

**SUPPORTING STATEMENT FOR
EPA INFORMATION COLLECTION REQUEST NUMBER 1360.08
“UNDERGROUND STORAGE TANKS: TECHNICAL AND FINANCIAL
REQUIREMENTS, AND STATE PROGRAM APPROVAL PROCEDURES”**

**October 24, 2007
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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures, EPA ICR Number 1360.08.

1(b) Short Characterization

Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires the U.S. Environmental Protection Agency (EPA) to develop standards for underground storage tank systems (USTs), as may be necessary, to protect human health and the environment, and procedures for approving State programs in lieu of the Federal program. EPA promulgated technical and financial requirements for owners and operators of USTs at 40 CFR Part 280, and State program approval procedures at 40 CFR Part 281.

This ICR examines the UST information collection requirements at 40 CFR Parts 280 and 281. Sections 1 through 5 of the ICR describe the information collection requirements (e.g., in regard to need and use of the information collected). Section 6 estimates the annual hour and cost burden to respondents and the Agency under these requirements. The ICR presents all 40 CFR Part 280 requirements under the heading “Technical and Financial Requirements” and all 40 CFR Part 281 requirements under the heading “State Program Approval Procedures.”

(1) Technical and Financial Requirements

Sections 9002, 9003, and 9004 of RCRA specify statutory requirements for new and existing tanks. Subtitle I directs EPA to develop performance standards covering the following:

- Program scope and interim prohibition;
- UST systems: design, construction, installation, and notification;
- General operating requirements;
- Release detection;
- Release reporting, investigation, and confirmation;
- Release response and corrective action for UST systems containing petroleum or hazardous substances;
- Out-of-service UST systems and closure; and
- Financial responsibility.

The technical and financial requirements for owners and operators of USTs are found in 40 CFR Part 280. A brief summary of the information collection requirements associated with each UST regulation is provided below. A more specific discussion of the data items and respondent activities associated with each of the information collection requirements is presented in Section 4(b) of this ICR.

(a) Program Scope and Interim Prohibition

EPA promulgated requirements for deferred UST systems at 40 CFR Part 280, Subpart A. Section 280.11 specifies design requirements for UST systems that are not otherwise subject to the 40 CFR Part 280 regulations. These deferred UST systems must have corrosion protection unless a corrosion expert determines the site not to be corrosive enough to cause the UST system to have a release due to corrosion during its operating life. The information collection requirements associated with this siting prohibition are contained at 40 CFR 280.11(a) and (b).

(b) UST Systems: Design, Construction, Installation, and Notification

EPA promulgated the performance standards for new and existing UST systems at 40 CFR Part 280, Subpart B. Sections 280.20(a), (b), and (e) and 280.22 prohibit installation of tanks without corrosion protection unless a corrosion expert has determined that the site not to be corrosive enough to cause the UST system to have a release due to corrosion during its operating life. Owners and operators must install systems properly, complete and submit certification information, and provide notification of all new and existing tank systems. Information collection requirements associated with design, construction, and installation are contained in the following 40 CFR sections:

- Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection (§§280.20(a) and (b));
- Certification of Installation (§280.20(e)); and
- Notification Requirements (§280.22).

(c) General Operating Requirements

EPA promulgated UST general operating requirements at 40 CFR Part 280, Subpart C. In order to comply with these regulations, owners or operators of USTs must conduct tests, and collect, record, and, in some cases, report data to EPA. Information collection requirements associated with the general facility standards are contained in the following 40 CFR sections:

- Operation and Maintenance of Corrosion Protection (§280.31);
- Maintenance of Repair Records (§280.33(f));
- Reporting (§280.34(a));
- Recordkeeping (§280.34(b)); and
- Availability and Maintenance of Records (§280.34(c)).

(d) Release Detection

EPA promulgated release detection standards at 40 CFR Part 280, Subpart D. Owners and operators must demonstrate the effectiveness of alternative detection systems; inspect and test detection systems in accordance with sections 280.43 and 280.44; and maintain records of all sampling, monitoring, testing, and inspections. The information collection requirements associated with release detection are contained in the following 40 CFR sections:

- Release Detection for Tanks (§280.43);
- Release Detection for Piping (§280.44); and
- Release Detection Recordkeeping (§280.45).

(e) Release Reporting, Investigation, and Confirmation

EPA promulgated release reporting, investigation, and confirmation standards at 40 CFR Part 280, Subpart E. Owners and operators must report suspected spills, report and immediately clean up spills of 25 gallons or more, and report spills of less than 25 gallons if they cannot be cleaned up within 24 hours. Specific guidelines for reporting and cleanup of spills can be found at sections 280.50 through 280.53. The information collection requirements associated with release reporting and investigation are contained in the following 40 CFR sections:

- Reporting of Suspected Releases (§280.50); and
- Reporting and Cleanup of Spills and Overfills (§280.53).

(f) Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

EPA promulgated release response and corrective action requirements at 40 CFR Part 280, Subpart F. Owners and operators must respond and take corrective action for a release by following procedures described at sections 280.61 through 280.66. Owners and operators must report the spill, investigate the physical release area, investigate the characteristics of the released product, remove the free product, perform soil and groundwater investigations, draw up and conduct corrective action procedures, maintain records, and submit reports on these procedures to the implementing agency. The information collection requirements associated with release response and corrective action are contained in the following 40 CFR sections:

- Initial Response (§280.61(a));
- Initial Abatement Measures Report and Site Check (§280.62(b));
- Initial Site Characterization (§280.63);
- Free Product Removal (§280.64);
- Investigations for Soil and Groundwater Cleanup (§280.65); and
- Corrective Action Plan (§280.66).

(g) Out-of-Service UST Systems and Closure

EPA promulgated closure and out-of-service standards at 40 CFR Part 280, Subpart G. Owners and operators must conduct an excavation zone assessment and notify the implementing agency if permanently closing a system or changing its service. Records of closed or changed systems must be mailed to the implementing agency or maintained as specified in section 280.74. The information collection requirements associated with UST closure are contained in the following 40 CFR sections:

- Permanent Closure and Changes-In-Service Notification (§280.71(a)); and
- Closure Records (§280.74(c)).

(h) Financial Responsibility

EPA promulgated financial responsibility standards at 40 CFR Part 280, Subpart H. Owners and operators may choose one method or a combination of several methods to satisfy the financial responsibility requirements of Subpart H. Each method has its own specific submittal or recordkeeping requirements. Generally, each respondent must obtain and keep on file proof of financial assurance. EPA also may require this information to be submitted. The information collection requirements associated with financial responsibility are contained in the following 40 CFR sections:

- Financial Test of Self Assurance (§280.95(b) or (c));
- Guarantee (§280.96);
- Insurance and Risk Retention Group Coverage (§280.97);
- Surety Bond (§280.98);
- Letter of Credit (§280.99);
- Use of State-Required Mechanisms (§280.100);
- State Fund or Other State Assurance (§280.101);
- Trust Fund (§280.102);
- Standby Trust Fund (§280.103);
- Local Government Bond Rating Test (§280.104);
- Local Government Financial Test (§280.105);
- Local Government Guarantee (§280.106);
- Local Government Fund (§280.107);
- Substitution of Financial Assurance Mechanisms by the Owner or Operator (§280.108);
- Cancellation or Nonrenewal by a Provider of Financial Assurance (§280.109);
- Reporting by the Owner or Operator (§280.110);
- Recordkeeping (§280.111);
- Drawing on Financial Assurance Mechanisms (§280.112); and
- Bankruptcy or Other Incapacity (§280.114).

(2) State Program Approval Procedures

Under the authority of section 9004 of RCRA, EPA developed procedures for States to apply for approval to implement a State program in lieu of the Federal program. EPA promulgated regulations at 40 CFR Part 281 in the following subparts:

- Components of a Program Application (Subpart B);
- Adequate Enforcement Compliance (Subpart D);
- Approval Procedures (Subpart E); and
- Withdrawal of Approval of State Programs (Subpart F).

A brief summary of the information collection requirements associated with the State program approval process is provided below. A more specific discussion of the data items and respondent activities associated with each of the information collection requirements is presented in Section 4(b) of this ICR.

(a) Components of a Program Application

EPA promulgated State program application information requirements at 40 CFR Part 281, Subpart B. A State must gather information, and develop and submit a program application to EPA for review. The application process includes obtaining information from the Governor and Attorney General, and preparing a description of the program. The information collection requirements associated with State program approval are contained in the following 40 CFR sections:

- Transmittal Letter (§281.20(a));
- Description of State Program (§§281.20(b) and 281.21);
- Procedures for Adequate Enforcement (§§281.20(c) and 281.22);
- Memorandum of Agreement (§§281.20(e) and 281.24);
- Attorney General's Statement (§§281.20(f) and 281.25); and
- Copies of Statutes and Regulations (§281.20(g)).

(b) Adequate Enforcement and Compliance

EPA promulgated enforcement and compliance standards at 40 CFR Part 281, Subpart D. Upon request, a State must submit information from State files regarding the administration of the program. The information collection requirements associated with enforcement and compliance are contained in section 281.43(a), "Sharing of Information."

(c) Approval Procedures

EPA promulgated approval procedure requirements at 40 CFR Part 281, Subpart E. Section 281.51(b) specifies that all States seeking approval to implement a State program in lieu of the Federal program must issue a notice for public comment indicating that the State is developing its tank program.

A State must also revise its program to satisfy new requirements. The information collection requirements associated with approval procedures for revisions of State programs are contained in sections 281.52(a) and (b), “Revision of Approved State Programs.”

(d) Withdrawal of Approval of State Programs

EPA promulgated requirements for withdrawal of State program approval at 40 CFR Part 281, Subpart F. A State may, at any time, transfer responsibilities by developing and submitting a plan for information transfers. The information collection requirements associated with the withdrawal of a State program are contained in section 281.61(a)(1), “Procedures for Withdrawal of Approval of State Programs.”

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

This section describes the need and authority for each type of information collection analyzed in this ICR. The ICR covers all aspects of management of UST, owner and operator duties, and States submitting their own programs for approval, to be administered in lieu of the Federal UST program. Without this data collection, releases from leaking tanks, spills, or overfills could go undetected. In general, the UST reporting and recordkeeping requirements are intended to yield valuable information on UST systems and to facilitate prompt action when a release is detected.

(1) Technical and Financial Requirements

Subtitle I of RCRA, as amended, contains UST statutory requirements. Section 9002 of RCRA, as amended, directs EPA to promulgate notification requirements for new USTs. Submitted notifications help EPA to track the number and location of new UST tanks and their design specifications. EPA needs to collect this information to ensure that new USTs meet design standards and other requirements.

Section 9003(a) through (c) of RCRA, as amended, directs EPA to promulgate technical regulations for all USTs. The regulations include, but are not limited to, requirements for maintaining records of any monitoring or leak detection system, requirements for reporting releases and corrective actions taken in response to an UST release, and requirements for the closure of tanks. EPA requires this reporting and recordkeeping to facilitate prompt detection of releases and to prevent future releases of regulated substances into the environment.

Section 9003(d) of RCRA, as amended, requires that EPA promulgate regulations for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases from USTs. In order to comply with the regulations, private owners and operators and local government owners and operators must demonstrate financial responsibility using one or a

combination of the mechanisms specified at 40 CFR Part 280, Subpart H. The need for financial responsibility for corrective action and third party liability is evidenced by numerous instances of environmental damage resulting from regulated substances being released from tanks. EPA requires this reporting and recordkeeping to ensure the financial ability of owners and operators of USTs to remediate or pay for damages resulting from releases or leaking tanks.

(2) State Program Approval Procedures

Section 9004 of RCRA, as amended, specifies procedures for States to gain approval to implement their own UST programs in lieu of the Federal program. To receive approval, a State must demonstrate that its program is no less stringent than the Federal UST program and provides adequate enforcement of their regulations.

EPA needs to collect this information to determine whether a State program can sufficiently protect human health and the environment. A State must prove that it has the ability to enforce its UST regulations relating to tank management and operations as well as releases.

2(b) Practical Utility and Users of the Data

(1) Technical and Financial Requirements

The data collected for new and existing UST system operations and financial requirements are used by the owners and operators and/or EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and operations of UST systems, as well as to demonstrate compliance with regulations.

Notifications and submitted information on technical standards or financial assurance are used by EPA or the implementing agency to monitor compliance with UST regulations. The financial information also is used in the event of a release to decide whether funds from the Leaking Underground Storage Tank Trust Fund will be used to pay for corrective action.

(2) State Program Approval Procedures

EPA uses State program applications to determine whether to approve a State program. Before granting approval, EPA must determine that programs will be no less stringent than the Federal program and contain adequate enforcement mechanisms. EPA uses each part of the program application to determine how the State program corresponds to the Federal program, how the State will administer the program, and how to define and coordinate efforts between EPA and the State.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

Most of the information required by the UST regulations is not available from any source but the respondents. To avoid duplicating previous work respondents may draw upon similar analyses in compiling data for UST monitoring, recordkeeping, reporting, and testing requirements, provided the information meets the requirements specified in the regulations.

3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, EPA issued a 60-day public notice in the *Federal Register* on July 25, 2007 (Volume 72, Number 142, Pages 40852-40853). The public comment period ended on September 30, 2007. No comments were received during the comment period. The public will have a second chance to comment when the ICR is submitted to the Office of Management and Budget.

3(c) Consultations

Most of the underlying assumptions in this ICR (e.g., burden hour estimates) are based on EPA consultations with industry and States that were conducted in renewing previous UST ICRs. In renewing this current ICR, EPA carefully reviewed all of the ICR's assumptions as well as feedback from industry and States and determined that at this time no significant modifications to the existing burden hour estimates were warranted. In conducting its consultations, EPA focused on those assumptions that have the greatest effect on the ICR's burden estimates (e.g., labor rates). EPA's assumptions regarding hour and cost burden are fully discussed in Section 6(d) of this document.

Name of Organization	Name of Contact Person	Telephone Number
Industry		
Ami Adini & Associates	Larry Witwer	(323) 913-4073
Manchaca Food Mart	Mike Dhuka	(512) 442-0665
Valero	John Wilrodt	(210) 345-4235
United Environmental Group	Steve Klesic	(412) 855-1763
7-Eleven Inc.	Scott T. Johnson	(847) 608-1136
States		
Colorado Department of Labor and Employment	Marilyn Hajicek	(303) 318-8530
Indiana Department of Environmental Management	Lynn West	(317) 232-3593
South Carolina Department of Health and Environmental Control	Eric Cathcart	(803) 896-7597

EPA conducted its consultations with the following organizations:

3(d) Effects of Less Frequent Collection

EPA has carefully considered the burden imposed upon the regulated community by the information collection requirements covered in this ICR. EPA is confident that those activities required of respondents are necessary, and to the extent possible, the Agency has attempted to minimize the burden imposed. EPA believes strongly that if the minimum information collection requirements specified under the regulations are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's ICR Handbook, and other applicable OMB guidance.

