

**SUPPORTING STATEMENT FOR**  
**INFORMATION COLLECTION REQUEST NUMBER 801**  
**"REQUIREMENTS FOR GENERATORS, TRANSPORTERS,**  
**AND WASTE MANAGEMENT FACILITIES UNDER THE**  
**RCRA HAZARDOUS WASTE MANIFEST SYSTEM."**

**October 22, 1999**

## TABLE OF CONTENTS

<b>1.</b>	<b>IDENTIFICATION OF THE INFORMATION COLLECTION</b> .....	1
1(a)	<u>TITLE AND NUMBER OF THE INFORMATION COLLECTION</u> .....	1
1(b)	<u>SHORT CHARACTERIZATION</u> .....	1
<b>2.</b>	<b>NEED FOR AND USE OF THE COLLECTION</b> .....	3
2(a)	<u>NEED AND AUTHORITY FOR THE COLLECTION</u> .....	3
2(b)	<u>USE AND USERS OF THE DATA</u> .....	5
<b>3.</b>	<b>THE RESPONDENTS AND THE INFORMATION COLLECTED</b> .....	5
3(a)	<u>RESPONDENTS AND SIC CODES</u> .....	5
3(b)	<u>INFORMATION COLLECTED</u> .....	7
3(c)	<u>GENERATOR REQUIREMENTS</u> .....	7
3(d)	<u>TRANSPORTER REQUIREMENTS</u> .....	11
3(e)	<u>TREATMENT, STORAGE, AND DISPOSAL FACILITY (TSD) REQUIREMENTS</u> .....	15
<b>4.</b>	<b>THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT</b> .....	16
4(a)	<u>AGENCY ACTIVITIES</u> .....	17
4(b)	<u>COLLECTION METHODOLOGY AND MANAGEMENT</u> .....	17
4(c)	<u>SMALL ENTITY FLEXIBILITY</u> .....	17
4(d)	<u>COLLECTION SCHEDULE</u> .....	17
<b>5.</b>	<b>NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA</b> .....	18
5(a)	<u>NONDUPLICATION</u> .....	18
5(b)	<u>CONSULTATIONS</u> .....	18
5(c)	<u>EFFECTS OF LESS FREQUENT COLLECTION</u> .....	18
5(d)	<u>GENERAL GUIDELINES</u> .....	19
5(e)	<u>CONFIDENTIALITY</u> .....	19
5(f)	<u>SENSITIVE QUESTIONS</u> .....	19
<b>6.</b>	<b>ESTIMATING THE BURDEN AND COST OF THE COLLECTION</b> .....	19
6(a)	<u>SUMMARY OF BURDEN HOURS AND COSTS</u> .....	19
6(b)	<u>ESTIMATING RESPONDENT BURDEN</u> .....	20
6(c)	<u>ESTIMATING ANNUAL RESPONDENT COSTS</u> .....	29
6(d)	<u>ESTIMATING ANNUAL AGENCY BURDEN AND COST</u> .....	30
6(e)	<u>BOTTOM LINE BURDEN HOURS AND COSTS</u> .....	35
6(f)	<u>REASONS FOR CHANGE IN BURDEN</u> .....	35
6(g)	<u>BURDEN STATEMENT</u> .....	40
<b>7.</b>	<b>COMMENTS RECEIVED ON THE ICR RENEWAL</b> .....	41

## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION**

This ICR is titled "Requirements for Generators, Transporters, and Hazardous Waste Management Facilities Under the RCRA Hazardous Waste Manifest System," ICR number 801.

### **1(b) SHORT CHARACTERIZATION**

EPA adopted the hazardous waste manifest system pursuant to its directive under the Resource Conservation and Recovery Act (RCRA), as amended, to protect human health and the environment. RCRA establishes a national program to improve hazardous waste management by regulating hazardous wastes from "cradle to grave." An essential part of this management program is the manifest system. According to section 3002(a)(5) of RCRA, EPA must "...establish requirements respecting...use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste generated is designated for treatment, storage, or disposal, and arrives at treatment, storage, or disposal facilities...for which a permit has been issued..."

The manifest is a control and transport document that accompanies the waste from its generation site to its treatment, storage, or disposal site. Among other things, the manifest lists the wastes that are being shipped and the treatment, storage, or disposal facility (TSDF) to which the wastes are bound. The term "manifest system" refers to the overall set of requirements for the use of the manifest.

These requirements are intended to ensure that hazardous waste designated for delivery to an off-site TSDF actually reaches its destination. Thus, the manifest system serves as a self-enforcing mechanism that requires generators, transporters, and owner/operators of TSDFs to participate in an active hazardous waste tracking system. This system does not ordinarily involve intervention on the part of EPA unless hazardous wastes do not reach their designated point of disposal within a specified timeframe. In most cases, RCRA-authorized States operate the manifest system, and requirements may vary among authorized States, including submission of manifests to States for routine shipments.

The critical components of the manifest system include the information required on the manifest itself, the transmittal of manifest copies to specified parties, the submission of exception, discrepancy, and unmanifested waste reports to EPA, and recordkeeping requirements. Each of these components assists in tracking the waste and helps the Agency in reviewing whether hazardous waste shipments have been handled properly. The manifest, by incorporating Department of Transportation requirements applicable to shipping papers, also serves as an important safety tool. In the event of an accident during transport or delivery, information on the manifest, such as the identification of the waste's hazard class, can be used to help response teams determine appropriate response actions.

### **Generator Requirements**

Generator requirements for the manifest can be found in 40 CFR Part 262 Subpart B. Section 262.20 requires generators who transport, or offer for transportation, hazardous waste for off-site treatment, storage or disposal to prepare a manifest. Section 262.22 ensures the generator provides at least a sufficient number of copies to provide him, each transporter, and the designated treatment, storage, or disposal facility with one copy for their own records and another copy to be returned to the generator upon receipt of the waste at the designated facility. Small quantity generators, or those generators who generate between 100 and 1,000 kg/mo. of hazardous waste, can be exempt from manifest requirements if the waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments; the transporting vehicle is owned and operated by the reclaimer; and the generator retains a copy of the reclamation agreement for three years after termination or expiration of the agreement.

Primary exporters must also comply with specified manifest requirements when exporting hazardous waste out of the U.S., as provided at 40 CFR 262.54.<sup>1</sup> In particular, the manifest must identify the name and site address of the foreign consignee, the point of departure from the U.S., and have added to the certification "and conforms to the terms of the attached EPA Acknowledgment of Consent," which the exporter must provide to the transporter. Section 262.54 also requires primary exporters to require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies. Exporters must also provide the transporter with an extra copy of the manifest for delivery to the U.S. Customs official at the point the waste leaves the country.

Further, section 262.23 sets forth requirements for the transmittal of the manifest by generators to hazardous waste transporters. The section also establishes transmittal requirements for generators using water and rail transporters to transport their hazardous waste. In addition, generators are required to retain copies of the manifest. Under section 262.40, the generator must retain for three years a copy of the manifest that he and the initial transporter signed or until a copy of the signed manifest is sent to him by the designated facility, which he must retain for three years.

In the event a large quantity generator does not receive a signed manifest from the designated facility within 35 days of the date the initial transporter accepted the waste, section 262.42 requires him to attempt to determine the status of the waste by contacting the transporter and/or the designated facility. If he has not received the signed manifest within 45 days of the date the initial transporter accepted the waste, he must submit an exception report to EPA consisting of a legible copy of the manifest and a cover letter explaining his efforts to locate the waste. Section 262.40 requires generators to retain a copy of each exception report for at least three years. Small quantity generators are required to submit a legible copy of the manifest with some indication that they have not received confirmation of delivery if a manifest signed by the owner/operator of the designated facility has not been received within 60 days from the date the waste was accepted by the initial transporter.

### **Transporter Requirements**

Except for certain water and rail transporters exempted under section 263.20(e), sections 263.20(b), (c) and (d) and 263.22(a) set forth manifest requirements for hazardous waste transporters. In particular, transporters accepting waste from the generator must sign and date the manifest, give a signed copy to the generator, and retain a copy in accordance with section 263.22. They must also ensure the manifest (and EPA Acknowledgment of Consent, for exports) accompanies the waste during transportation; deliver the waste to the next transporter, the designated facility, the alternate designated facility, or the place outside the U.S. as designated by the generator in the case of an export; and obtain a signature upon delivery from the next transporter or the owner/operator of the designated facility. Similar requirements apply to exempted water and rail transporters, except for certain requirements involving the transmittal of either the manifest or shipping papers to specified parties.

Pursuant to section 263.20(g), transporters exporting waste outside the U.S. must indicate on the manifest the date the waste left the U.S. and provide a copy of the manifest to the U.S. Customs official at the

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<sup>1</sup> A primary exporter is defined as any person who originates a manifest for a shipment of hazardous waste, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the waste will be sent and any intermediary arranging for the export. Primary exporters are subject to 40 CFR Part 262, Subpart E, except that exporters exporting hazardous waste for recovery to designated members of the Organization for Economic Cooperation and Development (OECD) are subject to Part 262, Subpart H. This ICR does not address Subpart H requirements. See "Exports From and Imports to the United States Under the OECD Decision," ICR No. 1647.02 for the burden and cost for exports to designated OECD countries (Part 262, Subpart H). In addition, see "Hazardous Waste Generator Standards," ICR No. 820.07 for burden and costs for certain exporter requirements under Part 262, Subpart E (e.g., notifying EPA of intent to export).

point of departure. Transporters handling waste pursuant to a reclamation agreement under section 263.20(h) are exempt from the requirements of sections 263.20 and 263.22 if they complete a log or shipping paper containing specified information as described in 263.20(h), carry the log with the waste to the reclamation facility, and retain a copy of these records for at least three years from the date of termination or expiration of the agreement.

In the event of a discharge of hazardous waste during transportation, section 263.30(a) requires the transporter to take appropriate immediate action to protect human health and the environment, for example, notifying local authorities and diking the discharge area. Section 263.30(c) requires an air, rail, highway, or water transporter who has discharged hazardous waste to give notice, if required by 49 CFR 171.15, to the National Response Center and to report in writing as required by 49 CFR 171.16, to the Department of Transportation. Section 263.30(d) requires a water (bulk shipment) transporter who has discharged hazardous waste to give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

### **Treatment, Storage and Disposal Facility Requirements**

Sections 264.71 and 265.71 set forth completion, transmittal, and recordkeeping requirements for treatment, storage and disposal facilities that receive hazardous waste accompanied by a manifest. The facility owner/operator must sign the manifest, give a copy to the transporter, send a copy to the generator, and retain a copy for three years. He must also review the manifest and note on the manifest any significant discrepancies between the waste described on the manifest and the waste the facility actually receives.

If a significant discrepancy is identified pursuant to sections 264.72 and 265.72, the facility owner/operator must attempt to reconcile it with the generator or transporter. If the discrepancy is not resolved within 15 days of delivery of the waste, the facility owner/operator must submit the manifest in question and a letter to EPA describing the discrepancy and efforts to reconcile it.

If the treatment, storage or disposal facility accepts hazardous waste from an off-site source without an accompanying manifest (or shipping paper, if appropriate) and if the waste is not excluded from the manifest requirements by section 261.5, sections 264.76 and 265.76 require the facility owner/operator to submit to EPA an unmanifested waste report within 15 days of accepting the waste. The report must contain the name and identification number of the designated facility, along with the names and identification numbers of the generator and transporter if available. In addition, the report must include the date the waste was received at the facility; a description and quantity of the waste and its method of treatment, storage or disposal; a certification by the facility; and an explanation of why the waste was unmanifested, if known.

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

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

This section describes the need and authority for each type of information collection analyzed in this ICR.

## **GENERATOR REQUIREMENTS**

### **(1) Manifest: Completion, Transmittal, and Recordkeeping**

#### **(a) Large Quantity Generators (generators of greater than 1,000 kg/month)**

RCRA requires EPA to establish the "use of a manifest system and any other reasonable means necessary to assure that all such hazardous waste...arrives at" the designated facility (Section 3002(5)). On May 19, 1980, EPA promulgated regulations calling for the use of manifests by generators of greater than 1,000 kg/month of hazardous waste, thereby establishing the manifest system.



(b) Small Quantity Generators (generators of between 100 and 1,000 kg/month)

The Hazardous and Solid Waste Amendments of 1984 (HSWA) directed EPA to promulgate standards for the generation, treatment, and disposal of hazardous waste produced by small quantity generators. In compliance with HSWA, EPA promulgated regulations on March 24, 1986, that require small quantity generators to comply with the manifest requirements of 40 CFR Part 262, Subpart B. A small quantity generator can be exempt from the requirements listed in this section when waste is reclaimed under a contractual agreement and certain other conditions are met. However, the small quantity generator must maintain records of the agreement for at least three years after termination or expiration of the agreement, as required by section 262.20(e)(2).

(c) Special Manifest Requirements for Primary Exporters

On August 8, 1986, EPA promulgated regulations relating to the export of hazardous waste out of the U.S. to supplement 1980 regulations. Part 262 Subpart E sets forth special manifesting requirements that primary exporters must meet in exporting their waste.

