U.S. Environmental Protection Agency
Information Collection Request Supporting Statement
Part A

Title: Container Reconditioning Resource Conservation and Recovery Act (RCRA) 3007 Mandatory Information Collection Request

OMB Control Number: 2050-NEW

EPA ICR Number: 2800.01

Abstract:

The reconditioning and recycling processes provided by used container reconditioning facilities offer important economic and environmental advantages by requiring less energy and resources to meet the demand for industrial containers than required to create new containers. However, if not done in an environmentally safe manner, these processes can negatively impact the surrounding communities. To gain greater understanding of current industry practices and environmental impacts, EPA is seeking information directly from the container reconditioning industry through an Information Collection Request (ICR.) The EPA will conduct this ICR through an RCRA Section 3007 Survey of Container Reconditioning Facilities. Through this ICR, EPA hopes to better understand the issues and impacts of how these containers are being managed and develop potential solutions that would ensure protection of human health and the environment. These steps could include non-regulatory approaches, like best management practices, or revisions to waste regulations.

On August 11, 2023, the EPA published the Used Drum Management and Reconditioning Advance Notice of Proposed Rulemaking (ANPRM.) The EPA requested information and comments to assist in addressing concerns about used industrial containers that previously held hazardous chemicals or hazardous waste. This effort was initiated in response to the EPA's 2022 Drum Reconditioner Damage Case Report that identified incidents damaging to human health and the environment from used industrial containers, as well as necessary, costly and sometimes dangerous cleanup efforts with unknown chemicals required by EPA or other environmental agencies. On November 1, 2023, EPA continued their efforts to gather information by hosting a virtual meeting to discuss the issues surrounding the management of used industrial containers and the reconditioning of these containers.

A Federal Register notice was released on April 24, 2024, requesting public comment on specific aspects of the proposed information collection. The EPA received comments from the general public as well as from the container reconditioning industry and trade associations, environmental agencies and environmental advocacy groups in response to both the ANPRM and the solicitation for comments on the proposed information collection. The EPA also consulted with both large and small container reconditioning facilities to assist in improving the survey and ensuring the collection of accurate and useful information. The survey requests information about standard practices, training, reconditioning methods, safety and security, environmental permitting, wastewater, solid waste, air pollution and

pollution control technology. The results of this information collection request will give the EPA a more comprehensive perspective on the regulatory framework governing the container reconditioning industry and help the EPA identify the most effective options to ensure proper management of used industrial containers.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The U.S. Environmental Protection Agency (the EPA or the Agency), under the authority of the Resource Conservation and Recovery Act (RCRA) Section 3007 (42 U.S.C. 6927), is soliciting information to assist in the potential development of non-regulatory and regulatory options that would ensure the proper management of used industrial containers that held hazardous chemicals or hazardous waste, up to and including the container reconditioning process. Options could include revising the Resource Conservation and Recovery Act (RCRA) regulations or other, non-regulatory options.

Container reconditioning facilities recondition metal and plastic drums and intermediate bulk containers (IBCs) for resale and reuse by cleaning, restoring, testing, and certifying these industrial containers. These containers previously held a variety of materials including hazardous waste, chemicals, paints, resins, tars, adhesives, foods, oils, soaps, solvents, or related materials. The two main processes used for reconditioning are burning off residue from metal drums in a drum furnace and washing metal or plastic drums or containers with water and/or a caustic solution to clean out residues.

On September 8, 2022, the EPA published a Drum Reconditioner Damage Case Report (DCR) that described the EPA's understanding of how the container reconditioning industry operates and documents damage case incidents at facilities that have caused significant harm to human health and the environment. The report also served to inform domestic policymakers, enforcement officials, and the public about the regulatory and waste issues surrounding container reconditioning facilities and served as the EPA's first step to gather information and engage stakeholders on approaches to address and mitigate these issues.

The DCR's findings indicate an estimated national container reconditioning universe of 181 facilities with approximately 40 million total metal and plastic containers being processed each year. The data also indicates that approximately 35% of drums are reconditioned using drum furnaces, and the remaining 65% of containers are reconditioned through washing methods. Of the total 181 drum reconditioning facilities identified by the EPA, 86 had one or more reported damage cases, representing 47.5% of the total industry.

The EPA's data also indicates that 25% of drum reconditioning facilities that are currently operating have had damage cases, 23 facilities experienced damage cases between 2011 and the present, and 58 of the 86 facilities that experienced damage cases had at least one incident occur after the empty container provision, found in 40 CFR 261.7, was promulgated in 1980. Damages include fires; drum explosions; hazardous waste spills; leaking caused by improper storage of drums/containers; employee injuries; air, water, or soil contamination; and various combinations of these incidents.