3(f) Confidentiality

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the requirements covered in this ICR. If such a claim were asserted, EPA must and will treat the information in accordance with the regulations cited above. EPA will also ensure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

3(g) Sensitive Questions

No questions of a sensitive nature are included in any of the UST information collection requirements.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC/NAICS Codes

The following is a list of Standard Industrial Classification (SIC) codes and corresponding North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the information collection requirements covered in this ICR.

SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
2819	Industrial Inorganic Chemicals	211112	Natural Gas Liquid Extraction
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
		331311	Alumina Refining
		325131	Inorganic Dye and Pigment Manufacturing
		325188	All Other Basic Inorganic Chemical Manufacturing
2821	Plastics Materials and Resins	325211	Plastics Material and Resin Manufacturing
2851	Paints and Allied Products	32551	Paint and Coating Manufacturing
2869	Industrial Organic Chemicals	32511	Petrochemical Manufacturing
		325188	All Other Basic Inorganic Chemical Manufacturing
		325193	Ethyl Alcohol Manufacturing
		32512	Industrial Gas Manufacturing
		325199	All Other Basic Organic Chemical Manufacturing
2899	Chemical Preparations	32551	Paint and Coating Manufacturing
		311942	Spice and Extract Manufacturing
		325199	All Other Basic Organic Chemical Manufacturing
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
2911	Petroleum Refining	32411	Petroleum Refineries
3599	Industrial Machinery	336399	All Other Motor Vehicle Parts Manufacturing
		332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
		333319	Other Commercial and Service Industry Machinery Manufacturing
		33271	Machine Shops
		333999	All Other Miscellaneous General Purpose Machinery Manufacturing

SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
3714	Motor Vehicle Parts and Accessories	336211	Motor Vehicle Body Manufacturing
		336312	Gasoline Engine and Engine Parts Manufacturing
		336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
		33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
		33634	Motor Vehicle Brake System Manufacturing
		33635	Motor Vehicle Transmission and Power Train Parts Manufacturing
		336399	All Other Motor Vehicle Parts Manufacturing
4212	Local Trucking Without Storage	562112	Hazardous Waste Collection
		562119	Other Waste Collection
		48411	General Freight Trucking, Local
		48421	Used Household and Office Goods Moving
		48422	Specialized Freight (except Used Goods) Trucking, Local
4911	Electric Systems	221111	Hydroelectric Power Generation
		221112	Fossil Fuel Electric Power Generation
		221113	Nuclear Electric Power Generation
		221119	Other Electric Power Generation
		221121	Electric Bulk Power Transmission and Control
		221122	Electric Power Distribution
		48621	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals	454311	Heating Oil Dealers
		454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
		42471	Petroleum Bulk Stations and Terminals
5511	New and Used Car Dealers	44111	New Car Dealers
5541	Gasoline Service Stations	44711	Gasoline Stations with Convenience Store
		44719	Other Gasoline Stations
7538	General Automotive Repair Shops	811111	General Automotive Repair

4(b) Information Requested

In the following paragraphs, EPA describes the UST technical and financial requirements and the State program approval application requirements contained at 40 CFR Parts 280 and 281, respectively.

(1) Technical and Financial Requirements

Regulations at 40 CFR Part 280 contain technical and financial requirements for owners and operators of USTs. Part 280 is divided into eight subparts (Subparts A through H). This ICR summarizes the information collection requirements, and associated data items and respondent activities, in the order in which they appear in Part 280, in the following subparts:

- Program Scope and Interim Prohibition (Subpart A);
- UST Systems: Design, Construction, Installation, and Notification (Subpart B);
- General Operating Requirements (Subpart C);
- Release Detection (Subpart D);
- Release Reporting, Investigation, and Confirmation (Subpart E);
- Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (Subpart F);
- Out-of-Service UST Systems and Closure (Subpart G); and
- Financial Responsibility (Subpart H).

(a) Program Scope and Interim Prohibition

Interim prohibition requires a new UST system to have corrosion protection if it is deferred from the regulations. Deferrals include the following types of UST systems, unless a corrosion expert finds the site to be relatively non-corrosive: (1) wastewater treatment tank systems, (2) regulated radioactive material systems, (3) emergency generation systems at a nuclear power generation facility, (4) airport hydrant fuel distribution systems, and (5) field-constructed tank systems. Section 280.11(b) requires owners or operators that have installed an UST system without corrosion protection at sites listed above to maintain records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST system to have a release due to corrosion during its operating life. These records of compliance must be maintained for the remaining life of the tank (§280.11(b)).

- (i) Data Items:
 - Records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST system to have a release due to corrosion during its operating life.

(ii) Respondent Activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

(b) UST Systems: Design, Construction, Installation, and Notification***(b1) Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection***

Tanks and piping in contact with the ground that routinely contain regulated substances must have corrosion protection unless a corrosion expert finds the site to be relatively non-corrosive (§§280.20(a) and (b)). Sections 280.20(a)(4)(i) and (ii) and 280.20(b)(3)(i) and (ii) require owners or operators that have installed an UST system with metal tanks and/or piping without corrosion protection to maintain records that demonstrate that a corrosion expert determined the site not to be corrosive enough to cause the UST system to have a release due to corrosion during its operating life. These records of compliance must be maintained for the remaining life of the tank and/or piping (§§280.20(a) and (b)).

(i) Data Items:

- Records documenting that a corrosion expert determined that the site is not corrosive enough to cause the UST system to have a release due to corrosion during its operating life.

(ii) Respondent Activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

(b2) Certification of Installation

Section 280.20(e) requires owners and operators to ensure that tanks and piping were installed properly through certification, testing, or inspection. Owners and operators must demonstrate compliance of proper installation methods by providing a certification of compliance on the UST notification form in accordance with section 280.22 (§280.20(e)).

(i) Data Item:

- Certification of compliance of proper installation.

(ii) Respondent Activities:

- Obtain and provide a certification of compliance of proper installation on the notification form.

(b3) Periodic Lining Inspections

Section 280.21 establishes requirements for all UST systems that have been upgraded.¹ Section 280.21(b)(1)(ii) requires that all tanks upgraded by internal lining be inspected within ten years after lining, and every five years thereafter. The purpose of the inspection is to determine whether the tank is structurally sound and the lining is still performing in accordance with original design specifications.

(i) Data Items:

- Records that show the lined tank to be structurally sound and that the lining is still performing in accordance with original design specifications.

(ii) Respondent Activities:

- Conduct internal tank inspection within ten years after lining and every five years thereafter; and
- Maintain records.

[NOTE: Although section 280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has burdened respondents with this activity in this ICR. In addition, EPA notes that the Agency may use these inspection records for enforcement purposes.]

(b4) Notification Requirements

Section 280.22 describes the notification requirements for new UST systems. All of the information in Sections I through VII of the notification form (see 40 CFR Part 280, Appendix I), or similar State forms used in lieu of the form in Appendix I, must be filled out completely (§280.22). In addition, owners and operators selling an UST must notify the purchaser of such tanks of the owner's notification obligations under section 280.22(a) (§280.22(g)).

¹ ? As specified at 40 CFR 280.21(a), all tanks should have been upgraded by December 22, 1998.

- (i) Data Item:
 - Completed notification form that includes:
 - A notice of existence for each tank system located at a separate place of operation (§§280.22(a) through (d));
 - Certificate of compliance with installation, cathodic protection, financial responsibility, and release detection requirements (§§280.22(e) and (f));² and
 - Notice to purchaser of an UST of the owner's notification obligations (§280.22(g)).
- (ii) Respondent Activities:
 - Prepare and submit notification form within 30 days of bringing an UST system into use; and
 - Notify purchaser of an UST of the owner's notification obligations.

(c) General Operating Requirements

(c1) Operation and Maintenance of Corrosion Protection

Owners and operators with cathodically-protected steel UST systems must periodically inspect their systems and conduct periodic tests by a qualified cathodic protection tester. Sections 280.31(d)(1) and (2) require owners and operators to maintain records that demonstrate compliance with performance standards for UST systems using cathodic protection.

- (i) Data Items:
 - Records that demonstrate compliance with performance standards for UST systems using cathodic protection, including:
 - For all tanks with cathodic protection, results of testing from the last two inspections of the cathodic protection system (§§280.31(b)(1) and (2)); and

² ? Note that this section only burdens respondents for compiling these data items, not for obtaining them. The burden associated with obtaining these data items is covered in other parts of the ICR under section 280.20(e) (certificate of compliance with installation), sections 280.20(a) and (b) (cathodic protection of steel tanks and piping), sections 280.95 through 280.114 (financial responsibility), and sections 280.40 through 280.45 (release detection).

- For tanks using impressed cathodic protection systems, results of the last three inspections of the cathodic protection equipment on UST systems (§280.31(c)).

(ii) Respondent Activities:

- Have a qualified cathodic protection tester conduct the test for all cathodic protection systems within six months of installation, at least every three years thereafter, and within six months of the repair of any cathodically protected UST system (§280.33(e));
- Conduct the inspection for impressed current cathodic protection systems every 60 days; and
- Maintain records.

(c2) Maintenance of Repair Records

Section 280.33(f) requires owners and operators to maintain records of each repair for the operating life of the UST system. These records must demonstrate that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances (§280.33(f)).

(i) Data Items:

- Records of each repair for the operating life of the UST system.

(ii) Respondent Activities:

- Gather information on each repair;
- Conduct tightness testing 30 days after repair in accordance with sections 280.43(c) and 280.44(b), except as provided in sections 280.33(d)(1) through 280.33(d)(3) (§280.33(d)); and
- Maintain records.

(c3) Reporting

Section 280.34(a) requires owners and operators to cooperate fully with the implementing agency concerning submission of information. Owners and operators must submit to the implementing agency the information gathered and requested in sections 280.20(e), 280.22, 280.50, 280.53, 280.61, 280.62, 280.63, 280.64, 280.65, 280.66, and 280.71. Data items and respondent activities, as well as the associated hour and cost burden, are specified and covered in each of the respective sections (§280.34(a)).

(c4) Recordkeeping

Sections 280.34(b) and (c) require owners and operators to cooperate fully with the implementing agency concerning the recordkeeping, availability, and maintenance of information. Owners and operators must maintain the information requested in sections 280.20(a)(4), 280.20(b)(3), 280.31, 280.33(f), 280.45, 280.74. Data items and respondent activities, as well as the associated hour and cost burden, are specified and covered in each of the respective sections.

(d) Release Detection

(d1) General Requirements for All UST Systems

Section 280.40 outlines release detection requirements that are applicable to all UST systems. Section 280.40 also provides that, when a release detection method indicates that a release may have occurred, owners and operators must notify the implementing agency in accordance with Subpart E. Data items and respondent activities associated with release detection requirements are covered and burdened under sections 280.43, 280.44, and 280.45. Data items and respondent activities associated with the reporting of suspected releases are covered and burdened in the subsequent section, "Release Reporting, Investigation, and Confirmation" (40 CFR Part 280, Subpart E).

(d2) Release Detection for Tanks

Section 280.43 specifies methods that UST owners and operators may use to meet the release detection requirements for tanks at section 280.41(a). Owners and operators are required to record results of measurements or tests indicating whether a release has or has not occurred.

- (i) Data Items:
- Records of inventory control,³ including the following:
 - Inventory volume measurements for regulated substance inputs, withdrawals, and remaining substance for each operating day (§§280.43(a)(1) and (3));
 - Records of product dispensing, recorded to local standards for meter calibration or within six cubic inches for every five gallons withdrawn (§280.43(a)(5)); and
 - Records of measurements of any water level in the bottom of the tank, to the nearest one-eighth inch, at least once per month (§280.43(a)(6));
 - Records of manual tank gauging,⁴ including weekly records of tank liquid level measurements, taken at the beginning and end of a minimum time period during which the contents of the tank are not disturbed (§280.43(b)(1));
 - Records of tank tightness testing⁵ that demonstrate that testing is capable of detecting a 0.1 gallon per hour leak rate (§280.43(c));
 - Records of automatic tank gauging tests, including the following:
 - Monthly automatic product level monitor tests (§280.43(d)(1)); and
 - For automatic tank gauging systems that do not meet the performance standard found in section 280.40(a)(3), records of inventory control (or another test of equivalent performance, conducted in accordance with the requirements of section 280.43(a) (§280.43(d)(2));

³ ? If an UST system meets the performance standards in section 280.20 or 280.21, product inventory control or manual tank gauging may be used in conjunction with tank tightness testing every five years until December 22, 1998 or until ten years after installation or upgrading of the tank, whichever is later (see §280.41(a)(1)). Note that all tanks should have been upgraded or closed by December 22, 1998.

⁴ ? Tanks exceeding a 2,000-gallon capacity may not use this method of release detection (also see previous footnote).

⁵ ? Tank tightness testing may be used in conjunction with inventory control or manual tank gauging (see previous footnotes).

- Monthly records of vapor monitoring within the soil gas of the excavation zone (§280.43(e));
 - Monthly records of groundwater monitoring (§280.43(f));
 - Monthly records of interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it (§280.43(g)); and/or
 - A demonstration for another release detection method (§280.43(h)(2)); and
 - Monthly records of another approved release detection method, if necessary (§280.43(h)(2)).
- (ii) Respondent Activities:
- If using inventory control, record delivery, dispensing, and inventory measurements each operating day, reconcile measurements monthly, record monthly water level measurements, and perform tank tightness testing;⁶
 - If using manual tank gauging with tank tightness testing, record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week, reconcile measurements monthly, and perform tank tightness testing;⁷
 - If using manual tank gauging only (i.e., without tank tightness testing), record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week and reconcile measurements monthly;
 - If using automatic tank gauging, record results of monthly automatic product level monitoring tests and, if necessary, daily inventory volume measurements;
 - If using vapor monitoring, record results of monthly vapor monitoring;
 - If using groundwater monitoring, record results of monthly groundwater monitoring;

⁶ ? If an UST system meets the performance standards in section 280.20 or section 280.21, product inventory control may be used in conjunction with tank tightness testing every five years until December 22, 1998 or until ten years after installation or upgrading of the tank, whichever is later (see §280.41(a)(1)). Note that all tanks should have been upgraded or closed by December 22, 1998.

⁷ ? Ibid.

- If using interstitial monitoring, record results of monthly interstitial monitoring; and/or
- If wishing to use an alternative technology, prepare and submit a demonstration for an alternative release detection method and, if necessary, record monthly results.

(d3) Release Detection for Piping

Section 280.44 specifies methods that UST owners and operators may use to meet the release detection requirements for piping at section 280.41(b). Owners and operators are required to maintain the following types of measurement records to demonstrate compliance.

(i) Data Items:

- Records of an annual automatic line leak detector test conducted according to the manufacturer's requirements (§280.44(a)); and either,
- Records from a line tightness test conducted per section 280.44(b); or
- Records from any of the methods identified in sections 280.43(e) through (h) (as described above for tanks) if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances (§280.44(c)). [Burden associated with this requirement is already covered in the Release Detection for Tanks subsection above.]

