

U.S. Environmental Protection Agency  
Information Collection Request

**Title:** General Hazardous Waste Facility Standards (Renewal)

**OMB Control Number:** 2050-0120

**EPA ICR Number:** 1571.14

**Abstract:** Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the U.S. Environmental Protection Agency (EPA) develop standards for hazardous waste treatment, storage and disposal facilities (TSDFs) as may be necessary to protect human health and the environment.

**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.*

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Regulations under this ICR are promulgated under the authority of subsections 3004(a) (1), (3), (4), (5) and (6) of RCRA and codified in 40 CFR Parts 264, 265, and 270 as described in the table below.

<b>CFR citation (40 CFR Part)</b>	<b>Brief Description of Requirements</b>
264.12(a) and 265.12(a)	Requires owners and operators of hazardous waste facilities 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.
264.12(b)	Requires the owner or operator of a facility receiving off-site waste to send a one-time notice to the generator stating that he or she has the appropriate permits and will accept the waste the generator is shipping.
264.12(c) and 265.12(b)	Requires owners and operators transferring ownership of a facility during its operating life, or of a disposal facility during the post-closure care period, to notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270.
264.13(a) (1) and 265.13(a) (1)	Requires owners or operators to obtain a detailed chemical and physical analysis of a representative sample of the waste that will be received. EPA and the owner or operator use information obtained in the waste analysis sample to determine: 1) whether a facility can adequately handle incoming waste, and 2) whether the waste is really what the generator claims it to be.
264.13(b) and 265.13(b)	Requires owner or operator of a hazardous waste facility to 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.

264.15(d) and 265.15(d)	Requires 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.
264.16(d) and 265.16(d)	Requires owners and operators to maintain copies of personnel training documents and records at their facilities.
264.17(c)	Requires the owner or operator who treats, stores, or disposes of ignitable or reactive wastes, or mixes incompatible wastes, must document compliance with §264.17(a) and (b), which require certain precautions to prevent reactions.
265.19(b)	Requires each owner or operator of a surface impoundment, waste pile, or landfill to develop a written construction quality assurance (CQA) plan that identifies steps that will be used to monitor and document the quality of materials and the condition and manner of their installation.
264.73 and 265.73	Requires owners or operators of hazardous waste treatment, storage, or disposal facilities to keep a written operating record at the facility.
264.51 through 264.56 and 265.51 through 265.56	Requires all owners and operators of hazardous waste facilities to prepare and maintain contingency plans, and to notify State and local authorities and prepare and emergency reports whenever an imminent or actual emergency situation occurs.
264.96(c)	Requires owners and operators to demonstrate that the ground-water protection standard has not been exceeded for a period of three years to ensure that the compliance period can be safely terminated.
Parts 264 and 265, Subpart G	Requires owners and operators to develop closure and post-closure plans, amend these plans when appropriate, and submit to EPA closure certifications and post-closure notices.
Parts 264 and 265, Subpart H	Financial responsibility requirements for closure and post-closure care.
Part 270, Subpart C	Information collected under this authority is needed to ensure that permittees are complying with permit conditions, and to determine whether cause exists for modifying, revoking and reissuing, or modifying a permit.

## 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.*

Section 3004 of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the U.S. Environmental Protection Agency (EPA) develop standards for hazardous waste treatment, storage and disposal facilities (TSDFs) as may be necessary to protect human health and the environment.

Subsections 3004(a) (1), (3), (4), (5) and (6) specify that these standards include, but not be limited to, the following requirements:

- Maintaining records of all hazardous wastes identified or listed under Subtitle C that are treated, stored, or disposed of, and the manner in which such wastes were treated, stored, or disposed of;
- Operating methods, techniques, and practices for treatment, storage, or disposal of hazardous waste;
- Location, design, and construction of such hazardous waste treatment, disposal, or storage facilities;
- Contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste; and
- Maintaining or operating such facilities and requiring such additional qualifications as to ownership, continuity of operation, training for personnel, and financial responsibility as may be necessary or desirable.

### **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.*

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The information collected, as described above, can be kept in an electronic format and reports can be submitted to the State and/or Region electronically.

### **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.*

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Most of the information required by the regulation is not available from any source but the respondents. To avoid duplicating previous work, EPA is allowing respondents to draw upon similar analyses in compiling data for waste analysis and testing requirements, provided the information meets the requirements specified in the regulations.

