

This is a request to renew an existing approved collection that is scheduled to expire on October 31, 2004. Under the OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: EPA regulates the burning of hazardous waste by several source categories of hazardous waste combustors under 40 CFR part 63, parts 264 and 265 (subpart O), and part 266 (subpart H). On September 30, 1999, EPA promulgated (64 FR 52828) standards to control emissions of hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes under 40 CFR part 63. The ICR #1773.02 pertaining to the provisions of this rule was approved under OMB Control # 2050-0171.

A number of parties, representing interests of both industrial sources and of the environmental community, sought judicial review of the September 30, 1999 rule. On July 24, 2001, the United States Court of Appeals for the District of Columbia Circuit (the Court) granted the Sierra Club's petition for review and vacated the challenged portions of the rule. However, the Court invited us and the parties to the proceeding to file a motion to delay issuance of its mandate to request either that the current standards remain in place or that EPA be allowed reasonable time to develop interim standards. EPA and the parties to the proceeding agreed to take several actions, and the Court concurred on them. First, we agreed to issue a one-year extension to the compliance date of September 30, 2002 promulgated in the September 30, 1999 rule. On December 6, 2001 (66 FR 63313), we published a final rule which extended the compliance date to September 30, 2003. Second, we committed to publish an interim rule with revised emission standards and to finalize several compliance and implementation amendments to the rule. These interim standards and compliance and implementation amendments were promulgated on February 13 and 14, 2002 (67 FR 6792 and 67 FR 6968). The interim standards replace the vacated standards, until we finalize final replacement standards that comply with the Court's mandate. Finally, we agreed to issue the final replacement standards by June 14, 2005. EPA also issued four technical correction notices to the rule since the last ICR was approved. They were published at 65 FR 42292 (July 10, 2000), 65 FR 67268 (November 9, 2000), 66 FR 24270 (May 14, 2001) and 67 FR 77687 (December 19, 2002). This ICR

revision takes into account the changes to the paperwork burden related to all the above stated changes to the September 30, 1999 rule to-date, as well as to the changes in the hazardous waste combustor universe since the last ICR approval.

During the settlement negotiations, we have had several meetings with all the parties affected by the rule. We collected new information about the operations of the Hazardous Waste Combustors (HWCs) through these meetings. We also obtained newer test burn and trial burn reports from the EPA Regions and the States, which updated our earlier information on the regulated community. We then published a **Federal Register** notice of data availability (NODA) for these sources at 67 FR 44452 (July 2, 2002) inviting public comments on our updated database. In response, we received over 55 comments, many of which included detailed information about the operation of the HWCs and supplementary test reports. These comments are available for public viewing under Docket # RCRA-2002-0019 and were used in the preparation of this renewal ICR.

The information collection required under this ICR is mandatory for the regulated sources, as it is essential to properly enforce the emission limitation requirements of the rule and will be used to further the proper performance of the functions of EPA. EPA 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.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,271 hours per respondent per year. 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.

Respondents/Affected Entities: Hazardous waste incinerators, and hazardous waste burning cement and lightweight aggregate kilns.

Estimated Number of Respondents: 119.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 151,339 hours.

Estimated Total Annualized Capital, Operating/Maintenance Cost Burden: \$3,925,726.

Changes in the Estimates: There is an increase of 80,264 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is because the rule will become effective on September 30, 2003, and the regulated facilities have to upgrade their pollution control devices, install monitoring equipment, and conduct monitoring and recordkeeping activities to ensure compliance by the effective date, and subsequently thereafter.

Dated: February 26, 2003.

Oscar Morales,

Director, Collection Strategies Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7463-5]

Notice of Approval of Extension of Prevention of Significant Air Quality Deterioration (PSD) and New Source Review (NSR) Permit to Muht/Hei, Inc. (NSR 4-4-10, SD 92-02)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that on January 14, 2003 the Environmental Protection Agency issued an extension of the prevention of significant deterioration/new source review (PSD/NSR) permit to the applicant named above. EPA's Extension of the PSD/NSR permit grants approval to Muht-Hei, Inc. to construct and operate a solid waste landfill on the tribal lands of the Campo Band of Mission Indians if construction is begun within 18 months.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; please address the request to: Emmanuelle Rapicavoli (AIR-3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3969.

ENVIRONMENTAL APPEALS BOARD (EAB)

APPEAL: An appeal to the Administrator