

**Supporting Statement for a Request for OMB Review under
the Paperwork Reduction Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

TITLE: PCBs, Consolidated Reporting and Recordkeeping Requirements

EPA ICR No.: 1446.09 **OMB Control No:** 2070-0112

1(b) Short Characterization

The Toxic Substances Control Act (TSCA) section 6(e)(1), 15 USC 2605(e), directs EPA to regulate the marking and disposal of polychlorinated biphenyls (PCBs). Section 6(e)(2) bans the manufacturing, processing, distribution in commerce, and use of PCBs in other than a totally enclosed manner. Section 6(e)(3) establishes a process for obtaining an exemption from the prohibitions on the manufacture, processing, and distribution in commerce of PCBs. This provision requires that EPA must make a finding by rule that such activities will not present an unreasonable risk of injury to health or the environment. In addition, good faith efforts must have been made by the petitioner to develop a chemical substance that does not present an unreasonable risk to replace the PCBs. Exemptions may be granted for a period not to exceed one year. Since 1978, EPA has promulgated numerous rules addressing all aspects of the life cycle of PCBs as required by the statute. These regulations have been codified in the various subparts of 40 CFR 761, as shown in Table 1-1. Appendix A contains a copy of the statute and Appendix B is a copy of the regulations.

**TABLE 1-1
SUBPARTS AND SECTIONS OF 40 CFR 761**

Subpart	Section Numbers	Subpart Title
Subpart A	§§761.1 - .19	General
Subpart B	§§761.20 - .35	Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items
Subpart C	§§761.40 - .45	Marking of PCBs and PCB Items
Subpart D	§§761.50 - .79	Storage and Disposal
Subpart E	§§761.80	Exemptions
Subpart F	§§761.91 - .99	Transboundary Shipments of PCBs for Disposal

TABLE 1-1, continued
SUBPARTS AND SECTIONS OF 40 CFR 761

Subpart	Section Numbers	Subpart Title
Subpart G	§§761.120 - .135	PCB Spill Cleanup Policy
Subpart J	§§761.180 - .193	General Records and Reports
Subpart K	§§761.202 - .218	PCB Waste Disposal Records and Reports
Subpart M	§§761.240 - .257	Determining a PCB Concentration for Purposes of Abandonment or Disposal of Natural Gas Pipeline; Selecting Sample Sites, Collecting Surface Samples, and Analyzing Standard PCB Wipe Samples
Subpart N	§§761.260 - .274	Cleanup Site Characterization Sampling for PCB Remediation Waste in Accordance with 40 CFR 761.61(a)(2)
Subpart O	§§761.280 - .298	Sampling to Verify Completion of Self-Implementing Cleanup and On-Site Disposal of Bulk PCB Remediation Waste and Porous Surfaces in Accordance with §761.61(a)(6)
Subpart P	§§761.300 - .316	Sampling Non-Porous Surfaces for Measurement-Based Use, Reuse, and On-Site or Off-Site Disposal Under §§761.61(a)(6) and 761.79(b)(3)
Subpart Q	§§761.320 - .326	Self-Implementing Alternative Extraction and Chemical Analysis Procedures for Non-Liquid PCB Remediation Waste Samples
Subpart R	§§761.340 - .359	Sampling Non-Liquid, Non-Metal PCB Bulk Product Waste for Purposes of Characterization for PCB Disposal in Accordance with §761.62, and Sampling PCB Remediation Waste Destined for Off-Site Disposal, in Accordance with §761.61
Subpart S	§§761.360 - .378	Double Wash/Rinse Method for Decontaminating Non-Porous Surfaces
Subpart T	§§761.380 - .398	Comparison Study for Validating a New Performance-Based Decontamination Solvent Under 40 CFR 971.79(d)(4)

This Supporting Statement is a renewal of the Information Collection Request (ICR) that previously consolidated six ICRs as follows:

1. ICR 857—PCB Manufacturing, Processing, and Distribution in Commerce Exemptions (OMB Control No. 2070-0021).

2. ICR 1000—PCB Use in Electrical Equipment and Transformers (OMB Control No. 2070-0003).
3. ICR 1001—PCB Exclusions, Exemptions, and Use Authorizations (OMB Control No. 2070-0008).
4. ICR 1012—PCB Disposal Permitting Regulation (OMB Control No. 2070-0011).
5. ICR 1446—Notification and Manifesting for PCB Waste Activities (OMB Control No. 2070-0112), which incorporates ICR 583 - PCB Use, Storage, and Disposal Recordkeeping Requirements (OMB Control No. 2070-0061). This collection was amended to address third-party notifications and to address the burden associated with EPA’s Reclassification Rule when it was a proposed rule.
6. ICR 1729—Final Regulations Amending the PCB Regulations at 40 CFR 761 (OMB Control No. 2070-0159).

The previous Consolidated ICR also incorporated collection request burdens associated with the Reclassification Rule (66 FR 17602, April 2, 2001) not previously contained in OMB’s inventory. No additional requirements have been added to this ICR. This ICR was previously approved as OMB Control No. 2070-0112 and EPA ICR No. 1446.08.

There are approximately 100 specific reporting, third-party reporting, and recordkeeping requirements covered by this consolidated ICR. Some examples of *reporting* and *third-party reporting* requirements included at 40 CFR 761 follow:

- Submitting reports/certifications to qualify for the exclusion from the manufacturing ban, thus allowing the manufacture or importation of chemical products that contain inadvertently generated trace PCB impurities.
- Registering newly discovered PCB Transformers with EPA (reporting) and building owners (third-party reporting).
- Submitting annual reports concerning the storage and disposal of PCBs.
- Notifying EPA to obtain approval to exceed the time limits for storing equipment slated for reuse or to exceed the current 1-year limitation on storing equipment for disposal.
- Notifying EPA (i.e., reporting) and State and local officials (i.e., third-party reporting) of self-implementing PCB remediation activities and changes to these activities, and providing certification that all records of remediation activities are on file.
- Requesting EPA approval to operate facilities that dispose or commercially store PCBs.
- Submitting Unmanifested Waste Reports.
- Sending Certificates of Disposal to generators of PCB waste (third-party

reporting).

Examples of recordkeeping requirements under 40 CFR 761 include:

- Maintaining records of PCB Transformers and transformer inspections, Voltage Regulators, and Large Capacitors.
- Maintaining records of PCB equipment stored for reuse.
- Keeping records of remediation activities.
- Preparing and maintaining plans for handling PCB spills [i.e., Spill Prevention, Control, and Countermeasure (SPCC) plans].
- Preparing and maintaining annual document logs for incineration facilities, chemical waste landfills, and high efficiency boilers.
- Maintaining monitoring records of the manufacture, import, processing, distribution in commerce, or use of chemicals containing inadvertently generated or recycled PCBs.
- Maintaining records associated with the transfer, storage, and disposal of PCBs and PCB equipment; the processing and distribution in commerce of PCBs; and the decontamination of PCB Items.