**(2) Exception Reports: Completion, Submission, and Recordkeeping**

(a) Large Quantity Generators

EPA's May 19, 1988, manifest regulations also included requirements for generators to prepare, submit, and keep records of exception reports (§262.42).

(b) Small Quantity Generators

EPA's March 24, 1986, final regulations mandated use of the manifest system by small quantity generators, but exempted them from the exception report requirements applicable to large quantity generators.

On June 6, 1986, the Environmental Defense Fund (EDF) sued in the U.S. Court of Appeals for the reinstatement of the exception report requirement. Under the terms of the settlement agreement negotiated with EDF, the Agency agreed to propose a modified exception report requirement for small quantity generators and to take comment on other options for accomplishing the exception reporting purpose. On September 23, 1987, EPA promulgated regulations calling for exception reporting by small quantity generators. These regulations are similar to the existing requirements for large quantity generators, except that the small quantity generator is not required to contact the transporter or facility owner/operator to determine the waste's disposition, the length of time before an exception report is required is 60 days, and the generator need only note on the manifest that he has not received confirmation of delivery (§262.42).

**TRANSPORTER REQUIREMENTS**

**(1) Manifest: Completion, Transmittal, and Recordkeeping**

A critical part of the manifest system is the use of multiple copies of the manifest to track the shipment of hazardous waste as it moves from the generator to the designated treatment, storage, or disposal facility by way of the transporter. Regulations found in Part 263 Subpart B require transporters to ensure that the manifest accompanies the hazardous waste during transportation, to deliver the hazardous waste and the manifest as indicated on the manifest, and to keep records of the manifests.

Under 263.20 and 263.22, a small quantity generator's waste, transported following a reclamation agreement, can be exempt from the manifest requirements of the section. However, the transporter is required to record waste generator data information on a log or shipping paper and retain a copy of these records, as required by section 263.20(h).

**(2) Notification of Discharge of Hazardous Waste**

The part 263 Subpart C regulations reference Department of Transportation notification requirements for hazardous waste transporters responding to a discharge of hazardous waste and establish requirements for water (bulk shipment) transporters who discharge hazardous waste, similar to notification requirements for oil and hazardous substances releases.

**TREATMENT, STORAGE, AND DISPOSAL FACILITY REQUIREMENTS**

**(1) Manifest: Completion, Transmittal, and Recordkeeping**

The part 264 or 265 Subpart E regulations require hazardous waste treatment, storage, and disposal facilities (TSDFs) to comply with the manifest system and keep records (264.71 and 265.71).

**(2) Discrepancy Report: Completion and Submission**

The part 264 and 265 Subpart E regulations also required TSDFs to note and potentially report discrepancies (264.71 and 265.71), and make available records and reports to EPA (264.74, 265.74, 264.77, and 265.77).

**(3) Unmanifested Waste Report: Completion and Submission**

TSDFs are also required to submit unmanifested waste reports to EPA, under sections 264.76 and 265.76, when accepting hazardous waste from an off-site source without an accompanying manifest if a manifest otherwise was required.

**2(b) USE AND USERS OF THE DATA**

Generators, transporters, and TSDFs handling hazardous waste are required to complete the data requirements for manifests and other reports primarily to: (1) track each shipment of hazardous waste from the generator to a designated facility; (2) provide information requirements sufficient to allow the use of a manifest in lieu of a Department of Transportation (DOT) shipping paper or bill of lading, thereby reducing the duplication of paperwork to the regulated community; (3) provide information to transporters and waste management facility workers on the hazardous nature of the waste; (4) inform emergency response teams of the waste's hazard in the event of an accident, spill, or leak; and (5) ensure that shipments of hazardous waste are managed properly and delivered to their designated facilities. Although the generators, transporters, TSDFs, and emergency response teams (in the case of accidents) are the primary users of these records, EPA may review these documents during a facility inspection to make sure proper records are being kept and regulations are complied with. EPA also reviews and responds to exception reports, discrepancy reports, and unmanifested waste reports.

**3. THE RESPONDENTS AND THE INFORMATION COLLECTED**

**3(a) RESPONDENTS AND SIC CODES**

The following is a list of SIC codes associated with large and small quantity generators, transporters, and TSDFs affected by the manifest information requirements covered under this ICR:

**(1) Generators**

- 22 - Textile Mills
- 27 - Printing and Publishing
- 30 - Rubber and Miscellaneous Plastic

34 - 39 Machinery and Mechanical Products  
 261 - 266 Pulp and Paper  
 281 - Industrial Inorganic Chemicals  
 282 - Plastic Materials, Synthetic Resins, etc.  
 283 - Drugs  
 284 - Soap, Detergents, etc.  
 285 - Paints, Varnishes, etc.  
 286 - Industrial Organic Chemicals  
 461 - Pipelines, except Natural Gas  
 517 - Wholesale Petroleum Marketing  
 551 - Motor Vehicle Dealers (New and Used)  
 721 - Laundry Cleaning and Garment Services  
 723 - Crop Preparation Services for Market, except Cotton Ginning  
 726 - Funeral Services and Crematories  
 739 - Miscellaneous Business Service  
 753 - Automotive Repair Shops  
 2821 - Plastic Materials  
 2822 - Synthetic Rubber  
 2823 - 2824 Synthetic Fibers  
 2421, 2499, 2800 - Lumber and Wood Products  
 2865, 2869, 2900 - Organic Chemicals Petroleum Refining and Related Products  
 3011 - Tires and Inner Tubes  
 3080 - Miscellaneous Plastic Products  
 3111 - Leather Tanning and Finishing  
 3253 - Ceramic Wall and Floor Tile  
 3292 - Asbestos Products  
 3300 - Primary Metal Industries  
 3400 - Fabricated Metal Products, not elsewhere classified  
 3500 - Industrial and Commercial Machinery and Computer Equipment  
 3600 - Electronics and Other Electrical Equipment and Components, except Computer

#### Equipment

3700 - Transportation Equipment  
 3851 - Ophthalmic Goods  
 4200 - Motor Freight Transportation Warehousing  
 4900 - Electric, Gas, and Sanitary Services  
 5093 - Scrap and Waste Materials  
 8000 - Health Services  
 8220 - Colleges, Universities, Professional Schools, and Junior Colleges  
 8730 - Research, Development, and Testing Services  
 8999 - Services, not elsewhere classified  
 9511 - Air and Water Resource and Solid Waste Management  
 9711 - National Security  
 9900 - Nonclassifiable Establishments  
 9999 - Nonclassifiable Establishments

#### (2) Transporters

42 - Hazardous Waste Transporter  
 47 - Hazardous Waste Transporter

#### (3) Treatment, Storage, and Disposal Facilities (TSDFs)

## 4953 - Commercial TSDF

**3(b) INFORMATION COLLECTED**

The following subsections summarize the data items and respondent activities required for each information collection discussed in this ICR. The information collection requirements are divided into separate categories for generators, transporters, and TSDFs and are further categorized into subsections as follows:

**! Generator Requirements**

- (1) Manifest: Completion, Transmittal, and Recordkeeping
- (2) Exception Reports: Completion, Submission, and Recordkeeping

**! Transporter Requirements**

- (1) Manifest: Completion, Transmittal, and Recordkeeping
- (2) Notification of Discharge of Hazardous Waste

**! Treatment, Storage, and Disposal Facility Requirements**

- (1) Manifest: Completion, Transmittal, and Recordkeeping
- (2) Discrepancy Report: Completion and Submission
- (3) Unmanifested Waste Report: Completion and Submission

**3(c) GENERATOR REQUIREMENTS****(1) Manifest: Completion, Transmittal, and Recordkeeping****(a) Manifest Completion: Domestic Shipments****(i) Data items:**

This section lists the data that generators must include in completing the manifest and continuation sheets, if needed, as required by §262.20(a):

- !** The generator's U.S. EPA ID and the manifest's document numbers;
- !** The total number of pages used to complete the manifest;
- !** The generator's name and mailing address;
- !** The generator's phone number;
- !** The name and U.S. EPA ID number for all transporters;
- !** The designated waste facility's name and site address;
- !** The U.S. EPA ID number of the designated facility;

- ! The U.S. DOT description of the waste;
- ! The container description;
- ! The total quantity of each waste described;
- ! The unit of measure;
- ! Special handling instructions and additional information, such as an emergency telephone number; and
- ! The generator's certification.

(ii) Respondent activities:

In order to provide the data items listed above, respondents must perform the following activities, as required by §262.20(a) and the instructions in the Appendix to Part 262:

- ! Complete the manifest with the data items specified above.
- ! Complete the continuation sheet, if required.

**(b) Manifest Completion: Export Shipments**

Pursuant to section 262.54, primary exporters of hazardous waste must complete the manifest according to sections 262.20 through 262.23 except as provided under section 262.54. In addition, primary exporters must supply an Acknowledgment of Consent (AOC) along with the waste and the manifest to the transporter. The manifest must include an extra copy for submission to the U.S. Customs official at the point of departure from the U.S.

(i) Data items:

- ! The primary exporter must make the following changes in completing the manifest and continuation sheet, if needed, as provided in §262.54:
  - In lieu of the site name, site address and EPA ID number of the designated facility, provide the name and site address of the consignee;
  - In lieu of the name, site address and EPA ID number of a permitted alternate facility, provide the name and site address of any alternate consignee;
  - Identify the point of departure from the U.S.; and
  - Add to the end of the first sentence of the certification of the manifest form: "and conforms to the terms of the attached EPA Acknowledgment of Consent."

(ii) Respondent activities:

- ! Complete the manifest with the data items, as required by §262.20-§262.23 and §262.54(a-d); and
- ! Complete continuation sheets, if needed; and
- ! Provide the transporter with an Acknowledgment of Consent and copies of the manifest or shipping papers, as required by §262.54(h) and (i).

**(c) Manifest Transmittal and Recordkeeping****(i) Data items:**

This section lists the data items and respondent activities associated with the manifest transmittal and recordkeeping requirements.

- ! A generator must ensure that the manifest consists of at least the number of copies to provide the generator, each transporter, and the designated facility with one copy each for their records and another copy to be returned to the generator, in accordance with §262.22. He/she must also sign and give copies of the manifest to the transporter along with the hazardous waste in accordance with §262.23(b), and retain copies of the manifest in accordance with §262.23(a) and §262.40(a),
- ! For shipments of hazardous waste within the U.S. solely by water (bulk shipments only), the generator, as required by §262.23(c), must send three copies of the manifest to the owner/operator of the designated facility or the last water transporter to handle the waste in the U.S. if exported by water.
- ! For rail shipments of hazardous waste within the U.S. which originate at the site of generation, the generator, as required under §262.23(d), must send at least three copies of the manifest to the next non-rail transporter, the designated facility, or the last rail transporter to handle the waste in the U.S. if exported by rail.
- ! In the event a small quantity generator's waste is reclaimed under a contractual agreement pursuant to §262.20(e)(1), the small quantity generator must retain the reclamation agreement for at least three years from the date of termination or expiration of the agreement, as required by §262.20(e)(2).

**(ii) Respondent activities:**

In order to comply with the above requirements, generators must perform the following activities:

- ! Provide copies of the manifest to the transporter, as required by §262.23(a) and (b) and keep copies of the manifests.
- Sign the manifest certification by hand and obtain the signature of the initial transporter and date of acceptance on the manifest in accordance with 262.23(a);
- Keep a copy of the manifest and give the remaining copies to the initial transporter, in accordance with §262.23(a) and (b) and §262.40(a); and
- Keep a copy of the manifest returned from the designated facility for at least three years from the date the waste was accepted by the initial waste transporter, in accordance with §262.40(a).
- ! Under certain circumstances, provide copies of the manifest to other parties, as required by §262.23(c) and (d).
- For shipments solely by water, send three copies of the manifest, dated and signed in accordance with §262.23(a), to the designated facility or the last water transporter to handle the waste in the U.S. [Note: Copies of the manifest are not required for each transporter.]

-- For shipments by rail originating at the site of generation, send at least three copies of the manifest to the next non-rail transporter, the designated facility, or the last rail transporter to handle the waste in the U.S.

! For small quantity generators only, retain a copy of each reclamation agreement, if applicable, for at least three years after the termination or expiration of the agreement, as required by §262.20(e)(2).

**(2) Exception Reports: Completion, Submission, and Recordkeeping**

**(a) Large Quantity Generators**

(i) Data items:

! In the event a large quantity generator does not receive a copy of the signed manifest from the designated facility owner/operator within 35 days of the date the waste was accepted by the initial transporter, the large quantity generator must contact the transporter and/or the owner/operator of the designated facility to determine the status of the hazardous waste. The large quantity generator must submit an exception report to EPA if he/she has not received a copy of the signed manifest from the designated facility owner/operator within 45 days of the date the waste was accepted by the initial transporter and must retain a copy of the exception report for at least three years from the due date of the report, in accordance with §262.40(b) and §262.42(a)(2). The report must contain the following data:

-- A legible copy of the manifest for which the generator does not have confirmation of delivery, as required by §262.42(a)(2)(i); and

-- A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts, as required by §262.42(a)(2)(ii).

