1. **IDENTIFICATION OF THE INFORMATION COLLECTION**

1(a) Title and Number of the Information Collection

This Information Collection Request (ICR) is entitled “Underground Storage Tank: Information Request Letters, Pacific Southwest Region (Region IX) (New); EPA ICR No. 2405.01.”

1(b) Short Characterization

The United States Environmental Protection Agency (EPA), Region 9, Underground Storage Tanks Program Office (“USTPO”) is planning to undertake an effort to increase the rate of compliance in Indian country. In FY 08, the rate of compliance in Region 9 Indian country was 36%. EPA anticipates that an information request pursuant to RCRA section 9005 directed to UST facility owners and operators in order to determine compliance at the facilities will help to significantly increase the rate of compliance and provide specific compliance assistance where applicable.

1. **NEED FOR AND USE OF THE COLLECTION**

2(a) Need and Authority for the Collection

1. Need for the Collection

The EPA Region 9 USTPO plans to send an information request letter annually to approximately 500 UST facilities. Certain records must be maintained by UST owners and operators and made readily available for inspection. The information is routinely reviewed during inspections but the USTPO believes there is non-compliance that warrants additional requests for documents and information because an increased level of reporting should correlate to increased compliance and, as a result, increased protection of human health and the environment. EPA plans to continue this information collection activity within Region 9 indefinitely and will continue to monitor the Region’s efforts to increase UST compliance rates.

1. Authority for the Collection

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

EPA's information collection authority, found in RCRA Section 9005, provides, among other things, that UST owners and operators shall, upon request, furnish information relating to the tanks, their associated equipment, and contents, to EPA. RCRA Section 9005’s information request letter authority was codified in the UST regulations at 40 C.F.R. § 280.34. This regulation and other provisions of the UST regulations also contain specific ongoing facility reporting and record keeping obligations. Also, pursuant to 40 C.F.R. § 280.34, owners and operators are required by regulation to cooperate fully with the implementing agency concerning the submission of information for reporting and record keeping.

The recordkeeping provisions of 40 C.F.R. § 280.34(b) include requirements for maintaining precisely the type of records the USTPO wishes to request from owners and operators and about which this revised information collection request is concerned. The records that are required to be maintained and readily accessible for inspection include: (1) a corrosion expert’s analysis of site corrosion potential if corrosion protection equipment is not used (40 C.F.R. §§ 280.20(a)(4) and (b)(3)); (2) documentation of operation of corrosion protection equipment (40 C.F.R. § 280.31); (3) documentation of UST system repairs (40 C.F.R. § 280.33(f)); (4) recent compliance with release detection requirements (40 C.F.R. § 280.45); and (5) results of the site investigations conducted at permanent closure (40 C.F.R. § 280.74).

EPA believes there are both a clear need and the statutory and regulatory authority to justify this information collection request.

2(b) Practical Utility and Users of the Data

Section 9003(a) through (c) of RCRA, as amended, directs EPA to promulgate technical regulations for all USTs. The regulations include, but are not limited to, requirements for maintaining records of any monitoring or leak detection system. EPA requires this recordkeeping to facilitate prevention of future releases of regulated substances into the environment.

Section 9003(d) of RCRA, as amended, requires that EPA promulgate regulations for demonstrating financial responsibility for taking corrective action and compensating third parties. The data collected for new and existing UST system operations and financial requirements are used by the owners and operators and/or EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and operations of UST systems, as well as to demonstrate compliance with regulations and provide compliance assistance where applicable. Submitted information is used by EPA or the implementing agency to monitor compliance with UST regulations.

1. **NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

3(a) Nonduplication

Most of the information required by the UST regulations is not available from any source but the UST facility owners and operators to whom the requests are directed. To avoid duplicating previous work, UST facility owners and operators may draw upon similar analyses in compiling data for UST monitoring, recordkeeping, reporting, and testing requirements, provided the information meets the requirements specified in the regulations. The information request letters will request that UST facility owners and operators send to EPA Region 9’s USTPO the compliance records that they are already required to keep, but have not previously been asked to submit to the Agency.

3(b) Public Notice

In compliance with the Paperwork Reduction Act of 1995, on September 24, 2010 (75 FR 58374), EPA issued a 60 day public notice in the Federal Register requesting public comment on the expansion of the existing information collection request approval by the Office of Management and Budget to cover the information request letters that the Region 9 USTPO is proposing. EPA received no comments.