Information required by these regulations is used by EPA's Regional Administrators, the Office of Enforcement and Compliance Assurance (OECA), or the Office of Pollution Prevention and Toxics (OPPT), as appropriate. Much of the information is maintained as part of the public docket. Confidential business information (CBI) submitted to EPA to qualify for the chemical manufacturing exclusions is maintained by OPPT in the CBI docket. Data collected under the transformer registration program are provided to the EPA Regional Offices and other environmental offices, on an as requested basis (e.g., State environmental agencies, fire response personnel, etc.), and is accessible online as well.

All of the information collection activities associated with the PCB regulations found at 40 CFR 761 have been approved by OMB. The total hourly and cost burdens associated with the requirements discussed in this consolidated ICR include time needed to collect and review required information and transmit or otherwise disclose the information. EPA will use the information collected by the 40 CFR 761 requirements to ensure PCBs are managed in an environmentally safe manner and that activities are being conducted in compliance with the PCB regulations. Specific uses of the information collected include determining the efficacy of a disposal technology; evaluating exemption requests and exclusion notices; targeting compliance inspections (e.g., determining if operational criteria for disposal facilities are being met); and ensuring adequate storage capacity for PCB waste.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The reporting and recordkeeping requirements of this consolidated ICR are implemented under the TSCA authorities 15 USC 2605, Section 6(e). To meet its statutory obligations, EPA must obtain sufficient information to conclude that the specified activities do not result in an unreasonable risk of injury to health or the environment. The regulations are intended to prevent the improper handling and disposal of PCBs and to minimize the exposure of human beings or the environment to PCBs.

To assist EPA in achieving these goals, the information collected by these requirements will update the Agency's knowledge of ongoing PCB activities, ensure that individuals using or disposing of PCBs are held accountable for their activities, and demonstrate compliance with the PCB regulations. Tables 2-1, 2-2, and 2-3 (located at the end of this section) provide specific regulatory citations for each reporting, third-party reporting, and recordkeeping requirement, respectively, as well as the use for each requirement, which is provided in response to Section 2(b) of this report. Item numbers in the first column of the tables are included for ease of reference to the numerous requirements and are carried through to other sections and tables throughout this document.

There are, however, certain PCB requirements that are exempt from the Paperwork Reduction Act (PRA). In defining "collection of information," OMB's PRA regulations explicitly exempt public disclosures where all the information required to be displayed is supplied by the government. The last sentence of 5 CFR 1320.3(c)(2) states, "The public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is **not** included within this definition" (emphasis added). This exemption is reflected in OMB's February 3, 1997 draft, the *Paperwork Reduction Act of 1995: Implementing Guidance*, p. 20, n. 88 (this document uses the example of cigarettes displaying the specified Surgeon General's warning).

EPA's PCB marking requirements at §§761.40 and .45 supply **all** the information required by EPA to be displayed on items containing PCBs, except for §§761.45(a) and .40(j)(2). All the information required to be disclosed for compliance with these two provisions is not provided by EPA, however, the requirements do not negate the above conclusion.

For §761.45(a), the mark prompts the recipient to add information identifying the name and telephone number of a person to contact beyond the contact information already supplied by EPA's mark itself. (The mark gives an emergency 800 number at the U.S. Coast Guard in case of accidents or spills, and states "for disposal information contact the nearest U.S. EPA office.") However, OMB's PRA regulations state at 5 CFR 1320.3(h)(1) that the definition of "information" does not generally include "affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments; provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument." According to OMB's draft PRA Guidance (p.24), this exemption "is to be used only to identify an individual in a routine, non-intrusive, non-burdensome way." Thus,

requiring the recipient to display merely the name and phone number of a contact person falls outside OMB's definition of "information" and therefore does not require OMB approval or negate the exemption, under 5 CFR 1320.3(c)(2), for the PCB marking requirements.

The second exemption is that §761.40(j)(2) allows the use of marks other than that prescribed by EPA at §761.45 for PCB Transformers (provided, among other things, that (i) those marks were in use before August 15, 1985, (ii) before August 15, 1985, the primary fire department accepted the alternative mark, (iii) the EPA Regional Administrator (RA) was informed in writing of the alternative mark by October 3, 1988, and (iv) the EPA RA approved the alternative mark within 30 days of receipt). This exception applies only to the discrete universe of individuals who were already using alternative markings before August 15, 1985, and received EPA's approval to continue using it. At that time, the PRA did not apply to Agency requirements that regulated entities disclose information to third parties or the public rather than to the Agency itself, Dole v. United Steelworkers of America, 110 S. Ct. 929, 938 (1990), such as a requirement to display a marking on PCB Transformers.

There are three main types of possible violations for these PCB marking requirements: PCB Transformers with (1) no labels, (2) unapproved alternative labels, or (3) inadequate labels with missing or incorrect information. Those persons who fail to use any mark and never submitted an application for an alternative, and those persons who are using an unapproved alternative mark, cannot assert the PRA as an affirmative defense, because they are required to use the mark specified in §761.45, which, according to 5 CFR 1320.3(c)(2), does not constitute the collection of information.

2(b) Use of the Data

EPA will use the information collected by the 40 CFR 761 requirements to ensure PCBs are managed in an environmentally safe manner and that activities are being conducted in compliance with the PCB regulations. Tables 2-1, 2-2, and 2-3 contain information on the specific use of the data for each information collection.

