

THE INFORMATION COLLECTION REQUEST FOR

CONTINUOUS RELEASE REPORTING REQUIREMENTS

Amendment

Reporting Air Releases of Hazardous Substances from Animal Wastes at Farms
under CERCLA Section 103

OMB Control Number: 2050-0086

EPA ICR Number: 1445.13

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1a. Title of the Information Collection

Amendment to the Information Collection for the Continuous Release Reporting Regulations (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) - EPA No. 1445.13. OMB Control Number 2050-0086.

1b. Short Characterization/Abstract

The purpose of this amendment is to estimate the burden and cost impacts on farms reporting air releases of hazardous substances from animal wastes at farms under CERCLA Section 103. In this ICR, EPA assumes that farms may utilize the streamlined reporting option, Continuous Release Reporting, to report air releases of hazardous substances from animal wastes.

This information collection request (ICR) addresses the reporting and record keeping activities required for farms to comply with EPA's Continuous Release Reporting Regulation (CRRR; 40 CFR 302.8) implementing Section 103(f)(2) of CERCLA. The CRRR clarifies the types of releases that qualify for reporting under CERCLA Section 103(f)(2) and establishes the reporting requirements applicable to qualifying releases. The continuous release reporting requirements also apply to the release notification required under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA Section 304 supplements the release notification under CERCLA Section 103, requiring notifications to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC).

Responsibility for information collection activities of the CRRR reside in the Office of Emergency Management (OEM) in the Office of Land and Emergency Management (OLEM). This ICR amends the collection activity previously approved under OMB Control Number 2050-0086, which expires on November 30, 2018.

- **Statutory Background**

CERCLA Section 103(a) requires persons in charge of a facility or vessel to immediately notify the National Response Center (NRC) of any hazardous substance release that equals or exceeds its reportable quantity (RQ) and is not federally permitted. Notification under CERCLA is intended to ensure that Federal authorities receive prompt notification of hazardous substance releases for which a timely response may be necessary to protect public health or welfare or the environment from any adverse effects that may be associated with the release. EPA regulations implementing CERCLA Section 103 is codified in 40 CFR Part 302. The information collection for episodic releases (immediate notification) is covered under OMB control Number 2050-0046.

EPCRA Section 304 requires a facility owner or operator to provide immediate notification to the SERC and the LEPC for the area(s) likely to be affected by any releases of the extremely

hazardous substances (EHSs) defined in EPCRA Section 302(a) and the CERCLA hazardous substances defined in CERCLA Section 102 at or above their reportable quantities. This requirement is in addition to the immediate notification requirement under CERCLA Section 103. EPA regulations implementing EPCRA Section 304 is codified in 40 CFR Part 355. The information collection for immediate notification for EPCRA Section 304 is covered under OMB Control Number 2050-0092.

Section 103(f)(2) of CERCLA provides relief from the per-occurrence notification requirements of Section 103(a) for hazardous substance releases that are “continuous,” and “stable in quantity and rate,” provided that such releases are reported “annually, or at such time as there is any statistically significant increase” in the quantity of the release. Section 103(f)(2) contemplates that, in the case of certain “continuous” and “stable” releases, the notification objectives of CERCLA can be achieved with less frequent reporting.

- **Background for this ICR amendment**

On December 18, 2008, EPA published a final rule, “CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms,” that exempted farms releasing hazardous substances from animal waste to the air at or above threshold levels from reporting under CERCLA Section 103. The final rule also exempted reporting of such releases under EPCRA Section 304 if the farm had fewer animals than a large concentrated animal feeding operation (CAFO) (40 CFR 355.31(g))¹.

On April 11, 2017, the D.C. Circuit Court vacated this final rule, thus eliminating the exemptions. Therefore, farms that were previously not subject to reporting requirements for air releases of hazardous substances from animal wastes are now required to report.

This means that, farms are now subject to CERCLA Section 103 reporting requirements for air releases of hazardous substances from animal waste at the farms. Farm owners/operators must notify the [National Response Center](#) (NRC) at 1-800-424-8802 when their facilities have air releases of hazardous substances from animal wastes that are equal to or greater than their reportable quantities (RQs) within any 24-hour period.

