

**SUPPORTING STATEMENT FOR  
INFORMATION COLLECTION REQUEST NUMBER 1189.18  
“F019 LISTING AMENDMENT - PROPOSED RULE”**

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

### **1(a) Title and Number of the Information Collection**

This Information Collection Request (ICR) is entitled “F019 Listing Amendment - Proposed Rule,” EPA ICR Number 1189.18.

### **1(b) Short Characterization**

Under Section 3001 of the Resource Conservation and Recovery Act (RCRA), as amended, EPA is authorized to develop and promulgate regulations identifying the characteristics of hazardous waste and listing particular hazardous wastes which should be subject to EPA’s hazardous waste regulatory system. Under this authority, EPA promulgated regulations at 40 CFR Part 261 that identify hazardous characteristics (Subpart C) and list hazardous wastes (Subpart D).

EPA is proposing to amend the list of hazardous wastes from non-specific sources under 40 CFR 261.31 by modifying the scope of EPA Hazardous Waste No. F019, which currently reads: “Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.” EPA is proposing to amend the F019 listing to exclude wastewater treatment sludges generated from zinc phosphating, when zinc phosphating is used in the motor vehicle manufacturing process, provided that the wastes are disposed in a landfill unit that meets certain liner design criteria. Under the proposed rule, the generators of such wastes may exclude these wastes from the F019 listing provided they meet the conditions for the exclusion. In addition, EPA is proposing to require the generators to keep records showing that their wastes were disposed in a landfill that meets the specified design requirements.

The motor vehicle manufacturing industry incorporates aluminum into vehicle parts and bodies for the purpose of making them lighter-weight and thus more capable of increasing gas mileage. However, when aluminum is incorporated into the body of an automobile, the conversion coating step in the manufacturing process results in the generation of a RCRA-listed hazardous waste F019 in the form of a wastewater treatment sludge from the conversion process, while the wastewaters from the conversion coating of steel in the same industry, does not generate a listed hazardous waste. By removing the regulatory controls under RCRA, EPA is facilitating the use of aluminum in motor vehicles. EPA believes that the incorporation of aluminum will be advantageous to the environment since lighter-weight vehicles are capable of achieving increased fuel economy and associated decreased exhaust air emissions.

In Sections 1 through 5 of this ICR, EPA presents a comprehensive description of the information collection requirements in the proposed rule. In Section 6, EPA estimates the total annual *incremental* hour and cost burden to respondents and the Agency under these requirements.

In the following paragraph, EPA briefly describes the information collection requirement covered in this ICR.

### **Records of Shipments for Generators**

Under proposed 40 CFR 261.31(b)(4)(iii), the generator of wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the condition of the listing (*i.e.*, ensure that shipments of such waste are placed in landfill units that are subject to certain liner design criteria).

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

### **2(a) Need and Authority for the Collection**

EPA is requiring the information collection pursuant to RCRA Section 2002, which authorizes the EPA to prescribe regulations, including information collection requirements, as are necessary to carry out the requirements under the RCRA statute. The proposed rule requires generators to maintain on site for a minimum of three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design criteria set out in the listing description. This recordkeeping requirement is needed in order for the generator to demonstrate to the regulatory agencies that each shipment of its waste was sent to an appropriate landfill.

### **2(b) Practical Utility and Users of the Data**

The recordkeeping requirement will enable regulatory agencies to track shipments of excluded wastes for compliance and enforcement purposes. It is consistent with normal business recordkeeping practices, and is not expected to impose any additional paperwork burden on generators.

## **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **3(a) Nonduplication**

None of the information required by the proposed rule would duplicate information required by existing RCRA regulations.

### **3(b) Public Notice**

In compliance with the Paperwork Reduction Act of 1995, EPA has issued a public notice in the *Federal Register* ([Insert Notice Date and Citation]). The public comment period extends through [Insert Date]. To assist the public in commenting on the proposal, EPA raised a few issues in the preamble to the proposed rule and asked for the public to comment on them. At the end of the comment period, EPA will review public comments received in response to the notice and will address comments received, as appropriate.

### **3(c) Consultations**

On April 22, 2004, EPA through a posting on EPA's website, indicated that the Agency was in the process of considering a possible amendment to the F019 hazardous waste listing under RCRA. This possible amendment would exclude waste water treatment sludges from the zinc phosphating processes at automotive assembly plants in the motor vehicle manufacturing industry when concentrations of constituents of concern in those wastes fell below risk-based exemption levels. On the F019 webpage, EPA provided waste sampling data and the methodology that the Agency would use in considering the revision of the F019 listing using a concentration-based approach. Interested parties were invited to review and comment on the information collected to support the possible amendment that EPA was considering. The comment period for the web posting closed on June 1, 2005. Twelve comments were received. All commenters supported a revision to the F019 listing, although some expressed concerns regarding testing conditions for potential chemicals of concern in the waste and how the concentration-based exemption would be structured.

