

Environmental Justice in Minority Populations and Low-Income Populations", directs each Federal Agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations * * *"

The Executive Order requires that where environmental justice concerns or the potential for concerns are identified, appropriate analysis of the issue(s) be evaluated. To the extent practicable, the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities should also be evaluated. Examples include how a policy on future land use would impact minority or low-income communities versus non-minority, affluent communities, or how subsistence farming or fishing patterns relate to risk-assessment policies.

For the purposes of today's proposed rulemaking, the Agency has taken an approach for proposal consistent with Executive Order 12898. As currently drafted, the multipathway analysis which was used to develop the exit levels takes into account subsistence farmers and subsistence fishers; however, subsistence fishers were evaluated using a recreational fisher database (one does not exist for subsistence fishers). Sensitive populations are accounted for in the RfDs, RfCs, and slope factors and ecological receptors were also evaluated.

G. Paperwork Reduction Act

As stated earlier, the level of implementation costs (i.e. sampling, analysis, recordkeeping, and reporting) will have a significant impact on the number of wastestreams and facilities affected by this proposal. Assuming annual implementation costs of \$35,000 per wastestream, as many as 269 facilities, generating up to 285 different wastestreams may seek exemptions, and therefore be affected by the recordkeeping and reporting requirements. The actual number of facilities and wastestreams affected will depend upon the level of implementation costs. The higher the implementation cost to the facility, the fewer the number of facilities expected to participate in the HWIR program.

The estimated hour burden ranges from 382 hours to 573 hours per

wastestream in the first year, and from 31 hours to 146 hours per wastestream in years two and three. The variation in burden estimates results from different assumptions in (1) the complexity of the waste (and therefore of the test methods required), and (2) the frequency of reporting. The estimated total hour burden over the first three years ranges from 206,900 to 293,465 hours, averaging 68,967 to 97,821 hours per year.

The estimated total start-up cost of recordkeeping and reporting in the first year ranges from \$55,000 to \$235,000 per wastestream. The annual cost in the second and third years is estimated to be \$9,000 to \$209,000 per wastestream (of which \$8,000 to \$203,000 is the cost of shipping samples to a laboratory and paying to have them tested). In years four and five the high-end cost drops to \$53,000. The estimated annual recordkeeping and reporting cost per wastestream, annualized at seven percent over five years, is \$21,000 to \$170,000. The total recordkeeping and reporting cost burden over the first three years is \$28,000,000 to \$32,000,000.

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 the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., SW.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of

Management and Budget, 725 17th St., NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA."

Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after December 21, 1995, a comment to OMB is best assured of having its full effect if OMB receives it by January 22, 1996. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR 261 and 268

Identification and listing of hazardous waste. Land disposal restrictions.

Dated: November 13, 1995.

Carol Browner,
Administrator.

XV. References

- U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory; "Performance Testing of Method 1312—QA Support for RCRA Testing," EPA/600/4-89/022, June 1989.
- Research Triangle Institute; "Interlaboratory Comparison of Methods 1310, 1311, and 1312 for Lead in Soil". U.S. EPA Contract 68-01-7075, November 1988.
- U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response; OSWER Directive No. 9285.7; "Human Health Evaluation Manual, Part B: Development of Risk-based Preliminary Remediation Goals;" from Henry Longest II, Director, Office of Emergency and Remedial Response; and Bruce Diamond, Director, Office of Waste Programs Enforcement; to Regional Waste Management Division Directors; December 13, 1991.
- U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response; OSWER Directive No. 9850.4; "Interim Final Guidance for Soil Ingestion Rates;" from J. Winston Porter, OSWER Assistant Administrator; to Regional Administrators (I-X); January 27, 1989.
- U.S. Environmental Protection Agency, Office of Research and Development, Office of Health and Environmental Assessment; "Exposure Factors Handbook;" EPA/600/8-89/043, March 1990.
- U.S. Environmental Protection Agency, Office of Solid Waste: EPA's Composite Model for Leachate Migration with Transformation Products (EPACMTP), Background Document, 1995a.
- U.S. Environmental Protection Agency, Office of Solid Waste: EPA's Composite Model for Leachate Migration with Transformation Products (EPACMTP), User's Guide, 1995b.
- U.S. Environmental Protection Agency, Office of Solid Waste: Finite Source Methodology for Non-Degrading and Degrading Chemicals with Transformation Products, 1995c.
- U.S. Environmental Protection Agency, Office of Solid Waste: Background