

**SUPPORTING STATEMENT FOR
EPA INFORMATION COLLECTION REQUEST NUMBER
[1360.15]
“REVISION OF INFORMATION COLLECTION REQUEST FOR
UNDERGROUND STORAGE TANKS: TECHNICAL AND FINANCIAL
REQUIREMENTS, AND STATE PROGRAM APPROVAL PROCEDURES
(EPA NO. 1360.15, OMB NO. 2050-0068)”**

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Revision of Information Collection Request for Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures, EPA No. 1360.15, 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. In 2014, EPA revised the technical requirements for owners and operators of USTs in Title 40 of the Code of Federal Regulations (40 CFR) Part 280. EPA is making certain revisions to the UST technical regulations. These changes establish key requirements that are similar to the Energy Policy Act of 2005 and also update certain 1988 UST regulations. These revisions will 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 revisions of 40 CFR Part 280. The baseline paperwork burden of 40 CFR Part 280 without the revisions is described in the currently approved ICR (EPA No. 1360.13, OMB No. 2050-0068). After the publication of the final revisions to 40 CFR Part 280, the ICR will be updated to reflect the total burden imposed by the regulation. The ICR presents all the requirements of the 40 CFR Part 280 revisions that apply to owners and operators under the heading “Owner and Operator Respondents.” A number of states have already implemented regulations similar to the 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 additions to Part 280. In addition, under the heading “State Agency Respondents,” this ICR examines the burden on states in reading the regulations and processing notification forms resulting from new notification requirements. This ICR does not include the burden on UST facilities owned by the federal government, in keeping with the Paperwork Reduction Act.

The type of information to be collected as a result of the revisions includes ownership change notifications, records of tests conducted after repairs, and records to demonstrate that USTs are compatible with the substances stored. Most records will be maintained at UST facilities. Notification forms will be submitted to the appropriate implementing agency. The records will help state agencies determine whether owners and operators conducted the required tests after repairing their UST systems. Many of the new requirements required by the revisions will go into effect three years after the effective date of the revisions. This ICR does not include the burden from requirements that will not be in effect during the three-year ICR period. EPA estimates the annual respondent burden to be approximately 344,000 hours and \$25 million. The revisions and their associated information collection requirements are discussed briefly below.

(1) Owner and Operator Respondents

SWDA Section 6991b specifies statutory requirements for new and existing tanks. 40 CFR Part 280 contains performance standards covering:

- 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.

EPA's revisions of 40 CFR Part 280 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, the revisions remove deferrals from UST systems with field-constructed tanks (FCTs) and airport hydrant fuel distribution systems (AHFDSs) and require that they meet specified regulations at 40 CFR Part 280. The revisions also remove the release detection deferral from emergency generator tanks, or EGTs (i.e., fuel storage tanks used by emergency power generators). A brief summary of the information collection requirements associated with each 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. §280.21 describes the requirements for upgrading existing UST systems. The revisions will require owners and operators to close lined tanks that are no longer performing in accordance with original design specifications and cannot be repaired according to a code of practice. §280.22 describes the notification requirements for new UST systems. The 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. The revisions will make existing FCTs and AHFDSs 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 promulgated 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 sampling, monitoring, testing, and inspections. Information collection requirements of the revisions associated with general operating requirements include:

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

The revision above applies only to FCTs and AHFDSs. 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).

The following revisions apply to all regulated UST systems, and go into effect three years after the effective date of the regulations (i.e., not during this three-year ICR period):

- Periodic testing/inspection of spill and overfill prevention equipment and containment sumps; and
- Periodic operation and maintenance walkthrough inspections and associated recordkeeping.

The following revisions apply to all regulated UST systems, and will be effective immediately:

- Notification prior to switching to store regulated substances containing greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other regulated substance identified by the implementing agency;
- Recordkeeping to demonstrate compatibility of the UST system with the product stored; and
- Testing and recordkeeping following repairs to release prevention components.

(c) Subpart D: Release Detection

EPA promulgated release detection standards in 40 CFR Part 280, Subpart D. Information collection requirements of the revisions associated with release detection include:

- Annual release detection operability testing and recordkeeping for tanks and piping.

This revision will apply to all regulated UST systems beginning three years after the effective date of the regulations (i.e., not during this three-year ICR period).

Existing EGTs will be subject to Subpart D three years after the effective date of the regulations (i.e., not during this three-year ICR period). New EGTs will be subject to release detection requirements upon installation. These previously deferred systems will become subject to these existing Subpart D information collection requirements:

- Release detection for tanks (§280.43);
- Release detection for piping (§280.44); and
- Release detection recordkeeping (§280.45).

(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 revisions will make FCTs and AHFDSs 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 revisions will make FCTs and AHFDSs 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. State and federal governments are exempt from Subpart H. The revisions will make FCTs and AHFDSs subject to Subpart H on the effective date of the regulations.

(g) Subpart J: Operator Training

Beginning three years after the effective date of the regulations (i.e., not during this three-year ICR period), the revisions will 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.

(h) Subpart K: Requirements for UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

The revisions add Subpart K to 40 CFR Part 280. Subpart K contains requirements for FCTs and AHFDSs. Subpart K will require that FCTs and AHFDSs comply with Part 280, with some exceptions to the requirements. New installations will be required to comply upon installation. Existing FCTs and AHFDSs will be required to comply after three years with: upgrading, general operating requirements, release detection and operator training. Existing FCTs and AHFDSs will be required to comply immediately with: notification requirements; release reporting, response and investigation; closure and financial responsibility.

Subpart K will require that owners of FCTs and AHFDSs submit a notice of ownership within one year of the effective date of the regulations.

(2) State Agency Respondents

Under the revisions, state 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 turnover in facility ownership. Eight states and territories do not currently have recordkeeping requirements consistent with the revised regulation.¹ Each state agency will incur burden to process the one-time notifications of existence for AHFDSs and FCTs.

