(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 Numbers

Section 254.1(j)(1) requires hazardous remediation waste management sites to obtain EPA identification numbers by completing and submitting form 8700-12. The Agency must receive and review the form, and maintain a record of the EPA identification number.

### RAP Applications

According to 40 CFR 270.82, the Director must receive applications for RAPs. Sections 270.83, 270.84, 270.85, and 270.86 identify the activities the Director must follow to review and approve RAP applications. As part of this process, the Director may require RAP applicants to provide additional information. When additional information is requested, the Director must receive and review the information to ensure that the RAP application complies with applicable hazardous waste management standards and, if necessary, to develop additional permit conditions in accordance with RCRA section 3005(c)(3).

Based on the RAP application, the Director must prepare either a draft RAP or a notice of intent to deny the RAP. In addition, section 270.84(b)(1) requires the director to prepare a statement of basis that briefly describes the derivation of conditions of the draft RAP or the Rationale for the notice of intent to deny the RAP.

### RAP Final Decisions

Section 270.86 specifies the procedures by which the Director must make a final decision on RAP applications. If the RAP is to be approved, the Director must issue a final RAP and notify the applicant of the approval in writing. If the RAP is denied, the Director must prepare and send to the applicant a written notice of denial.

### RAP Recordkeeping

Under Sections 270.84(b)(2) and 270.86(f), the Director is required to compile an administrative record available for review by the public, which includes:

- The RAP application;
- The draft RAP or notice of intent to deny;
- The statement of basis and all documents cited therein;
- Other documents supporting the decision to approve or deny the RAP;
- All comments received during the public comment period;
- Tapes or transcripts of any hearings;

- Any written materials submitted at such a hearing;
- The responses to comments;
- Any new material placed in the record since issuance of the draft RAP;
- Any other documents supporting the RAP; and
- The final RAP.

**Transfer of RAPs**

Under Section 270.90(c), RAPs may be transferred to new owner/operators of hazardous remediation waste management sites. The responsibilities of the Director for RAP transfers are to:

- Receive and review written transfer agreements between the current and new owner/operators; and

- Notify the old owner/operator that he or she no longer needs to comply with Subpart H as of the date on which the new owner demonstrates compliance.

**Applications for Abbreviated State Authorization**

Section 271.21 requires state seeking abbreviated state authorization to submit applications to EPA for review and approval. EPA must review all applications for abbreviated state authorization. If any application is not complete, EPA shall notify the state withing 30 days. EPA assumes that five percent of the applying states will submit incomplete applications.

## 5(b) COLLECTION METHODOLOGY AND MANAGEMENT

In collecting and analyzing the information submitted, EPA will use state-of-the-art electronic equipment such as personal computers and applicable database software, where appropriate.

## 5(c) SMALL ENTITY FLEXIBILITY

RAPs are not mandatory. The Agency intends that the RAP provisions will provide a flexible, less burdensome alternative to RCRA permitting at remediation waste management sites. Moreover, the RAP requirements provide flexibility for any enforceable document currently being used to be considered equivalent to a RAP.

## 5(d) COLLECTION SCHEDULE

The HWIR-Media rule does not establish a collection schedule for RAPs. They are submitted at the discretion of site owner/operators.

# 6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

## 6(a) ESTIMATING RESPONDENT BURDEN

Burden estimates for industry and state agency respondent activities are presented in Exhibits 1 and 2, respectively. The estimates are based, in part, on consultations with four industry experts performed for the HWIR-Media proposed rule (see section 3(c)). Because the final rule includes additional requirements that were not evaluated in the proposed rule consultations, EPA developed additional burden estimates based on similar activities that were included in the consultations or were evaluated in related ICRs.

## 6(b) ESTIMATING RESPONDENT COSTS

### Industry Respondents

EPA's estimates of annual burden and cost for industry respondents are presented in Exhibit 1.

*(I) Estimating Labor Costs*

In deriving the respondent costs, EPA estimates an average hourly industry respondent labor cost of $97.36 for legal staff, $74.06 for managerial staff, $48.47 for technical staff, and $25.35 for clerical staff. Labor costs include hourly wages and overhead expenses, and are based on labor cost estimates developed for the HWIR-Media proposed rule ICR. The estimates have been updated to 1997 dollars using employment cost index data from the Bureau of Labor Statistics.

