilities with a BIF unit will experience a transfer in ownership each year. The owners and operators of these facilities will be required to submit a notice of Part 264 or 265 and Part 270 requirements to the new owner or operator of the facility.

**Waste Analysis**

Only operating facilities are required to conduct waste analysis testing. EPA has information from its Regional offices that indicates that commercial incinerator and land disposal sites have the greatest responsibility for waste analysis. However, it is assumed that the commercial facilities (that are mostly

cement of lightweight aggregate kilns) will be burdened under a separate ICR because they are in compliance with 40CFR Part 63, Subpart EEE standards.

### **Waste Analysis Plan**

This ICR assumes that all facilities with new BIF units will develop this information as part of the Part B permit application. This burden is covered in the Part B application and modifications portion of this ICR.

### **Inspection Schedule**

This ICR assumes that all facilities with new BIF units will submit this information as part of the Part B permit application. This burden is covered in the Part B application and modifications portion of this ICR.

### **Personnel Training**

This ICR assumes that all facilities with new BIF units will submit this information as part of the Part B permit application. This burden is covered in the Part B application and modifications portion of this ICR.

### **Documentation of Compliance for Ignitable, Reactive, or Incompatible Wastes**

Based on previous experience, EPA estimates that 85% of all facilities with permitted BIF units, or an average of 50 facilities during the period covered by this ICR, will have to maintain documentation of compliance for ignitable, reactive, or incompatible wastes until closure of the facility.

### **Recordkeeping Requirements**

#### **Operating Record Requirements**

Only operating facilities are required to comply with the operating record recordkeeping requirements. There are sixteen information components of the operating record requirements contained in 40 CFR Parts 264.73(b)(1)-(16) and 265.73(b)(1)-(16). Some of the requirements apply only to certain types of facilities, while others apply to all operating facilities. Requirements applicable to BIF units are described below.

An estimated 85% of all operating facilities must record a description and quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, and disposal (40 CFR Parts 264.73(b)(1) and 265.73(b)(1)). All operating facilities must also describe the location of each hazardous waste within the facility and the waste's quantity (40 CFR Parts 264.73(b)(2) and 265.73(b)(2)), and maintain records and results of waste analyses until closure of the facility (40 CFR Parts 264.73(b)(3) and 265.73(b)(3)).

Facilities that have emergency incidents requiring implementation of the contingency plan must maintain (i.e., photocopy and file) written documentation of the incident until closure of the facility (40 CFR Parts 264.73(b)(4) and 265.73(b)(4)). EPA estimates that 1 BIF (permitted) will experience an

emergency incident and be required to comply with this regulation.

An estimated 85% of all operating BIF facilities are required to maintain updated inspection information in the operating record until closure of the facility (264.73 and 265.73(b)(5)).

Only facilities that receive hazardous waste from an off-site source are required to maintain (i.e., photocopy and file) until closure all notices for generators verifying that they have a permit to handle the hazardous waste they are receiving (40 CFR Parts 264.73(b)(7) and 265.73(b)(7)). Thus, EPA has determined that 15 percent of the operating BIF universe will need to maintain until closure, in the operating record, the notice to generators.

All operating BIF facilities will need to maintain a closure cost estimate in the operating record until closure of the facility (40 CFR Parts 264.73(b)(8) and 265.73(b)(7)).

All facilities with permitted BIF units will need to maintain until closure in the operating record a certification of waste minimization efforts (40 CFR Part 264.73(b)(9)).

All facilities will meet with State and local authorities annually to discuss emergency arrangements (40 CFR Part 264.37(b)). These facilities also must document any refusal of State and local agencies to enter into arrangements to address emergency situations (40 CFR Part 264.14(b)). EPA estimates that only one percent of all operating BIF facilities will be required to comply with this regulation.