**TABLE 2-1
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)**

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart A—General			
1	§761.1(f)(1),(2), and (3)	Comply with reporting requirements of Subpart J (§§761.185 - .187) as a condition to be exempt from the manufacturing ban of Subpart B, for persons who: inadvertently manufacture or import PCBs generated as unintentional impurities in excluded manufacturing processes; process, distribute in commerce, or use products containing PCBs generated in excluded manufacturing processes; or process, distribute in commerce, or use products containing recycled PCBs, as per §761.1(f)(1) to (3).	Provide means for Agency to verify that individuals who claim manufacturing exclusions are generating only allowed quantities of PCBs in the products that leave their manufacturing sites. Provide data used to establish who is generating new PCBs, where these PCBs are being generated, and in what quantities. Identify sites for compliance inspections of those facilities that have reported unusually high amounts of PCBs released to products, air, or water. Provide quality control in that the regulation encourages manufacturers to audit their operations, quantify their PCB releases, and maintain their particular PCB releases within prescribed limits. (Also see numbers 42 & 43.)
Subpart B—Use			
2	§§761.20(b)and (c)(1) and (3)	Submit an exemption petition as per TSCA Section 6(e)(3) to manufacture (import), process, or distribute in commerce (export) PCBs, unless otherwise authorized.	Implement statutory mandate that these activities will not result in an unreasonable risk of injury to health or the environment. (Also see numbers 34 and 39.)
3	§§761.30(a)(1) (vi), (vii), and (xv)(D)	Register newly discovered PCB Transformers. (See Appendix C for EPA Form 7720-12).	Provide EPA and building owners with key information about transformer locations.
4	§§761.30(a)(2) (v)(C) and .30(h)(2)(v)(C)	Obtain EPA approval to use alternate method for reclassifying transformers.	Provide EPA with adequate information to respond to request for relief from regulatory requirement.
5	§761.30(i)(1) (iii)(A)(1)	Submit a description, at the request of the Regional Administrator (RA), of a natural gas pipeline system owned or operated by a seller or distributor of natural gas that contains ≥ 50 ppm PCBs.	Keep regions informed of the operation of a natural gas pipeline system that contains PCBs.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
6	§761.30(t)(3)	Obtain EPA approval for the use of PCBs in other gas or liquid systems.	Ensure that the wide variety and sometimes rare cases of PCB-contaminated gas or liquid systems are identified and cleaned to <50 ppm.
7	§761.35(b)	Obtain EPA approval for an extended storage for reuse period.	Prevent indefinite storage of equipment in areas not designed, constructed, or operated in compliance with toxic/hazardous waste storage requirements (e.g., TSCA §761.65(b) or RCRA 3004 or 3006 facilities).
Subpart D—Storage and Disposal			
8	§761.60(e), (i)(2); .70(a), (b), and (d); .75(b)(7), (b)(8)(ii), and (c)	Submit permit application and, when applicable, a demo plan for obtaining approval to operate a PCB disposal facility (i.e., alternative method of disposal, incinerator, chemical waste landfill). Submit requests for approval of R&D for PCB disposal for persons not following self-implementing requirements.	Determine if applications meet the technical and operational criteria for a disposal or R&D facility to prevent PCB releases into the environment.
9	§761.60(j)(1)(i)	Notify EPA to obtain an identification number for conducting R&D on PCB disposal activities. (See Appendix D for EPA Form 7710-53).	Ensure EPA is knowledgeable of PCB R&D activities (i.e., a waste handling activity) to prevent risk of injury to health or the environment. (Also see number 44.)
10	§761.60(j)(1)(ii)	Notify EPA (as well as State, and local) environmental officials of PCB disposal R&D activities.	Keep relevant regional authorities informed of PCB waste handling activities in their area.
11	§761.60(j)(2)	Obtain EPA's approval to exceed allowable volume of PCB material, maximum concentration of PCBs, total amount of pure PCBs or duration of an R&D activity.	Ensure the PCB R&D disposal activities will not cause risk of injury to health or the environment.
12	§§761.61(a)(3)(i) and (ii)	Notify EPA (as well as State, Tribal, and local) officials of self-implementing remediation activity, including a summary of the procedures used to sample contaminated areas and sample collection and analysis data; submit additional information as requested; and certify that records of remediation activity are on file at the location designated in the certificate.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
13	§761.61(a)(3)(ii)	Notify EPA of changes to notification of self-implementing activities.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
14	§761.61(a)(3)(iii)	Request a waiver of the notification requirement for conducting cleanup of PCB remediation waste.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
15	§761.61(a)(8)(i)(B)	Submit certification to EPA that the deed notation required by §761.61(a)(8)(i)(A) has been recorded.	Ensure proper notification to potential land owners of PCB history at the site.
16	§761.61(c)(1)	Apply for risk-based disposal of PCB remediation wastes. Submit additional information as requested by EPA.	Allow EPA, on an as-requested basis, to assess proposed disposal option and ensure that it will not present risk of injury to health or the environment.
17	§761.62(c)(1)	Obtain approval for risk-based disposal or storage of PCB bulk product waste. Provide additional information and periodic progress reports, as requested by EPA.	Allow EPA, on an as-requested basis, to assess proposed disposal or storage option and ensure that it will not present a risk of injury to health and the environment.
18	§761.65(a)(2)	Provide notification that continuing attempts to dispose of or secure disposal for PCB waste within the 1-year time frame have been unsuccessful, for which EPA may grant an automatic 1-year extension.	Show good faith attempts to secure disposal of PCB wastes. Allow EPA to evaluate whether the 1-year time frame for storage should be extended and ensure that appropriate treatment and disposal options are being pursued.
19	§761.65(a)(3)	Submit requests for additional extensions beyond the initial 1-year extension, including justification and information on measures taken to secure disposal.	Ensure that appropriate treatment and disposal options are being pursued.
20	§761.65(a)(4)	Submit request for modifications to TSCA approval to allow for extended storage period.	Allow EPA to assess whether a facility is likely to present an unreasonable risk of injury as a result of being granted approval to extend the storage timeframes for the disposal of PCB waste.
21	§761.65(c)(6)(i)(C)	Demonstrate to the RA and other appropriate regulatory authorities (i.e., NRC, DOE, or DOT), that the use of other containers for the storage of liquid and non-liquid PCB/radioactive wastes is protective of health and the environment.	Allow flexibility in using unique container designs that meet the criteria for containers used to store liquid or non-liquid PCB/radioactive waste.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
22	§761.65(d); (e)(1), (6), and (8); and (f)	Prepare application for commercial storage approval, including qualifications of key employees, closure plan, and closure cost estimate. Commercial storer must also notify EPA of facility modification, closure schedule, and completion of closure activities.	Allow EPA to assess operational capabilities, to determine whether storers/disposers of PCB wastes have the ability to close their facilities in a safe manner, and to prohibit intermediate handlers of PCBs who are financially unable to close their facilities from becoming potential Superfund sites.
23	§761.65(e)(4)	Submit a written request to the RA to modify a storage approval to amend the closure plan, when there are changes in ownership, changes in expected dates of closure, and/or unexpected events.	Ensure proper management of storage facilities.
24	§761.65(g)(9)	Notify issuing authority of modifications to commercial storage facilities.	Ensure financial assurance mechanism is adequately funded.
25	§§761.65(j)	Demonstrate that a new owner of a commercial storage facility has established financial assurance for closure. Submit new or amended commercial storage application as a result of change in ownership.	Ensure proper management of storage facilities and handling of PCB wastes prior to approving changes in ownership.
26	§§761.70(a)(8), (9); and (d)(5)	Obtain approval of alternate measures when regulatory requirements cannot be met for operating a PCB incinerator.	Allow EPA to assess adequacy of alternate procedures for use at incinerators.
27	§§761.70(d)(8); 761.75 (c) (7)	Notify EPA of change in ownership of disposal facility (i.e., incinerators and landfills).	Allow EPA to determine whether transfer will present risk of injury to health and environment.
28	§§761.71(a)(2) and (b)(2)	Notify EPA prior to initial use of high efficiency boiler to burn mineral oil dielectric fluid. Seek approval to burn liquids, other than mineral oil dielectric fluid in a HEB.	Ensure that the operation of high efficiency boilers will not present a risk of injury to health or the environment.
29	§§761.72(c)(2)	Notify EPA as a scrap metal recovery oven or smelter used to dispose of PCBs and comply with the reporting requirements of Subparts J and K.	Ensure that the operation of industrial furnaces will not present risk of injury to health or the environment. (Also see number 44.)