*(ii) Estimating Capital and Operations and Maintenance Costs*

EPA estimates that industry respondents complying with the HWIR-Media rule will incur operations and maintenance (O&M) costs associated with staging piles and RAPs. Specifically, EPA estimates that respondents for staging pile designation, RAP applications, and RAP transfers will incur $3.00 in postage costs when submitting documents to the Director. In addition, hazardous waste remediation sites that are not RCRA permitted and are cleaned up under RAPs will be required to obtain an EPA identification number. These respondents are expected to incur $3.00 in postage costs when submitting request forms to EPA. Postage cost estimates are based on the mailing cost of $3.00 for a two-pound package.

**EXHIBIT 1**
**HWIR-MEDIA FINAL RULE ICR**
**ESTIMATED ANNUAL BURDEN AND COST FOR INDUSTRY RESPONDENTS**

| | Hours and Costs Per Respondent Per Activity | | | | | | | | Total Hours and Costs | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| INFORMATION COLLECTION ACTIVITY | Leg. $97.36/ Year | Mgr. 74.06/ Year | Tech. 48.47/ Year | Cler. $25.35/ Year | Respon. Hours/ Year | Labor Cost/ Year | Capital/ Startup Cost | O & M Cost | Respon. or Activities | Number of Total Hours/ Year | Total Cost/ Year |
| Reading the Regulations | | | | | | | | | | | |
| Read the regulations | 2.00 | 2.00 | 8.00 | 0.00 | 12.00 | $731 | $0 | $0 | 1,805 | 21,660 | $1,319,455 |
| SUBTOTAL | 2.00 | 2.00 | 8.00 | 0.00 | 12.00 | $731 | $0 | $0 | 1,805 | 21,660 | $1,319,455 |
| **STAGING PILES** | | | | | | | | | | | |
| Designation of Staging Piles (264.554(c)) | | | | | | | | | | | |
| Prepare information for designation | 1.00 | 2.00 | 8.00 | 1.00 | 12.00 | $659 | $0 | $0 | 60 | 720 | $39,540 |
| Submit designation information | 0.00 | 0.10 | 0.00 | 0.10 | 0.20 | $10 | $0 | $0 | 60 | 12 | $600 |
| Prepare and submit additional information if requested | 0.00 | 0.50 | 1.00 | 0.50 | 2.00 | $98 | $0 | $3 | 1 | 2 | $101 |
| Recordkeeping (264.554(d)) | | | | | | | | | | | |
| Record the date of waste placement | 0.00 | 0.50 | 0.00 | 0.50 | 1.00 | $50 | $0 | $0 | 90 | 90 | $4,500 |
| File the record | 0.00 | 0.00 | 0.00 | 0.50 | 0.50 | $13 | $0 | $0 | 90 | 45 | $1,170 |
| Staging Pile Extensions (264.554(i)) | | | | | | | | | | | |
| Prepare request for extension | 0.50 | 2.00 | 5.00 | 1.00 | 8.50 | $465 | $0 | $0 | 18 | 153 | $8,370 |
| Submit request for extension | 0.00 | 0.10 | 0.00 | 0.10 | 0.20 | $10 | $0 | $0 | 18 | 4 | $180 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 1,026 | $54,461 |
| **GENERAL REQUIREMENTS FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES** | | | | | | | | | | | |
| EPA Identification Number (264.1(j)(1)) | | | | | | | | | | | |
| Complete and submit form 8700-12 | 0.00 | 1.00 | 0.50 | 0.75 | 2.25 | $117 | $0 | $3 | 66 | 149 | $7,920 |
| Waste Analysis (264.1(j)(2)) | | | | | | | | | | | |
| Collect data | 0.00 | 0.00 | 1.50 | 0.25 | 1.75 | $79 | $0 | $0 | 66 | 116 | $5,214 |
| Perform waste analysis | 0.00 | 0.00 | 5.00 | 0.00 | 5.00 | $242 | $0 | $750 | 66 | 330 | $65,472 |
| Demonstrations for Remediation Waste Management Sites in Floodplains (264.1(j)(8)) | | | | | | | | | | | |
| Prepare a demonstration | 0.00 | 0.25 | 4.00 | 0.00 | 0.75 | $212 | $0 | $0 | 3 | 2 | $636 |
| Contingency and Emergency Plan (264.1(j)(10)) | | | | | | | | | | | |
| Collect data | 0.00 | 0.00 | 6.00 | 1.50 | 7.50 | $329 | $0 | $0 | 66 | 495 | $21,714 |
| Write contingency plan | 0.00 | 0.50 | 30.00 | 2.00 | 32.50 | $1,542 | $0 | $0 | 66 | 2,145 | $101,772 |
| Maintain contingency plan on file | 0.00 | 0.00 | 0.00 | 0.50 | 0.50 | $13 | $0 | $0 | 66 | 33 | $858 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 3,269 | $203,586 |
| **REMEDIAL ACTION PLANS** | | | | | | | | | | | |
| RAPs Applications (270.82) | | | | | | | | | | | |
| Prepare RAP from previously existing documents | 1.00 | 5.00 | 30.00 | 4.00 | 40.00 | $2,023 | $0 | $0 | 25 | 1,000 | $50,575 |
| Prepare RAP from new information | 4.00 | 20.00 | 120.00 | 16.00 | 160.00 | $8,093 | $0 | $0 | 41 | 6,560 | $331,813 |
| Submit RAP application | 0.00 | 0.10 | 0.00 | 0.10 | 0.20 | $10 | $0 | $3 | 66 | 13 | $858 |
| Prepare/submit additional information if requested | 0.00 | 0.50 | 1.00 | 0.50 | 2.00 | $98 | $0 | $0 | 1 | 2 | $98 |
| RAP Transfers (270.90(c)) | | | | | | | | | | | |
| Modify RAP | 0.50 | 0.50 | 0.00 | 0.50 | 1.50 | $98 | $0 | $0 | 1 | 2 | $98 |
| Prepare written agreement | 1.00 | 1.00 | 0.50 | 0.50 | 3.00 | $208 | $0 | $0 | 1 | 3 | $208 |
| Submit modified RAP and written agreement | 0.00 | 0.10 | 0.00 | 0.10 | 0.20 | $10 | $0 | $3 | 1 | 0 | $13 |
| RAP Recordkeeping (270.92) | | | | | | | | | | | |
| Maintain file of RAP documents | 0.00 | 0.00 | 1.00 | 2.00 | 3.00 | $99 | $0 | $0 | 66 | 198 | $6,534 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 7,778 | $390,197 |
| TOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 33,733 | $1,967,699 |