### **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.*

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When promulgating the regulations covered under this ICR, EPA considered developing separate and simplified requirements for small businesses. Since small facilities conduct operations that are equally as hazardous to the environment as those conducted by larger facilities, EPA determined that small businesses should be required to comply with the same regulations as large businesses. As a result of this interpretation, no specific requirements are outlined for smaller facilities.

### **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.*

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EPA has carefully considered the burden imposed upon the regulated community by the general facility standards. EPA is confident that those activities required of respondents are necessary, and to the extent possible, have attempted to minimize the burden imposed. EPA believes strongly that if the minimum requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that hazardous wastes are being properly managed, and do not pose a serious threat to human health and the environment.

## **7. GENERAL GUIDELINES**

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

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

However, certain general facility regulations listed below require TSDFs to retain records for more than three years. As explained below, EPA believes that maintenance of these records for longer than three years meets substantial needs to protect human health and the environment.

### **GENERAL FACILITY OPERATING STANDARDS**

#### **(1) General Inspection Requirements**

The general inspection requirements require the owner or operator to keep inspection records at the facility for at least three years from the date of inspection. Keeping inspection records for longer than three years may be advisable to keep track of any long-standing violations or continued areas of concern regarding potential spills, leaks or mismanagement of the hazardous wastes.

#### **(2) Personnel Training**

Training records on current employees must be kept at the facility until closure of the facility. Records of former employees must be held for at least three years after the date the employee left the facility. Keeping these records will provide documentation of preparations made for handling hazardous waste and allow the facility to keep up to date on its employee training.

### **OPERATING RECORD**

Owners or operators are required to maintain an operating record at the facility until closure. This record will help ensure compliance with the hazardous waste regulations and make it easier to locate the cause of any potentially hazardous waste leak or spill.

### **CLOSURE/POST-CLOSURE PLANS**

Owners or operators are required to keep a copy of the closure plan at the facility until closure. The owner or operator is also required to keep the certification of closure at the facility until the facility is released from financial assurance requirements for closure. These requirements assure that the facility is closing in accordance with the regulations at the least possible risk to human health and the environment.

## **8. PUBLIC COMMENT AND CONSULTATIONS**

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### **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.*

EPA issued a public notice in the *Federal Register* on May 13, 2024 (89 FR 41433). The public comment period extended through July 12, 2024. EPA received no comments on this ICR in response to the *Federal Register* notice.

### **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.*

The following consultants were contacted on the burden estimates for this ICR: Chemical Waste Management, U.S. Ecology, Energy Solution, and Clean Harbors. As a result of these consultations, the burden calculation estimates were deemed to be acceptable. The previous ICR had a burden of 558,041 hours. There is decrease of 9,322 hours with this renewal. This decrease is due to a decrease in the overall number of facilities. This corresponds to an increase in the number of facilities in post-closure.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

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

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There are no payments or gifts associated with this collection of information.

## **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.*

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EPA 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.

## **11. JUSTIFICATION FOR SENSITIVE QUESTIONS**

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*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.*

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The information collection activities covered by this ICR will not include questions about sensitive issues (e.g., religious beliefs, sexual attitudes and behavior).

## **12. 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.*
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### **12a. Respondents/NAICS Codes**

The following is a list of North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the information collection requirements covered under this ICR.

323110	Commercial Lithographic Printing
323114	Quick Printing
325131	Inorganic Dye and Pigment Manufacturing
325188	All Other Basic Inorganic Chemical Manufacturing
325998	All Other Miscellaneous Chemical Product Manufacturing
331311	Alumina refining
325211	Plastics Material and Resins Manufacturing
32551	Paint and Coating Manufacturing
32511	Petrochemical Manufacturing
32512	Industrial Gas Manufacturing
325188	All Other Inorganic Chemical Manufacturing
325193	Ethyl Alcohol Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325998	All Other Miscellaneous Chemical Product Manufacturing
311942	Spice and Extract Manufacturing
32411	Petroleum Refineries
332813	Electroplating, Plating, Polishing, Anodizing and Coloring
33271	Machine Shops
332991	All Other Miscellaneous Fabricated Metal Product Manufacturing
333319	Other Commercial or Service Industry Machinery Manufacturing Accessories
333999	All Other General Purpose Machinery Manufacturing