## **Contingency Plan and Emergency Procedures**

### **Contingency Plan Requirements**

This ICR assumes that all facilities with new BIF units will submit this information as part of the Part B permit application. This burden is covered in the Part B application and modifications portion of this ICR. In addition, EPA estimates that 20 percent of all BIF facilities will amend their contingency plans annually and submit it to the local authorities. In addition to preparing a contingency plan, 85% of all operating BIF facilities must also maintain (i.e., photocopy, file, and update) the plan at the facility until closure.

### **Emergency Reporting and Recordkeeping Requirements**

Based on program experience, the Agency estimates that one percent of all facilities will experience an emergency situation each year that will require the help of State or local authorities with designated response roles (40 CFR Parts 264.56(a)(2) and 265.56(a)(2)) each year.

EPA estimates that no facilities experiencing an emergency situation will have a release, fire, or explosion for which the emergency coordinator determines that it may be advisable to evacuate local areas (40 CFR Parts 264.56(d)(1) and 265.56(d)(1)).

EPA estimates that one percent of BIF facilities will notify either a government official designated as the on-scene coordinator or the National Response Center of a release, fire, or explosion (40 CFR Parts 264.56(d)(2) and 265.56(d)(2)). EPA estimates that only one percent of all facilities will have emergency incidents requiring implementation of the contingency plan.

All owners and operators experiencing an emergency situation are required to notify the Regional

Administrator that the facility is in compliance before resuming operation in the affected areas. The owner or operator of these facilities must also submit a written report to the Regional Administrator 15 days after the incident (40 CFR Parts 264.56(j) and 265.56(j)). [The respondent burden for recording emergency details in the operating record is covered in the operating record section.]

## **Closure Requirements**

### **Reading the Regulations**

All operating BIF facilities are expected to read the closure regulations each year.

### **Closure Plans**

This ICR assumes that all facilities with new BIF units will submit this information as part of the Part B permit application. This burden is covered in the Part B application and modifications portion of this ICR.

### **Notification and Amendment of the Closure Plan**

Since closure plan amendments for permitted units are associated with permit modifications, amendments are covered in the Part B applications and modifications section of this ICR.

### **Partial Closure and Final Closure Notification**

All owners and operators who intend to close their facility annually must notify EPA of closure. Thus, EPA expects two facilities with BIFs to submit a closure plan during the period covered by this ICR.

### **Extensions and Allowances During the Closure Period**

EPA expects that five percent of the facilities intending to close their facility will apply for each of the exemptions. Thus, zero facilities will submit the paperwork associated with the exemptions.

### **Closure Certification**

EPA does not expect any of the facility to complete closure activities within the three years covered by this ICR

## **Financial Requirements**

### **Reading the Regulations**

All facilities with BIF units are expected to read the financial requirements regulations.

### **Financial Responsibility for Corrective Action**

Because financial responsibility for corrective action is required under Part 264, only permitted units are included in the burden estimate. Roughly 80 percent of permitted facilities complete a RCRA Facility Assessment (RFA) that indicated that further investigation, or a RCRA Facility Investigation (RFI), was necessary. These facilities will need to include this financial assurance documentation in their

permit renewals; because most TSDF permits are valid for five years, EPA estimates that each year approximately 20 percent will submit financial assurance documentation for corrective action. EPA estimates that ten percent of these facilities per year will need to provide the additional demonstration of denied permission to implement corrective action beyond facility boundaries.

### **Cost Estimates for Closure Care**

Since closure plan amendments for permitted units are associated with permit modifications, such amendments are instead discussed in the Part B permit applications and modification section of this ICR.

### **Closure Financial Assurance Requirements**

Because evidence of establishing a financial instrument for closure care may be submitted with the Part B permit application, such activities for facilities with new BIF units are discussed in the Part B permit applications and modification portion of this ICR.

EPA projects that five percent of all facilities with BIF units will amend closure financial instruments due to changes in the cost estimates or plans. Therefore, EPA estimates that five percent of the facilities choosing each of these financial instruments will need to modify the amounts covered by each instrument. Finally, all facilities covered under the financial test will need to submit annual updates; accordingly, 50 percent of operating facilities will submit this update (as the other 50% use the financial test to comply with liability coverage requirements).

