

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

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.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

(i) 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.

(ii) 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

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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.

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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.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

Most of the information required by the UST regulations is not available from any source but the 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

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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.

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4. 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

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SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
		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

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SIC Code	SIC Code Description	NAICS Code	NAICS Code Description
		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

(i) 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)), (*see* 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)).

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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.

6. 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

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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

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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.