3(c) Consultation

The EPA Region 9 USTPO conducted consultations with the following entities:

|  |  |
| --- | --- |
| Name of Organizaton | Telephone Number |
| Sunrise Park Resort | 928.735.7669 |
| Fort Apache Timber Company | 928.338.4931 |
| H-Market | 928.338.4713 |
| Downtown Shell | 760.320.6610 |
| Woody’s II Convenience Market | 928.662.4801 |

The EPA Region 9 USTPO’s assumptions and conclusions regarding hour and cost burden are fully discussed in Section 6(a) of this document.

3(d) Effects of less frequent collection

The EPA Region 9 USTPO has considered the burden imposed upon the regulated community by the information collection requirements covered in this revision to the existing ICR. EPA is confident that those activities required of the UST facility owners and operators to whom the USTPO’s anticipated information request letters are sent are necessary, and to the extent possible, the USTPO has attempted to minimize the burden imposed. The USTPO believes strongly that, if it is unable to submit the information request letters to owners and operators, it will continue to be a problem for the USTPO to ensure that UST systems are being managed in a manner protective of human health and the environment.

3(e) General Guidelines

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

3(f) Confidentiality

Section 9005(b) of RCRA and 40 CFR 2, Subpart B, which define EPA’s general policy on public disclosure of information, contain provisions for confidentiality. However, the USTPO does not anticipate that businesses will assert claims of confidentiality covering all or part of the requirements covered in this revision to the existing ICR. If any such claim were asserted, EPA must and will treat the information in accordance with the confidentiality provisions 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 will be included in any of the UST information collection requests submitted to UST facility owners and operators by the USTPO.

1. **THE RESPONDENTS AND THE INFORMATION REQUESTED**

4 (a) Respondents and SIC/NAICS codes

The regulated entities to whom the USTPO plans to send information request letters are primarily convenience stores that sell gas and gasoline service stations (SIC Code 5541; NAICS Codes 447110, 447190, respectively). However, any facility where a gasoline or hazardous substance UST exists that is subject to regulation in the Region could be the recipient of such an information request letter. This might include: schools, car dealerships, government facilities, harbor facilities, etc. For a more complete listing of the SIC and NAICS codes applicable to the facilities that may receive an information request letter from the USTPO, see the table below.

The following is a list of SIC codes and corresponding NAICS codes associated with industries most likely affected by the information collection requirements covered in this ICR.

| **SIC Code** | **SIC Code Description** | **NAICS Code** | **NAICS Code Description** |
| --- | --- | --- | --- |
| 2819 | Industrial Inorganic Chemicals | 211112 | Natural Gas Liquid Extraction |
| 325998 | All Other Miscellaneous Chemical Product and Preparation Manufacturing |
| 331311 | Alumina Refining |
| 325131 | Inorganic Dye and Pigment Manufacturing |
| 325188 | All Other Basic Inorganic Chemical Manufacturing |
| 2821 | Plastics Materials and Resins | 325211 | Plastics Material and Resin Manufacturing |
| 2851 | Paints and Allied Products | 32551 | Paint and Coating Manufacturing |
| 2869 | Industrial Organic Chemicals | 32511 | Petrochemical Manufacturing |
| 325188 | All Other Basic Inorganic Chemical Manufacturing |
| 325193 | Ethyl Alcohol Manufacturing |
| 32512 | Industrial Gas Manufacturing |
| 325199 | All Other Basic Organic Chemical Manufacturing |
| 2899 | Chemical Preparations | 32551 | Paint and Coating Manufacturing |
| 311942 | Spice and Extract Manufacturing |
| 325199 | All Other Basic Organic Chemical Manufacturing |
| 325998 | All Other Miscellaneous Chemical Product and Preparation Manufacturing |
| 2911 | Petroleum Refining | 32411 | Petroleum Refineries |
| 3599 | Industrial Machinery | 336399 | All Other Motor Vehicle Parts Manufacturing |
| 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing |
| 333319 | Other Commercial and Service Industry Machinery Manufacturing |
| 33271 | Machine Shops |
| 333999 | All Other Miscellaneous General Purpose Machinery Manufacturing |
| 3714 | Motor Vehicle Parts and Accessories | 336211 | Motor Vehicle Body Manufacturing |
| 336312 | Gasoline Engine and Engine Parts Manufacturing |
| 336322 | Other Motor Vehicle Electrical and Electronic Equipment Manufacturing |
| 33633 | Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing |
| 33634 | Motor Vehicle Brake System Manufacturing |
| 33635 | Motor Vehicle Transmission and Power Train Parts Manufacturing |
| 336399 | All Other Motor Vehicle Parts Manufacturing |
| 4212 | Local Trucking Without Storage | 562112 | Hazardous Waste Collection |
| 562119 | Other Waste Collection |
| 48411 | General Freight Trucking, Local |
| 48421 | Used Household and Office Goods Moving |
| 48422 | Specialized Freight (except Used Goods) Trucking, Local |
| 4911 | Electric Systems | 221111 | Hydroelectric Power Generation |
| 221112 | Fossil Fuel Electric Power Generation |
| 221113 | Nuclear Electric Power Generation |
| 221119 | Other Electric Power Generation |
| 221121 | Electric Bulk Power Transmission and Control |
| 221122 | Electric Power Distribution |
| 48621 | Pipeline Transportation of Natural Gas |
| 5171 | Petroleum Bulk Stations and Terminals | 454311 | Heating Oil Dealers |
| 454312 | Liquefied Petroleum Gas (Bottled Gas) Dealers |
| 42471 | Petroleum Bulk Stations and Terminals |
| 5511 | New and Used Car Dealers | 44111 | New Car Dealers |
| 5541 | Gasoline Service Stations | 44711 | Gasoline Stations with Convenience Store |
| 44719 | Other Gasoline Stations |
| 7538 | General Automotive Repair Shops | 811111 | General Automotive Repair |

