

**REVISION OF INFORMATION COLLECTION REQUEST (ICR)
FOR THE OIL POLLUTION PREVENTION REGULATION FOR CERTAIN FACILITIES TO
PREPARE AND MAINTAIN AN OIL SPILL PREVENTION, CONTROL, AND
COUNTERMEASURE (SPCC) PLAN (PROPOSED RULE)
(EPA No. 0328.14, OMB No. 2050-0021)**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Oil Pollution Prevention Regulation for Certain Facilities to Prepare and Maintain an Oil Spill Prevention, Control, and Countermeasure (SPCC) Plan (40 CFR part 112). EPA ICR No. 0328.14, OMB No. 2050-0021.

1(b) Short Characterization

The Oil Pollution Prevention regulation found at 40 CFR part 112 requires and establishes procedures for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans help minimize the potential for oil discharges by non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines or from affecting certain natural resources.

Owners and operators of regulated facilities must prepare SPCC Plans in accordance with good engineering practices and have them approved by a person with the authority to commit the resources necessary to implement the SPCC Plan. SPCC Plans address the following three areas: (1) operating procedures that prevent oil spills; (2) control measures installed to prevent a spill from reaching navigable waters or adjoining shorelines; and (3) countermeasures to contain, clean up, and mitigate the effects of an oil discharge that could reach navigable waters. Each SPCC Plan, while unique to the facility it covers, must include certain standard elements to ensure compliance with the regulations.

This ICR revision incorporates proposed amendments to the SPCC rule at 40 CFR part 112, expected to be finalized in summer 2007. If the revisions are finalized, the U.S. Environmental Protection Agency (EPA) estimates that approximately 610,000 facilities will incur paperwork-related burden in the first year of this ICR. EPA estimates a total reporting and recordkeeping burden for these facilities at approximately 5.1 million hours in each year of this ICR. The Agency estimates that as a result of the proposed amendments to clarify and streamline certain SPCC requirements, the reporting and recordkeeping burden decreased by 1.4 million hours.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Section 311(j)(1)(C) of the Federal Water Pollution Control Act, or Clean Water Act (CWA), authorizes the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such

discharges.¹ The President delegated the authority to regulate non-transportation-related onshore facilities under §311(j)(1)(C) of the Act to EPA under Executive Order (E.O.) 12777, §2(b)(1).² By this same Executive Order, the President delegated authority over transportation-related onshore facilities, deepwater ports, and vessels to the U.S. Department of Transportation (DOT) and authority over other offshore facilities, including associated pipelines, to the U.S. Department of the Interior (DOI). A subsequent Memorandum of Understanding (MOU), dated February 3, 1994, among EPA, DOT, and DOI, reallocated the responsibility for non-transportation-related offshore facilities that are landward of the coastline to EPA. An earlier MOU between the Secretary of Transportation and the EPA Administrator, dated November 24, 1971 (36 FR 24080), established the definitions of non-transportation-related facilities and transportation-related facilities.

The Oil Pollution Prevention regulation, found at 40 CFR part 112, outlines requirements for both preventing and preparing for oil spills. The prevention part of this regulation at §112.1 through §112.15 is also known as the SPCC rule. It was originally promulgated on December 11, 1973, at 38 FR 34164, under the authority of §311(j)(1)(C) of the CWA. The regulation established spill prevention procedures, methods, and equipment requirements for non-transportation-related onshore and offshore facilities with aboveground oil storage capacity or completely buried underground oil storage capacity greater than certain thresholds and meeting other criteria (see §112.1). Regulated facilities are limited to those that, because of their location, could reasonably be expected to discharge oil in quantities that may be harmful into the navigable waters of the United States or adjoining shorelines.

On July 17, 2002, at 67 FR 47042, EPA published amendments to the SPCC rule. These amendments included new subparts outlining the requirements for different classes of oil, revised the applicability of the regulation, amended the requirements for completing SPCC Plans, and made other modifications. The final rule also contained a number of provisions designed to decrease the regulatory burden on facility owners and operators subject to the rule while preserving environmental protection. The rule was effective August 16, 2002, with compliance dates outlined in §112.3(a) and (b). However, the original compliance dates were amended on January 9, 2003, for 60 days (68 FR 1348) and then extended for an additional 18 months on April 7, 2003 (68 FR 18890). On August 11, 2004, EPA extended the compliance dates in §112.3(a) and (b) by an additional 18 months and amended the compliance deadline in §112.3(c) (69 FR 48794). On February 17, 2006, EPA published an additional extension of the compliance dates in §112.3(a), (b), and (c) until October 31, 2007 for owners and operators to prepare, amend, and implement SPCC Plans (71 FR 8462).

On December 26, 2006, EPA published a [final rule to amend the SPCC rule at 40 CFR part 112](#) (71 FR 77266). EPA amended the SPCC rule to address a number of issues raised by the 2002 final rule, including those pertaining to facilities with smaller oil storage capacities, qualified oil-filled operational equipment, motive power containers, and mobile refuelers. EPA also removed sections of the rule that are not appropriate for facilities with animal fats and vegetable oils, and extended the compliance dates for farms. On May 16, 2007 EPA extended the compliance dates for owners and operators of facilities preparing or amending and implementing SPCC

¹ 33 U.S.C. 1321(j)(1)(C).

² 56 FR 54757 (October 22, 1991), superseding Executive Order 11735, 38 FR 21243.

Plans (72 [FR](#) 27443). This final rule extends the dates by which a facility must prepare or amend and implement its SPCC Plan until July 1, 2009.

EPA is proposing to further amend the SPCC Plan requirements to reduce the regulatory burden in eleven ways: (1) exempt hot-mix asphalt; (2) exempt pesticide application equipment and related mix containers used at farms; (3) exempt heating oil containers at a single-family residence; (4) amend the definition of “facility” to clarify the flexibility associated with defining a facility’s boundaries; (5) amend the facility diagram requirement to provide additional flexibility for all facilities; (6) define “loading/unloading rack” to clarify the equipment subject to the provisions for facility tank car and tank truck loading/unloading racks; (7) provide streamlined requirements for a subset of qualified facilities; (8) amend the security requirements for all facilities; (9) amend the integrity testing requirements to allow a greater amount of flexibility in the use of industry standards at all facilities; (10) amend the integrity testing requirements for containers that store animal fats or vegetable oils and meet certain criteria; and (11) streamline a number of requirements at oil production facilities. EPA is also providing clarification to this proposed rule on additional issues raised by the regulated community, including the consideration of man-made structures in determining how to comply with the SPCC rule requirements; the applicability of the rule to underground emergency diesel generator tanks at nuclear power stations, and the applicability of the rule to wind turbines that are used to produce electricity.

2(b) Practical Utility/Users of the Data

EPA does not collect SPCC Plans or related records from facilities on a routine basis. Preparation, implementation, and maintenance of the SPCC Plan by the facility owner or operator helps prevent oil discharges and mitigate the environmental damage caused by such discharges. Therefore, the primary user of the data is the facility owner or operator. For example:

- Accumulating the necessary data requires that the facility staff analyze the facility measures and procedures for preventing oil discharges, facilitating safety awareness, and promoting appropriate modifications to facility design and operations;
- Having the required information in a single document promotes efficient response in the event of a discharge;
- Implementing the Plan according to the specifications of 40 CFR part 112 requires meeting certain design and operational standards that reduce the likelihood of an oil discharge;
- Keeping inspection records promotes important maintenance, facilitates leak detection, and demonstrates compliance with the SPCC requirements; and
- Reviewing the Plan periodically ensures the implementation of more effective spill prevention control technology as it becomes available and is demonstrated to be effective.

Although facility personnel are the primary users of the data, EPA uses the data in certain situations. EPA’s primary use of the data contained in an SPCC Plan is to ensure that a facility

is in full compliance with all elements of the SPCC rule, including design and operation specifications and inspection requirements. For example, EPA reviews SPCC Plans as part of EPA's inspection program. A Regional Administrator may require a facility owner or operator to amend an SPCC Plan if he/she finds that the facility has not met the requirements of the regulation or if amendment of the Plan is necessary to prevent and contain discharges of oil.

State and local governments are also users of the data. The information provided in SPCC Plans (e.g., facility configuration and potential risks) is not necessarily available elsewhere and assists local emergency preparedness planning efforts. The Plan must be compatible and coordinated with local emergency plans, including those developed under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499). Coordination with state governments is facilitated by the provision in §112.4(c) requiring that, after certain discharges, information on the discharge be sent to the relevant state agencies. The flexibility with respect to Plan formatting promotes greater coordination with state planning efforts by encouraging the use of plans prepared pursuant to state regulations.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

For some facilities, certain requirements of the Oil Pollution Prevention regulation could be the same or substantially similar to regulations addressing underground storage tanks (USTs). The SPCC rule addresses this overlap by exempting completely buried tanks subject to all of the technical requirements of EPA's UST program (40 CFR part 280) or a state program approved under 40 CFR part 281.

The regulation allows considerable flexibility in Plan preparation and recordkeeping. The definition of "SPCC Plan" allows the use of alternative, appropriately cross-referenced formats based on other state or other federal requirements. Greater flexibility is also provided for facility recordkeeping practices, as records required pursuant to the National Pollutant Discharge Elimination System (NPDES) program and API Standards may satisfy certain SPCC recordkeeping requirements. Records kept under usual and customary business practices are also accepted for inspections, tests, and records.

3(b) Public Notice Required Prior to ICR Submission to OMB

Pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency has notified the public through a Federal Register notice as part of the proposed rule (see 72 FR 58378). As part of this process, EPA solicits public comment concerning the burden estimates for respondents. EPA specifically requests comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. EPA will consider any comments when an ICR package is prepared to support the final rule.

3(c) Consultations

In winter of 2007, as part of the effort to estimate the per-facility compliance cost with the SPCC requirements, EPA asked a contractor to contact up to nine affected facilities regarding EPA's SPCC burden assumptions and estimates. The conducted five interviews provided insight into the reasonableness of EPA's estimates of the paperwork burden facilities incur when complying with the SPCC rule. The names, companies, and telephone numbers of the representatives of those facilities are given below.

Kirk Saunders, White Mountain Oil & Propane, (603) 356-6386;
John Koris, Pike Industries, (207) 854-2561;
Hector Cavazos, Chevron, (281) 561-3664;
Scott Baker, Sunoco, Inc., (215) 339-2074;
Mike Chow, Rhodia Inc., (281) 361-7612.

The contacted facilities were from the following industries: bulk oil storage, asphalt paving mixture and block manufacturing, oil production, petroleum refining, and chemical manufacturing. Those facilities represented various facility sizes. Estimates provided by all five contacts fell within the same range as that developed by EPA and suggested the EPA hour and cost burden estimates to prepare and maintain an SPCC Plan used in the current ICR were reasonable.