Hazardous waste remediation sites are required to obtain a waste analyses in accordance with Section 264.1(j)(2) lieu of the RCRA waste analysis requirements of Section 264.13. EPA assumes that the waste analysis will involve a one-time testing cost $750 per respondent. This estimate is based on testing cost estimates for Section 264.13 covered in the General Facility Standards ICR (i.e., ICR Number 1571).

None of the information collection or recordkeeping requirements of the HWIR-Media rule involve capital costs. Thus, there was no annualization of capital costs.

**State Agency Respondents**

Exhibit 2 presents EPA's estimates of annual burden and cost for stage agency respondents.

*(I) Estimating Labor Costs*

The estimated average hourly labor cost for state agency respondents is $63.21 for legal staff, $40.13 for managerial staff, $28.15 for technical staff, and $17.11 for clerical staff. These estimates include hourly wages and overhead expenses, and are based on Agency labor cost estimates developed for the HWIR-Media proposed rule ICR. The estimates have been updated to 1997 dollars using employment cost index data from the Bureau of Labor Statistics.

*(ii) Estimating Capital and Operations and Maintenance Costs*

State Agency respondents applying for abbreviated state authorization will incur operations and maintenance (O&M) cost of $3.00 for mailing documents to the EPA. This postage cost estimate is based on the mailing cost of $3.00 for a two-pound package.

None of the information collection or recordkeeping requirements of the HWIR-Media rule involve capital costs. Thus, there was no annualization of capital costs.