An Advance Notice of Proposed Rulemaking (ANPRM) was published in the Federal Register (88 FR 54537) on August 11, 2023 that gives additional details on the need for data and provided an opportunity to comment on the potential development of non-regulatory and regulatory options that would ensure the proper management of used industrial containers that held hazardous chemicals or hazardous waste, up to and including the container reconditioning process.

EPA, through this Information Collection Request (ICR) package, requests that the Office of Management and Budget (OMB) review and approve the ICR for the Container Reconditioning Facilities Data Collection. Through this collection, EPA will obtain data essential to determine the current practices in acceptance, storage, handling, and management of non-RCRA empty containers; emissions from drum furnaces; management of wastewaters and other wastes generated from container reconditioning; and emergency response, training and permitting practices at container reconditioning facilities. This collection effort is necessary because there are limited national data on these topics from container reconditioning facilities and no previous federal rulemaking (air or water) efforts have focused on this industrial sector. A limited amount of information from varied sources was compiled on container reconditioning facilities by EPA's Office of Water between 1989 and 2000, but this information does not address important aspects of hazardous waste management and may be out of date.

A questionnaire for the container reconditioning industry is an essential portion of the rulemaking process, necessary for EPA to determine if the current regulations or voluntary actions remain appropriate and, if warranted, develop new regulations or voluntary actions. The data collection activities described in this ICR will provide a robust data set that characterizes container reconditioning acceptance, storage, and handling practices; air emission and control techniques; and wastewater generation, treatment, and discharge from container reconditioning facilities in the United States.

2. PRACTICAL UTILITY/USERS OF THE DATA

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

EPA's Office of Resource Conservation and Recovery plans to administer the data collection, in the form of a one-time questionnaire under the authority of RCRA 3007. EPA plans to administer a questionnaire to all active facilities that currently conduct container reconditioning operations in the United States. Based on the data sources discussed in Section Error: Reference source not found, EPA has identified and compiled mailing addresses for approximately 216 container reconditioning facilities in the United States. All active container reconditioning facilities will be required to complete the questionnaire regardless of size or geography. Because no single existing data source includes information for all facilities engaging in one or more of the specified container reconditioning operations, the exact number of facilities is unclear. EPA estimates the population of container reconditioning facilities that will receive and be required to complete the questionnaire as 216 facilities.

The objectives of the questionnaire will be to confirm the population of facilities that engage or have engaged in container reconditioning operations, as well as gather facility-specific information and data relevant to the facility operations, security, employee safety, management, and discharge of air emissions, solid waste, and wastewater by the industry, including:

- Facility name, location, contact information, EPA identification numbers, industrial classification, and operating status.
- Information on applicable air, solid waste, and wastewater permits.
- Details on container reconditioning operations, including the type(s) of processes performed.
- Quantities and characteristics of air emissions, solid waste, and wastewater generated on site.

- Financial, ownership, and employment data for individual facilities and their respective ultimate parent companies.

The questionnaire consists of 64 questions. EPA believes that all the information and data requested in the questionnaire is readily available to facilities; EPA does not anticipate facilities will need to generate new information or data to complete the questionnaire.

EPA prepared the questionnaire to be applicable to a variety of facilities; therefore, not all questions will apply to every company or facility. Facilities that receive the questionnaire but have not conducted container reconditioning operations after January 1, 2023, or have permanently closed as of January 1, 2023, are instructed not to complete the questionnaire. Most facilities will not be required to complete every question in the questionnaire. For example, facilities that did not generate wastewater, operate wastewater treatment, or discharge wastewater in 2023 will be instructed to skip entire sections or sets of questions in the questionnaire.

EPA plans to conduct the questionnaire via a web-based platform, Qualtrics Survey Software (Qualtrics). The questionnaire will primarily collect data for calendar year 2023, which represents the most recent year for which complete technical and economic data will be available, as EPA expects the survey will be administered in 2024. The questionnaire will also collect limited data for time periods prior to 2023.

3. USE OF TECHNOLOGY

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

EPA plans to develop the questionnaire in Qualtrics, which allows respondents to fill out and submit the questionnaire online. The Qualtrics questionnaire will be developed to meet the 1998 Government Paperwork Elimination Act (GPEA). EPA anticipates that most respondents will be familiar and comfortable with online submission. Additionally, the Qualtrics questionnaire will include automatic validation checks to minimize data entry errors and allow for automatic export of a response data set, reducing the potential for errors introduced by key-entry of data. EPA's email and phone helpline will also be available during the response period to assist facilities as needed with submitting responses.