3(d) Effects of Less Frequent Collection

The SPCC rule requires the development and maintenance of SPCC Plans. The Agency does not require the owners and operators of facilities to submit these Plans to EPA; the Plan must be available to the RA (or inspector) for onsite review during normal business hours. Section 112.4(a) requires that owners and operators submit certain critical information regarding a discharge and corrective actions. In order to conduct proper follow-up actions, as necessary, Agency personnel may request the Plan itself or access a copy of the entire SPCC Plan by visiting the facility. Because collection is not periodic, less frequent collection is not possible.

The owner or operator of a facility is required to review and evaluate the facility Plan every five years. EPA's experience in administering the SPCC Program indicates that updating Plans to reflect currently available and proven technology and techniques for preventing and controlling oil discharges every five years is sufficient given the degree to which such technologies and techniques evolve over time.

3(e) General Guidelines

The information collection activities discussed in this ICR comply with the general Paperwork Reduction Act guidelines at 5 CFR 1320.5(d)(2).

3(f) Confidentiality

The nature of the data being gathered as part of this ICR is not confidential.

3(g) Sensitive Questions

The information gathering activities discussed in this ICR do not involve sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The industries that are likely to be covered by the SPCC rule fall into many North American Industrial Classification System (NAICS) categories, including those associated with petroleum and non-petroleum oil production, processing (refining), distribution, storage, and consumption. The majority of regulated facilities fall under the industry sectors listed in Exhibit 1.

**Exhibit 1
Primary Industry Sectors and NAICS Codes Covered by the SPCC Rule**

Industry Category	NAICS Code(s)
Oil and Gas Extraction	211
Farms	111, 112
Electric Utility Plants	2211
Petroleum Refining and Related Industries	324
Chemical Manufacturing	325
Food Manufacturing	311, 312
Metal Manufacturing	331, 332
Other Manufacturing	31-33
Real Estate Rental and Leasing	531-533
Retail Trade	441-446, 448, 451-454
Contract Construction	23
Wholesale Trade	42
Other Commercial	492, 541, 551, 561-562
Transportation	481-488
Arts Entertainment & Recreation	711-713
Other Services (Except Public Administration)	811-813
Education	611
Petroleum Bulk Stations and Terminals	4247
Hospitals & Other Health Care	621-624
Accommodation and Food Services	721, 722
Fuel Oil Dealers	45431
Gasoline Stations	4471
Information Finance and Insurance	51, 52
Mining	212, 213
Warehousing and Storage	493
Pipelines	4861, 4869
Government	92

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

The primary data collection activities required by the SPCC rule are the preparation and maintenance of the SPCC Plan along with preparing records of inspections and tests. In preparing a Plan, a facility owner or operator must follow the provisions outlined in the regulation and include a discussion of the measures taken to meet the SPCC requirements. For more detailed requirements, please refer to the Oil Pollution Prevention regulation itself and to the proposed rule, which is expected to be published in summer 2007. For the reader's reference, the SPCC rule contained in 40 CFR part 112 is provided as an appendix to this document. Key provisions are summarized below.

- Potential equipment failure. Where experience indicates a reasonable potential for equipment failure (e.g., tank overflow, rupture, or leakage), the Plan must include a prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the facility as a result of each major type of equipment failure (§112.7(b)).
- Containment/diversion or contingency planning. Appropriate containment and/or diversion structures or equipment must be provided to prevent a discharge (§§112.7(c), 112.7(h)(1), 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), and/or 112.12(c)(11), as applicable according to facility type). For onshore facilities, the owner or operator must use one of the following preventive systems: dikes, berms, or retaining walls sufficiently impervious to contain oil; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; or sorbent materials. The owner or operator of an offshore facility is subject to slightly different requirements due to the facility's unique configuration. While §112.7(c) generally requires secondary containment to be appropriately sized (i.e., to address the most likely discharge so that the oil will not escape containment before cleanup occurs), the additional provisions listed above specify a required minimum size for secondary containment at particular areas of a facility (i.e., sized to contain the largest single oil compartment or container plus sufficient freeboard to contain precipitation). Where installation of these structures or equipment is determined by the owner or operator to be impracticable, a facility owner or operator must explain why, provide a contingency plan following 40 CFR part 109 (or a Facility Response Plan), conduct periodic integrity testing of the containers and periodic integrity and leak testing of valves and piping, and provide a written commitment of the manpower, equipment, and materials required to expeditiously control and remove any harmful quantity of oil discharged (§112.7(d)).

In its 2006 amendments, EPA provided owners and operators of facilities with certain types of oil-filled operational equipment the option of preparing an oil spill contingency plan and a written commitment of manpower, equipment, and materials in lieu of providing secondary containment for qualified oil-filled operational equipment, without making an individual impracticability determination as required in §112.7(d). Owners or operators who pursue this alternative are required to establish and document an inspection or monitoring program for this qualified oil-filled operational equipment to

detect equipment failure and/or a discharge, in lieu of providing secondary containment. An owner or operator cannot pursue the option if that facility has had a single discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons or two discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been operating for less than three years.

- Detailed requirements. In addition to secondary containment requirements, the Plan must include a discussion of the facility's conformance with more detailed and specific requirements, as applicable according to facility type. These specific requirements concern facility diagrams and discharge reporting information and procedures (§112.7(a)); personnel, training, and discharge prevention procedures (§112.7(f)); security (§112.6(c)(3) or §112.7(g)); facility tank car and tank truck loading/unloading rack (excluding offshore facilities) (§112.7(h)); brittle fracture issues related to certain field-constructed aboveground containers (§112.7(i)); other applicable federal, state, and local requirements (§112.7(j)), integrity testing and/or visual inspection (§112.6(c)(4), §112.8(c)(6), §112.9(c)(3) or §112.12(c)(6)); and flowline maintenance programs (§112.9(d)(3)).
- Specific recordkeeping requirements. Every facility owner or operator must conduct inspections and tests required by 40 CFR part 112 in accordance with written procedures in the Plan and keep a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years (§112.7(e)). Records of inspections and tests kept under usual and customary business practices will suffice.
- Specific reporting requirements. As the result of an oil discharge in accordance with §112.4, the following information must be provided to the Regional Administrator:
 - (1) Name of the facility;
 - (2) Name of the owner or operator;
 - (3) Location of the facility;
 - (4) Maximum storage or handling capacity of the facility and its normal daily throughput;
 - (5) The corrective action or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
 - (6) Description of the facility including maps, flow diagrams, and topographic maps;
 - (7) Cause(s) of the spill, including a failure analysis of the system or subsystem in which the failure occurred;
 - (8) Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
 - (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or to the spill event.

In addition, a facility owner or operator must update his or her Plan as necessary, following a modification in the facility's design or operations that materially affects its potential for a discharge and following the five-year review.

(ii) Respondent Activities

The Oil Pollution Prevention regulation requires an owner or operator to conduct the following compliance activities:

- Prepare an SPCC Plan (§§112.3(b) and 112.7);
- Maintain the SPCC Plan and keep records (§§112.3 and 112.7(e));
- Revise the SPCC Plan following a material modification of the facility (§112.5(a)); and
- Conduct periodic reviews of the SPCC Plan (§112.5(b)).

Each of these compliance activities is summarized in more detail below:

Prepare an SPCC Plan

The owner or operator of a new facility must amend or prepare, and implement, an SPCC Plan in accordance with the guidelines set forth in 40 CFR part 112 by July 1, 2009 or before beginning operations, whichever is later. The actual preparation of the Plan involves several separate tasks, which could be conducted by the facility's technical personnel or hired engineers. These tasks include:

- Field investigations, which are conducted to fully understand the design of the facility and to accurately predict the areas or equipment most likely to discharge oil (this involves predicting the flow paths of spilled oil);
- A regulatory review conducted by management personnel, such that the technical and clerical personnel in charge of actually preparing the Plan are fully aware of all requirements in 40 CFR part 112;
- A review of existing procedures conducted to determine the effectiveness of the current spill prevention and control practices employed by the facility;
- Preparation of the Plan, which involves both technical and clerical time, as well as a final review by facility management personnel prior to completion (could also be performed by an engineering firm).

EPA is proposing to streamline SPCC requirements for Tier 1 qualified facilities - a subset of qualified facilities having no oil storage containers with a capacity greater than 5,000 gallons. Under the proposed amendments, owners or operators of these Tier 1 qualified facilities are allowed to complete an SPCC Plan template (proposed as Appendix G to the 40 CFR part 112) in lieu of a full SPCC Plan. By completing the SPCC Plan template, an owner or operator of a Tier 1 qualified facility would self-certify that the facility complies with a set of streamlined SPCC rule requirements.

EPA is also proposing to amend §112.7(a)(3) to clarify that the facility diagram must include all *fixed* (i.e., not mobile or portable) containers. Under the proposed amendment, the facility owner or operator only has to mark the area on the diagram where the mobile containers are stored, and can choose to indicate in the facility's Plan the average number of mobile or portable containers maintained at the facility and the anticipated contents and capacities of those containers, rather than on the diagram itself. The proposed revision to the rule language simplifies the process for developing a facility diagram by allowing for a general indication of the location and contents of numerous mobile or portable oil storage containers (e.g., drums and totes) on the diagram, rather than a specific representation of each container.

- Certification of the Plan, which must be conducted for each new Plan. For facilities that do not meet the “qualified facility” criteria set forth in §112.3(g), SPCC Plans and technical amendments to Plans must be certified by a licensed Professional Engineer (PE).

In its 2006 amendments, EPA provided streamlined requirements for facilities that meet a set of specified qualifying criteria. Owners and operators of qualified facilities have the option to self-certify that their SPCC Plan complies with 40 CFR part 112, in lieu of having a PE review and certify their Plan. According to §112.3(g), the self-certification option is available to the owners and operators of those facilities that store 10,000 gallons of oil or less and that have had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. Owners and operators of qualified facilities choosing this option may deviate from certain requirements of the SPCC rule as specified under §112.7(a)(2) and make impracticability determinations as described under §112.7(d) only if these portions of the Plan are certified by a licensed PE (see §112.6(d)).³

Maintain the SPCC Plan and keep records

Section 112.3 requires the owner or operator to maintain a copy of the SPCC Plan at the facility, if the facility is normally attended for at least four hours per day or, if not, at the nearest field office. The Plan must be available to the Regional Administrator for review during normal working hours (§112.3(e)). In addition, as described in section 4(b)(i) of this document, a facility owner or operator is required to maintain (and update) Plan-specific records as outlined under §112.7(e). Plan maintenance and recordkeeping activities are estimated to involve almost entirely technical personnel time, although a small amount of clerical personnel time may also be required for these activities.