(ii) Respondent Activities:

- Conduct and record annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements; and either
- Conduct and record results of an annual line tightness test;⁸ or

⁸ ? Based on program experience, EPA believes that approximately 90 percent of the lines are pressurized and ten percent are suction lines. However, EPA was unable to estimate the number of suction lines which require leak detection monitoring and use three-year line tightness testing. Therefore, this ICR assumes that all lines used are pressurized piping for line tightness testing calculations. Because suction lines do not have to comply with certain leak detection requirements, this ICR overestimates the burden for this section.

- Conduct and record results of monthly monitoring.⁹

(d4) Release Detection Recordkeeping

Section 280.45 requires that owners and operators maintain records which contain information about each release detection system in place at an UST system.

(i) Data Items:

- All written performance claims about any system used, and the way the claims were justified or tested by the manufacturer or installer (§280.45(a));
- Results of any sampling, testing or monitoring (§280.45(b));
- Written documentation of all calibration, maintenance, and repair of any release detection system located permanently on site (§280.45(c)); and
- Any schedule of required calibration and maintenance provided by the equipment manufacturer (§280.45(c)).

(ii) Respondent Activities:

- Maintain records for the periods of time as follows:
 - Performance claims - five years from date of installation, unless implementing agency advises otherwise;
 - Sampling, testing or monitoring results - one year unless implementing agency advises otherwise, except for tank tightness testing, in which case records are to be maintained until the next test is conducted;
 - Documentation of all calibrations, maintenance, and repairs - one year after servicing was completed, unless implementing agency advises otherwise; and
 - Manufacturer calibration and maintenance schedules - five years from date of installation.

⁹ The burden associated with monthly monitoring is covered in other parts of the ICR under sections 280.43 (e) (vapor monitoring), 280.43 (f) (ground water monitoring), 280.43 (g) (interstitial monitoring), and 280.43 (h) (other methods).

(e) Release Reporting, Investigation, and Confirmation

(e1) Reporting of Suspected Releases

Section 280.50 requires owners and operators to report within 24 hours to the implementing agency if a release is suspected and the release exceeds 25 gallons (or for hazardous substances that exceed the reportable quantity), or if a smaller release cannot be cleaned up within 24 hours.

(i) Data Items:

- Information on a discovery of released regulated substances at the UST site or surrounding area (§280.50(a));
- Information on unusual operating conditions, unless system equipment is found to be defective but not leaking, and is immediately repaired (§280.50(b)); and
- Monitoring results from a release detection method required under sections 280.41 and 280.42 that indicate a release may have occurred, unless (1) a monitoring device is found to be defective, and upon repair, re-calibration, or replacement, does not confirm a release, or (2) a second month of data from inventory control does not confirm the initial result (§§280.50(c)(1) and (2)).

(ii) Respondent Activities:

- Gather information on the suspected release; and
- Report the suspected release.

(e2) Reporting and Cleanup of Spills and Overfills

Sections 280.53(a) through (b) require owners and operators to immediately contain and cleanup a spill or overfill, and to report certain releases. Owners and operators must report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, in the following cases:

- Spill or overfill that results in a release to the environment that exceeds 25 gallons or another reasonable amount as specified by the implementing agency, or that causes a sheen on nearby surface water (§280.53(a)(1)); and
- Spill or overfill of a hazardous substance that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302) (§280.53(a)(2)).

In addition, owners and operators must contain and immediately cleanup a spill or overfill of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill of a hazardous substances that is less than the reportable quantity.

If clean up cannot be accomplished within 24 hours, or another reasonable time period specified by the implementing agency, owners and operators must immediately notify the implementing agency.

(i) Data Items:

- Report on spill or overfill that exceeds 25 gallons or equals or exceeds a reportable quantity under CERCLA; and
- Notification of spill or overfill of less than 25 gallons, if it cannot be cleaned up within 24 hours.

(ii) Respondent Activities:

- Report spill or overfill within 24 hours if over 25 gallons or the reportable quantity; and
- Notify the implementing agency if unable to cleanup a spill less than 25 gallons or the reportable quantity.¹⁰

(f) Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

(f1) Initial Response

Upon confirmation of a release in accordance with section 280.52 or another procedure, owners and operators must conduct initial response actions within 24 hours of a release or within another reasonable time period determined by the implementing agency. The initial response is a release report, which may be submitted to the implementing agency by telephone or electronic mail (§280.61(a)).

(i) Data Item:

- Release report.

¹⁰ Spill and overfill reporting specified in sections 280.53(a) through (b) represents a subset of similar reporting that must be initiated for all releases meeting certain criteria; in this ICR, it is burdened under section 280.50.

(ii) Respondent Activity:

- Report the release to the implementing agency (e.g., by telephone or electronic mail).

(f2) Initial Abatement Measures Report and Site Check

Section 280.62(b) requires owners and operators to submit within 20 days, or another reasonable period of time determined by the implementing agency, a report summarizing initial abatement steps taken and any resulting information or data in accordance with section 280.62(a).

(i) Data Item:

- Report on initial abatement steps and resulting information or data.

(ii) Respondent Activities:

- Gather information during initial abatement; and
- Prepare and submit a summary report of initial abatement steps.

(f3) Initial Site Characterization

Section 280.63 requires owners and operators to assemble information about the site and the nature of the release, including information from initial abatement measures in sections 280.60 and 280.61. Under section 280.63(b), the information collected must be submitted to the implementing agency within 45 days of the release confirmation or another reasonable period of time determined by the implementing agency, in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the implementing agency.

(i) Data Items:

- Data on the nature and estimated quantity of release (§280.63(a)(1));
- Data on surrounding populations, water quality, use and locations of wells, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use (§280.63(a)(2));
- Results of the site check under section 280.62(a)(5) (§280.63(a)(3)); and
- Results of free product investigations under section 280.62(a)(6) (§280.63(a)(4)).

(ii) Respondent Activities:

- Gather information for the initial site characterization; and
- Prepare and submit information per implementing agency instructions.

(f4) Free Product Removal

Section 280.64 requires owners and operators to remove free product to the maximum extent practicable if investigations under section 280.62(a)(6) indicate that removal is warranted. Under section 280.64(d), owners and operators must assemble information and prepare and submit a free product removal report within 45 days after confirmation of a release.

(i) Data Items:

- Names of people responsible for free product removal measures (§280.64(d)(1));
- Estimated quantity, type and thickness of free product observed or measured (§280.64(d)(2));
- Type of recovery system used (§280.64(d)(3));
- Location of discharge, if any (§280.64(d)(4));
- Type of treatment applied to, and effluent quality expected from, any discharge (§280.64(d)(5));
- Steps that have been or are being taken to obtain permits for discharges (§280.64(d)(6)); and
- Disposition of recovered free product (§280.64(d)(7)).

(ii) Respondent Activities:

- Gather information for free product removal report; and
- Prepare and submit report.

(f5) Investigations for Soil and Groundwater Cleanup

Section 280.65 requires owners and operators to conduct investigations of soil and groundwater if any of the following conditions exist: (1) evidence that groundwater wells have been affected; (2) free product is found; (3) there is evidence of contaminated soils in contact with groundwater; or (4) potential effects of soil or groundwater on nearby surface water and groundwater resources. Under section 280.65(b), owners and operators must submit information covering the release, the release site, and the area affected by the release after investigating the impacts of the release on the soils and groundwater. The information must be collected and submitted within a reasonable time established by the implementing agency if the conditions in sections 280.65(a)(1) through (4) exist.

(i) Data Item:

- Information on soil and groundwater impacts of release.

(ii) Respondent Activities:

- Gather information from soil and groundwater cleanup investigations; and
- Submit collected information.

(f6) Corrective Action Plan

Section 280.66 specifies corrective action requirements for USTs. The implementing agency may require owners and operators to submit additional information or a corrective action plan for responding to contaminated soils or groundwater. Upon approval, owners and operators must implement the plan, and report the results of implementation. In addition, in order to keep contamination at a site to a minimum, owners and operators may begin cleanup prior to plan approval by notifying the implementing agency of the intention to begin cleanup and including the cleanup measures in the corrective action plan, provided they comply with any conditions imposed by the implementing agency and incorporate self-initiated cleanup measures into the corrective action plan.

(i) Data Items:

- Additional information or a corrective action plan for responding to contaminated soils or ground water;
- Notification of commencing cleanup prior to obtaining corrective action plan approval; and
- A report on the results of implementing the plan.

(ii) Respondent Activities:

- Prepare and submit a corrective action plan or additional information;
- If applicable, notify the implementing agency of early cleanup; and
- Report the results of implementing the plan.

(g) Out-of-Service UST Systems and Closure

(g1) Permanent Closure and Changes-in-Service Notification

Section 280.71(a) requires that owners and operators notify the implementing agency of any decision to permanently close or make a change-in-service at an UST system. The notification must be made at least 30 days prior to beginning permanent closure or change-in-service actions. After notifying, but before completing a closure or change-in-service, the owner or operator must complete an excavation zone assessment under section 280.72(a).

(i) Data Item:

- Notification of close or change-in-service at an UST system.

(ii) Respondent Activities:

- Notify the implementing agency of permanent closure or a change-in-service; and
- Conduct excavation zone assessment.

(g2) Closure Records

Section 280.74 requires owners and operators to maintain records in accordance with section 280.34 that are capable of showing compliance with closure requirements. Owners and operators also are required to maintain result of the excavation zone assessment required in section 280.72 for at least three years after completion of permanent closure or change-in-service.

(i) Data Items:

- Records showing compliance with closure requirements (§280.74).

(ii) Respondent Activities:

- Maintain closure records after permanent closure or a change-in-service for at least three years after the results of the excavation zone assessment are obtained;
or

- Mail the records to the implementing agency if the records cannot be maintained at the closed UST site.

(h) Financial Responsibility

(h1) Financial Responsibility Mechanisms

40 CFR Part 280, Subpart H financial requirements apply to all owners of petroleum USTs, except those exempted in sections 280.10(b) and (c), as specified by section 280.90(d). Owners of existing USTs, except for local government entities, were required to comply with the financial requirements by the dates specified in section 280.91.

An owner or operator may use any one or combination of the mechanisms listed in sections 280.95 through 280.103 to demonstrate financial responsibility. In addition to these options, a local government operator may use any one or a combination of the mechanisms listed in sections 280.104 through 280.107. Each of these options is described in detail below in Subsections (2) through (14). [Note: This ICR aggregates the burden associated with each of these financial mechanisms; the reporting burden for financial requirements is presented under section 280.110, and the recordkeeping burden is presented under section 280.111.]

Financial Test of Self Assurance

Section 280.95 outlines the procedures for a financial test of self assurance as a means of satisfying the financial responsibility requirements. Owners and operators have the option of meeting the criteria specified in either section 280.95(b) or 280.95(c).

(i) Data Items:

The section 280.95(b) criteria require the following data items:

- A letter signed by the Chief Financial Officer (CFO), worded exactly as in section 280.95(d) (§280.95(b)(3)); and
- Annual financial statements (§280.95(b)(4)(i)) or annual tangible net worth statements (§280.95(b)(4)(ii)).

The section 280.95(c) criteria require the following data items:

- Fiscal year-end financial statements of the owner or operator, or the guarantor, and an independent certified public accountant (CPA) report (§280.95(c)(2));
- A letter signed by the CFO, worded exactly as in section 280.95(d) (§280.95(c)(4)); and

- A special report from an independent CPA, if annual financial statements were not submitted to the SEC, Energy Information Administration, or Rural Electrification Administration (§280.95(c)(5)).

The implementing agency also may require the following data items to be submitted at any time:

- Reports of financial condition (§280.95(f)); and
- A notification of failure to find alternate financial assurance, if the owner or operator cannot find such assurance within 150 days of finding that he or she cannot meet the requirements of the financial test, or within 30 days of notice from the implementing agency (§280.95(g)).

(ii) Respondent Activities:

- Obtain and keep on file a signed and dated letter from the CFO;
- File financial statements annually with the U.S. Securities and Exchange Commission, Energy Information Administration, or Rural Electrification System; or report annually the tangible net worth to Dun and Bradstreet; and
- Maintain current financial condition records.

Owners and operators demonstrating the financial test under section 280.95(c) must conduct the following activities:

- Have an independent CPA examine financial statement and prepare a report;
- Obtain and keep on file a signed and dated letter from the CFO;
- Obtain a special report from an independent CPA if annual financial statements were not submitted to the SEC, Energy Information Administration, or Rural Electrification Administration; and
- Maintain current financial condition records.

Owners and operators also may have to perform the following activities:

- Submit current financial condition reports, if requested by the implementing agency; and
- Notify implementing agency within ten days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days

of being notified by the implementing agency, that he or she no longer meets the financial test.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

Guarantee

Section 280.96 outlines the procedures for obtaining a guarantee as a means of satisfying the financial responsibility requirements.

- (i) Data Items:
 - A letter from the CFO of the guarantor, as worded in section 280.95(d) (§280.96(a));
 - A guarantee, as specified in section 280.96(c); and
 - A standby trust agreement worded exactly as in section 280.103(b) (§280.96(d)). [The trust agreement is burdened subsequently in this ICR.]
- (ii) Respondent Activities:
 - Obtain and keep on file a letter from the CFO of the guarantor; and
 - Obtain and keep on file a guarantee from the guarantor.

[NOTE: This ICR covers the burden associated with these activities under section 280.111 (recordkeeping).]

Insurance and Risk Retention Group Coverage

Section 280.97 outlines the procedures for obtaining liability insurance as a means of satisfying the financial responsibility requirements.

- (i) Data Item:
 - Insurance or risk retention group coverage policy with endorsement amendment (§§280.97(a) through (b)).

(ii) Respondent Activities:

- Obtain and keep on file an insurance or risk retention group coverage policy.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

Surety Bond

Section 280.98 outlines the procedures for obtaining a surety bond as a means of satisfying the financial responsibility requirements.

(i) Data Items:

- A surety bond worded exactly as in section 280.98(b); and
- A standby trust agreement worded exactly as in section 280.103(b) (§280.98(d)). [The trust agreement is burdened subsequently in this ICR.]

(ii) Respondent Activities:

- Obtain and keep on file a copy of the surety bond.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

Letter of Credit

Section 280.99 outlines the procedures for obtaining a letter of credit as a means of satisfying the financial responsibility requirements.

(i) Data Items:

- An irrevocable standby letter of credit worded exactly as in section 280.99(b); and
- A standby trust agreement worded exactly as in section 280.103(b) (§280.99(c)). [The trust agreement is burdened subsequently in this ICR.]

(ii) Respondent Activities:

- Maintain and keep on file the irrevocable standby letter of credit.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

Use of State-Required Mechanisms

Section 280.100 allows UST owners and operators in States without program approval to satisfy the requirements of section 280.93 by using a State-required financial mechanism, if approved by the EPA Region. The owner or operator, State, or any other party must develop a submission.

- (i) Data Items:
 - A written petition requesting that one or more of the State-required mechanisms be considered for meeting section 280.93 requirements (§280.100(c));
 - Copies of State statutory and regulatory requirements and amounts of funds for coverage (§280.100(c)); and
 - Additional information, as deemed necessary by the Region (§280.100(c)).
- (ii) Respondent Activities:
 - Prepare and submit the petition package; and
 - Retain a copy of the petition package.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

State Fund or Other State Assurance

Section 280.101 allows UST owners and operators in States without program approval to satisfy the requirements of section 280.93 by using a State fund or other State assurance, if approved by the EPA Region. To satisfy the requirements of section 280.93, the owner or operator must obtain a letter or certificate from the State.

