

questions: who uses the hazardous waste information?; why do they need it?; is the information useful as it is currently collected?; and how can the quality and timeliness of the information be improved?

Our ideas were announced for comment in a June 18, 1999, **Federal Register** "Notice of Data Availability" (64 FR 32859). In the "Notice" and background documents (*see* <http://www.epa.gov/epaoswer/hazwaste/data/index.htm#burden>), we included every burden reduction idea we considered. Based on comments we received on the "Notice," we eliminated ideas when a practical use for the information was demonstrated, or information was presented showing how eliminating/modifying a requirement would negatively impact protection of human health and the environment. Based on these comments, we added ideas which appeared in our January 17, 2002, "Proposed Rulemaking" (67 FR 2518). Today's notice seeks comment on some additional ideas that were suggested by commenters or are outgrowths of the Proposed Rule, based on our evaluation of those comments.

III. Discussion of Additional Items for Comment

A. Small Quantity Generator Tanks and Tank Ancillary Equipment Inspection Frequencies

In the Proposed Rule, we requested comment on changing the tank self-inspection frequencies from daily to weekly for large quantity generators. We received comments suggesting that we expand this change to include tanks located at small quantity generator sites (*see* § 265.201(c)) and ancillary equipment at small and large quantity generator facilities (*see* § 264.193(f) and § 265.193(f)). Changing these inspection frequencies would be consistent with our intent, as discussed in the 1999 "Notice of Data Availability," the Proposed Rule, and background documents to establish weekly tank inspections for all tanks and tank systems. The estimated burden hour savings from extending to weekly the inspection frequency for tanks located at small quantity generator sites ranges from 200,000–600,000 burden hours (depending on the percentage of small quantity generators assumed to have tanks). We consider this to be substantial savings. We request comment on the merits of this change.

B. Further Reduced Inspection Frequencies for Performance Track Facilities

In addition to allowing weekly inspection frequency for tanks, we also proposed to allow, on a case-by-case basis, decreased inspection frequencies for tanks, containers, and containment buildings (from the frequency currently required by regulation). In all cases, inspections would have to occur at least monthly and would be established on a site-specific basis by authorized States or by EPA in States that do not have a delegated program. In proposing this change, we suggested that decreased inspection frequencies should be based on factors such as: (1) A demonstrated commitment by facility management to sound environmental practices; (2) demonstrations of good management practices over the years—that is, having a record of sustained compliance with environmental laws and requirements; (3) a demonstrated commitment to continued environmental improvement; (4) a demonstrated commitment to public outreach and performance reporting; (5) the installation of automatic monitoring devices at the facility; and (6) the chemical and physical characteristics of the waste being managed in the unit.

Based on comments received on the proposal, the Agency is reconsidering whether to make such a change available to all generators because of the burden it might impose on authorized States to evaluate compliance with the criteria. However, at a minimum, we believe that providing relief is appropriate for companies that are demonstrated "good performers." Therefore, the Agency is soliciting comment on whether to limit this provision—the ability to file a case-by-case application for reduced self-inspection frequencies—to member companies of the National Performance Track Program. The National Environmental Performance Track Program recognizes and encourages top environmental performance among private and public facilities in the United States. Performance Track facilities go beyond compliance with regulatory requirements to achieve environmental excellence. Currently, the program has approximately 300 members. See the following Web site for information about the National Performance Track Program: <http://www.epa.gov/performance-track>. Today, we also are clarifying that this provision was meant to apply not just to the tanks, but to the complete tank systems. This includes piping, pumps, valves and other associated equipment.

We also received a comment suggesting that we extend reduced inspection frequencies, granted on a case-by-case basis, to areas subject to spills (*see* § 264.15(b)(4)). While the Agency is considering this comment as a general matter, we also solicit comment on whether to grant relief only to companies that are National Performance Track members. We think the risk from this change is minimal at facilities that have met the requirements to be accepted into the National Performance Track Program. Again, the Agency believes it is important to recognize the difference in the need for oversight of companies that are top environmental performers and, therefore, believes that such a change may be appropriate.

C. RCRA/OSHA Overlap in Emergency Response Training

EPA and the Occupational Safety and Health Administration (OSHA) have both promulgated regulations to ensure the safety and health of workers at hazardous waste facilities. While RCRA Subtitle C includes requirements to provide protection to workers, worker safety and health are not its primary goal. This is the goal of OSHA, the Federal agency responsible for enforcing the safety and health of workers at facilities producing, using, storing, transporting, and disposing of hazardous materials.

In a study by the General Accounting Office (GAO) published in October 2000, OSHA and EPA worker training requirements in emergency response procedures were found to be duplicative. GAO concluded that this overlap in training requirements creates an unnecessary burden by confusing the regulated community, diminishes the efficiency of the facility (which could jeopardize worker safety), and wastes funds.

Hazardous waste treatment, storage and disposal facility (TSDF) workers are required to receive OSHA training, including training for emergency response, under 29 CFR 1910.120(p). OSHA's regulations have specific training requirements for RCRA-permitted facilities to teach hazardous waste workers how to respond to emergencies.

Based primarily on the GAO findings, EPA proposed to eliminate the RCRA emergency response training requirements in favor of the OSHA requirements. Unfortunately, there has been some confusion about what we proposed. We did not propose to eliminate the entire RCRA personnel training requirements, only the emergency response training