Submit information in the event of certain discharges of oil

³ For the purposes of this ICR, EPA assumes that no facilities will require section-specific certification by a PE.

In the event of certain discharges of oil into navigable waters, a facility owner or operator must submit information described in §112.4(a) to the Regional Administrator within 60 days. A discharge of oil occurring within any 12-month period that triggers the §112.4 reporting requirements is:

- (1) A single discharge as described in §112.1(b) of more than 1,000 U.S. gallons into or upon navigable waters; or
- (2) Two or more discharges as described in §112.1(b), each of which is over 42 U.S. gallons, into or upon navigable waters.

Submission of information after a discharge of oil is estimated to involve both technical personnel time for collecting the required information, as well as time for review by management personnel before the information is submitted. Section 112.4(c) also requires that the facility owner or operator submit a copy of this information to the state agency in charge of oil pollution control activities for the area in which the facility is located. The Regional Administrator may require the owner or operator of the facility to amend the SPCC Plan to prevent and contain discharges from the facility. Such amendments, if uncontested by the facility owner or operator, must become part of the Plan 30 days after the Regional Administrator responds to the facility owner or operator concerning the proposed amendments. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. As required by §112.4(e), amendments to the Plan must be implemented as soon as possible, but no later than six months after the amendments become part of the Plan. Section 112.4(f) allows a facility owner or operator to appeal a decision made by the Regional Administrator requiring a Plan amendment.

Revise the SPCC Plan following modification of the facility

Section 112.5(a) requires the facility owner or operator to amend his or her Plan in accordance with §112.7 whenever there is a change in the facility's design, construction, operation, and maintenance that materially affects the facility's potential to discharge oil into navigable waters. Such facility changes may include the addition of a new or rebuilt container; a change in the service of a container; any physical changes or improvements to the facility; or, the construction of a new well and associated piping. The activities to amend the SPCC Plan as a result of these facility changes are estimated to involve mostly facility technical personnel time, as well as some clerical time. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. Such amendments to the SPCC Plan must be implemented as soon as possible, but not later than six months after the change occurs.

Review the SPCC Plan

An owner or operator of an SPCC-regulated facility is required to review and evaluate his or her Plan at least once every five years. This review is expected to involve mostly technical personnel time to review spill prevention and control procedures being implemented under the current Plan, as well as a regulatory review involving management personnel time. Clerical personnel time is also involved to complete necessary paperwork. An owner or operator is required to amend his or her SPCC Plan within six months of the review to include more

effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility; and (2) such technology has been field-proven at the time of the review. Any technical amendments to the Plan must be certified prior to implementation by a licensed PE or, for qualified facilities, self-certified in accordance with §112.6(b). Review cost estimates are generated in this ICR for an existing facility only, since a new facility that becomes operational after the beginning of the ICR-approval period will not be required to conduct its review until after the three-year period covered by this ICR.

5. INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

In the event that an SPCC-regulated facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the United States in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any 12-month period, EPA is required to review the information submitted to it by the facility under 40 CFR 112.4(a), including the necessity to:

- Review facility characteristics;
- Review the cause of the discharge;
- Require any necessary amendments to the Plan to prevent and contain discharges from the facility; and
- Adjudicate any appeal of a final decision requiring an amendment.

In addition, while not required by the SPCC rule, EPA also conducts routine inspection, enforcement, and outreach activities as part of administering this program. Inspections may occur either after a discharge as part of the review of the submitted spill notification report or on a periodic basis.

5(b) Collection Methodology and Management

Plans can be tailored to the unique characteristics of the facility. Due to the wide range of types and sizes of facilities subject to the regulation, EPA does not prescribe any specific information management technique or technology in preparing and maintaining SPCC Plans or records. The regulation allows flexibility in Plan preparation and recordkeeping by defining “SPCC Plan” in a way that allows the use of additional, appropriately cross-referenced formats. Greater flexibility is also provided for facility recordkeeping practices, as records kept under normal business practices, such as those required pursuant to the NPDES program and API Standards, may satisfy certain SPCC recordkeeping requirements.

EPA remains amenable to the development and use of more flexible and user-friendly means of writing and maintaining SPCC Plans, such as electronic programs, provided the Plans continue to provide the required information and meet the administrative requirements listed in the SPCC rule. Whatever medium is used, the Plan should also be readily accessible to response personnel in an emergency.

EPA maintains the information submitted to regional offices by facilities following certain oil discharges to support ongoing program activities such as targeting inspections as well as to support response operations during spills. However, EPA does not collect SPCC Plans or related records from facilities on a routine basis.

5(c) Small Entity Flexibility

In 2002, EPA promulgated revisions to the SPCC rule that provided benefits for small entities in several ways. First, EPA no longer regulates, under 40 CFR part 112, a facility having a single container with an aboveground storage capacity greater than 660 gallons, but aggregate aboveground capacity of 1,320 gallons or less of oil. Second, EPA no longer regulates, under 40 CFR part 112, a completely buried container that is subject to all of the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281. Third, the 2002 rule includes a *de minimis* container size of less than 55 gallons. As a result, containers less than 55 gallons are no longer included in a facility's aboveground total storage or use-capacity calculation and no longer need to be discussed in the SPCC Plan. Fourth, EPA no longer regulates, under 40 CFR part 112, wastewater treatment facilities or parts thereof (except at oil production, oil recovery, and oil recycling facilities) used exclusively for wastewater treatment and not used to meet any other requirement of the rule. Fifth, the definition of "SPCC Plan" was modified to allow the use of additional, appropriately cross-referenced formats that would encourage all regulated facilities, including smaller facilities, to take advantage of similar planning efforts conducted pursuant to state or other federal standards. The revisions, targeted towards reducing the recordkeeping burden to facilities, also decreased the burden to smaller facilities.

The 2006 rule amendments further reduced the burden of the SPCC regulation, with expected benefits for small entities. Specifically, the rule amendments reduced the regulatory burden on qualified facilities and facilities with qualified oil-filled operational equipment. Qualified facilities with 10,000 gallons or less of aggregate aboveground storage no longer need a licensed PE to certify their Plans. The amendments also allow greater use of contingency plans without requiring an impracticability determination for facilities with qualified oil-filled operational equipment. Facilities that store oil solely in motive power containers are no longer regulated, while other facilities with oil storage in addition to motive power containers may incur lower compliance costs. The rule also allows mobile refuelers to fall under the rule's general containment requirement, which does not require specifically sized secondary containment.

The proposed amendments to the SPCC rule would reduce the burden on small businesses to the extent that these businesses are eligible for reduced regulatory requirements offered to hot-mix asphalt facilities, production facilities, facilities that produce or process animal fats and vegetable oil, Tier 1 qualified facilities, and others.

5(d) Collection Schedule

The SPCC rule does not require a specific collection schedule. However, a facility owner or operator must prepare, amend, and implement an SPCC Plan according to the compliance deadlines in §112.3(a), (b), and (c). As amended on May 16, 2007 (72 FR 27443), the SPCC

rule requires an owner or operator of a regulated onshore or offshore facility that: (1) was in operation on or before August 16, 2002, and could reasonably be expected to have a discharge as described in §112.1(b), maintain his or her Plan, but amend it, if necessary to ensure compliance, by July 1, 2009, and implement the amended Plan by July 1, 2009; (2) becomes operational after August 16, 2002, through July 1, 2009, and could be expected to have a discharge as described in §112.1(b), must prepare and implement a Plan by July 1, 2009; or (3) becomes operational after July 1, 2009, and could reasonably be expected to have a discharge as described in §112.1(b), must prepare and implement a Plan before it begins operations. A regulated onshore or offshore mobile facility owner or operator must amend his or her Plan, if necessary, and implement such amendments by July 1, 2009.

The owner or operator must review the SPCC Plan once every five years. A periodic review is necessary to ensure that SPCC Plans reflect currently available and proven technology and techniques for preventing and controlling oil discharges.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

Facility Characteristics

For the purpose of this analysis, EPA divided regulated facilities into four size categories based on their aggregate oil storage capacity (see Exhibit 2). These size categories help to (1) account for differences in the potential compliance costs experienced by facilities of different sizes and (2) determine the number of facilities affected by each of the proposed changes based on facility's storage capacity.

Exhibit 2

SPCC-Regulated Facility Size Categories

Size Category	Aggregate Capacity
I	1,321 to 10,000 gallons
II	10,001 to 42,000 gallons
III	42,001 to 1 million gallons
IV	greater than 1 million gallons

For the purposes of this ICR, facilities are also grouped into two categories: production facilities (facilities whose operations primarily involve oil production) and storage facilities (all other industry groups). This categorization of facilities reflects differences in the estimated burden of compliance activities depending on the nature of the facility's operations.

Additionally, facilities are divided into existing and new facilities, to reflect the differences in compliance activities between these two groups. Existing facilities include facilities that initiated operations prior to initiation of this ICR. All facilities in operation at the start of this ICR period are assumed to have prepared their SPCC Plans. Consequently, existing facilities are assumed to have incurred all costs associated with initially preparing and implementing their SPCC Plans,

but some are expected to incur costs to perform a technical five-year review, revise their SPCC Plan, submit information in the event of certain oil discharges, and maintain the Plan and keep records. New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation.

Estimating Burden of SPCC Plan

For this analysis, EPA developed a unit cost inventory with cost estimates for each of the 2002 SPCC rule requirements. The Agency also assessed paperwork-related changes resulting from the 2006 final and 2007 proposed amendments. EPA relied on the most recent cost estimates from an incomplete effort to develop a unit cost inventory. To complete this inventory, the Agency developed a detailed list of the SPCC requirements that are expected to have a cost impact, and obtained unit cost estimates for each of these requirements from a professional engineering (PE) firm with experience across a broad spectrum of industries, that serves the 48 contiguous states of the United States.⁴ In addition, EPA also conducted interviews of five regulated entities to obtain data on compliance measures at facilities and their associated costs to crosscheck the estimates and develop a better understanding of the ranges of cost estimates.⁵

Estimating Facility Labor Costs

To determine the per-facility costs for typical new and existing respondents in each facility size category, unit time estimates for management, technical, and clerical personnel were multiplied by the hourly wage rate for each labor category and were then added to paperwork-related capital and operating and maintenance (O&M) costs.