- (i) Data Item:

- A letter or certificate issued by the State containing: (1) the facility's name and address and (2) the amount of funds for corrective action and/or for compensating third parties that is assured by the State (§280.101(d)).
- (ii) Respondent Activities:
 - Obtain and keep on file a letter or certificate from the State.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

Trust Fund

Section 280.102 outlines the procedures for using a trust fund as a means of satisfying the financial responsibility requirements.

- (i) Data Items:
 - A trust agreement worded exactly as in section 280.103(b)(1), accompanied by formal certification of acknowledgment as specified in section 280.103(b)(2) (§280.102(b)); and
 - If the value of the trust fund is greater than the required amount of coverage, or if other financial assurance is substituted, a written request for the release of excess funds (§§280.102(d) through (e)).
- (ii) Respondent Activities:
 - Prepare and keep on file the trust agreement and formal certification of acknowledgment; and
 - Prepare and submit written request for release of excess funds, if applicable.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

Standby Trust Fund

Section 280.103 outlines the procedures for using a standby trust fund as a means of satisfying the financial responsibility requirements. Owners and operators using mechanisms described in sections 280.96, 280.98, and 280.99 must establish a standby trust fund in addition to satisfying the other requirements of those sections.

- (i) Data Items:
 - ☐ A trust agreement worded exactly as in section 280.103(b)(1) accompanied by formal certification of acknowledgment as specified in section 280.103(b)(2).
- (ii) Respondent Activities:
 - ☐ Prepare and keep on file the standby trust fund agreement and any amendments.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

Local Government Bond Rating Test

Section 280.104 states that a general purpose local government owner or operator and/or a local government as a guarantor may satisfy the requirements of section 280.93 by having outstanding issues of bonds of \$1 million dollars or more.

- (i) Data Items:
 - ☐ A copy of the owner or operator's bond rating of the past 12 months by Moody's or Standard and Poor's (§280.104(c));
 - ☐ A letter from the CFO exactly as stated in section 280.104(d) for a general purpose local government owner or operator and/or guarantor, or as stated in section 280.104(e) for a non-general purpose local government owner or operator and/or guarantor; and
 - ☐ Current records of financial condition (§280.104(f)).
- (ii) Respondent Activities:
 - ☐ Maintain current copy of bond ratings;
 - ☐ Prepare and keep on file a signed letter from the CFO; and
 - ☐ If requested, prepare and submit records of current financial conditions.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

Local Government Financial Test

Section 280.105 states that a local government UST owner or operator may satisfy the requirements of section 280.93 by passing a financial test.

- (i) Data Items:
 - Financial statements for the latest completed fiscal year with information on the following (§280.105(b)(1)):
 - Total revenues;
 - Total expenditures;
 - Local revenues;
 - Debt service;
 - Total funds; and
 - Population served by the local government.
 - Letter from CFO exactly as stated in section 280.105(c) (§280.105(b)(3));
 - Current records of financial condition (§280.105(e)); and
 - Notice within ten days of failure to obtain alternate assurance, if the owner or operator no longer meets the financial test requirements (§280.105(f)).
- (ii) Respondent Activities:
 - Maintain a copy of the financial statements for the last completed fiscal year;
 - Prepare and keep on file a signed letter from the CFO;
 - If requested, prepare and submit records of current financial conditions;
 - Notify implementing agency within ten days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test requirements.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

Local Government Guarantee

A local government owner or operator may satisfy the requirements of section 280.93 by obtaining a guarantee as specified in section 280.106. The guarantor must be the State in which the local government owner or operator is located or a local government having a “substantial governmental relationship” with the owner of operator.

- (i) Data Items:
 - ☐ A demonstration of meeting the bond rating test of section 280.104 and a copy of the CFO letter in section 280.104(c) (§280.106(a)(1)); or
 - ☐ A demonstration of meeting the worksheet test requirements of section 280.105 and a copy of the CFO letter in section 280.105(c) (§280.106(a)(2)); or
 - ☐ A demonstration of meeting the local government fund requirements of section 280.107(a), 280.107(b), or 280.107(c) and a copy of the CFO letter in section 280.107 (§280.106(a)(3));
 - ☐ If necessary, a notice of inability to demonstrate financial assurance (§280.106(b)); and
 - ☐ Guarantee worded exactly as stated in section 280.106(d) or (e), depending on which of the alternative guarantee arrangements is selected (§280.106(c)).
- (ii) Respondent Activities:
 - ☐ Prepare and keep on file a demonstration meeting the requirements of section 280.104, 280.105, or 280.107(a) through (c) and a signed letter from the CFO;
 - ☐ If necessary, prepare and submit a notice of inability to meet financial assurance requirements; and
 - ☐ Obtain and keep on file a guarantee agreement.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

Local Government Fund

Section 280.107 states that a local government owner or operator may satisfy the requirements of section 280.93 by establishing a dedicated fund account. The fund is dedicated to pay for corrective action and for compensating third parties in the event of accidental releases from petroleum USTs.

- (i) Data Items:
 - A signed letter from the local government's CFO and/or guarantor, worded exactly as stated in section 280.107(d);
 - A copy of the constitutional provision or local government statute, charter, ordinance, or order dedicating the fund (§§280.107(d) and 280.111(b)(9)(i));
 - Year-end financial statements for the most recent year, and the previous year's balance, if applicable (§§280.107(d) and 280.111(b)(9)(ii)); and
 - If an owner or operator is using incremental funding backed by bonding authority, results of a voter referendum or an attestation by the State Attorney General (§§280.107(c)(2) and 280.111(b)(9)(iii)).
- (ii) Respondent Activities:
 - Obtain and keep on file a signed letter(s) from the CFO and/or the guarantor;
 - Maintain a copy of the statute or other mandate dedicating the fund;
 - Maintain all year-end financial statements; and
 - Maintain documentation of the bonding authority, including either the results of a voter referendum or attestation by the State Attorney General;

[NOTE: This ICR presents the burden associated with these activities under section 280.111 (recordkeeping).]

Substitution of Financial Assurance Mechanisms by the Owner or Operator

Section 280.108(b) states that an owner or operator may cancel a financial assurance mechanism after obtaining alternate financial assurance.

- (i) Data Item:
 - Notice to the provider of the original financial assurance (§280.108(b)).
- (ii) Respondent Activities:

- Prepare and submit a notice of alternate financial assurance to the original financial assurance provider.

[NOTE: This ICR covers the burden associated with this activity under section 280.110 (reporting) and section 280.111 (recordkeeping).]

(h2) Cancellation or Nonrenewal by a Provider of Financial Assurance

A provider of financial assurance may cancel or fail to renew an assurance mechanism according to the procedures outlined in section 280.109. The data item associated with such an action is a notice of termination, which is submitted to the UST owner or operator. If alternate financial coverage is not obtained within 60 days of being notified of the termination, owners or operators must inform the implementing agency of the failure to obtain coverage.

(i) Data Items:

- Notice of termination to UST owner or operator (§280.109(a));
- Notice of failure to obtain alternate coverage to the implementing agency;
 - Name and address of the provider of financial assurance (§280.109(b)(1));
 - Effective date of the termination (§280.109(b)(2)); and
 - Evidence of the financial assurance mechanism subject to termination (§280.109(b)(3)).

(ii) Respondent Activities:

- Prepare and submit a notice of termination;
- Prepare and submit to the implementing agency a notification if unable to obtain alternate coverage within 60 days of receiving a notice of termination.

(h3) Reporting

Section 280.110 establishes financial responsibility reporting requirements for owners and operators who: (1) identify a reportable UST release; or (2) fail to obtain alternative coverage.

(i) Data Item:

- Report of the appropriate forms listed in section 280.111(b).

(ii) Respondent Activities:

- Gather and submit forms listed in section 280.111(b) to the implementing agency documenting current evidence of financial responsibility.

(h4) Recordkeeping

Section 280.111(b)(11) requires an owner or operator to maintain an updated copy of a certification of financial responsibility, as worded in section 280.111(b)(11)(i).

- (i) Data Item:
 - Record of updated certification of financial responsibility.
- (ii) Respondent Activities:
 - Prepare and keep on file a certification of financial responsibility; and
 - Update the certification whenever the financial assurance mechanism is modified.

[NOTE: This is the only recordkeeping requirement under section 280.111 that is not covered elsewhere in this ICR Supporting Statement. All other recordkeeping requirements under section 280.111 (i.e., 40 CFR 280.111(b)(1)-(b)(10)) are covered under each section of the regulations in which the paperwork is generated.]

(h5) Bankruptcy or Other Incapacity

Section 280.114 sets forth notification requirements regarding bankruptcy or other incapacities for UST owners and operators, and providers of financial assurance. Data items associated with these requirements must be submitted within ten days after commencement of bankruptcy proceedings:

- (i) Data Items:
 - For owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms listed in section 280.111(b) documenting current financial responsibility (§280.114(a));
 - For financial assurance providers, a notice to the UST owner or operator of commencement of bankruptcy proceedings as required under the terms of the guarantee specified in section 280.96 (§280.114(b));
 - For local government owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(c));

- For local government financial assurance providers, a notice to the local government owner or operator of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(d)); and
 - For owners and operators who are unable to obtain alternate financial assurance within 30 days after receiving notice of bankruptcy from a provider, a notice to the implementing agency of such failure (§280.114(e)).
- (ii) Respondent Activities:
- Prepare and submit a notification within ten days of commencement of bankruptcy procedures; and
 - If necessary, prepare and submit a notification of inability to obtain alternate financial assurance within 30 days.

(2) State Program Approval Procedures

Regulations at 40 CFR Part 281 contain State program approval procedures for States that wish to administer their own UST programs in lieu of the Federal program. A State must obtain approval for its program from the Federal agency administering the program. Part 281 is divided into six subparts (i.e., Subparts A through F), four of which contain information collection requirements. This ICR summarizes the information collection requirements, and the associated data items and respondent activities, in the order in which they appear in Part 281, in the following subparts:

- Components of a Program Application (Subpart B);
- Adequate Enforcement of Compliance (Subpart D);
- Approval Procedures (Subpart E); and
- Withdrawal of Approval of State Programs (Subpart F).

(a) Components of a Program Application

(a1) Transmittal Letter

Section 281.20(a) states that any State seeking to administer its own UST program must submit in its application a transmittal letter from the Governor of the State requesting program approval (§281.20(a)).

- (i) Data Item:
- Transmittal letter from the Governor of the State requesting program approval (§281.20(a)).

(ii) Respondent Activities:

- Obtain a transmittal letter from the Governor's office; and
- Submit the letter to the implementing agency.

(a2) Description of State Program

Sections 281.20(b) and 281.21 outline that any State seeking to administer its own UST program must submit in its application a description of the program that the State plans to implement in place of the Federal program.

(i) Data Items:

- The scope of the program, including whether (§281.21(a)):
 - Regulation is for UST systems containing petroleum or hazardous substances, or both;
 - The program is more stringent or broader in scope than the Federal program, and in what ways; and
 - The State has jurisdiction over Indian lands or agreements with Indian tribes.
- Organization and structure of State and local agencies responsible for administering the program (§281.21(b));
- State staff resources for execution of the program (§281.21(c)); and
- Existing State funding mechanisms to meet the cost of administering the program (§281.21(d)).

(ii) Respondent Activities:

- Prepare and submit the description of the program.

(a3) Procedures for Adequate Enforcement

Section 281.22 states that any State seeking to administer its own UST program must submit in its application a description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22 and 281.20(c)).

(i) Data Item:

- Description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22 and 281.20(c)).

(ii) Respondent Activities:

- Gather and submit information on compliance monitoring and enforcement procedures.

(a4) Memorandum of Agreement

Section 281.24 states that any State seeking to administer its own UST program must negotiate with EPA areas of coordinated effort and responsibilities.

(i) Data Item:

- A Memorandum of Agreement concerning roles and responsibilities of EPA and the State (§§281.24 and 281.20(e)).

(ii) Respondent Activities:

- Negotiate an MOA with EPA; and
- Prepare and submit the MOA with the program application.

(a5) Attorney General's Statement

Section 281.25 states that any State seeking to administer its own UST program must submit a written demonstration from the Attorney General stating that the laws of the State are sufficiently stringent to enforce the State program proposed. The statement must include citations to statutes, regulations, judicial decisions, and analysis of any State authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

(i) Data Item:

- Written demonstration from the Attorney General stating that the laws of the State are sufficiently stringent to enforce the proposed State program, including citations to statutes, regulations, judicial decisions, and analysis of any State authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

(ii) Respondent Activities:

- Draft and submit the statement from the Attorney General.

(a6) Copies of Statutes and Regulations

Section 281.20(g) states that any State seeking to administer its own UST program must submit in its application copies of all applicable State statutes and regulations (§281.20(g)).

(i) Data Items:

- Copies of all applicable State statutes and regulations (§281.20(g)).

(ii) Respondent Activities:

- Research and gather statutes and regulations; and
- Submit copies as a part of the application.

(b) Adequate Enforcement and Compliance

Section 281.43(a) requires States with approved programs to furnish to EPA, at any time, information in State files on the administration of the program, including data on enforcement and compliance under section 281.40. This includes information submitted to the State with or without a claim of confidentiality (§281.43(a)).

(i) Data Item:

- Information on program administration, including data on enforcement and compliance under section 281.40.

(ii) Respondent Activities:

- Maintain files and current information on program administration; and
- Submit information to EPA, if requested.

(c) Approval Procedures

Section 281.50(b) specifies that before submitting an application to EPA for approval of a State program, States must provide an opportunity for public notice and comment.

(i) Data Items:

- Notification soliciting public comment on development of underground storage tank program.

(ii) Respondent Activities:

- Issue notification; and
- Receive and review public comments.

Sections 281.52(a) through (b) specifies program revision requirements which may be initiated by either the EPA or the approved State.

(i) Data Items:

- Notification of changes in the State program that may require a revision of the approved program; and
- A revised application, if requested by EPA.

(ii) Respondent Activities:

- Collect and submit information on changes in regulations or shifts in responsibilities; and
- Prepare and submit revised application, if instructed by EPA.

(d) Withdrawal of Approval of State Programs

A State with an approved program may transfer voluntarily any responsibilities required by Federal law (§281.61(a)(1)).

(i) Data Items:

- A notice of the transfer to be given to EPA; and
- A plan for orderly information transfers from the State to EPA of all program information.

(ii) Respondent Activities:

- Gather information;
- Prepare and submit transfer notification; and

- Develop and submit a plan for information transfer between the State and EPA at least 90 days before the transfer occurs.

5. THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

The following section discusses how EPA or the implementing agency will collect and manage the information received from respondents. This section also includes a discussion of how EPA has taken steps to ensure that the information collections are not overly burdensome on small entities.

