

U.S. Environmental Protection Agency
Information Collection Request

Title: State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) And Non-Municipal, Non-Hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste (Renewal)

OMB Control Number: 2050-0152

EPA ICR Number: 1608.10

Abstract: Section 4010(c) of the Resource Conservation and Recovery Act (RCRA) requires that the Environmental Protection Agency (EPA) revise the landfill criteria promulgated under paragraph (1) of Section 4004(a) and Section 1008(a)(3). Section 4005(c) of RCRA, as amended by the Hazardous Solid Waste Amendments (HSWA), requires states to develop and implement permit programs to ensure that non-municipal, non-hazardous waste disposal units that receive household hazardous waste or conditionally exempt small quantity generators (CESQGs) hazardous waste and municipal solid waste landfills (MSWLFs) are in compliance with the revised criteria for the design and operation of non-municipal, non-hazardous waste disposal units under 40 CFR part 257, subpart B and MSWLFs under 40 CFR part 258. Section 4005(c) of RCRA further mandates the EPA Administrator to determine the adequacy of state permit programs to ensure owner/operator compliance with the revised federal criteria. A state program that is deemed adequate to ensure compliance may afford flexibility to owners/operators in the approaches they use to meet federal requirements, significantly reducing the burden associated with compliance. In response to the statutory requirement in §4005(c), EPA developed 40 CFR part 239, commonly referred to as the State Implementation Rule (SIR). The SIR describes the state request and EPA review procedures and defines the elements of an adequate state permit program.

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.

CFR citation (40 CFR Part)	Brief Description of Requirements
239.3	Requires that all states provide the following to the EPA: (1) A transmittal letter requesting permit program approval; (2) A narrative description of the state permit program, including a demonstration that the state's non-municipal, non-hazardous waste disposal units that receive CESQG hazardous standards are technically comparable to the part 257, subpart B criteria and/or that its MSWLF standards are technically comparable to the part

	258 criteria; (3) A legal certification demonstrating that the state has the authority to carry out the program; (4) Copies of relevant state laws, regulations, and guidance that the state believes demonstrate program adequacy; and (5) Copies of relevant state-tribal agreements if the state has negotiated with a tribe for the implementation of a permit program for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste and/or municipal solid waste landfills on Indian Lands.
257, Subpart B	Establishes these minimum federal criteria for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste.
258	Establishes these minimum federal criteria for MSWLFs

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.

The EPA Administrator has delegated the authority to make determinations of adequacy, as contained in the statute, to the EPA Regional Administrators. Therefore, the appropriate EPA Regional Office uses the information provided by each state to determine whether the state's permit program satisfies the statutory test reflected in the requirements of 40 CFR part 239. In all cases, the information is analyzed to determine the adequacy of the state's permit program for ensuring compliance with the federal revised criteria.

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.

4. EFFORTS TO IDENTIFY DUPLICATION

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

The information collection covered in this ICR is not available from sources other than the respondents. There is no other federal agency that collects information on the adequacy of state non-

municipal, non-hazardous waste disposal units that receive CESQG hazardous waste and/or of MSWLF permit programs. Therefore, this information collection does not represent a duplicative effort by any other source.

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.

This ICR applies to states seeking approval for non-municipal non-hazardous disposal units as well as municipal solid waste landfills and does not impact the flexibility of small entities.

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 encouraged states to work with regional EPA staff, and to submit early drafts to ensure that their requests are complete, with sufficient detail to lessen the potential need for revision. It is anticipated that, due to the extensive interaction between states and the regional EPA staff in the development of both the permit programs and the requests for adequacy determinations, states will not be required to submit revised requests.

Additional review and revision of state programs may be needed when federal or state statutory or regulatory authorities are subsequently altered or when the state shifts permit program responsibility from one agency to another. The Regional Administrator will determine, on a case-by-case basis, whether subsequent statutory or regulatory changes warrant revision of the state program or modifications to a state's original program approval request. Procedures for this process are detailed in 40 CFR part 239.12 and are designed to minimize state burdens.

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 November 28, 2025 (90 FR 54678). The notice indicated that EPA was planning to submit an ICR, "State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) And

Non-Municipal, Non-Hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste (Renewal),” EPA ICR No. 1608.10, OMB No. 2050-0152 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 January 27, 2026. 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.

In an effort to verify EPA’s development this ICR, EPA contacted state solid waste officials to review and comment on this document. EPA consulted with staff from the Maryland Department of the Environment; the Virginia Department of Environmental Quality, the Wisconsin Department of Natural Resources; and the Wyoming Solid Waste Permitting and Corrective Action Division via email in December 2025. No changes were made to the burden estimates based on these consultations.