The labor wage rates for private industry were derived from the September 2006 U.S. Department of Labor's Employment Cost Indexes and Levels.⁶ The 2006 wage rates include wages and salaries; benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, legally required benefits, severance pay, and supplemental unemployment benefits. These wage rates reflect private industry averages estimated by the Bureau of Labor Statistics (BLS) based on a survey of 35,600 occupations within 8,200 establishments in the private sector. These wage rates reflect industry averages, which may underestimate the actual wages received by some SPCC regulated facility personnel but overestimate the actual wages received by other facility personnel. EPA further adjusted these rates to reflect overhead costs of 17 percent.⁷ Following are the estimated loaded wage rates used in the analysis:

⁴ SCS Engineers.

⁵ See Appendix H in Volume II of the Regulatory Impact Analysis for the SPCC II rule for details on comparison of the unit cost estimates from this inventory with other estimates from DOE and STI.

⁶ United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, December 2005.

⁷ Overhead costs were computed separately from BLS data and were assumed to be an additional 17 percent of the total wage rate, which is composed of direct wages and salaries and employee benefits, as reported by BLS.

- Management: \$59.8/hour;
- Technical: \$51.9/hour; and
- Clerical: \$26.0/hour.

EPA assumed the above labor rates would apply to all scenarios when facilities use in-house personnel to satisfy requirements involving labor burden. While all facilities would contract a PE to certify their Plans, not all facility owners and operators are expected to contract a PE for activities that can be conducted by in-house personnel. On the one hand, a small facility is more likely to hire outside engineers because it may not have the in-house expertise to comply with the SPCC requirements. On the other hand, a small facility may not have the resources to hire outside engineers and may be in a better position to use in-house labor because the owner may be closely involved with all the operations. A similar two-sided argument can also be made for larger facilities. Therefore, EPA assumed that 50 percent of the facilities of all size categories use in-house labor and the remaining 50 percent use outside professional labor.

Overhead rates can be calculated using various formulas. To see how overall costs might change under different overhead loading rate assumptions, EPA calculated alternative overhead rates based on recommendations in *Estimating Costs for the Economic Benefits of RCRA Noncompliance* (September 1997). This document suggests that labor overhead and profit can be estimated at 50 to 100 percent of the base salary and fringe benefit costs. EPA estimated that raising the overhead rate to 50 percent would increase the wages listed above by 28 percent. If a 100-percent overhead rate were used, these wages would increase by 71 percent. The 50-percent and 100-percent alternatives may be high because the rates include profit as well as overhead. The appropriate overhead loading rate is highly dependent on not only the industry in question, but also individual businesses. The alternative rates are explored in the discussion of total respondent costs in Section 6(e) of this document.

Estimating Burden of Oil Spill Contingency Plan

EPA developed a unit-cost estimate for preparing an oil spill contingency plan, to evaluate the potential impacts of revisions to the SPCC rule. EPA assumed that the activities associated with preparing a contingency plan are similar to those required by a Facility Response Plan (FRP). Accordingly, the hour and cost burden estimates associated with preparing a contingency plan are based on burden estimates developed for an FRP.⁸ EPA assumed that the following elements would be included in the SPCC oil spill contingency plan:

- Emergency Response;
- Hazard Evaluation;
- Discussion of Spill Scenarios;
- Discharge Detection; and
- Plan Implementation.

Given fewer requirements for a contingency plan offered by the final 2006 SPCC rule compared to the FRP requirements, the cost associated with each of these elements was assumed to be

⁸ For details, see the regulatory impact analysis for the 2006 final rule ("Regulatory Impact Analysis of Revisions to the Oil Pollution Prevention Regulation (40 CFR 112) to Implement the Facility Response Planning Requirements of the Oil Pollution Act of 1990").

half the FRP cost (except for discharge detection, which was assumed to be the same). The cost estimates were inflated to 2006 dollars using the Bureau of Labor Statistics' Producer Price Index. The typical annual cost of preparing an oil spill contingency plan is estimated at \$876.

EPA assumed that the fraction of managerial, technical, and clerical time of the total labor burden associated with a contingency plan is the same as that for preparing a new SPCC Plan. Exhibit 3 presents the hour and cost burden estimated for a typical oil spill contingency plan.

Exhibit 3

Estimated Cost of Preparing a Typical Contingency Plan

Activity	Burden Annual (hours)				Annual Cost
	Management (\$59.8/hr)	Technical (\$51.9/hr)	Clerical (\$26.0/hr)	Total	
Prepare a Contingency Plan	2.5	12	4.0	18.5	\$876

Estimating Capital and Operating and Maintenance (O&M) Costs

EPA expects that facilities will incur paperwork-related capital and O&M costs in complying with the SPCC requirements to maintain the Plan and keep records (40 CFR 112.3 and 112.7(e)) and to submit required information in the event of certain discharges of oil (40 CFR 112.4). EPA estimates that to maintain files, new facilities will purchase file cabinets at a cost of \$200. In the event of certain discharges, the owner or operator is required to submit information to the Regional Administrator and the state agency in charge of oil pollution control activities for the area in which it is located. Consequently, the owner or operator will incur costs for photocopying and postage. For costing purposes, EPA assumes that facilities will submit no more than 10 pages for a small facility; 20 pages for a medium facility; and 40 pages for a large facility. Assuming the cost of photocopying to be \$0.11 per page, photocopying costs are estimated to be \$2.20 for a small facility; \$4.40 for a medium facility; and \$8.80 for a large facility, respectively. EPA estimates that the cost to submit the information through the Post Office is approximately \$12.00, based on the cost to mail a two-pound package to two different recipients. Because only 0.15 percent of facilities are expected to incur oil discharges that trigger an information submission, the annual costs associated with submitting information to EPA are not measurable for the average facility.

EPA assumed that the cost to a facility owner or operator to retain an outside PE to certify the SPCC Plan varies by the size of the facility. EPA used this assumption because a larger facility likely has a more complex SPCC Plan, and more complex Plan amendments, than a smaller facility. The burden associated with certifying SPCC Plans and amendments to SPCC Plans, however, requires professional engineers. The estimated wages for PE labor used in this analysis are as follows⁹:

⁹ Source: SCS Engineers, a professional engineering firm.

- Management: \$150/hour;
- Technical: \$120/hour
- Drafter: \$75/hour; and
- Clerical: \$55/hour.

Some facilities are expected to incur O&M costs associated with retaining a PE to certify their SPCC Plans, along with any subsequent technical amendments that are made to the Plan. In certifying the Plan, the engineer attests to have examined the facility and that the Plan has been prepared in accordance with good engineering practices that satisfy the SPCC requirements found in 40 CFR part 112. Furthermore, a PE must certify any technical amendment to an SPCC Plan.

Exhibit 4 summarizes the expected costs for facilities of different sizes to obtain outside PE certification of a new Plan as well as any subsequent amendments.

Exhibit 4

Cost to Facilities to Retain an Outside PE for Certification

Size Category	Facility Type	New Plan	Amendments
I	Storage	\$1,700	\$2,210
	Production	\$948	\$1,210
II	Storage	\$3,190	\$4,230
	Production	\$1,700	\$2,210
III	Storage	\$4,690	\$6,010
	Production	\$3,190	\$4,230
IV	Storage	\$6,930	\$9,340
	Production	\$4,690	\$6,240

Source: SCS Engineers.

6(b) Burden and Costs per Facility

This section discusses the potential paperwork-related burden and costs to facilities regulated by the SPCC rule. Plan preparation costs affect new facilities that become subject to the SPCC rule. New facilities include those facilities that will initiate operations during the ICR period. Owners or operators of new facilities are assumed to incur the total cost of preparing a Plan in their first year. In addition to preparing or reviewing SPCC Plans, owners or operators of all new and existing facilities will incur costs to prepare and maintain records.

EPA assumes that the formal five-year review of SPCC Plans will affect one-fifth of all existing facilities annually – i.e., owners or operators of one-fifth of all existing facilities will undergo their formal five-year review of their Plans in each year of the ICR period.

Owners or operators of some new and existing facilities will submit information as a result of discharging oil and others will need to revise their Plan during the ICR period. For the 2002 rule

ICR, based on spill data obtained from the Emergency Response Notification System database, EPA estimated that approximately 0.15 percent of all facilities would incur costs each year due to reporting requirements related to an oil discharge (see §112.4(a)).¹⁰ In addition, based on conversations with EPA regional personnel involved with the SPCC program, EPA estimated that approximately 10 percent of all facilities would revise their Plan each year to address §§112.5(a) or (c) or §112.4(d).

Exhibit 5 through Exhibit 9 provides average burden and cost estimates for existing and new facilities. For existing facilities, the following activities are included: five-year review - §112.5(b); information submission in the event of certain oil discharges - §112.4(c); Plan modification - §112.5(a) and PE certifications of any technical amendment - §112.5(c); and recordkeeping. For newly regulated facilities, paperwork-related activities include SPCC Plan preparation - §112.3(a); oil spill contingency plan preparation - §112.7(d); information submission in the event of certain oil discharges - §112.4(c); Plan modification - §112.5(a) and PE certifications of any technical amendment - §112.5(c); and recordkeeping §112.7(e).

The option to self-certify a facility-specific SPCC Plan according to the requirements in §112.6(b) is available to any qualified facility having 10,000 gallons or less in storage capacity. EPA assumed that all new qualified facilities with storage capacity of less than 10,001 gallons would self-certify the Plan instead of having it certified by a PE. The Agency also assumed that under the new requirements, owners and operators of all existing qualified facilities would not use a PE to certify a technical amendment to their Plan.

In its amendments to the SPCC rule, EPA is proposing additional flexibility for facilities with capacity less than or equal to 10,000 gallons and no containers greater than 5,000 gallons. A qualified facility would be a facility subject to the SPCC rule that, as described in 112.3(g), meets the storage capacity threshold and discharge history criteria. This option allows an owner/operator to fill out an SPCC Plan template to serve as his or her SPCC Plan.

The Agency assumed that owners and operators existing facilities would not use the proposed option because they are expected to have an SPCC Plan in place and preparing a template would present an additional expense for those facilities. Correspondingly, EPA assumed that owners and operators of *all* new qualified facilities with no containers with capacities greater than 5,000 gallons would take advantage of the reduced requirements and develop a template.

The costs presented in Exhibit 5 through Exhibit 9 represent the average costs for facilities of different sizes, accounting for the probability that certain facilities will incur those costs (e.g., five-year reviews affect one-fifth of existing facilities) and for the estimated overlap between federal and state requirements. Low probability costs (e.g., complying with §112.4(c)) distributed across many facilities yield only nominal per-facility average costs, particularly when state overlap is taken into consideration.

¹⁰ Information Collection Request for the final rule to amend the oil pollution prevention regulation (40 CFR part 112), May 2002.