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
30	§761.72(c)(3)	Submit written request to RA based on site-specific risk assessments, in lieu of meeting requirements listed in §761.72.	Allow EPA to assess whether scrap metal recovery oven and/or smelter operation will present risk of injury to health or the environment.
31	§§761.77(a)(1)(i), (a)(1)(ii)(A)(1) and (C), and .77(a)(2)	Submit a notification to the RA for coordinated approval and additional information, as requested by EPA. Submit an application for TSCA disposal approval, if the RA denies the request for a coordinated approval or determines that the conditions of the coordinated approval are not being met.	Allow EPA to assess whether facilities seeking coordinated approval properly manage PCB wastes and recognize the Federal or State waste management documents governing the properly managed facilities, thus contributing to more efficient use of limited resources.
32	§761.77(a)(3)	Notify EPA of changes in waste management requirements in the non-TSCA waste management document used to obtain TSCA PCB coordinated approvals.	Ensure the proper handling of PCB wastes.
33	§§761.79(h)	Submit requests for approvals of alternative decontamination or sampling methods, for any person decontaminating porous surfaces other than concrete, as per paragraph (b)(4), or non-porous surfaces covered with a porous surface, as per paragraph (b)(3) or (c)(6), and/or by using a self-implementing procedures other than prescribed in paragraph (c). EPA may request additional information.	Allow EPA, on an as-requested basis, to ensure that decontamination methods will not pose risk of injury to health or the environment.
Subpart E—Exemptions			
34	§§761.80(e)(1) and (i)(1)	Submit petition to qualify for the class exemptions for manufacturing PCBs for disposal R&D and for the manufacture, import, processing, distribution, and export of PCBs and analytical reference samples derived from PCB waste for R&D.	Allow EPA, on an as-requested basis, to assess whether a facility meets the criteria for being granted an exemption. Minimize negative impacts from the relatively time-consuming statutory process for individual companies seeking an exemption from the prohibition on manufacturing, processing, and distributing in commerce of PCBs. [Statutory requirement] (Also see numbers 2 and 39).
35	§761.80(e), (i)(2) and (n)	Submit requests for renewal of the class exemptions.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
36	§§761.80(e)(3), (g)(2), and (i)(4)	Obtain approval from EPA to exceed limits of the exemption.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.
37	§761.80(e)(4)	Notify EPA before beginning R&D activities that include the manufacture of PCBs.	Ensure that facility operation will not pose risk of injury to health or the environment.
38	§761.80(n)	Submit a petition for certain exemptions to address increases in the amount of PCBs to be processed and distributed, imported (manufactured), or exported, or changes in the manner of processing and distributing, importing (manufacturing), or exporting PCBs.	Allow EPA, on an as-requested basis, to ensure that facility operations will not pose risk of injury to health or the environment.
Subpart F—Transboundary Shipments of PCBs for Disposal			
39	§§761.93(a) and .97(a)	Submit an exemption petition as per TSCA Section 6(e)(3) to import PCBs or PCB Items for disposal.	Allow EPA, on an as-requested basis, to ensure that the import and export of PCBs and PCB Items will not pose a risk of injury to health or the environment. [Required by Statute.] (See number 2.)
Subpart G—PCB Spill Cleanup Policy			
40	§761.125(a)(1) (i) to (iii)	Report certain spills of PCBs to EPA. Request guidance from the RA in completing statistical sampling of the spill area to establish spill boundaries, where there are no visible traces of contamination.	Make reporting consistent with CERCLA requirements and facilitate cleanup of PCBs, to prevent exposure to PCBs.
Subpart J—General Records and Reports			
41	§§761.180(b)(3) and (c)(5)	Submit annual reports for the operation of PCB incinerators, chemical waste landfills, high efficiency boilers, and commercial storage facilities, including facilities that dispose of the PCB wastes they generate. Report suspension of operations.	Fill gaps in EPA’s knowledge of how PCB wastes are being handled and allow the Agency to respond to public and Congressional inquiries. Enable EPA to more effectively target disposal facilities for inspection and compliance monitoring.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
41a	§761.180(g)	Provide records pertaining to the reclassification of PCB equipment, if requested by EPA.	Address EPA's concerns regarding reclassification procedures and results for the specified equipment. (Also see number 68a.)
42	§§761.185	Notify EPA and certify low level PCB product contamination to be exempt from the requirements of Subpart B, regarding processes inadvertently generating PCBs and imports of products containing inadvertently generated PCBs. Certification must be repeated if the previous certification is no longer valid.	Ensure products do not reach U.S. markets with unacceptably high levels of PCBs.
43	§761.187	Notify EPA when PCB releases exceed limits, to be exempt from the requirements of Subpart B, for products, manufactured or imported with inadvertently generated PCBs.	Ensure that facility operations will not pose risk of injury to health/environment.
Subpart K—PCB Waste Disposal Records and Reports			
44	§§761.202(a); 205(a) to (c)	Notify EPA of waste handling activities, for generators, commercial storers, transporters, or disposers of PCB waste.	Inform EPA of generators, storers, transporters, and disposers of PCB waste so that the Agency can ensure compliance with applicable regulations.
45	§761.205(f)	Report changes in notifications previously submitted by PCB waste handlers (i.e., amended notification).	Ensure that PCB waste handlers are operating within the proper criteria.
46	§§761.208(a) (4) and .215(b) to (d)	Submit Exception Reports to EPA when PCB waste generators, disposers, and/or commercial storers do not receive confirmation that a shipment of a PCB waste has been properly disposed of.	Track the movement of PCB waste to ensure they arrive at intended storage or disposal site.
47	§761.210(b)	Submit Discrepancy Reports and copies of manifests to EPA when the PCB waste received by a disposer is significantly different from the description on the manifest that accompanies it, and the discrepancy is not resolved within 15 days after receiving the PCB waste.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.