### **3(d) Effects of Less Frequent Collection**

EPA has carefully considered the burden imposed upon the regulated community by the proposed rule. EPA is confident that those activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed. EPA believes strongly that, if the minimum information collection requirements of the proposed rule are not met, neither the industry nor EPA will be able to ensure compliance with the requirements for demonstrating that the wastes are nonhazardous.

### **3(e) General Guidelines**

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's ICR Handbook, and other applicable OMB guidance.

### **3(f) Confidentiality**

Section 3007(b) of RCRA and 40 *CFR* Part 2, Subpart B, which defines EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the proposed rule. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA also will assure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in the information collection requirements associated with the proposed rule.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents and SIC/NAICS Codes**

The following is a list of North American Industrial Classification System (NAICS) codes associated with the facilities most likely to be affected by the information collection requirements covered in this ICR.

<b>NAICS Code</b>	<b>Industrial Sector</b>
<b>336111</b>	<b>Automobile Manufacturing</b>
<b>336112</b>	<b>Light Trucks &amp; Utility Vehicle Manufacturing</b>

### **4(b) Information Requested**

Under proposed 40 *CFR* 261.31(b)(4)(iii), generators must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the condition of the listing. The shipping records would at a minimum contain the following information:

- Name and address of the generating facility;
- Brief description of the industrial process that generated the wastes;
- Quantity of wastes that were shipped to a landfill
- Name of transporter and date the wastes were shipped;

- Name of landfill receiving the wastes, quantity of wastes received; by the landfill, and date the wastes were received by the landfill.

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

### **5(a) Agency Activities**

The Agency is not requiring waste generators to submit any information for its review and approval under the proposed rule. As specified earlier, the Agency is instead proposing that the waste generators maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the condition of the listing. Therefore, the Agency activities associated with the proposed rule relate to ensuring compliance with the recordkeeping requirements.

### **5(b) Small Entity Flexibility**

The conditional exclusion is intended to be de-regulatory, and would relieve both small and large waste generators from the RCRA hazardous waste program requirements, as specified. In addition, EPA has kept the paperwork requirements under the conditional exclusion as streamlined and as consistent with standard industry practices as possible, to thereby minimize the burden on both large and small entities.

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

### **6(a) Estimating Respondent Burden**

In Exhibit 1, EPA estimates the respondent burden associated with the new paperwork requirements in the proposed rule. As shown in the exhibit, EPA estimates that the total annual respondent burden for the new paperwork requirements in the rule is approximately 35 hours per year.

### **6(b) Estimating Respondent Costs**

EPA estimates that the total annual respondent cost for the new paperwork requirements in the rule is approximately \$2,600. This cost includes annual labor, capital, and operation and maintenance (O&M) costs to be incurred by respondents affected by the information collection requirements covered in this ICR. Specific data and/or assumptions used in developing these costs are described below.



## **Labor Costs**

For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$114 for legal staff, \$89 for managerial staff, \$59 for technical staff, and \$31 for clerical staff. These estimates include overhead and fringe costs and are based on the 2004 labor wage rate data used in the “Supporting Statement for Information Collection Request Nr. 801.15: Requirements for Generators, Transporters, & Waste Management Facilities Under the RCRA Hazardous Waste Manifest System.”

## **Annual Capital and Operation & Maintenance Costs**

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements of the proposed rule.

O&M costs are those costs associated with paperwork requirements incurred continually over the life of the ICR. They are defined by the EPA as “the recurring dollar amount of costs associated with O&M or purchasing services.” EPA does not anticipate that respondents will incur O&M costs in carrying out the information collection requirements of the proposed rule.

### **6(c) Estimating Agency Burden and Costs**

The annual burden and costs to the Agency for collecting information under the rule would be negligible. This is because the Agency is not requiring waste generators to submit any information for its review and approval under the proposed rule.

### **6(d) Estimating the Respondent Universe and Total Burden and Costs**

In Exhibit 1, EPA provides estimates of the annual number of respondents that will be required to comply with the new paperwork requirements in the proposed rule. In the same exhibit, EPA estimates respondent burden and costs associated with these requirements. Table 1 presents the number of respondents that are expected to participate under the rule.<sup>1</sup> As of year-end 2005, EPA estimated that there are 68 facilities that are generating or have the potential to generate wastewater treatment sludges using the zinc

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<sup>1</sup>These universe assumptions are based on the document, “Economics Background Document - Estimate of Potential Economic Impacts for USEPA’s Proposed Amendment to the RCRA Hazardous Wastecode F019 to Exclude Motor Vehicle Manufacturing Industries.”

phosphating process. The universe of 68 facilities includes 15 facilities that are delisted for F019, 14 facilities that have not been delisted for F019, and 39 facilities which could also choose to conversion coat aluminum in the future.