The state overlap assumptions are based on research conducted for the 2002 SPCC rule¹¹ and are described in the regulatory impact analysis for the SPCC II proposed rule. Each state has its own regulations regarding the storage, handling, and containment of oil. In some cases, the effort required by these state regulations may be the same as what is required by SPCC. Overall, in 2002 EPA found that 5.9 percent of facilities are in states with complete overlap; about 5.6 percent of facilities in states with substantial overlap; and about 5.7 percent of facilities in states with partial overlap. To develop the burden estimates, EPA multiplied the hours burden by both the percentage of facilities in each overlap category and the degree of overlap (i.e., 100 percent for complete overlap, 75 percent for substantial overlap, and 50 percent for partial overlap). As part of the regulatory analysis for the 2007 proposed SPCC amendments, EPA studied the overlap of state regulations to determine whether an adjustment of the estimate would more accurately account for recent changes in state requirements and/or refine the previously generated estimates. As a result of this review, the Agency concluded that there was non-compelling evidence to adjust the overlap estimate between the SPCC rule and state regulations. When estimating paperwork-related burden resulting from the SPCC requirements, EPA takes into account the estimated degree of overlap to avoid double counting. The reduced burden due to state overlap was estimated by applying the overlap percentages to the total burden associated with each paperwork compliance activity.

Total Annual Burden per Average Respondent

Once the unit burden hours were determined for each compliance activity undertaken by the average facility in each size category, EPA calculated the total annual burden by summing the unit estimates for all compliance activities. The annual burden for an average facility differs for each size category based on the assumed differences in the complexity of the facility and its operations. The estimated annual burden hours for an average respondent in each size category for existing and new facilities are presented in Exhibit 5 through Exhibit 9.

Total Annual Cost per Average Respondent

In estimating the per-respondent costs for existing and new facilities in each size category, EPA calculated the unit cost for each compliance activity performed by the average facility. These average per-facility costs are shown in the right-hand column of Exhibit 5 through Exhibit 9. To estimate the cost for each compliance activity performed by the average respondent facility in each size category under the rule, EPA multiplied the unit time estimates for management, technical, and clerical personnel by the hourly wage rate for each labor category and then added the result to the paperwork-related capital and O&M (PE) costs. For the average existing facility, following are the estimated total annual costs for all information collection activities required by the proposed regulation:

- Category I (Tier 1): \$732 per facility;
- Category I: \$732 per facility;
- Category II: \$940 per facility;
- Category III: \$1,610 per facility; and
- Category IV: \$2,890 per facility.

¹¹ U.S. Environmental Protection Agency, "Economic Analysis For The Final Revisions To The Oil Pollution Prevention Regulation (40 CFR part 112)," May 2002.

For the average new facility, following are the estimated total annual costs for all information collection activities required by the proposed regulation:

- Category I (Tier 1): \$930 per facility;
- Category I: \$3,440 per facility;
- Category II: \$8,070 per facility;
- Category III: \$11,000 per facility; and
- Category IV: \$17,300 per facility.

Estimated annual costs for new facilities are higher than those for existing facilities because of the greater expenses associated with preparing a new SPCC Plan and oil spill contingency plan.

Exhibit 5
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category I Facility (Tier 1)

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.3	2.2	0.0	0.3	2.7	\$0	\$0	\$258
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.2	1.1	0.0	0.2	1.5	\$0	\$0	\$379
Maintain the SPCC Plan and Keep Records	0.0	1.7	0.0	0.5	2.2	\$0	\$0	\$95
TOTAL	0.5	5.1	0.0	0.9	6.4	\$0	\$0	\$732
New Facilities								
Prepare an SPCC Plan	0.0	3.0	0.0	0.0	3.0	\$0	\$0	\$154
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.2	1.1	0.0	0.2	1.5	\$0	\$0	\$379
Maintain the SPCC Plan and Keep Records	0.0	1.7	0.0	0.5	2.2	\$76	\$0	\$171
TOTAL	0.8	9.3	0.0	1.6	11.7	\$76	\$0	\$930

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 6
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category I Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.3	2.2	0.0	0.3	2.7	\$0	\$0	\$258
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.2	1.1	0.0	0.2	1.5	\$0	\$0	\$379
Maintain the SPCC Plan and Keep Records	0.0	1.7	0.0	0.5	2.2	\$0	\$0	\$95
TOTAL	0.5	5.1	0.0	0.9	6.4	\$0	\$0	\$732
New Facilities								
Prepare an SPCC Plan	1.3	19.3	7.1	2.5	30.3	\$0	\$0	\$2,670
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.2	1.1	0.0	0.2	1.5	\$0	\$0	\$379
Maintain the SPCC Plan and Keep Records	0.0	1.7	0.0	0.5	2.2	\$76	\$0	\$171
TOTAL	2.1	25.7	7.1	4.1	39.0	\$76	\$0	\$3,440

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 7
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category II Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.2	3.1	0.0	0.2	3.5	\$0	\$0	\$334
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.3	1.6	0.0	0.2	2.1	\$0	\$314	\$526
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.5	1.9	\$0	\$0	\$80
TOTAL	0.5	6.1	0.0	0.9	7.5	\$0	\$314	\$940
New Facilities								
Prepare an SPCC Plan	2.0	28.1	10.9	3.5	44.5	\$0	\$3,300	\$7,160
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.3	1.6	0.0	0.2	2.1	\$0	\$314	\$526
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.5	1.9	\$76	\$0	\$156
TOTAL	2.9	34.6	10.9	5.1	53.6	\$76	\$3,610	\$8,070

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 8
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category III Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.4	5.6	0.0	0.4	6.4	\$0	\$0	\$610
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.5	3.0	0.0	0.4	3.9	\$0	\$543	\$922
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.4	1.8	\$0	\$0	\$78
TOTAL	0.9	10.0	0.0	1.2	12.1	\$0	\$543	\$1,610
New Facilities								
Prepare an SPCC Plan	3.2	42.7	14.8	5.2	66.0	\$0	\$3,940	\$9,690
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.5	3.0	0.0	0.4	3.9	\$0	\$543	\$922
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.4	1.8	\$76	\$0	\$154
TOTAL	4.4	50.6	14.8	7.0	76.7	\$76	\$4,480	\$11,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 9
Annual Burden and Unit Costs for All Required Information Collection Activities
Average Category IV Facility

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	0.7	9.9	0.0	0.7	11.2	\$0	\$0	\$1,070
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.9	5.2	0.0	0.7	6.8	\$0	\$957	\$1,610
Maintain the SPCC Plan and Keep Records	0.0	4.3	0.0	0.3	4.6	\$0	\$0	\$215
TOTAL	1.5	19.4	0.0	1.7	22.6	\$0	\$957	\$2,890
New Facilities								
Prepare an SPCC Plan	5.5	63.8	17.1	8.9	95.3	\$0	\$6,710	\$15,200
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0	\$0
Revise the SPCC Plan	0.9	5.2	0.0	0.7	6.8	\$0	\$957	\$1,610
Maintain the SPCC Plan and Keep Records	0.0	4.3	0.0	0.3	4.6	\$76	\$0	\$291
TOTAL	7.0	76.8	17.1	10.9	112	\$76	\$7,660	\$17,300

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

6(c) Estimating Agency Burden and Costs

EPA incurs costs associated with the evaluation of information submitted in accordance with §112.4 as well as consideration of appeals. This section summarizes the estimated burden and cost of these activities to EPA. Burden estimates are based on input from EPA regional staff involved directly with the implementation of 40 CFR part 112. Exhibit 10 shows the total burden and labor cost to EPA. As described in Section 6(b), EPA assumed that 0.15 percent of regulated facilities would submit information to EPA for review.

EPA labor costs are based on the 2007 General Schedule (GS) pay schedule. EPA estimates an average hourly labor cost (labor plus overhead) of \$59.2 for managerial staff (GS-13, Step-5), and \$41.6 for technical staff (GS-11, Step-5). To derive hourly estimates, EPA divided annual compensation estimates by 2,080, which represents the number of hours in the federal work year. EPA then multiplied hourly rates by the standard government overhead factor of 1.6. Unit costs were calculated as unit time estimates multiplied by the hourly labor rates for EPA personnel.

Exhibit 10

Estimated Annual Burden and Cost to EPA

Activity	Burden Hours			Total	Total Cost
	Managerial (\$59.2)	Technical (\$41.6)	Clerical		
Plans Evaluation	939	9,390	0	10,300	\$446,000
Review of Comments	469	469	0	939	\$47,300
Consideration of Appeals	751	0	0	751	\$44,500
Total	2,160	9,860	0	12,000	\$537,000

6(d) Estimating the Respondent Universe

This section describes the universe of facilities subject to SPCC regulations. Estimating the number of regulated entities is not straightforward. The SPCC rule does not include a notification requirement and, with certain exceptions, owners and operators do not submit their SPCC Plans to EPA.

Previously Developed Estimates

In 1991, EPA published the "Spill Prevention, Control, and Countermeasures Facilities Study," which summarized information on small, medium, and large facilities in 16 industry sectors that store oil aboveground and underground. For each of these sectors, EPA collected and evaluated data from 10 states on medium and large facilities. Information on small facilities came from New York. In the end, the 1991 study estimated the number of facilities based on

extrapolation of data from four state databases (Illinois, California, Maryland, and New York) to the nation.

In 1995, EPA conducted a survey of approximately 30,000 facilities in the industries covered by the 1991 study. The 1995 survey yielded detailed information about the oil storage characteristics of the surveyed facilities, and was designed to allow statistical extrapolation to a broader universe. EPA compared the results of the 1995 survey to the 1991 facility study and to a 1989 American Petroleum Institute report and calculated a 1996 Adjusted National Estimate, which has been the basis of EPA's approximation of the number of facilities regulated by the SPCC Program.¹²

Current Estimation Methodology

EPA has updated its estimates of the number of facilities regulated by the SPCC rule, based on recent federal, state, and proprietary data on facilities that store or handle oil.¹³ The estimates of the SPCC universe were developed for 30 industry sectors, including (but not limited to) those listed in Exhibit 1. For sectors without reliable national-level data, the basic estimation procedure involved extrapolating from eight state databases using information from the U.S. Census Bureau.¹⁴

Estimates based on state-level data

For many industry sectors affected by the SPCC rule, the basic estimation procedure used to update the regulated universe was similar to that used in the 1991 facilities study. EPA used eight primary state databases (Florida, Kansas, Maryland, Minnesota, New York, Oklahoma, Virginia, and Wisconsin) to determine the number of SPCC-regulated facilities in the state for each industry sector.

