SUPPORTING STATEMENT FOR

INFORMATION COLLECTION REQUEST NUMBER 1775.02

"HAZARDOUS REMEDIATION WASTE MANAGEMENT REQUIREMENTS (HWIR-MEDIA)"

APRIL 10, 1998

TABLE OF CONTENTS

1. IDENTIFICATION OF THE INFORMATION COLLECTION 1
   1(a) TITLE OF THE INFORMATION COLLECTION 1
   1(b) SHORT CHARACTERIZATION/ABSTRACT 1

2. NEED FOR AND USE OF THE COLLECTION 2
   2(a) NEED/AUTHORITY FOR THE COLLECTION 2
   2(b) PRACTICAL UTILITY/USERS OF THE DATA 5

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA 7
   3(a) NONDUPLICATION 7
   3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB 7
   3(c) CONSULTATIONS 7
   3(d) EFFECTS OF LESS FREQUENT COLLECTION 7
   3(e) GENERAL GUIDELINES 8
   3(f) CONFIDENTIALITY 8
   3(g) SENSITIVE QUESTIONS 8

4. THE RESPONDENTS AND THE INFORMATION REQUESTED 8
   4(a) RESPONDENTS/SIC CODES 8
   4(b) INFORMATION REQUESTED 9

5. THE INFORMATION COLLECTED -AGENCY ACTIVITIES, COLLECTION 14
   METHODOLOGY AND INFORMATION MANAGEMENT
   5(a) AGENCY ACTIVITIES 14
   5(b) COLLECTION METHODOLOGY AND MANAGEMENT 16
   5(c) SMALL ENTITY FLEXIBILITY 17
   5(d) COLLECTION SCHEDULE 17

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION 17
   6(a) ESTIMATING RESPONDENT BURDEN 17
   6(b) ESTIMATING RESPONDENT COSTS 17
   6(c) ESTIMATING AGENCY BURDEN AND COSTS 21
   6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN/COSTS .. 23
   6(e) BOTTOM LINE BURDEN HOURS AND COSTS 26
   6(f) REASONS FOR CHANGE IN BURDEN 27
   6(g) BURDEN STATEMENT 27

DISCLAIMER

This Information Collection Request (ICR) does not include all data collection costs.

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE OF THE INFORMATION COLLECTION

This ICR is titled "Hazardous Waste Management Requirements (HWIR-Media)," ICR number 1775.02.

1(b) SHORT CHARACTERIZATION/ABSTRACT

EPA is promulgating the HWIR-Media rule pursuant to the authority of sections 2003(a), 3001, 3004, 3005, and 3007 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§6912(a), 6921, 6924, 6925, 6926, and 6927. The rule will be codified at 40 CFR 260.10, 261.4, 264.101, 264.554, 270.68, 270 Subpart H, 271.1, and 271.21.

The HWIR-Media rule streamlines hazardous waste management requirements for contaminated media (e.g., soil and sediment) and other remediation wastes. Under current regulations, hazardous remediation wastes, including media, are subject to the same RCRA Subtitle C requirements as newly generated hazardous wastes. Often those requirements have the unintended consequence of slowing down or discouraging cleanups. For example, the excavation of soil contaminated with a listed hazardous waste is considered generation of a hazardous waste, and triggers RCRA Subtitle C permitting requirements, land disposal restrictions, and minimum technology requirements. EPA believes that these requirements are not appropriate in the context of remedial action performed under EPA or authorized state supervision.

Staging Piles

Section 3004 of RCRA specifies standards applicable to owner/operators of hazardous waste TSDFs. Rules (i.e., 40 CFR Part 264) promulgated pursuant to RCRA Section 3004 require land disposal restrictions (RCRA section 3004(k)) and minimum technology requirements (RCRA section 3004(o)) for land disposal units, which include waste piles. These requirements have discouraged TSDF owner/operators from initiating cleanups, because it is often necessary to temporarily pile remediation waste before final treatment or disposal. The HWIR-Media rule crates a new type of waste management unit called staging piles to correct this situation. Staging piles are not considered land disposal units, and are not subject to land disposal restrictions or minimum technology requirements.