EPA assumes that farms that release an RQ or more of a hazardous substance to the air from animal wastes will utilize the continuous release reporting regulation to comply with CERCLA Section 103. We made this assumption because the releases are on-going and a part of daily operations at a farm. Farms are required to demonstrate that the emissions from animal waste at

¹ 40 CFR 355.31(g) – any release to the air of a hazardous substance from animal waste at farms that stable or confine fewer than the numbers of animals specified in any of the following categories. (1) 700 mature dairy cows, whether milked or dry. (2) 1,000 veal calves. (3) 1,000 cattle other than mature dairy cows or veal calves. Cattle include but are not limited to heifers, steers, bulls and cow/calf pairs. (4) 2,500 swine each weighing 55 pounds or more. (5) 10,000 swine each weighing less than 55 pounds. (6) 500 horses. (7) 10,000 sheep or lambs. (8) 55,000 turkeys. (9) 30,000 laying hens or broilers, if the farm uses a liquid manure handling system. (10) 125,000 chickens (other than laying hens), if the farm uses other than liquid manure handling system. (11) 82,000 laying hens, if the farm uses other than a liquid manure handling system. (12) 30,000 ducks (if the farm uses other than a liquid manure handling system. (13) 5,000 ducks (if the farm uses a liquid manure handling system).

The number of species described here are defined as “large CAFOs”. (40 CFR 122.23, Regulations implementing the National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines for Concentrated Animal Feeding Operations)

their facility are continuous and stable in quantity and rate. While there may be some spikes in the level of releases of hazardous substances occasionally throughout the year, we believe that they can be reasonably predicted based on the overall operations at the farm. Continuous release reporting is designed to reduce the burden from the “per-occurrence” notification requirements of Section 103(a) of CERCLA.

The EPA does not expect farm owners/operators participating in the Agency’s Animal Feeding Operation Air Compliance Agreement (70 *Fed. Reg.* 4958), and that are in compliance with the terms of their respective Agreements, to report air releases of hazardous substances from animal waste at this time. Per the terms of the Air Compliance Agreement, participants will have to report air releases of hazardous substances equal to or exceeding the hazardous substances’ reportable quantities when the Agency publishes final emissions estimating methodologies. The EPA entered into 2,568 separate agreements with AFO owners and operators, which covered about 13,900 AFOs in 42 states. Although these farms do not need to comply with reporting air releases of hazardous substances from animal waste at this time, this ICR amendment also includes burden estimates for these farms as they will be reporting once the emission study is complete.

- **Summary of Burden and Costs**

The vacatur of the reporting exemption imposes burden and cost to industry (farms) to report air releases of hazardous substances from animal wastes. The 2008 final rule previously reduced the burden and costs for all farms as well as for the Federal government due to the exemption provided under CERCLA Section 103. However, the burden and costs were estimated for large CAFOs and the SERCs and LEPCs to comply with EPCRA Section 304.

This ICR amendment accounts burden for medium and large CAFOs (“farms”) to comply with CERCLA Section 103. EPA assumes that these farms would use CRR forms to comply rather than provide immediate notification to NRC for every release that occur which meets or exceeds reportable quantities within any 24-hour period. To utilize CRR, farms are required to show that their air releases of hazardous substances are stable in quantity and rate, and qualify the releases as “continuous releases.”

The number of medium and large CAFOs subject to reporting under CERCLA Section 103 (or CRR) is 44,900 (2012 Census data).

According to the 2012 Census data, there are approximately 44,900 farms that could be affected by the CRRR. When calculating the burdens and costs in this ICR it has been assumed that the typical farm participates in information collection activities for each release. For example, the typical farm will provide an initial telephone notification and written report for each of its continuous releases. In fact, it is likely that many farm operators will consolidate collection activities for releases at their farms (e.g., provide one telephone notification for several releases).

The bottom line burden to farms is approximately 628,600 hours for the first year, 457,980 hours for the second year and 404,100 hours for the third year. The bottom line labor costs are approximately \$18,466,472, \$14,381,963, and \$12,028,485 for the first, second, and third years,

respectively. The bottom line farms O&M costs are approximately \$554,066, \$681,358, and \$129,761 for the first, second, and third years, respectively. The average burden hour for farms over a three-year period is **496,893** hours, an average labor cost of **\$14,958,973** and O&M cost of **\$455,061**.

The bottom line burden to the government is approximately 98,780 hours for the first year, 105,066 hours the second, and 8,980 hours for the third year. The bottom line cost to the government is approximately \$2,091,082, \$2,280,160, and \$67,439, respectively. The average burden hour for the government over a three-year period is **70,942** hours, at an average annual labor cost of **\$783,230**.