EPA estimates that two percent of all facilities with BIFs will prepare a notification of reduction of liability coverage.

### **Liability Requirements**

Because evidence of establishing a financial instrument for liability coverage may be submitted with the Part B permit application, such activities for facilities with new BIF units are discussed in the Part B permit application and permit modification portion of this ICR.

### **Conditions Applicable to All Permits**

EPA estimates that each year 30 percent of all facilities with permitted BIF units will submit a permit modification at the request of the Agency. These permittees will be required to furnish any relevant information requested by EPA to determine whether cause exists to modify, revoke and reissue, or terminate a permit, or to determine compliance with a permit.

EPA estimates that five percent of facilities with permitted BIF units will annually submit a notice of physical alterations or additions. Of these facilities, 50 percent will submit a notice of planned changes that may result in noncompliance with permit requirements. Of these facilities, 50 percent will submit a letter each year certifying that the facility has been constructed or modified in compliance with the terms of the permit.

EPA estimates that all facilities with permitted BIF units will submit monitoring reports. EPA further estimates that 10 percent of facilities with permitted BIF units will be required to prepare and submit reports of compliance and noncompliance with the compliance schedule at intervals specified in the permit.

EPA estimates that ten percent of all facilities with BIF units will experience a release, fire, or explosion that may threaten drinking water supplies, human health, or the environment outside the facility. These facilities will be required to submit a report within 24 hours of the incident and a more detailed written notice or report within 5 or 15 days, respectively, of the incident.

EPA estimates that 20 percent of all facilities with permitted BIF units will be required to submit reports of other noncompliance that are not submitted with monitoring reports, compliance schedule reports, and reports of releases, fires, and explosions. An additional ten percent will submit amended information that was incorrect or omitted during an initial submittal.

## ***SPECIFIC UNIT REQUIREMENTS FOR BIFs***

### **Exemptions from the BIF Regulations**

40 CFR Part 266.100 and 266.108 exempt certain BIFs from BIF regulations promulgated at 40 CFR Part 266, Subpart H, and 40 CFR Parts 270.22 and 270.66. For one-time requirements, this ICR covers only those facilities that will be applying for an exemption during the period covered by this ICR (i.e., facilities that have already applied for such an exemption are not accounted for in the respondent burden in this ICR). For on-going requirements related to exemptions from the BIF regulations (e.g., sampling and analyzing hazardous waste), this ICR covers both those facilities that have already received exemptions and those that are expected to apply for such an exemption during the period covered by this ICR.

### **Exemptions for Metal Recovery Furnaces**

EPA estimates that 21 facilities are currently operating under a metal recovery furnace exemption. These facilities are expected to read the regulations, sample and analyze hazardous waste three times each year and maintain records until closure of the facility. In addition to the activities described above, new facilities would be required to submit a one-time notice (facilities that currently operate under an exemption have already incurred this burden and therefore are not burdened in this ICR). Any facility that is a lead or nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing would have to submit an additional one-time notice.

### **Exemptions for Smelting, Melting, and Refining Furnaces that recover precious metals**

EPA estimates that nine facilities are currently operating under an exemption for smelting, melting, and refining furnaces. These facilities are expected to read the regulations, sample and analyze hazardous waste three times each year and maintain records until closure of the facility. In addition to the activities described above, these facilities will submit a one-time notice (facilities that currently operate under an exemption have already incurred this burden and therefore are not burdened in this ICR).

### **Lead Recovery Furnace Exemption**

To claim the lead recovery exemption, the facility owner must submit a one-time notice to EPA. EPA estimates that currently no facility will claim the lead recovery furnace exemption. Because no facilities will complete the exemption requirement under 40 CFR Part 266.100(h), this requirement does not contribute to the bottom-line burden of this ICR.



## Small Quantity On-Site Burner Exemption

Facilities applying for this exemption are expected to read the regulations, gather and analyze data three times each year and maintain records until closure of the facility. In addition to the activities described above, these facilities will submit a one-time notice (facilities that currently operate under an exemption have already incurred this burden and therefore are not burdened in this ICR).