40 CFR 264.554(b) states that staging piles may be used only as part of an approved RCRA permit, Remedial Action Plans, RCRA 3008(h) order, or closure plan. An owner or operator may seek to use a staging pile by including it in a proposed cleanup plan (e.g., in a RCRA permit application or RAP) or by seeking a modification to an existing RCRA permit.

General Requirements for Hazardous Remediation Waste Management Sites

Section 3004(a) or RCRA directed EPA to promulgate general standards (i.e., 40 CFR Part 264) applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. Most of these standards apply identically to hazardous remediation waste management sites as they do to all other RCRA TSDFs. However, the HWIR-Media rule streamlines certain of these requirements intended for long-term operating hazardous waste facilities when they are applied to one-time cleanup actions. Specifically, the requirements at Section 264.1(j) of the HWIR-media

rule apply to hazardous remediation waste management sites in lieu of Subparts B, C, and D of Part 264 (i.e., general facility standards, preparedness and prevention, and contingency plan and emergency procedures).

Remedial Action Plans

Section 3005 of RCRA requires permits for treatment, storage or disposal of hazardous waste. As currently implemented, RCRA requires remediation wastes to be managed under the same kind of permit as newly-generated process wastes. The HWIR-Media rule establishes Remedial Action Plans (RAPs), which are less burdensome forms of RCRA permits for hazardous remediation waste management sites.

A RAP can be a stand-alone document or part of a more comprehensive document describing requirements of these regulations in addition to other remedial activities, provided the document is approved according to no less stringent procedures (e.g., CERCLA Records of Decision). EPA intends that the RAP should be far more streamlined than permits in content as well as in time to approve. In addition, the Agency intends that the RAP requirements are flexible enough that any enforceable document currently being used by a Federal or State remedial program that goes through at least minimum public participation requirements in Section 270.85 could be considered equivalent to a RAP.

Abbreviated State Authorization Procedures

Section 3006(b) of RCRA specifies legal standards for the approval of state programs. EPA has long recognized that the existing state authorization procedures are often too slow and cumbersome, and has proposed reforms in several recent rulemakings. The HWIR-Media rule reforms the state authorization process by creating an abbreviated authorization process for changes to existing state programs. The process requires an application that identifies the state legal authorities upon which the application is based, and certifies equivalency.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

This section describes the need and authority for each type of information collection analyzed in this ICR. All information collection activities required by the HWIR-media rule are authorized by sections 3004 and 3005 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§6912(a), 6921, 6924, 6925, 6926, and 6927. EPA believes the information collection for this rule is necessary to balance streamlined regulation of remediation wastes with the Agency's responsibility to protect human health and the environment.

Staging Piles

Staging piles are created by 40 CFR 264.554 under the authority of RCRA section 3004. 40 CFR 264.554(c) and (d) identify procedures and information requirements for designating staging piles. Information provided to EPA by owner/operators seeking designation of staging piles is needed to ensure that the design and operation of the staging pile will comply with all applicable regulations and will be protective of human health and the environment.

EPA intends for staging pile use to be limited to two years. However, 40 CFR 264.554(I) allows for extensions of up to six months. To obtain an extension, owner/operators must provide information demonstrating that continued operation (1) is necessary because due to unforseen, temporary and uncontrollable circumstances; (2) will not threaten human health and the environment; or (3) is necessary to ensure timely and efficient remediation.

Because staging piles normally are limited to two years of service, 264.554(d)((2)(iii) requires owner/operators to create and maintain a record of the date on which the staging pile first received waste. Such records are needed to ensure that the staging piles are operated in accordance with the two-year limit.

Owner/operators may request an extension of up to 6 months to the two-year limit for staging pile operation. Extensions are authorized by 40 CFR 264.554(I) and require a request with supporting information to be submitted to EPA. EPA requires information in extension requests to ensure that continued operation of the staging pile is necessary and will not pose a threat to human health and the environment. In addition, the information may be necessary to develop further standards and design criteria for the staging pile.

Some staging piles are subject to information collection under existing RCRA provisions. In particular, staging piles located in uncontaminated areas are subject to RCRA closure and post-closure care requirements (40 CFR Parts 264 and 265, Subpart G) and closure requirements for waste piles (Sections 264.258(a) and 265.258(a)). The information collection requirements for these activities are included in estimated in ICR Number 1571, "General Hazardous Waste Facility Standards." This information collection is necessary to ensure that contamination remaining after closure of the unit is managed to control potential risks to human health and the environment.