2. NEED FOR AND USE OF THE COLLECTION

2a. Need and Authority for the Collection

The information collection required in the CRRR (40 CFR 302.8) is fully authorized under CERCLA Section 103(f)(2) and Section 104(e). CERCLA Section 103(f)(2) provides relief from the notification requirements of CERCLA Section 103(a) for hazardous substance releases that are “continuous,” “stable in quantity and rate,” and for which notification has been given under CERCLA Section 103(a) “for a period sufficient to establish the continuity, quantity, and regularity” of the release. Further, CERCLA Section 103(f)(2) requires that notification of releases qualified as continuous under the CRRR must be provided “annually, or at such time as there is any statistically significant increase” in the quantity of the release. The specific information provided in the required notifications is authorized under CERCLA Section 104(e). CERCLA Section 104(e) authorizes the collection of information, entry, and inspection and sampling activities for the purposes of determining the need for a response, or choosing or taking any response action under CERCLA. In addition, CERCLA Section 103(f)(2) establishes a notification system that documents information provided in the respondent notifications. The information collection and management requirements of the CRRR are necessary to determine if a response action is needed to control or mitigate any potential adverse effects associated with a reported hazardous substance release.

2b. Practical Utility and Users of the Data

The information collected under the CRRR is used to evaluate the acute and chronic effects of the continuous release to determine if a response action is necessary to prevent or mitigate any adverse effects. Any hazardous substance releases that equals or exceeds its RQ warrants a timely evaluation of its source, emission rate, and chemical form, the proximity of sensitive populations or ecosystems, and the ambient conditions, to ensure the protection of public health and welfare and the environment. Agency responses to continuous hazardous substance release notifications may take a number of forms ranging from requests for more detailed information

(to allow for a more detailed risk assessment), to the imposition of more stringent emissions limitations, to removal and/or remedial actions.

3. NON DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3a. Non Duplication

The hazardous substance release information requested under the CRRR in the initial written and follow-up reports is the minimum information necessary to properly evaluate a hazardous substance release. EPA analyzed possible areas of overlap with other regulations, concluding that there are no other EPA regulations that require farms to report air releases of hazardous substances from animal wastes. Therefore, this collection is not duplicative.

Additionally, continuous release reporting under CERCLA Section 103(f)(2) eliminates frequent and repetitive reporting under CERCLA Section 103(a). If a farm with continuous releases were to report on a per-occurrence basis under Section 103(a), the farm could be notifying the NRC daily.

3b. Consultations

EPA did not consult any farms to estimate burden for this ICR amendment. The Agency used the unit burden for each of the activities for farms from ICR 1445.07 (Special Section on Estimating the Burden and Cost of the Collection for Farms). EPA did not receive any CRR reports from large CAFOs after the 2008 final rule went into effect. The notification and the reports were submitted to the SERC and LEPC between 2009 and 2011 under EPCRA Section 304. EPCRA Section 304 CRRR have fewer requirements than CERCLA Section 103. This ICR accounts burden for reporting under CERCLA Section 103.

3c. Effects of Less Frequent Collection

The frequency of information collection established in the CRRR is the minimum level necessary for proper evaluation of continuous releases. If the information collected under the CRRR, such as the source, frequency, and composition of the release, the environmental media affected, and the identity and location of any sensitive populations or ecosystems, were collected less frequently than stipulated under the CRRR, the Federal government's ability to properly evaluate the threat posed by the release and the need for a response action would be jeopardized.

3d. General Guidelines

The regulations imposed by CERCLA Section 103(f)(2) adhere fully to OMB's general guidelines concerning the collection of information and the control of paperwork burdens on the public.

3e. Confidentiality

The regulations implementing CRRR do not require the submittal of any proprietary, trade secret, or other confidential information. EPA has developed a streamlined CRR form for farms. This form is submitted to OMB for approval.

As some farms may be co-located with their homes so the initial telephone notification to the NRC does not require personally identifiable information, such as an address for a private residence. As an alternative, a generic location (such as name of city/town and state) may be sufficient.

3f. Sensitive Questions

The regulations implementing CRRR do not require the submission of any sensitive business information. In addition, the information collection requested under these regulations is in compliance with the Privacy Act of 1974 and OMB Circular A-108.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4a. Respondents and NAICS Codes

The information collection activity described in this ICR amendment is for medium CAFOs² and large CAFOs as defined under the regulations in 40 CFR 122.23, regulations implementing the National Pollutant Discharge Elimination System. The industry sector, farms (medium and large CAFOs) that release an RQ or more of a hazardous substance to the air from animal wastes at farms are the respondents under this section. The NAICS code for the respondents is 112-Animal Production.

