

U.S. Environmental Protection Agency
Information Collection Request

Title: Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal)

OMB Control Number: 2050-0161

EPA ICR Number: 1775.10

Abstract: On November 30, 1998, EPA finalized the "Requirements for Management of Hazardous Contaminated Media" (63 FR 65874). To facilitate prompt and protective treatment, storage, and disposal of hazardous remediation wastes, the HWIR-Media rule established requirements for remediation waste management sites that are different from those for facilities managing newly generated hazardous waste. This ICR covers those requirements.

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.

All information collection requirements associated with the hazardous remediation waste management requirements were established under the authority of sections 3004 and 3005 of RCRA, as amended, and codified in 40 CFR Parts 264 and 270 as described in the table below.

CFR citation (40 CFR Part)	Brief Description of Requirements
264.1(j)(1)	Requires owners/operators of hazardous waste remediation sites to obtain an EPA identification number by applying to the Administrator using EPA Form 8700-12.
264.1(j)(2)	Requires owners/operators of remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the waste that will be remediated.
264.1(j)(4)	Requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health.
264.1(j)(7)	Requires owners/operators not to locate remediation waste management units within a floodplain unless the owner/operator can meet the demonstration of section 264.18(b).
264.1(j)(9)	Requires owners/operators to develop and maintain a construction quality assurance program for surface impoundments, waste piles, and landfills, as specified.
264.1(j)(10)	Codifies streamlined contingency and emergency plan regulations for hazardous remediation waste sites.
264.1(j)(12)	Requires owners/operators of remediation waste management

	sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10).
264.1(j)(13)	Requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12).
264.554(c) and (d)	Identify procedures and information requirements for designating staging piles.
264.554(l)	Specifies procedures for incorporating staging piles into existing permits, closure plans, or orders, at the owner/operator's initiative.
270.80 through 270.90	Provides general information on Remedial Action Plans (RAPs), a form of RCRA permit specifically for treating, storing, and disposing of hazardous remediation wastes.
270.95 through 270.125	Describes how to apply for a RAP.
270.210	Requires owners/operators of remediation waste management sites to keep records concerning their RAP.
270.220	Owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators.
270.230	Owners/operators may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity.

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.

General Requirements for Hazardous Remediation Waste Management Sites

An owner/operator of a hazardous remediation waste management site must request an EPA identification number by completing and submitting EPA Form 8700-12, according to section 264.1(j)(1). EPA uses Form 8700-12 to process the request and to ensure accurate and consistent identification of the site. Both EPA and the owner/operator use the EPA identification number as a standard way of identifying the site (e.g., in correspondence, reports).

In performing waste analysis, pursuant to section 264.1(j)(2), the owner/operator of a remediation waste management site obtains detailed chemical and physical properties of the remediation waste. The owner/operator uses these data to design and implement effective and safe remedial actions and to prevent unanticipated contaminant releases.

Section 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator uses the data collected in order to identify problems in time to correct them before they harm human health or the environment.

Under section 264.1(j)(7), owners/operators planning to design, construct, operate, or maintain a hazardous remediation waste management unit in a 100-year floodplain must demonstrate that the unit meets the criteria of section 264.18(b). The Director uses the information in the demonstration to evaluate whether the risk of contamination due to a flood is greater if the wastes are left unremediated within the floodplain than if the remediation wastes are managed in a unit within the floodplain.

Section 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for surface impoundments, waste piles, and landfills, as specified. Owners/operators use this plan to construct and maintain these units in a manner that prevents unforeseen releases of hazardous wastes.

Section 264.1(j)(10) requires owners/operators of remediation waste management sites to develop and maintain contingency and emergency plans. The contingency and emergency plans are used by the owner/operator to assure an appropriate response to any unplanned release of hazardous waste or hazardous waste constituents during the remedial action.

Section 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10). 40 CFR 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). Under 40 CFR 264.73(b)(17), owners/operators of remediation waste management sites are required to record, as it becomes available, and maintain in the operating record any records required under section 264.1(j)(13). Owners/operators use these records to keep track of maintenance and repairs, inspections, design criteria, and compliance with other aspects of hazardous waste remediation.