EPA designed the questionnaire to include burden-reducing features. For example, the questionnaire also contains "screening" questions that direct respondents that do not qualify as the population of interest for a particular subset of questions to indicate their status and then bypass this subset of questions to continue their response. The questionnaire is also designed with drop down menus to simplify and standardize responses, minimizing the number of narrative text responses.

EPA will provide a mechanism for facilities to respond with a hardcopy mailed response if the facility cannot access the internet. EPA anticipates this situation to affect less than two percent of the total population that receives the questionnaire.

4. EFFORTS TO IDENTIFY DUPLICATION

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The list of container reconditioning facilities was originally developed for the DCR. Facilities were identified by searching available online databases, news articles, waste facility websites, and other EPA records and databases (i.e., the Definition of Solid Waste (DSW) Damage Case Report, RCRA Info Web, EPA's 2002 "Preliminary Data Summary for Industrial Container and Drum Cleaning Industry" and 2014 "An Assessment of Environmental Problems Associated with Recycling of Hazardous Secondary Materials: Appendix 1- Damage Cases from Recycling of Hazardous Secondary Materials" reports, and EPA Superfund Site Database). Additional facilities were identified through the Pipeline and Hazardous Materials Safety Administration (PHMSA). See Table 4 -1 below for a list of data sources. Currently operating facilities were further verified through a publicly available list published by the Reusable Industrial Packaging Association (RIPA), which claims to represent over 90% of the industrial packaging reconditioning industry in North America.

Table 4-1. Existing Data Sources

Data Source	Date of Data Collection	Population Included	Available Data	Considerations
An Assessment of Environmental Problems Associated with Recycling of Hazardous Secondary Materials: Appendix 1- Damage Cases from Recycling of Hazardous Secondary Materials	2014	Facilities identified in damage cases	• Name, location, and EPA ID • Site description • Site history • Damage that occurred • Activities associated with the damage	This source includes only those facilities with damage case reports and is not a comprehensive list
Pipeline and Hazardous Materials Safety Administration (PHMSA) Active M number list	2023	Facilities issued M-number approval by PHMSA	• Name, location and EPA/RCRA/State ID • Open or closed • If there is a damage case • If site is a Superfund • NPL Site Status • RIPA member	This source includes all facilities issued a PHMSA M-number approval, not only container reconditioning facilities.
PHMSA "R" List	November 17, 2018	Facilities issued a Registration number by PHMSA	• Name, location and R-number ID • Open or closed	This source includes all facilities issued a PHMSA R-number approval, not only container reconditioning facilities.
Reusable Industrial packaging Association (RIPA) membership list	2023	Facilities with membership in RIPA	• Name, location and phone number • Container types	This source includes only those facilities that choose to be members of RIPA.

As described in the limitations discussion in the DCR, EPA noted that: “All of the information in the report was gathered from publicly available sources and in many cases, the company’s website was the only source of information on a specific facility. A number of drum reconditioning facilities don’t have webpages at all making it at times difficult to find information on this industry.” EPA noted in the DCR that, “besides RIPA, NAICS codes, and internet database searches, no other comprehensive database for drum reconditioners exists, making it difficult to know if all facilities were captured in this report.”

As for the information on container acceptance, storage, handling practices, air emissions data, and waste and wastewater generation and discharge data, since no previous regulatory efforts have been undertaken on container reconditioning facilities, there is no pre-existing database available to obtain the air emission and wastewater discharge information for these facilities in the level of detail that would enable assessment of the need for regulatory or nonregulatory efforts to minimize environmental releases.

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

In accordance with requirements of the Regulatory Flexibility Act (RFA), EPA must assess whether actions would have “a significant impact on a substantial number of small entities” (SISNOSE). Small entities include small businesses, small organizations, and small governmental jurisdictions.

EPA has taken steps to ensure that the respondent burden is minimized for small entities, while collecting sufficient data to evaluate regulatory flexibility for small entities. EPA will identify the size of the business entity according to Small Business Administration definitions from questionnaire information through sales revenues and company employment. For entities reporting under NAICS code 811310, the Small Business Administration defines small entities as those with annual average receipts of $12.5M or less. Based on available information, EPA believes most container reconditioning facilities and parent companies would meet this Small Business Administration definition. The financial and economic information collected in the questionnaire is necessary to perform the economic analysis of any proposed rulemaking to meet the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA).

