

# memorandum

July 29, 1996

DATE: Office of Environmental Policy and Assistance(EH-413):Coalgate:6-6075  
REPLY TO:  
ATTN OF: DEPARTMENTAL RESPONSES TO RCRA INFORMATION COLLECTION REQUESTS  
SUBJECT: Distribution  
TO: PURPOSE

The purpose of this memorandum is to inform Program Offices and Field Organizations of the availability of the Departmental responses to requests from the Environmental Protection Agency (EPA) for comments on improving the value of information submitted in Resource Conservation and Recovery Act (RCRA) permit applications, and during the conduct of select hazardous waste management activities.

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## BACKGROUND

On April 6, 1996, the EPA published two Information Collection Request (ICR) notices in the Federal Register (FR) soliciting public comments on improving the value of information submitted in response to RCRA notification, permitting, permit modification, and hazardous waste management facility and unit-specific requirements. The EPA also solicited suggestions for reducing the burden imposed upon the regulated community by information collection and submission requirements. The subject notices are:

- Agency Information Collection Activities; Proposed Collection Comment Request; Notification of Regulated Waste Activity Under the Resource, Conservation, and Recovery Act, Part A Hazardous Waste Permit Application and Modification, and Part B Permit Application, Permit Modifications, and Special Permits (61 FR 15065).
- Agency Information Collection Activities Up for Renewal; General Hazardous Waste Facility Standards; and Hazardous Waste Specific Unit Requirements, and Special Waste Processes and Types (61 FR 15066).

The Office of Environmental Policy and Assistance, RCRA/CERCLA Division (EH-413) distributed copies of the ICRs to Program Offices and Field Organizations on April 9, 1996.<sup>1</sup>

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<sup>1</sup>EH-413 Memorandum dated April 9, 1996, Subject: Information Collection Requests for (1) RCRA Permitting and (2) Hazardous Waste Management Facilities.

ISSUES

The Departmental responses, incorporating comments from Lawrence Livermore National Laboratory, Savannah River Operations Office, Grand Junction Project Office, Nevada Operations Office, and an internal EH-413 review, identified several Issues of concern with respect to information requirements for RCRA permitting and waste management activities. These concerns included the following:

- EPA's estimates of the length of time required to prepare notifications of regulated waste activities, RCRA permit, permit modification, and special Permits applications appear to be too low.
- Electronic transfers of information may expedite RCRA permitting; however, States do not always have the resources to implement electronic processing, and where they do, may require paper copies of the applications be submitted for their records.
- For Subpart X units, additional guidance is needed with respect to what constitutes adequate analysis and documentation in Subpart X permit and permit modification applications.

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FOR MORE  
INFORMATION

Copies of the Departmental responses submitted to EPA are available on the EH-41 Website for viewing and/or downloading at <http://www.eh.doe.gov/oepa> under the RCRA heading of the "Policy & Guidance" section.

If you have any questions regarding the subject information collection requests, or the Department's responses, please contact Jerry Coalgate of my staff by....

calling (202) 586-6075  
faxing messages to (202) 586-3915  
communicating electronically, via the Internet, to  
[jerry.coalgate@hq.doe.gov](mailto:jerry.coalgate@hq.doe.gov)

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Thomas L. Traceski  
Director, RCRA/CERCLA Division  
Office of Environmental Policy and Assistance

**DISTRIBUTION:** 06/24/96

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Wendy Dixon, Yucca Mountain Project Office  
Jeff Baker, NREL, Golden Office  
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Ward Best, Ashtabula Area Office (AB)

cc: **Other Organizations**

National Low-Level Waste Management Program, EG&G Idaho  
Hazardous Waste Remedial Action Program, (HAZWRAP)  
Remedial Action Program Information Center  
Center for Environmental Management Information



**The Deputy Secretary of Energy**  
Washington, DC 20585

May 30, 1996

RCRA Docket Information Center  
Office of Solid Waste (5305W)  
U.S. Environmental Protection Agency Headquarters  
401 M Street, S.W.  
Washington, DC 20460

**Docket Number F-96-NAIP-FFFFF**

Dear Sir or Madame:

*Re: 61 FR 15065, "Agency Information Collection Activities: Proposed Collection; Comment Request; Notification of Regulated Waste Activity Under the Resource Conservation and Recovery Act (RCRA), Part A Hazardous Waste Permit Application and Modification, and Part B Permit Application, Permit Modifications, and Special Permits"*

On April 4, 1996, the Environmental Protection Agency (EPA) published the subject Federal Register (FR) Notice announcing that the Agency is planning to submit three continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB): (1) ICR to allow collection of data for Notification of Regulated Waste Activities (Notification) [EPA ICR #261]; (2) ICR to allow collection of data for Part A Hazardous Waste Permit Application (Part A) and Part A Modifications [EPA ICR #262]; and (3) ICR to allow collection of data for Part B Permit Application (Part B), Part B Modifications and Special Permits [EPA ICR #1573]. In this FR Notice, EPA asked for information and comments concerning the Notification and Part A forms and Part B applications which are used by EPA to implement the three ICRs.

