

**Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)**

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1. EXECUTIVE SUMMARY

1(a). Identification of the Information Collection – Title and Numbers

Title: ICR amendment for the Addition of Natural Gas Processing Facilities to the Toxics Release Inventory (TRI), Proposed Rule

ICR Numbers: EPA ICR No.: 2070-NEW; OMB Control No.: 2560.01

EPA Form Numbers: Form R/A: Form Approved OMB Number: 2025-0009

Docket ID Number: EPA-HQ-TRI-2016-0390

1(b). Docket Information

The information collection request (ICR) that explains the information collection activities and related burden and cost estimates, as well as other supporting documents related to the ICR, are available in the docket established for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Use the federal government wide electronic docket and comment system at www.regulations.gov to submit or view public comments, access the index listing of the docket contents, and to access those documents in the docket that are available electronically. Once in the system, select "advance 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-TRI-2016-0390 and OMB control number 2025-0009 in any correspondence.

1(c). ICR Status

This ICR addresses the information collection activities that are contained in the proposed rule to add natural gas processing (NGP) facilities to the scope of the industrial sectors covered by the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. section 11023, commonly known as the Toxics Release Inventory (TRI). Estimated burden and costs associated with the proposed rule are incremental to existing reporting burden for the TRI Program overall as documented in the *TRI Form R and Form A Toxic Chemical Release Reporting ICR Supporting Statement (Docket ID# EPA-HQ-OEI-2013-0803)*. Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., 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 control number issued by the Office of Management and Budget (OMB). The OMB control numbers are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Before submitting an ICR to OMB for review and approval under the PRA, an agency must solicit comments pursuant to PRA §3506(c)(2)(A) and 5 CFR 1320.8(d)(1). After considering comments received on the draft ICR, the agency must submit the ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. In announcing the submission of the final ICR to OMB for review and approval, the agency must provide another opportunity for public review and comments on the revised ICR pursuant to 5 CFR 1320.12(c).

1(d). Abstract

This ICR estimates the incremental burden of the proposed changes for a proposed rule titled Addition of Natural Gas Processing Facilities to the Toxics Release Inventory (TRI) that is not already included in the currently approved ICR “Chemical Release Reporting,” which covers the current 40 CFR part 372. The Environmental Protection Agency (EPA) is developing a proposed rule under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) concerning the addition of natural gas processing (NGP) facilities to the scope of the industrial sectors covered by the reporting requirements of TRI. Under the section 313 reporting requirements, a facility must report chemical quantities to TRI if it meets all of the following three criteria:

1. It is in a Standard Industrial Classification (SIC) code covered by the regulations;
2. It has ten or more full-time employees (or the hourly equivalent of 20,000 hours); and
3. It manufactures, processes, or otherwise uses any of the listed toxic chemicals or chemical categories above the applicable reporting threshold.

The proposed rule extends reporting requirements to establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases and maintains the existing reporting requirement for establishments primarily engaged in sulfur recovery from natural gas to submit TRI reporting forms on chemicals for which they trigger TRI reporting.

A completed TRI reporting form must be submitted for each listed toxic chemical manufactured, processed, or otherwise used above threshold levels at each regulated facility as described in 40 CFR part 372. EPA estimates that the proposed rule will result in up to 444 facilities filing TRI forms for the first time for a total of up to 3,464 forms.

The costs potentially incurred by industry are estimated using a weighted average wage rate (WAWR), representing the average loaded cost for a mix of Managerial, Technical, and Clerical labor per hour of TRI reporter burden. The total industry burden of the proposed rule would be up to \$13,584,347 for the first year and \$6,468,747 every subsequent year. The total annual form processing burden for EPA associated with TRI form submissions under the proposed rule is estimated to be up to \$21,304.

Legal authority: Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11023.

Respondents/affected entities: Entities potentially affected by this ICR include facilities primarily engaged in natural gas processing.

Respondent's obligation to respond: Respondents are obligated to respond or report to EPA.

Confidentiality of responses: NA

Estimated total number of potential respondents: 444

Frequency of response: Annually

Estimated total annual burden: Up to 250,035 hours in the first year and up to 119,064 hours every subsequent year. Burden is defined at 5 CFR 1320.3(b).

Estimated total annual costs to the regulated universe: Up to \$13,584,347 in the first year and up to \$6,468,747 every subsequent year.

Changes in the estimates: This collection adds TRI reporting from a new industry sector, natural gas processing (NGP) facilities, to existing reporting requirements. Therefore, existing TRI reporting burden is increased by up to 250,035 hours in the first year that NGP facilities report to TRI and up to 119,064 hours every subsequent year.

2. NECESSITY OF THE INFORMATION COLLECTION

2(a). Related Legal and/or Administrative Requirements

Congress provided EPA with explicit statutory authority to expand the categories of facilities required to report under EPCRA section 313. Section 313(b)(1)(A) applies section 313 to facilities that are in SIC codes 20 through 39. Section 313(b)(1)(B) states: “The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.”

Exercising the authority to add SIC Codes to the scope of TRI in 1997, EPA added (with some limitations) metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum bulk plants and terminals-wholesale, and solvent recovery services. 62 FR 23834 (May 1, 1997). When adding these seven sectors, EPA considered three factors:

- *Chemical Factor* – Whether one or more toxic chemicals are reasonably anticipated to be present at facilities within the candidate industry group.
- *Activity Factor* – Whether facilities within the candidate industry group “manufacture,” “process,” or “otherwise use” these toxic chemicals.
- *Information Factor* – Whether facilities within the candidate industry group can reasonably be anticipated to increase the information made available pursuant to EPCRA section 313, or otherwise further the purposes of EPCRA section 313. This factor may include consideration of: (1) whether the addition of the candidate industry group would lead to reporting by facilities within that candidate industry group (e.g., whether facilities within the candidate industry group would conduct activities which exceed the reporting thresholds in section 313(f)); (2) whether facilities within the candidate industry group are likely to be subject to an existing

statutory or regulatory exemption from the requirement to file a Form R; (3) whether submitted Form R reports from that industry group could be expected to contain release and waste management data; or (4) whether a significant portion of the facilities in the industry group would be expected to file a Form A. See 61 FR 33588, 33594 (June 27, 1996).