To minimize the burden of responding to the questionnaire, EPA has written a series of questions that will preclude facilities from completing the entire questionnaire if they are identified as not conducting container reconditioning operations. Additionally, the questions are phrased with commonly used terminology and the tables are organized in formats familiar to the respondent industry.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This ICR is to be conducted once with container reconditioning facilities, but depending on some of the responses, may result in the need to reach out to other facilities that ship used drum containers to container reconditioning facilities. Without this data collection, the EPA cannot fulfill its RCRA responsibility to ensure hazardous waste is managed appropriately from cradle to grave, in addition to

the general duty to protect human health and the environment from potential hazardous waste releases from container reconditioning facilities. Container reconditioning is currently not directly covered by the Clean Air Act. In terms of air quality, the DCR identified sources of unidentified, unquantified, and unmonitored air emissions that may contain hazardous materials. In addition to air quality impacts, this report identified damage to human health, soil and water, and unsafe conditions for workers and the communities surrounding these facilities.

The DCR revealed that used containers may not be empty upon receipt at container reconditioning facilities and may contain unknown potentially hazardous materials. The used container generator is responsible for the hazardous waste that they generate, but if the content of the used drums is not identifiable at the time that they are shipped, then the drum reconditioner cannot know with any confidence what they are treating or the risks associated with treatment, and the used container generator may not be able to provide this information after it has been shipped. This ICR requests that container reconditioning facilities identify whether they receive containers with hazardous materials and how much. Without this information the EPA cannot accurately quantify the amount of hazardous material received by container reconditioning facilities or the potential for hazardous waste releases from these facilities. This ICR may also reveal the need for additional monitoring of hazardous materials at used container generators before sending them to container reconditioning facilities to protect the facility, collocated companies, and the public.

The DCR identified multiple instances of sites containing tens of thousands to hundreds of thousands of gallons of hazardous waste onsite at container reconditioning facilities as well as some facilities with unknown amounts of hazardous waste but with the potential to have received millions of gallons of hazardous waste. Some of these facilities were abandoned and at risk of being accessed by the public. Additionally, there were multiple cases that resulted in millions of dollars of cleanup costs. This ICR requests information about the storage of the hazardous waste containers, the security of the facility and the foreseeable future of the facility to ensure that the public and nearby companies cannot be exposed to the hazardous waste during operations and in the event of closure. Without this information, regulatory authorities, either EPA or state and local regulators, won't know whether future hazardous waste cleanups are needed. Additionally, future incidents of public exposure to hazardous waste could occur without knowing that the risk exists until after the fact.

Two primary methods are used to recondition containers: 1.) burning off residuals; and 2.) caustic wash. Depending on how a facility operates, it could produce air emissions due to either method and be subject to air quality regulations, or it could potentially discharge water to the environment containing hazardous materials and be subject to regulations under the Clean Water Act. Some of these facilities may also be governed by solid waste regulations. One example of this is that some of these facilities may be subject to 40 CFR 63 Subpart EEE: National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors and the associated monitoring and performance testing requirements or they may also have a National Pollutant Discharge Elimination System (NPDES) permit. This ICR requests information on the environmental permits container reconditioning facilities already have and how they operate under those permits. Without this information, the EPA will not be able to differentiate between which environmental impacts are the result of non-compliance of existing permits, which impacts are due to unpermitted facilities needing permits under existing regulations and which companies do not currently need any permits but are still potential sources of hazardous air pollutants, discharge water containing hazardous materials and hazardous solid waste. This information will help

prevent duplicating regulations and allow the proposed rulemaking to work in concert with existing rules.

This container reconditioning facility ICR will provide necessary information to understand the current operating and regulatory landscape, improve existing regulatory requirements to protect the environment and the public, and support the development of new regulations in concert with existing regulations. The DCR demonstrates the need to collect this information and develop new regulations through numerous cases of environmental impacts, costly cleanup, legal action, and harm to both employees at these facilities and the public.

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The information collection is consistent with the guidelines set forth in 5 CFR 1320(d)(2) of the Paperwork Reduction Act.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

On April 24, 2024, EPA published a Federal Register Notice (89 FR 31199) to notify the public of this proposed information collection and solicit public comment on the need for the collection and the draft survey instrument. Comments were accepted until June 24, 2024. The Agency received three comments. These comments did not directly address the cost and burden hour estimate. However, the comments provided general feedback on the survey effort and proposed means by which EPA could improve the draft survey included in the docket of the first FRN to reduce respondent burden.