The Department of Energy (DOE) appreciates the opportunity to raise concerns and provide input in response to the April 4, 1996, FR Notice. The enclosed comments are provided for EPA's consideration in evaluating options for reducing the burden and increasing the usefulness of information collected by the Notification and Part A forms and Part B applications. These comments combine the viewpoints and concerns identified by Lawrence Livermore National Laboratory (LLNL) and DOE's Savannah River Operations, Nevada Operations, and Grand Junction Projects Offices.

For clarity, each comment is preceded by a reference to the part of the FR Notice to which it applies.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray F. Pelletier".

Raymond F. Pelletier  
Director  
Office of Environmental Policy and Assistance

Enclosure

**UNITED STATES DEPARTMENT OF ENERGY**  
**COMMENTS ON NOTICE OF AGENCY INFORMATION COLLECTION ACTIVITIES**

**FEDERAL REGISTER NOTICE (61 FR 15065; April 4, 1996)**

1. **p. 15066, col. 1, Burden Statement** -- EPA estimates that the time required for each respondent to complete the Notification of Regulated Waste Activity (Notification), the RCRA Hazardous Waste Permit Application and Modification Part A (Part A) and the RCRA Part B Permit, Permit Modifications and Special Permits Applications are as follows:

ICR	Estimated Time to Complete
Notification	4.35 hrs
Part A (renewals)	51.2 hrs
Part B Permit Application	867.6 hrs
RCRA Permit Modification	83 hrs
RCRA Permit Renewal	112 hrs
Special Forms of RCRA Permit	163 hrs

DOE was unable to determine the basis for EPA's estimates of the length of time that typical respondents need to complete the ICRs listed. However, DOE believes that EPA's estimates may be too low, especially for RCRA Permit Modifications, Renewals, and Special Forms of Permits.

DOE's Savannah River Site (SRS) holds a RCRA permit covering 21 hazardous waste management units. DOE's experience at SRS indicates the following:

ICR	Estimated Cost to Complete*
Notification	--
Part A (modifications)	\$800 - \$4,000
Part B Application	--
RCRA Permit Modification	\$6,000 - \$1,500,000
RCRA Permit Renewals	\$300,000 per unit or \$6,400,00 per permit (21 units)
Special Forms of RCRA Permits	\$200,000 (revision of trial burn plan)

\* Costs include SRS salaries, subcontractor costs and printing costs. They do NOT include groundwater monitoring well installation costs, sampling and analysis costs, or design engineering costs.

While DOE has not calculated the number of person-hours required to complete each ICR, it seems clear based on the SRS cost data, which include printing costs that can be substantial, that only the lowest cost SRS RCRA permit modifications (\$6,000) could be performed in the length of time estimated by EPA (i.e., 83 hrs). Also, even if taken on a per unit basis, the SRS cost for completing a RCRA permit renewal (\$300,000 per unit) far exceeds the cost that would be expected if the effort had been as estimated by EPA (i.e., 112 hrs). Similarly, EPA's estimate of 163 hrs to complete applications for special forms of RCRA permits seems inconsistent with SRS's \$200,000 cost for revising a trial burn plan.

At 51.2 hrs, EPA's estimate for renewing an existing Part A application seems consistent with the costs reported by the SRS. However, DOE's Grand Junction Project Office (GJPO) reports that 51.2 hrs is probably low compared to their experience because of the required photographs and drawings needed for the Part A application.

DOE's Lawrence Livermore National Laboratory (LLNL) also believes EPA has under-estimated the burden of completing RCRA Part B permit applications (867.6 hrs) for large, complex DOE treatment, storage and disposal (TSD) facilities. This may be due to differences between typical, commercial industrial TSD facilities and facilities such as LLNL, which conduct research activities that generate and manage a difficult-to-predict variety of regulated chemicals on a non-recurring basis, adding complexity to the application.

Regarding hazardous waste Notifications, DOE's GJPO agrees that approximately 4.35 hrs is a reasonable estimate of the time required to prepare the initial notification form to be sent to EPA. However, GJPO points out that DOE facilities are usually subject to the jurisdiction of authorized States as well, and that often additional information is requested by one or more of the responsible agencies. As a result, GJPO finds that in excess of 80 hrs can be spent finalizing the notification.

Since EPA's estimate of the burden of ICRs on the regulated community differs fairly significantly from DOE's experience, DOE suggests that EPA revisit the estimates.