(ii) Respondent activities:

In order to provide the data items listed above, large quantity generators must perform the following activities, as required by §262.42(a)(i) and (ii):

! Prepare and submit a signed cover letter to EPA explaining the generator's efforts to locate the hazardous waste and the results of those efforts, along with a legible copy of the manifest, in accordance with §262.42(a)(2)(ii); and

! Keep a copy of each exception report, as required by §262.40(b).

**(b) Small Quantity Generators**

(i) Data items:

In the event a small quantity generator does not receive a copy of the signed manifest from the owner/operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter, he/she must submit to the EPA Regional Administrator a legible copy of the manifest with some indication that he has not received confirmation of delivery, in accordance with section 262.42(b).

(ii) Respondent activities:

- ! Submit a legible copy of the manifest with some indication that the waste has not been delivered, as required by §262.42(b).

**3(d) TRANSPORTER REQUIREMENTS****(1) Manifest: Completion, Transmittal, and Recordkeeping**

Sections 263.20 and 263.22 detail the completion, transmittal and recordkeeping requirements of manifests or shipping papers for hazardous waste transporters, including those exporting hazardous waste outside the U.S. In accordance with these requirements, transporters must complete specified parts of the manifest (or shipping paper, as provided in section 263.20(e)(2)), retain a copy of the manifest (or shipping paper), transmit copies to specified parties, and ensure that the original manifest or shipping papers accompany the waste to its destination.

Hazardous Waste Transporters (except as exempted by §263.20(e) and (f))

Except for certain water and rail transporters exempted under section 263.20(e) and (f), transporters transporting hazardous waste outside the U.S. (§263.20(g)), and transporters transporting hazardous waste pursuant to a reclamation agreement (§263.20(h)), section 263.20(b), (c) and (d) requires transporters to sign and date the manifest and return a copy to the generator; ensure that the manifest (and Acknowledgment of Consent, if applicable) accompanies the waste during transportation; and provide the manifest to and obtain a signature from the next transporter or designated facility upon delivery. He/she must also retain a copy of the signed manifest for three years from the date the hazardous waste was accepted, pursuant to section 263.22(a).

(i) Data items:

The data items required for the above activities include:

- ! Copies of the manifest.

(ii) Respondent activities:

Except for those water or rail transporters exempted under section 263.20(e) and (f), transporters transporting hazardous waste outside the U.S. (§263.20(g)), and transporters transporting hazardous waste pursuant to a reclamation agreement (§263.20(h)), hazardous waste transporters must perform the following activities, as required by section 263.20(b), (c), and (d) and section 263.22(a):

- ! Sign and date the manifest, as required by §263.20(b);
- ! Return a copy to the generator, as required under §263.20(b); and
- ! Ensure that the manifest (and AOC, if applicable) accompanies the waste to its destination, as required by §263.20(c).
- ! Deliver the hazardous waste and manifest, as appropriate, pursuant to §263.21, to another transporter or to the designated facility and perform the following:
  - Obtain the date and signature of that transporter or the owner/operator of the facility or alternate facility designated on the manifest;
  - Retain a copy of the manifest pursuant to §263.22(a); and

- Give remaining copies to the accepting transporter or facility, in accordance with §263.20(d).
- ! In cases where the transporter delivers hazardous waste to the initial water transporter, the delivering transporter must:
  - Obtain the signature of the water transporter on the manifest, in accordance with §263.20(e)(4); and
  - Forward the manifest to the designated facility, in accordance with §263.20(e)(4).

#### Water (bulk shipment) Transporters Regulated Under Section 263.20(e)

Water (bulk shipment) transporters who are regulated under section 263.20(e) must sign and date the manifest upon receipt of the hazardous waste; must ensure that a shipping paper containing the generator, waste, and facility information, and an EPA AOC for exports, accompany the waste during transportation; must obtain the signature of the facility owner/operator on the manifest or shipping paper; and must retain a copy of the manifest or shipping paper for three years.

(i) Data items:

The data items required for the above activities include:

- ! Copies of the manifest;
- ! Copies of the shipping paper containing all the information on the manifest except the EPA ID numbers, the generator certification, and required signatures, as required under §263.20(e); and
- ! An EPA Acknowledgment of Consent (AOC) (for exporters only), as required by §263.20(e)(2).

(ii) Respondent activities:

Bulk water transporters identified under §263.20(e) must perform the following:

- ! Ensure that the shipping paper (and Acknowledgment of Consent, for exports) accompanies the waste to its destination, as required by §263.20(e)(2);
- ! If the initial water transporter, sign and date the manifest and return it to the delivering transporter so that the manifest can be forwarded to the designated facility owner/operator, as required by §263.20(e)(4); and
- ! Retain a copy of the manifest or shipping paper, as required by §263.22(b).

#### Rail Transporters Regulated Under Section 263.20(f)

Rail transporters regulated under section 263.20(f) must comply with the following: the initial rail transporter must sign and date the manifest when the hazardous waste is delivered to them; each rail transporter must ensure that a shipping paper containing the generator, waste, and facility information accompanies the waste during transportation; the final rail transporter must forward three copies of the manifest to the designated facility or the next non-rail transporter or, in the case of export, the last rail transporter designated to handle the waste in the U.S.; sign the manifest upon delivery; and retain a copy for three years.

(i) Data items:

The manifest data items required of rail transporters for the above activities include:

- ! Copies of a manifest;
- ! A shipping paper containing all the information on the manifest except the EPA ID numbers, the generator certification, and required signatures; and
- ! An EPA Acknowledgment of Consent (AOC) (for exports only).

(ii) Respondent activities:

Rail transporters must perform the following activities to comply with the requirements of §263.20(f):

- ! When accepting waste from a non-rail transporter, initial rail transporters must sign and transmit the manifest in accordance with §263.20(f)(1) and (2):
  - Sign and date the manifest, as required by §263.20(f)(1)(i) and return a copy of the manifest to the non-rail transporter, as required by §263.20(f)(1)(ii);
  - Forward at least three copies of the manifest to either the next non-rail transporter, the designated facility, or the last rail transporter designated to handle the waste in the U.S., as required by §263.20(f)(1)(iii);
  - Ensure a shipping paper containing all the information required on the manifest excluding the EPA identification number, generator certification, and signatures (and for exports an Acknowledgment of Consent) accompanies the waste, as required under 263.20(f)(2); and
  - Retain a copy of the manifest and rail shipping paper, as required under §263.22(c)(i).

Transporters Who Transport Hazardous Waste Outside The U.S. (§263.20(g))

Transporters who transport hazardous waste outside the U.S. must sign and indicate on the manifest when the waste left the U.S.; give the manifest to the U.S. Customs official at the border; return a copy of the manifest to the generator in accordance with section 263.20(g); and retain a copy for three years from the date the hazardous waste was accepted by the initial transporter, pursuant to section 263.22(d). They must also ensure the Acknowledgment of Consent accompanies the waste while in the U.S., pursuant to section 263.20(c).

(i) Data items:

The manifest data items required for transporters exporting hazardous waste out of the United States include:

- ! Signed and dated copies of the manifest or shipping paper; and
- ! Acknowledgment of Consent.

(ii) Respondent activities:

Transporters who transport waste out of the United States must perform the following activities to comply with §263.20(g) and 262.54:

- ! Ensure the AOC and manifest accompany the waste while in the U.S.; and

- ! Sign and transmit the manifest:
  - Sign and indicate on the manifest the date that the waste left the U.S., as required by §263.20(g)(2) and §263.20(g)(1);
  - Give a copy of the manifest to the U.S. Customs official at the point of departure from the United States, as required by §263.20(g)(4);
  - Retain a copy of the manifest, as required by §263.22(d); and
  - Return a copy to the generator, as required by §263.20(g)(3).

Transporters Who Transport Hazardous Waste Pursuant To A Reclamation Agreement (§263.20(h))

Transporters can be exempt from the requirements of sections 263.20 and 263.22 when transporting a small quantity generator's waste pursuant to a reclamation agreement in accordance with section 262.20(e). These transporters are required to record data items on a log or shipping papers, carry the record to the reclamation facility, and retain these records, as required by section 263.20(h).

(i) Data items:

In accordance with §263.20(h)(2), the log or shipping papers should include the following data items:

- (a) The name, address, and U.S. EPA identification number of the hazardous waste generator;
- (b) The quantity of waste accepted;
- (c) All DOT-required shipping information; and
- (d) The date the waste is accepted.

(ii) Respondent activities:

These transporters must perform the following activities in accordance §263.20(h):

- ! Record the waste information on a log or shipping paper, as required by §263.20(h)(2);
- ! Carry the record when transporting waste to the reclamation facility, as required by §263.20(h)(3); and
- ! Retain the records for at least three years after termination or expiration of the agreement.

**(2) Notification of Discharge of Hazardous Waste**

In the event of a discharge of hazardous waste during transportation, section 263.30(a) requires the transporter to take appropriate immediate action to protect human health and the environment, for example, notifying local authorities. Section 263.30(c) requires an air, rail, highway, or water transporter who has discharged hazardous waste to give notice, if required by 49 CFR 171.15, to the National Response Center and to report in writing as required by 49 CFR 171.16, to the Department of Transportation. Section 263.30(d) requires a water (bulk shipment) transporter who has discharged hazardous waste to give the same notice as required by 33 CFR 153.203 for oil and hazardous substances, if not already required under 33 CFR 153.203. Water (bulk shipment) transporters, as soon as they have knowledge of any discharge of hazardous waste, must immediately notify the National Response Center (NRC), U.S. Coast Guard, as required by 33 CFR 153.203. If the direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated on-scene coordinator (OSC) for the geographic area where the discharge occurs. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided the transporter notifies the NRC as soon as possible.

(i) Data item:

The data item required for notification of a discharge of hazardous waste includes reporting the discharge to relevant authorities as specified in 40 CFR 263.30 and 33 CFR 153.203.

(ii) Respondent activities:

- ! In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate action to protect human health and the environment, including notification of the discharge to local authorities, as required by 40 CFR 263.30(a).
- ! Water (bulk shipment) transporters must immediately notify the National Response Center (NRC) of the discharge or, if it is not practicable to notify the NRC, a predesignated OSC can be notified. If the OSC is notified, the transporter must notify the NRC of the discharge as soon as possible, as required by 40 CFR 263.30(d) and 33 CFR 153.203.

[Note: This ICR does not include burden and cost estimates for activities associated with the 49 CFR 171 notification requirements referenced in 40 CFR Part 263 since Part 263 does not add any notification requirements to those already in 49 CFR 171.]

### 3(e) TREATMENT, STORAGE, AND DISPOSAL FACILITY (TSDF) REQUIREMENTS

#### (1) **Manifest: Completion, Transmittal and Recordkeeping**

The manifest requirements discussed in this section apply to treatment, storage and disposal facilities (TSDFs) that accept hazardous waste from an off-site source.

Sections 264.71 and 265.71 require TSDFs receiving hazardous waste accompanied by a manifest (or a shipping paper containing all of the information required in a manifest except for the EPA identification numbers, generator's certification, and signatures) to sign and date the manifest (or shipping paper if the manifest has not been received); note any significant discrepancies on each copy of the manifest (or shipping paper); give copies of the manifest (or shipping paper) to the transporter and generator; and retain a copy of the manifest for three years.

##### (i) Data items:

The data items required for the above completion, recordkeeping and transmittal activities include:

- ! Copies of the manifest.

##### (ii) Respondent activities:

Facilities receiving a manifest (or a shipping paper, if the manifest has not been received) accompanying a hazardous waste shipment must perform the following activities, in accordance with §264.71(a) and §265.71(a).

[Note: Although the noting of manifest or shipping paper discrepancies is mentioned in this subsection, it is burdened in the subsection entitled "Discrepancy Report: Completion and Submission."]

- ! Complete, transmit and retain copies of the manifest:
  - Sign and date each copy of the manifest, as required by §264.71(a)(i) and §265.71(a)(i);
  - Immediately return a copy of the manifest to the transporter, as required under §264.71(a)(iii) and §265.71(a)(iii);
  - Within thirty days after delivery, send a copy to the generator, as required by §264.71(a)(iv) and §265.71(a)(iv); and
  - Retain a copy for at least three years from delivery, as required by §264.71(a)(v) and §265.71(a)(v).

#### (2) **Discrepancy Report: Completion and Submission**

Upon noting a significant discrepancy between the quantity or type of waste described on the manifest or shipping paper and the actual quantity or type of hazardous waste received, facility owner/operators are required under sections 264.71 and 264.72 or 265.71 and 265.72 to attempt to reconcile the discrepancy; if it is not reconciled within 15 days after receiving the waste, the facility owner/operator must immediately submit to EPA the manifest or shipping paper in question, as well as a letter describing the discrepancy and efforts to reconcile it.

(i) Data items:

- ! Copy of the manifest and/or shipping paper; and
- ! A letter describing the significant discrepancy and the facility's efforts to reconcile it.

(ii) Respondent activities:

The activities required of the above data items, as required by §264.72 and §265.72, include:

- ! Note and attempt to reconcile any significant discrepancies, as required by §264.72(b) or §265.72(b); and
- ! Prepare and submit a letter to EPA describing the discrepancy and attempts to reconcile it, along with a copy of the manifest or shipping paper at issue, as required by §264.72(b) and §265.72(b).