TABLE 2-1, continued
REPORTING REQUIREMENTS UNDER TSCA SECTION 6(e), 40 CFR 761
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
48	§§761.211(b)	Notify RA of unmanifested PCB waste, for owners/operators of commercial storage facilities who cannot contact the generator of the PCB waste.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.
49	§761.211(c)	Submit Unmanifested Waste Reports (e.g., waste description, volume, disposition; date received; ID numbers of waste handlers for that waste) to EPA when disposers accept a shipment of PCB waste without an accompanying manifest.	Enable EPA to investigate potential violations and prevent further environmental contamination. Target companies for inspection.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)			
50	§§761.395 and 398(a)	Submit results of analysis and validation study to the Director, National Program Chemicals Division (NPCD).	Allow EPA to confirm and publish findings in the <u>Federal Register</u> of new decontamination procedures.

TABLE 2-2
THIRD-PARTY NOTIFICATION REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart B—Use			
51	§§761.20(e)(3)(ii); 30(i)(5)(ii); and .60(b)(5)(iv)(B)	Burner of used oil must provide a 1-time certification to the marketer that he is in compliance with notification requirement at §761.71(a)(2).	Limits distribution of used oil containing PCBs to authorized burners.
52	§§761.30(a)(1)(xi) and (xv)(A); 30(h)(1)(ii)(B)	Report PCB Transformers and Voltage Regulator fire incidents to the NRC.	Provide Federal officials with notice of individual and the environmental exposure to PCBs.
53	§761.30(a)(1)(xiv)	Notify owner of PCB Transformer that equipment may pose risk of exposure to food or feed.	Allow determination to be made regarding risk of exposure to food and feed.
54	§761.30(a)(1)(xv)(D)	Register PCB Transformers with the building owner within 30 days of discovery.	Provide local notice of the existence of PCBs.
Subpart D—Storage and Disposal			
55	§761.60(a)(3)(ii)	Provide information to chemical waste landfills that liquids do not exceed 500 ppm and are not ignitable.	Prevent release of PCBs and provide flexibility in disposal options for incidental liquids, making the rule consistent with RCRA land ban restrictions.
56	§761.60(b)(5)(i)(A)(1)	Include abandoned natural gas pipes that contain PCBs in public service notification programs.	Prevent exposure to PCBs.
57	§761.60(f)(1)(i)	Provide State and local officials with notification prior to the first use of an approved chemical waste landfill, incinerator, or alternate PCB disposal technology.	Inform relevant authorities of the operation of a PCB disposal facility in their region.

TABLE 2-2, continued
THIRD-PARTY NOTIFICATION REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
58	§761.60(f)(1)(ii)	Provide annual notice of the quantities and general description of the PCBs disposed of during the year, at the request of any State or local government.	Keep relevant authorities informed of PCB activities in their region.
59	§761.60(j)(1)(ii)	Notify State, and local environmental officials (as well as EPA) of PCB disposal R&D activities.	Keep relevant regional authorities informed of PCB waste handling activities in their area.
60	§761.60(j)(1)(vii)	Manifest, pursuant to Subpart K, all PCB wastes that are generated by R&D on PCB disposal and transported from the R&D facility to a commercial storage or disposal facility, unless the residuals or unused samples are returned to the site of generation.	Ensure proper handling and disposal of PCB wastes.
61	§§761.61(a)(3)(i)	Notify State, and local environmental officials (as well as EPA) of self-implementing remediation activity.	Allow for flexibility in self-implementing remediation by keeping proper authorities informed of remediation activities.
62	§761.61(a)(5)(i)(B)(2)(iv)	Notify offsite non-TSCA facility of pending shipment of remediation waste.	Ensure proper handling of PCB wastes.
63	§761.61(a)(8)(i)(A)	Attach a notation to the deed for property at which remediation projects require a permanent fence or cap.	Ensure potential buyer is aware property is site of PCB remediation.
64	§§761.62(b)(4)(i) and (ii)	Provide notification to a receiving facility that does not have a commercial PCB storage or disposal approval before the first shipment of a PCB bulk product waste stream. In addition, for certain waste this notice must be provided with each shipment thereafter.	Ensure proper storage and disposal for PCB bulk product waste. (See also §§761.357 and 761.359.)
65	§761.65(c)(1) and (8)	Attach a notation to a PCB Item or PCB Container containing the item indicating the date the Item was removed from service.	Facilitate the proper storage and disposal of PCB Items and Containers.

TABLE 2-2, continued
THIRD-PARTY NOTIFICATION REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE COLLECTED DATA: ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
66	§761.65(i)(3)	Send information regarding the sample collector, the lab, date of shipment, quantity, and description of sample, when sending PCB samples to a laboratory for testing.	Inform workers of appropriate contact information to ensure proper handling of PCBs.
Subpart G—PCB Spill Cleanup Policy			
67	§761.125(a)(1)	Report certain spills of PCBs to the NRC.	Make reporting consistent with CERCLA requirements and facilitate cleanup of PCBs, to prevent exposure to PCBs.
68	§761.125(c)(2)(ii)	Place label or notice of PCB contamination at cleanup site.	Inform personnel of presence of low level PCB contamination.
Subpart J—General Records and Reports			
68a	§761.180(g)	Provide records pertaining to the reclassification of PCB equipment, if requested by recipients of equipment.	Address recipient’s concerns regarding liability for improper reclassification. (Also see number 41a.)
Subpart K—PCB Waste Disposal Records and Reports			
69	§§761.207(a) and .208(a)(2) and (3)	Prepare manifests and provide generator-initiated manifests of PCB waste to each transporter or designated commercial storage or disposal facility.	Ensure proper tracking of PCB waste shipments.
70	§§761.208(c)(1)(iv) and (c)(2)(iv)	Storer or disposer sends a copy of the manifest or shipping paper to the generator.	Ensure proper tracking of PCB waste shipments.
71	§§761.218(a) and (b)	Send Certificates of Disposal to generators of PCB waste when disposal of each item is complete for a manifested PCB waste shipment.	Enable generators to confirm that each PCB Item in a shipment has been disposed of legally. Assure generator that the PCB waste has been disposed of and is in the final step of the cradle-to-grave monitoring of PCB waste.

TABLE 2-3
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
40 CFR 761			
Subpart A—General			
72	§761.1(f)	Comply with recordkeeping requirements of Subpart J (§761.185 - .193) as a condition of the exclusion from the manufacturing, processing, distribution in commerce, and use bans of Subpart B, for persons who inadvertently manufacture or import PCBs generated as unintentional impurities in excluded manufacturing processes, or generate PCBs in excluded manufacturing process or products with recycled PCBs, as defined in §761.3.	Provide quality control that encourages manufacturers to audit their operations, to quantify their PCB releases, and to maintain their particular PCB releases within the limits that will assure that they have generated only trace amounts of PCBs. (See number 100.)
Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items			
73	§§761.20(e)(4)(i) and (ii); .30(i)(5)(ii); and .60(b)(5)(iv)(B)	Marketer who first claims used oil does not contain detectable PCBs must retain records supporting the claim and a copy of each certification notice received or prepared relating to transactions involving PCB-containing used oil. Burners must include among the records a copy of each certification notice that has been provided to a marketer of PCB-containing used oil.	Allow EPA to verify compliance with the used oil provisions.
74	§§761.30(a)(1)(xii) and (xiv)	Maintain records of inspection and maintenance history for at least 3 years after the disposal of a PCB Transformer, including records of registration, as per §761.30(a)(1)(vi)(C).	Allow EPA to verify compliance with the regulations and that PCB equipment was registered.