Requirements for Staging Piles

Data submitted by owners/operators seeking designation of staging piles is used by EPA to evaluate and approve proposed remedial actions involving staging piles. Specifically, EPA uses the data to develop standards and design criteria for staging piles that are included in an approved permit, order, or closure plan. Similarly, when owners/operators request extensions to the two-year limit for operating a staging pile, EPA uses submitted data to evaluate the need for and protectiveness of the extension, and to issue further standards and design criteria if needed.

Owners/operators using a staging pile in uncontaminated areas must close the staging piles in accordance with applicable requirements of sections 264.258(a) and 264.111 or 265.258(a) and 265.111. Information submitted by owners/operators pursuant to these closure and post-closure care requirements is used by EPA to approve closure plans and ensure that the site does not pose a continuing threat to human health and the environment.

Section 264.554(l) specifies procedures for incorporating staging piles into existing RCRA permits, closure plans, or orders. In processing the information collected, EPA ensures that the proposed modifications will comply with all applicable provisions of RCRA.

Remedial Action Plans

Information submitted in RAP applications and renewals, including requested additional information, is used by the Director to verify that proposed remedial activities will be conducted in

accordance with applicable regulations and in a manner which protects human health and the environment. In addition, the Director may use the information in aggregate (e.g., number of RAPs approved) to track and evaluate RCRA implementation and to assist with further program development.

Section 270.210 requires owners/operators to maintain a file of RAP-related documents. The owners/operators use information included in the operating record to minimize unanticipated damage from the treatment, storage, or disposal of hazardous remediation waste. If an unanticipated release occurs, the owner/operator may review the information in the file to determine the composition of the waste and appropriate contingency measures.

In the event that a remediation waste management site changes ownership, a RAP may be transferred to the new owner/operator under the procedures in section 270.220. Specifically, the current owner/operator is required to submit to the Director a modified RAP and a written agreement between the current and new owner/operator. The Director uses this information to maintain accurate records on the ownership of the sites and to ensure that new owners/operators are aware of their rights and obligations under Part 270, subpart H.

Under section 270.230, owners/operators may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. The Director uses the information to verify that proposed remedial activities will be conducted in accordance with applicable regulations in a manner that protects human health and the environment.

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.

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.

No document identical or similar in purpose to the RAP is required by the Federal government. Since management of hazardous contaminated media will take place under many Federal and State remedial programs, the Agency has established RAP requirements that are flexible enough so that any enforceable document used by one of these programs, which contains the relevant information and goes through at least the minimum public participation requirements in section 270.145, can be considered equivalent to the RAP. A respondent would not be required to duplicate effort or documentation to meet the requirements of the RAP. Most of the information required by the regulations is not available from any source but the respondents. To avoid duplicating previous work,

EPA allows respondents to draw upon similar analyses in compiling data (e.g., for waste analyses), 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.

RAPs are not mandatory. The Agency believes that the RAP provisions provide a flexible, less burdensome alternative to RCRA permitting at remediation waste management sites.

Staging piles provide an alternative to placing hazardous remediation waste in a waste pile. Staging piles are less burdensome because the waste need not be treated to land disposal restriction standards before being placed in the pile, as is the case for a waste pile.

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.

EPA has carefully considered the burden imposed upon the regulated community by the general requirements for remediation waste management sites. EPA is confident that those activities required of respondents are necessary, and to the extent possible, has 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 remediation wastes will be managed properly, and will not pose a serious threat to human health and the environment.

Since the RAP is a one-time document for a particular remediation waste management site, less frequent preparation is not possible. At some sites, periodic review or renewal of the RAP may be needed to assure that the remedy continues to comply with currently applicable RCRA requirements. RAPs are for fixed terms, not to exceed ten years. When remedies continue beyond the term of the RAP, the Director may renew the RAP unchanged or with changes as needed. In addition, the Director must review RAPs for hazardous waste land disposal facilities every five years. Although the RAP renewals and five-year reviews do not require owners/operators to submit progress reports or new applications, communication will be necessary to appraise the Director of the status of the cleanup.