**(3) Unmanifested Waste Report: Completion and Submission**

If the TSDf accepts a hazardous waste for treatment, storage, or disposal from any off-site source without an accompanying manifest or a shipping paper as described in section 263.20(e)(2), and the waste is not excluded from the manifest requirement of sections 261.5, sections 264.76 and 265.76 require the facility owner/operator to prepare and submit to EPA an unmanifested waste report within fifteen days of receiving the waste.

(i) Data items:

The unmanifested waste report must include:

- (a) The EPA identification number, name, and address of facility;
- (b) The date the facility received the waste;
- (c) The EPA identification number, name, and address of generator and transporter, if available;
- (d) A description and quantity of each unmanifested hazardous waste the facility received;
- (e) The method of treatment, storage, or disposal for each hazardous waste;
- (f) The certification signed by the owner/operator of the facility or his authorized representative; and
- (g) A brief explanation of why the waste was unmanifested, if known.

(ii) Respondent activities:

In order to provide the items listed above, the facility must perform the following activities, in accordance with §264.76 and §265.76:

- ! Prepare and submit to EPA the unmanifested waste report within 15 days after receiving the waste.

**4. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

The following subsections discuss how EPA will collect the information, what activities EPA will perform once the information has been received, and how EPA will manage the information it collects. The subsections also include a discussion of how the information collection requirements affect small entities.

**4(a) AGENCY ACTIVITIES**

Agency activities associated with the manifest requirements include the review of exception reports, discrepancy reports, and unmanifested waste reports. The Agency reviews these reports to identify potentially non-compliant or otherwise unresolved activities that warrant Agency attention. For example, upon receipt of an exception report, the Agency may conduct a follow-up investigation to assist the generator in locating the shipment. The Agency keeps these reports on file.

Manifests, shipping papers, contractual agreements, and reclamation agreements are not formally submitted to EPA, but must be kept on file at the generator's, transporter's or TSDf's location and made available to EPA upon request. Accordingly, this analysis does not include Agency activities associated with review of these documents.

**4(b) COLLECTION METHODOLOGY AND MANAGEMENT**

In collecting and analyzing the information required under manifest requirements, EPA uses state-of-the-art electronic equipment such as personal computers and applicable data base software, when appropriate.

**4(c) SMALL ENTITY FLEXIBILITY**

The current regulations require both large and small quantity generators of hazardous waste to use the manifest to track shipments of hazardous waste. However, the Agency has found that most small businesses do not generate hazardous waste either at all or in large enough quantities to make them subject to regulation and, therefore, are not affected by the manifest requirements. Generators of less than 100 kg/month (conditionally exempt small quantity generators) are exempted from manifest requirements. Also, EPA has exempted spent lead-acid batteries going for recycling and used oil being recycled or burned for energy recovery from the manifesting requirements.

**(1) Contractual Reclamation Agreements**

A small quantity generator is exempt from the manifest requirements when his hazardous waste is reclaimed under a contractual agreement, and he complies with limited requirements, including recordkeeping of the contractual agreement, as required by section 262.20(e)(2).

**(2) Exception Reports**

The exception report requirements, under section 262.42, for small quantity generators are less stringent than those for large quantity generators. A small quantity generator is only required to submit to EPA a legible copy of the manifest with some indication he/she has not received confirmation of delivery and has 60 days to fulfill this requirement. Large quantity generators, on the other hand, are required to contact the transporter or facility owner/operator if he/she has not received a copy of the manifest within 35 days. In addition, if 45 days have passed and the large quantity generator still has not received a signed copy of the manifest, he/she must submit a copy of the manifest as well as a cover letter explaining the generator's efforts to locate the hazardous waste. Hence, the exception report requirements for small quantity generators are not as burdensome.

**4(d) COLLECTION SCHEDULE****(1) Manifest and Other Document Collection: Generators, Transporters, and TSDf's**

Since copies of manifests, shipping papers, contractual agreements, and reclamation agreements are kept at the generator's, transporter's or TSDf's location and not normally submitted to EPA, discussion of a collection schedule is not applicable.



**(2) Exception Reports Collection: Generators**

Large quantity generators must submit exception reports to EPA within 45 days of the date the waste was accepted by the initial transporter, if he or she has not received a copy of the manifest signed by the TSDF. Small quantity generators must submit an abbreviated version of an exception report to EPA within 60 days.

**(3) Discrepancy and Unmanifested Waste Report Collection: TSDFs**

TSDF owner/operators must submit discrepancy reports and unmanifested waste reports to EPA within 15 days of delivery of the waste to the TSDF.

**5. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

**5(a) NONDUPLICATION**

No document identical or similar in purpose to the manifest is required by the Federal government. Although a Department of Transportation (DOT) shipping paper contains most of the information contained on the manifest, it does not appear to be legally sufficient to track hazardous waste from the generator to the designated facility. For example, DOT's shipping paper does not require the EPA identification numbers and signatures of the transporters and destination sites shipping or handling the hazardous waste. EPA requires such signatures and identification numbers on the manifest to ensure accountability of each waste handler during shipment of the hazardous waste. Also, since EPA coordinated the development of the manifest with DOT, the manifest form can be used as a DOT shipping paper, thus eliminating the need for the transporter to carry both documents. Furthermore, the manifest form was developed as a means of standardizing the information requirements, both Federal and State, thereby eliminating the need for a generator to complete and a transporter to carry multiple manifests for interstate shipments.

**5(b) CONSULTATIONS**

In 1998, EPA held forums with State and industry representatives and other interested parties to discuss the Agency's initiatives to reduce regulatory burdens under the manifest system. The Agency is currently working on a number of approaches for reducing manifesting burden. These approaches include revising the manifest form to eliminate unnecessary or redundant data elements, enabling the automation of manifesting activities, and amending the regulations to enable utilities to consolidate their off-site waste at 90-day consolidation facilities in accordance with the generator standards and other specified procedures.

In addition, EPA consulted with waste handlers on average respondent burden hours under the manifest system (1994 and 1995). EPA asked respondents to estimate the average burden hours for completing a manifest, exception report, discrepancy report, and unmanifested waste report. Furthermore, EPA contacted state manifest programs regarding the number of manifests originating in their state and one TSDF regarding its activities in reconciling manifest discrepancies (1999).

**5(c) EFFECTS OF LESS FREQUENT COLLECTION**

Since the manifest is required to accompany all shipments of hazardous waste when shipped off-site by the generator, less frequent preparation is not possible. The frequency of off-site shipment is determined by the generator and depends on: (1) the quantities of waste to be shipped as they impact the economies of shipment; (2) transporter scheduling; and (3) the applicable regulatory requirements. The present system gives the generator the opportunity to maximize the economies of off-site shipments by selecting a shipping frequency that is appropriate for the rate of waste generation. Further, by requiring a manifest to accompany each shipment, EPA ensures the manifest is available in the case of a discharge of hazardous waste during transportation. Information on the

manifest could be useful to emergency response personnel responding to the scene. In this regard, less frequent manifesting could result in a less expedient or protective response to the release.

Under normal conditions, EPA does not collect manifests, but requires instead preparation of the manifest, use of the manifest during transportation, and recordkeeping of the manifests for a 3-year period. Manifests are only collected by EPA either to accompany an exception or discrepancy report or in the case of an export. As mentioned, manifests may also be used by emergency response personnel responding to an accident.

#### **5(d) GENERAL GUIDELINES**

Under the manifest recordkeeping requirements in 40 CFR Part 262, Subpart B, Part 263, Subpart B, and Parts 264 and 265, Subpart E, generators, transporters, and TSDFs must retain copies of manifests, shipping papers, exception reports, discrepancy reports, unmanifested waste reports, contractual agreements, and reclamation agreements for at least three years. EPA believes that hazardous waste shipments cannot and will not be properly managed unless States can track the treatment and disposal of those shipments. The provisions for manifest completion, transmittal, and recordkeeping are designed to provide a means by which EPA can, if necessary, easily track wastes from "cradle to grave." In tracking shipments, it may be necessary at times to refer to shipments made at least three years previously.

Requirements and justification for reporting information to the Agency more often than quarterly have been discussed under Section 4(d). Collection activities that must be prepared in more than 45 days are also discussed in Section 4(d).

#### **5(e) CONFIDENTIALITY**

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on the public disclosure of information, contain provisions for confidentiality. If the Agency receives any confidential information, it will manage that information according to the protocols established by the Agency, as appropriate.

#### **5(f) SENSITIVE QUESTIONS**

No questions of a sensitive nature are included in any of the information collection requirements.

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

#### **6(a) SUMMARY OF BURDEN HOURS AND COSTS**

Exhibits 1 through 15 present EPA's estimated annual respondent burden hours and costs for all information collection requirements in this ICR. As shown in Exhibit 15, EPA estimates the aggregate, annual respondent burden under the manifest system to be approximately 2,920,383 hours, at an annual cost of \$119,188,294.

EPA notes that the annual burden in this ICR has increased from the 1996 ICR, which estimated an annual burden of 2,822,873 hours. In developing the current ICR, EPA increased its burden estimates for several manifest activities, such as completing continuation sheets and reconciling manifest discrepancies by the TSDFs. These revisions resulted in an annual burden increase of approximately 900,978 hours. (See Table III.) This burden increase was largely offset, however, by the fact that EPA also decreased its estimate of the regulated universe and number of manifests prepared each year (resulting in an offsetting decrease of 803,468 hours per year). Because of these revisions, the current ICR's annual burden has increased by approximately 97,510 hours from the previous ICR.

**6(b) ESTIMATING RESPONDENT BURDEN****GENERATOR REQUIREMENTS****(1) Manifest: Completion, Transmittal and Recordkeeping****(a) Reading the Regulations**

Exhibit 1 presents the total annual burden and cost to hazardous waste generators in reading the manifesting regulations at 40 CFR Part 262.

Based on 1995 Biennial Reporting System (BRS) data, EPA estimates that approximately 18,514 large quantity generators (LQGs) and 1,983 treatment, storage and disposal facilities (TSDFs) ship hazardous waste offsite each year and are subject to the manifest system.<sup>2</sup> EPA further estimates that, of these 1,983 TSDFs acting as generators, approximately 25 percent are commercial TSDFs (496) and 75 percent are captive TSDFs (1,487). EPA defines a commercial TSDF as a facility whose waste management capacity is available to any generators or facilities for commercial hazardous waste management, or to a limited group of generators or facilities for commercial hazardous waste management. A captive TSDF is a facility that receives hazardous waste from onsite sources only, or from onsite sources and offsite sources that are part of its same company only. EPA believes there are significant differences between commercial and captive TSDFs regarding waste volumes managed and number of manifests completed, and thus, the Agency has chosen to examine their manifest preparation burdens separately in this ICR.

Finally, EPA has examined the 1995 RCRA Information System (RCRIS) data and 1993 BRS data and estimates that approximately 83,917 small quantity generators (SQGs) ship hazardous waste offsite each year.<sup>3</sup>

In total, EPA expects that approximately 104,414 generators will read the Part 262 regulations each year. As shown in Exhibit 1, EPA estimates that each generator will average about 1.25 hours to read these regulations.

**(b) Completing the Manifest: Domestic and Export Shipments**

This ICR addresses the RCRA manifesting requirements for domestic shipments of hazardous waste (i.e., shipments occurring within the U.S.) and export shipments subject to 40 CFR Part 262, Subpart E, i.e., exports to non-designated members of the Organization for Economic Cooperation and Development (OECD), as identified

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<sup>2</sup> EPA acknowledges that most TSDFs qualify as LQGs, i.e., a site that generates 1,000 kilograms per month or more of hazardous waste. However, the Agency believes it is appropriate to distinguish between sites that only generate hazardous waste (LQGs) and sites that generate and treat, store or dispose of hazardous waste (TSDFs) because of differences in their manifesting practices and number of outbound shipments.

<sup>3</sup> In the previous ICR, EPA estimated that about 192,831 SQGs shipped waste offsite each year. This estimate was derived exclusively from the RCRIS database. EPA notes, however, that the RCRIS database overrepresents the actual number of SQGs because it is not periodically purged (e.g., when a SQG goes out of business). It also does not reflect that some SQGs do not ship their waste offsite every year (e.g., some SQGs may be in RCRIS because of a one-time generation event, after which they no longer generate waste). Because of these limitations, EPA refined its estimate in this ICR by comparing the 1995 RCRIS data on SQGs to 1993 biennial reporting data from TSDFs on their waste received from offsite sources, i.e. as contained in their Waste Received (WR) Forms. The WR forms identify the EPA identification number of the sources shipping waste to the TSDF in 1993. Comparing the EPA identification numbers for SQGs in the RCRIS and BRS data enabled the Agency to identify those SQGs that shipped waste to a TSDF in 1993.

at 40 CFR 262.58(a)(1).<sup>4</sup> Exhibits 2 and 3 present the total annual burden and cost to hazardous waste generators in completing the manifest for domestic shipments. Exhibits 4 to 6 present their total annual burden and costs to complete manifests for exports to non-designated OECD countries, including Mexico and Canada.