**EXHIBIT 2**
**HWIR-MEDIA FINAL RULE ICR**
**ESTIMATED ANNUAL BURDEN AND COST FOR STATE AGENCY RESPONDENTS**

| | Hours and Costs Per Respondent Per Activity | | | | | | | | Total Hours and Costs | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| INFORMATION COLLECTION ACTIVITY | Leg. $63.21/ Year | Mgr. $40.13/ Year | Tech. $28.15/ Year | Cler. $17.11/ Year | Labor Hours/ Year | Labor Cost/ Year | Capital/ Startup Cost | O & M Cost | Number of Respon. or Activities | Total Hours/ Year | Total Cost/ Year |
| **ABBREVIATED STATE AUTHORIZATION** | | | | | | | | | | | |
| Applications for Abbreviated State Authorization (271.21(h)) | | | | | | | | | | | |
| Prepare application | 2.00 | 5.50 | 5.00 | 0.50 | 13.00 | $496 | $0 | $0 | 18 | 234 | $8,928 |
| Gather copies of statutes and regulations | 0.00 | 2.50 | 6.00 | 27.50 | 36.00 | $740 | $0 | $0 | 18 | 648 | $13,320 |
| Submit application | 0.00 | 0.10 | 0.00 | 0.10 | 0.20 | $6 | $0 | $3 | 18 | 4 | $162 |
| TOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 886 | $22,410 |

## 6(c) ESTIMATING AGENCY BURDEN AND COST

Exhibit 3 presents EPA's estimates of annual Agency burden hours and costs associated with responses to respondent activities for this ICR. EPA believes that Regional Offices will be involved in these activities.

*(I) Estimating Labor Costs*

The average hourly labor cost is $63.21 for legal staff, $40.13 for managerial staff, $28.15 for technical staff, and $17.11 for clerical staff. These estimates include hourly wages and overhead expenses, and are based on labor cost estimates developed for the HWIR-Media proposed rule ICR. The estimates have been updated to 1997 dollars using employment cost index data from the Bureau of Labor Statistics.

*(ii) Estimating Capital and Operations and Maintenance Costs*

The director is expected to incur an operations and maintenance (O&M) cost of $3.00 for mailing a copy of the final RAP to the RAP applicants. This postage cost estimate is based on the mailing cost of $3.00 for a two-pound package.

None of the Agency responsibilities for this rule involve capital or operations and maintenance costs.

## 6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS

**Industry Respondents**

Based on data collected for the Phase IV Land Disposal Restrictions rule,[3] EPA estimates that hazardous soils or sediments are remediated at approximately 1,805 remediation waste management sites each year. These 1,805 sites all are eligible for RAPs and staging piles, and are assumed by EPA to be the universe of potential respondents. The middle column of Exhibit 4 shows the universe of potential respondents, broken-out by remedial programs (e.g., CERCLA, voluntary cleanups).

Although staging piles will be useful in certain situation, EPA does not expect their use to be widespread for two main reasons. First, staging piles cannot be used for treatment, which will lead many potential respondents to use TUs or CAMUs instead. Second, EPA prefers storage in temporary units when tank and container storage is a practical, because these units provide a protective, solid, and non-land-based structure for the accumulation of remediation wastes. In consideration of these factors, EPA estimates that staging piles will be used by approximately five percent (i.e., 90) of the potential respondents.

[3] EPA, "Application of the Phase IV Land Disposal Restrictions to Contaminated Media: Costs, Cost Savings, and Economic Impacts," Draft, February 1998.