In regard to the survey effort overall, commenters communicated a need to look upstream of industrial container reconditioners to determine compliance at the container emptying stage. While EPA agrees that facilities that send containers to reconditioners (sometimes called “container emptiers”) have an obligation to comply with the requirements of the empty container provision (i.e., not send containers that still hold large amounts of hazardous waste to reconditioners), the Agency is focusing this information collection on container reconditioners. Container reconditioning facilities receive and manage large numbers of containers as a consolidation point, posing the greatest risk to human health and the environment from improper storage and management of containers and their residues. Further, collecting information from every facility that sends containers to be reconditioned would be prohibitively burdensome, as the universe of respondents would be very large (potentially in the tens of thousands).

To improve the survey itself, commenters suggested the Agency should standardize language throughout the survey to improve clarity and ensure consistency internally and with common industry terms. In response to these comments, EPA expanded the survey’s glossary section to provide more

context on the meaning of specific terms and revised the survey to remove any inconsistency of terms used for the same concept. The Agency also revised specific word choices throughout the survey to match industry terminology (e.g., using “container” rather than “drum” in some questions).

Multiple commenters also identified a need for quantitative thresholds to increase clarity in certain aspects of the survey. In response, EPA inserted numeric values to increase clarity and make response simpler and less subjective. For instance, the Agency established numeric thresholds for what constitutes a significant change in facility operations (question 12). EPA also established an explicit threshold of up to 1,000 gallons for which containers are relevant to the survey. This threshold was derived from one commenter’s suggestion and consistent with other commenters’ intent.

Commenters also proposed revisions to specific questions; most of these suggestions focused on improving the clarity of what information was being requested or revising terminology to better match common industry parlance. Wherever possible, EPA adopted these proposed changes. Some question-specific comments also suggested deleting questions that were deemed to involve confidential business information (CBI); rather than delete these questions from the survey, EPA has designed the survey to allow respondents to indicate which responses contain CBI. EPA will manage any surveys containing responses claimed as CBI under the appropriate CBI provisions.

Additionally, commenters identified other means to reduce respondent burden that EPA adopted wherever possible. For specific questions, commenters suggested the Agency provide a checklist of potential responses rather than using a fill-in-the-blank style response. EPA incorporated this check-box approach in a large number of questions, reducing respondent burden by simplifying the response process. EPA also made some changes to terminology to reduce respondent burden by clarifying that estimates, rather than exact counts, would suffice (e.g., questions 18 and 53).

Considered together, these changes should reduce respondent burden and therefore cost from expended labor by reducing the amount of time staff will spend responding to the survey. Greater clarity from consistent terms and numeric thresholds (where appropriate) will reduce the amount of time staff spend contacting the survey help line or deliberating internally on appropriate responses. Incorporation of survey mechanisms like check boxes rather than open-ended responses should also simplify survey response and reduce burden. Question-specific revisions are also generally expected to reduce respondent burden by improving clarity.

Finally, commenters recommended adding some questions or portions of the survey to allow facilities to report additional information. EPA adopted some of the recommended questions when it was deemed the utility of the information would justify the marginal additional burden of these questions. EPA also added one final question to allow respondents to report any additional information (e.g., best management practices or standard operating procedures employed at the facility) that they feel is relevant.

Additionally, EPA published the Used Drum Management and Reconditioning ANPRM in the *Federal Register* on August 11, 2023, requesting input on regulatory and non-regulatory options to ensure proper management of used industrial containers that once contained hazardous chemicals or hazardous waste. The notice described the national container reconditioning industry, summarized the findings of EPA’s 2022 Drum Reconditioner Damage Case Report and described potential agency actions.

On November 1, 2023, EPA hosted a virtual meeting to discuss the container reconditioning industry, the ANPRM, potential agency actions and get feedback from the public.

The ANPRM comment period concluded on November 22, 2023. Commenters included container reconditioners, container generators, environmental agencies, environmental advocacy groups and industry trade associations. Many of the commenters opposed new regulations, in particular changes to the definition and implementation of "RCRA-empty." A few commenters suggested that the agency actions place responsibility on the container generators and not the reconditioners.

The Reusable Industrial Packaging Association (RIPA), joined by eight other trade associations, submitted a comment in response to the ANPRM. These organizations believe that the EPA does not need to revise the existing regulatory framework and that the best approach is to focus on compliance with existing regulations. The associations also warned that changes to the existing regulations would negatively impact human health and the environment by reducing or eliminating beneficial drum reuse, increasing waste to already overburdened landfills and leading to substantially increased GHG emissions.