To estimate the number of manifests prepared and transmitted by generators, EPA contacted nine state manifest programs to get their estimate of the number of manifests prepared for shipments originating in their state. In order to get an accurate estimate, EPA contacted nine typical states in terms of hazardous waste generation volume (per 1995 biennial reporting data). In total, the nine states contacted by EPA represented approximately 29 percent of the total U.S. hazardous waste generation volume in 1995.<sup>5</sup> EPA then extrapolated their manifest totals to the entire U.S. That is, EPA assumed that the remaining 41 states accounted for about 2.4 times as many manifests as the nine states contacted. From these calculations, EPA estimated that about 1.8 million manifests are prepared annually (i.e., for federally regulated hazardous waste).

Further, based on these consultations, as well as on consultations with industry, EPA estimates that the average LQG completes approximately 46 manifests each year. In total, EPA estimates that all LQGs complete approximately 851,644 manifests per year (i.e., for domestic shipments and export shipments to non-designated OECD countries). This is shown in Table I.

In addition, EPA estimates that the average commercial TSDF acting as a generator completes approximately 292 manifests each year (approximately 144,832 manifests in total per year for all commercial TSDFs). EPA estimates that the average captive TSDF acting as a generator completes approximately 36 manifests per year (approximately 53,532 manifests per year for all captive TSDFs).

Finally, of the 83,917 SQGs shipping hazardous waste offsite each year, EPA estimates that approximately 82,873 SQGs are subject to the manifest system and that the remaining 1,044 SQGs operate under a reclamation agreement. As provided under section 262.20(e), these 1,044 SQGs need not undertake any manifesting activities for their hazardous waste shipments to the recycling facility. [Note: Refer to Exhibit 7 for burden and costs to SQGs under a reclamation agreement.] EPA estimates that the average SQG subject to the manifest system completes approximately nine manifests per year (about 745,857 manifests per year for all SQGs).

In total, the Agency estimates that approximately 1.8 million manifests are completed each year for domestic shipments and export shipments to non-designated OECD countries, as summarized in Table I.

In addition, Table II breaks down the total annual number of manifests that accompany domestic shipments, as well as export shipments to non-designated OECD countries. Based on EPA consultations, as well as data compiled by EPA's Office of Enforcement and Compliance Assurance (OECA), EPA estimates that approximately 1,783,865 manifests accompany domestic shipments of hazardous waste and that approximately 12,000 manifests accompany export shipments to non-designated OECD countries each year, including Mexico and Canada.

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<sup>4</sup> This ICR does not examine exports sent to designated OECD countries.

<sup>5</sup> The total U.S. hazardous waste generation volume in 1995 was approximately 214 million tons. The nine states contacted represent approximately 63 million tons of the total U.S. hazardous waste generation volume in 1995.

**Table I: Total Annual Number of Manifests Completed by Hazardous Waste Generators - Domestic Shipments and Export Shipments to Non-Designated OECD Countries**

Type of Generator	Number of Generators That Manifest	Average Annual Number of Manifests Completed per Generator	Total Annual Number of Manifests Completed
LQGs	18,514	46	851,644
Commercial TSDFs	496	292	144,832
Captive TSDFs	1487	36	53,532
SQGs	82,873	9	745,857
Total	103,370	17	1,795,865

**Table II: Total Annual Number of Manifests Accompanying Domestic Shipments and Export Shipments to Non-Designated OECD Countries**

Type of Generator	Total Number of Manifests/yr - Domestic Shipments	Total Number of Manifests/yr - Export Shipments to Non-Designated OECD Countries*	Total Number of Manifests/yr - All Shipments
LQGs	845,953	5,691	851,644
TSDFs Comm	143,865	967	144,832
TSDFs Cap	53,174	358	53,532
SQGs	740,873	4,984	745,857
Total	1,783,865	12,000	1,795,865

\* Includes Mexico and Canada.

### (1) Completing the Manifest for Domestic Shipments

Exhibits 2 and 3 present the total annual burden and cost for generators to complete their manifests for domestic shipments. Note that the exhibits reflect the fact that destination sites (referred to as designated TSDFs) often provide assistance to their generator customers in preparing manifests for shipments to their facility. For purposes of analysis, this ICR assumes that a percentage of LQGs and SQGs rely on the designated TSDFs' assistance in manifest preparation, while the remaining LQGs and SQGs, as well as all TSDFs acting as generators, prepare their manifests themselves. These assumptions are discussed in the following paragraphs.

#### (i) Completing the Manifest Without the Assistance of Designated TSDF

Based on consultations with hazardous waste generators and the States, EPA believes that about 58 percent of LQG manifests and 20 percent of SQG manifests accompanying domestic shipments are prepared without the assistance of the designated TSDF (490,653 manifests/yr for LQGs and 148,175 manifests/yr for SQGs). This is reflected in Exhibit 2. From its consultations, EPA estimates that these LQGs and SQGs take an average of 24 and 22.8 minutes, respectively, to complete the manifest. In addition, EPA estimates that about five percent of their manifests include continuation sheets, which take an average of 10 minutes to complete.

Based on consultations, EPA further estimates that commercial TSDFs acting as generators complete approximately 143,865 manifests annually and that captive TSDFs acting as generators complete approximately 53,174 manifests annually for domestic shipments. EPA estimates that each commercial and captive TSDF takes an average of 25.8 minutes to complete a manifest. In addition, EPA estimates that about five percent of their manifests include continuation sheets.

**(ii) Completing the Manifest With the Assistance of Designated TSDF**

As discussed, EPA recognizes that many LQGs and SQGs rely on the assistance of the designated TSDF to complete the manifest form. Because the designated TSDF normally fills out most of the manifest form for the generator, the collaborative effort significantly reduces the burden on generators. Based on its consultations, EPA estimates that about 42 percent of manifests from LQGs (355,300 manifests/yr) and 80 percent of manifests from SQGs (592,698 manifests/yr) are jointly completed with the designated TSDF. This is reflected in Exhibit 3.

EPA estimates that each LQG and SQG takes approximately 1.8 minutes to complete specified portions of the manifest. [Note: Refer to Exhibit 13 for the burden and costs for designated TSDFs to assist LQGs and SQGs in completing their manifests.]

**(2) Completing the Manifest for Export Shipments**

As shown in Exhibits 4 to 6, EPA estimates that LQGs, TSDFs acting as generators, and SQGs complete approximately 5,691, 1,325, and 4,984 manifests, respectively, for exports of hazardous waste each year. EPA estimates that about five percent of these manifests include continuation sheets.

**(c) Transmitting the Manifest**

As shown in Exhibit 7, EPA estimates that LQGs, TSDFs acting as generators, and SQGs will send three percent of their manifests with water shipments and six percent with rail shipments. Generators must comply with the requirements of sections 262.23 and 262.40 when transmitting and keeping records of the manifest. In addition, EPA developed a conservative estimate that approximately 1,044 SQGs ship their hazardous waste offsite under a reclamation agreement. These SQGs are required to keep a copy of the contractual agreement under which their hazardous waste is shipped to the recycling facility, as required under section 262.20(e)(2).

**(2) Developing Exception Reports**

EPA estimates that, on average, LQGs, TSDFs acting as generators, and SQGs will need to develop an exception report under section 262.42 for approximately 0.5 percent of the manifests sent offsite. This is reflected in Exhibit 8.

EXHIBIT 1  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
READING THE REGULATIONS

	Number of Generators	Hours per Generator				O&M Costs/Respondent		Total Hours per Year	Cost per Generator/ Year	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$22/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$35/doc	@ \$10/doc			
<b>Read the regulations</b>										
LQGs	16,514	0.00	0.25	1.00	0.20	\$0.00	\$2.00	28,143	\$71.25	\$1,315,123
TSDFs	1,363	0.00	0.25	1.00	0.20	\$0.00	\$2.00	2,479	\$71.25	\$141,289
SQGs	39,917	0.00	0.25	1.00	0.20	\$0.00	\$2.00	124,356	\$71.25	\$5,975,385
<b>TOTAL</b>	<b>104,414</b>	<b>0.00</b>	<b>0.25</b>	<b>1.00</b>	<b>0.20</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>130,518</b>	<b>\$64.67</b>	<b>\$7,439,498</b>

EXHIBIT 2:  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
COMPLETING THE MANIFEST AND CONTINUATION SHEETS (WITHOUT ASSISTANCE OF DESIGNATED TSDFs)

	Number of Manifests	Hours per Generator				O&M Costs/Respondent		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$35/doc	@ \$10/doc			
<b>Manifest completion: LQGs (262.2b)</b>										
Complete the manifest	490,653	0.00	0.00	0.32	0.08	\$0.00	\$0.00	156,251	\$19.12	\$9,381,285
Complete the continuation sheet	24,533	0.00	0.00	0.14	0.03	\$0.00	\$0.00	4,171	\$8.13	\$199,355
<b>Sub-total (for LQGs)</b>	<b>490,653</b>	<b>0.00</b>	<b>0.00</b>	<b>varie</b>	<b>varie</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>200,432</b>	<b>varie</b>	<b>\$9,580,640</b>
<b>Manifest completion: Commercial TSDFs who are also generators (262.2b)</b>										
Complete the manifest	143,865	0.00	0.00	0.35	0.08	\$0.00	\$0.00	61,862	\$20.71	\$2,979,444
Complete the continuation sheet	7,193	0.00	0.00	0.14	0.03	\$0.00	\$0.00	1,223	\$8.13	\$58,460
<b>Manifest completion: Captive TSDFs who are also generators (262.2b)</b>										
Complete the manifest	53,174	0.00	0.00	0.35	0.08	\$0.00	\$0.00	22,865	\$20.71	\$1,101,234
Complete the continuation sheet	2,659	0.00	0.00	0.14	0.04	\$0.00	\$0.00	479	\$8.60	\$22,878
<b>Sub-total (for TSDFs)</b>	<b>197,639</b>	<b>0.00</b>	<b>0.00</b>	<b>varie</b>	<b>varie</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>86,429</b>	<b>varie</b>	<b>\$4,162,006</b>
<b>Manifest completion: SQGs (262.2b)</b>										
Complete the manifest	148,175	0.00	0.00	0.31	0.07	\$0.00	\$0.00	56,307	\$18.32	\$2,714,566
Complete the continuation sheet	7,409	0.00	0.00	0.13	0.03	\$0.00	\$0.00	1,185	\$7.65	\$56,664
<b>Sub-total (for SQGs)</b>	<b>148,175</b>	<b>0.00</b>	<b>0.00</b>	<b>varie</b>	<b>varie</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>57,492</b>	<b>varie</b>	<b>\$2,771,230</b>
<b>TOTAL (LQGs, TSDFs, and SQGs)</b>	<b>835,867</b>	<b>0.00</b>	<b>0.00</b>	<b>varie</b>	<b>varie</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>344,353</b>	<b>varie</b>	<b>\$16,513,876</b>

\* Subtotals and total reflect the number of manifests, i.e. the number of continuation sheets is not reflected.

EXHIBIT 3:  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
COMPLETING THE MANIFEST (WITH ASSISTANCE OF DESIGNATED TSDFs)

	Number of Manifests	Hours per Generator				D&M Costs/Respondent		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$.35/doc	@ \$.10/doc			
<b>Manifest completion - LQGs (262.20)</b>										
Complete the manifest: LQGs	355,300	0.00	0.00	0.02	0.01	\$0.00	\$0.00	10,659	\$1.33	\$472,549
Complete the manifest: SQGs	592,698	0.00	0.00	0.02	0.01	\$0.00	\$0.00	17,781	\$1.33	\$788,288
<b>TOTAL (includes LQGs, and SQGs)</b>	<b>947,998</b>	<b>0.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>28,440</b>	<b>\$1.33</b>	<b>\$1,260,837</b>

EXHIBIT 4:  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
EXPORTING HAZARDOUS WASTE

	Number of Manifests	Hours per Generator				D&M Costs/Respondent		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$.35/doc	@ \$.10/doc			
<b>Special manifest requirements for exporters: LQGs</b>										
<b>Prepare manifest (262.54)</b>										
Complete the manifest with additional export requirements	5,691	0.00	0.00	0.32	0.08	\$0.00	\$0.00	2,276	\$19.12	\$108,812
Complete the continuation sheet	285	0.00	0.00	0.14	0.03	\$0.00	\$0.00	48	\$8.13	\$2,316
Provide the transporter with Acknowledgment of Consent and copies of the manifest or shipping papers	5,691	0.00	0.00	0.00	0.25	\$0.00	\$0.10	1,423	\$6.75	\$38,983
<b>TOTAL</b>	<b>varies</b>	<b>0.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>\$0.00</b>	<b>varies</b>	<b>3,747</b>	<b>\$34.00</b>	<b>\$150,111</b>

EXHIBIT 5:  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
EXPORTING HAZARDOUS WASTE

	Number of Manifests	Hours per Generator				O&M Costs/Respondent		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$.36/doc	@ \$.10/doc			
<b>Special manifest requirements for exporters: TSDFs</b>										
<b>Prepare manifest (252,54)</b>										
Complete the manifest with additional requirements	1,325	0.02	0.03	0.35	0.02	\$0.00	\$0.00	576	\$20.71	\$27,441
Complete the continuation sheet	65	0.02	0.03	0.14	0.04	\$0.00	\$0.00	12	\$9.60	\$659
Provide the transporter with Acknowledgment of Consent and copies of the manifest or shipping papers	1,325	0.02	0.03	0.03	0.25	\$0.00	\$0.10	331	\$6.75	\$8,975
<b>TOTAL</b>	<b>varies</b>	<b>0.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>\$0.00</b>	<b>varies</b>	<b>919</b>	<b>\$36.06</b>	<b>\$37,085</b>