**EXHIBIT 3**
**HWIR-MEDIA FINAL RULE ICR**
**ESTIMATED ANNUAL AGENCY BURDEN AND COST**

| INFORMATION COLLECTION ACTIVITY | Hours and Costs Per Respondent Per Activity | | | | | | | | Total Hours and Costs | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Leg. $63.21/ Year | Mgr. $40.13/ Year | Tech. $28.15/ Year | Cler. $17.11/ Year | Labor Hours/ Year | Labor Cost/ Year | Capital/ Startup Cost | O & M Cost | Number of Respon. or Activities | Total Hours/ Year | Total Cost/ Year |
| **STAGING PILES** | | | | | | | | | | | |
| Designation of Staging Piles (264.554(c)) | | | | | | | | | | | |
| Receive and review designation information | 0.50 | 2.00 | 8.00 | 1.00 | 11.50 | $354 | $0 | $0 | 60 | 690 | $21,240 |
| Receive and review additional information | 0.00 | 0.50 | 2.00 | 0.20 | 2.70 | $80 | $0 | $0 | 1 | 3 | $80 |
| Establish standards and design criteria | 1.00 | 3.00 | 12.00 | 1.00 | 17.00 | $538 | $0 | $0 | 60 | 1,020 | $32,280 |
| Staging Pile Extensions (264.554(l)) | | | | | | | | | | | |
| Receive and review request | 0.00 | 1.00 | 5.00 | 0.25 | 6.25 | $185 | $0 | $0 | 18 | 113 | $3,330 |
| Deny or approve extension | 0.50 | 1.00 | 3.00 | 0.50 | 5.00 | $165 | $0 | $0 | 18 | 90 | $2,970 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 1,915 | $59,900 |
| **GENERAL REQUIREMENTS FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES** | | | | | | | | | | | |
| EPA Identification Number (264.1(j)(1)) | | | | | | | | | | | |
| Review form 8700-12 | 0.00 | 0.00 | 0.25 | 0.00 | 0.25 | $7 | $0 | $0 | 66 | 17 | $462 |
| Keep record of ID number | 0.00 | 0.00 | 0.00 | 0.25 | 0.25 | $4 | $0 | $0 | 66 | 17 | $264 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 33 | $726 |
| **REMEDIAL ACTION PLANS** | | | | | | | | | | | |
| RAP Applications (270.80, 270.82, 270.83, 270.84) | | | | | | | | | | | |
| Receive/review RAP application | 1.00 | 2.00 | 10.00 | 1.00 | 14.00 | $442 | $0 | $0 | 66 | 924 | $29,172 |
| Receive/review additional information | 0.00 | 0.50 | 2.00 | 0.25 | 2.75 | $81 | $0 | $0 | 1 | 3 | $81 |
| Prepare Draft RAP | 1.00 | 3.00 | 20.00 | 2.00 | 26.00 | $781 | $0 | $0 | 65 | 1,690 | $50,765 |
| Prepare Notice of Intent to deny RAP | 0.50 | 1.50 | 0.50 | 0.50 | 3.00 | $114 | $0 | $0 | 1 | 3 | $114 |
| Prepare Statement of Basis | 0.00 | 1.00 | 2.00 | 0.50 | 3.50 | $105 | $0 | $0 | 66 | 231 | $6,930 |
| RAP Final Decisions (270.86) | | | | | | | | | | | |
| Issue Final RAP | 0.00 | 1.50 | 3.00 | 1.00 | 5.50 | $162 | $0 | $3 | 65 | 358 | $10,725 |
| Prepare Notification of Approval | 0.50 | 1.00 | 0.50 | 0.50 | 2.50 | $94 | $0 | $0 | 65 | 163 | $6,110 |
| Prepare Notice of Denial | 0.50 | 1.00 | 0.50 | 0.50 | 2.50 | $94 | $0 | $0 | 1 | 3 | $94 |
| RAP Recordkeeping (270.84(b)(2), 270.86(f)) | | | | | | | | | | | |
| Maintain file of RAP documents | 0.00 | 0.00 | 1.00 | 2.00 | 3.00 | $62 | $0 | $0 | 66 | 198 | $4,092 |
| RAP Transfers (270.90(c)) | | | | | | | | | | | |
| Receive/review written agreement | 0.00 | 0.50 | 0.00 | 0.20 | 0.70 | $23 | $0 | $0 | 1 | 1 | $23 |
| Notification to old owner/operator | 0.00 | 1.00 | 0.00 | 0.50 | 1.50 | $49 | $0 | $0 | 1 | 2 | $49 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 3,573 | $108,155 |
| **ABBREVIATED STATE AUTHORIZATION** | | | | | | | | | | | |
| Applications for Abbreviated State Authorization (271.21) | | | | | | | | | | | |
| Receive and review applications | 2.00 | 5.00 | 4.00 | 0.10 | 11.10 | $441 | $0 | $0 | 18 | 200 | $7,938 |
| 30-Day Notification for Incomplete Applications | 1.00 | 2.00 | 1.00 | 0.50 | 4.50 | $180 | $0 | $0 | 1 | 5 | $180 |
| SUBTOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 204 | $8,118 |
| TOTAL | varies | varies | varies | varies | varies | varies | varies | varies | varies | 5,726 | $176,899 |

**Exhibit 4**
**The universe of Respondents per Year for Remedial Action Plans**

| HAZARDOUS REMEDIATION WASTE MANAGEMENT SITES | POTENTIAL RESPONDENTS (Sites/Year) | EXPECTED RESPONDENTS (Sites/Year) |
|---|---|---|
| Sites conducting CERCLA remedial actions | 70 | 0 |
| Sites conducting RCRA corrective action | 115 | 0 |
| Sites undergoing RCRA closures | 280 | 0 |
| Sites conducting state Superfund cleanups | 510 | 25 |
| Sites conducting voluntary cleanups | 830 | 41 |
| TOTAL | **1,805** | **66** |