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.

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the *Federal Register* on October 7, 2024 (89 FR 81075). The notice indicated that EPA was planning to submit an ICR, "Hazardous Remediation Waste Management Requirements (HWIR-Media) (Renewal)," ICR Number 1775.10, OMB Control No. 250-0161, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. The notice also requested comments on the information collection and burden estimates covered in the ICR. The public comment period extended through December 6, 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.

EPA consulted with Regional representatives as well as California, New York, and New Jersey to ascertain the number of respondents subject to the RAP requirements under 40 CFR Part 270. In addition, EPA consulted with representatives from Bedford Green, Newark International Airport, and Honeywell International for the requirements under 40 CFR Part 264. As a result of these consultations, the burden calculation estimates were deemed to be acceptable.

9. PAYMENTS OR GIFTS TO RESPONDENTS

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

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.

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

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.

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 NAICS Codes associated with this ICR:

Industry Sector	NAICS Code(s)
Wood Preservation	321114
Alkalies and Chlorine Manufacturing	325181
All Other Miscellaneous Chemical Product and Preparation Manufacturing	325998
Plastics Material and Resin Manufacturing	325211
All Other Basic Organic Chemical Manufacturing	325199
Pesticide and Other Agricultural Chemical Manufacturing	32532
Petroleum Refineries	32411
Plastics and Rubber Products Manufacturing	326
All Other Plastic Products Manufacturing	326199
Other Pressed and Blown Glass and Glassware Manufacturing	327212
Rolled Steel Shape Manufacturing	331221
Nonferrous Metal (except Aluminum) Production and Processing	3314
Secondary Smelting and Alloying of Aluminum	331314
Fabricated Metal Product Manufacturing	332
Small Arms Ammunition Manufacturing	332992
Other Ordnance and Accessories Manufacturing	332995
Mechanical Power Transmission Equipment Manufacturing	333613
Communications Equipment Manufacturing	3342
Semiconductors and Related Device Manufacturing	334413
Storage Battery Manufacturing	335911
Aerospace Product and Parts Manufacturing	3364
Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing	336415
Travel Trailer and Camper Manufacturing	336214
Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	3345

12b. Information Requested

- 40 CFR 264.1(j)(2) requires owners/operators of remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the waste analysis must contain all the information that must be known to treat, store or disposed of the waste in accordance with 40 CFR parts 264 and 268, and must be kept accurate and up to date.
- 40 CFR 264.1(j)(4) requires owners/operators to inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner/operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately.
- Under 40 CFR 264.1(j)(7), owners/operators of remediation waste management sites subject to regulation under Part 264, subparts I through O and subpart X must design, construct, operate,

and maintain units within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless they can meet the demonstration requirements of section 264.18(b).

- 40 CFR 264.1(j)(9) requires owners/operators to develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with sections 264.221(c) and (d), 264.251(c) and (d), and 264.301(c) and (d) at the remediation waste management site, according to the requirements of section 264.19.
- 40 CFR 264.1(j)(10) requires owners/operators of remediation waste management sites to develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site.
- 40 CFR 264.1(j)(12) requires owners/operators of remediation waste management sites to develop, maintain, and implement a plan to meet the requirements in sections 264.1(j)(2) through (j)(6) and sections 264.1(j)(9) through (j)(10).
- 40 CFR 264.1(j)(13) requires owners/operators of remediation waste management sites to maintain records documenting compliance with sections 264.1(j)(1) through (j)(12). These records must be maintained in the operating record as required under section 264.73(b)(17).
- Under 40 CFR 264.554(c)(1), owners/operators seeking staging pile designations must provide sufficient and accurate information to enable the Director to impose standards and design criteria for the staging pile. In addition, under section 264.554(c)(2), the owner/operator must provide a certification by an independent, qualified, registered professional engineer for technical data (e.g., design drawings and specifications, engineering studies), unless the Director determines, based on information provided by the owner/operator, that the certification is not necessary to ensure that the staging pile will protect human health and the environment. Finally, under section 264.554(c)(3), the owner/operator must provide any additional information the Director determines is necessary to protect human health and the environment.
- Under 40 CFR 264.554(d)(1)(iii), a staging pile must not operate for more than two years, except when the Director grants an operating term extension under section 264.554(i). The owner/operator must measure the two-year limit, or other operating term specified by the Director in the permit, closure plan, or order, from the first time remediation waste is placed into the staging pile. The owner/operator must maintain a record of the date when remediation waste was first placed into the staging pile for the life of the permit, order, or approved closure plan, or for three years, whichever is longer.
- Under 40 CFR 264.554(i)(1), the Director may grant one operating term extension for a staging pile of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order. To obtain an extension, owners/operators must document that an extension will not pose a threat to human health and the environment and is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- 40 CFR 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles). [Note: This ICR does not address the requirements in 40 CFR 264.258(a), 265.258(a), 264.111, and 265.111 for closing a staging pile. Refer to OMB Control No. 2050-0120 for these requirements.]