Under the authority of SWDA Section 6991c, 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 revisions, states will need to submit for program approval or revise their previously approved program applications to be consistent with the revisions. This requirement will not be effective during this three-year ICR period.

¹ These states/territories are Arizona, Georgia, Idaho, Nevada, North Carolina, North Dakota, South Carolina, and the Virgin Islands.

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 revisions to aspects of management of USTs and UST owner and operator duties. This data collection is needed to help detect 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.

(1) Owner and Operator Respondents

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

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

(2) State Agency Respondents

SWDA Subtitle I 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 revised regulations impose new UST program administration requirements on state agencies. The state agencies will need to process notification forms to confirm ownership changes and the existence of FCTs and AHFDSs. Submitted notifications help EPA track the number and location of USTs and their design specifications. EPA needs to collect this information to ensure that USTs meet requirements.

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

(1) Owner and Operator Respondents

Owners, operators, and implementing agencies will use the data collected about new and existing UST system operations. 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. Implementing agencies use the notifications and submitted information to monitor compliance with UST regulations.

(2) State Agency Respondents

State agencies will use notification forms to confirm ownership changes and the existence of FCTs and AHFDSs.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) *Nonduplication*

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

3(b) *Public Notice*

As part of the Federal Register notice on the proposed revisions to the technical requirements for owners and operators of USTs in 40 CFR Part 280, EPA solicited comments on this information collection and the estimates in this ICR, as described below:

- 1) Whether the collection of information is necessary for the proper performance of the functions of the Agency;
- 2) Whether the Agency's burden estimate is accurate;
- 3) How to minimize the burden on respondents.

EPA did not receive public comments that specifically referred to the ICR prepared for the proposed rule; however, the Agency received submissions from over 190 commenters on the proposed rule. Based on these comments, EPA has made revisions to the proposed regulation and to the ICR. These changes have been incorporated into the analyses shown in Exhibits 1 and 2 of this ICR. The net effect of these changes is that the estimated annual respondent hour and cost burden in this ICR is significantly lower than the estimates included in the draft initial ICR.

The Notice of Proposed Rulemaking was published on 11/18/2011 under 76 FR 71708. Comments received on the proposed rule are available at <http://www.regulations.gov>, docket ID number EPA-HQ-UST-2011-0301.

In compliance with the Paperwork Reduction Act (44 United States Code 3501 *et seq.*), EPA submitted this ICR for the proposed revisions to OMB for review and approval. On January 30, 2012, OMB commented that OMB was withholding approval at that time.

3(c) Consultations

In revising 40 CFR Part 280, EPA wanted to make sure the regulation development process was open and transparent and that all stakeholders had an opportunity to share their ideas as well as their concerns. From the beginning of this process, EPA recognized the concerns about costs on owners and operators and was committed to limiting the requirements for retrofits. EPA reached out to all stakeholders, including state and tribal regulators, federal facilities, members of the petroleum industry including representatives of owners and operators as well as equipment manufacturers, small businesses, local governments, and environmental and community groups. Over a two-year period, EPA held conference calls, solicited comments and provided multiple opportunities for stakeholders to provide input.

From this extensive stakeholder outreach, EPA compiled potential proposed changes to the UST regulations. EPA shared all of these ideas with the stakeholders and gave them an opportunity to comment on each idea. EPA then revised and added items to the list as necessary based on data, analysis and consideration of costs and benefits. Ultimately, EPA identified the items in the proposed regulation as the optimal regulatory changes at the time; the proposed UST regulation was issued in November 2011 for a 90-day public comment period. EPA then extended this public comment period for an additional 60 days.

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 revisions. In instances where information on underlying assumptions was not available through the expert consultation process, EPA used the currently approved ICR Number 1360.12 “Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures” as a basis for assumptions.

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 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 spills and overfills (§280.53).

3(f) Confidentiality

Section 3007(b) of the Resource Conservation and Recovery Act 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 A-130.

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 NAICS Codes

Table 2 lists the North American Industry Classification System (NAICS) sectors associated with industries most likely affected by the information collection requirements associated with the revisions covered in this ICR. Other sectors anticipated to be affected by the information collection requirements in the revisions not shown in Table 2 include local, state, and federal governments. This ICR does not include the burden on UST facilities owned by the federal government, in keeping with the Paperwork Reduction Act.

Table 2
NAICS Sectors of Affected Industries

NAICS Sector	NAICS Sector Description
111	Crop Production
112	Animal Production and Aquaculture
2211	Electric Power Generation, Transmission, and Distribution
31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
447	Gasoline Stations
452910	Warehouse Clubs and Supercenters

NAICS Sector	NAICS Sector Description
481	Air Transportation
483	Water Transportation
484	Truck Transportation
485	Transit and Ground Passenger Transportation
486	Pipeline Transportation
48811	Airport Operations
5171	Wired Telecommunications Carriers
622	Hospitals
72	Accommodation and Food Services

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 K. This ICR summarizes the information collection requirements of the 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);
- UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems (Subpart K).

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

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

(a1) Upgrading of Existing UST Systems

§280.21 describes the requirements for upgrading existing UST systems. The revisions will require owners and operators to close lined tanks that are no longer performing in accordance with original design specifications and cannot be repaired according to a code of practice. The information collection requirements related to closure are described under Subpart G below.

(a2) Notification Requirements

§280.22 describes the notification requirements for UST systems. The 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.

(i) Data Item:

- Notice of ownership change.

(ii) Respondent Activity:

- Prepare and submit notification form within 30 days of assuming ownership of an UST system.

(a3) Application of Existing Requirements to Previously Deferred UST Systems

Subpart K applies the Subpart B requirements to AHFDSs and FCTs, with modifications. Therefore, this ICR discusses those requirements under Subpart K.

(b) Subpart C: General Operating Requirements

(b1) Compatibility

The revisions would require that owners and operators notify the implementing agency at least 30 days prior to storing fuels containing more than 10 percent ethanol or more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency. The revisions would also require that owners and operators maintain records to demonstrate compatibility of the UST system when storing the following fuels: greater than 10 percent ethanol, greater than 20 percent biodiesel, or any other substance identified by the implementing agency. Owners and operators must maintain these records for as long as the UST system is used to store the regulated substance.

(i) Data Items:

- Notice of fuel change if storing fuels containing more than 10 percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency; and
- Records that demonstrate compatibility of the UST system with the product stored if storing fuels containing more than 10 percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency.

(ii) Respondent Activities:

- If storing fuels containing more than 10 percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency: Demonstrate compatibility with an independent testing laboratory certification or listing; a manufacturer's approval of the compatibility of UST system components; or another method determined by the implementing agency;
- Maintain records for as long as the UST system stores the regulated substance if storing fuels containing more than 10 percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency; and
- Prepare and submit notification form at least 30 days before switching to store fuels containing more than 10 percent ethanol, more than 20 percent biodiesel, or any other regulated substance identified by the implementing agency.

(b2) *Periodic Testing/Inspection of Spill and Overfill Prevention Equipment and Containment Sumps Used for Interstitial Monitoring of Piping*

The revisions require that owners and operators test/inspect spill and overfill prevention equipment and containment sumps used for interstitial monitoring of piping to ensure the equipment is operating properly and will prevent releases to the environment. These components must be tested/inspected at least once every three years. Records for testing or inspection must be maintained for three years. For existing UST systems, the initial test/inspections must be conducted within three years of the effective date of the regulations. For new installations, the requirements apply at installation. Burdens for these tests/inspections are not included in this ICR because no tests/inspections must be conducted during the three-year ICR period.

(b3) *Testing Equipment after Repair*

The revisions require tightness testing of UST systems with secondary containment within 30 days following the completion of repairs to the secondary containment areas. Repaired spill or overfill prevention equipment must be tested or inspected within 30 days 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. The revisions would 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 Item:

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

(ii) Respondent Activities:

- Conduct a test/inspection after each repair to secondary containment and spill or overflow prevention components; and
- Maintain records of each repair until the UST system is permanently closed or undergoes a change-in-service.

(b4) Periodic Operation and Maintenance Walkthrough Inspections

The revisions will require that owners and operators conduct walkthrough inspections starting 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.

(b5) Application of Existing Requirements to Previously Deferred UST Systems

Subpart K applies the Subpart C requirements to AHFDSs and FCTs, with modifications. Therefore, this ICR discusses those requirements under Subpart K.

(c) Subpart D: Release Detection**(c1) General Requirements**

Starting three years after the effective date of the regulations, the revisions will 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. Also, starting three years after the effective date of the regulations, the revisions will require that a test of the proper operation be performed at least annually. These requirements are not discussed here because they go into effect after the three-year period of this ICR.

The revisions specifically list statistical inventory reconciliation as a release detection option. This method of release detection is already allowed under the "other methods" portion of the current regulation, so there is no change in the information collection burden due to this revision.

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

Existing EGTs must comply with Subpart D within three years of the effective date of the revised regulations; new EGTs must comply with Subpart D when they are installed. Therefore, new installations of EGTs (but not existing EGTs) will be subject to Subpart D during the three-

year period of this ICR. The requirements of the revised Subpart D, as they will apply to new EGTs during the three-year period of this ICR, are described briefly below.

Subpart K applies release detection requirements to AHFDSs and FCTs. Therefore, this ICR discusses those requirements under Subpart K.

(c2.1) Release Detection for New EGTs

§280.41 states that tanks and piping installed after the effective date of the regulations must be monitored for releases using interstitial monitoring. Owners and operators are required to maintain the monitoring records for at least one year, or another period of time determined by the implementing agency. §280.41 also states that pressurized piping installed after the effective date of the regulations must be equipped with automatic line leak detectors. §280.45 requires that owners and operators maintain records that contain information about each release detection system in place at an UST system.

(i) Data Items:

- Monthly records of interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it (§280.43(g));
- 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));
- 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:

- Record results of interstitial monitoring at least every 30 days;
- 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;
 - 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

The revised regulations do not alter the information collection requirements of Subpart E.

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

FCTs and AHFDSs must comply with Subpart E on the effective date of the revised regulations. These requirements are described briefly below.

(d1.1) Reporting and Investigation of Suspected Releases

§280.50 requires owners and operators to report suspected releases and unusual operating conditions to the implementing agency within 24 hours (or another time period specified by the implementing agency). §280.51 and §280.52 require owners and operators to investigate suspected releases.

(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 (§280.50(b)); and
- Monitoring results that indicate a release may have occurred (§280.50(c)).

(ii) Respondent Activities:

- Report the suspected release to the implementing agency; and
- Investigate the suspected release.

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

§280.53 requires owners and operators to immediately contain and clean up a spill or overfill, report to the implementing agency within 24 hours (or another time period specified by the implementing agency), and begin corrective action, in the following cases:

- Spill or overfill that exceeds 25 gallons (or another amount as specified by the implementing agency) or that causes a sheen on nearby surface water; and
- Spill or overfill that equals or exceeds its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

For releases that do not meet the above thresholds, owners and operators must contain and immediately clean up the spill or overfill. If cleanup cannot be accomplished within 24 hours (or another 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 clean up a spill less than 25 gallons or the reportable quantity.
- (e) Subpart F: Release Response and Corrective Action**

The revised regulations do not contain changes to Subpart F. FCTs and AHFDSs will continue to be subject to Subpart F; these systems were never deferred from complying with Subpart F.

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

(f1) General Requirements

The revised regulations do not alter the information collection requirements of Subpart G. However, the revisions will require owners and operators to close lined tanks that are no longer performing in accordance with original design specifications and cannot be repaired according to a code of practice (Subpart B, §280.21). Subpart G's information collection requirements are described briefly below.

(f1.1) 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 can be made using Section X of the general notification form, available on the EPA Office of Underground Storage Tank's website (<http://www.epa.gov/oust/fedlaws/cfr.htm>). 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 permanent closure or change-in-service at an UST system; and
 - Excavation zone assessment.
- (ii) Respondent Activities:
- Notify the implementing agency of permanent closure or a change-in-service at least 30 days prior to the activity; and
 - Conduct an excavation zone assessment.

(f1.2) Closure Records

§280.74 requires owners and operators to maintain records 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 Item:

- Records showing compliance with closure requirements.

(ii) Respondent Activities:

- Maintain closure records after permanent closure or a change-in-service for at least three years after completion of permanent closure or change-in-service; or
- Mail the records to the implementing agency if the records cannot be maintained at the closed UST site.

(f2) Application of Existing Requirements to Previously Deferred UST Systems

The revised regulations will require FCTs and AHFDSs to comply with Subpart G requirements described above on the effective date of the regulations.

(g) Subpart H: Financial Responsibility

§280.104 requires that owners and operators that cease to meet the requirements of the local government bond rating test must notify the implementing agency if they fail to obtain alternate assurance.

(i) Data Item:

- Notification of failure to obtain alternate assurance after ceasing to meet the requirements of the local government bond-rating test.

(ii) Respondent Activity:

- Notify the implementing agency of failure to obtain alternate assurance after ceasing to meet the requirements of the local government bond-rating test.

(g1) Application of Existing Requirements to Previously Deferred UST Systems

The revised regulations will require FCTs and AHFDSs to comply with Subpart H requirements on the effective date of the regulations. Subpart H's information collection requirements are described briefly below.

(g1.1) 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 §280.90(d).

Owners and operators may use any one or a 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:

- A letter signed by the Chief Financial Officer (CFO), worded exactly as stated 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:

- 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 stated 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 Utilities Service (§280.95(c)(5)).

The implementing agency also may require submittal of the following data items 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 a signed and dated letter from the CFO and keep it on file;
- File financial statements annually with the U.S. Securities and Exchange Commission, Energy Information Administration, or Rural Utilities Service; or report the tangible net worth annually 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 a signed and dated letter from the CFO and keep it on file;
- 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 Utilities Service; 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 the implementing agency within 10 days if the 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 stated in §280.103(b) (§280.96(d)). [The trust agreement burden is covered subsequently in this ICR.]

(ii) Respondent Activities:

- Obtain a letter from the CFO of the guarantor and keep it on file; and
- Obtain a guarantee from the guarantor and keep it on file.

[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 Activity:
 - Obtain an insurance or risk retention group coverage policy and keep it on file.

[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 stated in §280.98(b); and
 - A standby trust agreement worded exactly as stated in §280.103(b) (§280.98(d)).
[The trust agreement burden is covered subsequently in this ICR.]
- (ii) Respondent Activity:
 - Obtain a copy of the surety bond and keep it on file.

[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 stated in §280.99(b); and
 - A standby trust agreement worded exactly as stated in §280.103(b) (§280.99(c)). [The trust agreement burden is covered subsequently in this ICR.]
- (ii) Respondent Activity:
 - Maintain the irrevocable standby letter of credit and keep it on file.

[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 EPA. 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 EPA (§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 EPA. 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 Activity:
 - Obtain a letter or certificate from the state and keep it on file.

[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 stated 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 the trust agreement and formal certification of acknowledgment and keep it on file; and
 - Prepare a written request for release of excess funds, if applicable, and submit it.

[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 stated in §280.103(b)(1), accompanied by formal certification of acknowledgment as specified in §280.103(b)(2).
- (ii) Respondent Activity:
 - Prepare the standby trust fund agreement and any amendments and keep it on file.

[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;
 - Current records of financial condition (§280.104(f)); and
 - Notification of failure to obtain alternate assurance after ceasing to meet the requirements of the local government bond rating test (§280.104(h)).
- (ii) Respondent Activities:
 - Maintain current copy of bond ratings;
 - Prepare a signed letter from the CFO and keep it on file;
 - If requested, prepare records of current financial conditions and submit them; and
 - Notify the implementing agency of failure to obtain alternate assurance after ceasing to meet the requirements of the local government bond rating test.

[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 a signed letter from the CFO and keep it on file;
- If requested, prepare records of current financial conditions and submit them; and
- Notify the implementing agency within 10 days if the 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). See sections g1.3 and g1.4.]

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 or 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(d) and §280.104(e) (§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 a demonstration of meeting the requirements of §280.104, 280.105, or 280.107(a) through (c) and a signed letter from the CFO and keep them on file;
 - If necessary, prepare a notice of inability to meet financial assurance requirements and submit it; and
 - Obtain a guarantee agreement and keep it on file.

[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 a signed letter(s) from the CFO and/or the guarantor and keep it on file;
 - 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 Activity:
 - Prepare a notice of alternate financial assurance and submit it to the original financial assurance provider.

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

(g1.2) 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 a notice of termination and submit it;
 - Prepare a notification and submit it to the implementing agency if unable to obtain alternate coverage within 60 days of receiving a notice of termination.

(g1.3) 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 Activity:
 - Gather forms listed in §280.111(b) and submit them to the implementing agency documenting current evidence of financial responsibility.

(g1.4) 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 a certification of financial responsibility and keep it on file; and
 - Update the certification whenever the financial assurance mechanism is modified.

(g1.5) 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 a notification and submit it within 10 days of commencement of bankruptcy procedures; and
- If necessary, prepare a notification of inability to obtain alternate financial assurance and submit it within 30 days.

(h) Subpart J: Operator Training

The revised regulations 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. Subpart J will go into effect three years after the effective date of the regulations (i.e., not during this three-year ICR period). Therefore, this ICR does not include the burden associated with Subpart J.

(i) Subpart K: Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

The revised regulations contain a new subpart (Subpart K), applicable to FCTs and AHFDSs. Subpart K will require that owners and operators of FCTs and AHFDSs comply with Subparts A through H and J, with certain exceptions. Owners and operators of existing FCTs and AHFDSs will not be required to comply with Subparts B, C, D, and J within the three-year period of this ICR; therefore, those requirements for FCTs and AHFDSs are not included in this ICR. Subparts E, G, and H will become effective for existing FCTs and AHFDSs on the effective date of the regulations; therefore, these requirements are included in this ICR. FCTs and AHFDSs were already required to comply with Subpart F. Any new installations of AHFDSs and FCTs after the effective date of the regulations must meet all 40 CFR Part 280 requirements at the time of installation; however, this ICR assumes that no new underground FCTs or AHFDSs will be installed during the three-year period of this ICR.

The revised regulations would require owners of FCTs and AHFDSs to submit a one-time notice of tank system existence within one year of the effective date of the revised regulations.

(i) Data Item:

- Notification from owners of FCTs and AHFDSs.

(ii) Respondent Activity:

- For owners of FCTs and AHFDSs, prepare notification forms and submit them within one year of the effective date of the regulations.

[NOTE: The information collection requirements of Subparts E, G, and H, which will become effective for existing FCTs and AHFDSs on the effective date of the regulations, are described

under those respective subparts above under the headings “Application of Existing Requirements to Previously Deferred UST Systems.”]

(2) State Agency Respondents

§280.22 describes notification requirements for UST systems. The 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. The revisions would also require owners of previously deferred FCTs and AHFDSs to submit a one-time notice of ownership within one year of the effective date of the regulations (§280.251(b)). States will need to process the notification forms resulting from the 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 AHFDSs and FCTs.

(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 AHFDSs and FCTs.

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. As a result of the revisions, states (and territories) will need to apply for state program approval or revise a previously approved state program application. This ICR does not include the burden on states and territories for applying for state program approval or revising their applications, because submittal of the applications is not required during this three-year ICR period.

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 agency will review and file notification forms submitted by UST owners and operators as required by the revised regulations.

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

5(d) Collection Schedule

The implementing agency will collect information from UST owners and operators on a one-time, ongoing, or special circumstance basis. The implementing agency collects various types of data according to the following schedules:

- *One-time collections*: notification forms, closure records, and change-in-service forms.
- *Ongoing collections*: performance of release detection, records to demonstrate compatibility with biofuels, maintenance of repair and release detection records.
- *Special circumstance collections*: release reporting and response information, including site information, chemical property and health information, financial responsibility records, and testing release prevention equipment after repairs.

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) activities.

Labor Costs

Table 3 shows the estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities/contractors, commercial 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. These labor rates are from EPA's Regulatory Impact Analysis for the revised regulations.

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

Respondent	Legal	Managerial	Technical	Clerical
Facilities/Contractors	\$100.76	\$57.08	\$36.17	\$18.12
Commercial AHFDS Facilities	\$117.46	\$86.34	\$51.39	\$28.78
States	\$47	\$47	\$47	\$26

For facilities, contractors, and commercial AHFDS facilities, EPA derived the labor costs based on mean hourly wages reported in the May 2011 National Occupational Employment and Wage Estimates from the U.S. Department of Labor's Bureau of Labor Statistics (BLS).² EPA then

² Facilities and Contractors

Legal wages and technical wages were based on the May 2011 National Occupational Employment and Wage Estimates – United States from the U.S. Bureau of Labor Statistics (http://www.bls.gov/oes/2011/may/oes_nat.htm). EPA used the national wage estimates for legal labor (23-1011) because they were unavailable under the industry-specific wage estimates for NAICS 447000. EPA used the national wage estimates for the technical labor category (53-1021) as a conservative (i.e., central-to-high cost) estimate.

factored in the costs of fringe benefits: 28.8 percent of total compensation.³ EPA then added an overhead factor of 12 percent.⁴

For state employees, EPA used a labor rate of \$47 per hour for legal, managerial, and technical staff (from ICR 1360.08, inflated to 2012 dollars). For state clerical workers, EPA used a labor rate of \$26 per hour (from ICR 1360.08, inflated to 2012 dollars).

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 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. The Paperwork Reduction Act of 1995 defines them 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 \$0.51 to mail a 1-ounce package (i.e., \$0.49 for postage and \$0.02 for a standard size envelope).
- Photocopying costs: EPA estimates that respondents will incur a cost of \$0.14 for each photocopy they make.
- Purchase of contractor or laboratory services: Owners and operators of USTs will incur O&M costs for contractor and laboratory services. These O&M costs are in

Managerial and clerical wages were based on the May 2011 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 447000 – Gasoline Stations from the U.S. Bureau of Labor Statistics (http://www.bls.gov/oes/2011/may/naics3_447000.htm). For the managerial labor category, EPA used the standard occupational category (SOC) code for all management occupations (11-0000) to capture all types of managers that may work at gas stations (e.g., chief executives, marketing managers, food service managers). For the clerical labor category, EPA used SOC code 43-9061 (general office clerks).

Commercial AHFDSs

The labor rates used originate from BLS National Occupational Employment and Wages, May 2011 for NAICS 481100 (Scheduled Air Transportation) for Legal (23-1011), Managerial (11-000), Technical (53-0000), and Clerical (43-000).

³ Fringe benefits factor is from Bureau of Labor Services Employer Costs for Employee Compensation, December 2012. Table 10: All workers, service-providing industries.

⁴ 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. See Figure C-1, page C-4.

addition to the labor costs of contractors who bill by the hour; contractors' hourly labor costs are included within the "labor costs" category.

These O&M costs are shown in Exhibits 1A, 1B, and 1C.

6(c) Estimating Agency Hour and Cost Burden

This ICR assumes that the revised regulations will impose no additional burden on EPA.

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 10 or more non-federal respondents. This ICR assumes that 1 percent of conventional and EGT facilities are federally owned, all facilities with FCTs are federally owned, and all but 10 AHFDS facilities are federally owned. This ICR does not include the burden on federally owned facilities, in keeping with the Paperwork Reduction Act. Table 4 presents the estimated non-federal UST universe.

Table 4
Estimated Non-Federal UST Universe

	UST Systems	Facilities
<i>(a) Conventional USTs</i>	554,862	204,746 ^a
Affected by revised rules	Varies by rule	Varies by rule
<i>(b) Emergency generator tanks (EGTs)</i>	17,339	6,398 ^a
Affected by revised 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>	64	10
Affected by revised rules	64	10
Total (a+b+c+d):	572,265	211,154

^a Number of facilities estimated based on a ratio of 2.71 USTs per facility.⁵

A number of states have already implemented regulations similar to the revisions to 40 CFR Part 280. This ICR only considers the burdens imposed on those UST systems and facilities not already subject to state regulations equivalent to the revisions to 40 CFR Part 280.

⁵ Results of an analysis of public UST records of 54 states and territories performed for EPA suggest that the average number of UST systems per facility (across all sectors that use conventional UST systems or EGTs), is approximately 2.71.

(2) Total Hour and Cost Burden⁶**(a) Previously Deferred Emergency Generator Tanks (EGTs): Release Detection**

This subsection describes how EPA arrived at the respondent estimates in Exhibit 1A. EGTs are currently deferred from Subpart D. The revised regulations will require existing EGTs to comply with Subpart D within three years of the effective date of the revised regulations; new EGTs must comply with Subpart D when they are installed. Therefore, this ICR does not include costs for existing EGTs.

Based on EPA fiscal year 2012 data, the total number of active federal and non-federal USTs is 577,981. EPA assumes that 3 percent of these tanks, or 17,339 tanks, are EGTs. Among these, 10,977 EGTs are in states that currently defer release detection regulations on this type of UST (and therefore will be affected by the deferral removal). Subtracting the assumed 1 percent of federally owned EGTs yields 10,867 non-federally owned EGTs in states that will be affected by the deferral removal. EPA assumes that 5 percent of the tank population is replaced per year, yielding 543 new installations of non-federally owned EGTs per year in states that will be affected by the deferral removal. This corresponds to 201 new EGT facilities per year, using the ratio of 2.71 USTs per facility.

This ICR assumes that owners and operators of the 201 new EGT facilities per year will read the revised regulations.

The revised regulations require newly installed USTs to use interstitial monitoring. During the first year of the ICR period, 201 new EGT facilities will record the results of interstitial monitoring; during the second year, two times as many facilities will record results; during the third year, three times as many facilities will record results. Annualizing over the three-year period covered by this ICR, this activity will be performed at approximately 401 facilities per year.

⁶ Due to rounding, not all figures in Exhibits 1A, 1B, 1C, and 2 sum or multiply exactly.

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
Read the regulations	0.00	0.00	4.75	0.00	4.75	\$171.81	\$0	\$0.00	201	952	\$34,448
SUBPART D: RELEASE DETECTION (during three-year ICR period, applies to new installations only)											
Release Detection for Petroleum UST Systems (\$280.41)											
Record results of monthly interstitial monitoring	0.00	0.00	0.60	0.00	0.60	\$21.70	\$0	\$0	401	241	\$8,703
Release Detection Recordkeeping (\$280.45)											
Maintain records for specified time periods	0.00	0.00	0.02	1.10	1.12	\$20.66	\$0	\$0.14	401	449	\$8,339
Subtotal										690	\$17,042
TOTAL										1,642	\$51,489

* Due to rounding, columns may not sum exactly.

(b) Previously Deferred AHFDSs

This subsection describes how EPA arrived at the respondent estimates in Exhibit 1B. AHFDSs are currently deferred from Subparts B, C, D, E, G, and H. The revised regulations would remove the deferral from Subparts E, G, and H on the effective date of the regulations. The revised 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). Therefore, this ICR does not include the burden on AHFDSs associated with Subparts B, C, and D. This ICR also does not include burdens on FCTs, because all FCTs identified by EPA are owned by the federal government.

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 billing 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 all 10 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 three facilities per year.

(b1) Release Reporting, Investigation, and Confirmation

EPA assumes that 5 percent of AHFDS facilities per year will suspect that a release has occurred. Annualizing over the three-year period covered by this ICR, an average of 0.5 AHFDS facilities per year will report a suspected release and gather information about the suspected release. EPA assumes that 80 percent of the suspected releases are large enough to require cleanup. Annualizing over the three-year period covered by this ICR, an average of 0.4 AHFDS facilities per year will report a confirmed release.

(b2) Out-of-Service UST Systems and Closure

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

(b3) 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 three facilities per year will submit forms to the implementing agency documenting evidence of financial responsibility. EPA assumes that all 10 non-federal AHFDS facilities will obtain proof of financial responsibility and keep it on file. EPA assumes that no non-federal AHFDS facility will experience bankruptcy, or cancellation or modification of financial assurance within the ICR period.

(b4) Notification

Subpart K requires owners of previously deferred UST systems (FCTs and AHFDSs) to prepare and submit a notification form within one year of the effective date of the regulations. EPA expects owners to submit notifications for all 10 non-federal AHFDS facilities; annualized over three years, the annual number of respondents is three.

EXHIBIT 1B (concluded)
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
PREVIOUSLY DEFERRED USTs: AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS: SUBPARTS E, G, H, AND K

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
SUBPART H: FINANCIAL RESPONSIBILITY											
Cancellation or Nonrenewal by a Provider of Financial Assurance (§ 280.109)											
Prepare and submit a notice of termination of financial assurance	0.25	0.00	0.50	0.25	1.00	\$62.26	\$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	\$101.76	\$0	\$0	0	0	\$0
Reporting (§ 280.110)											
Gather and submit forms listed in Section 280.111(b) to the implementing agency documenting current evidence of financial responsibility	0.00	0.00	0.00	0.25	0.25	\$7.20	\$0	\$0	3	1	\$24
Recordkeeping (§ 280.111)											
Obtain and keep on file proof of financial responsibility	0.00	0.00	0.25	0.10	0.35	\$15.73	\$0	\$0	10	4	\$157
Update certification if financial assurance mechanism is modified	0.00	0.00	0.50	0.25	0.75	\$32.89	\$0	\$0	0	0	\$0
Bankruptcy or Other Incapacity (§ 280.114)											
Prepare and submit notification of commencement of bankruptcy procedures	0.50	0.25	0.50	0.25	1.50	\$113.21	\$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	\$101.76	\$0	\$0	0	0	\$0
Subtotal										4	\$181
SUBPART K: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION											
Notification (§ 280.251)											
For owners of a previously deferred UST system, submit notification form within one year of the effective date of the regulations	0.00	0.25	0.00	0.00	0.25	\$21.59	\$0	\$0	3	1	\$72
Subtotal										1	\$72
TOTAL										50	\$3,950

* Due to rounding, columns may not sum exactly.

(c) Other Additions to Part 280

Exhibit 1C includes all of the owner and operator ICR burdens associated with the Part 280 revisions that are not captured in Exhibits 1A and 1B. This subsection describes how EPA arrived at the respondent estimates in Exhibit 1C.

EPA assumes that the owners and operators of all 211,144 non-federal conventional and EGT facilities (see Table 4) will read the revised regulations. Annualized over the three-year ICR period, 70,381 facilities per year (i.e., $211,144 \div 3 = 70,381$) will read the revised regulations.

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

Of the non-federal conventional and EGT facilities affected by the revised regulations, EPA assumes that 3,188 facilities will change ownership each year. Each of these facilities will submit the required notification form within 30 days of assuming ownership.⁷

(c2) General Operating Requirements

Compatibility

The revised regulations will require owners and operators to notify the implementing agency at least 30 days prior to switching to certain biofuel blends. However, because owners and operators have a choice about whether to store these substances and there is a lack of information as to how many owners and operators would choose to switch each year, EPA did not include an estimate of this reporting cost in this ICR.

Under the revised regulations, the owners and operators of USTs storing product containing more than 10 percent ethanol or more than 20 percent biodiesel will be required to maintain records to demonstrate compatibility with the product stored. EPA estimates that 0.4 percent of conventional and EGT UST systems store such products. EPA assumes that 10 percent of these systems can demonstrate compatibility (i.e., $572,201$ non-federal conventional USTs and EGTs $\times 0.4\% \times 10\% = 229$ USTs).⁸ Owners and operators of these USTs would incur annualized capital costs of \$0.18 per UST system.⁹

Repairs Allowed

The revised regulation will require that secondary containment, spill prevention equipment, and overfill prevention equipment be tested within 30 days of repairing such equipment. EPA estimates that 14,282 non-federal conventional and EGT UST systems with secondary containment affected by the revised regulations will be repaired per year; this assumes that 20 percent of pipes with secondary containment and 5 percent of tanks with secondary containment require repair every year. Assuming that each repair occurs at a separate facility, an average of

⁷ EPA estimates that, every year, 10.1 percent of facilities change ownership (21,290 non-federal conventional and EGT facilities). Of these, all but 3,188 facilities are in states that already require notification of ownership change.

⁸ See Table 4.

⁹ Prior to discounting, the estimated capital cost is \$1.93. 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).

28,563 facilities will maintain records of post-repair secondary containment tests each year during the ICR period. The recordkeeping burden increases over the years: 14,282 facilities maintain records during the first year, twice as many facilities maintain records during the second year, and three times as many facilities maintain records during the third year; the average over the three-year ICR period is 28,563 facilities.

EPA assumes that spill prevention equipment requires repair or replacement once every four years, and that repairs are made 10 percent of the time. EPA estimates that 14,163 non-federal conventional and EGT UST systems will have spill prevention equipment repairs each year in states affected by the revised regulations. Using the same recordkeeping assumptions as above, an average of 28,326 facilities will maintain records of post-repair spill prevention equipment tests each year during the ICR period.

EPA assumes that overfill prevention equipment requires repair or replacement once every five years, and that repairs are made 10 percent of the time. EPA estimates that 11,167 non-federal conventional and EGT UST systems will have overfill prevention equipment repairs each year in states affected by the revised regulations. Using the same recordkeeping assumptions as above, an average of 22,334 facilities will maintain records of post-repair overfill prevention equipment tests each year during the ICR period.

(c3) Out-of-Service UST Systems and Closure

The revised regulations do not alter the information collection requirements of Subpart G. However, the revisions will require owners and operators to close lined tanks that are no longer performing in accordance with original design specifications and cannot be repaired according to a code of practice (Subpart B, §280.21). EPA estimates that 56 non-federal lined UST systems will close each year as a result of the revised regulations. Assuming that each closure occurs at a separate facility, an average of 113 facilities will maintain closure records each year during the ICR period (i.e., the recordkeeping burden increases over the years: 56 facilities maintain records during the first year; double that in the second year; and triple that in the third year; average = 113 facilities). EPA assumes that all facilities will maintain records on site, rather than mailing them to the implementing agency.