4(b) Information requested

1. Reporting

40 C.F.R. § 280.34 requires owners and operators to cooperate fully with the implementing agency concerning submission of information. Pursuant to 40 C.F.R. § 280.34(a), owners and operators must submit to the implementing agency the information gathered pursuant to: 40 C.F.R. §§ 280.20(e) and 280.22 (*see* 40 C.F.R. § 280.34(a)(1)); 40 C.F.R. §§ 280.50, 280.53, and 280.61 (*see* 40 C.F.R. § 280.34(a)(2)); 40 C.F.R. §§ 280.62, 280.63, 280.64, 280.65, and 280.66 (*see* 40 C.F.R. § 280.34(a)(3)); and 40 C.F.R. § 280.71 (*see* 40 C.F.R. § 280.34(a)(4)). Pursuant to 40 C.F.R. § 280.34(b), the records that are required to be maintained and readily accessible for inspection include: (1) a corrosion expert’s analysis of site corrosion potential if corrosion protection equipment is not used (required for tanks by 40 C.F.R. § 280.20(a)(4) and required for piping by 40 C.F.R. § 280.20(b)(3)), (s*ee* 40 C.F.R. § 280.34(b)(1)); (2) documentation of operation of corrosion protection equipment (required by 40 C.F.R. § 280.31), (*see* 40 C.F.R. § 380.34(b)(2)); (3) documentation of UST system repairs (required by 40 C.F.R. § 280.33(f)), (*see* 40 C.F.R. § 280.34(b)(3)); (4) recent compliance with release detection requirements (required by 40 C.F.R. § 280.45), (*see* 40 C.F.R. § 280.34(b)(4)); and (5) results of the site investigations conducted at permanent closure (required by 40 C.F.R. § 280.74), (*see* 40 C.F.R. § 280.34(b)(5)).

Examples of information that may be requested in the information request letter --

1. Release detection records from the automatic tank gauge (ATG) for each UST for the past 12 months. These records may be in the form of monthly 0.2 gallon per hour leak tests (12 total for each UST), or complete 12-month leak test histories for all three USTs (pursuant to the 40 C.F.R. § 280.45);

2. Records relating to annual line tightness tests [pursuant to 40 C.F.R. § 280.41(b)(1)(ii)];

3. Records relating to annual tests of the line leak detectors [pursuant to 40 C.F.R. § 280.44(a)];

4. Records relating to cathodic protection tests, due every 3 years [pursuant to 40 C.F.R. § 280.31(b)(1)];

5. Verification of annual functionality testing of the ATG [pursuant to 40 C.F.R. § 280.45 (c)];

6. The most recent EPA UST Notification Form for the facility [pursuant to 40 C.F.R. § 280.22(a)];

7. Reports of any suspected releases, or spills and overfills [pursuant to 40 C.F.R. §§ 280.50 and 280.53]; and.

8. Report of any repairs [pursuant to 40 C.F.R. §§ 280.33].

Pursuant to Section 9001 *et seq.* of RCRA and the regulations promulgated at 40 C.F.R. Part 280, EPA is authorized to request owners and operators of USTs to: 1) furnish information relating to such USTs, associated equipment, and contents; 2) conduct monitoring and testing; and 3) undertake corrective action with respect to any release of petroleum, pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d, and 40 C.F.R. §280.34. Facilities to which the requests are submitted would be required to copy, print or scan records maintained at their facility or at a readily accessible location. Electronic records could be transmitted electronically to the USTPO at little or no cost and hard copies of records would need to be transmitted by mail, facsimile or other means, such as courier or messenger service or by hand-delivery, to the USTPO.