- 40 *CFR* 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders. Pursuant to section 264.554(l)(1), a permit, other than a RAP, may be modified to incorporate a staging pile or staging pile operating term extension as part of an Agency-initiated permit modification under section 270.41 or as part of an owner/operator initiated Class 2 permit modification under section 270.42. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 and 270.42 for modifying an existing RCRA permit. Refer to OMB Control No. 2050-0009 for these requirements.]
- 40 *CFR* 270.80(a) defines a RAP as a special form of RCRA permit that an owner/operator of a remediation waste management site may obtain, instead of a permit issued under sections 270.3 through 270.66, to treat, store, or dispose of hazardous remediation waste at a remediation waste management site.
- Under 40 *CFR* 270.85(a), whenever an owner/operator treats, stores, or disposes of hazardous remediation waste in a manner that requires a RCRA permit under section 270.1, the owner/operator must either obtain a RCRA permit or a RAP.
- Under 40 *CFR* 270.85(c), an owner/operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. This RAP must be approved as a modification to the existing permit according to the requirements of section 270.41 or section 270.42. However, when the owner/operator submits an application for such modification, the information requirements in section 270.42(a)(1)(i), (b)(1)(iv), and (c)(1)(iv) do not apply; instead, the owner/operator must submit the information required under section 270.110. When the permit is modified, the RAP becomes part of the RCRA permit. [Note: This ICR does not address the requirements in 40 *CFR* 270.41 and 270.42 for modifying an existing RCRA permit. Refer to OMB Control No. 2050-0009 for these requirements.]
- Under 40 *CFR* 270.95, an owner/operator may apply for a RAP by completing an application, signing it, and submitting it to the Director.
- 40 *CFR* 270.100 provides that, when a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP. Under section 270.105, both the owner and the operator must sign the RAP application and any required reports according to sections 270.11(a) through (c). In addition, both the owner and the operator must also make the certification required under section 270.11(d)(1). However, the owner may choose the alternative certification under section 270.11(d)(2) if the operator certifies under section 270.11(d)(1).
- 40 *CFR* 270.130(b) provides that, if the Director tentatively finds that a RAP application does not include all of the information requested in section 270.110 or that the proposed remediation waste management activities do not meet the regulatory standards, the Director may request additional information from the owner/operator or ask the owner/operator to correct deficiencies in his application.
- Under 40 *CFR* 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the management of the remediation waste, or that otherwise merits public review and comment.