**Table 1**  
**Number of Motor Vehicle Manufacturers Potentially**  
**Affected by the Proposed F019 Listing Amendment**

<b>Type of manufacturer</b>	<b>Number of Facilities</b>	<b>Number of Facilities Potentially Affected (F019 Generators not Delisted)*</b>
Automobiles	26	6
Light Trucks & Utility Vehicles	42	8
<b>Total Number of Facilities</b>	<b>68</b>	<b>14</b>

\* The remaining facilities are either delisted or do not generate a F019 hazardous waste.

### **Respondent Burden and Cost**

In the following paragraphs, EPA discusses the universe assumptions of Table 1 in regard to the paperwork requirements in the proposed rule.

### **Reading the Regulations**

As shown in Exhibit 1, EPA estimates that 68 F019 sludge generators and potential generators will read the rule amending the F019 listing to exclude wastewater treatment sludges from zinc phosphating each year. EPA estimates the incremental labor hour burden for reading the regulation to average 30 minutes per respondent.

### **Record of Shipments for Generators**

Under 40 CFR 261.31(b)(4)(iii), generators must maintain on site for a minimum of three years documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the condition of the listing. EPA expects that the generators would incur negligible burden for this activity since they would most likely keep such records as a standard business practice (e.g., invoices or shipping papers).

## **Total Respondent Burden and Cost**

In Exhibit 2, EPA presents a summary of the total annual respondent burden and costs associated with both new and existing paperwork requirements. The specific information collection activities of the new paperwork requirements are described throughout this ICR, and the total annual burden and cost estimates associated with them are calculated in Exhibit 1, summarized in Exhibit 2, and briefly described below. The existing paperwork requirements are those that are contained in the current RCRA regulations and that apply to generators of F019 sludge using the zinc phosphating process. These existing requirements, the existing ICRs with which they are associated, and the total annual burden and cost associated with them also are summarized in Exhibit 2 and briefly described below.

## **New Paperwork Requirements**

Using the per respondent burden estimated in Section 6(a), the per respondent costs estimated in Section 6(b), and the respondent universe estimated in this section, Exhibit 1 illustrates the total respondent burden and costs associated with all of the new information collection activities in the proposed rule. As noted above, this exhibit presents the annual burden and costs over the three-year effective life of the ICR. The exhibit calculates the burden and cost of one-time activities by dividing the total number of respondents by three. In Exhibit 2, EPA summarizes the total annual respondent burden and cost of these new paperwork requirements derived in Exhibit 1.

## **Existing Paperwork Requirements**

In addition to the new paperwork requirements in the proposed rule, EPA also estimated the burden and cost savings that generators and manufacturers would expect for no longer following the existing RCRA information collection requirements for the excluded materials. In Exhibit 2, EPA presents the total annual respondent burden and cost savings under the existing paperwork requirements, broken out by the two existing EPA ICRs that are affected by the rule. In developing Exhibit 2, EPA reviewed each of the affected ICRs to identify the existing information collection activities that are currently undertaken by generators and manufacturers, calculated the associated burden and costs (or savings), and presented the totals in the exhibit.

The total costs in Exhibit 2 are broken down into labor and operation and maintenance (O&M) costs. In Section 6(b), EPA presents a discussion of the capital and O&M costs associated with new paperwork requirements from the rule. In the following paragraph, EPA presents a brief discussion of the O&M costs associated with each of the existing ICRs that are affected by the rule.

For the Biennial Report ICR (ICR No. 976), O&M costs are associated with maintaining copies of Waste Generation and Management (GM) and Waste Received from Off-Site (WR) forms. For the Manifest ICR (ICR No. 801), the O&M costs are associated with postage for

sending and returning copies of the manifest form.

#### **6(e) Bottom Line Burden Hours and Costs**

##### **Respondent Tally**

In Exhibit 2, EPA presents the total annual respondent burden and cost for both new and existing paperwork requirements associated with the rule. As described specifically in Section 6(d) above, these new and existing paperwork requirements apply to generators of F019 sludge using the zinc phosphating process. As shown in Exhibit 2, the total annual respondent burden for these new paperwork requirements is approximately 35 hours, at an annual cost of approximately \$2,600. As also shown in Exhibit 2, the total annual respondent burden savings under the existing paperwork requirements, which are associated with two existing EPA ICRs, is approximately 960 hours, at annual cost savings of approximately \$69,900. In the same Exhibit 2, EPA then combines the burden and cost impacts under both new and existing paperwork requirements and estimates the total annual respondent burden savings for all information collection activities at approximately 920 hours and an annual cost savings of approximately \$67,300.