As explained in Units II.D and III.A of the 1997 Final Rule, EPA identified these three factors to consider in determining whether the statutory standard in EPCRA section 313(b)(1)(B) would be met by addition of the candidate facilities.

Currently, NGP facilities primarily engaged in sulfur recovery from natural gas are subject to TRI reporting requirements because they are classified in a sector originally covered by TRI, SIC 2819 (Industrial Inorganic Chemicals, Not Elsewhere Classified). To address sector definition discrepancies between SIC 2819 and NAICS 211112 (Natural Gas Liquid Extraction),¹ the TRI regulations currently include a limitation for NAICS 211112: “limited to facilities that recover sulfur from natural gas.” 40 CFR 372.23(b).

The proposed rule would add SIC 1321 (Natural Gas Liquids) ² to the list of industrial sectors covered by TRI and remove the limitation from NAICS 211112. This approach would expand TRI coverage to NGP facilities that primarily remove liquid hydrocarbons from oil and gas field.

EPA is aware that the North American Industry Classification System-Revision for 2017³ OMB rulemaking, which will take effect in January of 2017, reclassifies some NAICS codes including the NAICS code for NGP facilities. In particular, in the 2017 revision, NAICS 211130 (Natural Gas Extraction) will broadly include natural gas extraction and processing activities, including but not limited to all activities currently classified under NAICS 211112. Once the 2017 NAICS codes are in effect, EPA anticipates promulgating a rule to align the list of NAICS codes TRI uses to the set of updated codes. An alignment of the NAICS codes used by TRI would not alter the scope of this proposed addition of NGP facilities. TRI currently uses the 2012 NAICS codes, and this analysis used data sources based on the 2012 NAICS codes. The 2017 NAICS revision does not affect the methods or results of this economic analysis for the proposed rulemaking, and the universe of NGP facilities identified by this analysis remains the same.

Facilities affected by the proposed rule would be required to submit a completed TRI form for each listed toxic chemical manufactured, processed, or otherwise used above threshold levels at each regulated facility as described in 40 CFR part 372. For most chemicals, threshold levels are set at 25,000 lbs for manufacturing and processing and 10,000 lbs for otherwise use (40 CFR § 372.25). EPA established an alternate threshold under EPCRA §313(f)(2) for a category of facilities with low amounts of a listed toxic chemical in wastes. A facility with such

¹ NAICS 211112 (Natural Gas Liquid Extraction): This U.S. industry comprises establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry.

² SIC 1321 (Natural Gas Liquids): Establishments primarily engaged in producing liquid hydrocarbons from oil and gas field gases.

³ Federal Register (2016) *North American Industry Classification System-Revision for 2017*, 81 FR 52583. Available at: <https://www.federalregister.gov/articles/2016/08/08/2016-18774/north-american-industry-classification-system-revision-for-2017>.

lower amounts of listed chemicals in wastes may submit an EPA Toxics Release Inventory Form A (Attachment #2) for the reportable chemicals instead of a Form R (Attachment #1) for each reportable chemical. Note that a Form A may contain multiple chemicals. Form A submissions foster continued attention to chemical management practices and provide important facility identification information. With a Form A, EPA and the general public receive a specific indication annually that a facility has a certain chemical; however, facilities provide less extensive reporting on chemicals when using the alternate threshold.

2(b). Necessity of the Information Collection

The Environmental Integrity Project (EIP), together with 18 other organizations, petitioned EPA to add the Oil and Gas Extraction industrial sector to the scope of sectors covered by the reporting requirements of EPCRA section 313. EPA believes that natural gas processing (NGP) facilities are appropriate for addition to the scope of TRI.

NGP facilities meet the three factors (chemical, activity, and information) that EPA considered in the 1997 TRI sector addition as follows:

- Chemical and Activity factors: TRI-listed chemicals are present at NGP facilities. Using information from Canada's National Pollutant Release Inventory (NPRI), a program analogous to TRI and which covers NGP facilities, EPA estimates that NGP facilities manufacture, process, or otherwise use more than 21 different TRI-listed chemicals, including n-hexane, hydrogen sulfide, toluene, benzene, xylene, and methanol.
- Information factor: The addition of NGP facilities to TRI would meaningfully increase the information available to the public and further the purposes of EPCRA section 313. EPA estimates that at least 282 NGP facilities in the U.S. would meet the TRI employee threshold (10 full-time employees or equivalent) and manufacture, process, or otherwise use at least one TRI-listed chemical in excess of applicable threshold quantities. Furthermore, based upon information submitted to Canada's NPRI and the 2012 EIA-757 survey of NGP facilities, EPA expects that TRI reporting by U.S. NGP facilities would provide significant release and waste management data.