336399	All Other Motor Vehicle Part Manufacturing
334	Computer and Electronic Product Manufacturing
336	Transportation Equipment Manufacturing
48422	Specialized Freight (except Used Goods) Trucking, Local
56211	Waste Collection
22111	Electric Power Generation
22112	Fossil Fuel Electric Power Generation
22132	Sewage Treatment Facilities
56292	Materials Recovery Facilities
56221	Waste Treatment and Disposal
42271	Petroleum Bulk Stations and Terminals
45431	Fuel Dealers
4411	Automobile Dealers
4471	Gasoline Stations
811111	General Automotive Repair

## 12b. Information Requested

- Sections 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.
- Section 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.
- Sections 264.12(c) and 265.12(b) require owners or operators transferring ownership of a facility during its operating life, or of a disposal facility during the post-closure care period, 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.
- Sections 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. Sections 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.
- Sections 264.13(b)-(c) and 265.13(b)-(c) state that an 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. The owner or operator is required to keep the waste analysis plan at the facility.
- Sections 264.15(b)(1) and 265.15(b)(1) require owners and operators to develop and follow a written schedule for monitoring equipment that is important in preventing, detecting, or responding to environmental or human health hazards. At a minimum, the inspection schedule must include the terms and frequencies called for in §§264.174, 264.194, 264.195, 264.226, 264.253, 264.254, 264.303, 264.347, 264.602, 264.1033, 264.1052, 264.1053, 264.1058, 265.174, 265.193, 265.195, 265.226, 265.347, 265.377, 265.403, 265.1033, 265.1052, 265.1053,

and 265.1058 and must identify the types of problems that are to be investigated during the inspection.

- Section 264.15(d) and 265.15(d) state that an owner or operator must record inspections conducted according to the written schedule developed pursuant to §§264.15(b)(1) and 265.15(b)(1) in an inspection log or summary that is to be maintained at the facility.
- Sections 264.16(d) and 265.16(d) require an owner or operator to maintain copies of personnel training documents and records at the facility.
- Section 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 §§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 §264.13), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.
- Section 265.19(b) requires any owner or operator of an interim status surface impoundment, waste pile, or landfill to develop a written construction quality assurance (CQA) plan that identifies steps that will be used to monitor and document the quality of materials and the condition and manner of their installation.
- Sections 264.74(c) and 265.74(c) require owners or operators to submit to the Regional Administrator and local land authority a copy of the records of waste disposal locations and quantities under §§264.73(b)(2) and 265.73(b)(2) upon closure of the facility. Since this information is submitted upon closure of the facility, data items and respondent activities are included in the closure/post-closure section.
- Sections 264.51 and 265.51 require owners or operators to have a contingency plan for their facilities and sections 264.53(a) and 265.53(a) require the owner or operator to maintain a copy of an updated contingency plan at the facility. In addition, sections 264.53(b) and 265.53(b) require owner/operators to submit a copy of the contingency plan and all revisions to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- Sections 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.
- Section 264.96(c) extends the compliance period for facilities that are engaged in corrective action. Owners and operators of these facilities must demonstrate, with monitoring data, that the ground-water protection standard of §264.92 has not been exceeded for a period of three consecutive years to complete the compliance period.
- Section 264.97(g) requires owners and operators conducting detection monitoring and compliance monitoring to determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit.
- Sections 264.112(a) and 265.112(a) state that an owner or operator must have a written closure plan.
- Under 40 CFR 264.113 and 265.113, owners and operators may prepare demonstrations in support of certain extensions and allowances during the closure period. Sections 264.113(a)



and 265.113(a) allow owners and operators to request an extension for the treatment, storage, or removal of hazardous waste.

- Sections 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.
- Sections 264.116 and 265.116 require an owner or operator to submit to the Regional Administrator a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks.
- Sections 264.118(a) and 265.118(a) state that the owner or operator of a hazardous waste disposal facility must have a written post-closure plan. Surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by §§264.228(c)(1)(ii) and 264.258(c)(1)(ii) to have contingent post-closure plans submitted with the Part B permit application.
- Under 40 CFR 265.118(d)(4), if the Regional Administrator determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit to the Regional Administrator within 90 days of the determination a post-closure plan for approval.
- Sections 264.119(a) and 265.119(a) require owners or operators to submit to the local zoning authority, or to the authority with jurisdiction over local land use, and to the Regional Administrator a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility.
- Sections 264.119(b)(2) and 265.119(b)(2) require owners or operators to submit to the Regional Administrator a signed certification that they have recorded the notation required in §§264.119(b)(1) and 265.119(b)(1), including a copy of the document in which the notation has been placed.
- Sections 264.120 and 265.120 state that owners or operators must submit to the Regional Administrator a certification that the post-closure care period for the facility was performed 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 before he or she releases the owner from the financial assurance requirements for closure under §§264.145(i) and 265.145(h).
- Sections 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 documented assurances of financial responsibility in the permit for the means of corrective action chosen.
- Sections 264.142, 265.142, 264.144, and 265.144 require owners and operators to maintain a detailed written estimate of the cost of facility closure or post-closure care, in accordance with the requirements specified in §§264.142(a), 265.142(a), 264.144(a), and 265.144(a), respectively.
- Sections 264.143(f), 265.143(e), 264.145(f), and 265.145(e) allow owners and operators to satisfy closure or post-closure financial assurance requirements by demonstrating financial strength using the financial test specified in these sections.