- Under 40 *CFR* 270.195, RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Director in fixed increments of no more than ten years. Under section 270.200, if an owner/operator wishes to renew his expiring RAP, he must follow the process for application for and issuance of RAPs.
- 40 *CFR* 270.210 requires owners/operators of remediation waste management sites to keep records concerning their RAP. All records must be kept for a period of at least three years from the date the RAP application is signed.
- Under 40 *CFR* 270.220(a), owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. To transfer the RAP, owners/operators must follow the requirements specified in their RAP for RAP modification to identify the new owner/operator, and incorporate any other necessary requirements.¹ The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.
- Under 40 *CFR* 270.220(b), when a transfer of ownership occurs, the old owner/operator must comply with applicable requirements of 40 *CFR* part 264, subpart H, until the new owner/operator has demonstrated compliance (i.e., within six months of the date of the change). [Note: The demonstrations under 40 *CFR* part 264, subpart H are addressed in OMB Control No. 2050-0120.]
- Under 40 *CFR* 270.230(a), owners/operators may request a RAP for hazardous remediation waste management activities at a location removed from the area where the remediation wastes originated if they believe such a location would be more protective than the contaminated area or areas in close proximity. Owners/operators must request the RAP, and the Director will approve or deny the RAP, according to the requirements in part 270, subpart H (§270.230(c)).

12c. Respondent Activities

Requirements for Staging Piles

As provided under 40 *CFR* 264.554(d)(1)(iii), a staging pile must not operate for more than two years, except when the Director grants an operating term extension under section 264.554(i). The owner/operator must measure the two-year limit, or other operating term specified by the Director in the permit, closure plan, or order, from the first time remediation waste is placed into the staging pile. The owner/operator must maintain a record of the date when remediation waste was first placed into the staging pile for the life of the permit, order, or approved closure plan, or for three years, whichever is longer.

Under 40 *CFR* 264.554(i)(1), the Director may grant one operating term extension for a staging pile of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order. To obtain an extension, owners/operators must document that an extension will not pose a threat to human health and the environment and is necessary to ensure timely and efficient implementation of remedial actions at the facility.

Requirements for Remedial Action Plans

¹ These modifications do not constitute “significant” modifications for purposes of section 270.170.

40 CFR 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site in accordance with sections 264.258(a) and 265.258(a) and sections 264.111 and 265.111 (i.e., the closure requirements for waste piles).

Under 40 CFR 270.220(a), owners/operators of remediation waste management sites may transfer their RAPs to new owners/operators. To transfer the RAP, owners/operators must follow the requirements specified in their RAP for RAP modification to identify the new owner/operator, and incorporate any other necessary requirements. The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner/operator and the new permittees.

12d. Respondent Burden Hours and Labor Costs

For purposes of this analysis, EPA estimates an average hourly private sector respondent labor cost of \$139.66 for legal staff, \$82.55 for managerial staff, \$61.49 for technical staff, and \$37.00 for clerical staff. These wage rates are based on salaries, overhead and fringe benefits for the industries listed the table above titled "Respondent NAICS Codes", according to the Bureau of Labor Statistics labor rates for 2025. EPA estimates the private sector respondent hour and cost burden associated with the information collection requirements covered in this ICR is 3,386 hours and \$286,854. In the attached Excel file, exhibit 1 provides a detailed breakdown of this burden.

Thirty eight (38) States are authorized for the HWIR program, with an additional four (4) States expected to be authorized over the next three years. EPA estimates the State Agency hour and cost burden associated with all information collection requirements covered in this ICR is 1,728 hours and \$81,970. In the attached excel file, exhibit 2 provides a detailed breakdown of this burden.

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 respondent labor costs were obtained from the previously approved ICR and updated to 2025 levels using Employment Cost Indexes developed by the U.S. Bureau of Labor Statistics.²

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

² Bureau of Labor Statistics, "Table 7. Employment Cost Index for total compensation, for State and local government workers, by occupational and industry," *Employment Cost Index Historical Listing – Volume V*. <http://www.bls.gov/web/eci/ecicois.pdf>.

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 usually include any produced physical good needed to provide the necessary information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements covered in this ICR.

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of cost associated with O&M or purchasing services.” For this ICR, O&M costs cover mailing costs (\$4.40 per submittal)³ and waste analysis costs (\$1,400 per respondent).⁴

The total annualized capital/start-up cost is \$0 and the O&M is \$53,486. 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.