EXHIBIT 6:  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
EXPORTING HAZARDOUS WASTE

	Number of Manifests	Hours per Generator				O&M Costs/Respondent		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/ Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$.36/doc	@ \$.10/doc			
<b>Special manifest requirements for exporters: SQGs</b>										
<b>Prepare manifest (262,54)</b>										
Complete the manifest with additional requirements	4,984	0.00	0.00	0.31	0.07	\$0.00	\$0.00	1,094	\$19.32	\$91,357
Complete the continuation sheet	245	0.00	0.00	0.13	0.03	\$0.00	\$0.00	40	\$7.65	\$1,904
Provide the transporter with Acknowledgment of Consent and copies of the manifest or shipping papers	4,984	0.00	0.00	0.00	0.25	\$0.00	\$0.10	1,245	\$6.75	\$33,140
<b>TOTAL</b>	<b>varies</b>	<b>0.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>\$0.00</b>	<b>varies</b>	<b>3,180</b>	<b>\$32.72</b>	<b>\$127,351</b>

EXHIBIT 7  
ESTIMATED ANNUAL BURDEN AND COST FOR GENERATORS  
TRANSMITTING THE MANIFEST

	Number of Manifests	Hours per Generator				CGM Costs/Responsible Party		Total Hours per Year	Cost per Manifest	Total Cost per Year
		Legal @ \$102/hr	Managerial @ \$73/hr	Technical @ \$53/hr	Clerical @ \$27/hr	Postage/ Shipping @ \$38/dco	Photocopies @ \$1.10/dco			
<b>Manifest transmittal and recordkeeping: LQGs (262.23)(e) and (b), and (262.40)(a)</b>										
Sign the manifest certification and obtain the signature of the initial transporter and date of acceptance on the manifest	851,644	1.00	0.00	0.0	0.00	\$0.00	\$3.00	8,516	\$3.53	\$451,371
Keep a copy of the manifest and provide the initial transporter with the remaining copies	851,644	1.00	0.00	0.00	0.10	\$0.00	\$3.00	35,154	\$2.70	\$2,259,439
Keep a copy of the manifest signed by the designated facility	851,644	1.00	0.00	0.00	0.10	\$0.00	\$3.00	35,154	\$2.70	\$2,259,439
<b>Send manifest as required by (262.23)(c) and (d)</b>										
For shipments by water, send three copies of the manifest to the facility or the last water transporter to handle the waste in the U.S.	26,549	1.00	0.00	0.00	0.16	\$0.36	\$3.00	4,066	\$4.32	\$119,569
For shipments by rail, send three copies of the manifest to the next non-rail transporter, the designated facility, or the last rail transporter to handle the waste in the U.S.	61,099	1.00	0.00	0.00	0.16	\$0.36	\$3.00	9,176	\$4.32	\$309,143
<b>Sub-total (for LQGs)</b>	<b>varies</b>	<b>1.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>\$3.00</b>	<b>191,138</b>	<b>varies</b>	<b>\$5,409,951</b>
<b>Manifest transmittal and recordkeeping: TSDFs who are also generators (262.23)(e) and (b), and (262.40)(a)</b>										
Sign the manifest certification and obtain the signature of the initial transporter and date of acceptance on the manifest	198,864	1.00	0.00	0.0	0.00	\$0.00	\$3.00	1,984	\$3.53	\$135,133
Keep a copy of the manifest and provide the initial transporter with the remaining copies	198,864	1.00	0.00	0.00	0.10	\$0.00	\$3.00	19,836	\$2.70	\$335,583
Keep a copy of the manifest signed by the designated facility	198,864	1.00	0.00	0.00	0.10	\$0.00	\$3.00	19,836	\$2.70	\$335,583
<b>Send manifest as required by (262.23)(c) and (d)</b>										
For shipments by water, send three copies of the manifest to the facility or the last water transporter to handle the waste in the U.S.	5,951	0.00	0.00	0.00	0.16	\$0.36	\$0.00	952	\$4.32	\$27,851
For shipments by rail, send three copies of the manifest to the next non-rail transporter, the designated facility, or the last rail transporter to handle the waste in the U.S.	11,902	0.00	0.00	0.00	0.16	\$0.36	\$0.00	1,904	\$4.32	\$55,701
<b>Sub-total (for TSDFs)</b>	<b>varies</b>	<b>0.00</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>\$0.72</b>	<b>\$0.00</b>	<b>44,512</b>	<b>\$14.57</b>	<b>\$1,259,951</b>

## TRANSPORTER REQUIREMENTS

### (1) Manifest: Completion, Transmittal, and Recordkeeping

#### (a) Reading the Regulations

As shown in Exhibit 9, EPA believes that there are approximately 500 hazardous waste transporter companies subject to the manifest system.<sup>6</sup> EPA expects that, on average, each company will take about 1.25 hours to read the manifest regulations once a year.

#### (b) Completing and Transmitting the Manifest

Exhibit 10 examines the manifesting burden and costs for transporters transporting domestic and export shipments of hazardous waste. EPA estimates that, of the 1,783,865 manifests completed and transmitted by generators each year for domestic shipments, approximately 91 percent will accompany highway shipments, three percent will accompany water shipments, and six percent will accompany rail shipments. The hazardous waste transporters transporting these shipments must comply with sections 263.20 and 263.22 in transmitting and keeping records of the manifest forms.

Based on data from OECA, EPA further estimates that approximately 12,000 manifest forms will accompany exports to non-designated OECD countries. Transporters transporting hazardous waste exports must comply with sections 263.20 and 263.22.

Finally, EPA estimates that approximately 1,044 transporters transporting hazardous waste pursuant to a reclamation agreement will need to comply with section 263.20(h).

### (2) Notification of Discharge of Hazardous Waste

The U.S. Commerce's 1998 Statistical Abstract of the United States indicates that there were approximately 13,801 accidents involving transporters of hazardous substances in 1996. Of these, EPA estimates that approximately five percent (690) involved hazardous waste transporters who had a discharge of hazardous waste. In Exhibit 11, EPA used its best professional judgment to estimate that approximately 690 hazardous waste transporters will be required to notify local authorities of a hazardous waste discharge annually, as required under section 263.30. In addition, the National Response Center (NRC) indicates that it received approximately 3,880 notifications of marine source incidents in 1998 for discharges of oil or hazardous substances. NRC estimates that about two-thirds of these incidents involved oil discharges (2,561) and that one-third involved hazardous substances discharges (1,319). Of the 1,319 discharges of hazardous substances, NRC estimates that five percent (65) involved a hazardous waste. As shown in Exhibit 11, EPA expects that, on average, 65 water transporters transporting hazardous waste will notify NRC or EPA under 33 CFR Part 153. The purpose of 33 CFR Part 153 is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances as required by the Federal Water Pollution Control Act, as amended; the procedures for the removal of a discharge of oil; and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances.

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<sup>6</sup> Note that EPA did not refer to RCRIS to estimate the number of transporter companies. The validity of RCRIS data on transporters has been challenged on the basis that it overestimates the actual number of companies. The Chemical Waste Transportation Institute (CWTI), for example, has asserted that EPA does not have a process to periodically revalidate that the transporter companies in the database are still active, or to control against double-counting of companies. To address these concerns, EPA contacted CWTI for data on its surveys and studies of the transporter universe. CWTI estimates that there are approximately 500 hazardous waste transportation companies nationwide.



## DESIGNATED TREATMENT, STORAGE AND DISPOSAL FACILITY REQUIREMENTS

### (1) Manifest: Completion, Transmittal and Recordkeeping

#### (a) Reading the Regulations

Based on 1995 BRS data, EPA estimates that approximately 644 TSDFs receive offsite shipments of hazardous waste each year. As shown in Exhibit 12, EPA expects that each facility will take 1.25 hours to read the manifest regulations once a year.

#### (b) Completing the Manifest for Generator Customers

As shown in Exhibit 13, EPA estimates that approximately 42 percent and 80 percent of manifests from LQGs and SQGs, respectively, are completed jointly with the designated TSDF (947,998 manifests). In addition, EPA estimates that five percent of these manifests will include continuation sheets (47,400 continuation sheets).

#### (c) Transmitting the Manifest

EPA estimates that each manifest completed and sent offsite by a generator will be delivered to the designated TSDF, except for those manifests accompanying exports (12,000 manifests) or lost during transport (178 manifests, as discussed below). As shown in Exhibit 14, each of the 1,783,687 manifests delivered to the designated TSDF must be signed, dated, and returned to the generator, as required under section 264.71 or 265.71. A copy of the manifest must also be retained onsite.

### (2) Discrepancy Reports and Unmanifested Waste Reports: Completion and Submittal

As shown in Exhibit 14, EPA estimates that approximately 25 percent of manifests delivered to the designated TSDF require it to reconcile a discrepancy between the manifest and shipment (e.g., by calling the generator). EPA estimates each call to the generator costs about \$2.00 in long-distance charges. EPA further estimates that about 0.4 percent of manifests delivered to the designated TSDF will require a discrepancy report under section 264.72 or 265.72. Finally, EPA estimates that designated TSDFs will need to complete approximately 178 unmanifested waste reports each year, as required under section 264.76 or 265.76, for manifests lost during transportation.

### 6(c) ESTIMATING ANNUAL RESPONDENT COSTS

Exhibits 1 through 15 estimate the costs to respondents under the manifest system based on the cost of labor, capital, and operation and maintenance (O+M). For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$102 for legal staff, \$73 for managerial staff, \$53 for technical staff, and \$27 for clerical staff. To arrive at these estimates, EPA consulted the *Handbook of U.S. Labor Statistics, Second Edition*<sup>7</sup>, and the EPA report *Estimating Costs for the Economic Benefits of RCRA Noncompliance*.<sup>8</sup> These publications summarize the unloaded (base) hourly rate for various labor categories in U.S. firms. EPA then applied an overhead factor of 2.3 for non-legal staff and 3.0 for legal staff to derive their loaded hourly rates.

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. For this ICR, the only required capital is file cabinets for retaining

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<sup>7</sup> EPA obtained the data from Table 3-2 “Wage Ranges of Average (Mean) Wages by Occupation.” The book was edited by Eva Jacobs, and was published in 1998 by Berman Press.

<sup>8</sup> The report was authored by U.S. EPA, RCRA Enforcement Division, Office of Regulatory Enforcement, and was published in February 1997.

manifests and reports. As shown in Exhibit 15, EPA estimates the total average annual capital cost to all hazardous waste handlers under the manifest system, collectively, to be approximately \$210,872. EPA took the following steps to derive these costs:

- ! Estimate the total annual volume of manifests required to be retained by all waste handlers. Under the manifest system, generators, transporters, and designated TSDFs must keep copies of manifests and other manifest-related documents for a period of three years. Thus, at any given time during the effective period of this ICR, the hazardous waste industry is keeping copies of three years' worth of manifest-related documents. In total, EPA estimates that waste handlers (i.e., generators, transporters and designated TSDFs) will need to keep copies of approximately 16,126,251 manifests and reports annually.
- ! Ascertain the number of standard-size file cabinets that would provide the needed capacity and estimate the aggregate cost to waste handlers. Given that a standard-size, five-drawer, lateral file cabinet holds approximately 16,000 documents, EPA estimates that the hazardous waste industry would need to use approximately 1,008 file cabinets each year (i.e., 16,126,251/16,000). These 1,008 file cabinets represent the total capacity needed by the industry, collectively, to store all of its manifests and reports. Based on consultations, EPA estimates that the cost of one file cabinet is \$549, and for all 1,008 file cabinets, \$553,392.
- ! Annualize the aggregate cost using a net present value formula. EPA used the following present value formula to annualize this capital cost over the three-year effective life of this ICR:

$$\$260,755 / E(1/1+k)^t$$

where k = discount rate of 7 percent;  
t = life of equipment (3 years).<sup>9</sup>

In total, EPA estimates that the hazardous waste industry will need to pay an annual cost of \$210,872 for the 1,008 file cabinets.

O+M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as "the recurring dollar amount of cost associated with O+M or purchasing services." For this ICR, O+M costs cover postage and an envelope for manifests and reports sent to other parties (33 cents for postage, 3 cents per envelope), and photocopying of reports submitted to the Agency (10 cents per report). O+M costs also include long distance telephone costs (\$2.00/call). These O+M costs are shown in Exhibits 1 through 15 for all applicable activities.

#### **6(d) ESTIMATING ANNUAL AGENCY BURDEN AND COST**

This section estimates EPA's burden hours and costs associated with the requirements covered in this ICR. Since Regional Offices generally process all the information collected under the requirements covered in this ICR, Regional labor costs are used in the calculation of Federal agency costs. EPA estimates an average Regional labor cost of \$58/hour for legal staff, \$41/hour for managerial staff, \$29/hour for technical staff, and \$18/hour for clerical staff. To derive these estimates, EPA used 1999 Federal Pay Schedule salary figures to estimate the annual compensation of these staff. For the 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

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<sup>9</sup> Based on an OMB-approved discount rate of 7.0% (OMB Circular A-94) and a required three-year record retention period for the manifest.