## Permit Standards

### Monitoring and Inspections

40 CFR Part 266.102(e)(8) and Appendix IX, sections 2 and 3 contain monitoring and inspection requirements for BIF units and equipment, hazardous waste feed, and stack emissions. EPA estimates the respondent universe for each of these requirements as follows:

- EPA estimates that 85% of facilities with permitted BIF Units<sup>1</sup> will perform the following activities to comply with Appendix IX, section 2 requirements:
  - Test the calibration drift (CD), response time (RT), calibration error (CE) test procedure, and relative accuracy (RA) test procedure (Appendix IX, sections 2.1 and 2.2), including a daily calibration check for each monitor (2.1.10.1 and 2.2.9.1) and a daily system audit (2.1.10.2 and 2.2.9.2), and provide the required maintenance for monitoring systems; since much of this work is typically performed by sophisticated monitoring systems, EPA estimates that technical staff typically spend an hour per day ensuring that monitoring equipment is operating properly.
  - Record the CEMS response immediately after a calibration drift test (Appendix IX, sections 2.1.6.1.1 and 2.2.6.1.1);
  - Record the time (upscale response time) required to reach 95 percent of the stable value during the CD test (Appendix IX, sections 2.1.6.2.1 and 2.2.6.2.1);
  - Record the responses of the CEMS at three measurement points (Appendix IX, sections 2.1.6.3.1.2 and 2.2.6.3.1.2);
  - Summarize results on data sheets (Appendix IX, sections 2.1.6.1.2, 2.1.6.3.2, 2.1.6.4.5, 2.2.6.1.2, and 2.2.6.3.2);
  - Prepare a report of the data from all performance test methods (Appendix IX, section 2.1.6.4.3); and
  - Prepare and submit a report of the results of the CD, RA, response time, and CE test, as appropriate (Appendix IX, sections 2.1.8 and 2.2.8);
- EPA estimates that ten percent of facilities with permitted BIF units will need to take the combustion unit out of service during the calibration drift test period and record the onset and duration of downtime (Appendix IX, section 2.1.5.2 and 2.2.5.2);
- EPA estimates that five percent of facilities with BIF units will request approval for an alternative relative accuracy procedure (Appendix IX, section 2.1.9.2);
- EPA estimates that five percent of facilities with BIF units will request approval for an alternative calibration procedure (Appendix IX, section 2.1.10.1 and 2.2.9.1);

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<sup>1</sup> For this section it is estimated that 15% of BIFs (permitted and interim status) are cement kilns or lightweight aggregate kilns that are no longer subject to these requirements because they have met 40CFR Part 63 subpart EEE requirements.

- EPA expects that all facilities with new BIF units will develop a quality assurance (QA) program to evaluate and monitor CEMS performance (Appendix IX, sections 2.1.10 and 2.2.9);
- EPA expects 85% of all facilities with permitted BIF units to carry out the QA plan by conducting a quarterly CE test (2.1.10.3 and 2.2.9.3) (for a total of 201 activities) and an annual specification test (2.1.10.4 and 2.2.9.4);
- EPA estimates that five facilities with permitted BIF units will use an alternative metals implementation approach. These facilities will perform the following activities once each working day (330 times per year) to comply with Appendix 3 requirements<sup>2</sup>:
  - Determine emissions of metals (Appendix IX, section 3.1);
  - Record data for metals sampling trains (Appendix IX, section 3.1.5.1.5); and
  - For monitoring of metals, record emissions data and maintain a laboratory log for all calibrations (Appendix IX, section 3.1.6).
- EPA estimates that 85% of all facilities with permitted BIF units will perform the following activities regularly to comply with 40 CFR Part 266.102(e)(8) requirements:
  - Conduct monitoring and inspections of hazardous waste, other fuels and feedstock, and stack gas emissions (40 CFR Part 266.102(e)(8)(i));
  - Inspect the BIF and associated equipment at least each working day (40 CFR Part 266.102(e)(8)(iii)); and
  - Record monitoring and inspection data (40 CFR Part 266.102(e)(8)(v)).

Capital and O&M costs associated with these activities include the purchasing and maintenance of continuous emissions monitors, sampling equipment, and a data acquisition system.

- EPA estimates that ten percent of facilities with permitted BIF units will demonstrate that weekly inspections of the hazardous waste feed cutoff system would unduly restrict or upset operations, and will receive approval for monthly inspections. EPA expects that these facilities will be granted approval to perform inspections every 30 days.

### **Recordkeeping**

EPA expects all facilities with permitted BIF units to comply with recordkeeping requirements.

### **Standards to Control Organic Emissions**

EPA estimates that no facilities with permitted units will submit a demonstration.

### **Standards to Control Metals Emissions**

Facilities with permitted BIF units submit this information with the Part B permit application. Therefore, these facilities are burdened in the Part B permit applications and modifications portion of this ICR.

### **Direct Transfer Requirements**

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<sup>2</sup> The respondent universe for each of these requirements reflects EPA's estimate that facilities that use an alternative implementation approach for metals will conduct each activity 330 times a year, or once each operating day. Thus, EPA estimates that each of these activities will be performed 1,500 times (5 x 330).

Facilities with permitted BIF units submit this information with the Part B permit application. Therefore, these facilities are burdened in the Part B permit applications and modifications portion of this ICR.

### **Regulation of Residues**

Facilities with permitted BIF units submit this information with the Part B permit application. Therefore, these facilities are burdened in the Part B permit applications and modifications portion of this ICR.

## ***PART B PERMIT APPLICATION AND PERMIT MODIFICATIONS REQUIREMENTS FOR BIFs***

### **General Part B Information Requirements for BIFs**

#### **Legal Review**

EPA estimates that for all facilities submitting a Part B permit application owners/operators will have legal counsel review the completed application prior to submittal to EPA, even though there is no regulatory requirement to do so.

#### **General Requirements**

EPA estimates that each year one percent of the facilities submitting a Part B permit application for their BIF unit(s) will submit a demonstration for relief from specific Part B information requirements under 40 CFR Part 270.14(a).

#### **General Facility Standards**

Based on previous experience, EPA makes the following estimates regarding the Part B requirements for general facility standards:

- All facilities submitting a Part B permit application for BIF units will read the regulations, prepare a written description of the facility, and submit and file the general facility standards information;
- EPA estimates that each year one percent of the facilities submitting a Part B permit application for its BIF unit(s) will submit a demonstration for a waiver of the security procedures and equipment requirements (40 CFR Part 270.14(b)(4)). EPA estimates that all facilities applying for a waiver will receive one.
- One percent of the facilities submitting a Part B permit application will submit a demonstration for an exemption from special equipment requirements;
- One percent of facilities submitting a Part B permit application will submit a demonstration for an exemption from aisle space requirements under 40 CFR Part 270.14(b)(6);
- Forty percent of the facilities submitting a Part B permit application for their BIF unit(s) will have to submit information regarding ignitable, reactive, or incompatible wastes under 40 CFR Part 270.14(b)(9);
  - All facilities submitting a Part B permit application will submit a description of

traffic patterns, volume, and control, and compile and document facility location information;

- No facilities will prepare a demonstration of compliance with the seismic standard under 40 CFR Part 270.14(b)(11)(ii);
- EPA estimates that 24 percent of facilities submitting a part B permit application (two facilities) are located in a 100-year floodplain. These facilities will have to submit an engineering analysis and engineering studies under 40 CFR Part 270.14(b)(11)(iv); and
- EPA estimates that no facilities submitting a Part B permit application for their BIF units will submit a compliance plan and schedule.
- EPA estimates that new facilities submitting Part B permit applications will prepare an outline of personnel training program, write descriptions of the necessary closure activities, estimate final closure, and write the closure schedule.