In addition, Section 264.554(l)(2) allows for staging piles to be incorporated into existing RCRA permits, at the owner/operator's initiative, using Class II permit modification procedures under 40 CFR 270.42. Information collection requirements for Class II permit modifications are identified in ICR Number 1573,[1] and are needed to ensure that the proposed modifications comply with all applicable provisions or RCRA.

General Requirements for Hazardous Remediation Waste Sites

Section 3004(a) of RCRA directed EPA to promulgate general standards applicable to owners and operators of TSDFs. In general, these standards (40 CFR 264) apply to hazardous remediation waste management sites identically as they apply to all RCRA TSDFs. EPA has prepared an inventory correction worksheet (ICW) for ICR Number 1571[2] hazardous remediation waste management sites entering RCRA when cleaned us with RAPs. This ICR includes certain general facility requirements that have been streamlined for hazardous waste remediation sites.

Section 264.1(j)(1) requires hazardous waste remediation sites to obtain an EPA identification number by applying to the Administrator using EPA form 8700-12. This information collection is

---

[1] "Supporting Statement for EPA Information Collection Request Number 1573, 'Part B Permit Applications, Permit Modifications, and Special Permits.'" U.S. Environmental Protection Agency.

[2] "Supporting Statement for EPA Information Request # 1571, "General Hazardous Waste Facility Standards," U.S. Environmental Protection Agency, August 26, 1996.

needed for ensuring consistent and coordinated identification of the site by EPA under RCRA and other regulatory programs.

Section 264.1(j)(2) requires owner/operators of hazardous remediation waste management sites to obtain a detailed chemical and physical analysis of a representative sample of the waste that will be remediated. At a minimum, the waste analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with 40 CFR 288. The owner/operator uses information obtained from the waste analysis to determine whether there are any potential dangers from handling the remediation waste. The waste analysis requirement contributes to EPA's goal of preventing undetected releases or reactions of hazardous waste on site.

Section 264.1(j)(8) requires owner/operators not to locate remediation waste management units within a floodplain unless the owner/operator can meet the demonstration of Section 264.18(b). In particular, the owner/operator may demonstrate that procedures will be in effect to remove waste safely before flood waters reach the unit in the event of a flood, or no adverse effects on human health or the environment would result from a washout. EPA expects demonstrations to be submitted as part of a RAP application. This information collection contributes to EPA's goal of preventing unforseen releases of hazardous wastes.

Section 3004(a)(5) of RCRA, as amended, requires EPA to develop standards for contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste. Section 264.1(j)(10) codifies streamlined contingency and emergency plan regulations for hazardous remediation waste sites. Requiring hazardous remediation waste management sites to develop and maintain contingency and emergency plans contributes to EPA's goal of minimizing unanticipated damage from the treatment, storage, or disposal of hazardous waste.

Remedial Action Plans

Section 3005 of RCRA requires permits for treatment, storage or disposal of hazardous waste. RAPs are streamlined RCRA permits intended to ease unnecessary regulatory burden for remediation waste management sites. Under section 270.82, owner/operators choosing to use RAPs must apply for approval by EPA or an authorized state. 40 CFR 270.82(b) identifies specific information that must be submitted in the RAP application.

The Agency believes that the information collected in RAP applications is necessary to determine how and where media and remediation waste will be managed. This information is essential to determine whether the management of these materials will be protective of human health and the environment and will be in compliance with standards established pursuant to RCRA. RAPs are approved when information provided in the RAP application demonstrates that the proposed activities will comply with applicable requirements of 40 CFR 270, Subpart H. If the RAP application does not contain sufficient information, the director may request additional information under section 270.82(b)(8).

Section 270.90(c) provides procedures for transferring RAPs when hazardous waste remediation sites change ownership. Owner/operators are required to modify the RAP to indicate the new ownership, and prepare a written agreement with the new owner/operator. The modified RAP and the written agreement must be submitted to the Director. The Director needs this information to maintain accurate records.