14a. Agency Activities

Demonstrations for Remediation Waste Management Sites in Floodplains

The Director must receive and review information submitted by owners/operators to meet the demonstration of section 264.18(b). Agency activities associated with renewing existing permits include conducting the same activities as they would for initial permit applications.

Designation of Staging Piles

The Director must receive and review information submitted by all owners/operators seeking a staging pile designation. Based on this information, the Director designates a staging pile in a permit, closure plan, or order under section 264.554(b) and establishes standards and design criteria in accordance with

³ Postage cost estimates are from the U.S. Postal Service and are based on the mailing cost for a two-pound package.

⁴ Waste analysis costs are based on testing cost estimates for §264.13(a)(1) in “General Hazardous Waste Facility Standards,” OMB Control No. 2050-0120.

section 264.554(d). In addition, the Director may receive and review additional information for staging pile designations submitted under section 264.554(c)(3).

Staging Pile Extensions

Under 40 CFR 264.554(h), the Director designates in the permit the length of time the owner/operator may use a staging pile, which may be up to two years. Under section 264.554(i), the Director may grant extensions of up to 180 days for the use of staging piles. The Director must receive and review request for extensions from owners/operators, and determine whether to grant an extension. The Director may, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order.

Closure of Staging Piles

40 CFR 264.554(j) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all remediation waste, contaminated containment system components, and structures and equipment contaminated with waste and leachate. The owner/operator must also decontaminate subsoils in a manner and according to a schedule that the Director determines will protect human health and the environment. The Director must include these requirements in the permit, closure plan, or order in which the staging pile is designated.

Section 264.554(k) provides that, within 180 days after the operating term of the staging pile expires, owners/operators must close a staging pile located in an uncontaminated area of the site according to sections 264.258(a) and 264.111; or according to sections 265.258(a) and 265.111. The Director must include the above requirement in the permit, closure plan, or order in which the staging pile is designated.

Incorporation of Staging Piles into Existing Permits

40 CFR 264.554(l) specifies procedures for incorporating staging piles into existing permits (including RAPs), closure plans, or orders. Pursuant to section 264.554(l)(1), a permit, other than a RAP, may be modified to incorporate a staging pile or staging pile operating term extension as part of an Agency-initiated permit modification under section 270.41 or as part of an owner/operator initiated Class 2 permit modification under section 270.42.

Remedial Action Plans

RAP Applications

According to 40 CFR 270.95 and 270.120, the Director must receive RAP applications for approval. Sections 270.130 through 270.140 identify the activities the Director must follow to review and approve RAP applications. As part of this process, the Director may require RAP applicants to provide additional information, as described in section 270.110(i). When additional information is requested, the Director must receive and review the information to ensure that the RAP application complies with applicable hazardous remediation waste management standards and, if necessary, develop additional permit conditions.

Based on the RAP application, the Director must prepare either a draft RAP or a notice of intent to deny the RAP. Section 270.135 describes what the Director must include in a draft RAP.

Under section 270.140(a), the Director must prepare a statement of basis that briefly describes the derivation of conditions of the draft RAP or the rationale for the notice of intent to deny the RAP. Under section 270.140(b), the Director must compile an administrative record. Under section 270.140(c), the Director must make that record available to the public. The administrative record should include the following items:

- The RAP application and any supporting data furnished by the applicant;
- The draft RAP or notice of intent to deny;
- The statement of basis and all documents cited therein; and
- Other documents supporting the decision to approve or deny the RAP

Under 40 *CFR* 270.85(c), an owner/operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. This RAP must be approved as a modification to the existing permit according to the requirements of section 270.41 or section 270.42. When the permit is modified, the RAP becomes part of the RCRA permit.

Public Comment on the Draft RAP or Notice of Intent to Deny

Under 40 *CFR* 270.145, the Director must notify the applicant of his intention to approve or deny the RAP application. The Director also must notify the public of his intention to approve or deny the RAP application by publishing a notice in a major local newspaper or general circulation and broadcasting his intention over a local radio station. In addition, the Director must notify the applicable local government and State agencies of his intention.