!	Technical staff	GS-11, Step 1
!	Clerical staff	GS-06, Step 1







TABLE 1  
TABLE 1 - THE ZEPHYRUS COMPANY'S FINANCIAL STATEMENTS FOR THE YEAR 2010

Account	2010					2009				
	Assets	Liabilities	Equity	Income	Expenses	Assets	Liabilities	Equity	Income	Expenses
Current Assets										
Current Liabilities										
Non-current Assets										
Non-current Liabilities										
Equity										

TABLE 2  
TABLE 2 - THE ZEPHYRUS COMPANY'S FINANCIAL STATEMENTS FOR THE YEAR 2011

Account	2011					2010				
	Assets	Liabilities	Equity	Income	Expenses	Assets	Liabilities	Equity	Income	Expenses
Current Assets										
Current Liabilities										
Non-current Assets										
Non-current Liabilities										
Equity										

TABLE 3  
TABLE 3 - THE ZEPHYRUS COMPANY'S FINANCIAL STATEMENTS FOR THE YEAR 2012

Account	2012					2011				
	Assets	Liabilities	Equity	Income	Expenses	Assets	Liabilities	Equity	Income	Expenses
Current Assets										
Current Liabilities										
Non-current Assets										
Non-current Liabilities										
Equity										

TABLE 4  
TABLE 4 - THE ZEPHYRUS COMPANY'S FINANCIAL STATEMENTS FOR THE YEAR 2013

To derive hourly estimates, EPA divided annual compensation estimates by 2,080, which is the number of hours in the Federal work-year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6.

(4) Unmanifested Waste Reports

Exhibit 16 shows that EPA expects to receive approximately 178 unmanifested waste reports from designated TSDFs each year.

**6(e) BOTTOM LINE BURDEN HOURS AND COSTS**

Exhibits 15 and 16 show the aggregate annual burden and cost to respondents and the government, respectively. The bottom line burden to respondents over three years is approximately 8,761,149 hours, at a cost of \$357,564,882. The bottom line burden to the Agency over three years is approximately 24,633 hours, at a cost of \$776,013.

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

This ICR presents a comprehensive description of the total annual respondent burden for all activities related to the manifest system, except as described earlier (i.e., 40 CFR Part 262, Subpart H requirements for exports to designated OECD countries and certain requirements under 40 CFR Part 262, Subpart E.) In renewing this ICR, EPA changed a number of its estimates and assumptions from the previous ICR (i.e., 1996 ICR). For example, we updated our estimates of the LQG universe (from 21,575 to 18,514) and TSDF universe (from 2,389 to 1,983) based on 1995 BRS data.

The Agency also refined its estimate of the number of SQGs shipping waste offsite, lowering the estimate from 192,831 to 83,917 SQGs. In the previous ICR, EPA estimated that about 192,831 SQGs shipped waste offsite each year. This estimate was derived exclusively from the RCRIS database. EPA notes, however, that the RCRIS database overrepresents the actual number of SQGs because it is not periodically purged (e.g., when a SQG goes out of business). It also does not reflect that some SQGs do not ship their waste offsite every year (e.g., some SQGs may be in RCRIS because of a one-time generation event, after which they no longer generate waste). Because of these limitations, EPA refined its estimate in this ICR by comparing the 1995 RCRIS data on SQGs to 1993 biennial reporting data from TSDFs on their waste received from offsite sources, i.e. as contained in their Waste Received (WR) Forms. The WR forms identify the EPA identification number of the sources shipping waste to the TSDF in 1993. Comparing the EPA identification numbers for SQGs in the RCRIS and BRS data enabled the Agency to identify those SQGs that shipped waste to a TSDF in 1993.

In addition, the Agency recently conducted consultations with States to ascertain the number of manifests completed annually and, based on State feedback, decreased its estimate from the 1996 ICR. The previous ICR included about 2.6 million manifests, while this ICR includes almost 1.8 million manifests. The Agency believes the decrease in manifests in this ICR is consistent with EPA data indicating that waste handlers are generating less hazardous waste than a few years ago. The change also reflects improvements in the Agency's methodology for estimating the number of manifests.

Despite the decrease in the regulated universe and number of manifests completed, however, this ICR's aggregate annual burden increased slightly from that of the previous ICR (from 2.82 million hours to 2.9 million hours). This increase occurred for a number of reasons, as summarized in Table III.

First, EPA burdened generators and designated TSDFs in this ICR for preparing continuation sheets. The 1996 ICR did not include burden hours for preparing continuation sheets. The Agency also increased its estimate of the per manifest burden for transporters and designated TSDFs to retain copies of the manifest (from 0.10 to

0.17 hour). In its consultations, the Agency found that these waste handlers face a higher burden because of the special recordkeeping activities they must undertake. For example, trucks carrying hazardous waste often package

EXHIBIT 14:  
ESTIMATED ANNUAL BURDEN AND COST FOR TREATMENT, STORAGE, AND DISPOSAL FACILITIES (TSDFs)  
TRANSMITTING THE MANIFEST AND REPORTING TO EPA

	Number of Manifests	Hours per TSDF				O&M Costs/Respondent		Total Hours per Year	Cost per Manifest/Year	Total Cost per Year
		Legal	Managerial	Technical	Clerical	Postage/Shipping	Photocopies			
		@ \$102/hr	@ \$73/hr	@ \$53/hr	@ \$27/hr	@ \$.36/doc	@ \$.10/doc			
<b>Manifest completion, transmittal, and recordkeeping: TSDFs (264.71)(a) and (b), or (265.71)(a) and (b)</b>										
Sign and date each copy of the manifest	1,783,687	0.00	0.00	0.01	0.00	\$0.00	\$0.00	17,837	\$0.53	\$945,354
Give transporter one copy of the manifest	1,783,687	0.00	0.00	0.17	0.00	\$0.00	\$0.00	303,227	\$9.01	\$16,071,020
Within 30 days after delivery, send a copy of the manifest to the generator	1,783,687	0.00	0.00	0.00	0.16	\$0.36	\$0.00	285,390	\$4.32	\$8,347,655
Retain a copy	1,783,687	0.00	0.00	0.00	0.17	\$0.00	\$0.00	303,227	\$4.59	\$8,187,123
<b>Sub-total: Manifest</b>	<b>1,783,687</b>	<b>0.00</b>	<b>0.00</b>	<b>0.18</b>	<b>0.33</b>	<b>\$0.36</b>	<b>\$0.00</b>	<b>909,681</b>	<b>\$18.45</b>	<b>\$33,551,152</b>
<b>Discrepancy report completion and submission: TSDFs (264.72)(a) and (b) or (265.72)(a) and (b)</b>										
Note and attempt to reconcile the discrepancy	445,922	0.00	0.00	0.08	0.00	\$2.00	\$0.00	35,674	\$4.24	\$2,782,553
Prepare and submit a copy of the discrepancy report to EPA	7,135	0.00	0.10	0.17	0.10	\$0.36	\$0.10	2,640	\$19.01	\$138,918
<b>Sub-total: Discrepancy report</b>	<b>7,135</b>	<b>0.00</b>	<b>0.10</b>	<b>0.25</b>	<b>0.10</b>	<b>\$2.36</b>	<b>\$0.10</b>	<b>38,314</b>	<b>\$23.25</b>	<b>\$2,921,471</b>
<b>Unmanifested waste report completion and submission (264.76) and (265.76)</b>										
Prepare and submit a copy of the unmanifested waste report to EPA within 15 days after receiving waste	178	0.00	0.50	1.00	0.50	\$0.36	\$0.10	356	\$103.00	\$18,416
<b>Sub-total: Unmanifested waste report</b>	<b>178</b>	<b>0.00</b>	<b>0.50</b>	<b>1.00</b>	<b>0.50</b>	<b>\$0.36</b>	<b>\$0.10</b>	<b>356</b>	<b>\$103.00</b>	<b>\$18,416</b>
<b>TOTAL</b>	<b>varies</b>	<b>0.00</b>	<b>varies</b>	<b>varies</b>	<b>varies</b>	<b>\$0.36</b>	<b>varies</b>	<b>948,351</b>	<b>varies</b>	<b>\$36,491,039</b>

## MANIFEST ICR

EXHIBIT 15:  
TOTAL ANNUAL RESPONDENT BURDEN AND COST BY TYPE OF HANDLER AND MANIFESTING ACTIVITY

	Total Hourly Burden	Total Annual Capital Costs	Total Annual O&M Costs	Total Annual Labor Costs	Total Annual Costs
<b>Generators</b>					
Read the regulations	130,518	--	\$0	\$7,439,498	\$7,439,498
Manifest completion	372,793	--	\$0	\$17,774,713	\$17,774,713
Special manifest requirements for exporters	7,840	--	\$1,200	\$313,348	\$314,548
Manifest transmittal and recordkeeping	403,095	--	\$58,186	\$11,350,532	\$11,408,718
Exception report completion, submission, and recordkeeping	8,165	--	\$4,655	\$476,564	\$481,219
<b>Subtotal: Generators</b>	<b>922,411</b>	<b>--</b>	<b>\$64,041</b>	<b>\$37,354,655</b>	<b>\$37,418,696</b>
<b>Transporters</b>					
Read the regulations	625	--	\$0	\$35,625	\$35,625
Manifest completion, transmittal and recordkeeping	631,550	--	\$58,998	\$24,850,244	\$24,909,242
Notification of discharge of hazardous waste	944	--	\$0	\$53,794	\$53,794
<b>Subtotal: Transporters</b>	<b>633,119</b>	<b>--</b>	<b>\$58,998</b>	<b>\$24,939,663</b>	<b>\$24,998,661</b>
<b>TSDFs</b>					
Read the regulations	805	--	\$0	\$45,885	\$45,885
Manifest completion, transmittal and recordkeeping	1,325,378	--	\$642,127	\$52,932,166	\$53,574,293
Discrepancy report completion and submission	38,314	--	\$895,126	\$2,026,345	\$2,921,471
Unmanifested waste report completion and submission	356	--	\$82	\$18,334	\$18,416
<b>Subtotal: TSDFs</b>	<b>1,364,853</b>	<b>--</b>	<b>\$1,537,335</b>	<b>\$55,022,730</b>	<b>\$56,560,065</b>
<b>Capital Costs</b>					
Annualized startup capital costs (file cabinets)	--	\$210,872	--	--	\$210,872
<b>TOTAL: ALL RESPONDENTS</b>	<b>2,920,383</b>	<b>\$210,872</b>	<b>\$1,660,374</b>	<b>\$117,317,048</b>	<b>\$119,188,294</b>



and send their signed manifests to their central offices remotely (e.g., by mail), which increases their burden relative to other waste handlers (e.g., generators). Central offices receiving these manifests (e.g., by pouch) must sort them before filing. In addition, designated TSDFs receive large numbers of manifests from delivering transporters that must be sorted before filing.

In addition, EPA increased its per manifest burden estimate for designated TSDFs to prepare manifests for their generator customers (from 0.10 to 0.43 hour). EPA also increased its per manifest estimate for designated TSDFs to return a copy to the delivering transporter (from 0.10 to 0.17 hour). These revised estimates are based on additional consultations with TSDFs.

Further, the Agency increased the per manifest burden estimate for transporters to carry the manifest during shipment (from 0.01 to 0.13 hour). EPA believes transporters take this time to review the manifest versus the waste shipment at pick-up prior to signature. They also take time to interact with the designated TSDF at delivery (e.g., handing over the manifest and waiting for the TSDF's review and signature).

Finally, the Agency increased its estimate of the number of manifests that require designated TSDFs to attempt to reconcile discrepancies (from 7,135 to 445,922 manifests/yr). EPA made this revision based on industry consultations that EPA performed while finalizing this renewal. The consultations indicated that designated TSDFs attempt to reconcile discrepancies (e.g., contact the generator) for about 25 percent of manifests received.

In total, these revisions resulted in an offsetting increase of 900,978 hours from the 1996 ICR.

**Table III: Reasons for Increases in Respondent Burden Hours from 1996 ICR to 1999 ICR**

WASTE HANDLER TYPE	ACTIVITY	PER MANIFEST AND TOTAL ANNUAL BURDEN	1996 ICR Burden Hours	1999 ICR Burden Hours	INCREASE IN TOTAL ANNUAL BURDEN HOURS FROM 1996 TO 1999 ICR
<b>GENERATOR</b>	Completing continuation sheets	Burden/Sheet	NA	0.16 - 0.18	
		Total Burden	NA	7,158	7,158
<b>TRANSPORTER</b>	Retaining copies	Burden/Manifest	0.10	0.17	
		Total Burden	262,567	305,474	42,907
	Ensuring original manifest accompanies waste	Burden/Manifest	0.01	0.13	
		Total Burden	26,206	213,902	187,696
<b>DESIGNATED TSDFs</b>	Preparing manifest for generators	Burden/Manifest	0.10	0.43	
		Total Burden	101,137	407,639	306,502
	Completing continuation sheets	Burden/Sheet	NA	0.17	
		Total Burden	NA	8,058	8,058
	Retaining copies	Burden/Manifest	0.10	0.17	
		Total Burden	262,027	303,227	41,200
	Returning copy to the transporter	Burden/Manifest	0.10	0.17	
		Total Burden	26,203	303,227	277,024
	Attempting to reconcile manifest discrepancies	Burden/Manifest	0.50	0.08	
		Total Burden	5,241	35,674	30,433*

**TOTAL INCREASE IN ANNUAL RESPONDENT BURDEN FROM 1996 TO 1999 ICR**

900,978

\* Total burden hours increased from 1996 to 1999 ICR because EPA increased its estimate of the number of manifests that require designated TSDFs to attempt to reconcile discrepancies (from 0.4% to 25% of manifests).