Earthjustice, joined by five other organizations including the Texas Environmental Justice Advocacy Services, submitted a comment in response to the ANPRM supporting regulatory options for container reconditioning facilities specifically noting that the RCRA empty provisions "exempt from the protective "cradle-to-grave" regulations provided by" RCRA. They note that this exemption resulted in facilities transporting, managing and burning millions of drums without regulatory safeguards to protect nearby communities.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

EPA consulted with container reconditioning industry members to get feedback on the upcoming container reconditioning survey and associated burden estimate. Below are the companies that participated in a consultation. Three additional companies, FDS Packaging, Coastal Container Services, and Quala were contacted for feedback but did not choose to complete a consultation. All the companies that completed consultations are members of RIPA, except Hoover Solutions. The consultants include small and large reconditioners.

- Advance Drum Service Inc.
- Apex Drum
- Hoover Solutions
- Mauser Inc.
- O'Bryan Barrel Co.
- RIPA

Some of the companies expressed concern with sharing financial information and questioned whether they could claim financial information as CBI. Multiple companies also requested that EPA use ranges to request the financial information and not write-in values. One of the commenters asked why the financial information was needed, to which EPA explained that it will help distinguish between different size companies while looking for different trends between smaller and larger companies.

Some of the companies suggested adding questions about how heavies and rejected containers are handled. One company commented on the administrative burden of dealing with heavies and suggested annual reporting on the storage of barrels rejected as heavies. One company suggested adding questions about interactions with container generators. One company suggested adding questions about container traceability for returning rejected containers to generators.

The companies asked for several clarifications throughout the survey. Some of the companies suggested adding more definitions and clarifying some of the terms that were used. The companies also asked for clarification for some of the questions related to the permits the companies had pertaining to container reconditioning. The companies wanted to ensure they were able to skip sections that did not apply to them, which EPA confirmed would be possible. Two companies warned that they would not be able to get the exact number of drums and instead suggested changing this question from a write-in to a range.

The companies generally believed that the burden estimate was reasonable. Two of the larger companies asked questions about completing the survey for multiple facilities under the same ownership. EPA clarified many of the questions posed during the consultations and updated the survey based on the feedback received.

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

All information submitted to the Agency in response to the ICR that is claimed as confidential will be managed in accordance with applicable laws and EPA's regulations governing treatment of confidential business information at 40 CFR Part 2, Subpart B. Any information determined to constitute a trade secret will be protected under 18 U.S.C. § 1905.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

12. The information collection activities covered by this ICR will not include questions about sensitive issues (e.g., religious beliefs, sexual attitudes and behavior). **RESPONDENT BURDEN HOURS & LABOR COSTS**

Provide estimates of the hour burden of the collection of information. The statement should:

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
- *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
- *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*

Number of Respondents: 216

Total Responses Burden Estimate: $408,000 ($1,890 per respondent)

Total Hour Burden Estimate: 4,000 hours (average of 19 hours per respondent)

12a. Respondents/NAICS Codes

To develop the burden estimates, the EPA estimated the number of hours required to complete all parts of the questionnaire, including reviewing instructions, gathering data, entering the information requested, reviewing responses, and submitting the questionnaire. The EPA has differentiated the hours that will be spent by distinct types of facilities by assuming 50% of facilities include a drum furnace, 50% have on-site water treatment, and 50% of the facilities generate hazardous waste due to reconditioning activities. These assumptions adjust the burden for 108 respondents by removing four questions referencing drum furnaces, two questions referencing on-site water treatment, and one question referencing hazardous waste generation. Some of these questions follow screening questions that explicitly state when a respondent can skip one or more questions. Other questions require a negative or not applicable answer, but do not require the completion of the supporting tables which will be filled out by facilities that include the activities referenced by the question. The burden estimate otherwise assumes that all facilities will fill out the remaining questions. EPA has included hours for engineering staff to support collecting data and entering details related to production as well as finance specialists to support details related to financial information requested in the questionnaire. This burden estimate represents a conservative estimate since the EPA does not expect a full 50% of facilities to have to fill out the entire questionnaire. However, how many facilities will not have to fill out the entire questionnaire is unknown.

The EPA obtained mean labor rates from the May 2022, US Department of Labor, Bureau of Labor Statistics website for National Industry-Specific Occupational Employment and Wage Estimates for NAICS code 562220 -Waste Treatment and Disposal. To account for additional costs to the employer for benefits and overhead the EPA applied a 50% increase for Fringe Benefit loading and a 40% increase for Overhead and Profit rate. The direct labor cost to respondents to complete the questionnaire equals the time required to read and understand all instructions, gather relevant information and data, transfer it to the questionnaire response, review responses, and certify and submit the completed questionnaire. To estimate the time required for each question the following hierarchy was used:

- Every simple yes/no question and short question with readily available answers takes a minimum of 5 minutes.
- A question requires 10 minutes if it involves readily available information but requires a description or similar textual response.
- A question requires 20 or 30 minutes if the respondent may need to search for information depending on the complexity and magnitude of the required information.
- A question requires 30 minutes to 1 hour if the respondent needs to search for and analyze information depending on the complexity and magnitude of the required information.

The total burden for the questionnaire equals the estimated burden per facility for all facilities EPA expects will respond. The EPA expects that there are approximately 216 container reconditioning facilities and for a conservative assessment assumes 100% response because the collection will be mandatory and response can be enforced. This is expected to be a one-time effort.

12b. Information Requested

The EPA expects that questionnaire response will be led by the technical staff or operations managers as most questions are specific to recordkeeping of technical data and environmental permitting. The survey starts with general facility information about the company and questions to confirm that the survey applies to each recipient. The technical information requests applicable NAICS IDs and ID information on regulatory reporting systems as well as planned major changes that may occur at the facility. The facility information asks specifics about what kind of containers are handled by the facility and how. The facility security section includes questions about how the containers are stored and if the facility is collocated with another company. The employee safety section asks about safety procedures, equipment, training incidents and relationships with local emergency services.

The next few sections cover waste generation, handling and permitting. The container washing and wastewater covers washing procedures and wastewater handling via permits, offsite transfer of wastewater or onsite equipment. The solid waste and hazardous waste section covers solid waste generated onsite and permitting requirements. The drum furnace and other air emissions section covers air quality permits and emission control in use onsite. The conclusion gives the company the chance to include other information that recipients believe is relevant to the questionnaire that was not covered in another section.

12c. Respondent Activities

The Container Reconditioner ICR effort will require recipient facilities to devote time and resources to produce acceptable responses to a questionnaire. No environmental sampling or experimental data will be required. Some data analysis or managerial review may be required if recipients believe that some of the requested data contains sensitive data. The EPA expects that operators, engineers, operations managers, finance specialists and technical staff at the facilities will devote time toward gathering requested information and data, preparing and submitting the final responses to the questionnaire. Legal staff is most likely not necessary for the information collection, but some facilities may decide to enlist aid from legal staff for some of the general information that refers to other companies or legal documents (permits). The costs to the respondents' facilities associated with these time commitments can be estimated by multiplying the time spent in each labor category by an appropriately loaded hourly labor rate.

12d. Respondent Burden Hours and Labor Costs

The following tables show the summary of respondent hour burdens and the burden per questionnaire estimate.

Table 12-2. Summary of Respondent Hour Burdens

Summary of Respondent Burden and Cost	Total Labor Hours	Labor Costs	Non-Labor (Capital/Startup and O&M) Costs	Total Costs
Total (rounded)	4,000	$408,000	$0	$408,000
Average per respondent (rounded)	19	$1,890	$0	$1,890

Table 12-3. Burden per Questionnaire Estimate

Burden item	(C)	(D)	(E)	(F)	(G)	(H)
	Person-hours per respondent	Respondents*	Technical hours (E=CxD)	Management hours (F=Ex0.05)	Clerical hours (G=Ex0.1)	Total cost ($)
General Information	0.86	216	186	9.3	18.6	$21,800
Technical Information	1.55	216	335	16.7	33.5	$39,200
Facility Operations	5.17	216	1117	55.8	112	$131,000
Security	0.66	216	143	7.1	14.3	$16,700
Safety	2.49	216	538	26.9	53.8	$63,000
Drum Washing and Wastewater	3.85	216, 108	705	35.3	70.5	$82,700
Solid waste	1.33	216, 108	233	11.7	23.3	$27,300
Drum Furnace and Other Air Emission Points	1.24	216, 108	190.1	9.5	19.0	$22,300
Conclusion	0.08	216	17.3	0.9	1.7	$2,030
Comments	0.08	216	17.3	0.9	1.7	$2,030
Total (Rounded)	**4,000 hours**					**$408,000**

*The Drum Washing, Solid Waste, and Drum Furnace sections each contain questions that are assumed to only apply to 50% of respondents. The rest of the questions in these sections are expected to apply to all respondents.

