

Mr. Tozzi

Rm. 8222

OCT 2 1979

Honorable Douglas M. Costle
Administrator
Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Costle:

In response to your letter of July 30, 1979, I have approved an increase in EPA's repetitive reporting burden ceiling of 180,000 hours above the current 740,000 limit. Due to uncertainties in the present timetable for "Section 308" surveys, OMB will account for this burden separately. Accordingly, these surveys are not included in the repetitive burden ceiling.

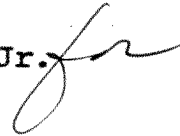
We share your concern that the burdens associated with the major new reporting obligations be minimized. We hope the agency will make every possible attempt to hold down the level of the new requirements and accelerate efforts to review and minimize existing requirements as well. I know that you have my hope that EPA will refine and improve the precision and accuracy of its reporting burden estimates.

We appreciate your commitment to the President's program and the increasing cooperation between EPA and OMB. It would be helpful if the problem of EPA contractors not obtaining OMB clearance for their surveys in the hazardous waste area could be corrected. A staff report on the problem is enclosed and we will be pleased to be of help.

I appreciate your cooperation in this matter.

Sincerely,

(Signed) John P. White

James T. McIntyre, Jr. 
Director

Enclosure

cc: DO Records
Director/Dep. Director
Mr. Wellford/Mr. Granquist
Mr. Morris
RPB:Chron/Record:EClarke:cyc 9/10/79
Revised: AD/MRP - WGranquist 9/17/79

Staff Report on
Hazardous Waste Data Collections (EPA)

On July 2, OMB staff approved a clearance request from the EPA's Office of Solid Waste for a survey of the economic impact of hazardous waste regulations. We did so reluctantly in order to make it possible for the Office of Water Planning and Standards to complete economic studies to support the hazardous waste regulations by early Fall, prior to scheduled final promulgation in late December.

In the course of our review, we found several instances of lack of adequate coordination in the collection and sharing of information on hazardous waste facilities. An example is provided by the attached letters of April 18, 1979 from the Deputy Assistant Administrator for Solid Waste. These letters request information of ten or more respondents that should have been cleared by OMB as required by the Federal Reports Act.

In addition, we have found that several industry groups have been the subject of other unauthorized data collection efforts by EPA contractors. The attached June 26 letter from the Utilities Solid Waste Group provides examples for one industry. The utility group observes that EPA has recently initiated a three year study of utility waste disposal practices. The first stage of this study was the distribution of a questionnaire to almost 400 utility companies by EPA's contractor Versar, Inc. In discussions with our staff and in the clearance request for the economic impact study submitted to OMB on June 18, 1979, EPA describes the same questionnaire as mailed by the Edison Electric Institute. Our preliminary investigation indicates that this is not the case and that the survey was initiated by the contractor without OMB clearance.

To further complicate matters, another EPA contractor, Energy Resources Company, had initiated another survey of almost thirty utility companies in the conjunction with the economic impact survey before OMB clearance had been received. At our request, EPA staff asked the contractor to stop collecting data from these companies. In other cases, we were unable to stop the unauthorized data collections, as they had been substantially completed.

We believe these violations are serious enough to warrant the personal attention of Administrator Costle. We would like to know why the data collection activities of the April 18 letters and the contractor surveys were not cleared with OMB. In addition, we would like to ensure that this experience will not be repeated in the future.

In particular, we believe that action must be taken to inform EPA contractors of the requirements of the Federal Reports Act and to establish more effective oversight of their activities. EPA is currently spending substantial sums for contractor studies in the areas of water and solid waste management. In the last year, we have jointly established effective control over data collection activities in the water area, working closely with EPA staff to fulfill our responsibilities under the Federal Reports Act. We believe that similar steps should be taken in the area of hazardous wastes.