5(a) Agency Activities

(1) Technical and Financial Requirements

Most information required of UST owners and operators is maintained in records at the facility and is only formally submitted to EPA or the implementing agency if requested. This analysis assumes that the Agency will spend a minimal amount of time reviewing these data during facility inspections.

This ICR assumes that EPA or the implementing agency reviews and files submitted information, including notification forms; site, chemical property, and health information; information on suspected releases, spills, or overfills; site characterizations; abatement procedure information; free product information; soil and ground water information; corrective action plans and implementation reports; and applicable financial assurance information. Much of the information listed above is also entered into a database for the purposes of recordkeeping and analysis.

EPA or the implementing agency must notify owners and operators of approval or disapproval of corrective action plans. The implementing agency also is responsible for conducting public involvement activities, such as notifying the public of a release or failure to sufficiently remediate a release. EPA or the implementing agency also must notify owners and operators if they fail to meet the requirements of financial assurance at any time.

(2) State Program Approval Procedures

States applying for program approval must follow procedures at 40 CFR Part 281. EPA must review and file program applications and all associated information, as described in section 281.50. EPA must determine approval or disapproval for all new or revised State program applications. EPA is required to issue public notice of all decisions and consider public comments. EPA must issue public notice of any transfer of program responsibilities. EPA also must inform a State with an approved program if EPA is planning to take enforcement action against violators of the UST regulations.

5(b) Collection Methodology and Management

In collecting and analyzing the information associated with this ICR, EPA uses electronic equipment such as personal computers and database and modeling software, as applicable. EPA ensures the accuracy and completeness of the collected information by reviewing each submittal.

5(c) Small Entity Flexibility

In promulgating the UST regulations covered under this ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses. In addition, EPA provided flexibility to small and medium-sized owners and operators of petroleum USTs for meeting financial responsibility requirements in order to reduce burden and cost to these groups.

5(d) Collection Schedule

(1) Technical and Financial Requirements

EPA or the implementing agency collects information on a one-time, on-going, or special circumstance basis. EPA or the implementing agency collects various types of data according to the following schedules:

- *One-time collections:* Notification forms, certificates of compliance with corrosion protection and system installation, alternative technology information and demonstrations, excavation zone assessments, closure records or change-in-service forms.
- *Special circumstance collections:* Release reporting and response information, including site information and characterization, chemical property, and health information, abatement reports, free product removal reports, soil and ground water investigation information, corrective action plans, and implementation reports.

(2) State Program Approval Procedures

States applying for program approval submit most of their information in a one-time application, but also must submit additional information if requested by EPA. EPA collects all submitted information according to the following frequency:

- *One-time collections:* Complete program application and associated information and revised application.
- *Special circumstance collections:* Withdrawal of approval of State program information, transfer of program information, and plans for the transfer of program responsibilities.

6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION

6(a) Estimating Respondent Hours

EPA estimates the respondent hourly burden for all the information collection requirements covered in this ICR in Exhibits 1 and 2. Exhibit 1 covers information collections related to UST technical and financial requirements. Exhibit 2 covers information collections associated with State program approvals. The burden estimates for each activity presented in Exhibits 1 and 2 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents.

6(b) Estimating Respondent Costs

EPA estimates respondent costs for all activities covered in this ICR in Exhibits 1 and 2. These costs are based on the cost of labor, capital, and operation and maintenance (O&M).

Labor Costs

Table 1 shows the estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities, contractors, and States.¹¹ These labor rates were used to calculate the labor cost to all respondents in conducting the reporting and recordkeeping activities covered in this ICR, as shown in Exhibits 1 and 2.

¹¹ ? Note that, for purposes of this ICR, States are considered to be *respondents* when they submit documents to EPA to satisfy applicable 40 CFR regulations (e.g., applying for EPA approval of State program). States are considered to be *regulators* when administering a regulatory program, (e.g., receiving UST release reports from facilities).

Table 1
Average Hourly Respondent Labor Cost, by Labor Category

Respondent	Legal	Managerial	Technical	Clerical
Facilities	\$92	\$87	\$75	\$38
Contractors	Not Applicable	\$104	\$89	\$45
States	\$47	\$47	\$47	\$26

To obtain hourly labor costs (other than legal labor costs) for facilities, EPA referred to private industry employer costs provided by the Bureau of Labor Statistics (BLS).¹² To obtain hourly legal labor costs, EPA referred to national occupational employment and wage estimates for May 2006 and then adjusted this rate for 2007 using the 2007 Employment Cost Index.^{13,14} EPA followed the same procedure to obtain hourly labor costs for contractors.¹⁵ EPA then factored in overhead costs for facilities and contractors, which it assumed to be an additional 67 percent and 100 percent, respectively, of the total wage rate.¹⁶ EPA obtained overhead loading rates from the EPA report *Estimating Costs for the Economic Benefits of RCRA Noncompliance*.¹⁷

¹² U.S. Department of Labor. Bureau of Labor Statistics (BLS). Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by occupational group and full-time and part-time status (March 2007); available from <http://www.bls.gov/news.release/ecec.t11.htm>; accessed 15 August 2007.

¹³ BLS. Occupational employment and wages – 23-1011 Lawyers [see “National estimates for this occupation”, “mean hourly wage”] (May 2006); available from http://www.bls.gov/oes/current/oes_nat.htm; accessed 15 August 2007.

¹⁴ The 2007 Employment Cost Index (ECI) is 1.1 percent (wages and salaries for private industry). BLS. News release: Employment Cost Index (March 2007) [see Table A]; available from http://www.bls.gov/news.release/archives/eci_04272007.pdf.

¹⁵ Contractor costs for legal staff were not estimated; no legal work is expected to be performed by contractors.

¹⁶ The total wage rate is composed of direct wages and salaries and employee benefits, as reported by BLS.

¹⁷ EPA. *Estimating Costs for the Economic Benefits of RCRA Noncompliance* [see section 1.2.1] (1997); available from <http://www.epa.gov/epaoswer/hazwaste/gener/f006/s0004.pdf>; accessed 15 August 2007.

To obtain hourly labor costs for States (other than legal labor costs), EPA relied on BLS data on state and local government workers.¹⁸ Hourly labor costs for State legal staff are not provided by BLS. Based upon a recommendation from the State of Indiana, EPA used the technical rate for state legal staff. Additional overhead loading for States was not factored into the hourly labor costs; no standard overhead factor for States was identified through research or EPA's State consultations. (See Section 3(c) of this ICR for a list of facilities, contractors and State agencies contacted by EPA.)

Capital Costs

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. For this ICR, capital costs include the cost of monitoring equipment for facilities that choose to comply with release detection requirements by using vapor monitoring, groundwater monitoring, or interstitial monitoring methods. These capital costs are shown in Exhibit 1, and are further described in Section 6(d).

Operation & Maintenance Costs

¹⁸ BLS. News release: Employer costs for employee compensation [see Table 4] (March 2007); available from <<http://www.bls.gov/news.release/pdf/ecec.pdf>>; accessed 15 August 2007.

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” For this ICR, O&M costs include:

- Mailing costs: EPA estimates that respondents will incur a cost of \$0.43 to mail a one-ounce package (i.e., \$0.41 for postage and \$0.02 for standard size envelope). EPA also estimates that respondents will incur a cost of \$4.20 for mailing a larger package (i.e., five-ounce package) by certified mail (i.e., \$1.48 for postage, \$2.65 for the certified-mail fee, and \$0.07 for a manila envelope).
- Photocopying costs: EPA estimates that respondents will incur a cost of \$0.10 for each photocopy they make.
- Purchase of contractor or laboratory services: EPA believes that owners and operators of USTs will incur O&M costs on contractor and laboratory services. These O&M costs are further described in Section 6(d) for all applicable respondent activities. O&M costs do not include contractors who bill by the hour.

These O&M costs are shown in Exhibits 1 and 2.

6(c) Estimating Agency Hour and Cost Burden

EPA estimates the Agency hour and cost burden associated with all information collection requirements covered in this ICR in Exhibits 3 and 4. As shown in the exhibits, EPA estimates an average hourly labor cost of \$81.13 for legal staff (GS-15, Step 5), \$51.50 for managerial staff (GS-13, Step 1), \$36.13 for technical staff (GS-11, Step 1), and \$21.97 for clerical staff (GS-6, Step 1). To derive these hourly estimates, EPA referred to the U.S. Office of Personnel Management 2007 General Schedule (GS) Salary Table.¹⁹ This publication summarizes the unloaded (base) hourly rate for various labor categories in the Federal Government. EPA then applied the standard government overhead factor of 1.6 to the unloaded rate to derive these loaded hourly rates.

6(d) Estimating the Respondent Universe and Total Hour and Cost Burden

(1) Respondent Universe

(a) Technical and Financial Requirements

Table 2 presents the estimated UST universe over the three years covered by this ICR. As shown in the table, there will be an average of 620,667 existing USTs in operation over the period covered by this ICR. EPA also estimates that, each year, owners and operators will close an average of 16,500 USTs and install an average of 8,500 new USTs. EPA estimates that a portion of the new USTs will be installed at new facilities (i.e., facilities that have not operated USTs in the past), with the remainder of new USTs installed at existing UST facilities.

Table 2
Estimated UST Universe

	Year 2008	Year 2009	Year 2010	Average
Underground Storage Tanks				
Existing USTs	628,000	620,000	614,000	620,667
New USTs installed	8,500	8,500	8,500	8,500
USTs closed	18,500	16,500	14,500	16,500
Facilities with Underground Storage Tanks^a				
Existing facilities	237,000	234,000	232,000	234,333
New facilities	3,200	3,200	3,200	3,200

^a Number of facilities estimated based on the assumption that, on average, there are 2.65 USTs per facility.

(b) State Program Approval Procedures

Table 3 presents the estimated number of States expected to seek and obtain EPA program approval during the three-year period covered by this ICR. It shows that EPA expects one State, on average, to seek program approval each year.

¹⁹ U.S. Office of Personnel Management. Salary Table 2007 – GS (January 2007); available from: <<http://www.opm.gov/oca/07tables/html/ga.asp>>; accessed 15 July 2007.

Table 3
Annual Number of States Expected to Receive
EPA Program Approval During the Period Covered by the ICR

	Number of State Program Approvals per Year			Average Annual Number of State Program Approvals During 2008 to 2010
	Year 2008	Year 2009	Year 2010	
State Program Approvals	1	1	0	1

(2) Total Hour and Cost Burden

(a) Technical and Financial Requirements

40 CFR Part 280 subjects owners and operators of USTs to technical and financial requirements. Information collecting, reporting, and recordkeeping may be required on a one-time, on-going, or special circumstance basis. The remainder of this subsection describes how EPA arrived at each of the respondent estimates contained in Exhibit 1.

(a1) Program Scope and Interim Prohibition

EPA expects all owners and operators of deferred UST systems to equip them with corrosion protection if these systems are constructed of steel. Therefore, EPA expects that no owners or operators will have to read this part of the regulations, have a corrosion expert assess their sites, or maintain records.

(a2) UST Systems: Design, Construction, Installation, and Notification

Newly regulated facilities will read the design, construction, installation, and notification regulations. Thus, each year an average of 3,200 facilities will perform this activity (see Table 2).

EPA expects all owners and operators to equip UST systems with corrosion protection if these systems are constructed of steel. Therefore, EPA expects that no owners or operators will have a corrosion expert assess their sites or will have to maintain records.

EPA expects owners and operators to prepare and submit a certificate of installation and a notification in a single form for a new or replaced facility with USTs or for a new or replaced individual UST system. EPA estimates that, on average, 75 percent of new USTs are installed at completely new or completely replaced facilities (i.e., $0.75 \times (8,500/2.65)$) and 25 percent of new USTs are installed as a single UST at a facility ($0.25 \times 8,500$). Thus, EPA expects that an average of 4,531 notifications will be submitted each year (see Table 2).

EPA estimates that approximately five percent of existing tanks (i.e., $0.05 \times 620,667 = 31,033$) have been upgraded with an internal lining to meet corrosion protection requirements.

EPA expects all owners and operators of these UST systems to inspect their tanks within 10 years after lining and every five years thereafter.²⁰ All tanks should have been upgraded by December 22, 1998 and their required one-lining inspection should be completed within ten years of installation. Thus, EPA estimates that, on average, 6,207 tanks ($31,033/5 = 6,207$) will undergo the required five-year inspection each year during the period covered by this ICR. Owners and operators of lined tanks also are expected to maintain inspection records for all tanks that have an internal lining to meet corrosion protection requirements.²¹

EPA believes that tank owners and operators will incur additional O&M costs for tank interior lining inspection. The O&M cost for tank interior lining inspection is \$1,410, which includes a \$1,305 contractor fee for conducting the inspection and \$105 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

EPA estimates that five percent of USTs (i.e., $620,667 \times 0.05 = 31,033$ USTs) are sold each year. Owners and operators selling an UST must inform the buyer of his or her notification obligations.

(a3) General Operating Requirements

Newly regulated facilities (3,200 annually) will read the regulations on general operating requirements.

In addition, owners and operators of steel USTs with cathodic protection are required to have their cathodic protection systems tested within six months of installation, once every three years thereafter, and within six months of the repair of any cathodically protected system. EPA estimates that, each year, approximately 45 percent of existing and new USTs (i.e., $0.45 \times (620,667 + 8,500) = 283,125$) will be protected by cathodic systems.²² Thus, EPA estimates that, on average, 94,375 tanks (i.e., $283,125/3 = 94,375$) will undergo the required three-year inspection each year during the three-year period covered by this ICR. EPA further estimates that, on average, three percent of new and existing USTs with cathodically protected systems (i.e., $283,125 \times 0.03 = 8,494$) will have their cathodic protection system tested within six months

²⁰ This ICR does not burden the required ten-year inspection after installation due to lack of sufficient data. However, because the calculation procedure used to estimate burden for conducting the required five-year inspection does not exactly correspond with the actual five-year inspection cycle for most USTs (i.e., USTs that underwent the required ten-year inspection in 2006 would not need to obtain their first five-year inspection until 2011), this results in a slight overestimate of total burden for design, construction, installation, and notification activities for UST systems.

²¹ ? Although section 280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has burdened respondents with this activity in this ICR. In addition, EPA notes that the Agency may use these inspection records for enforcement purposes.

²² ? Based on EPA's best professional judgment.

of repair. Together EPA estimates that, on average, 102,869 new and existing USTs (i.e., $94,375 + 8,494 = 102,869$) will be inspected each year during the three-year period covered by this ICR.²³

EPA estimates that of the 283,125 USTs with cathodic protection, 70 percent (198,188 USTs) will be protected by sacrificial anode cathodic systems and 30 percent (84,938 USTs) will be protected by impressed current cathodic systems. Owners and operators of impressed current cathodic systems must conduct inspections every 60 days (i.e., six times per year). Typically there is one impressed current system per site that needs to be inspected. Therefore, EPA estimates that 192,312 activities (i.e., $(84,938 \text{ USTs}/2.65 \text{ USTs per facility}) \times 6 = 192,312$) will be conducted each year.