4b. Information Requested

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ata items, including record keeping requirements

² An animal feeding operation (AFO) is defined as a Medium CAFO if the type and number of animals that it stables or confines falls within any of the following ranges: (a) 200 to 699 mature dairy cows, whether milked or dry; (b) 300 to 999 veal calves; (c) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs; (d) 750 to 2,499 swine each weighing 55 pounds or more; (e) 3,000 to 9,999 swine each weighing less than 55 pounds; (f) 150 to 499 horses; (g) 3,000 to 9,999 sheep or lambs; (h) 16,500 to 54,999 turkeys; (i) 9,000 to 29,999 laying hens or broilers if the AFO uses a liquid manure handling system; (j) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; (k) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system; (l) 10,000 ducks (if the AFO uses other than a liquid manure handling system; or (m) 1,500 to 4,999 ducks (if the AFO uses other than a liquid manure handling system. (40 CFR 122.23).

To ensure that EPA receive timely and sufficient information to evaluate hazardous substance releases from farms (medium and large CAFOs) under CERCLA Section 103(f)(2), the CRRR for farms requires seven types of information collection activities:

- (1) An initial telephone call to the NRC;
- (2) An initial written report to the EPA Region;
- (3) A one-time follow-up written report (“First anniversary report” to the EPA Region on or before the first-year anniversary of the submission of an initial written report;
- (4) An annual evaluation of a release beginning the year after the submission of the one-time follow-up written report;
- (5) Notification to the NRC and EPA Regions of a change in the sources, composition, or frequency of a release;
- (6) Notification to the EPA Region of a change in other information previously submitted; and
- (7) Immediate notification to the NRC of any statistically significant increase (SSI) in the quantity of a release.

The time required by a farm to complete the seven information collection activities varies and is largely contingent on the nature of the reported releases and the farm’s information collection procedures. However, EPA estimated the average amount of time that is needed to perform these seven information collection activities and the average unit burden hours. The estimates are presented in section 6(a), Exhibit 1. The unit burden hours used in this ICR are based upon estimates from ICR 1445.07 (Supplemental section of the ICR for farms).

Reporting continuous releases represents a reduction in burden for farms that would otherwise report releases on a per-occurrence basis. EPA believes that the notification system developed under the CRRR represents the minimum level of reporting necessary for the government to evaluate whether a response action is needed to prevent or mitigate any hazards to public health and welfare and the environment. The following paragraphs briefly describe the purpose and timing of each information collection activity and list the data items that comprise each notification.

Initial Telephone Notification to the NRC – The initial telephone call to the NRC serves to notify government authorities of the farm’s intent to report a hazardous substance release under CERCLA Section 103(f)(2). All such releases must occur in a continuous and stable manner. The initial telephone call, in conjunction with the initial written report, fulfills the statutory requirement that the release be reported under CERCLA Section 103(a) for a period sufficient to establish the continuity, quantity, and regularity of the release. The NRC should be informed that the notification is for a continuous release. The NRC will assign a CR-ERNS number (case number) that the farm must identify on the initial and follow-up written report required (described below). The information provided in the initial telephone notification must include:

- The name and location of the farm; and
- The name(s) and identity(ies) of the hazardous substance(s) being released.

The farms do not need to provide the address, but should provide a location (e.g., the city and state or the zip code) when calling the NRC.

Initial Written Report and the Follow-up Written Report – The initial written report and the follow-up written report, which are sent to the EPA Region, provide a full description of the release. The initial written report and follow-up written report serve as the basis for a comprehensive evaluation of the hazards posed by the release. Based on this comprehensive evaluation, government authorities determine if a response action is necessary to prevent or mitigate any adverse effects. The initial written report must be submitted within 30 days of the initial telephone call. This 30-day period may not necessarily provide enough time to collect all relevant and appropriate data, but does allow for an initial evaluation of the release. The follow-up written report (“First Anniversary Report”), due one year after submission of the initial written report, serves to verify the information provided on the initial written report (NOTE: there cannot be any form of change in source, composition, or frequency of release without going through the process again). The follow-up written report helps ensure that the information used to evaluate the hazards posed by the release is current and provides accurate information. EPA developed a streamlined CRR form that farms may use following OMB approval of the form.