The information in state databases was matched with the Dun & Bradstreet (D&B) Market Spectrum database to assign industry sectors.¹⁵ To extrapolate the estimates to the entire country, these values were multiplied by a facility ratio. The facility ratio was estimated as the number of SPCC-regulated facilities in the eight states for an industry sector divided by the total number of facilities reported for that industry sector in those states.¹⁶

¹² Analysis of the Number of Facilities Regulated by EPA's SPCC Program
http://www.epa.gov/oilspill/pdfs/pap_tpop.pdf.

¹³ For details, see the regulatory impact analysis for the 2006 final rule ("Regulatory Impact Analysis of Revisions to the Oil Pollution Prevention Regulation (40 CFR 112) to Implement the Facility Response Planning Requirements of the Oil Pollution Act of 1990")

¹⁴ Oil storage data are not available for all states.

¹⁵ In the matching process, the following facilities and tanks were dropped from the estimation: facilities with less than 1,320 gallons of aggregate storage, tanks with less than 55 gallons of storage, underground tanks subject to EPA UST requirements, inactive tanks, and tanks that do not store oil substances.

¹⁶ The facility ratio is calculated using the eight state databases for all capacity categories except Category I. Because the Maryland database does not include information on Category I facilities, the ratio for Category I facilities is calculated using seven state databases (excluding Maryland).

Estimates based on national-level data

Because of the availability of federal and proprietary data, EPA used a different estimation approach for the following industry sectors: petroleum bulk stations and terminals; fuel oil dealers; pipelines; petroleum refinery and related industries; oil and gas production; farms; electric utilities; and manufacturing facilities handling or storing animal fats and vegetable oils. These sectors represent 70 percent of the facilities affected by the SPCC rule.

The 2002 Economic Census was used to estimate the number of regulated facilities for the petroleum bulk stations and terminals, fuel oil dealers, pipelines, and petroleum refinery and related industries. As in previous analyses, all facilities in these industries were assumed to be regulated under the SPCC rule.

EPA assumed all oil production facilities are regulated under the SPCC rule. Certain gas production facilities may also be regulated, given that some gas wells have tanks for storing condensate oil generated during the gas-production process. EPA used Energy Information Administration (EIA) data to estimate the total number of oil-production wells as well as gas wells that produce condensate oil. All active wells that were producing in 2004 are considered in the analysis. The EIA database contains historical data on oil and gas wells, including marginal wells, compiled from government and commercial sources.¹⁷ EIA provides data on oil and oil-condensate produced at oil and gas production wells according to various production-rate classes. Gas wells that do not produce oil condensate are not included. To convert the number of wells that produce oil and oil condensate to the total number of SPCC-regulated production facilities, EPA assumed four wells per facility based on personal communication with industry experts.¹⁸ Under this assumption, EPA estimated that approximately 166,000 oil production facilities are SPCC-regulated.

The number of farms was calculated based on Census of Agriculture data on production expenses related to petroleum-related purchases from 2002 and 1997 and on diesel storage data from 1982. In the 2002 Census of Agriculture, expenditure data are available only in aggregate for all fuels. To arrive at the expenditure on diesel (gasoline) in 2002, EPA multiplied the total expenditure on fuels in 2002 by the ratio of diesel (gasoline) expenditure to total expenditure from the 1997 data. The Agency assumed that the percentage of diesel (gasoline) expenditure remained the same from 1997 through 2002. Finally, the total quantity of diesel (gasoline) purchased in 2002 was calculated by dividing the expenditure on diesel (gasoline) by diesel (gasoline) prices. Using 1982 data on fuel storage and expenditures on farms, the ratio of diesel (gasoline) storage with respect to the annual quantity of diesel (gasoline) purchased was calculated. On average approximately one-fifth of the annual quantity of diesel purchased and about one fourth of the annual quantity of gasoline purchased is stored on farms. Since no data were available on the type of storage (i.e., aboveground or underground) EPA assumed that the entire storage is aboveground. The expenditure ranges were converted to capacity ranges and assigned to a percentage of farms that are regulated within the capacity ranges.

¹⁷ U.S. Energy Information Administration, Distribution and Production of Oil and Gas Wells by State, data available from http://www.eia.doe.gov/pub/oil_gas/petrosystem/petrosysog.html.

¹⁸ Personal communication with a Federal On-Scene Coordinator for EPA Region 6 and Mark England, Texas Railroad Commission, 2005.

EPA calculated the number of SPCC-regulated electric utility plants as a combination of the number of substations and the number of power plants in the United States. All electricity generation facilities and substations are assumed to contain enough oil to be subject to SPCC requirements. The number of electric utility plants was estimated based on data reported by the Energy Information Administration (EIA). The number of substations was estimated based on the number of substations listed by each major utility reporting to the Federal Energy Regulatory Commission (FERC).¹⁹ A national estimate was extrapolated from these data using the ratio of the megawatt hours sold by utilities to the estimated total retail megawatt hours of electricity sold nationwide according to the EIA.

Facilities handling or storing non-petroleum oil are also subject to SPCC regulations. Non-petroleum oils include, but are not limited to, animal fats and oils and greases, or fish and marine mammal oils; and, oils of vegetable origin, including oils from seeds, nuts, fruits, and kernels. To estimate the number of facilities that could produce or store animal fat or vegetable oil, EPA used data on the number of manufacturing establishments from the 2005 U.S. Census of Manufacturing. Four possible types of AFVO facilities were considered: (1) industries that produce AFVO; (2) industries that use AFVO as a primary input; (3) industries that use AFVO in moderate amounts; and (4) industries that use AFVO as a minor component of their input. EPA assumed that all facilities that produce AFVO (group 1) are SPCC-regulated. Then, low, medium, and high estimates were developed using professional judgment for industries in the remaining three groups regarding the percentage of each industry group assumed to be regulated by the SPCC rule. EPA also identified a category of “other” facility types that may produce or use AFVO. For these facilities, specific information on the number of regulated facilities was available and was used instead of the assumed percentages. This methodology yielded estimates of the number of facilities that may be regulated based only on their storage of AFVO. Some of these facilities are probably regulated because they also store petroleum oils.

Industry Growth Rates

To project the number of existing and new facilities regulated under the SPCC rule over the ICR period, EPA used industry-specific growth rates for new and existing facilities. EPA's previous approach was to apply a uniform one-percent growth rate across all sectors, which did not account for significant variations (including negative growth rates) among the sectors.

To estimate industry-specific growth rates for existing facilities of all SPCC-related industry categories except farms and oil production, EPA used 1992, 1997, and 2002 U.S. Economic Census data on the number of establishments in each industry. The use of an extended time period to estimate industry-specific growth rates attempted to account for diverse economic conditions under which SPCC-regulated industries operate. To estimate annual growth rates for agricultural establishments, EPA used data reported by the USDA National Agricultural Statistics Service on the number of farms in the United States over the past 10 years (1996 through 2005). The data for the past 10 years were expected to be more representative of the latest developments in the agricultural business than data for years prior to 1996.

¹⁹ Major regulated utilities must file FERC Form No. 1, on which utilities report information on their substations and electrical equipment. “Major” is defined as having (1) one million megawatt hours or more; (2) 100 megawatt hours of annual sales for resale; (3) 500 megawatt hours of annual power exchange delivered; or (4) 500 megawatt hours of annual wheeling for others (deliveries plus losses).

EPA estimated the growth rates for new facilities only using commercially available data obtained on the number of businesses (by NAICS code) in 2005 from the D&B Market Spectrum database. These data allowed for an estimation of the fraction of businesses that became operational in 2005 relative to the total number of businesses in that year. This analysis assumed that industry growth rates would be constant over the 10-year analytical period for all industries except oil production, which may or may not adequately represent the trends for individual sectors.

Because oil production facilities account for the largest fraction of SPCC-regulated facilities across all industry categories and represent a dynamic industry, an alternative approach was used for estimating future oil production industry growth rates. EPA relied on industry-specific forecasting information, which was expected to reflect growth rates better than an approach based on historical trends. EPA estimated annual growth rates for the oil production facilities relying on historical and forecasted U.S. oil production data and historical number of oil wells. The approach used to estimate the growth rates for oil production facilities is described in the regulatory impact analysis for the SPCC II proposed rule.

In total, EPA estimated that 610,000 facilities would be regulated by the SPCC rule in 2008. Oil production facilities (32 percent), farms (25 percent), and electric utilities (9 percent) account for the majority of SPCC-regulated facilities.

Facilities Affected by Proposed Rule Amendments

- *Tier 1 Facilities:* EPA is proposing to streamline SPCC requirements for Tier 1 qualified facilities - a subset of qualified facilities having no oil storage containers with a capacity greater than 5,000 gallons. Under the proposed amendments, owners or operators of these Tier I qualified facilities are allowed to complete an SPCC Plan template in lieu of a full SPCC Plan.

The Agency estimated that 77 percent of the facilities with total storage capacity of 10,000 gallons or less have no storage containers greater than 5,000 gallons in volume and meet the additional proposed qualifying criteria. The projected average annual number of new Tier I qualified facilities is 5,300. EPA assumed that facility owners and operators would likely choose the alternative requirements if their facility meets the qualifying criteria because it would be less costly than following the requirements that apply to all other facilities. Therefore, the Agency assumed that owners and operators of all new facilities that meet the Tier I qualified facilities criteria would take advantage of the relief provided by the proposed amendment.

- *Facility Diagram:* EPA is proposing to amend §112.7(a)(3) to clarify that the facility diagram must include all *fixed* (i.e., not mobile or portable) containers. The proposed revision to the rule language simplifies the process for developing a facility diagram by allowing for a general indication of the location and contents of numerous mobile or portable oil storage containers (e.g., drums and totes) on the diagram, rather than a specific representation of each container.

Existing facilities would not be affected by this amendment since they would already have SPCC Plans in place. Potentially all new facilities with mobile or portable

containers would be affected by this amendment. The projected average annual number of affected new facilities is estimated at 19,200. The estimates for preparing and reviewing the facility diagram are based on the unit cost inventory estimates developed by a PE firm whose personnel that routinely prepare and review SPCC Plans for a wide range of industries in the 48 contiguous states of United States.²⁰ The Agency assumes that the amendment would result in approximately 80 percent reduction of the labor burden in preparing and reviewing the mobile/portable containers component of the SPCC Plan. Based on input a PE firm, EPA assumed that the 10 percent of the cost related to preparing and reviewing facility diagram can be attributed to the mobile/portable containers component.

- *Hot-Mix Asphalt:* EPA is proposing to exempt hot-mix asphalt containers from SPCC requirements because the Agency never intended to regulate hot-mix asphalt under the SPCC rule. EPA is proposing to modify §112.1(d)(2) so that the capacity of storage containers containing only hot-mix asphalt is not counted toward the facility's aggregate oil storage capacity.