TABLE 2-3, continued
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
75	§§761.30(a)(2)(v) (C) and (D); 761.30(h)(2)(C) and (D) and 761.180 (g)	Maintain records at the facility where PCB electrical equipment (i.e., transformers, voltage regulators, electromagnets, switches) has been reclassified to a lower PCB concentration.	Assist EPA in tracking the ultimate disposition of PCB equipment.
76	§§761.30(i)(1) (iii)(B) and (C)	Keep records of data collected on natural gas pipeline systems that do not include sources of PCB contamination (e.g., natural gas compressors, natural gas scrubbers, and natural gas filters) but contain ≥ 50 ppm PCB. Retain data and records of actions taken to reduce PCB contamination by owners or operators of natural gas pipeline systems.	Be able to demonstrate the reduction of PCB levels in a natural gas pipeline system.
77	§761.35(a)(2)	Keep records of equipment stored for reuse.	Ensure the proper handling of equipment stored for reuse.
Subpart C—Marking of PCBs and PCB Items			
78	§761.40(c)(2) (ii) and (k)	Keep records of the protected location of PCB Large Low and High Voltage Capacitors, in lieu of marking.	Have information available for preventing exposure to PCBs and allow flexibility in compliance with marking requirement.
Subpart D—Storage and Disposal			
79	§761.60(j)(1) (ix)	Keep records of R&D for disposal activities.	Have information ensuring the proper management of R&D for disposal activities.

TABLE 2-3, continued
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
80	§§761.61(a)(3)(i)(E); and (a)(6)	Retain records of the sampling plans, sample collection procedures, sample preparation procedures, extraction procedures, and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site, and certification that these records are on file at the location designated in the certificate. Keep records of comparison studies for any alternate method used that meet or exceed the requirements of §761.326. Keep records of sampling and sample analysis to verify cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces, as per Subpart O, §761.295.	Allow EPA inspectors to ensure the proper operation of PCB remediation activities. (See also §§761.295.)
81	§761.61(a)(3)(iii)	Retain the original written waiver of the 30-day notification requirement for conducting a cleanup activity of PCB remediation waste.	Allow EPA to track administrative decisions regarding self-implementing remediation projects.
82	§761.61(a)(9)	Keep records in accordance with §761.125(c)(5) for (a)(3), (a)(4), and (a)(5) of this part.	Ensure that a remediation site has been properly decontaminated. (See number 97.)
83	§761.62(b)(5)	Maintain a written record of all sampling and analysis of PCBs or notifications made under this part for 3 years from the date of its creation and make available to EPA upon request.	Allow EPA to assess whether PCB bulk product wastes are properly handled.
84	§§761.65(a)(2)(ii) and (a)(3)	Keep a written record of attempts to secure disposal capacity. If requested, keep records of PCB wastes stored beyond the 1-year storage extension.	Ensure that PCB wastes stored beyond the 1-year storage extension do not pose unreasonable risk of injury to health and the environment.
85	§761.65(c)(1)(iv)	Prepare/modify Spill Prevention, Control, and Countermeasure Plans to address liquid PCBs ≥ 500 ppm, to be able to temporarily store PCB Containers containing liquid PCBs in areas that do not comply with the storage requirements of §761.65.	Ensure that adequate remediation measures have been defined and can be taken to avoid exposure to PCBs in the event of a PCB spill.

TABLE 2-3, continued
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
86	§761.65(c)(7)(ii)	Prepare a Spill Prevention, Control, and Countermeasure Plan (SPCC) when using large stationary storage containers, as per 29 CFR 1910.106, for liquid PCBs.	Ensure that adequate remediation measures have been defined and can be taken to avoid exposure to PCBs in the event of a PCB spill.
87	§761.65(c)(8)	Keep records of the quantity and the date of each batch added to the stationary storage container.	Allow EPA to monitor content of stationary storage containers.
88	§§761.65(c)(10)	Establish and maintain records as per §761.180 for the storage and disposal of PCBs and PCB Items ≥ 50 ppm.	Allow EPA to assess whether PCBs and PCB Items are being properly stored for disposal. (See number 99.)
89	§§761.70(a)(3), (4) and (7); (c); and 761.180(c)	Maintain for incinerators records of quantities, feed rates, temperatures, combustion products, and operations, and special records, as per §761.180(c); retain records for 5 years.	Allow monitoring of incinerator operations.
90	§§761.71(a)(1)(vi) and (vii), (a)(4), (b)(1)(vi-vii), and (b)(5); and .180(e)	Record feed rate, carbon dioxide emissions, the quantity of low concentration PCB liquid burned in a high efficiency boiler each month, and the analyses of the waste burned in high efficiency boilers and retain the records for 5 years.	Allow EPA to assess whether a high efficiency boiler has operated according to the required specifications.
91	§761.72(a)(9) and (b)(6)	Record and retain records of temperature readings from scrap metal recovery ovens.	Allow EPA to assess whether scrap metal recovery ovens and smelters are operated according to the required specifications.
92	§§761.75(b)(6)(iii) and (b)(8)(iv); 761.180(d)	Maintain records for all PCB disposal operations at chemical waste landfills, including PCB concentration in liquid wastes, the three-dimensional burial coordinates for PCBs and PCB Items, water sampling and analysis, and additional records as required in §761.180; retain records for at least 20 years after the facility ceases disposal operations.	Allow EPA to assess whether disposal facilities are operating in compliance with regulatory requirements.
93	§761.79(d)(4) and Subpart T	Retain test/validation results of performance-based organic decontamination fluids (PODFs) and verified aqueous decontamination fluids (VADFs).	Allow EPA to ensure that a decontamination activity used proper decontamination fluids.