Section 270.92 requires owner/operators to maintain a file of RAP-related documents. The files are needed to ensure that owner/operators are aware of and have immediate access to all relevant information concerning their rights and obligations under Part 270 Subpart H.

Abbreviated State Authorization

RCRA Section 3006(b) allows states to apply to the EPA for authority to administer and enforce RCRA hazardous waste programs. The HWIR-Media rule amends the state authorization application process by crating an abbreviated authorization process for changes to existing state programs. The abbreviated state authorization process (i.e., 40 CFR 271.21) requires states seeking revisions to existing hazardous waste programs to submit an application to EPA. The information collected in the application is needed to verify state legal authorities for the revisions and to confirm that the revisions are at least as stringent as the Federal program.

2(b) PRACTICAL UTILITY/USERS OF THE DATA

Staging Piles

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

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

Section 264.554(l) specifies procedures for incorporating staging piles into existing RCRA permits. Information collected by the EPA for Class II permit modifications are used to revise permits and issue permit modifications. In processing permit modification, EPA uses the submitted data to ensure that the proposed modifications will comply with all applicable provisions or RCRA.

General Requirements for Hazardous Remediation Waste Management Sites

To apply for an EPA identification number, an owner/operator of a hazardous remediation waste management site must complete and submit EPA form 8700-12. EPA uses form 8700-12 to process the request and to ensure accurate and consistent identification of the site. Both EPA and the owner/operator use the EPA identification number as a standard way of identifying the site (e.g., in correspondence, reports)

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

Under Section 264.1(j)(8), owner/operators planning to design, construct, operate, or maintain a hazardous remediation waste management unit in a 100-year floodplain must demonstrate that the unit meets the criteria of Section 264.18(b). The demonstration is submitted to the Director as part of a RAP application. The director uses the demonstration in determining whether to approve or deny the RAP application and to develop permit conditions for inclusion in a draft RAP. For example, the Director may use the information in the demonstration to evaluate whether the risk of contamination due to a flood is greater if the wastes are left unremediated within the floodplain than if the remediation wastes are managed in a unit within the floodplain.

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

Remedial Action Plans

Information contained in RAP applications is submitted either to EPA Regional Administrators or the Director of an approved state program. When there is no approved state program, RAP applications are submitted to the EPA Regional Administrator. When there is an approved state program, RAP applications normally are submitted to the State Director. However, the EPA Regional Administrator retains authority to take actions on RAPs even when there is an approved state program.

Information submitted in RAP applications, including requested additional information, is used by EPA to evaluate and approve or deny proposed remediation waste cleanups. In particular, EPA uses the information to verify that proposed remedial activities will be conducted in accordance with applicable regulations and in a manner which protects human health and the environment. In addition, EPA may use the information in aggregate (e.g., number of RAPs approved) to track and evaluate RCRA implementation and to assist with further program development.

In the event that a hazardous remediation waste management site changes ownership, a RAP may be transferred to the new owner under the procedures in Section 270.90(c). Specifically, the current owner/operator is required to submit to the Director a modified RAP and a written agreement between the current and new owner. The director uses this information to maintain accurate records on the ownership of the sites and to ensure that the new owner is aware of its rights and obligations under Part 270 Subpart H.

Section 270.92 requires owner/operators to maintain a file of RAP-related documents. The owner/operators use information included in the operating record to minimize unanticipated damage from the treatment, storage, or disposal of hazardous remediation waste. If an unanticipated release occurs, the owner/operator may review the information in the file to determine the composition of the waste and appropriate contingency measures.

Abbreviated State Authorization

Applications for abbreviated state authorization may be submitted to the EPA by states with approved hazardous waste programs. Information in the applications is used by EPA to approve or reject revisions to approved state programs. Specifically, EPA uses the information to determine whether the modified program is no equivalent to and no less stringent than corresponding federal rules.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) NONDUPLICATION

No document identical or similar in purpose to the RAP is required by the Federal government. Since management of hazardous contaminated media will take place under many Federal and State remedial programs, the Agency intends the RAP requirements to be flexible enough that any enforceable document currently being used by one of these programs which contains the relevant information and goes through at least the minimum public participation requirements in section 270.85 could be considered equivalent to the RAP. A respondent would not be required to duplicate effort or documentation to meet the requirements of the RAP. If no existing documentation is available, the RAP a respondent would be required to prepare would not be identical or similar in purpose to any other document.