**6(g) BURDEN STATEMENT**

Table IV presents the range of estimated burden hours per reporting and recordkeeping activity for hazardous waste generators, transporters, and designated TSDFs under the manifest system. The public reporting burden for this collection includes time for manifesting a shipment (i.e., one manifest cycle). Specifically, the public reporting burden for generators includes, at a minimum, time for reviewing and signing the manifest (i.e., for generators whose manifests are prepared by the designated TSDF). It may also include time for preparing the entire manifest and submitting an exception report to EPA. The public reporting burden for transporters includes time to carry copies during shipment and, if needed, transmit copies to third parties. The public reporting burden for designated TSDFs includes time for reviewing the manifest at delivery of the shipment and transmitting a copy to the generator. It may also include time for preparing a generator's manifest and submitting a report to EPA (e.g., discrepancy report).

The public recordkeeping burden for generators includes time reading the regulations once per year and keeping copies of the manifest initially sent with the shipment and received from the designated TSDF. For LQGs and TSDFs, it may also include time for keeping a copy of an exception report. For transporters and designated TSDFs, the public recordkeeping burden includes time for reading the regulations once per year and keeping a copy of the manifest accompanying the shipment.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

**Table IV: Public Reporting and Recordkeeping Burden  
(Hours per Shipment)\***

<b>Respondent Type</b>	<b>Reporting Burden (Hours)</b>	<b>Recordkeeping Burden (Hours)</b>
Generators		
LQGs	0.04 - 1.51	1.45 - 1.55
TSDFs acting as generators	0.44 - 1.54	1.45 - 1.55
SQGs	0.04 - 1.54	1.45
Transporters	0.17 - 1.55	1.42
Designated TSDFs	0.34 - 3.44	1.42

\* Recordkeeping burden includes time for reading the regulations once per year and keeping copies for each shipment.

Send comments regarding these burden statements or any other aspect of this collection, including suggestions for reducing the burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, D.C., 20460 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, N.W. Washington, D.C. 20503. Include the OMB control number in any correspondence.

## 7. COMMENTS RECEIVED ON THE ICR RENEWAL

On April 5, 1999, EPA issued a notice in the Federal Register requesting comment on this ICR renewal (64 FR 16444). During the comment period, EPA received letters from three commenters. In the following paragraphs, EPA responds to the commenters by indicating how their comments were considered and where revisions to the ICR were made, if applicable.

1. One commenter indicated that, in public meetings in 1997-98, EPA stated that the total annual burden and cost under the manifest system were 4.8 million hours and \$192 million, respectively. Of these amounts, approximately 4.1 million hours and \$165 million were attributable to the federal manifest requirements. The commenter noted that neither of these estimates of the federal program (4.1 million hours and \$165 million) coincides with the burden and cost EPA projects in this ICR renewal (i.e., 2.9 million hours and \$119 million). The commenter requested that the Agency document the circumstances or facts that led the Agency to reduce its burden estimate.

EPA agrees with the commenter that the Agency's burden and cost estimates in this ICR have decreased significantly from the 1997-98 estimates. The primary reason for this decrease is that this ICR assumes that significantly fewer manifests are currently being prepared and transmitted by industry. In 1997, EPA estimated that about 2.6 million manifests were prepared and transmitted annually in the U.S. In this ICR, EPA estimates that about 1.8 million manifests are transmitted annually, a decrease of about 31 percent. This 31-percent decrease in the number of manifests prepared has, in turn, reduced the ICR's burden and cost estimates for most of the other activities examined (e.g., transmittal, recordkeeping). There are two primary reasons for the decrease in the number of manifests estimated.

First, the Agency's earlier estimate of 2.6 million manifests was based on EPA consultations with nine hazardous waste generators and TSDFs in 1994 and 1995. EPA compiled data from these nine respondents and extrapolated the data to all waste handlers. Note also that EPA did not refine this estimate by subtracting out the number of manifests that accompanied hazardous wastes regulated only by states (i.e., state-only wastes). In developing this ICR renewal, EPA used a different methodology to improve on the reliability and precision of its estimate. Rather than calling individual firms, EPA contacted nine state manifest programs to get estimates of the number of manifests prepared for shipments originating in their states. Note that, in order to get an accurate estimate, EPA contacted nine typical states in terms of hazardous waste generation volume (per 1995 biennial reporting data). In total, the nine states contacted by EPA represented approximately 29 percent of the total U.S. hazardous waste generation volume in 1995.<sup>10</sup> EPA requested estimates of the number of manifests prepared only for federally regulated hazardous waste. EPA then extrapolated these totals to the entire U.S. by assuming that the remaining 41 states accounted for about 2.4 times as many manifests as the nine states contacted. From these calculations, EPA estimated that about 1.8 million manifests are prepared annually for federally regulated hazardous waste. EPA believes this estimate is more reliable than the 1997 estimates particularly because many of the states surveyed collect manifests and thus have a more accurate idea of the number of manifests transmitted annually throughout the entire state.

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<sup>10</sup> The total U.S. hazardous waste generation volume in 1995 was approximately 214 million tons. The nine states contacted represent approximately 63 million tons of the total U.S. hazardous waste generation volume in 1995.

Second, EPA's biennial reports indicate that both the total amount of hazardous waste being generated as well as the total number of generators across the country has been declining annually. The 1993 biennial report, for example, indicated that about 258 million tons of hazardous waste were generated by LQGs annually. The 1995 biennial report indicated that about 214 million tons were generated annually, a decrease of 17 percent. While EPA believes that this decrease results partly from generators' pollution prevention efforts, EPA also notes that the universe of LQGs has declined, from 24,362 in the 1993 biennial report to 20,873 in the 1995 biennial report (a decrease of 14 percent). Given this data, EPA believes that the decrease in the estimated number of manifests transmitted (from 2.6 million to 1.8 million) is consistent with current trends in the hazardous waste industry.

2. One commenter indicated that the ICR estimates the burden for completing information collection requirements of the U.S. Department of Transportation (DOT). The commenter noted that, for purposes of continuity and consistency, DOT's shipping paper requirements were integrated into the Agency's hazardous waste manifest requirements (e.g., DOT packing groups must be indicated on the RCRA manifest). The commenter further noted that DOT's ICR includes the burden for shipping hazardous waste. The commenter recommends that EPA remove the duplicative requirements or otherwise indicate the duplication in the ICR.

EPA agrees with the commenter that the Agency's manifesting requirements, including the manifest form itself, incorporate requirements of the DOT for purposes of consistency and continuity. EPA also agrees that the Manifest ICR estimates the burden for certain requirements that are already addressed in the DOT ICR for shipping papers and that such duplication should be reconciled. However, EPA has not attempted to resolve such duplication in this renewal. Rather, EPA believes that such an effort would be more effectively achieved through our continuing analyses under our manifest reform effort. EPA is currently evaluating options for streamlining the manifest system (e.g., automation of the manifest cycle). As part of the reform effort, EPA is also developing a comprehensive cost analysis that estimates respondent burden and costs under the manifest system (i.e., EPA and state-only requirements). In developing and refining this analysis, EPA will consider approaches for addressing duplication between the EPA and DOT ICRs.

3. One commenter believes that this ICR renewal underestimates the total annual burden and costs of preparing manifests. To support its position, the commenter provided data on the annual number of manifests received by its facilities (1.4 million manifests) and compared this to the ICR's estimates (1.8 million manifests) in order to suggest that EPA had underestimated the total number of manifests transmitted in the U.S.

EPA thanks the commenter for data on its manifesting activities. In response to the commenter's concerns, EPA contacted the commenter to discuss its data. EPA learned that the commenter's estimate of 1.4 million manifests includes manifests for federally regulated hazardous waste, as well as manifests from conditionally exempt small quantity generators (CESQGs) and manifests accompanying state-only hazardous wastes. EPA notes, however, that pursuant to the 1995 Paperwork Reduction Act (PRA), the Agency's ICR should examine burden from only federally imposed requirements. Thus, this ICR should not include manifests from CESQGs, since such generators are not required to manifest their hazardous waste under the federal program. The ICR also should not include manifests for state-only wastes, since such wastes are not regulated under the federal program. In light of these PRA criteria, the commenter now believes the ICR's estimate of 1.8 million manifests for federally regulated hazardous waste is a little low, but possible.

To confirm its estimates, EPA revisited its approach for estimating the number of manifests transmitted. EPA reassessed the limitations of the ICR's current methodology and weighed other approaches that might provide more reliable results. In the end, however, EPA concluded that the ICR's current methodology is reasonable and provides a sufficiently reliable estimate of the number of manifests

prepared and transmitted given the information available to the Agency. Therefore, EPA has not revised the ICR's estimate of 1.8 million manifests.

4. One of the commenters disagreed with the ICR's estimate of the annual number of manifest discrepancies (i.e., discrepancy between the manifest and shipment received). The ICR estimates that about 0.4 percent of manifests require the designated TSDF to attempt to reconcile the discrepancy (e.g., call the generator) and that about 0.4 percent require the designated TSDF to develop and submit a discrepancy report (i.e., for discrepancies that are not reconciled within 15 days). Although the commenter did not dispute that about 0.4 percent of manifests require discrepancy reports, the commenter disagreed that only 0.4 percent of manifests require the designated TSDF to attempt to reconcile the discrepancy. The commenter estimates that about 30 to 50 percent of manifests have a discrepancy that needs reconciliation.

EPA thanks the commenter for its estimate of manifest discrepancies. In response to the commenter's suggestion, EPA conducted consultations to re-estimate the number of manifests containing discrepancies. Based on the consultations, EPA has revised the ICR to estimate that about 25 percent of manifests require the designated TSDF to attempt to reconcile the discrepancy.

5. One commenter disagreed with EPA's estimate of the burden for completing manifests. In particular, the commenter believes that the ICR's estimate of 22.8 minutes for SQG manifests is understated. Based on its employees' experience in preparing manifests, the commenter believes a more accurate estimate for SQGs is 30 to 40 minutes.

EPA thanks the commenter for its feedback on SQG manifesting burdens. EPA notes that a generator's burden for preparing the manifest can vary widely based on many factors. These factors may be specific to the particular generator site or its industry sector. In 1994 and 1995, EPA conducted consultations with hazardous waste generators across different industry sectors and regions of the U.S. to determine their average burdens for manifest preparation. We used their feedback to develop the burden assumptions in the Manifest ICR. Thus, the Agency believes that the ICR's current burden estimates are representative of the burdens experienced by generators across the U.S.

6. Two of the commenters expressed support for the Agency's manifest rulemaking effort and suggested possible areas of manifest reform. One of the commenters requested clarified procedures for the manifesting of rejected loads and container residues, since the regulations do not explicitly address these shipments. The other commenter asked the Agency to consider combining certain elements of the LDR reporting requirements under 40 CFR 268.7 with those of the hazardous waste manifest. The commenter indicated that, although EPA had issued streamlined requirements for LDR reporting, the majority of states have not adopted these provisions. The commenter also suggested that EPA revise the certification statement on the manifest to include language required under section 40 CFR 262.54(d) for export shipments (i.e., "and conforms to the terms of the attached EPA Acknowledgment of Consent"). The commenter believes the revised certification would eliminate the need for generators to manually write the statement on manifests used for exports and thereby reduce their burden.

EPA thanks the commenters for their suggestions on modifying the manifest system. EPA is currently evaluating options for streamlining the manifest system and for addressing other manifesting issues/problems and intends to publish a proposed rule by June of 2000. In response to the commenters' suggestions, the Agency would like to clarify the following points. First, EPA agrees with the commenter that procedures are needed to address rejected loads and container residues. EPA is currently drafting procedures to address these shipments. Second, the Agency notes the commenter's desire to follow the streamlined LDR reporting requirements. However, the Agency is not sure that adding LDR data elements to the manifest would reduce federal burden. To incorporate the LDR requirements into the manifest, EPA would have to add instructions and data elements to the manifest. Yet, many waste handlers have expressed concern about the complexity of the existing manifest and have requested a simplified form. Because the LDR reporting requirements are already codified elsewhere, EPA does not see the benefit of making the manifest more complex by adding these requirements to the manifest form or procedures. Rather, EPA has identified a number of other, more pressing needs for the manifest (e.g., blocks for rejected loads). EPA has similar concerns about expanding the certification statement for export

shipments. Although the revised certification would eliminate the need to write on the form, it also would take up space on the manifest that could be used for other, more pressing needs.