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

5(a) Agency Activities

Most information required of UST owners and operators is maintained in records at the facility and is only formally submitted to EPA or the implementing agency if requested. This analysis assumes that the USTPO will spend a minimal amount of time reviewing these data, once it is submitted to the USTPO in response to a written request.

This revision to the existing, original ICR assumes that the USTPO reviews and files submitted information, including corrosion experts’ analyses of site corrosion potential if corrosion protection equipment is not used; documentation of operation of corrosion protection equipment; documentation of UST system repairs; recent compliance with release detection requirements; results of the site investigations conducted at permanent closure; and applicable financial assurance information. Much of the information listed above is also entered into a database for the purpose of recordkeeping and analysis.

5(b) Collection Methodology and Management

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

5(c) Small Entity Flexibility

In drafting the information request letters covered under this revision to the existing ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses by including the following statement in each written request for information:

“If you are a small business within the meaning of the Small Business Act and you are unable to provide the information requested within the specified time period, please call La Donna Thomas of the U.S. EPA Region 9 Underground Storage Tank Program Office at 415-972-3375 to discuss your options.”

5(d) Collection Schedule

Technical and Financial Requirements

The requests that are subject to this ICR revision will be collected on an ongoing basis.

1. **ESTIMATING THE HOUR AND COST BURDEN OF THE COLLECTION**

**6(a)** **Respondent** **Burden and Cost Estimates**

The burden and cost estimates for the additional reports that the EPA Region 9 USTPO plans to request will likely be incurred by the recipients in submitting these documents in response to the Region’s requests. We estimate the burden to be up to approximately 2 hours and cost approximately $58.05 per response for time, photocopying and postage for 500 facilities for a total cost of up to approximately $29,025 annually. This estimate is based on information provided by UST facilities, standard postage, and average photocopying. This cost would be significantly lower if the documents are submitted electronically.

EPA estimates that the increased annual public reporting and recordkeeping burden to the approximately 500 facilities to whom the information requests would be sent annually would average up to 2 hours per response. Burden means the total time, effort, or financial resources expended by persons in terms of gathering, copying and mailing the requested records. EPA estimates that facilities receiving the information collection request would expend roughly $7.00 in copying costs per response per facility (although transmitting the records electronically would be likely to cost far less). EPA also believes that the time it will take to gather the documents which will likely be requested would not exceed two hours per facility, which would translate to roughly $50.00 on average annually for each of the 500 facilities, covering the approximate hour that would be needed for an employee to gather and copy the records. Thus, EPA estimates that a total of approximately $29,025 (roughly $58.05 per response in copying costs, employee time, and postage) would be borne by the regulated community as a whole annually as a result of the proposed increase in scope of the Agency’s existing ICR (or, roughly $58.05 per each of the 500 facilities to which the response would be sent, constituting roughly $7.00 in copying costs, $1.05 postage and $50.00 in employee time). Costs of responding to the information request letters would likely be borne by the individual facilities on an annual basis.

**6(b) Estimating Agency Hour and Cost Burden**

EPA estimates the Agency hour and cost burden associated with all information collection requirements covered in this ICR in Exhibits 3 and 4. EPA estimates an average hourly labor cost of $47.89 for technical staff (GS-11, Step 1). To derive these hourly estimates, EPA referred to unloaded (base) hourly rates for labor categories in the Federal Government from the U.S. Office of Personnel Management. EPA then applied the standard government loading factor of 60 percent, which includes fringe benefits and overhead.

Agency staff will spend an estimated 15 minutes reviewing each submission, for a total of 125 hours and cost of $5,986.25.

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Responses** | **Total Hours per Response** | **Labor Cost Per Response** | **Total O&M Cost Per Response** | **Total Annual Burden** | **Total Labor Cost** | **Total O&M Cost** | **Total Annual Cost** |
| **Storage Tank Owners** | **500** | **2** | **$50.00** | **$8.05** | **1,000** | **$25,000** | **$4,025** | **$29,025** |
| **EPA Region 9** | **500** | **0.25** | **$11.97** | **-** | **125** | **$5,986.25** | **-** | **$5,986.25** |

**6(d) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 hours per response. 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 C.F.R. part 9 and 48 C.F.R. 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-R09-UST-2010-0538, which is available for online viewing at www.regulations.gov, or in person viewing at the Docket Facility located at the Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA. A complete public portion of the administrative record is available for review at the Docket Facility upon request. The Docket Facility is open from 9 a.m. to 4 p.m., Monday through Thursday, excluding legal holidays, and is located in a secured building. To review docket materials at the Docket facility, it is recommended that the public make an appointment by calling the Docket Facility at (415) 947-4406 during normal business hours. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above. Also, 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-R09-UST-2010-0538 and OMB Control Number 2009-NEW in any correspondence.