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

3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB

EPA solicited public comment (61 FR 18847-18848) on the HWIR-Media proposed rule ICR.

3(c) CONSULTATIONS

EPA conducted consultations with four industry experts in the development of burden and cost estimates for the HWIR-Media proposed rule:

Susie Ferguson, Texas Natural Resource Conservation Commission, (512) 239-2320;

Scott Reid and Mike Holder, Radian Corporation, (512) 454-4797; and

Allan Rose, Black & Veatch Waste Science, Inc., (913) 338-6600.

Because the requirements of the HWIR-Media final rule are similar to provision in the proposed rule, no new consultations have been performed.

3(d) EFFECTS OF LESS FREQUENT COLLECTION

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

Since the RAP is a one-time document for a particular remediation waste management site, less frequent preparation is not possible. At some sites, periodic review or renewal of a RAPs may be needed to assure that the remedy continues to comply with currently applicable RCRA requirements. RAPs are for fixed terms, not to exceed ten years. When remedies continue beyond

the term of the RAP, the director may renew the RAP unchanged or with changes as needed. In addition, the Director must review RAPs for hazardous waste land disposal facilities every five years. Although, the RAP renewals and five-year reviews do not require owner/operators to submit progress reports or new applications, communication will be necessary to apprise the Director of the status of the cleanup.

3(e) GENERAL GUIDELINES

Section 264.554(d)(2)(iii) requires respondents to create a record of the date on which remediation wastes were first placed in a staging pile, and maintain the record for the life of the permit, order, or approved closure plan, or three years, whichever is longer. These records provide a baseline for ascertaining the duration of use of and potential for contaminant releases from staging piles. A reduction in this recordkeeping requirement would seriously impair the Agency's ability to monitor and enforce the performance criteria for staging piles (Section 264.554(d)) and to evaluate requests for operating extensions (Section 254.554(I)).

3(f) 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 on confidentiality.

3(g) SENSITIVE QUESTIONS

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

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) RESPONDENTS/SIC CODES

The following is a list of SIC codes associated with sites most likely to be affected by the RAP requirements under this ICR:

SIC Code	Industry
2491	Wood preserving
2812	Alkalies and chlorine
2819, 2869	Industrial organic chemicals
2821	Plastics materials and resins
2879	Agricultural chemicals
2899	Chemical preparations
2911	Petroleum refining
3000	Rubber and miscellaneous plastics products
3089	Plastics products
3229	Pressed and blown glass
3316	Cold finishing of steel shapes
3339	Primary nonferrous metals
3341	Secondary nonferrous metals
3470	Metal services
3480, 3489	Ordnance and accessories
3482	Small arms ammunition
3568	General industrial machinery

3662	Communications equipment
3674	Semiconductors and related devices
3691	Storage batteries
3728	Aircraft parts and equipment
3764	Space propulsion units and parts
3792	Travel trailers and campers
3820	Measuring and controlling devices
3840	Medical instruments and supplies
4230	Trucking terminal facilities
4581	Airports, flying fields, and services
4953	Refuse systems
7210	Laundry, cleaning, and garment services
8221	Colleges and universities
9711	National security

4(b) INFORMATION REQUESTED

Reading the Regulations

All sites conducting cleanup activities are expected to read the regulations for the HWIR-media rule, as promulgated at 40 CFR 260.10, 264.554, 264.1, 264.101, 270.68, and 270 Subpart H.

Designation of Staging Piles

(I) Data Items

40 CFR 264.554(c)(1)states that owner/operators seeking staging pile designations are required to submit information necessary for the Director to specify standards and design criteria. In addition, under 40 CFR 264.554(c)(2) the Director may request additional information beyond that requested under 40 CFR 264.554(c)(1).

(ii) Respondent Activities

- Prepare information about the staging pile to include in a RCRA permit application, RAP application, or closure plan;
- Submit information to the Director; and
- Prepare additional information requested by the director.