As shown in the third column of Exhibit 4, EPA estimates that RAPs will be used for remedial actions at 66 of the 1,805 eligible sites. The source of this estimate is the Economic Assessment for the HWIR-Media rule,[4] which calculated a range of 7 to 66 RAPs per year at state and voluntary cleanup sites. For this ICR, EPA conservatively used the upper-bound estimate from the Economic Assessment as the number of state and voluntary RAPs. Among the 66 sites, 38 percent (i.e., 25) are assumed to be state Superfund sites and 62 percent (i.e., 41) are assumed to be voluntary cleanup sites, based on the proportions of state and voluntary cleanup sites in the universe of potential respondents

EPA does not expect RAPs to be used at any of the 70 CERCLA remedial action sites because RCRA waivers authorized by CERCLA section 121(e)(1) eliminate the need for RCRA permits or RAPs. In addition, EPA assumes that RAPs will not be used for RCRA permitted sites (i.e., 115 RCRA corrective action sites and 289 RCRA closures site), because RAPs for these sites would be approved through RCRA permit modification procedures. Thus, these sites are expected to be cleaned up under RCRA permit modifications only.

Reading the Regulations

Although EPA does not expect RAPs or staging piles to be used at all eligible sites, the owner/operators of all 1,805 remediation waste management sites are expected to read the regulations.

Designation of Staging Piles

All 90 respondents per year expected to apply for staging piles will be required to provide information about the proposed staging pile and waste to the Director. EPA estimates that about one-third (i.e., 30) of the staging piles will be designated by incorporation into existing RCRA permits (Section 264.554(l)), which is covered by ICR Number 1571 as discussed in Section 4(b). The remaining 60 staging piles will be designated for sites without RCRA permits (e.g., in RAPs for state Superfund or voluntary cleanups), and are the respondent universe for designation of staging piles in this ICR.

[4] ICF Incorporated, "Economic Assessment of the Hazardous Waste Management Requirements Rule," prepared for the Office of Solid Waste, U.S. Environmental Protection Agency, Draft, March 12, 1998.

EPA estimates that additional information will be required for one percent (i.e., approximately one) of staging pile designations.

Staging Pile Recordkeeping

All 90 respondents per year using staging piles are required to keep a record of the date when waste were first placed in the staging pile. The record must be maintained for the life of the permit, order, or approve closure plan, or three years, whichever is longer.

Staging Pile Extensions

Staging piles are intended to be used for up to two years. Under certain circumstances, the Director may grant an extension of up to six months. EPA expects extensions to be requested by 20 percent (i.e., 18) of the respondents per year using staging piles.

EPA Identification Numbers

EPA identification numbers are required for all hazardous waste remediation sites that are not already RCRA permitted sites. This includes all 66 state and voluntary cleanup sites per year expected to be cleaned up with RAPs.

Waste Analyses

Hazardous remediation waste management sites are required to obtain a detailed chemical and physical waste analysis. Waste analyses for remediation wastes at RCRA permitted sites are expected to be performed pursuant to Section 264.13, which is included in ICR Number 1571. Remediation waste management sites without RCRA permits include all 66 state and voluntary cleanup sites per year expected to be cleaned up with RAPs.

Demonstrations for Remediation Waste Management Sites in Floodplains

Section 264.1(j)(8) requires hazardous remediation waste management units to be designed, constructed, operated, and maintained in such a way as to prevent washout of any hazardous waste within a 100-year floodplain. Exceptions are allowed for sites that meet the demonstration of section 264.18(b). EPA assumes that five percent of the 66 hazardous remediation waste management sites per year cleaned up with RAPs will prepare demonstrations. Thus, about 3 sites per year are expected to prepare demonstrations.

Contingency and Emergency Plans

Hazardous remediation waste management sites are required to prepare contingency and emergency plans pursuant to Section 264.1(j)(10). RCRA-permitted and interim status remediation waste management sites already are required to have contingency and emergency plans pursuant to Sections 264.50-54 and 265.50-54. Remediation waste management sites without RCRA permits include all 66 state and voluntary cleanup sites per year expected to be cleaned up with RAPs. All 66 RAP respondents per year will prepare contingency and emergency plans.