Facilities will have to maintain records of all cathodic protection system tests conducted for each UST with cathodic protection over the three-year period covered in this ICR (i.e., 102,869 USTs).²⁴ In addition, facilities with USTs protected by impressed current cathodic systems will have to maintain the results of the last three facility inspections of the cathodic protection equipment (i.e., $(3/6) \times 192,312 = 96,156$).²⁵ Thus, facilities will have to maintain a total of 199,025 records (i.e., $102,869 + 96,156 = 199,025$) associated with the inspection of cathodic protection systems.

EPA expects facilities to incur O&M costs through the use of certified contractors paid to test tanks' cathodic protection system. This ICR does not cover the capital cost for purchasing rectifiers for impressed current systems because such equipment is purchased as a standard business practice to monitor tank performance.

Owners and operators also are required to maintain records for each repair made to an UST system. EPA estimates that three percent of USTs will be repaired each year, for a total of 18,875 annual repairs (i.e., $0.03 \times (620,667 + 8,500) = 18,875$). Approximately 20 percent of repaired USTs will also have tightness test conducted (i.e., $0.2 \times 18,875 = 3,775$). EPA believes that tank owners and operators will incur additional O&M costs for tank and line inspections associated with tightness testing. The O&M cost for tightness testing is \$505, which includes a \$400 contractor fee for performing the test and \$105 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

[NOTE: Sections 280.34(a) and (b) respectively summarize reporting and recordkeeping requirements for UST owners and operators and cross reference the 40 CFR Part 280 sections

²³ This ICR does not burden cathodic protection system inspections required within six months of installation due to lack of sufficient data; as a result this ICR slightly underestimates total burden for general operating requirements.

²⁴ ? Under section 280.31(b), facilities are required to maintain records of the last two inspections of the cathodic protection system, which are conducted every three years. This ICR assumes that one of these two inspections will be conducted by facilities during the three-year period covered in this ICR. The ICR further assumes that the other inspection was already conducted, and that the results are already being maintained by the facilities.

²⁵ A single facility usually only has one rectifier, which requires checking every 60 days.

that describe these requirements in detail. This ICR burdens these reporting and recordkeeping activities in each of the respective sections.]

(a4) Release Detection

Owners and operators must have a compliant leak detection system installed at each UST. Section 280.43 describes acceptable methods and required maintenance activities. Owners and operators must record the results of tests or measurements at prescribed intervals. Table 4 presents EPA's estimates of the number of owners and operators choosing each detection system option and the information collection requirements associated with each option.

All 3,200 owners and operators of new UST facilities are expected to read the release detection regulations.²⁶

Since the methodologies set forth under inventory control, manual tank gauging, and automatic tank gauging (§§280.43(a) through (c)) describe activities that UST operators perform as standard business practices, they are not burdened in this ICR. The Agency expects that all of the facilities using inventory control and facilities using manual tank gauging with tank tightness testing will perform the tank tightness test every five years.²⁷ Thus, EPA expects that, each year, facilities will perform tank tightness testing on 31,458 USTs with an inventory control system (i.e., $157,292/5 = 31,458$) and 11,325 USTs with a manual tank gauging with tank tightness testing system (i.e., $56,625/5 = 11,325$). EPA estimates that facilities will incur contractor-related O&M costs of \$505 for the cost of performing each tank tightness test. This O&M cost includes a \$400 contractor fee for performing the test and \$105 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

Those facilities that choose to comply with release detection requirements by using either vapor monitoring, groundwater monitoring, or interstitial monitoring methods will incur capital costs for monitoring equipment.²⁸ The cost of a vapor monitoring system (control box with sensors), assuming an average of four 20-foot deep wells, amounts to an estimated \$733 per facility.²⁹ The cost of a groundwater monitoring system is estimated at \$469 per facility.³⁰ The cost of an interstitial monitoring system (control box with sensors), including installation costs, is approximately \$384 per tank.³¹ Maintenance of the monitoring sensors is not considered a significant cost because maintenance of the sensors is inexpensive.

²⁶ ? EPA expects that owners and operators of existing UST facilities have already read the release detection regulations (40 CFR Part 280, Subpart D).

²⁷ ? EPA expects that all tanks will be tested every five years because the 1998 deadline required the shutdown of all tanks for which annual testing is required.

²⁸ ? Capital costs were annualized over 20 years (i.e., the expected life of equipment) using OMB's approved discount rate of seven percent (OMB Circular A-94).

²⁹ ? Prior to discounting, purchase price is estimated at \$7,770.

³⁰ ? Prior to discounting, purchase price is estimated at \$4,970.

EPA estimates that 90 percent of facilities use pressurized piping delivery systems. These facilities are expected to use line leak detectors to detect catastrophic releases from piping. Thus, facilities are expected to conduct an annual line leak detector test for operability on 566,250 tanks (i.e., $0.90 \times (620,667 + 8,500) = 566,250$). The cost of purchasing line leak detectors is not burdened in this ICR, since the use of these devices is considered a standard business practice. EPA estimates that 40 percent of facilities use line tightness testing to detect releases from piping.³² These facilities are expected to conduct an annual line tightness test on 251,667 tanks (i.e., $0.40 \times (620,667 + 8,500) = 251,667$).

EPA expects that each year, an average of 237,533 UST facilities (i.e., 234,333 existing facilities + 3,200 new facilities = 237,533 facilities) will maintain records of their test and measurement results, regardless of the release detection method used.

(a5) Release Reporting, Investigation, and Confirmation

EPA estimates that each year, all 3,200 new UST owners and operators will read the regulations. EPA also estimates that each year, 12,500 owners and operators will suspect that a release has occurred from one of their USTs.³³ These owners and operators will gather information and submit a report on the suspected release. EPA estimates that 60 percent of these owners or operators (i.e., $0.60 \times 12,500 = 7,500$) will determine that a release has indeed occurred.

When characterizing a suspected leak, EPA believes that facilities will incur contractor-related O&M costs associated with basic soil characterization work and lab analysis activities.

(a6) Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

EPA estimates that each year, all 3,200 new UST owners and operators will read the regulations on release response. All 7,500 facilities confirming a release must report information on the release. These facilities also must gather information and prepare and submit reports on initial abatement measures and initial site characterization. EPA assumes that facilities will incur O&M costs in preparing a summary report of the initial abatement steps based on information obtained from initial characterization activities. This activity could require additional sampling and analysis depending on the scope of the problem. EPA assumes that facilities will incur contractor-related O&M costs in gathering, preparing, and submitting information for the initial site characterization, as this activity often requires sampling well borings and laboratory analyses.

³¹ ? Prior to discounting, purchase price is estimated at \$4,069.

³² Refer to footnote eight on page 20 for related information.

³³ ? These data are based on historical tank release records maintained by EPA.

EPA estimates that initial investigations at 20 percent of these facilities (i.e., $0.20 \times 7,500 = 1,500$ facilities) will determine the presence of free product. These facilities must prepare and submit a free product removal report, thereby incurring contractor-related O&M costs.

EPA also estimates that initial investigations at 75 percent of facilities with confirmed releases (i.e., $0.75 \times 7,500 = 5,625$ facilities) will demonstrate that soil and groundwater investigations are warranted. These facilities are expected to gather information and prepare and submit a report. Facilities will incur further contractor-related O&M costs preparing soil and groundwater investigation reports. Additional characterization work could be required depending on the scope of the release and the geology of the site.

EPA estimates that initial investigations at 60 percent of facilities with confirmed releases (i.e., $0.60 \times 7,500 = 4,500$ facilities) will demonstrate that corrective action is warranted. These facilities must prepare and submit a corrective action plan and report on the results of corrective

Table 4
Leak Detection Systems Installed at USTs

UST Leak Detection System	Estimated Percent of USTs Using System ^{a, b}	Estimated Number of USTs Using System ^c	Associated Information Collection Requirement(s) and Collection Frequencies
Inventory control and tightness testing	25 ^d	157,292	Record daily inventory volume measurements (standard business practice; therefore, there is no incremental labor burden); record monthly water level measurements (standard business practice; there is no incremental labor burden)
Manual tank gauging with tank tightness testing	9	56,625	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum time period (standard business practice; there is no incremental labor burden)
Manual tank gauging only (i.e., without tank tightness testing)	5	31,458	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum time period (standard business practice; there is no incremental labor burden)
Automatic tank gauging	66	415,250	Record results of monthly automatic product level monitoring; record results of daily inventory control tests (automated activity; therefore there is no incremental labor burden)
Vapor monitoring	4	25,167	Record results of monthly vapor monitoring [9,497 facilities (25.167 USTs/2.65 USTs per facility)]
Groundwater monitoring	4	25,167	Record results of monthly groundwater monitoring [9,497 facilities (25,167 USTs/2.65 USTs per facility)]
Interstitial monitoring	35 ^d	220,208	Record results of monthly interstitial monitoring
Other method (e.g. statistical inventory reconciliation)	20	125,833	No activities specified in the Federal regulations. However, the implementing agency may specify certain activities to be conducted by owner or operator (e.g., record test results).
Leak Detection System for Piping			
Line Leak Detectors (LLDs) ^e	90 ^d	566,250	Conduct annual test of the operation of the automatic line leak detection test and record results (i.e., 0.9 x (620,667 existing USTs + 8,500 new USTs))
Line Tightness Testing (LTT)	40 ^d	251,617	Conduct annual line tightness test and record results (i.e., 0.40 x (620,667 existing USTs + 8,500 new USTs))

^a Based on results of a 2003 Petroleum Equipment Institute (PEI) survey, unless otherwise noted.

^b Total will add up to more than 100%, since multiple release detection systems can be used in the same UST system.

^c Numbers include rounding error.

^d Based on EPA's best professional judgment.

action implementation. EPA estimates that 10 percent of these facilities (i.e., $0.10 \times 4,500 = 450$ facilities) will notify the implementing agency that they will begin corrective action before they receive corrective action plan approval. The Agency believes that facilities will incur contractor-related O&M costs when preparing a corrective action plan and reporting (quarterly) the results of a corrective action implementation plan.

(a7) *Out-Of-Service UST Systems and Closure*

EPA estimates that each year, 6,226 owners and operators of all closing facilities (i.e., $16,500 / 2.65$ USTs per facility = 6,226) will read the out-of-service UST systems and closure regulations.

EPA estimates that owners and operators will close 16,500 USTs each year (see Table 2). Owners of these USTs must notify the implementing agency of closure, conduct an excavation zone assessment, and maintain closure records.

EPA estimates that facilities will incur contractor-related O&M costs when conducting a site assessment of an excavation zone. EPA further estimates that for 25 percent of these USTs, owners and operators will not be able to maintain the records on site for each UST closure. These owners and operators must mail closure records for 4,125 USTs (i.e., $0.25 \times 16,500 = 4,125$) to the implementing agency each year.

(a8) *Financial Responsibility*³⁴

EPA estimates that each year, all 8,500 new UST owners and operators will read the financial responsibility regulations.

40 CFR Part 280, Subpart H requires owners and operators to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental UST releases. A current certificate of financial responsibility must be maintained at each site where USTs are located.³⁵ According to recent EPA data, approximately 70 percent of UST facilities (i.e., $0.70 \times 237,533 = 166,273$ facilities) demonstrate financial responsibility through a State fund or other State assurance, with the remaining 30 percent of owners and operators (i.e., $0.30 \times 237,533 = 71,259$ facilities) using one or more of the other mechanisms described in 40 CFR Part 280, Subpart H. All 237,533 facilities will have to perform the respondent activities associated with their financial responsibility mechanism, as described in Section 4 of this ICR, and keep on file a certification of financial responsibility. [NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and section 280.111 (recordkeeping).]

³⁴ Although financial responsibility is not required for hazardous substance tanks, this ICR does not remove hazardous substance tanks from the financial responsibility analysis due to lack of sufficient data. Therefore, this ICR slightly overestimates the burden for financial responsibility.

³⁵ ? While EPA has burdened the requirement to obtain financial assurance annually, it is expected that all existing UST owners and operators have already read the financial responsibility regulations. Therefore, this ICR burdens only owners and operators of the 3,200 new UST facilities each year.

In addition to maintaining financial responsibility records, an estimated 7,500 facilities will submit their records to EPA or the implementing agency under section 289.110(b) as a result of a release. EPA also expects five percent of the overall universe of facilities (i.e., $0.05 \times 237,533 = 11,877$ facilities) to update the certification each year to reflect changes in their financial assurance mechanism.

EPA estimates that providers of financial assurance will cancel or fail to renew policies at two percent of UST facilities (i.e., $0.02 \times 237,533 = 4,751$ facilities) each year. EPA also estimates that ten percent of those owners or operators experiencing a cancellation or non-renewal (i.e., $0.10 \times 4,751 = 475$ facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

EPA estimates that each year an additional one percent of UST facilities (i.e., $0.01 \times 237,533 = 2,375$ facilities) will experience a disruption in financial coverage due to the bankruptcy of their financial provider. EPA estimates that ten percent of those owners or operators experiencing such a disruption (i.e., $0.10 \times 2,375 = 238$ facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

(2) State Program Approval Procedures

40 CFR Part 281 outlines procedures that States must follow to obtain approval to implement their own UST program in lieu of the Federal program. Based on recent program data, EPA estimates that approximately two States and territories will apply for State program approval over the next three years.

The two States applying for State program approval between 2008 and 2010 must submit an application to EPA for review under section 281.50. The application includes a transmittal letter, a description of the State program, information on enforcement procedures, a memorandum of agreement with EPA, an Attorney General's statement, and copies of State statutes and regulations. These States must also allow for public notice and comment on their efforts to develop their underground storage tank programs.

All approved programs must maintain files and current information on program administration. Additionally, as there are currently 38 approved programs³⁶, an average of 40 programs (i.e., $(39 + 40 + 40)/3$), assuming that two programs receive program approval between 2008-2010 will maintain files on program administration. Finally, EPA estimates that one State per year will be asked to submit this information.

Because of the Energy Policy Act of 2005, EPA expects that several states will be submitting revised State program applications over the next three years. EPA estimates that three revised applications will be submitted in 2008, five in 2009, and eight in 2010. EPA does not expect any States to withdraw or transfer portions of their programs.

³⁶ As of April 2007, 36 States and the District of Columbia and the Commonwealth of Puerto Rico have approved programs.

Respondent burden hours and costs for the activities burdened under this ICR are shown in Exhibits 1 and 2 on the following pages. The burden and cost for Agency activities are shown in Exhibits 3 and 4.

