

February 26, 2002

RCRA Docket Information Center
U.S. Docket Information Center
Office of Solid Waste (5305W)
U.S. Environmental Protection Agency (EPA-H)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: F-2001-SA3P-FFFFF

Dear Sir/Madam:

The Hazardous Waste Subcommittee ("the Subcommittee") of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is pleased to provide comments on the December 28, 2001 Federal Register announcement regarding "Agency Information Collection Activities: Proposed Collection; Comment Request; Final Authorization for Hazardous Waste Management." The Subcommittee is comprised of the chairpersons of its several Task Forces which focus work activities on various hazardous waste programmatic issues of State concern and interest. The following comments have not been approved by the ASTSWMO Board of Directors due to time limitations.

The Subcommittee has reviewed the proposed Information Collection Request (ICR), and has several comments for your consideration. First, we believe that the reporting and record keeping estimates contained within the Burden Statement of the Notice significantly underestimate the actual time required by State staff to generate the necessary documents and interact with the U.S. Environmental Protection Agency (EPA) to resolve authorization issues. General discussions between Subcommittee members indicated that most States spend at least 880 hours (one /half FTE) annually on these activities, irrespective of when the packages are submitted to EPA. Should EPA's review of the package generate questions or concerns, additional time is required to resolve issues and revise the packages. [Please note, the preceding estimate relates to States who have already been authorized for parts of the federal hazardous waste program. It would require considerably greater effort for a State which is not currently authorized to prepare its first submission.]

Secondly, the States report that this activity is an ongoing annual effort for an authorized State which does not always result in the annual submission of an authorization package. (In other words, it takes many States more than one year to prepare and submit these revision packages.) Therefore, to more accurately calculate the total annual burden hours, EPA should take the State's annual estimate of man hours for these tasks (880 hours) and multiply this estimate by the number of respondents (50) for 44,000 annual burden hours instead of the 11,376 hours estimated in the notice.



The members of the Subcommittee do not believe that all of the information currently collected by EPA is needed for the Administrator to reach the findings required by 42 USC § 6926 to authorize State programs. Therefore, the Subcommittee would like to share several specific recommendations that we believe could be implemented to streamline the authorization process for program updates (where the base program is authorized and the State is seeking authorization for recent federal rule changes), as follows:

- Work with the States to develop an abbreviated check-list for the State to demonstrate how the RCRA program changes were incorporated into its programs.
- Eliminate the Attorney General's statement in favor of a self-certification by the State agency that the legal authorities remain sufficient for the program update.
- Simplify the program description requirements. EPA could gain the same information by allowing States to reference prior submissions or other State documents. (For States with multiple EPA approved programs, consolidation of general information into "umbrella" documents useful in all media programs may save considerable time and effort, particularly if EPA is willing to accept documents the State may have already prepared for other purposes.)
- Provide sufficient resources to the Regions to allow for the prompt review of State submissions and for the funding to promptly publish the required federal notices.
- Challenge agency staff to dramatically improve the timeliness of their review and response on State submissions. [States report that EPA often fails to meet the legal time frames for review of State authorization packages (30 days for completeness and 90 days for a tentative determination established in 40 CFR 271.5 (b) and 40 CFR 271.20 (d), respectively) and States believe EPA should do more than meet these minimum legal standards. For example, set a goal of a two week turn-around time on processing State authorization packages and provide employee recognition /financial rewards for success.]
- Look for opportunities to "automate" the process and prospectively make findings of State equivalency. A significant reduction in effort would occur if EPA could identify circumstances where authorization occurs automatically or continues unless EPA takes a particular action. Those areas where recent changes make the federal requirements less stringent may be prime candidates for this type of approach.

We respectfully suggest that EPA implement these recommendations as part of their evaluation of the level of information needed from States for making sound authorization decisions. If you have any questions regarding these comments, please contact me at 512/239-3414. Thank you for the opportunity to provide comments on this important issue.

Sincerely,

Anne C. Dobbs

Anne C. Dobbs, Chair
ASTSWMO Hazardous Waste Subcommittee

cc: ASTSWMO Board of Directors
Ms. Elizabeth Cotsworth, EPA/OSW
Mr. Tony Terrell, EPA/OSW