**EXHIBIT 1C
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN
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
Read the regulations (conventional USTs and EGTs)	0.00	0.00	4.75	0.00	4.75	\$171.81	\$0	\$0	70,381	334,312	\$12,092,057
SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION (burdens for these types of facilities are included below: conventional, EGTs)											
Notification Requirements (§ 280.22)											
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	\$14.27	\$0	\$0	3,188	797	\$45,490
Subtotal										797	\$45,490
SUBPART C: GENERAL OPERATING REQUIREMENTS (burdens for these types of USTs are included below: conventional, EGTs)											
Compatibility (§ 280.32)											
Notify the implementing agency prior to switching to certain biofuels	0.00	0.25	0.00	0.00	0.25	\$14.27	\$0	\$0	0	0	\$0
For USTs storing more than 10% ethanol or more than 20% biodiesel, maintain records to demonstrate compatibility	0.00	0.00	0.00	0.10	0.10	\$1.81	\$0.18	\$0	229	23	\$456
Repairs Allowed (§ 280.33)											
Test UST systems with secondary containment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$188	14,282	0	\$2,688,251
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.14	28,563	0	\$3,999
Test spill prevention equipment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$363	14,163	0	\$5,137,038
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.14	28,326	0	\$3,966
Test overfill prevention equipment within 30 days after repair	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$400	11,167	0	\$4,466,879
Recordkeeping	0.00	0.00	0.00	0.00	0.00	\$0.00	\$0	\$0.14	22,334	0	\$3,127
Subtotal										23	\$12,303,716
SUBPART G: OUT-OF-SERVICE UST SYSTEMS AND CLOSURE (burdens for these types of USTs are included below: lined USTs that will close (conventional and EGTs))											
Notify the implementing agency of permanent closure or change-in-service	0.00	0.25	0.00	0.00	0.25	\$14.27	\$0.00	\$3	56	14	\$975
Conduct site assessment of excavation zone - Facility	0.00	2.75	0.00	0.00	2.75	\$156.97	\$0	\$2,680	56	155	\$160,071
Conduct site assessment of excavation zone - Contractor	0.00	6.00	40.00	18.00	64.00	\$2,115.44	\$0	\$0	56	3,612	\$119,374
Maintain records after permanent closure or change-in-service for at least three years	0.00	0.00	0.00	0.10	0.10	\$1.81	\$0	\$0.14	113	11	\$220
Mail records to implementing agency if they cannot be maintained on site	0.00	0.00	0.00	0.50	0.50	\$9.06	\$0	\$3	0	0	\$0
Subtotal										3,792	\$280,640
TOTAL										338,924	\$24,721,903

* Due to rounding, columns may not sum exactly.

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	\$0.00	\$0	19	1,120	\$52,640
SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION											
Process notification forms from previously deferred USTs	0.00	0.00	0.50	0.25	0.75	\$30.00	\$0	\$0	143	108	\$4,300
Process notification of change in ownership	0.00	0.00	0.50	0.25	0.75	\$30.00	\$0	\$0	3,188	2,391	\$95,634
Subtotal										2,498	\$99,934
STATE PROGRAM APPROVAL											
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	0	0	\$0
TOTAL										3,618	\$152,574

* Due to rounding, columns may not sum exactly.

(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 members will each take six hours to read the regulations in each state.

EPA estimates that agencies would need to process notification forms from all 430 previously deferred federal and non-federal FCTs and AHFDSs, equal to 143 forms per year after annualizing over the three-year ICR period (i.e., $143 = 430 \div 3$). Agencies would also have to process 3,188 notification forms per year for those USTs with a change in ownership.

6(e) Bottom Line Hour and Cost Burden

(1) Respondent Tally

Exhibit 3 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 344,000 hours and \$25 million. The bottom line burden to respondents over three years is estimated to be approximately 1 million hours and \$75 million.

Respondent Tally Burden Table

Respondent	Total Respondents	Total Responses	Total Hours/Year	Labor Cost	Capital/Startup + O&M Cost	Total Cost/Year
Private UST Facilities	200,491	184,147	323,415	\$11,698,915	\$11,827,188	\$23,526,103
State Agencies and State/Local Government UST Facilities	10,719	13,144	20,819	\$774,782	\$629,031	\$1,403,813
Total	211,210	197,291	344,234	\$12,473,697	\$12,456,219	\$24,929,916

EXHIBIT 3

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	340,615	\$12,321,123	\$42	\$12,456,177	\$24,777,342
State Agencies	3,618	\$152,574	\$0	\$0	\$152,574
TOTAL	344,234	\$12,473,697	\$42	\$12,456,177	\$24,929,916

Exhibit 4 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 privately owned facilities to be approximately 323,000 hours and \$24 million. EPA estimates the annual respondent burden for facilities owned by state and local governments to be approximately 17,000 hours and \$1.3 million.

**EXHIBIT 4
TOTAL ESTIMATED ANNUAL UST FACILITY RESPONDENT HOUR AND COST BURDEN SUMMARY,
BY FACILITY TYPE**

Respondent	Total Hours/ Year	Labor Cost	Capital/ Startup Cost	O & M Cost	Total Cost/ Year
Private UST Facilities	323,415	\$11,698,915	\$40	\$11,827,148	\$23,526,103
State and Local Government Facilities	17,201	\$622,208	\$2	\$629,029	\$1,251,239
TOTAL	340,615	\$12,321,123	\$42	\$12,456,177	\$24,777,342

(2) Agency Tally

This ICR assumes that the revised regulations will impose no additional burden on EPA.

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 revisions to 40 CFR Part 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 and processing notification forms. 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 revisions. As shown in Exhibit 5, the total annual hourly burden is estimated to be 344,000 hours. The increase in burden results from revisions to the existing rule.

**EXHIBIT 5
ANNUAL RESPONDENT HOUR AND COST BURDEN COMPARISON**

	Total Hours/ Year	Capital/ Startup and O&M Costs
Current OMB Inventory Burden (approved 9/7/2011)	6,751,058	\$279,648,511
Program Change (new burden resulting from revisions)	344,234	\$12,456,219
Total Collection Burden	7,095,292	\$292,104,730

6(g) Burden Statement

Exhibit 6 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 two hours per facility annually. Of this, the recordkeeping burden for UST facilities is estimated to average two 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 0.004 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 be zero hours per facility per year.

**EXHIBIT 6
AVERAGE ANNUAL RESPONDENT BURDEN**

Respondent	Average Recordkeeping Burden (Hours)	Average Reporting Burden (Hours)	Average Third Party Disclosure Burden (Hours)	Total Average Burden (Hours)
UST Facilities	2	0.004	0.000	2
State Agencies	65	0.000	0.000	65

For state (and territorial) implementing agencies, the total hour burden is estimated to average approximately 65 hours per state annually. The recordkeeping burden is estimated to average approximately 65 hours per state per year. This estimate includes time for reading the revised regulations and processing notification forms. The reporting burden is estimated to be zero hours per state per year.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.7 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 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, or in person viewing at the OSWER 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 OSWER Docket is (202) 566-0270. 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-HQ-UST-2011-0301 and OMB Control Number 2050-0068 in any correspondence.