2(c). Uses, Users, and Purpose of the Information Collection

The overall goal of TRI is to provide communities with information about toxic chemical releases and other waste management activities and to support informed decision making by industry, government, non-governmental organizations, and the public.⁴ TRI's success is due, in large part, to the right-to-know provisions contained in the legislation. By requiring that the resulting data be made publicly available "by electronic and other means," Congress ensured that the general public, the media, environmental advocates, researchers, the business community, and others could evaluate and influence industry's efforts to manage toxic emissions. Consequently, EPA makes available data collected under EPCRA §313 and the Pollution Prevention Act (PPA) §6607 through access tools such as EPA's Envirofacts, TRI Explorer, TRI.NET, and the web-enabled mobile application myRTK.

⁴ U.S. EPA Toxics Release Inventory Program. <http://www.epa.gov/tri/>

The TRI Program now provides the TRI Preliminary Dataset within weeks after the annual July 1st TRI reporting deadline. The release consists of downloadable files on the TRI website (also accessible through Data.gov), as well as updated online data access tools (Envirofacts and TRI Explorer).

EPA generally makes available the annual TRI National Analysis and the final dataset used for that analysis within eight months after the reporting deadline. In addition to providing information to the public via electronic means, EPA also conducts outreach activities to make key groups and the public aware of TRI. Libraries in communities all across the United States (in particular, members of the Federal Depository Library Program) provide public access to TRI data.

Environmental agencies, industry, and the public use TRI data. EPA program offices use TRI data, along with other data, to help establish programmatic priorities, evaluate potential hazards to human health and the natural environment, and undertake appropriate regulatory and/or enforcement activities. Environmental and public interest groups use the data to better understand toxic chemical releases at the community level and to work with industry, government agencies, and others to promote reductions in toxic chemical releases. Industrial facilities use the TRI data to evaluate the efficiency of their production processes and to help track and communicate their progress in achieving pollution prevention goals. States use the TRI data to compare toxic chemical releases and other waste management approaches within specific industries and to set environmental priorities at the state level. See EPA's *The Toxics Release Inventory in Action: Media, Government, Business, Community and Academic Uses of TRI Data* for more detailed descriptions of how these organizations use TRI data.⁵ EPA encourages TRI data users to provide feedback on ways to improve TRI products and services.

EPA believes that TRI data from the natural gas processing sector are of interest to the public because of the potential for adverse environmental impacts associated with toxic chemical emissions from these facilities. As mentioned above, EPA estimates that NGP facilities manufacture, process, or otherwise use more than 21 different TRI-listed chemicals, including n-hexane, hydrogen sulfide, toluene, benzene, xylene, and methanol. Activities related to natural gas liquids extraction, contaminant removal, fractionation, and natural gas compression occurring at NGP facilities result in significant releases of listed toxic chemicals.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a). Non-Duplication

This information collection does not require that any new data be collected beyond what is already required under EPCRA section 313. Rather, it requires that the same information be reported by a new industrial sector.

As background to the overall TRI reporting requirements, the basic information requested on Form R/Form A is required to be reported by law. Other statutes, however, also necessitate the reporting of information about releases of chemicals to the environment, as well as

⁵ http://www2.epa.gov/sites/production/files/documents/tri_in_action_final_report_july_2013.pdf

transfers, treatment, and source reduction and recycling activities, creating the possibility of overlap or duplication of reporting requirements. EPA anticipates some overlap and notes that section 313(g)(2) of EPCRA specifies that respondents may use readily available data collected pursuant to other provisions of law to complete the EPCRA §313 reports. Information required by these other statutes may not provide readily accessible multi-media release and transfer, inventory, or pollution prevention data with the same scope, level of detail, chemical coverage, and frequency of collection as data currently included in TRI.

Several existing data sources contain media-specific data on releases and transfers, chemical inventory data, or pollution prevention information. In theory, information from these databases could be combined to form an analog of release and transfer data contained in TRI. However, given the currently available data sources (see Table 1), this substitution is extremely unlikely. For example, differences exist across the databases in chemical coverage and facility coverage, as well as differences in the level of public access, reporting frequency, and the integration of data from various sources at the facility level. TRI contains information on releases, transfers, and other waste management activities for 594 individually listed chemicals and 31 chemical categories—with total number of chemicals and chemical categories at 689. The following sections describe other sources of chemical releases and transfers, chemical inventory, and pollution prevention data and compare these sources with TRI.

Table 1
Major Federal Databases with Air Release, Water Discharge, and Waste Disposal Data

Data Source	Media and Chemical Coverage	Relevant Release Statistics Available	Ease of Database Substitution for TRI Data^a
National Emissions Inventory (NEI)	Contains annual emissions of 8 criteria air pollutants (CAPs) and 187 hazardous air pollutants (HAPs) for facilities above reporting thresholds.	Total annual releases.	Includes air releases only. Data are updated only every 3 years. Coverage of TRI chemicals is limited.
Integrated Compliance Information System–National Pollutant Discharge Elimination System (ICIS-NPDES)	Contains monthly discharge monitoring data for selected water pollutants and flow rates for major sources.	Concentration data; total annual releases (can be estimated); average daily releases, maximum “moment” if continuous monitoring.	Includes only chemicals for which a discharge limit has been set. Many discharge parameters are not specific to an individual Chemical Abstract Service (CAS) number. Very limited monitoring data for minor dischargers.
Biennial Reporting System (BRS)	Contains waste volumes by Resource Conservation and Recovery Act (RCRA) waste code reported biennially.	Total annual off-site transfers of hazardous waste for land disposal; total annual releases to publicly owned treatment works (POTWs).	Many RCRA waste codes are not specific to an individual CAS number. Quantities of chemicals in waste cannot be determined. Portion of waste stream matching each waste code cannot be determined.
^a “Ease of substitution” refers only to the potential of the information in the database to substitute for TRI reporting. It does not imply that the database is not adequate for the purposes for which it was designed.			