Facilities within three NAICS industry sectors are expected to store hot-mix asphalt: "Asphalt Paving Mixture and Block Manufacturing", "Asphalt Shingle and Coating Materials Manufacturing", and "Petroleum Refineries". EPA estimated a universe of approximately 3,670 active asphalt plants that store hot-mix asphalt in the United States. EPA assumed that cost savings from the proposed amendment to exempt hot-mix asphalt containers from SPCC requirements would consist of the following two components: (1) cost savings for facilities moving down a capacity category that would imply lower cost of compliance and for facilities that would be no longer subject to SPCC requirements that would imply no cost of compliance and (2) cost savings for facilities that do not move down a size category but incur lower costs from not having the hot-mix asphalt containers to comply with SPCC requirements. EPA estimated that 30 percent of Category I facilities would drop out of the SPCC universe, 30 percent of Category II facilities would move one size category down and become Category I, 30 percent of Category III facilities would move one size category down and become Category II, and 60 percent of Category IV facilities would move one size category down and become Category III.

- *Definition of "Facility":* EPA is proposing to modify the definition of "facility" to clarify that non-contiguous parcels may be considered separate facilities when calculating aggregate storage capacity to determine applicability of the SPCC rule. This amendment clarifies that facilities are allowed to choose how they aggregate or separate containers stored on non-contiguous parcels within their operations.

The Agency expects that multiple industry sectors would be affected by the proposed amendment, but it estimated the cost impacts for farms only. EPA assumed that only facilities with non-contiguous parcels defined as separate would be affected by the rule. Based on the information gathered in the farm trips, the Agency estimated that farms store between 50 percent and 80 percent of their oil in a central location or parcel. The Agency obtained the average number of farm parcels from the USDA farm survey (USDA, 2005) and assumed that approximately 50 percent of these parcels are non-

²⁰ SCS Engineers.

contiguous. The projected average annual number of affected new farms is estimated at 400 and the projected average annual number of affected existing farms is 45,000. Further, EPA applied a uniform distribution of farms within the size category and, using this information, the Agency estimated that approximately 30 percent of the farms in Category I would no longer be SPCC-regulated and 30 percent farms in Categories II and III would move down one size category, while 60 percent of the farms in Category IV would move down one size category. Moving down size categories, new farms would save on both the first-time and recurring cost of compliance, while the existing farms would save on the recurring cost of compliance with the regulations.

- *Security:* EPA is proposing to allow facility owner/operators to tailor their security measures to the facility's specific characteristics and location, rather than comply with the current, more prescriptive set of requirements. This would provide a facility owner/operator with the flexibility to determine the most adequate security measures to protect the facility from vandalism and to assist in the discovery of oil discharges.

Because the security requirements, found at §112.7(g), are currently subject to environmental equivalence under §112.7(a)(2), a facility owner/operator does currently have flexibility to provide tailored security measures, if he or she can demonstrate how the measures are environmentally equivalent to the required measures in §112.7(g). Therefore, the affected facilities would save costs from not having to determine environmental equivalence. The Agency estimated that all new storage facilities would potentially be affected by this change. EPA does not have data to determine the exact number of facilities but expects that facilities in all industry categories would use the flexibility in tailoring the security measures. In the absence of data, EPA developed cost estimates for low (50%), medium (75%) and high (100%) percentage of facilities. EPA estimated that approximately 6,570 facilities would be affected annually under the mid-point scenario.

- *Integrity Testing:* EPA is proposing to amend the integrity testing requirements at §§112.8(c)(6) and 112.12(c)(6) to extend to all facilities the more flexible integrity testing requirement that was previously provided to qualified facilities. This amendment would allow all facilities to use specific tank inspection standards, such as the Steel Tank Institute's SP-001, without the need for a PE to certify as environmentally equivalent certain inspection requirements, such as visual inspection of portable containers.

Since the integrity-testing requirement applies only to storage facilities (and not production facilities), EPA estimates that all new storage facilities would be affected by this amendment. Only containers with storage capacity of less than 5,000 gallons that are portable or shop built would be affected. The projected average annual number of new storage facilities is 10,460. EPA assumed that all facilities would use the STI SP-001 standard and perform external inspections only for portable containers and for small shop-built tanks up to 5,000-gallons, instead of visual inspection, plus a form of non-destructive shell testing as required under the integrity-testing provision. This implies that facilities would save the cost incurred for preparing an environmental equivalence statement and having a PE certify environmental equivalence statements in SPCC Plans.

- *Six-Month Delay of Plan Preparation and Implementation:* EPA is proposing to amend §112.3(b) to extend the timeframe by which a production facility that becomes operational after July 1, 2009 must prepare and implement an SPCC Plan by six months. Production facilities have unique characteristics during the start-up period of their operations, which lead to variability in the amount and type of oil handled. This would imply that production facilities must continually amend Plans until operations stabilize, and have a licensed professional engineer (PE) certify each amendment.

EPA assumed that only 75 percent of production facilities would be affected by the rule change and would save the cost to amend the Plan and the PE certification cost. The projected average annual number of new production facilities is 7,860. As a result of the proposed rule change, the main cost savings for a facility would result from not having to amend the Plan and have it certified by a PE after operations have stabilized. EPA assumed that there would be no cost savings related to Plan preparation and implementation because there would be no change in the cost in the first year.

Exhibit 11 presents the estimated number of existing and new SPCC-regulated facilities that are expected to incur paperwork-related burden associated with the proposed amendments to the SPCC rule.

Exhibit 11
Number of Existing and New Facilities
(First Year)

Facility Type		Category I (1,320- 10,000 gallons)	Category II (10,001- 42,000 gallons)	Category III (42,001 to 1 million gallons)	Category IV (>1 million gallons)	Total
Existing	Storage	297,000	74,500	33,600	2,970	408,000
	Production	23,500	127,000	33,300	326	184,000
	Total	320,000	201,000	66,900	3,300	592,000
New	Storage	5,500	2,090	922	72	8,580
	Production	1,220	6,590	1,730	17	9,570
	Total	6,720	8,680	2,660	89	18,100
Total		327,000	210,000	69,500	3,390	610,000

6(e) Estimated Total Annual Burden for All Respondents

The total hour burden is estimated as the average per-facility burden multiplied by the number of affected facilities. Similarly, the total cost burden for all respondents is estimated by multiplying the number of facilities in each size category by the unit costs for each compliance activity. The total annual burden and costs for all respondents in each category are presented in Exhibit 13 through Exhibit 17 for each facility size. The annual average total burden is estimated at 5.1 million hours; the annual average total cost is estimated at \$640 million.

Alternative Estimates

EPA also calculated alternative cost estimates based on higher overhead rates for labor costs, which are presented in Exhibit 12. The primary estimates are based on a 17 percent overhead rate and the alternatives are calculated assuming a 50 percent overhead rate and a 100 percent overhead rate. The discussion of facility labor costs in section 6(a) describes how the overhead rates affect wage rates. Under the primary assumption, the estimated total annualized burden of the information collection is \$640 million. Under the alternative assumptions, the estimated total burden ranges from \$776 to \$986 million.

Exhibit 12

**Alternative Total-Cost Measures
(Millions)**

Assumption	Labor	Capital	O&M	Total
	Baseline Burden			
17% Overhead	\$486	\$1.7	\$153	\$640
50% Overhead	\$622	\$1.7	\$153	\$776
100% Overhead	\$831	\$1.7	\$153	\$986

Exhibit 13

**Annual Average Total Burden and Costs
Average Category I Facility (Tier 1)**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	70,800	541,000	0	70,800	682,000	\$0	\$0	\$64,300,000
Submit Information in the Event of Certain Discharges of Oil ³	374	374	0	0	748	\$6,070	\$0	\$44,800
Revise the SPCC Plan	47,800	287,000	0	38,200	373,000	\$0	\$0	\$94,600,000
Maintain the SPCC Plan and Keep Records	0	433,000	0	113,000	546,000	\$0	\$0	\$23,600,000
TOTAL	119,000	1,260,000	0	222,000	1,600,000	\$6,070	\$0	\$183,000,000
New Facilities								
Prepare an SPCC Plan	0	15,800	0	0	15,800	\$0	\$0	\$822,000
Prepare a Contingency Plan	3,490	18,510	0	5,120	27,100	\$0	\$0	\$1,210,000
Submit Information in the Event of Certain Discharges of Oil ³	8	8	0	0	16	\$130	\$0	\$961
Revise the SPCC Plan	1,020	6,140	0	819	7,990	\$0	\$0	\$2,030,000
Maintain the SPCC Plan and Keep Records	0	9,280	0	2,420	11,700	\$466,000	\$0	\$971,000
TOTAL	4,520	49,800	0	8,360	62,700	\$456,000	\$0	\$5,030,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 14

**Annual Average Total Burden and Costs
Average Category I Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	9,750	74,500	0	9,750	94,000	\$0	\$0	\$8,860,000
Submit Information in the Event of Certain Discharges of Oil ³	52	52	0	0	103	\$836	\$0	\$6,180
Revise the SPCC Plan	6,580	39,500	0	5,240	51,300	\$0	\$0	\$13,000,000
Maintain the SPCC Plan and Keep Records	0	59,700	0	15,500	75,200	\$0	\$0	\$3,250,000
TOTAL	16,400	174,000	0	30,600	221,000	\$836	\$0	\$25,200,000
New Facilities								
Prepare an SPCC Plan	1,590	24,200	8,940	3,130	37,800	\$0	\$0	\$3,330,000
Prepare a Contingency Plan	815	4,330	0	1,200	6,340	\$0	\$0	\$283,000
Submit Information in the Event of Certain Discharges of Oil ³	2	2	0	0	4	\$30	\$0	\$225
Revise the SPCC Plan	239	1,440	0	191	1,870	\$0	\$0	\$474,000
Maintain the SPCC Plan and Keep Records	0	2,170	0	565	2,730	\$109,000	\$0	\$227,000
TOTAL	2,650	32,100	8,940	5,080	48,800	\$109,000	\$0	\$4,320,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 15