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of

services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Total Annual (non-Labor) Cost Burden Estimate: 0

The EPA does not expect there to be significant cost burden beyond the hour burden to respondents or recordkeepers resulting from the collection of information. The information collection request does not require generating additional data or adding monitoring, recordkeeping or reporting equipment or systems not already in place.

14. AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Total Federal Government Cost Burden Estimate: $74,700 ($350 per respondent)

Total Federal Government Hour Burden Estimate: 1,410 hours (7 hours per respondent)

14a. Agency Activities

The EPA estimated wages based on U.S. Office of Personnel Management Pay & Leave Salaries and Wages 2023 with a 60% increase for Fringe Benefits and overhead. The following table shows the EPA wages:

Table 14-4. EPA Wages

Category	Hourly Mean Wage	With Fringe & Overhead
(GS- 12, step 1) - Tech.	$34.07	$54.51
(GS- 13, step 5) - Mgmt.	$45.91	$73.46
(GS-6, step 3) - Cler.	$18.44	$29.50

The hour burden on the EPA was calculated in a similar fashion to the respondent burden with the following hierarchy:

- Assume every question takes 1 to 5 minutes minimum (includes help-line support to respondents, development of a frequently asked question support document, review of respondent responses, and follow-up with respondents as needed).
- 10 to 20 minutes to review information provided for items the respondent had to search for but not analyze.
- Up to 30 minutes to review for anything the respondent must analyze. This will vary substantially depending on the complexity and magnitude of the response and how much verification and analysis is required on the EPA's part.

14b. Agency Labor Cost

The following table shows the EPA's burden per questionnaire estimate.

Table 14-5. Burden per Questionnaire Estimate

Burden item	(C)	(D)	(E)	(F)	(G)	(H)
	Person-hours per respondent	Respondents*	Technical hours (E=CxD)	Management hours (F=Ex0.05)	Clerical hours (G=Ex0.1)	Total cost ($)
General Information	0.52	216	112	5.6	11.2	$6,870
Technical Information	0.39	216	84.2	4.2	8.4	$5,150
Facility Operations	1.1	216	238	11.9	23.8	$14,500
Security	0.18	216	38.9	1.9	3.9	$2,400
Safety	0.69	216	149	7.5	14.9	$9,110
Drum Washing and Wastewater	0.98	216, 108	177	8.9	17.7	$10,800
Solid waste	0.94	216, 108	171	8.5	17.1	$10,400
Drum furnace and other air emission points	1.66	216, 108	244	12.2	24.4	$14,900
Conclusion	0.02	216	4.3	0.2	0.4	$264
Comments	0.02	216	4.3	0.2	0.4	$264
Total (Rounded)				**1,410 hours**		**$74,700**

*The Drum Washing, Solid Waste, and Drum Furnace sections each contain questions that are assumed to only apply to 50% of respondents. The rest of the questions in these sections are expected to apply to all respondents.

14c. Agency Non-Labor Costs

The agency does not expect any non-labor costs

15. REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

This is a new information collection request, therefore there is no change in burden.

16. PUBLICATION OF DATA

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

EPA does not plan to publish the information gathered under the auspices of this collection but may do so in the future if appropriate.

The specific dates for distribution, response receipt, and data collection activities for the questionnaire have not yet been established but will include the activities in Table 16-1. EPA's intention is to ensure that facilities have at least 60 days to prepare and submit their response to the questionnaire.

Table 16-6. Collection Schedule

Activity	Estimate of Schedule
EPA notification to questionnaire recipients	Within 30 days after OMB Approval
Facilities submit responses	At least 60 days following notification
EPA reviews responses and evaluates need for follow-up	3 months following questionnaire completion
EPA conducts follow-up to collect all missing or incomplete information	2 months
EPA completes questionnaire database	4 weeks

Information that has not been claimed as Confidential Business Information (CBI) may be shared with any interested parties. Nonexempt information is not protected from disclosure under the Freedom of Information Act (FOIA). Results of EPA's analyses become publicly available most often in three ways: (1) within materials placed in the public docket supporting the rulemaking, (2) within development and supporting documents otherwise published in support of the rulemaking, and (3) within any proposed and final rules published in the Federal Register if the data is to be used in any rulemaking effort. These documents are available through EPA's website and on regulations.gov.

17. DISPLAY OF EXPIRATION DATE

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

No exemptions are being sought. The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

No exceptions to the certification statement are being sought. EPA can comply with all provisions of the Certification for Paperwork Reduction Act Submissions.