- Section 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 §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.

## **12c. Respondent Activities**

### **GENERAL FACILITY STANDARDS**

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 REPORTING REQUIREMENTS**

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 Hazardous Waste Part B Permit Applications, Special Permits, and Permit Modifications ICR (OMB Control No. 2050-0009). Since interim status facilities are not required to submit their contingency plans to EPA, discussion of a collection schedule for these facilities is not applicable.

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 AND POST-CLOSURE REQUIREMENTS**

Permitted facilities submit their closure and post-closure plans to EPA when submitting a Part B permit application. A discussion addressing collection schedules for permitted facilities is included in the Hazardous Waste Part B Permit Applications, Special Permits, and Permit Modifications ICR (OMB Control No. 2050-0009).

Interim status closure and post-closure plans must be submitted according to the following schedules:

- The owner or operator must submit the closure plan to the Regional Administrator at least 180 days prior to the date on which he or she expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier;
- The owner or operator must submit the closure plan to the Regional Administrator at least 45 days prior to the date on which he or she expects to begin final closure of a facility with only tanks, container storage, or incinerator units;
- Owners or operators with approved closure plans must notify the Regional Administrator in writing at least 60 days prior to the date on which they expect to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit;

- Owners and operators with approved closure plans must notify the Regional Administrator in writing at least 45 days prior to the date on which they expect to begin final closure of a facility with only tanks, container storage, or incinerator units;
- The owner or operator must submit the closure plan to the Regional Administrator no later than 15 days after:
  - Termination of interim status except when a permit is issued simultaneously with termination of interim status; or
  - Issuance of a judicial decree or final order under §3008 of RCRA to cease receiving hazardous wastes or close
- If the Regional Administrator does not approve the closure plan, he or she shall provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statement;
- An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure must prepare a post-closure plan and submit it to the Regional Administrator within 90 days of the date that the owner or operator or Regional Administrator determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of §§265.117 through 265.120;
- If an owner or operator of a surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with §265.228(b) or §265.258(a) is required to close as a landfill in accordance with §265.310, the owner or operator must submit a post-closure plan within 90 days of the determination by the owner or operator or Regional Administrator that the unit must be closed;
- If the Regional Administrator determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the Regional Administrator within 90 days of the determination;
- The owner or operator must submit the post-closure plan to the Regional Administrator at least 180 days before the date he or she expects to begin partial or final closure of the first hazardous waste disposal unit. The date he "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes; and
- The owner or operator must submit his post-closure plan to the Regional Administrator no later than 15 days after:
  - Termination of interim status except when a permit is issued simultaneously with termination of interim status; or
  - Issuance of a judicial decree or final order under §3008 of RCRA to cease receiving hazardous wastes or close.

Both interim status and permitted facilities are required to request approval for post-closure plan modifications. Since permitted facilities must submit permit modifications to authorize changes to their post-closure plans, a discussion addressing scheduling requirements for permitted facilities'

modifications to the post-closure plan is included in ICR OMB Control No. 2050-0009. The following is a schedule for interim status facilities:

- An owner or operator with an approved post-closure plan must submit the modified plan to the Regional Administrator at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan; and
- If the Regional Administrator requests modifications to the post-closure plan, the owner or operator with an approved post-closure plan must submit the modified plan to the Regional Administrator no later than 60 days of the request from the Regional Administrator.

