

EPA Information Collection Request Number 1360.10
Underground Storage Tanks Technical and Financial Requirements, and State
Program Approval Procedures

ICR Amendment

The United States Environmental Protection Agency (EPA), Region 9, Office of Underground Storage Tanks is planning to undertake an effort to increase the rate of compliance in Region 9.

Region 9 UST program has direct implementation responsibilities in Indian Country and our data has shown a low rate of compliance with existing regulations. While Indian Country is our highest priority because of our direct implementation responsibility, we have also reviewed data that suggest facilities outside Indian Country are also of concern. In FY 08, the rate of compliance in Region 9 Indian country was 36% and outside of Indian country the average was 68%.

Currently, UST facilities in Indian Country are visited by EPA inspectors only once every three years and we believe many owners fail to comply with regulations during years when they are not physically inspected. As a result, EPA Region 9 plans to send an information request letter pursuant to RCRA section 9005 annually to approximately 500 UST facilities in years when they will not receive an on-site inspection. This letter will request that facilities send to EPA the compliance records that they are already required to keep, but have not previously been asked to submit to the Agency. The information request letter authority was codified in 280.34 of the UST regulations and this regulation and other provisions of the UST regulations also contain specific ongoing facility reporting and record keeping obligations. These records should already be kept by the facilities and be easy to locate. This information is routinely reviewed during inspection but due to suspected non-compliance, this warrants additional collection because the current level of reporting is insufficient to protect the environment. We plan to continue this indefinitely and monitor our efforts to increase compliance.

EPA has already received approval from OMB for its information collection request, entitled "EPA Information Collection Request Number 1360.08, Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures." This approval grants EPA authority to collect information from owners and operators, as specified in 40 C.F.R. Part 280, that may otherwise be subject to the Paperwork Reduction Act, including owner and operator requirements to bring a tank into service, pursuant to 40 C.F.R § 280.22, and owner and operator requirements to notify the implementing agency of any decision to permanently close or make a change-in-service at an UST system, pursuant to 40 C.F.R § 280.71.

OMB has already approved EPA's information collection requirements found in 40 C.F.R. Part 280.34 (a), which require owners and operators to cooperate fully with the implementing agency concerning submission of information for reporting and record

keeping. As such, the existing ICR covers this type of information collection by addressing the UST requirements identified in 40 CFR Part 280 Subpart C. In order to comply with these regulations, owners or operators of USTs must conduct tests, collect records, 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)).

In addition, 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, 280.71. Owners and operators must also maintain the information requested in sections 280.20(a)(4), 280.20(b)(3), 280.31, 280.33(f), 280.45, 280.74

The exiting ICR references this type of burden but did not estimate it. The burden and cost estimates for the additional reports that Region 9 plans to request will likely be incurred by the recipients in submitting these documents in response to the Region's requests. We estimate the burden to be as much as 1 hour and cost up to approximately \$7.00 per response for photocopying and postage for 500 facilities, for a total cost of up to approximately \$3500 annually.

If these notifications are faxed or emailed to the implementing agency then the cost of this additional burden and cost placed on this universe of UST owners and operators would be even less.

EPA requests that OMB approve this information collection request because the de minimis burden of having UST owners and operators send reporting and record keeping documentation to the implementing agency will substantially assist EPA in regulating the facility and improving compliance.