RAP Applications

Many potential respondents for RAPs would be able to submit existing documents to satisfy the requirements for a RAP. Among the 66 respondents per year expected to prepare RAPs, only the respondents conducting voluntary cleanups (41 sites) would not have prepared existing documents that could satisfy the RAP requirements. Owner/operators of these sites would have to develop RAPs from new information. The remaining 25 state Superfund sites are expected to prepare RAPs from existing information. All respondents must submit RAP applications to the Director.

Section 270.82(b)(8) states that the Director may request additional information if necessary. EPA estimates that 1 percent of the respondents expected to submit RAPs (i.e., approximately one respondent) will be required to submit additional information.

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. EPA assumes that one percent of the RAPs per year will be transferred. Thus, about one respondent per year is expected to transfer a RAP.

RAP Recordkeeping

All 66 RAP respondents per year will be required to maintain a file of RAP documents.

**State Agency Respondents**

Applications for Abbreviated State Authorization

Any state with an approved hazardous waste program may apply for abbreviated state authorizations for modifications which are at least equal to or more stringent than federal RCRA regulations. EPA estimates that all 54 states and territories will apply for abbreviated state authorizations during the three-year period of the ICR. The number of respondents (i.e., 58) has been annualized in Exhibit 2. Thus, there are 18 state agency respondents applying for abbreviated state authorizations each year.

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

*(I) Respondent Tally*

**Industry Respondents**

Using the total burden hours and capital and O&M cost estimates in the above sections, EPA estimates that industry respondents will incur a total annual burden of 33,733 hours and a total annual respondent cost of $1,967,699. These estimates are presented in Exhibit 1. The total burden to industry respondents over three years is 101,199 hours with a cost of approximately $5,903,097.

**State Agency Respondents**

Based on the total burden hours and capital and O&M costs estimates summarized in Exhibit 2, state agency respondents are expected to incur a total annual burden of 886 hours and a total annual cost of $22,410. The total burden to state agency respondents over three years is 2,658 hours with a cost of approximately $67,230.

Exhibit 5 presents the total annual burden and cost for all respondents. The total annual burden for industry and state agency respondents is 34,619 hours, and the total annual cost is $1,990,109. The total respondent burden over three years is 103,857 hours with a cost of approximately $5,970,327.

**Exhibit 5**
**Total Estimated Respondent Burden and Cost Summary**

| | Total Hours Per Year | Total Labor Cost Per Year | Total Annual Capital Costs | Total Annual O&M Costs | Total Annual Cost |
|---|---|---|---|---|---|
| Staging Piles and RAPS | 33,733 | $1,917,797 | $0 | $49,902 | $1,967,699 |
| Abbreviated State Authorization | 886 | $22,356 | $0 | $54 | $22,410 |
| TOTAL | 34,619 | $1,940,162 | $0 | $49,956 | $1,990,109 |

*(ii) The Agency Tally*

Based on the agency cost and burden estimates in Section 6(c) and the respondent universes estimated in Section 6(d), EPA expects the total annual Agency burden to be 5,726 hours and the total annual Agency cost to be $176,899. These estimates are presented in Exhibit 3. The bottom line burden to the Agency over three years is 17,178 hours, at a cost of approximately $530,697.

*(iii) Variations in the Annual Bottom Line*

EPA does not expect significant variations in annual bottom line burden and cost for this ICR.

## 6(f) REASONS FOR CHANGE IN BURDEN

This ICR is for a new rule. No previous burden estimates exist for this final rulemaking. However, EPA estimated burden and cost for the HWIR-Media proposed rule (61 FR 18780-18863). EPA's burden and cost estimates for the HWIR-Media final rule are significantly lower than the burden and cost estimates for the HWIR-Media proposed rule, because EPA has decided to promulgate only targeted elements of the HWIR-Media proposal.

## 6(g) BURDEN STATEMENT

For complying with the requirements of the HWIR-media Rule, industry respondents are expected to spend an average 13.7 hours per year on recordkeeping requirements and 5.0 hours per year on reporting requirements. State agency respondents are expected to spend no time on recordkeeping,

as there are no recordkeeping requirements for the states, and 16.4 hours per year on reporting requirements.

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 included 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 control numbers for EPA's regulations are listed at 40 CFR Part 9 and 48 CFR Part 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2317), 401 M Street, S.W., Washington, D.C. 20460, and to the Office of Information Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, Attention: Desk Officer for EPA. Include the EPA ICR number and OMB control number on any correspondence.