### **Financial Assurance**

EPA expects that an average of three facilities per year will submit a Part B permit application for a new BIF unit. Of these facilities, EPA estimates that 80 percent will secure financial assurance through outside institutions. These facilities will submit financial assurance documentation as part of their Part B permit application. EPA does not anticipate that any of the facilities seeking a permit for their BIF unit(s) will choose to use a State financial mechanism in lieu of the Federal mechanisms. All facilities with new BIF units must submit documentation of liability coverage for sudden accidental occurrences.

EPA estimates that no facilities will submit an application for a variance from the financial responsibility requirements.

### **Topographical Map**

All facilities submitting a Part B permit application for their BIF unit(s) must submit a topographical map as required under 40 CFR Part 270.14(b)(9) in their Part B permit applications.

### **Schedules of Compliance**

EPA estimates that five percent of all facilities submitting a Part B permit application for their BIF unit(s) will submit a schedule of compliance with their application. Of these facilities, EPA expects that none will submit an alternative schedule of compliance, and none will submit an application for two compliance schedules. EPA does not anticipate that any facilities will submit evidence of firm public commitment to cease conducting regulated activities.

### **Specific Part B Information Requirements for BIFs**

#### **Fugitive Emissions**

EPA estimates that ten percent of all facilities submitting a Part B application for their BIFs will submit a demonstration in support of an alternate means of fugitive emissions control.

### **Part B Information Requirements Relating to the Pre-Trial Burn, Trial Burn, and Post-Trial**

## **Burn Periods**

EPA expects all facilities submitting a Part B permit application for their BIF unit(s) will submit statements suggesting the conditions necessary to operate in compliance with 40 CFR Part 266.104 through 40 CFR Part 266.107 during the pre-trial burn and post-trial burn periods. These facilities are also expected to submit a trial burn plan and all required certifications. EPA also expects all these facilities, minus the estimated two facilities per year that will submit data in lieu of a trial burn under 40 CFR Part 270.22(a)(6), to conduct the trial burn and make determinations and submit a trial burn report.

EPA expects no facilities will submit a request for an extension of the 720-hour operational period with the Part B application.

EPA estimates that one facility per year will request a later date for submission of the Part B permit application or the trial burn results.

## **Waivers of the Trial Burn**

### **(1) Waiver of the Trial Burn for Boilers Operating Under Special Operating Requirements**

EPA estimates that there are 30 permitted facilities with boiler units, three of which are expected to submit a Part B permit application over the period covered by this ICR. EPA estimates that 30 percent of all facilities with boiler units will submit a demonstration for a waiver of the trial burn. .

### **(2) Waiver of the Trial Burn for BIFs Burning Low Risk Waste**

EPA estimates that annually, five facilities will submit a demonstration in support of a waiver on the basis of low risk waste.

### **(3) Waiver of the Trial Burn for Metals**

EPA estimates that 20 percent of all facilities submitting Part B permits will submit a demonstration in support of a waiver of the trial burn for metals

### **(4) Waiver of the Trial Burn for Particulate Matter**

EPA estimates that 20 percent of all facilities submitting part B permits will submit a demonstration in support of a waiver of the trial burn for particulate matter.

### **(5) Waiver of the Trial Burn for HCl and Cl<sub>2</sub> Emissions**

EPA estimates that 30 percent of all facilities submitting part B permits will submit a demonstration in support of a waiver of the trial burn for HCl and Cl<sub>2</sub>.

### **(6) Data in Lieu of a Trial Burn**

EPA estimates that ten percent of all facilities submitting a part B permit will submit information in support of providing data from compliance testing of the device, or data from compliance testing, trial burns, or operational burns for a similar unit, in lieu of compliance testing.

### **Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials**

EPA estimates that ten percent of all facilities with permitted BIF units will submit with the Part B application a demonstration in support of an alternative HC limit. .

### **Alternative Metals Implementation Approach**

EPA estimates that 20 percent of all facilities with new BIF units will submit a demonstration in support of an alternative metals implementation approach with the Part B permit application. Facilities submitting this information before submitting a Part B permit application are covered in the specific units portion of this ICR.