3(b). Public Notice Required Prior to ICR Submission to OMB

The notice of proposed rulemaking serves as the public notice for this ICR. Interested parties should submit comments referencing Docket ID No. EPA-HQ-TRI-2016-0390 to the address listed at the beginning of this document or submit them electronically through <http://www.regulations.gov> as described in Section 1(b). Responses will be taken into account in developing the final rulemaking.

3(c). Consultations

By a letter dated October 24, 2012, the Environmental Integrity Project (EIP), together with 16 other organizations (collectively, Petitioners), submitted a Petition to the EPA pursuant to section 553(e) of the Administrative Procedure Act (APA) to add the Oil and Gas Extraction industrial sector (SIC code 13) to the scope of industrial sectors covered by the reporting requirements of section 313 of EPCRA, 42 U.S.C. section 11023. The Petitioners include, EIP, Chesapeake Climate Action Network, CitizenShale, Clean Air Council, Clean Water Action, Delaware Riverkeeper Network, Earthworks, Elected Officials to Protect New York, Environmental Advocates of New York, Lower Susquehanna Riverkeeper, Natural Resources Defense Council, OMB Watch, Penn Environment, Powder River Basin Resource Council, San Juan Citizens Alliance, Sierra Club, Texas Campaign for the Environment. EIP supplemented

the Petition by submitting additional materials on three other occasions: communications dated January 30, 2014; May 1, 2014; and May 12, 2014. PennFuture and Responsible Drilling Alliance also joined as signatories to the Petition, each by separate letters dated December 31, 2014. Several stakeholders submitted responses to the petition, including the American Petroleum Institute, the Marcellus Shale Coalition, and the Washington Legal Foundation. The Petition and related documents, including the responses received, can be found at regulations.gov in Docket ID No. EPA-HQ-TRI-2013-0281.

On October 22, 2015, EPA granted, in part, the Petition insofar as it requested that EPA commence the rulemaking process to propose adding NGP facilities to the scope of TRI. EPA denied the remainder of the Petition. EPA's response to the Petition, including a full explanation of the Agency's rationale, can be found at regulations.gov in Docket ID No. EPA-HQ-TRI-2013-0281.

3(d). Effects of Less Frequent Collection

As mentioned in Section 3(a) above, this information collection does not require that any new data be collected beyond what is already required under EPCRA section 313. Therefore, the effect of less frequent reporting for NGP facilities is the same as it is for data collection from all other TRI sectors.

Section 313 requires annual reporting. Section 313(i) permits EPA to modify the reporting frequency by rulemaking; however, EPA must first notify Congress and then delay the initiation of such a rulemaking for at least 12 months, but no more than 24 months, from the date of the notification. In addition, EPA must find: that the modification is consistent with the provisions of subsection (h) of §313 based on:

- (i) experience from previously submitted toxic chemical release forms; and
- (ii) determinations made under paragraph (3).

Paragraph (3), in turn, provides that EPA must determine:

- (A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the federal government, states, local governments, health professionals and the public.
- (B) The extent to which information is (i) readily available to potential users from other sources, such as state reporting programs, and (ii) provided to the Administrator under another federal law or through a state program.
- (C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

Since TRI represents the best available multi-media database for tracking toxic chemical releases in the United States, a change in the reporting frequency to less than once a year could have a significant impact on the availability of timely toxic chemical data and affect data

users, particularly at the community level. Additionally, public access to the most current toxic chemical release data and other waste management information would become more difficult.

3(e). Small Entity Flexibility

Under EPCRA §313 (b)(1)(A), facilities with fewer than 10 full-time employees (or the equivalent) do not have to report. In addition, EPA has taken several steps to minimize the burden for covered small businesses. EPA added a range reporting option to the Final Rule (53 FR 4500, February 16, 1988) codifying the EPCRA §313 reporting requirements. Range reporting was the preferred option from the Regulatory Flexibility Act analysis to provide burden reduction for small businesses. Range reporting provides an option for releases of less than 1,000 pounds to be recorded as a code representing one of three ranges (1 to 10 pounds, 11 to 499 pounds, or 500 to 999 pounds) rather than as a specific estimate of the release amount. The benefit is not, however, limited to small businesses. Note that facilities may not use range reporting on Forms R for Persistent Bioaccumulative Toxic (PBT) chemicals.

In response to a petition from the Small Business Administration, EPA promulgated the alternate threshold (59 FR 61488, November 30, 1994), manifested in Form A reporting, as discussed in Section 1(d). Although any reporting facility meeting the criteria may use the alternate threshold, this alternate threshold may be particularly advantageous to small entities.

3(f). General PRA Related Guidelines

This ICR adheres to the 1995 Paperwork Reduction Act, as amended, OMB's implementing regulations, and all applicable OMB guidance.

Although reporting facilities must identify the chemical for which they submit reports, they can claim the chemical identity as a trade secret. In such circumstances, facilities provide a generic name as part of the information made available to the public. EPA securely stores and maintains the true identity of the chemical (see also Section 3(g) below).

Effective January 21, 2014, EPA requires the electronic submission of TRI Form R/Form A through the Internet via EPA's Central Data Exchange (CDX) by using the Toxics Release Inventory Made Easy Web (TRI-MEweb) reporting software. TRI-MEweb helps facilities prepare high-quality reports more easily than they could using paper reporting forms due to a number of technology advances, including built-in data quality checks.

Small facilities (with fewer than 10 full-time employees or the equivalent) are exempt from reporting under EPCRA §313. Two particular provisions that apply to TRI reporters universally: 1) the optional range reporting provision and 2) an alternate threshold allowing Form A eligibility, are particularly beneficial to non-exempt smaller facilities with small releases and wastes.

3(g). Confidentiality

Respondents may designate the specific chemical identity of a substance as a trade secret according to EPCRA §322. Procedures for submission and review of trade secret claims under EPCRA §313 are set forth in 40 CFR 350. When a facility claims the chemical identity to be a trade secret and properly substantiates the claim, EPA will not disclose the identity of the chemical to the public. EPA securely stores forms with trade secret information and allows access to those documents only to persons with Trade Secret clearance. Data made available to the public through any means do not include trade secret information.

3(h). Sensitive Questions

The information collection activities do not include questions of a sensitive nature.

4. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4(a). Agency Activities

Pursuant to EPCRA §313 (and PPA §6607 because of its linkage to EPCRA), EPA collects, processes, and makes available to the public all of the information collected. EPA stores the information gathered under these authorities in a database available through the Internet. EPA, other federal, state, and local government agencies; industry; and the public use TRI extensively. Program offices within EPA and other government agencies have used TRI, along with other sources of data, to establish priorities, evaluate potential exposure scenarios, and conduct enforcement activities. Industries use TRI data to identify pollution prevention opportunities and set goals for emissions reductions. Environmental and public interest groups use TRI data to make the public more aware of releases of chemicals in their communities, as well as to initiate direct negotiation and risk reduction with facilities.

EPA engages in many activities to fulfill the purpose and requirements of EPCRA. These activities fall into the following categories that cover what the Agency does to assist the regulated community with compliance, to process the data, to maintain the database, and to make the data available:

- Assistance to Reporters;
- Electronic Reporting;
- Paper-Based Reporting (limited to trade secret reporting forms);
- Data Processing and Quality Control;
- Database Organization;
- Links to State Reporting;
- Making Data Available;
- List Revisions and Petition Reviews;
- Trade Secrecy Reviews.

For a more detailed discussion of EPA's activities related to TRI data collection, see Section 5(a) of the current approved TRI program ICR supporting statement (Docket # EPA-HQ-OEI-2013-0803).

4(b). Estimated Agency Costs

For the TRI program in general, EPA incurs burden and costs to process TRI forms in five categories of activities: data processing, outreach and training, information dissemination, policy and petitions, and compliance and enforcement. The estimate of EPA burden and costs is separated into a fixed component and a variable component. Activities and expenses that are not greatly affected by marginal changes in reporting quantities are considered fixed costs. These activities and expenses include rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses listed above. There are no additional fixed costs to the Agency associated with the proposed rule. Activities and expenses that vary with marginal changes in the number of reports submitted are considered variable costs. The primary variable cost analyzed in this analysis is the cost of processing forms.

As of January 21, 2014, all non-trade secret forms must be submitted electronically. EPA estimates that the processing cost for TRI-MEweb submissions is \$6.15 per form (E-mail communication with the TRI Data Processing Center, 2014) for up to 3,464 TRI forms for new NGP facilities. Therefore, the total form processing burden for EPA associated with Form R and Form A chemical submissions for new NGPP facilities would be up to \$21,304.

4(b)(i). Collection Schedule

Facilities must report their information on a calendar-year basis, and submit Forms R or Forms A to EPA by July 1 of the following year. In response to public requests to shorten the time frame for release of TRI information, TRI began a modernization effort in 2007 that included transition to TRI-MEweb from desktop software, and a number of streamlining initiatives. One of the resultant improvements was the Preliminary Data Release, which provides TRI database information as quickly as possible after the reporting deadline. Since 2010, EPA has released data less than one month after the reporting deadline in the TRI preliminary dataset with downloadable data files and access via TRI Explorer and Envirofacts.

4(b)(ii). Use of Technology to Facilitate Collection Activities

The Electronic Reporting Rule was published in the [Federal Register on August 27, 2013 \(78 FR 52860\)](#) and requires all forms to be submitted electronically. Capabilities in TRI-MEweb include:

- **Data Entry and Central Data Storage.** TRI-MEweb allows users to manually enter, preload from a prior year submission, or upload their data generated by a third-party application into an EPA-maintained database. This database is separate from the TRIPS database, which stores certified TRI submissions.
- **Quick Lists.** TRI-MEweb provides “quick lists” that allow users to narrow their data entry to only the pertinent areas.
- **Data Quality Checks.** TRI-MEweb contains a number of data quality checks including internal consistency and semantic checks that compare a facility’s data to prior year submissions.

- **Validation Checks.** TRI-MEweb provides facilities with extensive data validation checking through point-of-entry edit checks as well as a cumulative, mandatory validation checks prior to submission.
- **Automated Section 8 Calculator.** TRI-MEweb automatically calculates Section 8 Column B (current year) estimates based on data entered in other form sections. Users may tailor the calculation's inputs, but cannot enter their own calculated values. This approach aims to reduce the frequent mathematical errors in Section 8 and simplify the reporting process.
- **Submittal to the Central Data Exchange (CDX).** After facilities enter and validate their data, certifying officials must electronically sign (i.e., certify) forms within TRI-MEweb.
- **Automatic Data Transmittal.** Once a facility's certifying official has certified its TRI submission, CDX automatically forwards it to the TRI EPCRA Data Processing Center (DPC), which loads it into the TRI Processing System (TRIPS) database. The TRIPS database is located at EPA's National Computer Center in Research Triangle Park, NC.
- **TRI Submission Shared with States.** Through the TRI Data Exchange, facilities can submit the data via CDX, which transmits the data to both EPA and the participating state government. This reporting option allows facilities to fulfill their legal obligation to report to both EPA and the appropriate State through a single transmission of data to CDX.
- **On-Line Revisions and Withdrawals.** TRI-MEweb allows online revision and withdrawal of data by facilities. Through this feature, facilities can access previously submitted forms, and revise or withdraw as needed.
- **Optional Facility-Level Information and Non-Reporting.** Facilities can use TRI-MEweb to provide optional facility-level without submitting a form related to facility changes or non-reporting.

5. The RESPONDENTS AND INFORMATION COLLECTION (IC) ACTIVITIES

This section of the ICR describes the number of respondents, the information collection activities and related estimates for burden and costs associated with those activities.

5(a). Methodology for Estimating Respondent Burden and Costs

The triennial survey of NGP facilities by the U.S. Energy Information Administration (EIA-757 survey) identifies 549 NGP facilities in the lower 48 states as of 2014. EPA identified another 224 additional NGP facilities in their Risk Management Plan database (2015) and 50 additional NGP facilities in the Greenhouse Gas Reporting Program (2014) not already present in EIA-757. Therefore, EPA estimates that the total number of NGP facilities in the US potentially subject to TRI reporting requirements if this sector is added to TRI could be approximately 823 NGP facilities. EPA estimates that up to 444 of these facilities would meet the TRI employee threshold (10 full-time employees or equivalent) and manufacture, process, or otherwise use at least one TRI-listed chemical in excess of applicable threshold quantities.

The average number of forms submitted by an NGP facility was derived from Environment Canada's National Pollutant Release Inventory (NPRI) and determined to be approximately 7.81 forms per facility with 9.7% submissions eligible for the use of Form A. Therefore, the total number of additional TRI forms due to the proposal rule would be up to 336 Forms A and

3,128 Forms R.⁶ The *Economic Analysis of the Proposed Addition of Natural Gas Processing Facilities to the Toxics Release Inventory* (U.S. EPA, 2016b) provides the detailed methodology for estimating the number of respondents. The total number of affected facilities and associated burden & cost estimates are estimated as a range in the *Economic Analysis*, however, upper bound estimates are presented in this ICR supporting statement.

5(a)(i). Estimation of Burden

The incremental reporting burden associated with this rule is the same as the burden to comply with the EPCRA section 313 reporting requirements. Reporting activities can be divided into two distinct groups: Form Activities, consisting of rule familiarization, reporter compliance determination, calculations and form completion, and recordkeeping and submission; and Non-Form Activities, consisting of supplier notifications and non-reporter compliance determination. Specifically, the following activities may be undertaken under the proposed rule.

Form Activities

Rule Familiarization: Staff at a facility that is reporting under EPCRA section 313 for the first time must read the reporting package and become familiar with the reporting requirements. This activity includes the time needed to review instructions as well as the time needed to train personnel to respond to an information collection request.

Reporter Compliance Determination: Staff at reporting facilities must make the determination that the facility meets the criteria for EPCRA section 313 reporting. This activity includes the time required to become familiar with the definitions, exemptions, and threshold requirements under the TRI program, to review the list of reportable chemicals, and to conduct preliminary threshold determinations to determine if the facility is required to report.

Recordkeeping and Submission: Staff at reporting facilities must maintain recordkeeping systems and submit the report to EPA and the state in which the facility is located. This activity includes the time required to transmit or otherwise disclose the information.

Non-Form Activities⁷

Supplier Notification: Certain suppliers of mixtures or trade name products containing reportable substances must annually notify their customers of the product's composition if the customer is subject to EPCRA section 313 reporting. This activity includes the time required by staff at reporting facilities to inform customers either by letter or through the safety data sheet (SDS) for the product. Given the relatively small additional number of reporters expected due to the proposed rule (444 NGP facilities vs 21,873 total TRI reporters in RY2014) as well as the fact that Nominal Form R burden already accounts for typical program level supplier notifications, EPA assumes that the number of facilities that might be required to provide supplier notifications would only be a small fraction of potential

⁶ Simple calculation of these totals may not be the same due to rounding.

⁷ Note that while petitions are considered in the overall burden/cost of the TRI program, they are not considered in this rulemaking as they are not related to the proposed addition of NGP facilities to the list of TRI-reportable industries.

supplier notifications in connection with the TRI program overall. Therefore, no additional supplier notification burden is estimated in connection with the proposed rule.

Non-Reporter Compliance Determination: In any given reporting year, a group of eligible facilities will complete compliance determination but will not file a Form R or a Form A. The activity is the same as is presented above under Form Activities. However, given that compliance determination applies to all other facilities in NAICS code-eligible sectors (with ten or more employees)—including those that ultimately do not report to TRI—the latter category is accounted for in this separate activity. For this proposed rule, it is assumed that the addition of the NGP facilities constitutes a modest change when compared to the total number of chemicals subject to the program. Thus, it is assumed that non-reporter compliance determination burden is already included in the existing compliance determination burden estimates.

Incremental respondent burden and costs associated with the proposed rule are estimated using ratio-based burden methodology (RBBM). RBBM is a simplification of the previous methodology used by the TRI Program to estimate reporting burden and cost for TRI reporting (U.S. EPA, 2011). This section describes the estimation of industry burden and cost using RBBM. Estimating reporting burden using RBBM produces a burden estimate that reflects overall “average” reporting conditions at reporting facilities. Burden calculations using RBBM involve the following key parameters:

Nominal Form R Unit Burden, which reflects the burden incurred by reporters to undertake all activities necessary to file a single Form R (including both facility- and form-level activities). *Nominal Form R Unit Burden* is set at 35.70516 hours.⁸

A/R, which is the ratio of Form A burden to Form R burden. *A/R* is calculated to be 0.615, reflecting the fact that filing a Form A results in a 38.5% ($1.00 - 0.615 = 0.385$, or 38.5%) reduction in burden per chemical compared to filing a Form R. *Nominal Form R Unit Burden* is multiplied by *A/R* to estimate burden associated with reporting a Form A chemical.

RBBM uses the estimated number of Form R and Form A chemicals, *Nominal Form R Unit Burden*, *A/R*, and *Non-Form Burden* to calculate *Steady State Total Burden* as shown in Equation 1.

Equation 1: Steady State Total Burden Calculation

$$\text{Steady State Total Burden} = \text{Form R Burden} + \text{Form A Burden} + \text{Non-Form Burden}$$

Where:

$$\text{Form R Burden} = (\text{Number of Form Rs}) \times (\text{Nominal Form R Unit Burden})$$

$$\text{Form A Burden} = (\text{Number of Form As}) \times (A/R) \times (\text{Nominal Form R Unit Burden})$$

$$\text{Non-Form Burden} = \text{Supplier Notifications} + \text{Non-Reporter Compliance Determination}$$

Steady State Total Burden does not incorporate the greater burden incurred by NGP facilities subject to TRI for the first time. RBBM accounts for the higher reporting burden in the first year through the use of the *First-Time Filer Factor (FTF_f)*. *FTF_f* is calculated to be 2.1,⁹ indicating that the burden in the first year of this rule is estimated to be roughly twice the ongoing burden.

⁸ The burden of 35.70516 hours includes the addition of 0.005165 hours of burden associated with the Dioxin Reporting Requirements promulgated in May of 2007 and accounted for in the 2011 ICR (Docket# EPA-HQ-OEI-2010-0835) and the 2014 ICR (Docket # EPA-HQ-OEI-2013-0803).

⁹ For the derivation of the *FTF_f*, see *Revising TRI Burden to Ratio-Based Methodology*, U.S. Environmental Protection Agency (2011).

First Year Total Burden is calculated by multiplying the *Steady State Burden* by FTF_f , as shown in Equation 2.

Equation 2: First Year Total Burden Calculation

$$First\ Year\ Total\ Burden = Steady\ State\ Total\ Burden \times FTF_f$$

5(a)(ii). Estimation of Cost

To estimate total incremental reporting cost under the proposed rule, RBBM uses the *Weighted Average Wage Rate (WAWR)*, which is the average loaded cost for a combination of Managerial, Technical, and Clerical labor per hour of TRI reporting burden. *WAWR* is based on the total cost to employ an individual and includes the cost of salaries, fringe benefits (e.g., paid leave), health insurance, retirement savings, legally required benefits, and other overhead costs, such as office space, furniture, equipment and computers, supplies, and other business expenses.

WAWR is calculated using data from the Bureau of Labor Statistics on “Wages and Salaries” and “Total Benefits” for all private sectors for three labor categories: Managerial (the “Management, Business, and Financial” occupational category), Technical (the “Professional and Related” occupational category), and Clerical (the “Office and Administrative Support” occupational category) (U.S. Bureau of Labor Statistics, 2016). Total Compensation is equal to the sum of Wages and Salaries and Total Benefits. Based on information provided by the chemical industry and chemical industry trade associations, a loading factor of 17 percent is applied to Wages and Salaries to calculate Overhead (Heiden Associates, 1989). The sum of Total Compensation and Overhead is equal to the Total Loaded Hourly Wage Rate. The Total Loaded Hourly Wage Rates for these labor categories are weighted by the relative contribution of each labor category to TRI reporting activities derived from Engineering Studies conducted by Abt Associates (Abt Associates Inc., 2004). The calculation of *WAWR* is shown in Equation 3.

Equation 3: Weighted Average Wage Rate Calculation

$$WAWR = (w_{Managerial} \times p_{Managerial}) + (w_{Technical} \times p_{Technical}) + (w_{Clerical} \times p_{Clerical})$$

Where:

w_i = Total Loaded Hourly Wage Rate for labor category i , given by the formula:

Total Loaded Hourly Wage Rate = Wages and Salaries + Total Benefits + (17% × Wages and Salaries)

p_i = Proportion of overall reporting burden borne by labor category i

As shown in Table 2, *WAWR* is equal to \$54.33 (in 2016 dollars).

Table 2
Derivation of Weighted Average Wage Rate (2016 Dollars)

Wage Type	Managerial	Technical	Clerical
Wages and Salaries	\$46.24	\$35.15	\$16.65
Total Benefits	\$21.73	\$14.92	\$7.35
Overhead	\$7.86	\$5.98	\$2.83
Total Loaded Hourly Wage Rate	\$75.83	\$56.05	\$26.82
Labor Burden Weights	0.03	0.89	0.08
Weighted Average Wage Rate (WAWR)	\$54.33 ^a		

^a Individual numbers may not add to the total due to rounding.

Steady State Total Cost and *First Year Total Cost* are calculated by multiplying the relevant total burden by *WAWR*, as shown in Equation 4 and Equation 5.

Equation 4: Steady State Cost Calculation

$$\text{Steady State Total Cost} = \text{Steady State Total Burden} \times \text{WAWR}$$

Equation 5: First Year Cost Calculation

$$\text{First Year Total Cost} = \text{First Year Total Burden} \times \text{WAWR}$$

5(a)(iii). Total Incremental Industry Burden Estimates

Table 3 presents the number of Forms R and Forms A estimated to be filed by NGP facilities potentially affected by the proposed rule, the steady state total burden (calculated using Equation 1) and the first year total burden (calculated using Equation 2). Non-form burden is assumed to be zero.¹⁰

Table 3
Estimated Number of Facilities Expected to Incur Reporting Burden, Total Incremental First Year Burden, and Total Incremental Steady State Burden under the Proposed Rule

Facilities	Total Number of Forms			Incremental First Year Burden			Incremental Steady State Burden		
	R	A	Total	R ^a	A ^b	Total	R ^c	A ^d	Total
444	3,128	336	3,464	234,540	15,494	250,034	111,686	7,378	119,064

^aCalculated as the product of: (1) the total number of Form R's, (2) the *Nominal Form R Unit Burden* of 35.70516, and (3) the *First-Time Filer Factor* of 2.1.

^bCalculated as the product of: (1) the total number of Form R's, (2) the *Nominal Form R Unit Burden* of 35.70516, (3) the *A/R* ratio of 0.615, and (4) the *First-Time Filer Factor* of 2.1.

^cCalculated as the product of: (1) the total number of Form R's and (2) the *Nominal Form R Unit Burden* of 35.70516.

^dCalculated as the product of: (1) the total number of Form R's, (2) the *Nominal Form R Unit Burden* of 35.70516, and (3) the *A/R* ratio of 0.615.

¹⁰ Under the proposed rule, EPA assumes that the number of facilities that might be required to provide supplier notifications would only be a small fraction of potential supplier notifications in connection with the TRI program overall. As the *Nominal Form R* unit burden already accounts for typical program level supplier notifications, no additional supplier notification burden is estimated in connection with the proposed rule.

Under the proposed rule, industry is estimated to incur approximately 250,000 burden hours in the first year and approximately 119,000 burden hours in the steady state.

5(a)(iv). Total Incremental Industry Cost Estimates

To estimate the incremental cost of the proposed rule, total first year and total steady state industry reporting burden is multiplied by the *WAWR* (see Equation 4 and Equation 5); the first year and steady state costs are presented in Table 4.

**Table 4
Total Incremental First Year and Steady State Industry Cost under the Proposed Rule**

Facilities	Total Number of Forms		Incremental First Year Cost			Incremental Steady State Cost		
	R	A	R	A	Total	R	A	Total
444	3,128	336	\$12,742,558	\$841,789	\$13,584,347	\$6,067,900	\$400,847	\$6,468,747

Under the proposed rule, NGP facilities are estimated to incur costs up to \$13,584,000 in the first year and up to \$6,469,000 in subsequent years.

5(b). Information Collections

IC #1:

Respondents would include up to 444 natural gas processing facilities filing up to 3,464 TRI forms for the first time.

Information Collection Activities

The proposed rule would require a facility that is primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases to report chemical releases to the Toxics Release Inventory (TRI) Program if it has ten or more full-time employees (or the hourly equivalent of 20,000 hours); and it manufactures, processes, or otherwise uses any of the listed toxic chemicals or chemical categories above the applicable reporting threshold.

A completed Form R or Form A must be submitted for each listed toxic chemical manufactured, processed, or otherwise used above threshold levels at each regulated facility as described in 40 CFR part 372. For most chemicals, threshold levels are set at 25,000 lbs for manufacturing and processing and 10,000 lbs for otherwise use (40 CFR § 372.25). Facilities that are required to report a Form R provide information on chemical releases and other chemical waste quantities. Facilities with chemical waste quantities below the alternate threshold, established under EPCRA §313(f)(2), may submit a shorter Form A for the reportable chemicals instead of a Form R for each reportable chemical. The information collected on Form R and Form A is summarized in Table 5 below.

**Table 5
Form R and Form A Information Collection**

Information Collected	Form R	Form A
Location of facilities manufacturing, processing or otherwise using these chemicals	√	√
Indication that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds	√	√
Certification that the sum of amounts of the chemical in releases and waste did not exceed the appropriate Non-PBT or PBT (lead in stainless steel, brass, or bronze alloy) release and waste annual reportable amounts for that reporting year		√
Accounting of quantities of chemicals entering environmental mediums on site	√	
Disclosure of chemical transfers to off-site locations	√	
Description of on-site waste treatment, energy recovery, and recycling processes	√	
Accounting of other disposal, source reduction and recycling activities	√	
Additional optional information on source reduction, recycling and pollution control activities	√	

The costs potentially incurred by industry are estimated using the weighted average wage rate (WAWR), representing the average loaded cost for a mix of Managerial, Technical, and Clerical labor per hour of TRI reporter burden. The total incremental industry burden of the proposed rule would be up to \$13,584,347 for the first year and \$6,468,747 every subsequent year. The total incremental annual form processing burden for EPA associated with TRI form submissions under the proposed rule is estimated to be up to \$21,304.

References

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1. PRA Burden Statement

Under the PRA, burden is defined at 5 CFR 1320.3(b).

This information collection is incremental to overall TRI Program reporting burden as characterized in the ICR Supporting Statement for *TRI Form R and Form A Toxic Chemical Release Reporting (Docket ID# EPA-HQ-OEI-2013-0803)*. The incremental burden requested for this ICR is up to 250,035 hours in the first year and up to 119,064 hours every subsequent year. The incremental annual industry cost burden requested for this ICR is up to \$13,584,347 for the first year and \$6,468,747 every subsequent year in addition to incremental annual EPA costs of up to \$21,304.

2. ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-TRI-2016-0390. These attachments are available for online viewing at www.regulations.gov or otherwise accessed as described in the following listing.

Attachment #1: Toxics Release Inventory Sample 2015 Form R

(https://www.epa.gov/sites/production/files/2016-01/documents/ry_2015_form_r.pdf)

Attachment #2: Toxics Release Inventory Sample 2015 Form A

(https://www.epa.gov/sites/production/files/2016-01/documents/ry_2015_form_a.pdf)