The bottom line respondent burden hours saved over the three-year period covered by this ICR is approximately 2,760 hours, at a total cost savings of \$201,900.

#### **6(f) Reasons for Change in Burden**

In finalizing the conditional exclusion for the F019 listing at 40 CFR 261.31, EPA will relieve generators of F019 sludge using the zinc phosphating process from existing RCRA Subtitle C regulations for that waste. These generators will only need to comply with the landfill disposal conditions contained in the F019 listing description in order to manage these wastes.

#### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.6 hours per response. However, in addition to the new paperwork requirements in the rule, the Agency also estimated the annual respondent burden savings that generators could expect as a result of no longer having to follow information collection requirements under two existing EPA ICRs (Biennial Report ICR and Manifest ICR). Taking both the new proposed and existing RCRA information collection requirements into account, EPA expects the rule would result in a net reduction in annual reporting and recordkeeping burden of 68 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust existing systems 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 in 40 CFR Part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-RCRA-2004-0019, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the OSWER Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OSWER Docket is (202) 566-0270. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17<sup>th</sup> Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-RCRA-2004-0019 and OMB Control Number 2050-0053 in any correspondence.

Exhibit 1 - Estimated Annual Respondent (Facility) Burden and Cost											
Hours and Costs per Respondent (per Facility)										Total Hours and Costs	
INFORMATION ACTIVITY	Leg. \$114/Hr	Mgr. \$89/Hr	Tech. \$59/Hr	Cler. \$31/Hr	Respon. Hours/Yr	Labor Cost/Yr	Capital/ Startup Cost	O & M Cost	Number of Respondents (Facilities)	Total Hours/Yr	Total Cost/Yr
Understanding the F019 Listing Amendment											
Read the rule	0.10	0.10	0.30	0.00	0.50	\$38.00	\$0.00	\$0.00	68	34	\$2,584.00
Facilities Claiming Conditional Exclusion from the F019 Listing											
Keep Records of Shipments	0	0	0	0.1	0.1	\$3.10	\$0.00	\$0.00	14	1.4	\$43.40
Total	0.10	0.10	0.30	0.1	0.60	\$41.10	\$0.00	\$0.00	Varies	35.4	\$2,627.40

## Agency Data Sources:

Wage Rate Data: “Economics Background Document - Estimate of Potential Economic Impacts for USEPA’s Proposed Amendment to the RCRA Hazardous Wastecode F019 to Exclude Motor Vehicle Manufacturing Industries.”

“Supporting Statement for Information Collection Request Nr. 801.15: Requirements for Generators, Transporters, & Waste Management Facilities Under the RCRA Hazardous Waste Manifest System.”

Labor Hours: “Supporting Statement for EPA Information Collection Request 1189.17: Revision of RCRA Wastewater Treatment Exclusions for Hazardous Waste Mixtures.”

“Supporting Statement for Information Collection Request Number 1189.11: Zinc Fertilizers Made from Recycled Hazardous Secondary Materials.”

<b>Exhibit 2 - Estimated Annual Respondent (Facility) Burden for Existing ICRS (Including Net Impact from F019 Listing Amendment ICR)</b>						
ICR Name	ICR Number	Respondents (Facilities)	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Annual Cost
Biennial Report ICR	976	14	# Facilities x Hours/Yr per Facility 14 x (0.3) = -4.2	-\$307.00	# Facilities x O&M Cost/Yr per Facility 14 x (\$0.02) = -\$0.28	-\$307.28
Manifest ICR	801	14	# Facilities x Hours/Yr per Facility 14 x (68) = -952	-\$69,615.00	# Facilities x O&M Cost/Yr per Facility 14 x (\$0.06) = -\$0.84	-\$69,615.84
<b>Subtotal Other ICRs</b>			-956.2	-\$69,922.00	-\$1.12	-\$69,923.12
F019 Listing Amendment ICR	1189.18	Varies	35.4	\$2,627.40	\$0.00	\$2,627.40
<b>Net Impact (F019 ICR + Other ICRs) =</b>			-920.8	-\$67,294.60	-\$1.12	-\$67,295.72

Agency Data Sources:

Labor Hours & Cost: “Economics Background Document - Estimate of Potential Economic Impacts for USEPA’s Proposed Amendment to the RCRA Hazardous Wastecode F019 to Exclude Motor Vehicle Manufacturing Industries.”

O&M Cost: “Supporting Statement for EPA Information Collection Request 1189.17: Revision of RCRA Wastewater Treatment Exclusions for Hazardous Waste Mixtures.”