### **Automatic Hazardous Waste Feed Cutoff System**

EPA assumes that all facilities submitting a Part B permit application for their BIF unit(s) will provide information on the automatic hazardous waste feed cutoff system.

### **Direct Transfer Requirements**

EPA estimates that 10 percent of all facilities with BIF units will want to use the direct transfer provisions of 40 CFR Part 266.111 to transfer their hazardous waste. EPA expects only new facilities to prepare and submit direct transfer information with the Part B permit application. Thus, EPA expects that zero facilities per year to collect data and obtain a certification that the installation meets NFPA codes. EPA expects that these facilities will have existing direct transfer equipment that has secondary containment, and therefore will not need to collect data to support, and obtain and keep on file, a written assessment that attests to the equipment's integrity.

### **Regulation of Residues**

EPA estimates that approximately one-third of all facilities will submit demonstrations in support of an exclusion from classification as hazardous waste for their residues. EPA expects facilities with new BIF units that apply for this exclusion to prepare and maintain a rationale for handling non-detect data points. Thus, EPA expects that annually, one facility with new BIF units to prepare such information.

### **Permit Modifications for BIFs**

#### **Transfer of Permits**

In addition to the permit modifications discussed below, EPA estimates that no facilities with permitted BIFs will submit the written agreement required to transfer ownership or operational control of a facility.

#### **Permit Modification at the Request of the Agency**

EPA estimates that during the 3-year period covered by this ICR, EPA estimates that 25 percent of facilities will seek Class 1 permit modifications; 62 percent will seek Class 2 permit modifications; and 32 percent will seek Class 3 modifications. EPA expects that the majority of these permit modification requests will be initiated by the permittees under 40 CFR Part 270.42, but anticipates that 33 percent of the Class 2 and 3 permit modifications submitted will be modifications initiated by the Agency under 40 CFR

Part 270.41.

### **Permit Modification at the Request of the Permittee**

EPA estimates that 15 facilities will submit Class 1 permit modifications during the period covered by this ICR (approximately five each year). In addition, based on the discussion above, EPA estimates that 25 Class 2 permit modifications and approximately 12 Class 3 permit modifications will be submitted at the request of the permittee, for a total of 37 Class 2 and 3 modifications. EPA also estimates that each year one facility with BIF unit(s) will request that EPA classify its permit modification as a Class 1 modification. This facility will submit information in support of its request.

### **Temporary Authorizations**

EPA estimates that 25 percent of the facilities seeking a Class 2 or Class 3 permit modification at their own request will submit a request for temporary authorization under 40 CFR Part 270.42(e).

### **Expiration and Continuation of Permits**

EPA does not expect any facilities to submit applications for renewal of permits for BIF units during the period covered by this ICR.

## **6(e) BOTTOM LINE BURDEN HOURS AND COST TABLES**

### **(i) Respondent Tally**

The annualized burden to is estimated to be 39,758 hours, and 900 responses. The average response burden works out to 44 hours per response. The total annualized capital/start-up cost is \$0 and the O&M is \$2,823,121.

### **(ii) Agency Tally**

The annual burden to the Agency under the BIF requirements is estimated to be 2,872 hours, at a total cost of \$136,624.

## **6(f) REASONS FOR CHANGE IN BURDEN**

The previously approved ICR estimated an annual respondent burden of 271,137 hours. This renewal estimates an annual respondent burden of hours, which is a decrease of 231,379 hours. The reason for this decrease is a decrease in the size of the universe, from 105 facilities to 36 facilities. This decrease is due partly to closures of boilers in both permitted and interim status facilities, but is mostly due to a clean up of the data, because previously there had been double-counting of facilities as being both permitted and interim status. The reason for the double-counting was that one facility could have both permitted boilers and non-permitted boilers (i.e., in interim status). Currently, however, there are no boilers in interim status; they are either permitted or they have been closed.