EXHIBIT 1
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
TECHNICAL AND FINANCIAL REQUIREMENTS

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
PROGRAM SCOPE AND INTERIM PROHIBITION											
Reading the Regulations											
Read the regulations	0.25	0.25	0.25	0.25	1.00	\$72.89	\$0.00	\$0.00	0	0	\$0
Deferred UST System Installations (280.11(a))											
Have a corrosion expert inspect the site	0.00	6.00	22.00	11.00	39.00	\$2,579.28	\$0.00	\$417.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	0	0	\$0
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION											
Reading the Regulations											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$82.17	\$0.00	\$0.00	3,200	3,200	\$262,940
Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection (280.20(a)(b))											
Have a corrosion expert inspect the site	0.00	6.00	22.00	11.00	39.00	\$2,579.28	\$0.00	\$417.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	0	0	\$0
Certification of Installation (280.20(e))											
Obtain and provide a certification of compliance of proper installation on the notification form	0.00	0.50	1.00	0.50	2.00	\$137.01	\$0.00	\$0.00	4,531	9,062	\$620,778
Periodic Lining Inspections (280.21)											
Have the lined tank inspected within ten years after lining and every five years thereafter	0.00	0.00	6.00	0.00	6.00	\$448.29	\$0.00	\$1,410.00	6,207	37,242	\$11,534,436
Maintain records	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	31,033	3,103	\$119,813
Notification Requirements (280.22)											
Prepare and submit forms within 30 days of bringing an UST system into use	0.00	0.00	0.50	0.00	0.50	\$37.36	\$0.00	\$0.43	8,500	4,250	\$321,197
Notify purchaser of an UST of owner's notification obligations	0.25	0.25	0.50	0.25	1.25	\$91.57	\$0.00	\$0.43	31,033	38,791	\$2,855,059
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	95,648	\$15,714,223

EXHIBIT 1 (continued)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
TECHNICAL AND FINANCIAL REQUIREMENTS

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
Information Collection Activity											
GENERAL OPERATING REQUIREMENTS											
Reading the Regulations											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$82.17	\$0.00	\$0.00	3,200	3,200	\$262,940
Operation and Maintenance of Corrosion Protection (280.31)											
Have a qualified tester conduct inspection for all cathodic protection systems within six months of installation, at least every three years thereafter, and within six months of the repair of any cathodically protected system	0.00	0.10	0.15	0.00	0.25	\$19.90	\$0.00	\$255.00	102,869	25,717	\$28,279,175
Conduct inspection for impressed current cathodic protection systems every 60 days	0.00	0.10	0.15	0.00	0.25	\$19.90	\$0.00	\$0.00	192,312	48,078	\$3,827,918
Maintain records	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	199,025	19,903	\$768,404
Maintenance of Repair Records (280.33)											
Gather information on each repair	0.00	0.00	1.00	0.00	1.00	\$74.72	\$0.00	\$0.00	18,875	18,875	\$1,410,261
Conduct tightness testing 30 days after repair	0.00	0.25	0.15	0.25	0.65	\$42.35	\$0.00	\$505.00	3,775	2,454	\$2,066,258
Maintain records	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	18,875	1,888	\$72,873
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	120,115	\$36,687,829
RELEASE DETECTION											
Reading the Regulations											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$164.34	\$0.00	\$0.00	3,200	6,400	\$525,879
Release Detection for Tanks (280.43)											
<i>Inventory Control</i>											
Record delivery, dispensing and inventory measurements on a daily basis	0.00	0.00	0.25	0.00	0.25	\$18.68	\$0.00	\$0.00	0	0	\$0
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$18.80	\$0.00	\$0.00	0	0	\$0
Perform tank tightness testing	0.00	0.25	0.15	0.25	0.65	\$42.35	\$0.00	\$505.00	31,458	20,448	\$17,218,627
<i>Manual Tank Gauging with Tank Tightness Testing</i>											
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$18.80	\$0.00	\$0.00	0	0	\$0
Record weekly tank liquid level measurements	0.00	0.00	0.00	0.05	0.05	\$1.88	\$0.00	\$0.00	0	0	\$0
Perform tank tightness testing	0.00	0.25	0.15	0.25	0.65	\$42.35	\$0.00	\$505.00	11,325	7,361	\$6,198,771

EXHIBIT 1 (continued)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
TECHNICAL AND FINANCIAL REQUIREMENTS

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
Information Collection Activity											
<i>Manual Tank Gauging Only (without Tank Tightness Testing)</i>											
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$18.80	\$0.00	\$0.00	0	0	\$0
Record weekly tank liquid level measurements	0.00	0.00	0.00	0.05	0.05	\$1.88	\$0.00	\$0.00	0	0	\$0
<i>Automatic Tank Gauging</i>											
Record results of monthly automatic product level monitoring	0.00	0.00	0.05	0.00	0.05	\$3.74	\$0.00	\$0.00	0	0	\$0
Record daily inventory volume measurements	0.00	0.00	0.02	0.00	0.02	\$1.49	\$0.00	\$0.00	0	0	\$0
<i>Vapor Monitoring</i>											
Record results of monthly vapor monitoring	0.00	0.00	1.67	0.00	1.67	\$124.78	\$733.00	\$0.00	9,497	15,860	\$8,146,293
<i>Groundwater Monitoring</i>											
Record results of monthly groundwater monitoring	0.00	0.00	1.67	0.00	1.67	\$124.78	\$469.00	\$0.00	9,497	15,860	\$5,639,085
<i>Interstitial Monitoring</i>											
Record results of monthly interstitial monitoring	0.00	0.00	0.60	0.00	0.60	\$44.83	\$384.00	\$0.00	220,208	132,125	\$94,431,682
<i>Alternative Technology</i>											
Prepare and submit a demonstration of the effectiveness of an alternative technology	0.00	2.00	8.00	1.00	11.00	\$809.28	\$0.00	\$4.20	0	0	\$0
Release Detection for Piping (280.44)											
Conduct annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements	0.00	0.00	0.25	0.00	0.25	\$18.68	\$0.00	\$0.00	566,250	141,563	\$10,576,955
Record results of annual line leak detection test	0.00	0.00	0.05	0.00	0.05	\$3.74	\$0.00	\$0.00	566,250	28,313	\$2,115,391
Conduct annual line tightness test	0.00	0.00	1.50	0.00	1.50	\$112.07	\$0.00	\$0.00	251,667	377,501	\$28,205,252
Record results of annual line tightness test	0.00	0.00	0.02	0.00	0.02	\$1.49	\$0.00	\$0.00	251,667	5,033	\$376,070
Release Detection Recordkeeping (280.45)											
Maintain records for specified time periods	0.00	0.00	0.00	1.00	1.00	\$37.61	\$0.00	\$0.00	237,533	237,533	\$8,933,236
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	987,997	\$182,367,241
RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION											
Reading the Regulations											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$82.17	\$0.00	\$0.00	3,200	3,200	\$262,940
Reporting of Suspected Releases (280.50)											
Gather information - Facility	0.00	1.00	4.00	0.00	5.00	\$385.84	\$0.00	\$2,653.00	12,500	62,500	\$37,985,460
Gather information - Contractor	0.00	5.00	31.00	15.00	51.00	\$3,970.28	\$0.00	\$0.00	12,500	637,500	\$49,628,500
Report the suspected release	0.00	0.25	0.00	0.00	0.25	\$21.74	\$0.00	\$0.43	12,500	3,125	\$277,168
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	706,325	\$88,154,068

EXHIBIT 1 (continued)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
TECHNICAL AND FINANCIAL REQUIREMENTS

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES											
Reading the Regulations											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$164.34	\$0.00	\$0.00	3,200	6,400	\$525,879
Initial Response (280.61(a))											
Report the confirmed release by telephone or electronic mail	0.00	0.50	0.50	0.00	1.00	\$80.84	\$0.00	\$0.00	7,500	7,500	\$606,335
Initial Abatement Measures Report and Site Check (280.62(a)(b))											
Gather information during initial abatement	0.00	3.00	1.00	0.00	4.00	\$335.64	\$0.00	\$811.00	7,500	30,000	\$8,599,775
Prepare and submit summary report of initial abatement steps - Facility	0.50	1.50	1.00	0.00	3.00	\$251.31	\$0.00	\$331.00	7,500	22,500	\$4,367,332
Prepare and submit summary report of initial abatement steps - Contractor	0.00	4.00	27.00	13.00	44.00	\$3,418.12	\$0.00	\$0.00	7,500	330,000	\$25,635,900
Initial Site Characterization (280.63)											
Gather information for initial site characterization - Facility	0.00	6.00	1.00	0.00	7.00	\$596.56	\$0.00	\$3,134.00	7,500	52,500	\$27,979,181
Gather information for initial site characterization - Contractor	0.00	9.00	54.00	27.00	90.00	\$6,985.44	\$0.00	\$0.00	7,500	675,000	\$52,390,800
Prepare and submit information per instructions	0.50	1.50	1.00	0.00	3.00	\$251.31	\$0.00	\$436.00	7,500	22,500	\$5,154,832
Free Product Removal (280.64)											
Gather information for free product removal report - Facility	0.00	1.50	3.25	0.00	4.75	\$373.29	\$0.00	\$384.00	1,500	7,125	\$1,135,930
Gather information for free product removal report - Contractor	0.00	6.00	38.00	19.00	63.00	\$4,880.96	\$0.00	\$0.00	1,500	94,500	\$7,321,440
Prepare and submit report	0.50	1.00	0.00	0.00	1.50	\$133.11	\$0.00	\$131.00	1,500	2,250	\$396,162
Investigations for Soil and Groundwater Cleanup (280.65)											
Gather information for investigation report - Facility	0.00	2.00	0.00	0.00	2.00	\$173.95	\$0.00	\$2,982.00	5,625	11,250	\$17,752,203
Gather information for investigation report - Contractor	0.00	10.00	69.00	31.00	110.00	\$8,611.96	\$0.00	\$0.00	5,625	618,750	\$48,442,275
Submit collected information	0.50	0.75	0.00	0.00	1.25	\$111.36	\$0.00	\$387.00	5,625	7,031	\$2,803,303
Corrective Action Plan (280.66)											
Prepare and submit corrective action plan or additional information - Facility	2.00	2.25	0.00	0.00	4.25	\$380.23	\$0.00	\$962.00	4,500	19,125	\$6,040,032
Prepare and submit corrective action plan or additional information - Contractor	0.00	20.00	78.00	39.00	137.00	\$10,819.20	\$0.00	\$0.00	4,500	616,500	\$48,686,400
Notify implementing agency of early cleanup	0.00	0.50	0.00	0.00	0.50	\$43.49	\$0.00	\$0.43	450	225	\$19,763
Report results of implementing plan - Facility	2.00	2.75	0.00	0.00	4.75	\$423.72	\$0.00	\$696.00	4,500	21,375	\$5,038,723
Report results of implementing plan - Contractor	0.00	8.00	37.00	19.00	64.00	\$4,999.80	\$0.00	\$0.00	4,500	288,000	\$22,499,100
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	2,832,531	\$285,395,365

EXHIBIT 1 (continued)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
TECHNICAL AND FINANCIAL REQUIREMENTS

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
OUT-OF-SERVICE UST SYSTEMS AND CLOSURE											
Reading the Regulations											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$82.17	\$0.00	\$0.00	6,226	6,226	\$511,582
Permanent Closure and Change-In-Service Notification (280.71(a))											
Notify the implementing agency of permanent closure or change-in-service	0.00	0.25	0.00	0.00	0.25	\$21.74	\$0.00	\$0.43	16,500	4,125	\$365,861
Conduct site assessment of excavation zone - Facility	0.00	2.75	0.00	0.00	2.75	\$239.18	\$0.00	\$2,433.00	16,500	45,375	\$44,090,927
Conduct site assessment of excavation zone - Contractor	0.00	6.00	40.00	18.00	64.00	\$5,014.88	\$0.00	\$0.00	16,500	1,056,000	\$82,745,520
Closure Records (280.74)											
Maintain records after permanent closure or change-in-service for at least three years	0.00	0.00	0.00	0.10	0.10	\$3.76	\$0.00	\$0.10	16,500	1,650	\$63,704
Mail records to implementing agency if they cannot be maintained on site	0.00	0.00	0.00	0.50	0.50	\$18.80	\$0.00	\$4.20	4,125	2,063	\$94,892
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,115,439	\$127,872,486
FINANCIAL RESPONSIBILITY											
Reading the Regulations											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$164.34	\$0.00	\$0.00	3,200	6,400	\$525,879
Cancellation or Nonrenewal by a Provider of Financial Assurance (280.109)											
Prepare and submit a notice of termination of financial assurance	0.25	0.00	0.50	0.25	1.00	\$69.83	\$0.00	\$0.43	4,751	4,751	\$333,793
If necessary, prepare and submit notice of failure to obtain alternative coverage within 60 days	0.00	0.50	1.00	0.25	1.75	\$127.60	\$0.00	\$0.43	475	831	\$60,816
Reporting (280.110)											
Gather and submit forms listed in Section 280.111(b) to the implementing agency documenting current evidence of financial responsibility	0.00	0.00	0.00	0.25	0.25	\$9.40	\$0.00	\$0.43	7,500	1,875	\$73,741
Recordkeeping (280.111)											
Obtain and keep on file proof of financial responsibility	0.00	0.00	0.25	0.10	0.35	\$22.44	\$0.00	\$0.10	237,533	83,137	\$5,353,944
Update certification if financial assurance mechanism is modified	0.00	0.00	0.50	0.25	0.75	\$46.76	\$0.00	\$0.00	11,877	8,908	\$555,369
Bankruptcy or Other Incapacity (280.114)											
Prepare and submit notification of commencement of bankruptcy procedures	0.50	0.25	0.50	0.25	1.50	\$114.64	\$0.00	\$0.43	2,375	3,563	\$273,287
If necessary, prepare and submit notice of inability to obtain alternative coverage within 30 days	0.00	0.50	1.00	0.25	1.75	\$127.60	\$0.00	\$0.43	238	417	\$30,472
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	109,882	\$7,207,301
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	5,967,937	\$743,398,513

**EXHIBIT 2
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
STATE PROGRAM APPROVAL**

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Cost per Activity	O & M Cost/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
COMPONENTS OF A PROGRAM APPLICATION											
Reading the Regulations											
Read the regulations	4.00	8.00	8.00	0.00	20.00	\$942.60	\$0.00	\$0.00	1	20	\$943
Transmittal Letter (281.20(a))											
Obtain a transmittal letter from the Governor's office	1.00	1.00	2.00	1.00	5.00	\$214.62	\$0.00	\$0.00	1	5	\$215
Submit letter to implementing agency	0.00	0.00	0.00	0.10	0.10	\$2.63	\$0.00	\$0.43	1	0.1	\$3
Description of State Program (281.20(b) and 2801.21)											
Prepare and submit description of state program	2.00	8.00	80.00	0.00	90.00	\$4,233.30	\$0.00	\$4.20	1	90	\$4,238
Procedures for Adequate Enforcement (281.22 and 281.20(c))											
Gather and submit information on compliance monitoring and enforcement procedures	2.00	4.00	40.00	2.00	48.00	\$2,216.22	\$0.00	\$4.20	1	48	\$2,220
Memorandum of Agreement (281.24 and 281.20(e))											
Negotiate an MOA with EPA	10.00	6.00	15.00	5.00	36.00	\$1,590.51	\$0.00	\$0.00	1	36	\$1,591
Prepare and submit written MOA with application	6.00	6.00	16.00	4.00	32.00	\$1,423.20	\$0.00	\$4.20	1	32	\$1,427
Attorney General's Statement (281.25 and 2801.20(f))											
Draft and submit statement from Attorney General	47.00	4.00	40.00	2.00	93.00	\$4,331.67	\$0.00	\$4.20	1	93	\$4,336
Copies of Statutes and Regulations (281.20(g))											
Research and gather statutes and regulations	8.00	0.00	15.00	4.00	27.00	\$1,186.35	\$0.00	\$0.00	1	27	\$1,186
Submit copies as a part of the application to EPA	0.00	0.00	0.00	0.10	0.10	\$2.63	\$0.00	\$4.20	1	0.1	\$7
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	351	\$16,166
ADEQUATE ENFORCEMENT AND COMPLIANCE											
Reading the Regulations											
Read the regulations	1.00	1.00	1.00	0.00	3.00	\$141.33	\$0.00	\$0.00	1	3	\$141
Sharing of Information (281.43(a))											
Maintain files and current information on program administration	0.00	5.00	4.00	5.00	14.00	\$555.99	\$0.00	\$0.00	40	560	\$22,240
Submit information to EPA, if requested	0.00	0.00	0.00	0.10	0.10	\$2.63	\$0.00	\$4.20	1	0.1	\$7
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	563	\$22,388