The public notice must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days. If, within the comment period, the Director receives written notice of opposition to his intention to approve or deny the RAP application and a request for a hearing, the Director must hold an informal public hearing to discuss issues related to the approval or denial of the RAP application. The Director may also determine on his own initiative that an informal hearing is appropriate. The Director must notify the public that a hearing will take place.

RAP Final Decisions

40 *CFR* 270.150 specifies the procedures by which the Director must make a final decision on RAP applications. If the RAP is to be approved, the Director must issue a final RAP and notify the applicant and all commenters on the draft RAP of the approval in writing. If the RAP is denied, the Director must prepare and send to the applicant and all commenters on the draft RAP of the denial in writing. Before issuing a final decision, the Director must compile an administrative record that includes the following items:

- All comments received during the public comment period;
- Tapes or transcripts of any hearings;
- Any written materials submitted at such hearings;
- The responses to comments;
- Any new material placed in the record since issuance of the draft RAP;
- Any other documents supporting the RAP; and
- A copy of the final RAP.

Administrative Appeal of a RAP Application

Under 40 *CFR* 270.155, the Director must review administrative appeals of the Director's decision to approve or deny a RAP. The Director must then give public notice of any grant of review of RAPs by the Environmental Appeals Board (EAB).

RAP Modification, Revocation and Reissuance, and Termination

Under 40 *CFR* 270.170, the Director must specify in a RAP, either directly or by reference, procedures for future modifications, revocations and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the management of the remediation waste, or that otherwise merits public review and comment.

Under sections 270.175 and 270.185, the Director may choose to modify the final RAP because the owner/operator made material and substantial alterations to the RAP, new information became available, or standards and regulations under which the RAP was submitted have changed. In addition,

if the RAP includes a compliance schedule, the Director may modify it if events over which the owner/operator has little control over affect RAP activities (e.g., a flood).

If the RAP has been incorporated into a traditional RCRA permit, as allowed under section 270.85(c), then the RAP will be modified according to the applicable requirements in sections 270.40 through 270.42, revoked and reissued according to the applicable requirements in sections 270.41 and 270.43, or terminated according to applicable requirements of section 270.43.

Administrative Appeal of a Modification, Revocation and Reissuance, or Termination of a RAP

Under 40 *CFR* 270.190(c), the EAB must review administrative appeals of revisions to a RAP. The Board must act on the appeal within 60 days of receiving it; otherwise, the appeal is considered denied.

RAP Expiration

Under 40 *CFR* 270.195, the Director may renew the RAP for up to 10 years. In addition, the Director must review any RAP for hazardous waste land disposal five years after the RAP is issued or reissued.

RAP Transfers

Under 40 *CFR* 270.220, once the new owner/operator has submitted a revised RAP application, and has demonstrated compliance with 40 *CFR* part 264, subpart H, the Director will notify the previous owner/operator that he or she no longer has to comply with 40 *CFR* part 264, subpart H.

RAP for an Off-Site Location

Under 40 *CFR* 270.230, if the applicant wishes to perform remediation waste management activities under a RAP at a location removed from the area where the waste originated, the Director must approve a RAP for this alternative location and must include in the RAP that the alternative location meets the requirements of section 270.230(d).

14b. Agency Labor Cost

EPA estimates the Agency hour and cost burden associated with the information collection requirements covered in this ICR. EPA estimates an average hourly labor cost of \$108.72 for legal staff (GS15, Step 5), \$95.94 for managerial staff (GS-15, Step 1), \$69.02 for technical staff (GS-13, Step 1), and \$29.44 for clerical staff (GS-06, Step 1). To derive these hourly estimates, EPA referred to the General Schedule (GS) Salary Table 2025. This publication summarizes the unloaded (base) hourly rate for various labor categories in the Federal Government. EPA then applied the standard government overhead factor of 1.6 to the unloaded rate to derive loaded hourly rates. EPA estimates the cost associated with this ICR to the Federal Government is \$124,880 and is detailed in exhibit 3 in the attached excel file.

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.

There is no change in burden hours or capital/O&M cost.

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.

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.

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."

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