## **6(g) BURDEN STATEMENT**

1The average reporting and recordkeeping burden for the universe of 36 BIF facilities is 44 hours per facility. These estimates include time for complying with requirements associated with general facility standards, recordkeeping, contingency plan and emergency procedures, closure, financial assurance, and conditions applicable to all permits; specific unit requirements for BIFs.

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 No. EPA-HQ-OLEM-2016-0465, which is available for public viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET 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. Once 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (EPA-HQ-OLEM-2016-0465) and OMB control number (2050-0073) in any correspondence.



Table 2  
BIF ICR  
TOTAL RESPONDENT BURDEN AND COST

	Labor Costper Year	Capital/ Startup Cost	O & M Cost	Total Hours PerYear	Total Cost PerYear
<b>Exhibit 1</b>					
(A) General Facility Operating Requirements	\$394,512.79	\$0.00	\$224,596.00	5,870.75	\$619,108.79
(B) Recordkeeping Requirements	\$245,842.00	\$0.00	\$240.00	4,536.00	\$246,082.00
(C) Contingency Plan and Emergency Procedures	\$12,834.25	\$0.00	\$84.80	218.00	\$12,919.05
(D) Closure Requirements	\$9,524.16	\$0.00	\$0.00	126.00	\$9,524.16
(E) Financial Requirements	\$43,698.39	\$0.00	\$268.40	655.00	\$43,966.79
(F) Conditions Applicable to All Permits	\$29,146.64	\$0.00	\$325.60	422.50	\$29,472.24
<b>Exhibit 2</b>					
Specific Unit Requirements for BIFs	\$1,800,171.11	\$0.00	\$2,212,086.88	26,129.66	\$4,012,257.99
<b>Exhibit 3</b>					
(A) General Part B Information Requirements	\$0.00	\$0.00	\$0.00	0.00	\$0.00
(B) Specific Part B Information Requirements	\$8,911.16	\$0.00	\$14,800.00	126.00	\$23,711.16
(C) Part B Modification Requirements	\$131,336.55	\$0.00	\$369,938.80	1,673.85	\$501,275.35
<b>Exhibit 4</b>					
Operating and Maintenance Costs for Maintaining All Records	\$0.00	\$0.00	\$780.12	0.00	\$780.12
<b>TOTAL</b>	<b>\$2,675,977.05</b>	<b>\$0.00</b>	<b>\$2,823,120.60</b>	<b>39,757.76</b>	<b>\$5,499,097.65</b>

Table 3  
BIF ICR  
TOTAL AGENCY BURDEN AND COST

	Labor Costper Year	Capital/ Startup Cost	O & M Cost	Total Hours PerYear	Total Cost PerYear
<b>Exhibit 5</b>					
(A) General Facility Operating Requirements	\$10,580.00	varies	varies	250	\$10,580.00
(B) Recordkeeping Requirements	\$2,623.84	varies	varies	62	\$2,623.84
(C) Contingency Plan and Emergency Procedures	\$761.76	\$0.00	\$0.00	18	\$761.76
(D) Closure Requirements	\$0.00	\$0.00	\$0.00	0	\$0.00
(E) Financial Requirements	\$7,173.24	\$0.00	\$0.00	170	\$7,173.24
(F) Conditions Applicable to All Permits	\$9,873.46	\$0.00	\$0.00	234	\$9,873.46
<b>Exhibit 6</b>					
Specific Unit Requirements for BIFs	\$46,923.38	\$0.00	\$0.00	1,076	\$46,923.38
<b>Exhibit 7</b>					
(A) General Part B Information Requirements	\$0.00	\$0.00	\$0.00	0	\$0.00
(B) Specific Part B Information Requirements	\$1,621.24	\$0.00	\$0.00	37	\$1,621.24
(C) Part B Modification Requirements	\$57,067.10	\$0.00	\$0.00	1,026	\$57,067.10
<b>TOTAL</b>	<b>\$136,624.02</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>2,872</b>	<b>\$136,624.02</b>