Staging Pile Recordkeeping

(I) Data Items

Staging piles may be used for up to two years, unless an extension is granted by the director, measured from the initial placement of wastes in the unit. 40 CFR 264.554(d)(iii) requires respondents to maintain a record of the placement date for the life of the permit, order, or approved closure plan, or three years, whichever is longer.

(ii) Respondent Activities

Respondents using staging piles will keep a record of the date on which the staging pile first received wastes:

- Record the date of waste placement in the unit; and
- File the record.

Staging Pile Extensions

(I) Data Items

Under 40 CFR 264.554(i), the Director may allow one extension of up to six months for the operation of a staging pile. To obtain an extension, respondents must document that an extension will not harm human health and the environment, is necessary due to unforseen circumstances, or is necessary for timely and efficient remediation.

(ii) Respondent Activities

In order to apply for an extension, respondents must:

- Prepare documentation supporting an extension; and
- Submit request for extension.

Closure of Staging Piles

Section 264.554(k) requires staging piles located in uncontaminated areas to be closed in accordance with RCRA closure and post-closure care requirements (40 CFR Parts 264 and 265, Subpart G) and closure requirements for waste piles (Sections 264.258(a) and 265.258(a)). Burden and cost estimates for these activities are estimated in ICR Number 1571, "General Hazardous Waste Facility Standards." EPA has prepared an Inventory Correction Worksheet (ICW) for ICR Number 1571 to address the expected number of staging piles in uncontaminated areas.

Incorporation of Staging Piles into Existing Permits

Section 264.554(l) specifies procedures for incorporating staging piles into existing RCRA permits. This can occur as part of an Agency-initiated permit modification or an owner/operator initiated (i.e., Class II) permit modification. Class II permit modifications involve information collection requirements identified in ICR Number 1573. EPA has prepared an ICW for ICR Number 1573 to address Class II permit modifications requested to incorporate staging piles into existing permits.

EPA Identification Number

(I) Data Items

Section 264.1(j)(1) requires hazardous remediation waste management sites to have EPA identification numbers. Non-RCRA permitted sites using RAPs for remediation activities will be required to obtain an EPA identification number by applying to the Administrator using EPA for 8700-12.

(ii) Respondent Activities

- Complete and submit EPA form 8700-12

Waste Analyses

(I) Data items

Section 264.1(j)(2) requires hazardous waste remediation sites to obtain a detailed chemical and physical analysis of any hazardous waste he or she intends to treat, store, or dispose. At a minimum, the waste analysis must contain all the information that must be known to treat, store or disposed of the waste in accordance with Parts 264 and 268;

(ii) Respondent activities

In order to comply with section 264.1(j)(2), respondents must perform the following activities:

- Collect data; and
- Perform waste analysis (sampling, testing).

Demonstrations for Remediation Waste Management Sites in Floodplains

(I) Data items

Under Section 264.1(j)(8), remediation waste management sites must design, construct, operate, and maintain units to prevent washout of hazardous waste from a 100-year flood, unless they can meet the demonstration requirements of Section 264.18(b). The demonstration must establish the following:

- Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters.

(ii) Respondent activities

- For facilities in a 100-year floodplain, prepare a demonstration for exemption from design and operating standards under §264.18(b)

Contingency and Emergency Plans

(I) Data Items

Section 264.1(j)(10) requires remediation waste management site owners or operators to have a contingency and emergency plan sufficient to address reasonable foreseeable risks.

(ii) Respondent activities

In order to comply with contingency and emergency plan requirements, owner/operators are required to perform the following activities:

- Collect data for the contingency plan;

- Write the contingency plan; and
- Maintain (e.g., photocopy and file) the contingency plan.

RAPs for Permitted Facilities

Section 270.81(d) allows RAPs to be used for managing hazardous remediation wastes at RCRA permitted facilities. In particular, such RAPs must be approved as a modification to existing permits pursuant to the requirements of Sections 270.41 or 270.42 in lieu of the RAP application procedures in Part 270 Subpart H. RCRA permit modification procedures are covered by ICR Number 1573. EPA has prepared an ICW for ICR Number 1573 to address permit modifications requested to for RAPs.