EXHIBIT 2 (continued)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
STATE PROGRAM APPROVAL

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Cost per Activity	O & M Cost/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
APPROVAL PROCEDURES											
Reading the Regulations											
Read the regulations	1.00	2.00	2.00	0.00	5.00	\$235.65	\$0.00	\$0.00	5	25	\$1,178
Approval Procedures for State Programs (281.50(b))											
Issue public notice of the development of underground storage tank program	0.00	0.50	0.00	0.25	0.75	\$30.23	\$0.00	\$0.00	1	1	\$30
Receive and review public comments	0.00	1.00	4.00	0.00	5.00	\$235.35	\$0.00	\$0.00	1	5	\$235
Revision of Approved State Programs (281.52(a)-(b))											
Collect and submit information on changes in regulations or shifts in responsibilities	2.00	10.00	8.00	5.00	25.00	\$1,074.60	\$0.00	\$4.20	5	125	\$5,394
Prepare and submit revised application, if requested by EPA	4.00	2.00	30.00	6.00	42.00	\$1,850.64	\$0.00	\$4.20	5	210	\$9,274
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	366	\$16,111
WITHDRAWAL OF APPROVAL OF STATE PROGRAMS											
Reading the Regulations											
Read the regulations	1.00	1.00	2.00	0.00	4.00	\$188.34	\$0.00	\$0.00	0	0	\$0
Procedures for Withdrawal of Approval of State Programs (281.61(a)(1))											
Gather information for program transfer	2.00	2.00	16.00	8.00	28.00	\$1,151.04	\$0.00	\$0.00	0	0	\$0
Prepare and submit transfer notification	0.00	0.50	1.00	1.00	2.50	\$96.95	\$0.00	\$0.43	0	0	\$0
Develop and submit plan for information transfer at least 90 days before the transfer	4.00	2.00	8.00	2.00	16.00	\$711.30	\$0.00	\$4.20	0	0	\$0
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	1,280	\$54,665

EXHIBIT 3
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN
UST TECHNICAL AND FINANCIAL REQUIREMENTS

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Cost Activity	O & M Cost Activity	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION											
Review and file notification forms	0.00	0.00	0.50	0.25	0.75	\$23.56	\$0.00	\$0.00	8,500	6,375	\$200,260
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	8,500	850	\$18,700
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	7,225	\$218,960
RELEASE DETECTION											
Review demonstration of the effectiveness of an alternative method of release detection	0.00	2.00	8.00	0.00	10.00	\$392.07	\$0.00	\$0.00	0	0	\$0
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION											
Review and file information on suspected releases	0.00	0.50	2.00	0.50	3.00	\$109.00	\$0.00	\$0.00	12,500	37,500	\$1,362,500
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	12,500	1,250	\$27,500
Review and file information on confirmed releases	0.00	0.50	2.00	0.50	3.00	\$109.00	\$0.00	\$0.00	7,500	22,500	\$817,500
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	7,500	750	\$16,500
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	62,000	\$2,224,000

EXHIBIT 3 (continued)
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN
UST TECHNICAL AND FINANCIAL REQUIREMENTS

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Cost Activity	O & M Cost Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
Information Collection Activity											
RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES											
Receive and review initial response report	0.00	0.00	0.50	0.00	0.50	\$18.07	\$0.00	\$0.00	7,500	3,750	\$135,525
Enter information into a database	0.00	0.00	0.00	0.50	0.50	\$10.99	\$0.00	\$0.00	7,500	3,750	\$82,425
Review and file summary report of initial abatement measures	0.00	1.00	4.00	0.25	5.25	\$201.53	\$0.00	\$0.00	7,500	39,375	\$1,511,475
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$5.49	\$0.00	\$0.00	7,500	1,875	\$41,175
Review and file information on initial site characterization	0.00	1.00	4.00	0.25	5.25	\$201.53	\$0.00	\$0.00	7,500	39,375	\$1,511,475
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$5.49	\$0.00	\$0.00	7,500	1,875	\$41,175
Review and file free product removal report	0.00	1.00	4.00	0.25	5.25	\$201.53	\$0.00	\$0.00	1,500	7,875	\$302,295
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	1,500	150	\$3,300
Review and file soil and groundwater investigation report	0.00	1.00	4.00	0.25	5.25	\$201.53	\$0.00	\$0.00	5,625	29,531	\$1,133,606
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$5.49	\$0.00	\$0.00	5,625	1,406	\$30,881
Review and file corrective action plan	1.00	2.00	8.00	0.25	11.25	\$478.70	\$0.00	\$0.00	4,500	50,625	\$2,154,150
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$5.49	\$0.00	\$0.00	4,500	1,125	\$24,705
Notify public of the release and the corrective action plan through an appropriate means	0.00	0.00	1.00	0.25	1.25	\$41.63	\$0.00	\$0.00	4,500	5,625	\$187,335
Hold a public hearing and consider comments on the proposed corrective action plan	0.00	2.00	8.00	0.00	10.00	\$392.07	\$0.00	\$0.00	4,500	45,000	\$1,764,315
Notify the owner or operator whether plan is approved or disapproved	0.00	0.25	0.00	0.25	0.50	\$18.37	\$0.00	\$0.43	4,500	2,250	\$84,600
Review and file the report on results of implementing the plan	2.00	4.00	16.00	0.25	22.25	\$951.90	\$0.00	\$0.00	4,500	100,125	\$4,283,550
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$5.49	\$0.00	\$0.00	4,500	1,125	\$24,705
Give public notice if the approved plan fails to achieve established cleanup levels, and termination of plan is being considered (failure rate of 5 percent)	0.00	0.00	1.00	0.25	1.25	\$41.63	\$0.00	\$0.00	225	281	\$9,367
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	335,118	\$13,326,059
OUT-OF-SERVICE UST SYSTEMS AND CLOSURE											
Review and file notification of closure or a change in service	0.00	0.00	0.50	0.25	0.75	\$23.56	\$0.00	\$0.00	16,500	12,375	\$388,740
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	12,375	\$388,740

EXHIBIT 3 (continued)
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN
UST TECHNICAL AND FINANCIAL REQUIREMENTS

Information Collection Activity	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Cost Activity	O & M Cost Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
FINANCIAL RESPONSIBILITY											
Review and file submitted financial assurance information	0.00	0.00	0.50	0.25	0.75	\$23.56	\$0.00	\$0.00	7,500	5,625	\$176,700
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	7,500	750	\$16,500
Notify owners or operators if they no longer meet financial assurance responsibilities	0.00	0.25	0.00	0.25	0.50	\$18.37	\$0.00	\$0.43	4,751	2,376	\$89,319
Review and file notification of failure to obtain alternative financial assurance due to cancellation or non-renewal of policy	0.00	0.25	1.00	0.25	1.50	\$54.50	\$0.00	\$0.00	475	713	\$25,888
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	475	48	\$1,045
Review and file notification of commencement of bankruptcy procedures	0.00	0.25	1.00	0.25	1.50	\$54.50	\$0.00	\$0.00	2,375	3,563	\$129,438
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	2,375	238	\$5,225
Review and file notification of failure to obtain alternative financial assurance due to bankruptcy	0.00	0.25	1.00	0.25	1.50	\$54.50	\$0.00	\$0.00	238	357	\$12,971
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.20	\$0.00	\$0.00	238	24	\$524
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	13,694	\$457,610
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	430,412	\$16,615,369

EXHIBIT 4
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN
STATE PROGRAM APPROVAL

	Hours and Costs Per Respondent Per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Cost Activity	O & M Cost Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
Information Collection Activity											
COMPONENTS OF A PROGRAM APPLICATION											
Examine State program application and notify the State whether the application is complete	0.00	1.00	4.00	0.00	5.00	\$196.04	\$0.00	\$0.00	1	5	\$196
Review the complete State program application and tentatively determine approval or disapproval for State program	8.00	16.00	40.00	0.00	64.00	\$2,918.42	\$0.00	\$0.00	1	64	\$2,918
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$31.24	\$0.00	\$0.00	1	1	\$31
Receive and review public comments	0.00	1.00	4.00	0.00	5.00	\$196.04	\$0.00	\$0.00	1	5	\$196
Conduct public hearing, if necessary	0.00	2.00	2.00	0.00	4.00	\$175.27	\$0.00	\$0.00	1	4	\$175
Make a final decision on approval or disapproval for a State program	0.00	1.00	4.00	0.00	5.00	\$196.04	\$0.00	\$0.00	1	5	\$196
Issue notice of the final decision	0.00	0.50	0.00	0.25	0.75	\$31.24	\$0.00	\$0.00	1	1	\$31
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	85	\$3,743
APPROVAL PROCEDURES											
Review the revision of approved State program and tentatively determine approval or disapproval	2.00	4.00	10.00	0.00	16.00	\$729.60	\$0.00	\$0.00	5	80	\$3,648
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$31.24	\$0.00	\$0.00	5	4	\$156
Notify State if decision receives negative public comment and either withdraw the decision or respond to the negative public comments	0.00	1.00	4.00	0.25	5.25	\$201.53	\$0.00	\$0.43	5	26	\$1,010
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	110	\$4,814
WITHDRAWAL OF APPROVAL OF STATE PROGRAMS											
Review and file transfer notification and plan	1.00	2.00	8.00	0.25	11.25	\$478.70	\$0.00	\$0.00	0	0	\$0
Publish notice of the transfer	0.00	0.50	0.00	0.25	0.75	\$31.24	\$0.00	\$0.00	0	0	\$0
Conduct withdrawal proceedings in accordance with 40 CFR 271.23(b) and (c)	2.00	4.00	16.00	0.00	22.00	\$946.41	\$0.00	\$0.00	0	0	\$0
Subtotal	varies	varies	varies	varies	varies	varies	varies	varies	varies	0	\$0
TOTAL	varies	varies	varies	varies	varies	varies	varies	varies	varies	195	\$8,557

6(e) Bottom Line Hour and Cost Burden

(1) Respondent Tally

Exhibit 5 summarizes the total annual hour and cost burden to UST owners and operators and to States (as respondents seeking program approval or program revision). As shown in the exhibit, EPA estimates the annual respondent burden to be approximately 5.96 million hours and \$743 million. The bottom line burden to respondents over three years is estimated to be approximately 17.9 million hours and \$2,230 million.

**EXHIBIT 5
TOTAL ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN SUMMARY**

Information Collection Activity	Total Hours/Year	Labor Cost	Capital/Startup Cost	O & M Cost	Total Cost/Year
Technical and Financial Requirements	5,967,937	\$452,992,987	\$95,975,266	\$194,430,261	\$743,398,513
State Program Approval	1,280	\$54,598	\$0	\$66	\$54,665
TOTAL	5,969,217	\$453,047,585	\$95,975,266	\$194,430,327	\$743,453,178

(2) Agency Tally

Exhibit 6 summarizes the total annual Agency hour and cost burden associated with all of the requirements covered in this ICR. As shown in the exhibit, EPA estimates the annual Agency burden to be approximately 0.43 million hours and \$16.62 million. The bottom line burden to the Agency over three years is estimated to be approximately 1.29 million hours and \$49.87 million.

**EXHIBIT 6
TOTAL ESTIMATED ANNUAL AGENCY HOUR AND COST BURDEN SUMMARY**

Information Collection Activity	Total Hours/Year	Labor Cost	Capital/Startup Cost	O & M Cost	Total Cost/Year
Technical and Financial Requirements	430,412	\$16,611,391	\$0	\$3,978	\$16,615,369
State Program Approval	195	\$8,555	\$0	\$2	\$8,557
TOTAL	430,607	\$16,619,946	\$0	\$3,980	\$16,623,926

6(f) Reasons for Change in Burden

This ICR presents a comprehensive description of the total annual respondent burden for all information collection activities related to the UST program. In renewing this ICR, EPA has updated its respondent universe and burden estimates based on updated data from the Office of Underground Storage Tanks (OUST) and the regulated community. Because of these updated data, the total annual hourly burden to respondents has decreased from the previous ICR by 163,020 hours (from 6,132,237 hours/year to 5,969,217 hours/year).

6(g) Burden Statement

Exhibit 7 presents the average annual respondent hourly burden for each UST facility and for each State with a Federally-approved UST program, applying for program approval, or undergoing program modification. For UST facilities, as shown in the exhibit, the total hourly burden for conducting the activities covered in this ICR is estimated to average approximately 25 hours per respondent annually. The reporting burden is estimated to average 17 hours per respondent per year. This estimate includes time for preparing and submitting notices, preparing and submitting demonstrations and applications, reporting releases, gathering information, and preparing and submitting reports. The recordkeeping burden for UST facilities is estimated to average eight hours per respondent per year. This estimate includes time for gathering information and for developing and maintaining records. The burden for third party disclosure is estimated to average .16 hours per respondent per year. This estimate includes time to notify a purchaser of an UST of the owner's notification obligations.

EXHIBIT 7 TOTAL AVERAGE ANNUAL RESPONDENT BURDEN

Information Collection Activity	Average Reporting Burden (Hours)	Average Recordkeeping Burden (Hours)	Average Third Party Disclosure Burden (Hours)	Total Average Burden (Hours)
Technical and Financial Requirements	17.17	7.79	0.16	25.12
State Program Approval	14.94	13.51	0.00	28.45

For States applying for program approval and program revision and for States with approved programs, the total hourly burden is estimated to average approximately 28 hours per State annually. The reporting burden is estimated to average approximately 15 hours per respondent per year. This estimate includes time for preparing and submitting an application and associated information. The recordkeeping burden is estimated to average approximately 13.5 hours per respondent per year. This estimate includes time for maintaining application files.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency.

This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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 No. EPA-HQ-UST-2007-0494, which is available for public viewing at the UST Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. 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 UST Docket is (202) 566-0270. An electronic version of the public docket is available through *Regulations.gov* at <http://www.regulations.gov/fdmspublic/component/main>. Use *Regulations.gov* 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. Once in the system, select "Search for Dockets," then key in the docket ID number identified above (EPA-HQ-UST-2007-0494). Comments can also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-UST-2007-0494.