2. **p. 15066, col. 2, *Frequency of Collection and Estimated Number of Responses per Respondent* - EPA states that "For all three ICRs, collection occurs one-time per respondent, unless regulations are revised and promulgated." EPA further states that it expects one response per respondent.**

DOE believes that EPA's assumption that ICRs occur one-time per respondent is inaccurate. DOE's Savannah River Site (SRS), for example, completes an average of 3.3 Part A modifications per year, and in 1995, SRS submitted 15 RCRA permit modification requests. Similarly, Lawrence Livermore National Laboratory (LLNL) believes frequent modifications to its RCRA permit may eventually be needed because of the high degree of specificity of the permit and the continually changing nature of the hazardous wastes that the Laboratory generates and manages as a large research facility.

3. **p. 15066, col. 2, *Estimated Number of Respondents per Year* -- EPA states that it expects 46,000 Notifications, 160 Part A applications, and a variable number of Part B applications each year.**

EPA's estimate of 160 Part A applications each year seems surprisingly low, especially when both new applications and modifications are considered. The basis of EPA's estimate is unclear, but it appears that EPA may be only considering Part A applications and modifications which will be submitted to EPA. If so, EPA may be ignoring the burden on the regulated community of maintaining RCRA permits in authorized States, which DOE believes to be inappropriate. While authorized States assume much of the regulatory

agency effort required to implement the RCRA permitting program, their minimum information requirements are dictated by the federal program, and represent no less burden on the regulated community than the federal ICRs. Furthermore, because State authorization may be effective for portions of the RCRA program, but not others, it may be necessary for respondents to file notifications and applications with both EPA and the responsible State agency. Therefore, it would seem appropriate for EPA's estimate of the burden of ICRs associated with RCRA permitting to include submittals to authorized States.

**4. p. 15066, col. 3 -- EPA requests comments on whether the proposed collection of information is necessary for the proper performance of the functions of the Agency.**

DOE believes that the information included in all three ICRs covered by this EPA notice is necessary and appropriate, given EPA's regulatory responsibilities as assigned by RCRA. The ICRs serve as a formal means of documenting generator and TSD facility activities.

**5. p. 15066, col. 3 -- EPA requests comments on how to enhance the quality, utility, and clarity of the information to be collected.**

DOE has found that responsible regulatory agencies often complain about the organization of information in RCRA Part B permit applications and accompanying support documents (e.g., closure plans). Therefore, DOE suggests that EPA could improve the clarity of the information collected by providing the regulated community with standardized format guides for these documents.

**6. p. 15066, col. 3 -- EPA requests comments on how the burden of ICRs on those who must respond might be minimized. Suggested possibilities were listed, including use of appropriate automated electronic, mechanical or other technological collection techniques.**

- a. While DOE believes electronic information transfers using the Internet or electronic mail may have the potential to expedite certain aspects of RCRA permitting, the Department also believes it would be impractical at this time to mandate that ICR responses be filed electronically. Even making such electronic filings optional may not reduce the burden of ICRs on respondents. It is DOE's experience that many State regulatory agencies do not have the equipment necessary to accommodate electronic filing of RCRA permit applications and requests for modifications and renewals. Furthermore, such agencies seldom have funding in today's economic environment for obtaining new equipment. Also, DOE's Savannah River Site (SRS) has been advised by EPA Region IV, as well as the South Carolina Department of Health and Environmental Control, that even if electronic filing of applications occurred, they would require paper copies for the administrative record. However, at some future time, if EPA and the States were to make standardized permit application forms available on the Internet, DOE agrees that it could greatly ease the burden of filings.
- b. Another aspect of the RCRA permit application filing burden is the nature and quantity of information that must be included, particularly in Part B applications and requests for modifications and renewals. While it is not obvious how this aspect of the filing burden can be reduced generally, DOE has one suggestion about how the ICR burden could be reduced for 10 CFR Part 264, Subpart X units (i.e., "miscellaneous" units).

As is implied by the name, miscellaneous units are hazardous waste management units for which design and operating standards are not specified elsewhere in the regulations. Department of Energy hazardous waste management units occasionally fall into this classification.

Because neither the purpose nor the nature of the waste to be managed in a miscellaneous unit can be predicted, EPA's regulations understandably establish a performance-based standard requiring that miscellaneous units be located, designed constructed, operated, maintained and closed in a manner that will ensure protection of human health and the environment. However, there are widely disparate views on what constitutes adequate analyses and documentation in the RCRA permit application, or requests for modification or renewal, to demonstrate that the standard is, or will be, met. DOE believes that additional guidance from EPA on these subjects would reduce the time required for respondents to prepare adequate Part B permit applications for Subpart X units, and would assist responsible regulatory agencies in reviewing such applications. EPA's authorization of a wider variety of contaminant distribution/risk models along with additional guidance on what constitutes adequate demonstration of acceptable risk levels would be especially useful.