

The average groundwater travel time was 189 years, and the range of travel times across the eight constituents was 74 to 424 years.

As noted in the next section, due to data limitations, we have not attempted to estimate the change in net welfare potentially resulting from this proposed rule, nor have we been able to quantify human health or environmental benefits. Thus, the benefits in terms of reduced human health risk are unquantified, but are expected to occur some time after the rule is effective (between 74 to 424 years after the effective date).

#### k. Social Costs and Benefits

The social costs of any regulatory action should describe the total value of resources used to comply with the rule, resulting in a comprehensive measurement of change in economic net welfare. These impacts are measured following market adjustments based on industry supply and demand functions. Due to our lack of data, limited analytical budget, and strict schedule, we have not attempted to estimate the change in net welfare potentially resulting from this proposed rule. Due to these same limitations, we have not been able to quantify or monetize human health or environmental benefits. Additional data are necessary to make a firm determination as to whether there will be quantifiable net benefits (*i.e.*, benefits exceeding social costs) from the proposed rule.

Below we qualitatively describe those groups who are likely to be positively and negatively impacted by this proposed rule.

#### *Positively Impacted Groups*

- Dye, pigment, and FD&C manufacturers who may be producing acceptable lower cost substitutes to the products generating the wastes of concern,
- Population groups surrounding dye, pigment, and FD&C production facilities, plus those near unlined landfills and other landfills that do not meet the design standards in § 258.40. These populations may benefit from lower health risks due to increased management control and/or improved waste treatment, thereby theoretically experiencing reduced health care costs and increased productivity.

#### *Negatively Impacted Groups*

- Dye, pigment, and FD&C manufacturers who are subject to requirements of the proposed rule.
- Non dyes and/or pigments manufacturers who may be impacted by expanded scope requirements,

- Consumers who may be impacted if there are increases in dye, pigment, and FD&C prices as a result of the rule,

- Municipal landfills that may need to install new tanks or piping systems, or implement other procedures in order to take advantage of the proposed temporary deferral under the Clean Water Act.

#### *B. Paperwork Reduction Act*

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2120.01.

EPA is proposing to list dyes and/or pigments nonwastewaters (*i.e.*, K181 waste) under the authority of sections 2002(a), 3001(b), 3001(e)(2), 3004(d)–(m), and 3007(a) of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Section 3001(e)(2) directs EPA to make a determination of whether or not to list under section 3001(b)(1) dyes and pigments, among other wastes. Under this authority, EPA has examined dyes and/or pigments production wastes (*e.g.*, using risk assessment tools), identified CoCs and their potential risks, and established a mass “loadings-based” approach that would qualify the waste as hazardous under RCRA. Under sections 2002(a) and 3007(a) of RCRA, EPA is establishing information collection requirements that are needed to ensure that the listed wastes are managed and disposed of properly.

In addition, the proposed rule satisfies EPA’s duty under a Consent Decree between EPA and the Environmental Defense (formerly Environmental Defense Fund (EDF)). Under this Consent Decree, the Agency is required to “promulgate final listing determinations for azo/benzidine, anthraquinone, and triarylmethane dye and pigment production wastes on or before February 16, 2005 \* \* \* These listing determinations shall be proposed for public comment on or before November 10, 2003.”

EPA is proposing that the mass loadings-based listing be self-implementing, which means that no prior governmental review or approval is needed for the waste to be claimed as nonhazardous. Because of this, EPA believes that the recordkeeping requirements in the proposal are needed to ensure that generators characterize their wastes accurately and reliably, and keep records of the claims on site.

EPA believes the proposed mass loadings-based approach allows generators to evaluate the variable wastes they generate individually for hazard, so only wastes that are hazardous are listed. As a result, there should be less burden on dyes and/or pigments manufacturers than would be imposed by a traditional listing that would bring entire wastes into the hazardous waste system, regardless of the characteristics of the wastes generated by individual generators. Finally, a mass loadings-based listing approach may provide an incentive for hazardous waste generating facilities to modify their manufacturing processes or treat their wastes.

EPA estimates that 37 respondents will be subject to the new paperwork requirements under the proposed rule. The hourly recordkeeping burden from the new requirements ranges between one and 11 hours per respondent per year. This burden includes time for reading the regulations (once per respondent over three years), determining whether dyes and/or pigments nonwastewaters exceed regulatory listing levels, and keeping documentation on site, as specified.

EPA estimates the total cost to respondents subject to the new paperwork requirements under the proposed rule to be \$76,626 per year. This includes a total labor cost per year of \$33,066, a total operations and maintenance cost per year of \$43,560, and no capital costs. 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 in 40 CFR are listed in 40 CFR part 9.

To comment on the Agency’s need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing