

**SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST NUMBER  
[1360.11]  
“PROPOSED REVISION OF INFORMATION COLLECTION REQUEST  
FOR UNDERGROUND STORAGE TANKS: TECHNICAL AND  
FINANCIAL REQUIREMENTS, AND STATE PROGRAM APPROVAL  
PROCEDURES (EPA NO. 1360.11, OMB NO. 2050-0068)”**

**(PROPOSED RULE)**

**September 2011**

***DRAFT ICR SUPPORTING STATEMENT***

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION.....	3
1(a)	Title and Number of the Information Collection.....	3
1(b)	Short Characterization.....	3
2.	NEED FOR AND USE OF THE COLLECTION.....	7
2(a)	Need and Authority for the Collection.....	7
2(b)	Practical Utility and Users of the Data.....	9
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA...	9
3(a)	Nonduplication.....	9
3(b)	Public Notice.....	9
3(c)	Consultations.....	9
3(d)	Effects of Less Frequent Collection.....	10
3(e)	General Guidelines.....	10
3(f)	Confidentiality.....	10
3(g)	Sensitive Questions.....	10
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED.....	11
4(a)	Respondents and SIC/NAICS Codes.....	11
4(b)	Information Requested.....	14
5.	THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.....	39
5(a)	Agency Activities.....	39
5(b)	Collection Methodology and Management.....	39
5(c)	Small Entity Flexibility.....	39
5(d)	Collection Schedule.....	40
6.	ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION.....	40
6(a)	Estimating Respondent Hours.....	40
6(b)	Estimating Respondent Costs.....	40
6(c)	Estimating Agency Hour and Cost Burden.....	42
6(d)	Estimating the Respondent Universe and Total Hour and Cost Burden.....	43
6(e)	Bottom Line Hour and Cost Burden.....	58
6(f)	Reasons for Change in Burden.....	59
6(g)	Burden Statement.....	60

## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### ***1(a) Title and Number of the Information Collection***

This Information Collection Request (ICR) is titled “Proposed Revision Of Information Collection Request For Underground Storage Tanks: Technical And Financial Requirements, And State Program Approval Procedures (EPA No. 1360.11, OMB No. 2050-0068).”

### ***1(b) Short Characterization***

Subchapter IX of the Solid Waste Disposal Act (SWDA), 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 proposed revisions of the technical requirements for owners and operators of USTs in Title 40 of the Code of Federal Regulations (40 CFR) part 280. These proposed revisions establish key requirements that are similar to the Energy Policy Act of 2005. These revisions were proposed to ensure equipment is working and will further prevent releases and protect human health and the environment.

This ICR examines the UST information collection requirements of the proposed revisions of 40 CFR part 280. The baseline paperwork burden of 40 CFR part 280 without the proposed revisions is described in the currently approved ICR (EPA No. 1360.11, OMB No. 2050-0068). After the publication of the final amendments to 40 CFR part 280, the ICR will be updated to reflect the total burden imposed by the regulation. The ICR presents all proposed 40 CFR part 280 requirements that apply to owners and operators under the heading “Owner and Operator Respondents.” A number of states have already implemented regulations similar to the proposed additions to part 280. This ICR only considers the burdens imposed on those UST systems and facilities not already subject to state regulations equivalent to the proposed additions to part 280. In addition, under the heading “State Agency Respondents,” this ICR examines the burden on states in reading the regulations, processing notification forms resulting from new notification requirements, and submitting state program approval applications or revising their previously-approved state program approval applications.

The type of information to be collected as a result of the proposed revisions includes records of inspections, testing results, and the operation of UST systems, to demonstrate compliance with regulations. Most records will be maintained at UST facilities. Notification forms will be submitted to the appropriate state implementing agency. The records will help state agencies determine whether owners and operators performed proper operation and maintenance of their UST systems. Newly submitted or revised state program approval applications will be reviewed by EPA to verify that states have adjusted their programs to be consistent with the new regulations. EPA estimates the annual respondent burden to be approximately 2.3 million hours and \$135 million. The proposed revisions and their associated information collection requirements are discussed briefly below.

## **(1) Owner and Operator Respondents**

Section 6991b of SWDA specifies statutory requirements for new and existing tanks. Part 280 contains 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 responsibility requirements for owners and operators of USTs are found in 40 CFR part 280. EPA has proposed revisions of 40 CFR part 280 that establish key requirements related to secondary containment and operator training that are similar to the Energy Policy Act of 2005, add operation and maintenance requirements, provide for other changes to improve release prevention and detection and program implementation, and make general updates to the regulations. In addition, proposed revisions remove deferrals from UST systems with field-constructed tanks (FCTs), airport hydrant fuel distribution systems (AHFDSs) and wastewater treatment tank systems (WWTTSs) and require that they meet specified regulations at 40 CFR part 280. Proposed revisions also remove the release detection deferral from emergency generator tanks (EGTs) (i.e., fuel storage tanks used by emergency power generators). A brief summary of the information collection requirements associated with each proposed revision to UST regulations is provided below. In addition, existing information collection requirements that will apply to currently deferred UST systems are discussed. 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) Subpart B: UST Systems: Design, Construction, Installation, and Notification**

EPA promulgated the performance standards for new and existing UST systems in 40 CFR part 280, subpart B. §280.22 describes the notification requirements for new UST systems. Proposed revisions require that new owners of a regulated UST system submit a notice of the ownership change to the implementing agency within 30 days of acquisition and that owners of previously deferred UST systems submit a notice of ownership within 30 days of the effective date of the proposed regulations. The proposed revisions will make FCTs, AHFDSs, and WWTTSs subject to subpart B three years after the effective date of the regulations (i.e., not during this three-year ICR period).

**(b) Subpart C: General Operating Requirements**

EPA proposed UST general operating requirements in 40 CFR part 280, subpart C. In order to comply with these regulations, owners and operators of USTs must conduct tests and collect, record, and maintain records of all sampling, monitoring, testing, and inspections. Information collection requirements of the proposed revisions associated with general operating requirements include:

- Testing and recordkeeping for operation and maintenance of corrosion protection testing.

The proposed revision above applies only to FCTs, AHFDSs, and WWTTSSs. Except for new installations, these systems will be subject to this requirement three years after the effective date of the regulation (i.e., not during this three-year ICR period).

- Recordkeeping to demonstrate compatibility of the UST system with the product stored;
- Periodic testing of spill and overfill prevention equipment;
- Periodic testing and recordkeeping of secondary containment;
- Testing and recordkeeping following repairs to release prevention components; and
- Periodic operation and maintenance walkthrough inspections and associated recordkeeping.

The proposed revisions apply to all regulated UST systems. Except for new installations, FCTs, AHFDSs, and WWTTSSs will be subject to this requirement three years after the effective date of the regulation (i.e., not during this three-year ICR period).

**(c) Subpart D: Release Detection**

EPA promulgated release detection standards in 40 CFR part 280, subpart D. Owners and operators must check UST systems for releases at least every 30 days, test the operability of release detection, and maintain records of all sampling, monitoring, testing, and inspections. In addition, EPA is proposing alternatives to traditional release detection monitoring for FCTs and AHFDSs. Information collection requirements of the proposed revisions associated with release detection include:

- Release Detection for Tanks (§280.43);
- Release Detection for Piping (§280.44);
- Release Detection Recordkeeping (§280.45);
- Alternative methods of release detection for FCTs greater than 50,000 gallons in volume (§280.46); and
- Alternative methods of release detection for bulk piping associated with FCTs and AHFDSs (§280.47).

EGTs will be subject to subpart D one year after the effective date of the regulations. FCTs, AHFDSs, and WWTTSSs subject to subpart D three years after the effective date of the regulations (i.e., not during this three-year ICR period). Information collection requirements include:

- Release detection operability testing and recordkeeping for tanks and piping.

This proposed revision applies to all regulated UST systems. Except for new installations, FCTs, AHFDSs, and WWTTSSs will be subject to this requirement three years after the effective date of the regulation (i.e., not during this three-year ICR period).

**(d) Subpart E: Release Reporting, Investigation, and Confirmation**

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

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

The proposed revisions will make FCTs, AHFDSs, and WWTTSSs subject to subpart E on the effective date of the regulations.

**(e) Subpart G: Out-of-Service UST Systems and Closure**

EPA promulgated out-of-service and closure standards in 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 §280.74. The information collection requirements associated with UST closure are contained in the following CFR sections:

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

The proposed revisions will make FCTs, AHFDSs, and WWTTSSs subject to subpart G on the effective date of the regulations.

**(f) Subpart H: Financial Responsibility**

EPA promulgated financial responsibility requirements in 40 CFR part 280, subpart H. Owners and operators must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases.

The proposed revisions will make FCTs, AHFDSs, and WWTTSs subject to subpart H on the effective date of the regulations.

### **(g) Subpart J: Operator Training**

Proposed revisions require owners and operators of UST systems to designate, train, and maintain records for Class A, Class B, and Class C operators for each UST facility. Operators must complete a training program or pass a comparable examination and maintain training status for as long as they are designated as an operator.

### **(2) State Agency Respondents**

Under the proposed revisions, state implementing agencies that do not currently have a requirement for notification of changes in UST ownership or for at least an annual UST registration must process a certain number of notices due to annual turnover in facility ownership. Eight states and territories do not currently have recordkeeping requirements consistent with the proposed regulation.<sup>1</sup> Each state agency will incur burden to process the one-time notifications of existence for EGTs, AHFDSs, and FCTs.

Under the authority of section 6991c of SWDA, EPA developed procedures for states to apply for approval to implement a state program in lieu of the federal program, and revise previously approved programs. EPA promulgated regulations in 40 CFR 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).

To accommodate the proposed revisions, states will need to need to submit for program approval or revise their previously-approved program applications to be consistent with the new proposed revisions, once finalized.

## **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 proposed revisions to aspects of management of USTs, UST owner and operator duties, and states submitting state program approval applications or revised versions of previously-approved state program approval applications. This data collection is critical for detecting releases from leaking UST systems, spills, and overfills. The UST reporting and recordkeeping requirements are intended to yield valuable information on UST systems and to ensure prompt action when releases are detected.

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<sup>1</sup> These states are Arizona, Georgia, Idaho, North Carolina, North Dakota, Nevada, and South Carolina. The Virgin Islands will also incur this burden.

### **(1) Owner and Operator Respondents**

Subchapter IX of SWDA, as amended, contains UST statutory requirements. Section 6991a of SWDA, as amended, directs EPA to promulgate notification requirements for new USTs. Submitted notifications help EPA track the number and location of new USTs and their design specifications. EPA needs to collect this information to ensure that new USTs meet design standards and other requirements.

Section 6991b of SWDA, 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. EPA is proposing new regulations to ensure equipment is working and will further prevent releases and protect human health and the environment.

### **(2) State Agency Respondents**

Subtitle I of SWDA allows state UST programs approved by EPA to operate in lieu of the federal program. Owners and operators in states that have an approved UST program do not have to deal with two sets of statutes and regulations (state and federal) that may be conflicting. Even for states without state program approval, EPA enters into grant/cooperative agreements with state programs, and the state program is designated as the primary implementing agency.

The proposed rule imposes new UST program administration requirements on state implementing agencies. Notification forms will be used to confirm ownership changes and the existence of FCTs, AHFDSs, WWTTs, and EGTs. Section 6991c of SWDA, 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 its regulations. As a result of the proposed revisions, states will need to apply for state program approval or revise their previously-approved applications to be consistent with the proposed part 280 revisions. 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, operations, and releases.

### **2(b) Practical Utility and Users of the Data**



### **(1) Owner and Operator Respondents**

The data collected for new and existing UST system operations are used by the owners, operators, and the implementing agencies. 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 are used by the implementing agency to monitor compliance with UST regulations.

### **(2) State Agency Respondents**

State implementing agencies will use notification forms to confirm ownership changes and the existence of FCTs, AHFDSs, WWTTs, and EGTs. EPA uses state program applications to determine whether to approve state programs. 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**

Information required by the proposed revisions will not be available from any source but the respondents.

### **3(b) Public Notice**

A 60 day comment period will be opened on the date of publication of the proposed rule and any comments submitted will be addressed in the final rule.

### **3(c) Consultations**

The underlying assumptions in this ICR (e.g., burden-hour estimates) are based on EPA consultations with UST experts, undertaken through its consultant Industrial Economics, Inc., to assess the benefits and costs of the proposed revisions. In instances where information on underlying assumptions was not available through the expert consultation process, EPA used the currently-approved ICR Number 1360.11 “Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures” as a basis for assumptions.<sup>2</sup>

The non-EPA experts consulted to assess the benefits and costs of the proposed revisions are shown in Table 1.

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<sup>2</sup> This ICR is currently undergoing a renewal under ICR Number 1360.12.

<b>Name of Organization</b>	<b>Name of Contact Person</b>	<b>Telephone Number</b>
Ben Thomas Associates	Ben Thomas	360-321-4776 360-661-5497
Purpora Engineering, LLC	Steve Purpora	262-268-1150
Independent consultant	Thomas Schruben	301-933-1969
Mighty Wind Environmental Consultants	Carl Jeffries	530-550-8087
Mott-Smith Consulting Group	Marshall Mott-Smith	850-591-1434

**Table 1**  
**Non-EPA Experts Consulted**

### ***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; to the extent possible, the Agency has attempted to minimize the burden imposed. If the minimum information collection requirements specified under the proposed revisions 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 5 CFR 1320.5(d)(2)). The only instances in which UST owner or operators would be required to provide a written response in fewer than 30 days pertain to reporting of suspected releases (§280.50) and reporting of cleanup of spills and overfills (§§280.53(a-b)).

### ***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 for 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***

Table 2 lists the 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 associated with the proposed revisions covered in this ICR. Other sectors anticipated to be affected by the information collection requirements in the proposed revisions not shown in Table 2 include local, state, and federal governments.

**Table 2**  
**SIC/NAICS Codes of Affected Industries**

<b>SIC Code</b>	<b>SIC Code Description</b>	<b>NAICS Code</b>	<b>NAICS Code Description</b>
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	325510	Paint and Coating Manufacturing
2869	Industrial Organic Chemicals	325110	Petrochemical Manufacturing
		325188	All Other Basic Inorganic Chemical Manufacturing
		325193	Ethyl Alcohol Manufacturing
		325120	Industrial Gas Manufacturing
		325199	All Other Basic Organic Chemical Manufacturing
2899	Chemical Preparations	325510	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	324110	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
		332710	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
		336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
		336340	Motor Vehicle Brake System Manufacturing
		336350	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
		484110	General Freight Trucking, Local
		484210	Used Household and Office Goods Moving
		484220	Specialized Freight (except Used Goods) Trucking, Local
4911	Electric Services	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
		486210	Pipeline Transportation of Natural Gas
5171	Petroleum Bulk Stations and Terminals	454311	Heating Oil Dealers
		454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
		424710	Petroleum Bulk Stations and Terminals
5511	New and Used Car Dealers	441110	New Car Dealers
5541	Gasoline Service Stations	447110	Gasoline Stations with Convenience Stores
		447190	Other Gasoline Stations
5311	Supercenters	452910	Warehouse Clubs and Superstores
7538	General Automotive Repair Shops	811111	General Automotive Repair
9511	Air and Water Resource and Solid Waste Management	924110	Administration of Air and Water Resource and Solid Waste Management Programs

## **4(b) Information Requested**

In the following paragraphs, this ICR describes the information collection requirements for owner and operator respondents.

### **(1) Owner and Operator Respondents**

Regulations in 40 CFR part 280 contain technical and financial responsibility requirements for owners and operators of USTs. The revised part 280 will include subparts A through J. This ICR summarizes the information collection requirements of proposed revisions to part 280, and associated data items and respondent activities, in the order in which they would appear in part 280. The following part 280 subparts are applicable:

- 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);
- Out-of-Service UST Systems and Closure (subpart G);
- Financial Responsibility (subpart H);
- Operator Training (subpart J).

In each subsection the proposed new information collection requirements applicable to all regulated USTs are presented first. The proposed revisions would remove deferrals from WWTTSs, AHFDSs, and FCTs, and require that they meet specified UST requirements. The proposed revisions would also remove the release detection deferral from EGTs. Information collection requirements for previously-deferred UST systems are discussed at the end of each subsection.

#### **(a) Subpart B: UST Systems: Design, Construction, Installation, and Notification**

##### **(a1) Notification Requirements**

§280.22 describes the notification requirements for UST systems. Proposed revisions would require that any person who assumes ownership of a regulated UST system must within 30 days of acquisition, submit a notice of the ownership change to the implementing agency. EPA developed a short ownership change notification form for owners and operators to submit to implementing agencies. Proposed revisions would also require owners of previously deferred UST systems (including EGTs) to submit a notice of ownership within 30 days of the effective date of the proposed regulations. 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).

- (i) Data Items:
  - Notice of ownership change; and
  - Notification from owners of previously deferred UST systems.
- (ii) Respondent Activities:
  - Prepare and submit notification form within 30 days of assuming ownership of an UST system; and
  - For owners of a previously deferred UST system, prepare and submit notification form within 30 days of the effective date of the proposed regulations.

[NOTE: For UST systems undergoing a change of ownership, completion of only a simple notification form would be required. For previously deferred UST systems, completion of a longer notification form would be required.]

**(a2) *Application of Existing Requirements to Previously Deferred UST Systems***

Aside from the one-time notification that would be required from previously-deferred UST systems, the rest of subpart B would become effective for AHFDSs, FCTs, and WWTTs three years after the effective date of the regulations (i.e., after the three-year period of this ICR). Therefore, these requirements are not discussed here.

**(b) Subpart C: General Operating Requirements**

**(b1) *Operation and Maintenance of Corrosion Protection***

Current §§280.31(d)(1) and (2) require owners and operators of all UST systems except for WWTS, AHFDs, and FCTs to maintain records that demonstrate compliance with performance standards for UST systems using cathodic protection as long as the UST system is used to store a regulated substance.<sup>3</sup> Proposed revisions would remove this deferral from WWTTs, AHFDSs, and FCTs and require that owners and operators of these systems comply with existing corrosion protection requirements. Owners and operators of metal WWTTs, AHFDSs, and FCTs systems with corrosion protection must comply with the existing §280.31 requirements until the UST system is permanently closed or undergoes a change-in-service pursuant to §280.71.

- (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 tests of the cathodic protection system (§§280.31(b)(1) and (2)); and

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<sup>3</sup> All UST systems subject to the existing regulations are covered under currently-approved ICR Number 1360.11 “Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures.”

- o For tanks using impressed cathodic protection systems, results of the last three tests 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 test for impressed current cathodic protection systems every 60 days; and
- Maintain records until the UST system is permanently closed or undergoes a change-in-service.

**(b2) Compatibility**

Proposed revisions would require that owners and operators storing a blend of more than 10 percent alcohol, or a blend of more than 20 percent biodiesel, with one or more regulated substances, or storing any other regulated substance identified by the implementing agency, maintain records to demonstrate compatibility of the UST system with the product stored. Owners and operators must maintain these records for the life of the equipment. Proposed revisions would require that owners and operators maintain records for all UST system equipment (in accordance with §280.34) installed or replaced after the effective date of the regulations. Each record must include the date of installation or replacement, manufacturer, and model information. Owners and operators must maintain these records for the life of the equipment.

(i) Data Items:

- Records that demonstrate compatibility of the UST system with the product stored; and
- Records that document installation or replacement of UST system equipment.

(ii) Respondent Activities:

- Demonstrate compatibility with an independent testing laboratory listing, labeling or approval; a manufacturer's approval of the compatibility of UST system components; or another method determined by the implementing agency; and
- Maintain records for the life of the equipment.



**(b3) Periodic Testing of Spill and Overfill Prevention Equipment**

Proposed revisions require that owners and operators test spill and overfill prevention equipment to ensure the equipment is operating properly and will prevent releases to the environment. Spill prevention equipment must be tested at installation and at least once every 12 months to ensure the spill prevention equipment is liquid tight. Overfill prevention equipment must be tested at installation and at least once every three years. Records for spill prevention equipment testing and overfill prevention equipment testing must be maintained for three years.

For spill prevention equipment not tested every 12 months, documentation is required showing that the spill prevention equipment has two walls and is monitored continuously. Owners and operators must maintain this documentation for as long as the spill prevention equipment is monitored continuously, and for three additional years after continuous monitoring ends.

(i) Data Items:

- Records that demonstrate that spill and overfill prevention equipment is operating properly.

(ii) Respondent Activities:

- Conduct tests of spill and overfill prevention equipment at installation;
- Conduct tests of spill prevention equipment at least every 12 months;
- Conduct tests of overfill prevention equipment at least every three years; and
- Maintain records for at least three years.

**(b4) Periodic Testing of Secondary Containment**

Proposed revisions require that owners and operators of UST systems with secondary containment using interstitial monitoring ensure the integrity of all interstitial areas. The interstitial space of the tank must either be continuously monitored or the integrity of the interstitial space of the tank must be tested at least once every three years by using vacuum, pressure, or liquid testing. The interstitial space of UST system piping must either be continuously monitored using vacuum, pressure, or a liquid-filled interstitial space or the integrity of the interstitial space must be ensured at least once every three years by using vacuum, pressure, or liquid testing. Containment sumps must have two walls and the space between the walls must be continuously monitored or the containment sump must be tested at least every three years to ensure the containment sump is liquid tight by using vacuum, pressure, or liquid testing.

Owners and operators must maintain records for three years for each tank, piping, and containment sump that uses interstitial monitoring or maintain records demonstrating that: the tank is using continuous interstitial monitoring; the piping is using continuous interstitial monitoring with vacuum, pressure, or liquid-filled interstitial space; and the containment sump is secondarily contained and uses continuous interstitial monitoring. Owners and operators must maintain these records for as long as the tank, piping, or containment sump uses one of these

continuous methods of interstitial monitoring, and for three additional years after continuous monitoring ends.

(i) Data Items:

- Records that demonstrate that secondary containment equipment is operating properly.

(ii) Respondent Activities:

- Conduct integrity tests of all interstitial areas continuously or at least once every three years.
- Maintain records for at least three years or as long as the tank, piping, or containment sump uses one of these continuous methods of interstitial monitoring, and for three additional years after continuous monitoring ends.

**(b5) Testing Equipment After Repair**

Proposed revisions require that UST systems with secondary containment be tested within 30 days following the completion of any repair. Tanks using interstitial sensors must be tested using a vacuum, pressure, or liquid-filled method or another test method that is determined by the implementing agency. Repaired spill or overfill prevention equipment must be tested within 30 days following to ensure it is operating properly. Current regulations require owners and operators to maintain records of repairs for the remaining operating life of the UST system. Proposed revisions require UST system owners and operators to maintain records of each repair until the UST system is permanently closed or undergoes a change-in-service.

(i) Data Items:

- Records of each UST system repair until the system is permanently closed or undergoes a change-in-service.

(ii) Respondent Activities:

- Conduct a test after each repair to secondary containment and spill or overfill prevention components; and
- Maintain records.

**(b6) Periodic Operation and Maintenance Walkthrough Inspections**

Proposed revisions require that owners and operators must conduct a walkthrough inspection at least once every 30 days that includes inspection of spill prevention equipment, sumps, dispensers, monitoring or observation wells, cathodic protection, and release detection systems. Owners and operators must maintain records of operation and maintenance walkthrough inspections for one year. The record must include a listing of each area checked, whether each

area checked was acceptable or needed to have any action taken, and a description of any actions taken to correct an issue.

(i) Data Items:

- Records that document monthly walkthrough inspections of UST systems.

(ii) Respondent Activities:

- Conduct walkthrough inspections of UST facility to properly operate and maintain UST systems at least once every 30 days; and
- Maintain records for at least one year.

**(b7) Application of Existing Requirements to Previously Deferred UST Systems**

Subpart C would become effective for FCTs, AHFDSs, and WWTTs three years after the effective date of the regulations (i.e., after the three-year period of this ICR). Therefore, these requirements are not discussed here. Any installations of FCTs, AHFDSs, and WWTTs after the effective date of the regulation must meet all 40 CFR part 280 requirements at the time of installation. This ICR assumes that no new installations will occur for these systems.

**(c) Subpart D: Release Detection**

**(c1) General Requirements**

The proposed revisions would require that owners and operators of UST systems provide a method of release detection that is operated and maintained in accordance with manufacturer's instructions, a code of practice developed by a nationally recognized association or independent testing laboratory, or requirements developed by the implementing agency. The proposed revisions would require that a test of the proper operation be performed at least annually and, at a minimum and as applicable to the facility, include automatic tank gauges, probes and sensors; line leak detectors; and vacuum pumps. The results of annual operation tests would need to be maintained for three years.

The results, at a minimum, would need to list each component tested, whether each component tested met criteria or needed to have action taken and a description of any action taken to correct an issue. Results of tank tightness testing or bulk tank tightness testing conducted in accordance with requirements must be retained until the next test is conducted.

In addition, owners and operators of previously deferred USTs must maintain written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on site for at least one year after any servicing work is completed, or for another reasonable time period determined by the implementing agency. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five years from the date of installation.

EPA proposes to specifically list statistical inventory reconciliation as a release detection option in the regulation. Since this method of release detection is already allowed under the “other methods” portion of the current regulation, EPA does not cost out this option.

[NOTE: The proposed revisions provide alternative methods of release detection for FCTs greater than 50,000 gallons in volume and for piping associated with FCTs and AHFDSs.]

(i) Data Items:

- Records of annual tests of release detection equipment; and
- Records of calibration, maintenance, and repairs of release detection equipment.

(ii) Respondent Activities:

- Annually test electronic and mechanical components of release detection method(s) in accordance with manufacturer’s instructions, a code of practice developed by a nationally recognized association or independent testing laboratory, or requirements developed by the implementing agency;
- Maintain results of annual operation tests for three years. The results, at a minimum, must list each component tested, whether each component tested met criteria or needed to have action taken and a description of any action taken to correct an issue; and
- Maintain records of tank tightness testing or bulk tank tightness testing until the next test is conducted.

***(c2) Application of Existing Requirements to Previously Deferred UST Systems***

One year after the effective date of the revised regulations, EGTs must comply with subpart D. FCTs and AHFDSs must comply with subpart D three years after the effective date of the revised regulations. Any installations of AHFDSs, FCTs, and WWTTSs after the effective date of the regulations must meet all 40 CFR part 280 requirements at the time of installation. This ICR assumes that no new installations will occur for these systems. The requirements of the revised subpart D are described briefly below.

***(c2.1) Release Detection for Tanks***

§280.43 specifies methods that UST owners and operators may use to meet the release detection requirements for tanks at §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, 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,<sup>4</sup> 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 testing 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)).
  - 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));
  - A demonstration for another release detection method (§280.43(h)(2)) and monthly records of another approved release detection method (§280.43(h)(2));<sup>5</sup> or
  - Records of alternative release detection for FCTs (§280.46).
- (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;<sup>6</sup>
  - If using manual tank gauging with tank tightness testing, record two consecutive tank liquid level measurements at the beginning and end of a minimum time period each week, reconcile measurements monthly, and perform tank tightness testing;<sup>7</sup>
  - If using manual tank gauging only (i.e., without tank tightness testing), record two consecutive tank liquid level measurements at the beginning and end 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;
  - If using vapor monitoring, record results of monthly vapor monitoring;

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<sup>4</sup> Tanks exceeding a 2,000-gallon capacity may not use this method of release detection.

<sup>5</sup> Under the proposed revisions, §280.43(h)(2) will become §280.43(i)(2).

<sup>6</sup> If an UST system meets the performance standards in §280.20 or §280.21, product inventory control may be used in conjunction with tank tightness testing every five years until 10 years after installation of the tank (see §280.41(a)(1)).

<sup>7</sup> See previous footnote.

- If using groundwater monitoring, record results of monthly groundwater monitoring;
- If using interstitial monitoring, record results of monthly interstitial monitoring;
- If wishing to use an alternative technology, prepare and submit a demonstration for an alternative release detection method and, if necessary, record monthly results; and/or
- If using alternative release detection for FCTs, conduct tank tightness testing and/or automatic tank gauging.

***(c2.2) Release Detection for Piping***

§280.44 specifies methods that UST owners and operators may use to meet the release detection requirements for piping at §280.41(b). Owners and operators are required to maintain one or more of 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)); records from a line tightness test conducted per §280.44(b); records from any of the methods identified in §§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));
- Records of alternative release detection for bulk piping associated with FCTs or AHFDSs (§280.47).

(ii) Respondent Activities:

- Conduct and record annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements;
- Conduct and record results of an annual line tightness test;
- Conduct and record results of monthly monitoring;
- Conduct alternative release detection for bulk piping associated with FCTs greater than 50,000 gallons in volume or AHFDSs.

***(c2.3) Release Detection Recordkeeping***

§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 and bulk 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.

**(d) Subpart E: Release Reporting, Investigation, and Confirmation**

***(d1) Application of Existing Requirements to Previously Deferred UST Systems***

Following approval of the proposed revisions, FCTs, AHFDSs, and WWTTs must comply with subpart E. These requirements are described briefly below.

***(d1.1) Reporting of Suspected Releases***

§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 for a smaller release if it 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 §§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, recalibration, 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 to the implementing agency.

***(d1.2) Reporting and Cleanup of Spills and Overfills***

§§280.53(a) through (b) require owners and operators to immediately contain and clean up 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 the Comprehensive Environmental Response, Compensation, and Liability Act (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 cleanup 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.



**(e) Subpart G: Out-of-Service UST Systems and Closure**

There are no proposed revisions of subpart G that would apply to all regulated USTs.

**(e1) Application of Existing Requirements to Previously Deferred UST Systems**

Following approval of the proposed revisions, FCTs, AHFDSs, and WWTTs must comply with subpart G requirements. These are described briefly below.

**(e1.1) Permanent Closure and Change-in-Service Notification**

§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. The notification can be made using section X of the general notification form, available on the EPA Office of Underground Storage Tank's website. After notifying, but before completing a closure or change-in-service, the owner and operator must complete an excavation zone assessment under §280.72(a).

(i) Data Item:

- Notification of closure 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.

**(e1.2) Closure Records**

§280.74 requires owners and operators to maintain records in accordance with §280.34 that are capable of showing compliance with closure requirements. Owners and operators also are required to maintain results of the excavation zone assessment required in §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.

**(f) Subpart H: Financial Responsibility**

There are no proposed revisions of subpart H that would apply to all regulated USTs.

**(f1) Application of Existing Requirements to Previously Deferred UST Systems**

If the proposed revisions are approved, FCTs, AHFDSs, and WWTTSs would need to comply with subpart H requirements on the effective date of the regulations. These are described briefly below.

**(f1.1) Financial Responsibility Mechanisms**

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

Owners and operators may use any one or combination of the mechanisms listed in §§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 §§280.104 through 280.107. Each of these options is described in detail below.

**Financial Test of Self Assurance**

§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 §280.95(b) or 280.95(c).

**(i) Data Items:**

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

- A letter signed by the Chief Financial Officer (CFO), worded exactly as in §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 §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 §280.95(d) (§280.95(c)(4)); and

- A special report from an independent CPA, if annual financial statements were not submitted to the Securities and Exchange Commission, 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 §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 U.S. Securities and Exchange Commission, 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 10 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 §280.110 (reporting) and §280.111 (recordkeeping).]

### **Guarantee**

§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 §280.95(d) (§280.96(a));
  - A guarantee, as specified in §280.96(c); and
  - A standby trust agreement worded exactly as in §280.103(b) (§280.96(d)). [The trust agreement burden is covered 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 §280.111 (recordkeeping).]

### **Insurance and Risk Retention Group Coverage**

§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 §280.111 (recordkeeping).]

### **Surety Bond**

§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 §280.98(b); and

- A standby trust agreement worded exactly as in §280.103(b) (§280.98(d)). [The trust agreement burden is covered 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 §280.111 (recordkeeping).]

### **Letter of Credit**

§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 §280.99(b); and
  - A standby trust agreement worded exactly as in §280.103(b) (§280.99(c)). [The trust agreement burden is covered 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 §280.111 (recordkeeping).]

### **Use of State-Required Mechanisms**

§280.100 allows UST owners and operators in states without program approval to satisfy the requirements of §280.93 by using a state-required financial mechanism, if approved by the EPA region. The owner or operator, state, or any other party may request approval.

- (i) Data Items:
- A written petition requesting that one or more of the state-required mechanisms be considered for meeting §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 §280.110 (reporting) and §280.111 (recordkeeping).]

### **State Fund or Other State Assurance**

§280.101 allows UST owners and operators in states without program approval to satisfy the requirements of §280.93 by using a state fund or other state assurance, if approved by the EPA region. To satisfy the requirements of §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 §280.111 (recordkeeping).]

### **Trust Fund**

§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 §280.103(b)(1), accompanied by formal certification of acknowledgment as specified in §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:
  - Release report.
  - 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 §280.110 (reporting) and §280.111 (recordkeeping).]

### **Standby Trust Fund**

§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 §§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 §280.103(b)(1) accompanied by formal certification of acknowledgment as specified in §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 §280.111 (recordkeeping).]

### **Local Government Bond Rating Test**

§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 §280.93 by having outstanding issues of bonds of \$1 million 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 §280.104(d) for a general purpose local government owner or operator and/or guarantor, or as stated in §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 §280.110 (reporting) and §280.111 (recordkeeping).]

### **Local Government Financial Test**

§280.105 states that a local government UST owner or operator may satisfy the requirements of §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 §280.105(c) (§280.105(b)(3));
- Current records of financial condition (§280.105(e)); and
- Notice within 10 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 10 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 §280.110 (reporting) and §280.111 (recordkeeping).]

### **Local Government Guarantee**

A local government owner or operator may satisfy the requirements of §280.93 by obtaining a guarantee as specified in §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 §280.104 and a copy of the CFO letter in §280.104(c) (§280.106(a)(1)); or
- A demonstration of meeting the worksheet test requirements of §280.105 and a copy of the CFO letter in §280.105(c) (§280.106(a)(2)); or



- A demonstration of meeting the local government fund requirements of §280.107(a), 280.107(b), or 280.107(c) and a copy of the CFO letter in §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 §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 §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 §280.110 (reporting) and §280.111 (recordkeeping).]

**Local Government Fund**

§280.107 states that a local government owner or operator may satisfy the requirements of §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 §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 §280.111 (recordkeeping).]

**Substitution of Financial Assurance Mechanisms by the Owner or Operator**

§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 §280.110 (reporting) and §280.111 (recordkeeping).]

***(f1.2) 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 §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.

***(f1.3) Reporting***

§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 §280.111(b).

(ii) Respondent Activities:

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

***(f1.4) Recordkeeping***

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

***(f1.5) Bankruptcy or Other Incapacity***

§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 10 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 §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 §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 10 days of commencement of bankruptcy procedures; and
  - If necessary, prepare and submit a notification of inability to obtain alternate financial assurance within 30 days.

**(g) Subpart J: Operator Training**

Proposed revisions require that all owners and operators of UST systems designate Class A, Class B, and Class C operators for each facility. Operators must complete a training program or an examination. The evaluation part of the training program and the examination must be developed and administered by an independent organization or the implementing agency or delegated authority. Owners and operators of UST systems must maintain a list of designated Class A, Class B, and Class C operators and maintain records verifying that training and retraining, as applicable, have been completed. Records verifying completion of training or retraining must be in hard-copy or electronic format for the Class A, Class B, and Class C operators. The records, at a minimum, must identify the name of the trainee, the date trained, and the operator training class completed. Owners and operators must maintain these records for as long as the Class A, Class B, and Class C operators are designated.

- (i) Data Items:
- Written or electronic documentation verifying completion of operator training for all Class A, Class B, and Class C operators.
- (ii) Respondent Activities:
- Complete relevant operator training or retraining requirements; and
  - Maintain records for operator training for as long as the Class A, Class B, and Class C operators are designated, as follows:
    - Records verifying completion of training or retraining must be in hard-copy or electronic format for the Class A, Class B, and Class C operators. The records, at a minimum, must identify the name of the trainee, the date trained, and the operator training class completed. The following requirements also apply to the following types of training:

- Records from in-class or in-the-field training programs or a comparable examination must, at a minimum, be signed by the trainer or examiner and list the printed name of the trainer or examiner and the company name, address, and phone number;
- The records from computer-based training must, at a minimum, indicate the name of the training program and Web address if Internet-based; and
- The records of retraining must include those areas on which the Class A or Class B operator has been retrained.

## **(2) State Agency Respondents**

§280.22 describes the notification requirements for UST systems. Proposed revisions would require that any person who assumes ownership of a regulated UST system submit a notice of the ownership change to the implementing agency within 30 days of acquisition. Proposed revisions would also require owners of previously deferred UST systems (including EGTs) to submit a notice of ownership within 30 days of the effective date of the proposed regulations. States will need to process the notification forms resulting from the proposed revisions.

### **(i) Data Items:**

- Notification form indicating change in ownership from any person who assumes ownership of a regulated UST system;
- One-time notification of existence for EGTs, AHFDSs, FCTs, and WWTTs.

### **(ii) Respondent Activities:**

- Process notification form indicating change in ownership from any person who assumes ownership of a regulated UST system; and
- Process one-time notification of existence for EGTs, AHFDSs, FCTs and WWTTs.

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 EPA. Part 281 is divided into six subparts (i.e., subparts A through F). As a result of the proposed revisions, states (or territories) will need to apply for state program approval (subparts B, D and E) or revise a previously-approved state program application (subpart E). Data items and respondent activities will vary depending upon whether a state is submitting for state program approval or seeking approval for revisions to a previously-approved state program approval application. Data items and respondent activities for submitting for state program approval are listed first, followed by data items and respondent activities for states submitting for revisions to previously-approved state program approval applications.

(i) Data Items for States Submitting State Program Approval Applications as a Result of Proposed Revisions:

- Transmittal letter from the governor of the state requesting program approval (§281.20(a));
- State program application (§§281.20(b), 281.20(c)) 281.21, 281.21, 281.20(g));
- Memorandum of Agreement (MOA) concerning roles and responsibilities of EPA and the state (§§281.24 and 281.20(e));
- Attorney general's statement that the laws of the state are sufficiently stringent to enforce the state program proposed (§§281.25 and 281.20(f)); and
- Notification soliciting public comment on development of underground storage tank program (§281.50(b)).

(ii) Respondent Activities:

- Obtain a transmittal letter from the governor's office;
- Submit the letter to the implementing agency;
- Prepare and submit the description of the program (i.e., the application), including description of compliance monitoring and enforcement policies and procedures, including judicial review procedures;
- Negotiate an MOA with EPA;
- Prepare and submit the MOA with the program application;
- Draft and submit the statement from the attorney general;
- Submit copies of all applicable state statutes and regulations; and
- Issue notification and receive and review public comments.

(iii) Data Items for States Submitting Revisions to Previously-Approved State Program Approval Applications as a Result of Proposed Revisions:

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

(iv) Respondent Activities:

- Collect and submit information on changes in regulations or shifts in responsibilities (§281.52(a); and
- Prepare and submit revised application, if requested by EPA (§281.52(b)).

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

This section discusses how 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) Owner and Operator Respondents**

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

#### **(2) State Agency Respondents**

This ICR assumes that the state implementing agency will review and file notification forms resulting from the proposed revisions submitted by UST owner and operators. States applying for state program approval or revising and resubmitting approved state program approval applications must follow procedures in 40 CFR part 281. EPA must review and file new or revised state program applications and all associated information, as described in §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.

### **5(b) *Collection Methodology and Management***

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

### **5(c) *Small Entity Flexibility***

In the proposed revisions covered under this ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses.

## **5(d) Collection Schedule**

### **(1) Owner and Operator Respondents**

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, certification of compliance with corrosion protection and system installation, alternative technology information and demonstrations, closure records, and change-in-service forms.
- *On-going collections*: Performance of release detection; maintenance of installation, inspection, repair, and release detection.
- *Special circumstance collections*: Release reporting and response information, including site information, and chemical property and health information.

### **(2) State Agency Respondents**

In response to the proposed revisions, EPA anticipates requesting that states submit state program approval applications or revise and resubmit their approved state program approval applications. EPA anticipates collecting all submitted information according to the following frequency:

- *One-time collections*: Complete new or revised program application.

## **6. ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION**

### **6(a) Estimating Respondent Hours**

Exhibits 1a, 1b, 1c, and 2 present EPA's estimates of the information collection burdens on respondents for all the requirements covered in this ICR. Exhibits 1a, 1b, and 1c cover the information collection burdens on owners and operators. Exhibit 2 covers the information collection burdens on state agencies. The burden estimates for each activity presented in these exhibits 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 1a, 1b, 1c, and 2. These costs are based on the cost of labor, capital, and operation and maintenance (O&M).



## Labor Costs

Table 3 shows the estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities/contractors, AHFDS facilities, and states. 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 1a, 1b, 1c, and 2.

**Table 3**  
**Estimated Average Hourly Respondent Labor Cost, by Labor Category**

Respondent	Legal	Managerial	Technical	Technical (for Operability Testing)	Clerical
Facilities/Contractors	\$93.69	\$51.31	\$28.18	\$36.99	\$17.76
AHFDS Facilities	\$100.17	\$90.75	\$73.80	\$73.80	\$39.11
States	\$47.00	\$47.00	\$47.00	NA	\$26.00

To obtain hourly labor costs for facilities/contractors, EPA referred to May 2008 mean hourly wages provided by the Bureau of Labor Statistics (BLS).<sup>8</sup> EPA then factored in the costs of fringe benefits: 28.3 percent of total compensation for facilities/contractors.<sup>9</sup> EPA then added an overhead factor of 12 percent for facilities/contractors.<sup>10</sup> For AHFDS facilities, EPA referred to employer costs for employee compensation (for managerial, technical, and clerical)<sup>11</sup> and the mean hourly wage (for legal) provided by the BLS.<sup>12</sup> EPA then applied a combined benefits and overhead rate of 67 percent from the currently approved ICR Number 1360.11 to calculate the loaded labor rate for AHFDS facilities. For the operator training requirements at AHFDS facilities, EPA used AHFDS facilities labor rates for Class A and Class B operators; EPA used the United States Air Force pay grade E-6 over 3 (\$22.19) to approximate the hourly labor rate for Class C operators. For states, EPA used the hourly labor rates from the currently-approved ICR Number 1360.11.

<sup>8</sup> BLS, Industry-Specific Occupational Employment and Wages, NAICS 447000 - Gasoline Stations, May 2008 for: Managerial (11-0000 Management Occupations (Major Group)); Technical (53-1021 First-Line Supervisors/Managers of Helpers, Laborers, and Material Movers, Hand); and Clerical (43-9061 Office Clerks, General); and BLS National Occupational Employment and Wages, May 2008 for Technical for operability testing (49-2094 Electrical and Electronics Repairers, Commercial and Industrial Equipment) and Legal (23-1011 Lawyers).

<sup>9</sup> BLS, Employer Costs for Employee Compensation, <http://www.bls.gov/news.release/ecec.toc.htm>. For facilities/contractors, see "Table 10. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by industry group, September 2009," using line "All workers, service-providing industries."

<sup>10</sup> Office of Management and Budget, Circular No. A-76 (Revised), [http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76\\_incl\\_tech\\_correction.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76_incl_tech_correction.pdf). See Figure C-1, page C-4.

<sup>11</sup> BLS, Employer Costs for Employee Compensation, September 2008. For Managerial, see Table 9, Total Compensation (Professional and technical services). For Technical and Technical (for Operability Testing), see Table 10, Total compensation (Professional and technical services). For Clerical, see Table 11, Total compensation (Office and administrative support).

<sup>12</sup> BLS, National Occupational Employment and Wages, May 2008. For Legal, see 23-1011 (Lawyers).

## Capital Costs

Capital costs usually include any produced physical goods needed to provide the required information, such as machinery, computers, and other equipment. For this ICR, capital costs include the cost for conventional and EGT USTs to store records related to compatibility requirements, and the costs for states to print copies of the regulations. These capital costs are shown in Exhibits 1a, 1b, 1c, and 2.

## Operation and Maintenance Costs

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 1-ounce package (i.e., \$0.41 for postage and \$0.02 for standard size envelope).
- Photocopying costs: EPA estimates that respondents will incur a cost of \$0.10 for each photocopy they make.
- Records storage costs: EPA estimates that respondents will incur a cost of \$0.01 related to the cost of storing records for the life of an UST system.
- Purchase of contractor or laboratory services: EPA believes that owners and operators of USTs will incur O&M costs on contractor and laboratory services. O&M costs do not include contractors who bill by the hour.

These O&M costs are shown in Exhibits 1a, 1b, 1c, and 2.

### **6(c) Estimating Agency Hour and Cost Burden**

EPA estimates the Agency (EPA) hour and cost burden associated with all information collection requirements covered in this ICR in Exhibit 3. Exhibit 3 uses hourly labor costs of \$100.19 for legal staff (GS-15, Step 5), \$63.60 for managerial staff (GS-13, Step 1), \$44.62 for technical staff (GS-11, Step 1), and \$27.14 for clerical staff (GS-6, Step 1). To derive these hourly estimates, EPA referred to unloaded (base) hourly rates for various labor categories in the Federal Government from the U.S. Office of Personnel Management.<sup>13</sup> EPA then applied the standard government loading factor of 60 percent, which includes fringe benefits and overhead.

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<sup>13</sup> U.S. Office of Personnel Management. Locality pay area of Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA. Salary Table 2008-DCB (January 2008), [http://www.opm.gov/oca/08tables/html/dcb\\_h.asp](http://www.opm.gov/oca/08tables/html/dcb_h.asp)

The proposed additions to part 280 would impose additional burdens on EPA related to the processing of new state program approval applications or revised state program approval applications. This ICR assumes that no owners and operators will request that an agency review the effectiveness of an alternative method of release detection.

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

#### **(1) Respondent Universe**

The Paperwork Reduction Act of 1995 requires that federal agencies prepare an ICR to explain and justify any activity that involves collecting information from ten or more non-federal respondents. This ICR assumes that one percent of conventional and EGT facilities are federally-owned, all facilities with FCTs are federally-owned, and all but two AHFDS facilities are federally-owned. Federally-owned facilities are not burdened in this ICR. Table 4 presents the estimated non-federal UST universe.

**Table 4**  
**Estimated Non-Federal UST Universe**

	<b>UST Systems</b>	<b>Facilities</b>
<i>(a) Conventional USTs</i>	587,175	214,297 <sup>a</sup>
Affected by proposed rules	Varies by rule	Varies by rule
<i>(b) Emergency generator tanks (EGTs)</i>	18,160	6,628 <sup>a</sup>
Affected by proposed rules	Varies by rule	Varies by rule
<i>(c) Field constructed tanks (FCTs)</i>	0	0
<i>(d) Airport hydrant fuel distribution systems (AHFDSs)</i>	16	2
Affected by proposed rules	16	2
<b>Total (a+b+c+d)</b>	<b>605,351</b>	<b>220,927</b>

<sup>a</sup> Number of facilities estimated based on a ratio of 2.74 USTs per facility.

A number of states have already implemented regulations similar to the proposed additions to part 280. This ICR only considers the burdens imposed on those UST systems and facilities not already subject to state regulations equivalent to the proposed additions to part 280.

## (2) Total Hour and Cost Burden

### (a) Previously Deferred Emergency Generator Tanks (EGTs): Release Detection

EGTs are currently deferred from subpart D. The proposed regulations would remove this deferral one year after the effective date of the regulations. This subsection describes how EPA arrived at the respondent estimates contained in Exhibit 1a.

This ICR assumes that owners and operators of all 6,628 non-federal EGT facilities will read the revised regulations. Annualizing over the three-year period covered by this ICR, this activity will be performed at 2,209 facilities per year (i.e.,  $2,209 = 6,628 \div 3$ ).

Owners of previously deferred UST systems are required to prepare and submit a notification form within 30 days of the effective date of the proposed regulations. EPA expects that the owners of all 6,628 non-federal EGT facilities will do this; annualized over three years, the annual number of respondents is 2,209 (i.e.,  $2,209 = 6,628 \div 3$ ).

EPA assumes that EGTs will meet the requirements of §280.43 using automatic tank gauges (ATGs), interstitial monitoring, or statistical inventory reconciliation.

Because the release detection requirements will become effective for EGTs one year after the effective date of the regulations, they will be in effect for two-thirds of the ICR period (i.e., two out of three years). Therefore, this ICR uses annualized numbers of respondents equal to two-thirds of the corresponding affected universe in order to accurately estimate the burden during the ICR period. In the case of annual operability tests, EPA estimates that 1,300 EGTs with ATGs and 763 EGTs using interstitial monitoring will be affected by the proposed regulations. EPA expects that these tests will be conducted annually at all 1,300 EGTs with ATGs and 763 EGTs using interstitial monitoring. The corresponding annualized numbers adjusted for the two-thirds of the ICR period the regulations will be in effect are 867 ATG tests (i.e.,  $867 = 1,300 \times 2/3$ ) and 509 interstitial monitoring tests (i.e.,  $509 = 763 \times 2/3$ ).

EPA expects 776 EGTs affected by the proposed regulations to install new ATGs (annualized =  $517 = 776 \times 2/3$ ); these EGTs will record the results of monthly automatic product level monitoring and record daily inventory volume measurements. EPA expects 6,952 EGTs affected by the proposed regulations to use statistical inventory reconciliation (SIR) (annualized =  $4,635 = 6,952 \times 2/3$ ); these EGTs will record monthly water level measurements and reconcile measurements monthly (\$15 of O&M costs per month = \$180 per year).

Of the 18,160 non-federal EGTs, 11,587 are in states that currently defer release detection regulations on this type of UST. EPA assumes that all 11,587 non-federal EGTs affected by the deferral removal use suction piping, which is required to be line tightness tested once every three years; this is a conservative estimate because suction piping systems that meet specific requirements in the rule are not required to perform release detection (annualized =  $2,575 = 11,587 \div 3 \times 2/3$ ). All 6,628 non-federal EGT facilities will maintain release detection records (annualized =  $4,419 = 6,628 \times 2/3$ ).

**EXHIBIT 1A  
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN  
PREVIOUSLY DEFERRED USTs: EMERGENCY GENERATOR TANKS**

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	Number of Yrs Until Effective
Read the regulations	0.00	0.00	4.75	0.00	4.75	\$133.85	\$0	\$0.00	2,209	10,494	\$295,716	0
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>												
<b>Notification Requirements (280.22)</b>												
For owners of a previously deferred UST system prepare and submit notification form within 30 days of the effective date of the proposed regulations	0.00	0.25	0.00	0.00	0.25	\$12.83	\$0	\$0.00	2,209	552	\$28,341	0
<b>SUBPART D: RELEASE DETECTION</b>												
<b>General Requirements for All UST Systems (280.40)</b>												
Conduct operability test - ATG	0.00	0.00	1.50	0.00	1.50	\$55.48	\$0	\$0	867	1,300	\$48,082	1
Conduct operability test - interstitial monitoring	0.00	0.00	0.25	0.00	0.25	\$9.25	\$0	\$0	509	127	\$4,706	1
<b>Release Detection for Tanks (280.43)</b>												
ATG: Record results of monthly automatic product level monitoring (hours are for 12 total monitoring events)	0.00	0.00	0.60	0.00	0.60	\$16.91	\$0	\$0	517	310	\$8,749	1
ATG: Record daily inventory volume measurements (hours are for 365 total measurements)	0.00	0.00	7.30	0.00	7.30	\$205.71	\$0	\$0	517	3,777	\$106,443	1
SIR (Recording monthly water level measurements, reconcile measurements monthly) (hours for 12 total monitoring events)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$180	4,635	0	\$834,214	1
<b>Release Detection for Piping (280.44)</b>												
Conduct line tightness test	0.00	0.00	1.50	0.00	1.50	\$42.27	\$0	\$0	2,575	3,862	\$108,839	1
<b>Release Detection Recordkeeping (280.45)</b>												
Maintain records for specified time periods	0.00	0.00	0.02	1.10	1.12	\$20.10	\$0	\$0.10	4,419	4,949	\$89,255	1
<b>Subtotal</b>										14,326	\$1,200,288	
<b>TOTAL</b>										25,372	\$1,524,345	

**(b) Previously Deferred AHFDSs**

AHFDSs are currently deferred from subparts B, C, D, E, G, and H. The proposed regulations would remove the deferral from subparts E, G, and H on the effective date of the regulations. The proposed regulations would remove the deferral from subparts B, C, and D three years after the effective date of the regulations (after the end of the three-year period considered in this ICR). The proposed regulations would remove the same deferrals from wastewater treatment tank systems, on the same schedule. However, EPA believes that all active wastewater treatment tanks, including tanks at most publicly owned treatment works and many private treatment facilities, are currently regulated by either section 402 or 307(b) of the Clean Water Act and are therefore excluded from 40 CFR 280, as stipulated in §280.10(b)2. Therefore, this ICR does not include burdens on wastewater treatment tank systems. This ICR also does not include burdens on FCTs, because all FCTs are owned by the federal government.

This subsection describes how EPA arrived at the respondent estimates for reading the revised regulations and for subparts E, G, and H contained in Exhibit 1b. For informational purposes, Exhibit 1b also lists the proposed revisions of subparts B, C, and D that will affect AHFDSs; however, with one exception (see section b1 below) the annual hours and costs for these activities have not been calculated because these requirements would go into effect after the ICR period. For the same reason, these requirements are not discussed further below.

For two information collection activities, Exhibit 1b presents a burden for the owner and operator and for any contractors hired by the owner and operator. For example, for the activity “Gather information” under “Release Investigation and Confirmation Steps (280.52),” this ICR assumes that owners and operators will spend five hours associated with this information collection activity and that contractors that bill by the hour will spend 51 hours on this activity. In total, the owner and operator time plus contractor time necessary to fulfill this information collection activity is 56 hours.

This ICR assumes that the owners and operators of both non-federal AHFDS facilities will read the revised regulations. Annualizing over the three-year period covered by this ICR, this activity will be performed at approximately one facility per year.

**(b1) UST Systems: Design, Construction, Installation, and Notification**

Subpart B includes one information collection requirement within the ICR period for AHFDSs. Owners of previously deferred UST systems are required to prepare and submit a notification form within 30 days of the effective date of the proposed regulations. EPA expects owners to submit notifications for both AHFDS facilities; annualized over three years, the annual number of respondents is one (i.e.,  $1 = 2 \div 3$ ).

**(b2) Release Reporting, Investigation, and Confirmation**

EPA assumes that no non-federal AHFDS facilities will suspect that a release has occurred or have a spill or overflow during the ICR period.

**(b3) *Out-of-Service UST Systems and Closure***

EPA assumes that no non-federal AHFDSs will close during the ICR period.

**(b4) *Financial Responsibility***

EPA assumes that no non-federal AHFDS facilities will prepare and submit a notice of termination of financial assurance during the ICR period. EPA assumes that one facility per year will submit forms to the implementing agency documenting evidence of financial responsibility. EPA assumes that both non-federal AHFDS facilities will obtain and keep on file proof of financial responsibility. EPA assumes that neither facility will experience bankruptcy or cancellation or modification of financial assurance within the ICR period.

**EXHIBIT 1B****ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN****PREVIOUSLY DEFERRED USTS: AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS: SUBPARTS B, C, D, E, G, AND H**

Note: For subparts B, C, and D, only proposed regulations are listed because these subparts go into effect after the ICR period.

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	Number of Yrs Until Effective
Read the regulations	0.00	0.00	4.75	0.00	4.75	\$133.85	\$0	\$0	1	3	\$89	0
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>												
<b>Notification Requirements (280.22)</b>												
Prepare and submit notification form within 30 days of assuming ownership of an UST system	0.00	0.25	0.00	0.00	0.25	\$22.69	\$0	\$0	0	0	\$0	3
For owners of a previously deferred UST system, prepare and submit notification form within 30 days of the effective date of the proposed regulations	0.00	0.25	0.00	0.00	0.25	\$22.69	\$0	\$0	1	0	\$15	0
<b>Subtotal</b>										0	\$15	
<b>SUBPART C: GENERAL OPERATING REQUIREMENTS</b>												
<b>Operation and Maintenance of Corrosion Protection (280.31)</b>												
Maintain records until the UST system is permanently closed or undergoes a change-in-service	0.00	0.00	0.00	0.10	0.10	\$3.91	\$0	\$0.10	0	0	\$0	3
<b>Compatibility (280.32)</b>												
For all UST system equipment installed after effective date, maintain records including installation date, manufacturer, and model	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.11	0	0	\$0	3
<b>Repairs Allowed (280.33)</b>												
Test overfill prevention equipment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$214	0	0	\$0	3
Recordkeeping	0.00	0.00	0.00	0.10	0.10	\$3.91	\$0	\$0.10	0	0	\$0	3
<b>Periodic Testing of Spill and Overfill Prevention Equipment (280.35)</b>												
Conduct tests of spill prevention equipment at installation	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$125	0	0	\$0	3
Conduct tests of overfill prevention equipment at installation	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$214	0	0	\$0	3
Conduct tests of overfill prevention equipment at least every three years	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$214	0	0	\$0	3
Maintain records for at least three years - spill prevention equipment	0.00	0.00	0.00	0.10	0.10	\$3.91	\$0	\$0.10	0	0	\$0	3
Maintain records for at least three years - overfill prevention equipment	0.00	0.00	0.00	0.10	0.10	\$3.91	\$0	\$0.10	0	0	\$0	3



## EXHIBIT 1B (continued)

## ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN

## PREVIOUSLY DEFERRED USTS: AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS: SUBPARTS B, C, D, E, G, AND H

Note: For subparts B, C, and D, only proposed regulations are listed because these subparts go into effect after the ICR period.

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	Number of Yrs Until Effective
<b>Periodic Operation and Maintenance Walkthrough Inspections (280.37)</b>												
Conduct a walkthrough inspection at least once every 30 days (hours for are 12 total inspections)	0.00	0.00	17.00	0.00	17.00	\$1,254.55	\$0	\$0	0	0	\$0	3
Maintain records for at least one year (for 12 total inspections)	0.00	0.00	0.00	1.20	1.20	\$46.93	\$0	\$0.10	0	0	\$0	3
<b>Subtotal</b>										0	\$0	
<b>SUBPART D: RELEASE DETECTION</b>												
<b>General Requirements for All UST Systems (280.40)</b>												
Perform annual test of proper operation of release detection	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$73	0	0	\$0	3
<b>Release Detection Recordkeeping (280.45)</b>												
Maintain records of annual operation tests	0.00	0.00	0.00	1.00	1.00	\$39.11	\$0	\$0	0	0	\$0	3
<b>Alternative Methods of Release Detection for Bulk Piping (280.47)</b>												
Perform semi-annual bulk line tightness test for piping (O&M costs are for two total tests)	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$193,200	0	0	\$0	3
Maintain records (for two total tests)	0.00	0.00	0.00	2.00	2.00	\$78.22	\$0	\$0	0	0	\$0	3
<b>Subtotal</b>										0	\$0	
<b>SUBPART E: RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION</b>												
<b>Reporting of Suspected Releases (280.50)</b>												
Report the suspected release	0.00	0.25	0.00	0.00	0.25	\$22.69	\$0	\$0.43	0.0	0	\$0	0
<b>Release Investigation and Confirmation Steps (280.52)</b>												
Gather information - Facility	0.00	1.00	4.00	0.00	5.00	\$385.94	\$0	\$2,653	0.0	0	\$0	0
Gather information - Contractor	0.00	5.00	31.00	15.00	51.00	\$3,328.13	\$0	\$0	0.0	0	\$0	0
<b>Reporting and Cleanup of Spills and Overfills (280.53)</b>												
Report spill or overflow within 24 hours if over 25 gallons or the reportable quantity	0.00	0.50	0.00	0.00	0.50	\$45.37	\$0	\$3	0.0	0	\$0	0
Notify the implementing agency if unable to cleanup within 24 hours	0.00	0.50	0.00	0.00	0.50	\$45.37	\$0	\$3	0.0	0	\$0	0
<b>Subtotal</b>										0	\$0	

## EXHIBIT 1B (concluded)

## ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN

## PREVIOUSLY DEFERRED USTS: AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS: SUBPARTS B, C, D, E, G, AND H

Note: For subparts B, C, and D, only proposed regulations are listed because these subparts go into effect after the ICR period.

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	Number of Yrs Until Effective
<b>SUBPART G: OUT-OF-SERVICE UST SYSTEMS AND CLOSURE</b>												
Notify the implementing agency of permanent closure or change-in-service	0.00	0.25	0.00	0.00	0.25	\$22.69	\$0.00	\$3.00	0	0	\$0	0
Conduct site assessment of excavation zone - Facility	0.00	2.75	0.00	0.00	2.75	\$249.56	\$0	\$2,333	0	0	\$0	0
Conduct site assessment of excavation zone - Contractor	0.00	6.00	40.00	18.00	64.00	\$4,200.38	\$0	\$0	0	0	\$0	0
Maintain records after permanent closure or change-in-service for at least three years	0.00	0.00	0.00	0.10	0.10	\$3.91	\$0	\$0.10	0	0	\$0	0
Mail records to implementing agency if they cannot be maintained on site	0.00	0.00	0.00	0.50	0.50	\$19.56	\$0	\$3	0	0	\$0	0
<b>Subtotal</b>										0	\$0	
<b>SUBPART H: FINANCIAL RESPONSIBILITY</b>												
<b>Cancellation or Nonrenewal by a Provider of Financial Assurance (280.109)</b>												
Prepare and submit a notice of termination of financial assurance	0.25	0.00	0.50	0.25	1.00	\$71.72	\$0	\$0	0	0	\$0	0
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	\$128.95	\$0	\$0	0	0	\$0	0
<b>Reporting (280.110)</b>												
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	\$9.78	\$0	\$0	1	0	\$7	0
<b>Recordkeeping (280.111)</b>												
Obtain and keep on file proof of financial responsibility	0.00	0.00	0.25	0.10	0.35	\$22.36	\$0	\$0	2	1	\$45	0
Update certification if financial assurance mechanism is modified	0.00	0.00	0.50	0.25	0.75	\$46.68	\$0	\$0	0	0	\$0	0
<b>Bankruptcy or Other Incapacity (280.114)</b>												
Prepare and submit notification of commencement of bankruptcy procedures	0.50	0.25	0.50	0.25	1.50	\$119.45	\$0	\$0	0	0	\$0	0
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	\$128.95	\$0	\$0	0	0	\$0	0
<b>Subtotal</b>										1	\$51	
<b>TOTAL</b>										4	\$156	

**(c) Other Proposed Additions to Part 280**

Exhibit 1c includes all of the owner and operator ICR burdens associated with the proposed part 280 revisions that are not captured in Exhibits 1a and 1b. This subsection describes how EPA arrived at the respondent estimates contained in Exhibit 1c.

EPA assumes that the owners and operators of all 214,297 non-federal conventional facilities (see Table 4) will read the revised regulations. Annualized over the three-year ICR period, 71,432 facilities per year (i.e.,  $214,297 \div 3 = 71,432$ ) will read the revised regulations.

**(c1) UST Systems: Design, Construction, Installation, and Notification**

Of the conventional and EGT facilities affected by the proposed regulations, EPA assumes that 3,232 will change ownership each year. Each of these facilities will submit the required notification form within 30 days of assuming ownership.<sup>14</sup>

**(c2) General Operating Requirements**

Compatibility

EPA estimates that 10 percent of conventional and EGT UST systems store product containing more than 10 percent alcohol or more than 20 percent biodiesel (i.e.,  $605,351 \text{ USTs} \times 10\% = 60,535 \text{ USTs}$ ). Under the proposed regulations, the owners and operators of each of these USTs would be required to maintain records to demonstrate compatibility with the product stored. Owners and operators of UST systems would incur annualized capital costs of \$0.18 per UST system.<sup>15</sup>

EPA estimates that 8,415 non-federal USTs are installed per year.<sup>16</sup> Under the proposed regulations, for all UST system equipment installed after the effective date, owners and operators would be required to maintain records including the installation date, manufacturer, and model.

Repairs Allowed

The proposed regulations would require that secondary containment, spill prevention equipment, or overfill prevention equipment be tested within 30 days of repairing such equipment. EPA estimates that 14,439 non-federal UST systems with secondary containment affected by the proposed regulations will be repaired per year; this assumes that 25 percent of pipes with secondary containment and five percent of tanks with secondary containment require repair every year. Assuming that each repair occurs at a separate facility, an average of 28,878 facilities will maintain records of secondary containment repair each year during the ICR period (i.e., the recordkeeping burden increases over the years: 14,439 facilities maintain records during

<sup>14</sup> EPA estimates that every year 10 percent of facilities change ownership (22,093 non-federal conventional and EGT facilities). Of these, all but 3,232 are in states that already require notification of ownership change.

<sup>15</sup> Prior to discounting, purchase price is estimated at \$1.89. Capital costs were annualized over 20 years (i.e., the expected life of equipment) using OMB's approved discount rate of 7 percent (OMB Circular A-94).

<sup>16</sup> Based upon assumption in ICR Number 1360.11 "Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures."

the first year; double that in the second year; and triple that in the third year; average = 28,878 facilities).

EPA estimates that 37,469 non-federal conventional and EGT UST systems will be affected by the proposed spill prevention equipment regulations. EPA assumes that spill prevention equipment requires repair or replacement once every four years, and that repairs are made 25 percent of the time (i.e.,  $37,469 \div 4 \times 25\% = 2,342$  spill prevention repairs per year). Using the same recordkeeping assumptions as above, an average of 4,684 facilities will maintain records of spill prevention repair each year during the ICR period.

EPA estimates that 29,546 non-federal conventional and EGT UST systems will be affected by the proposed overfill prevention test requirement. EPA assumes that overfill prevention equipment requires repair or replacement once every five years, and that repairs are made 25 percent of the time (i.e.,  $29,546 \text{ non-federal conventional and EGT USTs} \div 5 \times 25\% = 1,477$  overfill prevention repairs per year). Using the same recordkeeping assumptions as above, an average of 2,955 facilities will maintain records of overfill prevention repair each year during the ICR period.

#### Periodic Testing of Spill and Overfill Prevention Equipment

The proposed regulations would require that spill and overfill prevention equipment be tested at installation, effective on the effective date of the regulations. Spill and overfill testing at installation is part of standard installation and a common business practice. Therefore, the ICR does not consider that costs are incurred for this activity.

Effective one year after the effective date of the regulations, 90 percent of the USTs affected by the proposed regulation will need to have their spill prevention equipment tested at least every 12 months. The other 10 percent are assumed to have a self-monitoring mechanism that does not need to be tested. EPA estimates that 456,089 non-federal conventional and EGT USTs do not have a self-monitoring mechanism, and are located in states that currently do not have a regulation in place equivalent to the proposed regulation. This requirement will be in place for two-thirds of the ICR period (i.e.,  $456,089 \text{ USTs} \times 2/3 = 304,060$  spill prevention tests per year). O&M costs for spill prevention equipment tests are estimated to be \$125.

The proposed regulations include a staggered phase-in schedule for overfill prevention equipment testing. EPA estimates that 374,886 non-federal conventional and EGT USTs are located in states that currently do not have a regulation in place equivalent to the proposed regulation. According to the phase-in schedule, all conventional and EGT USTs affected by the proposed regulation (i.e., 374,886 USTs) must have one overfill prevention equipment test during the three-year ICR period; these are annualized over the three-year period (i.e.,  $374,886 \text{ USTs} \div 3 = 124,962$  overfill prevention tests per year). O&M costs for overfill prevention equipment tests are estimated to be \$214.

Effective one year after the effective date of the regulations, the owners and operators of all non-federal conventional and EGT UST facilities affected by the proposed regulation regarding spill prevention equipment records maintenance (i.e.,  $456,089 \div 2.74 \text{ USTs per facility} = 166,456$  facilities) will need to maintain records of their spill prevention equipment; this requirement will

be in place for two-thirds of the ICR period (i.e.,  $166,456 \text{ facilities} \times 2/3 = 110,971 \text{ facilities}$ ). The owners and operators of all non-federal conventional and EGT UST facilities affected by the proposed regulations regarding overfill prevention records maintenance (i.e.,  $374,886 \div 2.74 \text{ USTs per facility} = 136,820 \text{ facilities}$ ) will need to maintain records of their overfill prevention equipment; over the course of the ICR period, this requirement will apply to an estimated annual average of two-thirds of the facilities (i.e.,  $136,820 \text{ facilities} \times 2/3 = 91,213 \text{ facilities}$ ), given the proposed phase-in schedule.

#### Periodic Testing of Secondary Containment

The proposed regulations include a staggered phase-in schedule for interstitial area testing. According to this schedule, all UST systems using interstitial monitoring must conduct one interstitial integrity test during the three-year ICR period. EPA estimates that 75,395 non-federal tanks and piping systems use interstitial monitoring and do not use continuous sensors, pressure, vacuum, or liquid-filled leak detection monitoring mechanisms. This includes five percent of tanks and 90 percent of piping that use interstitial monitoring. These 75,395 tanks and piping systems are located in states that currently do not have a regulation in place equivalent to the proposed regulation. Annualizing over the three-year ICR period, this yields 25,132 interstitial integrity tests per year (i.e.,  $75,395 \div 3 = 25,132$ ). The incremental O&M cost of these tests is estimated to be \$78.19 ( $\$78.19 = \$229.78 \text{ for the interstitial integrity test} - \$151.59 \text{ for the already-required tightness test}$ ).

EPA estimates that there are 27,517 facilities associated with these 75,395 systems needing interstitial integrity tests (i.e.,  $75,395 \text{ systems needing interstitial integrity tests} \div 2.74 \text{ USTs per facility} = 27,517 \text{ facilities with interstitial integrity tests}$ ). Each of these facilities must maintain records of interstitial monitoring; over the course of the ICR period, this requirement will apply to an estimated annual average of two-thirds of the facilities (i.e.,  $27,517 \text{ facilities} \times 2/3 = 18,344 \text{ facilities}$ ), given the proposed phase-in schedule.

#### Periodic Operation and Maintenance Walkthrough Inspections

The proposed regulations would require monthly walkthrough inspections and records of these inspections. This ICR calculates the burden for the estimated 159,273 non-federal conventional and EGT facilities that are located in states that do not already require such inspections.

#### **(c3) Release Detection**

Beginning one year after the effective date of the proposed regulations, release detection systems must be tested annually for proper operation. EPA assumes that these tests will take place at 199,855 USTs with automatic tank gauges, 111,458 USTs with interstitial monitoring, 798 USTs with groundwater monitoring, and 144 USTs with vapor monitoring. The 113,962 facilities associated with these USTs (i.e.,  $[199,855 + 111,458 + 798 + 144] \div 2.74 \text{ USTs per facility} = 113,962 \text{ facilities}$ ) would maintain records of the tests. Because these requirements will be in effect for two-thirds of the ICR period (i.e., two out of three years), this ICR uses annualized numbers of respondents equal to two-thirds of the corresponding affected universe in order to accurately estimate the burden during the ICR period (e.g.,  $199,855 \text{ USTs with automatic tank gauges annualized and adjusted for the two-thirds of the ICR period} = 133,237 = 199,855 \times 2/3$ ).

EPA proposes to specifically list statistical inventory reconciliation as a release detection option in the regulation. Since this method of release detection is already allowed under the “other methods” portion of the current regulation, EPA does not cost out this option.

**(c4) Operator Training**

The proposed regulations would require that UST system operators complete a training program or an examination. Owners and operators would also be required to maintain records of operator training. EPA estimates that 960 facilities are located in areas without existing operator training requirements, and would therefore be affected by these proposed requirements (i.e., 960 = 958 facilities in Indian country + 2 non-federal AHFDS facilities).

The proposed regulations include a staggered phase-in schedule for operator training. Assuming a 22 percent annual employee turnover rate, EPA estimates that during each year of the ICR period 41 percent of operators undergo training (i.e., first year: the first third of facilities undergo training; second year: the second third of facilities undergo training + 22% of the employees at the first third); third year: the final third of facilities undergo training + 22% of the employees at the first two thirds); annual average = 41%). Therefore, EPA estimates that training occurs at 391 facilities per year during the ICR period (i.e., 960 facilities  $\times$  41% = 391 facilities). The cost of training is estimated to be \$294 per facility. Records of training will be maintained at an estimated annual average of two-thirds of the facilities (i.e., 960 facilities  $\times$  2/3 = 640 facilities).

**EXHIBIT 1C  
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN  
PROPOSED ADDITIONS TO PART 280**

**Note:** This exhibit includes all owner/operator ICR burdens not captured in Exhibits 1A and 1B.

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	Number of Yrs Until Effective
Read the regulations (conventional USTs only)	0.00	0.00	4.75	0.00	4.75	\$133.85	\$0	\$0	71,432	339,304	\$9,561,471	0
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b> (burdens for these types of USTs are included below: conventional, EGTs)												
<b>Notification Requirements (280.22)</b>												
Prepare and submit notification form within 30 days of assuming ownership of an UST system	0.00	0.25	0.00	0.00	0.25	\$12.83	\$0	\$0	3,232	808	\$41,466	0
<b>Subtotal</b>										808	\$41,466	
<b>SUBPART C: GENERAL OPERATING REQUIREMENTS</b> (burdens for these types of USTs are included below: conventional, EGTs)												
<b>Compatibility (280.32)</b>												
For USTs storing more than 10% alcohol or more than 20% biodiesel, maintain records to demonstrate compatibility	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0.18	\$0	60,535	6,054	\$118,291	0
For all UST system equipment installed after effective date, maintain records including installation date, manufacturer, and model	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.11	8,415	842	\$15,871	0
<b>Repairs Allowed (280.33)</b>												
Test UST systems with secondary containment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$157	14,439	0	\$2,268,373	0
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.10	28,878	0	\$2,888	0
Test spill prevention equipment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$125	2,342	0	\$292,723	0
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.10	4,684	0	\$468	0
Test overfill prevention equipment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$214	1,477	0	\$316,138	0
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.10	2,955	0	\$295	0
<b>Periodic Testing of Spill and Overfill Prevention Equipment (280.35)</b>												
Conduct tests of spill prevention equipment at least every 12 months	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$125	304,060	0	\$38,007,451	1
Conduct tests of overfill prevention equipment at least every three years	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$214	124,962	0	\$26,741,838	1-3 (staggered)
Maintain records for at least three years - spill prevention equipment	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.10	110,971	11,097	\$208,188	1
Maintain records for at least three years - overfill prevention equipment	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.10	91,213	9,121	\$171,122	1-3 (staggered)

**EXHIBIT 1C (concluded)**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**PROPOSED ADDITIONS TO PART 280**

**Note: This exhibit includes all owner/operator ICR burdens not captured in Exhibits 1A and 1B.**

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	Number of Yrs Until Effective
<b>Periodic Testing of Secondary Containment (280.36)</b>												
Conduct integrity tests of all interstitial areas at least once every three years	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$78	25,132	0	\$1,965,058	1-3 (staggered)
Maintain records for at least three years or as long as the tank, piping, or containment sump uses one of these continuous methods of interstitial monitoring, and for three additional years after continuous monitoring ends	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.10	18,344	1,834	\$34,415	1-3 (staggered)
<b>Periodic Operation and Maintenance Walkthrough Inspections (280.37)</b>												
Conduct walkthrough inspections of UST facility to properly operate and maintain UST systems at least once every 30 days (assuming total of 11.22 inspections per year)	0.00	0.00	9.35	0.00	9.35	\$263.47	\$0	\$0	159,273	1,489,146	\$41,963,591	0
Maintain records for at least one year (assuming total of 11.22 inspections per year)	0.00	0.00	0.00	1.12	1.12	\$19.93	\$0	\$1.12	159,273	178,705	\$3,352,619	0
<b>Subtotal</b>										1,696,798	\$115,459,330	
<b>SUBPART D: RELEASE DETECTION</b> (burdens for these types of USTs are included below: conventional)												
<b>General Requirements for All UST Systems (280.40)</b>												
Conduct operability test - ATG	0.00	0.00	1.50	0.00	1.50	\$55.48	\$0	\$0	133,237	199,855	\$7,392,588	1
Conduct operability test - interstitial monitoring	0.00	0.00	0.25	0.00	0.25	\$9.25	\$0	\$0	74,306	18,576	\$687,134	1
Conduct operability test - groundwater monitoring	0.00	0.00	0.25	0.00	0.25	\$9.25	\$0	\$0	532	133	\$4,919	1
Conduct operability test - vapor monitoring	0.00	0.00	0.25	0.00	0.25	\$9.25	\$0	\$0	96	24	\$885	1
Recordkeeping	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0.10	75,974	7,597	\$142,533	1
<b>Subtotal</b>										226,186	\$8,228,060	
<b>SUBPART J: OPERATOR TRAINING</b> (burdens for these types of USTs are included below: facilities in Indian country, AHFDSs)												
<b>Requirements for Operator Training (280.242)</b>												
Complete relevant operator training requirements and an examination (facilities in Indian country)	0.00	8.30	9.30	3.00	20.60	\$741.26	\$0	\$294	390	8,025	\$403,478	1-3 (staggered)
Complete relevant operator training requirements and an examination (AHFDSs)	0.00	8.30	9.30	3.00	20.60	\$1,506.09	\$0	\$294	1	17	\$1,464	1-3 (staggered)
<b>Documentation (280.245)</b>												
Maintain records for operator training for as long as the Class A, Class B, and Class C operators are designated as specified by EPA (facilities in Indian country)	0.00	0.00	0.00	0.10	0.10	\$1.78	\$0	\$0	639	64	\$1,134	1-3 (staggered)
Maintain records for operator training for as long as the Class A, Class B, and Class C operators are designated as specified by EPA (AHFDSs)	0.00	0.00	0.00	0.10	0.10	\$2.22	\$0	\$0	1	0	\$3	1-3 (staggered)
<b>Subtotal</b>										8,106	\$406,080	
<b>TOTAL</b>										2,271,203	\$133,696,406	



**EXHIBIT 2**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**STATE AGENCY RESPONDENTS**  
**PROPOSED REVISIONS OF PART 280 AND 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 Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
Read the regulations	0.00	0.00	60.00	0.00	60.00	\$2,820.00	\$100.00	\$0	19	1,120	\$54,507
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>											
Process notification forms from previously deferred USTs	0.00	0.00	0.50	0.25	0.75	\$30.00	\$0	\$0	2,210	1,657	\$66,298
Process notification of change in ownership	0.00	0.00	0.50	0.25	0.75	\$30.00	\$0	\$0	3,232	2,424	\$96,971
<b>Subtotal</b>										4,082	\$163,268
<b>STATE PROGRAM APPROVAL</b>											
Submit or revise state program approval application in response to proposed regulations	0.00	0.00	0.00	28.45	28.45	\$739.70	\$0	\$0.00	19	531	\$13,808
<b>TOTAL</b>										5,733	\$231,583

**EXHIBIT 3**  
**ANNUAL ESTIMATED FEDERAL AGENCY HOUR AND COST BURDEN**  
**PROPOSED ADDITIONS TO PART 280 AND 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 Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>PART 280</b>											
No burden	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0	0	0	\$0
<b>REVIEW STATE PROGRAM APPLICATION</b>											
Review state program and issue decision	8.00	22.00	54.00	0.50	84.50	\$4,624.00	\$0.00	\$0.00	6	507	\$27,744
<b>REVIEW REVISIONS TO PREVIOUSLY-APPROVED STATE PROGRAM APPLICATION</b>											
Review revision of previously-approved state program application and issue revision	2.00	5.50	14.00	0.50	22.00	\$1,188.49	\$0.00	\$0.00	13	279	\$15,054
<b>TOTAL</b>										786	\$42,798

### (d) Burden on State Agency Respondents

EPA assumes that all state and territorial agencies will incur costs for reading the new regulations. Annualized over the three-year ICR period, 19 agencies per year (i.e.,  $56 \div 3 = 19$ ) will read the revised regulations. Costs associated with obtaining and reading the regulations assume that 10 agency staff will each take six hours to read the regulations in each state. State agencies would incur annualized capital costs of \$100 per agency.<sup>17</sup>

EPA estimates that agencies would need to process notification forms from 6,630 previously deferred EGTs and AHFDSs, equal to 2,210 forms per year after annualizing over the three-year ICR period (i.e.,  $2,210 = 6,630 \div 3$ ). Agencies would also have to process 3,232 notification forms per year for those USTs with a change in ownership.

As a result of the proposed revisions to 40 CFR part 280, 56 states and territorial agencies will need to apply for state program approval or revise and resubmit their previously-approved state program approval application. Averaging over the three-year ICR period, EPA estimates that 19 agencies will undergo these activities each year (i.e.,  $19 = 56 \div 3$ ). Respondent burden hours and costs for these activities are shown in Exhibit 2.

Exhibit 3 presents the burden that the proposed regulations would impose on EPA associated with reviewing new or revised state program applications.

### 6(e) Bottom Line Hour and Cost Burden

#### (1) Respondent Tally

Exhibit 4 summarizes the total annual hour and cost burden to UST owners and operators and to states. As shown in the exhibit, EPA estimates the annual respondent burden to be approximately 2.3 million hours and \$135 million. The bottom line burden to respondents over three years is estimated to be approximately 7 million hours and \$406 million.

**EXHIBIT 4**  
**TOTAL ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN SUMMARY**

Respondent	Total Hours/Year	Labor Cost	Capital/Startup Cost	O & M Cost	Total Cost/Year
UST Facilities	2,296,579	\$64,456,027	\$10,777	\$70,754,103	\$135,220,907
State Agencies	5,733	\$229,716	\$1,867	\$0	\$231,583
<b>TOTAL</b>	<b>2,302,312</b>	<b>\$64,685,743</b>	<b>\$12,643</b>	<b>\$70,754,103</b>	<b>\$135,452,489</b>

Exhibit 5 summarizes the total annual hour and cost burden to UST owners and operators compared between privately-owned UST facilities and state and local government-owned facilities. As shown in the exhibit, EPA estimates the annual respondent burden for

<sup>17</sup> Prior to discounting, cost for copying regulations is estimated at \$1,059. Capital costs were annualized over 20 years (i.e., the expected life of equipment) using OMB's approved discount rate of 7 percent (OMB Circular A-94).

privately-owned facilities to be approximately 2.2 million hours and \$128 million. EPA estimates the annual respondent burden for facilities owned by state and local governments to be approximately 116,000 hours and \$6.8 million.

**EXHIBIT 5  
TOTAL ESTIMATED ANNUAL UST FACILITY RESPONDENT HOUR AND COST BURDEN SUMMARY  
BY FACILITY TYPE**

<b>Respondent</b>	<b>Total Hours/Year</b>	<b>Labor Cost</b>	<b>Capital/Startup Cost</b>	<b>O &amp; M Cost</b>	<b>Total Cost/Year</b>
Private UST Facilities	2,180,595	\$61,200,809	\$10,233	\$67,180,813	\$128,391,855
State and Local Government Facilities	115,984	\$3,255,218	\$544	\$3,573,290	\$6,829,052
<b>TOTAL</b>	<b>2,296,579</b>	<b>\$64,456,027</b>	<b>\$10,777</b>	<b>\$70,754,103</b>	<b>\$135,220,907</b>

**(2) Agency Tally**

Exhibit 6 summarizes the total annual federal agency hour and cost burden associated with all of the requirements covered in this ICR. As shown in the exhibit, EPA estimates the annual federal agency burden to be approximately 786 hours and \$43,000. The bottom line burden to EPA over three years is estimated to be approximately 2,400 hours and \$130,000.

**EXHIBIT 6  
TOTAL ESTIMATED ANNUAL FEDERAL AGENCY (EPA) HOUR AND COST BURDEN SUMMARY**

	<b>Total Hours/Year</b>	<b>Labor Cost</b>	<b>Capital/Startup Cost</b>	<b>O &amp; M Cost</b>	<b>Total Cost/Year</b>
Proposed Additions to Part 280	0	\$0	\$0	\$0	\$0
State Program Approval (Part 281)	786	\$42,798	\$0	\$0	\$42,798
<b>TOTAL</b>	<b>786</b>	<b>\$42,798</b>	<b>\$0</b>	<b>\$0</b>	<b>\$42,798</b>

**6(f) Reasons for Change in Burden**

This ICR presents a description of the total annual respondent and regulator burden for all information collection activities related to the proposed revisions to 40 CFR parts 280. This includes the information collection requirements that now apply to previously deferred UST systems. In addition, this ICR examines the burden on states in reading the regulations, processing notification forms, and submitting for state program approval or revising their previously-approved state program approval applications to be consistent with the proposed revisions of 40 CFR part 280. Most of the underlying assumptions in this ICR (e.g., burden hour estimates) are based on EPA consultations with UST experts undertaken to assess the benefits and costs of the proposed revisions. As shown in Exhibit 7, the total annual hourly burden is estimated to be 2.3 million hours. The increase in burden results from proposed revisions to the existing rule.

**EXHIBIT 7**  
**ANNUAL RESPONDENT HOUR AND COST BURDEN COMPARISON**

	<b>Total Hours/ Year</b>	<b>Capital/ Startup and O&amp;M Costs</b>
Current OMB Inventory Burden (approved 9/7/2011)	6,751,058	\$279,648,511
Program Change (new burden resulting from proposed revisions)	2,302,312	\$70,766,746
Total Collection Burden	9,053,370	\$350,415,257

**6(g) Burden Statement**

Exhibit 8 presents the average annual respondent hour burden for UST facilities and for state agencies. For UST facilities, as shown in the exhibit, the total hour burden for conducting the activities covered in this ICR is estimated to average approximately 10 hours per facility annually. Of this, the recordkeeping burden for UST facilities is estimated to average 10 hours per facility per year. This estimate includes time for gathering information and for developing and maintaining records. The reporting burden for UST facilities is estimated to average 0.01 hours per facility per year. This estimate includes time for preparing and submitting notices and financial responsibility forms. The burden for third party disclosure is estimated to average 0.00 hours per facility per year.

**EXHIBIT 8**  
**AVERAGE ANNUAL RESPONDENT BURDEN**

<b>Respondent</b>	<b>Average Recordkeeping Burden (Hours)</b>	<b>Average Reporting Burden (Hours)</b>	<b>Average Third Party Disclosure Burden (Hours)</b>	<b>Total Average Burden (Hours)</b>
UST Facilities	10	0.01	0.00	10
State Agencies	97	5	0.00	102

For state (and territorial) implementing agencies, the total hour burden is estimated to average approximately 102 hours per state annually. The recordkeeping burden is estimated to average approximately 97 hours per state per year. This estimate includes time for reading the revised regulations, processing notification forms, and recordkeeping-related state program approval activities. The reporting burden is estimated to average approximately 5 hours per state per year for reporting-related state program approval activities.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of

information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-UST-2011-0301, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the UST Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the UST Docket is (202) 566-0270. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-UST-2011-0301 and OMB Control Number 2050-0068 in any correspondence.