TABLE 2-3, continued
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
94	§§761.79(f)(1) and (2)	Keep records for 3 years of confirmatory sampling and sampling locations/results for decontamination activities and compliance with self-implementing procedures.	Allow EPA to assess whether a decontamination activity was properly implemented.
Subpart E—Exemptions			
95	§§761.80(e) (5) and (i)(7)	Keep records of activities associated with manufacture/processing/distribution in commerce of PCBs or PCB reference samples derived from waste materials for R&D; retain records for 3 years after operations cease.	Ensure accountability for PCB activities otherwise banned by statute.
96	§761.80(g)(1)	Keep records of activities associated with the processing and distribution in commerce of small quantities PCBs for R&D.	Ensure accountability for PCB activities otherwise banned by statute.
Subpart G—PCB Spill Cleanup Policy			
97	§§761.125(b) (3) and (c)(5); .61(a)(9)	Maintain records of cleanup and certification of decontamination for 5 years, for low- and high-concentration spills.	Allow EPA to assess compliance with requirements and pursue enforcement actions, when appropriate.
98	§761.125(c) (1)	Maintain records documenting delay in spill cleanup activities and areas of visible contamination.	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.
Subpart J—General Records and Reports			
99	§§761.180(a), (a)(4), (b) and (f); 761.65(c) (5)	Maintain annual records and written annual document log for PCBs and PCB Items for 3 years after facility ceases PCB activities, including signed manifests, Certificates of Disposal, records of inspections and cleanups, facility and Item identification information, total number of Items, telephone records, and PCB Item transfer information. Collect and maintain documents, correspondence and data pertaining to storage/disposal of PCBs that have been provided to as well as received from any State or local	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.

TABLE 2-3, continued
RECORDKEEPING REQUIREMENTS AUTHORIZED UNDER TSCA SECTION 6(e)
AND USE OF THE DATA: FOR ICR PART A, SECTIONS 2(a) and 2(b)

Ref. #	Regulatory Section(s)	Collection Requirement	2(b) Use of Collected Information
		government agency and any application/correspondence submitted to local, State, or Federal permitting authorities.	
100	§§761.185(c) (2), (d) and .193 (a) and (b)	Maintain theoretical analysis or monitoring records by persons who import, manufacture, process, distribute in commerce, or use products containing inadvertently generated or recycled PCBs, pursuant to §761.1(f)(1) to (3). Maintain letter certifying compliance with §761.1(f), for excluded manufacturing processes.	Allow EPA to ensure the proper management of PCB activities.
101	§§761.208 and 761.209	File and maintain manifests initiated or received by a PCB waste handling facility (i.e., generators, transporters, commercial storers and disposers) and maintain records of all telephone and other conversations regarding manifest communications, which are to be included in the annual log in accordance with §761.180.	Provide a record of the fate of each waste shipment sent to a disposal site, allowing EPA to determine if a waste had been properly or improperly disposed.
102	§761.218(c)	Maintain a copy of each Certificate of Disposal received from disposers, for generators and commercial storers of PCB waste.	Provide a record of the disposal of a waste shipment, allowing EPA to determine if a waste has been properly or improperly disposed.
Subpart T—Comparison Study for Validating a New Performance-Based Decontamination Solvent under §761.79(d)(4)			
103	§761.398(c)	Record testing parameters and experimental conditions in standard operating procedures (SOP). Results of validation study are to be affixed as an appendix.	Allow EPA to assess compliance with requirements and pursue enforcement action, when appropriate.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

TSCA Section 6(e) assigns the responsibility for regulating the manufacture, processing, distribution in commerce, use, storage, and disposal of PCBs to the EPA Administrator. All of the information requested under this ICR is required by the statute and the implementing regulations at 40 CFR 761 and is not available from other sources. The information collection requirements addressed in the ICR are not duplicative of any other Federal agency legislation. No other Federal agency requires respondents to report or maintain information on the manufacturing, processing, or distribution in commerce of PCBs.

For example, the notification and recordkeeping requirements of §§761.185, 761.187, and 761.193 comprise the sole source of information EPA relies on to identify the manufacturing sites that inadvertently manufacture PCBs and to verify that the members who have certified their eligibility for the exclusion are not exceeding the prescribed limits on PCB releases. Over time, reviewers of the PCB ICRs have suggested that the TSCA PCB requirements are duplicative of TSCA inventory Form U reports, EPCRA Tier I and II reports, and Customs records that presumably could be used by EPA to identify a product's PCB concentration (§§761.185 and .187); that RCRA, CWA, CAA, and CERCLA could be used by EPA to address air and water emissions and process waste concerns (§761.187); and that EPCRA reporting requirements could be used by EPA to identify locations of PCB Transformers and PCB releases (§§761.30(a)(1) and .187). However, none of these requirements begin to address the concerns that are being tracked under the TSCA PCB regulations. For example, Customs records collect information on importation (i.e., chemical products, points of entry, and quantities, not products with *de minimis* levels of PCBs). The EPCRA and TSCA inventory reports do not gather information at the levels that would be useful under the PCB regulations. Finally, the RCRA, CWA, CAA, and CERCLA provisions cannot be used to monitor PCB concentrations in consumer products or to prescribe disposal procedures for PCBs.

3(b) Public Notice Required Prior to ICR Submission to OMB

Prior to submission to OMB, this ICR will be made available to the public for comment through a Federal Register notice. The public will have 60 days to provide comments. Any comments received will be given consideration when completing the supporting statement that is submitted to OMB.

3(c) Consultations

On numerous occasions during the course of regulating PCBs, the Agency has consulted with the regulated community and the public. These consultations have been held directly with industry officials and, on an ongoing basis, with owners and operators of regulated facilities, during EPA enforcement activities and facility inspections. For example, when developing the rules pertaining to PCB Transformer use, EPA consulted with the Department of Agriculture,

U.S. Department of Health and Human Services, and the Small Business Administration. To obtain information on the numbers of transformers subject to the requirements, EPA consulted with the Edison Electric Institute, Equitable Life Assurance, and the Building Owners and Managers Association. As a result of the promulgated Electrical Equipment Use Rule, EPA has consulted with various organizations and agencies on an ongoing basis. EPA also meets annually with representatives from more than 50 utilities and electric cooperatives who have verified the burden estimates related to inspection recordkeeping requirements for PCB Transformers.

For the Final PCB Disposal Rule promulgated June 29, 1998 (63 FR 35384), the Agency consulted with the regulated community and the public on all aspects of the rulemaking. In addition, informal meetings were held with the American Gas Association (AGA), Interstate Natural Gas Association of America (INGAA), Utilities Solid Waste Activities Group (USWAG), and the Environmental Technology Council (ETC). Interagency meetings conducted jointly by OMB and EPA regarding the provisions of this rule were attended by several Federal agencies, including the Department of Defense (DOD), the Department of Energy (DOE), the Department of Transportation (DOT), and the Tennessee Valley Authority (TVA).