RAP Applications

(I) Data Items

According to Section 270.80, a RAP is an enforceable document that specifies requirements for contaminated media at remediation waste management sites. RAPs may be stand-alone documents that address the requirements of these regulations, or part of a more comprehensive document describing requirements of these regulations in addition to other remedial activities, provided that the document is approved according to no less stringent procedures. Section 270.82 requires owner/operators to submit RAP applications to the Director for approval. Data items required in RAP applications are identified in Sections 270.82(a) and 270.82(b):

- Remediation wastes management site name, address, and USEPA identification number;

- Name, address, and telephone number of owner and operator;

- Latitude and longitude of site;

- United States Geological Survey (USGS) or county map showing location of remediation waste management site;

- Scaled drawing of remediation waste management site showing:
  -- Site boundaries,
  -- Significant physical structures, and
  -- Boundary of areas on-site where remediation waste is to be treated, stored, or disposed;

- A specification of the hazardous remediation waste to be treated, stored or disposed of at the facility or remediation waste management site, an estimate of the quantity of such wastes, and a description of the processes to be used for treatment, storage or disposal of such waste;

- Sufficient information to demonstrate that operation in accordance with the provisions in your RAP application will ensure compliance with applicable Part 264, 266, 268, and 270.3 requirements;

- Owner and operator signatures in accordance with § 270.11; and

- Section 270.82(c) allows owners and operators to claim information in RAP applications to be confidential by stamping "confidential business information" on each page containing such information.

In addition, under Section 270.82(b)(8), the Director may require RAP applicants to provide additional information determined to be necessary for demonstrating compliance with Part 270 Subpart H or for determining additional permit conditions necessary to protect human health and the environment

(ii) Respondent Activities

In complying with the requirements for a RAP, owner/operators must perform the following activities:

- Prepare RAP application from previously existing documents; or
- Prepare RAP application from new information;
- Submit RAP application; and
- Prepare/submit additional information if requested.

RAP Transfers

Under Section 270.90(c) owners and operators of remediation waste management sites with RAPs may transfer the RAPs to new owners or operators.

(I) Data Items

- To transfer a RAP, the owner or operator must modify the RAP to identify the new owner or operator and make other necessary changes.

- A written agreement containing the specific date of transfer and signed by both current and new owner/operators.

(ii) Respondent Activities

- Modify RAP;
- Prepare written agreement signed by current and new owner/operators; and
- Submit modified RAP and written agreement to the Director.

RAP Recordkeeping

(I) Data Items

Section 270.92 requires remediation waste management sites with RAP to keep records of:

- All data used to complete RAP applications;

- Any supplemental information submitted within 3 years from when the RAP was signed; and

- Other records as may be required by permit conditions.

(ii) *Respondent Activities*

- Maintain a file of RAP documents.

Applications for Abbreviated State Authorization

Section 271.21(h) adds an abbreviated authorization procedure for revisions to existing State Programs. Applications must contain information described in Section 271.21(h)(1).

(I) *Data Items*

- Certification that state laws and regulations provide authority that is equivalent to and no less stringent than the rulemakings specified in Table 1 of Section 271.21, and which includes references to the specific statutes, administrative regulations, and where appropriate judicial decisions; and

- Copies of all applicable state statutes and regulations.

(ii) *Respondent Activities*

- Prepare application;
- Gather copies of applicable state statutes and regulations; and
- Submit application to EPA.

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

5(a) AGENCY ACTIVITIES

Designation of Staging Piles

The director must receive and review information submitted by owner/operators seeking staging pile designations. Based on the information, the Director designates a staging pile and establishes standards and design criteria in accordance with 264.554(d). In addition, the Director may receive and review additional information for staging pile designations submitted under Section 264.554(c)(2).

Staging Pile Extensions

Under 40 CFR 264.554(I), the Director may grant extensions of up to six months for the use of staging piles. The Director must receive and review request for extensions from owner/operators, and determine whether to grant an extension.

Closure of Staging Piles

Section 264.554(k) requires staging piles located in uncontaminated areas to be closed in accordance with RCRA closure and post-closure care requirements (40 CFR Parts 264 and 265, Subpart G) and closure requirements for waste piles (Sections 264.258(a) and 265.258(a)). Agency activities pursuant to these requirements are covered by ICR Number 1571, "General Hazardous Waste Facility Standards." EPA has prepared an Inventory Correction Worksheet