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.

The information that states would submit is publically available information; therefore, no problems of confidentiality or sensitive questions arise.

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.

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 universe of respondents involved in this information collection will be limited to states that seek approval of their permit programs or modifications to their previously approved permit programs for non-municipal, non-hazardous waste disposal units that receive CESQG waste and/or for MSWLFs. This information collection effort includes approved states that revise their criteria for MSWLFs to allow states to issue research, development, and demonstration (RD&D) permits for new and existing MSWLF units and lateral expansions. The NAICS code that most closely corresponds to this is 999200.

12b. Information Requested

States requesting program approval must submit the following information:

- Narrative description of the state program(s)
- Transmittal letter
- Legal certification
- Copies of relevant statutes, regulations, and guidance
- Copies of relevant state-tribal agreements

12c. Respondent Activities

- Read the SIR and 40 CFR part 257, subpart B and/or 40 CFR part 258
- Prepare the narrative program description
- Write the transmittal letter
- Prepare the legal certification
- Compile relevant statutes, regulations, and guidance
- Compile relevant agreements between state and tribe(s)

12d. Respondent Burden Hours and Labor Costs

EPA has determined that 45 states have existing permit programs for CESQG hazardous waste disposal that are adequate to meet the 40 CFR part 257, subpart B requirements. Over the next three years, EPA expects up to 5 additional states/territories to seek permit program adequacy determinations for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste. The burden and cost estimates for the permit program adequacy determinations for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste will be higher than for the streamlined approval process used for the 45 states already approved, but less than for the MSWLF permit program adequacy determinations because the requirements for non-municipal, non-hazardous disposal units that receive CESQG hazardous waste are less cumbersome than those required for MSWLFs.

To date, EPA has fully or partially approved 54 state/territorial MSWLF permit programs. Over the next three years, EPA expects to receive permit program requests from the remaining 2 states/territories and expects up to 5 states/territories to modify previously approved programs. EPA expects 9 approved states over the next three years to seek RD&D approval for MSWLFs.

EPA estimates respondent burden hours associated with all of the requirements covered in this ICR in the attached Exhibits 1-4. Separate scenarios were developed for MSWLF and non-municipal, non-hazardous waste permit program approval requests. Each is presented in a chart at the end of this statement which shows the estimated burden hours and costs for each collection activity.

- Exhibit 1 assumes that 5 states/territories will submit permit program approval requests for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste.
- Exhibit 2 assumes that 2 states/territories will submit a request for MSWLF permit program approval (Exhibit 2a) and that 5 states will modify their existing approved programs (Exhibit 2b).

According to exhibits 1 and 2 the total burden for states/territories is 2,979 over 3 years which is 993 hours annually.

For states and territories, EPA estimates an average hourly salary rate of \$75.28 for legal staff, \$70.66 for managerial staff, \$42.28 for technical staff, and \$26.96 for clerical staff. These rates are from the Bureau of Labor Statistics for NAICS 999200 and include the overhead factor of 1.6. The total labor cost for states is \$137,642 over 3 years which is \$45,881 annually.

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.

There are no capital/startup or operation and maintenance costs associated with this ICR.

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

Agency burden figures are based on EPA's experience in undertaking and completing this activity to date. Since it is not possible to accurately estimate how many respondents will submit requests in a given year, the estimates show total estimated burden and costs during the three-year period suggested for submission in the regulation. Average annual burden is obtained by dividing the total burden by three.

Estimates of Agency burden hours and costs associated with all of the requirements of this ICR are provided in Exhibits 3 and 4. EPA Regional Offices will be involved in these activities.

- Exhibit 3 estimates EPA's burden and costs for responding to permit program approval requests for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste.
- Exhibit 4 estimates EPA's burden and costs for responding to both new and modified MSWLF permit program requests.

According to exhibits 3 and 4 the total Agency burden is 4,373 hours over 3 years which is 1,458 hours annually.

14b. Agency Labor Cost

For purposes of this ICR, EPA assigned staff the following government service levels:

Legal Staff	GS-15, Step 5
Managerial Staff	GS-15, Step 1
Technical Staff	GS-13, Step 1
Clerical Staff	GS-6, Step 1

According to exhibits 3 and 4 the total cost to the Agency is \$202,957 over 3 years which is \$67,652 annually.

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.

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.

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.

There are no instruments for this ICR.

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.