This current ICR renewal effort also involved gathering information about the number of notifications the Agency has received over the past three years for the various reporting burdens (see Table 2-1) and the number of PCB spills reported to the National Response Center (NRC) from 2004 to 2006 (U.S. Coast Guard, 2007). It also involved using information recently gathered for preparing *Appendix A: Data Acquisitions Report for an Economic Analysis of Phasing Out PCB Transformers and Large Capacitors*, including information obtained from conversations with regulated entities (U.S. EPA, 2004a). For this project, the Agency consulted with large and small utilities, electric cooperatives, PCB waste handlers and equipment owners, analyzing the data within the context of the limitations mentioned above. It is noted that the responses regarding reporting and recordkeeping burdens are variable. Comments are incorporated throughout the supporting statement. Sources are listed in the reference section.

An additional public consultation process will also be conducted by the Agency concurrent with the public comment period for this ICR renewal, and comments received will be used to develop the final ICR supporting statement submitted to OMB for renewal.

3(d) Effects of Less Frequent Collection

EPA has judged that the reporting and recordkeeping requirements of the ICR are the minimum amount necessary to prevent injury to health and the environment. These requirements ensure adequate oversight by EPA over the use of PCBs and PCB equipment and the storage and disposal of PCB wastes. If these activities were conducted less frequently, the mismanagement and improper storage and disposal of PCBs would likely cause subsequent environmental contamination.

There are several examples of one-time PCB information collection requirements. One example is the notification and certifications requirements of §761.185, which are supported by

relevant sampling data or by theoretical analysis. Only when processes are modified are importers and manufacturers required to renotify. The notification requirements regarding installation of PCB Transformers in emergency situations and for owners who elect not to install enhanced electrical protection on lower voltage secondary transformers were one-time notifications that were to be completed by October 1, 1990. Another example are the reports on total PCB releases of §761.187 that need only be submitted if the PCB levels in the products exceed the specified annual average of 25 ppm, or when releases to air and water exceed the regulatory thresholds. Also, EPA requires one-time notifications for owners to register their newly discovered PCB Transformers (see EPA Form 7720-12, PCB Transformer Registrations at Appendix C) and for individuals to notify the Agency of their PCB waste handling activities (see EPA Form 7710-53, Notification of PCB Activity at Appendix D); both notifications can be accomplished by completing a simple form, although use of the form is optional when registering PCB Transformers.

3(e) General Guidelines

Most of the information requested by this ICR is consistent with OMB's Paperwork Reduction Act Guidelines. Some exceptions are as follows.

Under the information collection requirements of §§761.185 and 761.193, manufacturing and monitoring records that document PCB levels in products and analyses that support the one-time notification and certification of compliance for the process must be retained for either 3 years after the certified process ceases operations or 7 years, whichever is shorter. The content of the file most likely would not change over the 7-year period, so the burden of keeping the file is substantially mitigated by its limited contents. Likewise, entities that monitor for actual PCB concentrations in the products they manufacture, use, process, distribute in commerce, or recycle must also maintain monitoring data records under §761.193 for either a 3-year period after the operation ceases or up to 7 years. The effect of this provision is to impose an equal retention period for sampling data on all those who deal with inadvertently generated PCBs in products, whether the PCBs result from excluded manufacturing processes or recycling.

To comply with the storage and disposal requirements of Subpart D, disposers and commercial storers must retain records for at least 3 years after the facility is no longer used for the storage or disposal of PCB wastes, except that chemical waste landfills must maintain records for at least 20 years after the facility no longer accepts PCB wastes. The reason for requiring records retention for landfills in excess of 3 years is that a leak from a chemical waste landfill could take years to develop into a noticeable environmental problem. Landfill records are the only mechanism to accurately trace the source of the contamination. Also, certain operational records maintained by the owner/operator of incineration facilities and high efficiency boilers must be retained for 5 years from the date of collection. This enables facilities to demonstrate to enforcement officials that the facility has consistently complied with relevant technical requirements and conditions specified in the disposal permit.

The Final Disposal Amendments Rule contains several provisions that require recordkeeping for 5 years or more. These provisions include §761.61(a)(9), which requires the

notifications and remediation site cleanup activity documentation, pursuant §§761.61(a)(3), (4), and (5), to be maintained for 5 years. Section 761.61(a)(8)(i)(A) requires a notice be permanently affixed to the deed of any property where a remediation project has resulted in the installation of a fence or ground cover cap to increase protection from exposure to PCBs. These measures were taken to enable adequate oversight of remediation projects by environmental officials and to provide adequate notice to potential new owners of property where remediation projects were undertaken.

There are a number of provisions in Part 761 that require reporting within 15 or 30 days of the occurrence of a specific event. For example, the third-party notification requirements of §§761.61(a)(5)(B)(2)(iv) and 761.62(b)(4)(i) and (ii) require generators to provide notice to certain off-site facilities at least 15 days prior to shipping certain wastes. These reporting requirements are not triggered by the calendar (i.e., they are not required quarterly or at more frequent intervals). Therefore, the Agency does not believe that these provisions, or the following 30-day reporting requirements, need special justification:

- §761.30(a)(1)(vi)(A)(1) requires owners of PCB transformers to register the transformer with EPA within 30 days of discovery.
- §761.60(j)(1)(ii) requires EPA, State, and local environmental protection agencies to be notified of the commencement of pilot-scale PCB R&D disposal activity.
- §761.61(a)(3)(i) requires EPA, State or Tribal, and county or local environmental protection agencies to be notified of the location of a remediation waste cleanup project.
- §761.65(a)(2)(i) requires EPA to be notified of intent to store waste beyond the 1-year limit 30 days prior to the expiration of the 1-year time frame when disposal cannot be accomplished within that period.
- §761.70(b)(8) requires EPA to be notified 30 days prior to transferring ownership of an incinerator.
- §761.75(c)(7) requires EPA to be notified 30 days prior to transferring ownership of a landfill.
- §761.80(e) requires EPA to be notified 30 days prior to commencing PCB R&D disposal activity when using manufactured/imported PCBs obtained under this exemption.
- §761.180(c)(5) requires EPA to be notified within 30 days of suspension of incineration operations.
- §761.205(f) requires EPA to be notified within 30 days of changes to previous PCB Notification.

- §761.207(c)(1)(iv) requires commercial storers/disposal facilities to send copy of manifest to generators within 30 days of receipt of waste.
- §761.218(b) requires disposers to send Certificates of Disposal to generator within 30 days of disposing of his waste.

3(f) Confidentiality

Petitioners or permit applicants may claim that all or part of any information given to EPA, such as process design information, is confidential business information (CBI). EPA handles claims of confidentiality pursuant to established CBI procedures, as found at Section 14 of TSCA, 40 CFR 750.16 and 750.36, and the Agency's TSCA CBI Manual. CBI is also protected under the Freedom of Information Act (5 USC Section 525). Most of the information requested in the reporting or recordkeeping requirements of these collections is not of a confidential nature.

3(g) Sensitive Questions

EPA asks no questions of a sensitive nature.