**Annual Average Total Burden and Costs
Average Category II Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	42,700	640,000	0	42,700	726,000	\$0	\$0	\$69,400,000
Submit Information in the Event of Certain Discharges of Oil ³	311	311	0	0	622	\$5,050	\$0	\$37,300
Revise the SPCC Plan	56,600	340,000	0	45,300	441,000	\$0	\$65,100,000	\$109,000,000
Maintain the SPCC Plan and Keep Records	0	297,000	0	93,900	391,000	\$0	\$0	\$16,600,000
TOTAL	99,600	1,280,000	0	182,000	1,560,000	\$5,050	\$65,100,000	\$195,000,000
New Facilities								
Prepare an SPCC Plan	18,500	262,000	102,000	32,600	415,000	\$0	\$30,800,000	\$66,900,000
Prepare a Contingency Plan	6,090	32,300	0	8,940	47,300	\$0	\$0	\$2,110,000
Submit Information in the Event of Certain Discharges of Oil ³	14	14	0	0	28	\$227	\$0	\$1,680
Revise the SPCC Plan	2,540	15,300	0	2,030	19,800	\$0	\$2,930,000	\$4,910,000
Maintain the SPCC Plan and Keep Records	0	13,300	0	4,220	17,600	\$813,000	\$0	\$1,560,000
TOTAL	27,200	323,000	102,000	47,800	500,000	\$813,000	\$33,700,000	\$75,400,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 16

**Annual Average Total Burden and Costs
Average Category III Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	25,900	388,000	0	25,900	440,000	\$0	\$0	\$42,100,000
Submit Information in the Event of Certain Discharges of Oil ³	103	103	0	0	207	\$1,940	\$0	\$12,700
Revise the SPCC Plan	34,300	206,000	0	27,500	268,000	\$0	\$37,500,000	\$63,600,000
Maintain the SPCC Plan and Keep Records	0	98,100	0	26,100	124,000	\$0	\$0	\$5,360,000
TOTAL	60,300	693,000	0	79,500	832,000	\$1,940	\$37,500,000	\$111,000,000
New Facilities								
Prepare an SPCC Plan	9,170	121,000	42,000	14,900	187,000	\$0	\$11,200,000	\$27,500,000
Prepare a Contingency Plan	1,850	9,820	0	2,720	14,400	\$0	\$0	\$642,000
Submit Information in the Event of Certain Discharges of Oil ³	4	4	0	0	9	\$80	\$0	\$520
Revise the SPCC Plan	1,410	8,460	0	1,130	11,000	\$0	\$1,540,000	\$2,600,000
Maintain the SPCC Plan and Keep Records	0	4,030	0	1,070	5,110	\$247,000	\$0	\$467,000
TOTAL	12,400	143,000	42,000	19,800	218,000	\$247,000	\$12,700,000	\$31,200,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

Exhibit 17

**Annual Average Total Burden and Costs
Average Category IV Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	Capital/Startup Costs	PE Costs	Annual Cost ²
	Management	Technical	Drafter	Clerical				
Existing Facilities								
Review the SPCC Plan	2,020	30,600	0	2,020	34,600	\$0	\$0	\$3,310,000
Submit Information in the Event of Certain Discharges of Oil ³	5	5	0	0	9	\$87	\$0	\$569
Revise the SPCC Plan	2,740	16,100	0	2,150	21,000	\$0	\$2,970,000	\$5,000,000
Maintain the SPCC Plan and Keep Records	0	13,400	0	1,030	14,400	\$0	\$0	\$667,000
TOTAL	4,770	60,000	0	5,200	70,000	\$87	\$2,970,000	\$8,970,000
New Facilities								
Prepare an SPCC Plan	484	5,620	1,500	785	8,390	\$0	\$590,000	\$1,340,000
Prepare a Contingency Plan	57	305	0	84	446	\$0	\$0	\$19,900
Submit Information in the Event of Certain Discharges of Oil ³	0	0	0	0	0	\$2	\$0	\$16
Revise the SPCC Plan	78	457	0	61	595	\$0	\$84,300	\$142,000
Maintain the SPCC Plan and Keep Records	0	379	0	29	409	\$7,670	\$0	\$26,600
TOTAL	619	6,760	1,500	959	9,840	\$7,670	\$675,000	\$1,520,000

¹ Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

² Annual costs are rounded to the nearest dollar.

³ The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$104. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.1 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

6(f) Bottom Line Burden and Cost Tables

The total estimated burden hours and costs incurred by all new and existing facilities are summarized in Exhibit 18. The exhibit shows the burden and cost components for each year of this ICR, along with total and annualized costs.

Exhibit 18

Estimated Total Burden and Costs for Facilities

Year	Total Burden (million hours)	Total Cost (millions)			
		Labor	Capital	O&M	Total
First	4.9	\$471	\$1.4	\$145	\$617
Second	5.3	\$498	\$1.7	\$162	\$662
Third	5.2	\$490	\$1.3	\$151	\$642
TOTAL	15.4	\$1,460	\$4.3	\$458	\$1,920
ANNUALIZED	5.1	\$486	\$1.7	\$153	\$640

6(g) Reasons for the Change in Burden

Differences in burden and costs from the previous ICR are attributed to both adjustments and program changes. Adjustments capture updates to the number of affected facilities, wages, and unit costs in the absence of the proposed amendments. Program changes reflect the proposed revisions to the SPCC rule, which affect both per-facility costs and the number of affected facilities. Changes in the paperwork burden attributed to SPCC rule revisions include the following seven elements of the proposed amendments:

- Proposing to streamline SPCC requirements for Tier 1 qualified facilities. Under the proposed amendments, owners or operators of these Tier I qualified facilities are allowed to complete an SPCC Plan template in lieu of a full SPCC Plan. Therefore, Tier I qualified facilities are expected to save the difference between the cost of preparing a full SPCC Plan and a template. EPA estimates that approximately 5,300 Tier I qualified facilities would take advantage of the proposed amendment.
- Proposing to amend §112.7(a)(3) to clarify that the facility diagram must include all *fixed* (i.e., not mobile or portable) containers. The proposed revision to the rule language simplifies the process for developing a facility diagram by allowing for a general indication of the location and contents of numerous mobile or portable oil storage containers (e.g., drums and totes) on the diagram, rather than a specific representation of each container. The projected average annual number of affected new facilities is estimated at 19,200. The Agency assumes that the amendment would result in approximately 80 percent reduction of the labor burden in preparing and reviewing the mobile/portable containers component of the SPCC Plan. EPA assumed that the 10 percent of the cost related to preparing and reviewing facility

diagram can be attributed to the mobile/portable containers component, leading to the savings of 8 percent of the total cost for preparing a facility diagram.

- Proposing to exempt hot-mix asphalt containers from SPCC requirements, so that the capacity of storage containers containing only hot-mix asphalt is not counted toward the facility's aggregate oil storage capacity. EPA estimated a universe of approximately 3,670 active asphalt plants that store hot-mix asphalt in the United States. EPA assumed that cost savings from the proposed amendment would come from the facilities moving down a capacity category (resulting in lower cost of compliance) and facilities that would be no longer subject to SPCC requirements (resulting in no cost of compliance).
- Proposing to modify the definition of "facility" to clarify that non-contiguous parcels may be considered separate facilities when calculating aggregate storage capacity to determine applicability of the SPCC rule. The projected average annual number of affected new farms is estimated at 400 and the projected average annual number of affected existing farms is 45,000. EPA estimated that approximately 30 percent of the farms in Category I would no longer be SPCC-regulated and 30 percent farms in Categories II and III would move down one size category, while 60 percent of the farms in Category IV would move down one size category. As a result, new farms would save on both the first-time and recurring cost of compliance, while the existing farms would save on the recurring cost of compliance with the regulations.
- Proposing to allow facility owner/operators to tailor their security measures to the facility's specific characteristics and location, rather than comply with the current, more prescriptive set of requirements. EPA estimated that approximately 6,570 facilities would be affected by the proposed amendment. Since a facility owner/operator does currently have flexibility to provide tailored security measures, if he or she can demonstrate how the measures are environmentally equivalent to the required measures in §112.7(g), the affected facilities would save costs from not having to determine environmental equivalence.
- Proposing to amend the integrity testing requirements at §§112.8(c)(6) and 112.12(c)(6) to extend to all facilities the more flexible integrity testing requirement that was previously provided to qualified facilities. The projected average annual number of affected facilities is 10,460. EPA assumed that facilities would save the cost incurred for preparing an environmental equivalence statement and having a PE certify environmental equivalence statements in SPCC Plans.
- Proposing to amend §112.3(b) to extend the timeframe by which a production facility that becomes operational after July 1, 2009 must prepare and implement an SPCC Plan by six months. The projected average annual number of new production facilities is 7,860. As a result of the proposed rule change, the main cost savings for a facility would result from not having to amend the Plan and have it certified by a PE after operations have stabilized.

Exhibit 19 presents program changes attributed to the proposed SPCC rule amendments. The Agency estimates that as a result of the proposed amendments to clarify and streamline certain

SPCC requirements, the reporting and recordkeeping burden have decreased by 1.4 million hours. In total, the burden hours presented in this ICR have increased relative to the current OMB inventory. The new burden estimate shows a net annualized increase of approximately 2.9 million hours. An estimated increase in total burden hours of 4.3 million is primarily attributed to two major factors: a larger number of facilities expected to incur paperwork-related costs²¹ and the revisions made to the estimates for burden hours used in the analysis.²² The Agency estimates that the proposed amendments will reduce capital and O&M costs by approximately \$43 million. The net effect on annualized capital and O&M costs to regulated facilities is estimated at \$119 million, mainly due to a larger number of facilities expected to incur paperwork-related costs and the revisions made to the estimates of the per-facility capital and O&M costs.

Exhibit 19

Estimated Annualized Burden and Costs Comparison

	Annualized Burden Hours	Annualized Capital and O&M Costs (Thousands)
Current OMB Inventory Burden	2,190,000	\$35,800
Change in Burden	2,930,000	\$119,000
Adjustment	4,300,000	\$161,000
Program Change	-1,368,000	-\$42,900
SPCC Rule Collection Burden	5,122,000	\$154,000

6(h) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information for newly regulated facilities is estimated to range from 11.7 to 111 hours per facility, with an average burden of approximately 43.6 hours per response. The net annual public reporting and recordkeeping burden for facilities already regulated by the rule is estimated to range from 6.4 to 22.6 hours, with an average burden of approximately 7.1 hours.

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

²¹ Under the proposed rule, facilities of all SPCC-regulated industries would be affected by the paperwork-related requirements, whereas under the final 2006 rule, farms were issued an indefinite extension and were not included in the estimate of the regulated universe affected by the paperwork-related requirements.

²² Estimates developed by SCS Engineers, a professional engineering firm with experience across a broad spectrum of industries, that serves the 48 contiguous states of the United States. For detail, see Section 6(a) of this report.

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 are listed in 40 CFR part 9 and chapter 15 of 48 CFR.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OPA-2007-0584, which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, comments can be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPA-2007-0584 and OMB Control Number 2050-0021 in any correspondence.

APPENDIX

From the Federal Water Pollution Control Act (i.e., Clean Water Act):

Sec. 311(i) National Response System --

- (1) In General -- Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges, and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.