Both interim status and permitted facilities are required to submit closure certifications, survey plats, and post-closure notices according to the following schedules:

- The owner or operator must submit a certification of closure to the Regional Administrator within 60 days of completion of closure for each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit and within 60 days of final closure;
- No later than the submission of the certification of closure, the owner or operator must submit to the Regional Administrator a survey plat;
- If the Regional Administrator does not approve the post-closure plan, he shall provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statement;
- The owner or operator must submit a post-closure notice to the Regional Administrator within 60 days of certification of closure for each hazardous waste disposal unit;
- No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the Regional Administrator a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility; and
- No later than 60 days after the completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Regional Administrator a certification that the post-closure care period for the unit was performed in accordance with the specifications in the approved post-closure plan.

## **FINANCIAL REQUIREMENTS**

For closure and post-closure cost estimates, owners or operators must prepare initial cost estimates for activities identified in the closure and post-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 or post-closure plan increase closure or post-closure costs. This burden will vary from facility to facility.

For closure and post-closure care financial instruments, owners or operators must initially establish a financial instrument(s) assuring the cost of closure and post-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 §§264.147 and 265.147 must initially demonstrate liability coverage for sudden and non-sudden 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.

**12d. Respondent Burden Hours and Labor Costs**

For the private sector, EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$135.66 for legal staff, \$80.19 for managerial staff, \$59.75 for technical staff, and \$35.94 for clerical staff. These wage rates are based on the rates from last renewal, multiplied by an inflation rate of 3.4% to bring them up to 2024 rates.

For State Agencies, EPA estimates an average hourly respondent labor cost (including fringe and overhead) of \$75.28 for legal staff, \$70.66 for managerial staff, \$42.28 for technical staff, and \$26.96 for clerical staff. These labor costs were obtained from EPA ICR Number 0976.20.

Table 1 presents the estimated universe of facilities that are affected by the General Facility Standard requirements. These numbers were obtained from RCRAInfo.<sup>1</sup>

**TABLE 1**  
**Estimated Universe of Facilities Affected by General Facility Standard Requirements**

	Permitted	Interim Status	Total
<b>Operating Facilities</b>	538	2	540
<b>Commercial</b>	323	1	324
<b>Non-Commercial</b>	215	1	216
<b>Closed Facilities (New Annual Closures)</b>	0	0	0
<b>Post-Closed Facilities</b>	418	2	420
<b>Land Disposal Facilities (Op. &amp; Cl/P-Cl)</b>	341	1	342
	46	0	46

<sup>1</sup> RCRAInfo database public site is available at <https://rcrapublic.epa.gov/rcrainfoweb/action/main-menu/view>

Operating LDFs			
Closed LDFs (New Annual Closures)	1	0	1
Post-Closed LDFs	294	1	295
Closed or Post-Closed LDFs	295	1	296
Facilities with Incinerators	40	0	40
Treatment and Storage Only Facilities	512	2	514
New Interim Status	NA	0	0
New Part B Permits (Incl. New Construction)	1	NA	1
Facilities Who Intend to Close Annually	7	0	7
LDFs Who Intend to Close Annually	1	0	1
Facilities Who Intend to Post-Close Annually	32	0	32
LDFs Who Intend to Post-Close Annually	3	0	3
Facilities Completing Post-Closure Annually	0	0	0
All Facilities	1076	4	1080

EPA estimates respondent burden hours associated with all of the information collection requirements covered in this ICR in Exhibits 1 through 6 in the attached Excel sheets. 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.

**Table 2 - Total Annual Respondent Burden Hours and Cost**

	Total hours/Year	Capital cost/year	O&M cost/year	Labor cost/year	Total cost/year
<b>Exhibit 1</b>					
General Facility Standards	441,131	\$0	\$291,679	\$32,707,652	\$32,999,331
<b>Exhibit 2</b>					
Recordkeeping Requirements	83,884	\$0	\$0	\$3,638,092	\$3,638,092
<b>Exhibit 3</b>					
Contingency Plan and Emergency Procedures	267	\$0	\$290	\$15,630	\$15,920
<b>Exhibit 4</b>					
Closure and Post-Closure Requirements	341	\$0	\$7,556	\$20,048	\$27,604
<b>Exhibit 5</b>					

Financial Requirements	11,343	\$0	\$5,952	\$804,394	\$810,347
<b>Exhibit 6</b>					
Permit Conditions	2,764	\$0	\$4,568	\$164,335	\$168,903
<b>TOTAL</b>	<b>539,730</b>	<b>0</b>	<b>\$310,045</b>	<b>\$37,350,152</b>	<b>\$37,660,196</b>

Exhibit 7 the attached Excel sheets shows the hourly and cost burden on State Agencies. Table 3 below summarizes the total State Agency burden and labor costs and provides annual bottom-line burden and costs associated with all information collection requirements. There are no capital startup or O&M costs for State Agencies associated with this ICR.

**Table 3 - Total Annual State Agency Burden Hours and Cost**

	Total Hours/Year	Total Labor Cost/Year
General Facility Standards	32	1,370
Recordkeeping Requirements	1,080	45,662
Contingency Plan and Emergency Procedures	551	23,288
Closure and Post-Closure Requirements	49	2,075
Financial Requirements	5,725	246,169
Permit Conditions	1,552	66,859
<b>TOTAL</b>	<b>8,989</b>	<b>\$385,423</b>

### 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.*

### CAPITAL COSTS

There are no capital costs associated with this ICR.

## **OPERATION AND MAINTENANCE COSTS**

EPA also estimates that facilities will incur operations and maintenance (O&M) costs such as postage costs for submitting information to EPA, purchased material costs, and various lump-sum purchased service costs. These O&M costs are expected to be incurred on an ongoing, annual, or periodic basis per the associated regulatory requirement and assumptions in this ICR.

Postage costs are estimated at \$0.73 per one ounce letter and \$9.85 per submittal for flat rate by priority mail.

EPA estimates purchased material costs/and or lump-sum purchased service costs for waste analysis, specifically \$1,000 per analysis for non-commercial facilities and \$400 per analysis for commercial facilities.

EPA estimates lump-sum purchased service costs for certain inspections and/or certifications that must be completed by independent professionals, specifically \$1,000 per inspection/certification by an independent registered professional engineer and \$750 per survey/certification by a professional land surveyor.

**The total annualized capital/start-up cost is \$0 and the O&M is \$310,045. For additional information please see the excel sheet for calculations and a detailed breakdown.**

### **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.*

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#### **14a. Agency Activities**

Although the information is not formally submitted to EPA, EPA may review information collected from the requirements outlined in Subpart E during facility inspections. Therefore, this analysis assumes that the Agency will spend a minimal amount of review time annually at each facility.

The requirements for the foreign shipment import report, however, 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.



## **RECORDKEEPING REQUIREMENTS**

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

## **CONTINGENCY PLAN AND EMERGENCY REPORTING REQUIREMENTS**

### **(1) Contingency Plan**

Two Agency activities are associated with the development and amendment of the contingency plan: reviewing the contingency plan during on-site inspections and reviewing revisions to the contingency plan.

### **(2) Emergency Reporting Requirements**

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

## **CLOSURE AND POST-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;
- Closure extensions and allowances;
- Survey plats;
- Post-closure plans;
- Post-closure plan amendment notifications;
- Post-closure plan modifications;
- Hazardous waste disposal records; and
- Post-closure permit modifications.

## **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 or post-closure activities or to pay third-party damages, EPA will draw upon the mechanisms. The cost estimates are normally retained by the owner or operator during interim status; they are submitted to the Region or authorized State as part of the permit process.

The financial assurance instruments for closure, post-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 and 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 non-sudden 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 RCRIS data base. 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.

**14b. Agency Labor Cost**

EPA estimates an average hourly Agency labor cost of \$94.34 for legal staff, \$67.86 for managerial staff, \$47.62 for technical staff, and \$28.96 for clerical staff. EPA used the 2024 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, exhibit 8 provides a detailed breakdown of the Agency burden hours and cost associated with all of the information collections requirements covered this ICR. Table 4 below is a summary table of the bottom-line Agency burden and cost.

**Table 4 - Total Annual Agency Burden Hours and Cost**

	Total Hours/year	Total Cost/year
General Facility Standards	6	357
Recordkeeping Requirements	197	11,908
Contingency Plan and Emergency Procedures	112	6,739
Closure and Post-Closure Requirements	49	2,966
Financial Requirements	487	29,549
Permit Conditions	624	37,382
<b>TOTAL</b>	<b>1,475</b>	<b>\$88,901</b>

**14c. Agency Non-Labor Costs**

There are no Agency non-labor costs associated with this ICR.

**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.*

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The previous ICR had a burden of 558,041 hours. There is decrease of 9,322 hours with this renewal. This decrease is due to a decrease in the overall number of facilities. This corresponds to an increase in the number of facilities in post-closure.

**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.*

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Results from this ICR are not published formally. They are used to calculate agency-level accomplishments and site-specific impacts on publicly available EPA websites.

**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.*

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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."*

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This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.