The data elements requested in the initial written and follow-up report are identical and consist of:

- The name and location of the farm, city, state and zip code; the longitude and latitude; the case number assigned by the NRC (also known as the CR-ERNS number); and the Dun & Bradstreet number of the facility (if available);
- The name, phone number and mailing address of the farm owner or operator;
- A signed statement that the hazardous substance release described is continuous and stable in quantity and rate under the definitions of 40 CFR 302.8(b) and that all reported information is accurate and current to the best knowledge of the person in charge. [40 CFR 302.8(e)(1)(iv)(H)]
- The population density within a one-mile radius of the farm, described in terms of the following ranges: 0-50 persons, 51-100 persons, 101-500 persons, 501-1,000 persons, and more than 1,000 persons. [40 CFR 302.8(e)(1)(ii)]
- The identity and location of sensitive populations and ecosystems within a one-mile radius of the farm (e.g., elementary schools, hospitals, retirement communities, or wetlands). [40 CFR 302.8(e)(1)(iii)]

In addition, farms must provide the following substance-specific information for each continuous release:

- The source of the release: *Animal Waste*. [40 CFR 302.8(e)(1)(iv)(C)]
- The environmental medium(a) affected by the release: *Air*. [40 CFR 302.8(e)(1)(iv)(G)(1-4)]
- The frequency of the release and the fraction of the release from each release source and the period over which it occurs. [40 CFR 302.8(e)(1)(iv)(D)]
- A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate. [40 CFR 302.8(e)(1)(iv)(E)]
- The name and identity of the hazardous substance; and the Chemical Abstracts Service (CAS) Registry Number for the substance: *Ammonia (CAS No. 7664-41-7) and Hydrogen Sulfide (CAS No. 7783-06-04)*. [40 CFR 302.8(e)(1)(iv)(A)]
- The upper and lower bounds of the normal range of the release over the year. [40 CFR 302.8(e)(1)(iv)(B)]
- An estimate of the total annual amount of the hazardous substance released in the year (in pounds or kilograms). [40 CFR 302.8(e)(1)(iv)(F)]

Annual Evaluation of a Release – The purpose of the annual evaluation is to identify any changes that may have occurred in the release situation over the preceding year. The annual evaluation of a continuous release helps ensure that the information used to evaluate the hazards posed by the release is current and accurate information.

The farms are no longer required to submit a written report on its continuous releases after submitting a one-time written follow-up report (“First Anniversary report”) verifying the information provided in the initial written report remains the same. However, the farms should conduct and document an annual assessment of its continuous releases beginning the year after the submission of the follow-up written report (first anniversary report).

Change in the Source, Composition, or Frequency of a Release Report – If there is a change in the source, composition, or frequency of a release, the release must be reported and treated as a new continuous release. An initial telephone notification and a written report must be provided of the change as described above. The person in charge of the farm also must submit a follow-up report within one year of the report that identified the change(s) occurred.

Other Changes in Information – Farms experiencing a change in a continuous release that invalidates information previously submitted on the continuous release must notify the appropriate EPA Region by letter within 30 days of the change. The letter regarding the change in the release should explicitly identify the new (or changed) information and include an explanation for the change. For example, a facility must notify EPA if any schools, hospitals, retirement homes, or other developments housing sensitive populations newly open within one mile of the facility (farm).

Statistically Significant Increase (SSI) Report – The CRRR defines an SSI as a release of a hazardous substance that exceeds the upper bound of the normal range of the release as established by the facility (farm). The normal range of a release is defined by the range of release weights (in pounds or kilograms) recorded during the preceding year under normal operating conditions (that is, conditions that prevail during the period establishing the predictability and regularity of the release). Therefore, an SSI does not include releases within the reported normal range of release. An SSI release is considered an episodic release because it is a release above the RQ. Thus, SSIs must be immediately reported to the NRC by telephone pursuant to the notification requirements of CERCLA Section 103(a). The information collected by the NRC in an SSI report includes the same information supplied when reporting any other episodic release (e.g., quantity of the release, source of the release, and a description of any response actions taken).

The person in charge of the farm with an SSI may modify the previously established normal range as an alternative to reporting multiple SSIs. To modify the normal range of the release over a 24-hour period under normal operating procedures, the person in charge of the farm must report at least one SSI to the NRC as an episodic release (to facilitate immediate evaluation), and then must submit a written change report of the release information to the appropriate EPA Region describing the new normal range and reasons for the change; thus treating the SSI as a new release. Thus, for example, if a farm doubles its production level thereby doubling its release level, the farm may want to double its reported normal range of the continuous release, rather than reporting multiple SSIs. The person in charge also must submit a follow-up report within one year of the submission of the change report.

Record keeping – Farms may maintain a log or some other record of each hazardous substance release reported under CERCLA Section 103(f)(2). The information documented in the record can be used to demonstrate compliance with the provisions of the CRRR, including the requirement to demonstrate the continuity and stability of the release and the requirement to conduct an annual evaluation of the release. Additionally, farms may find it useful to document daily release quantities for use in substantiating and modifying the normal range of the release.

ii. Re
spondent Activities

To comply with the provisions of the CRRR, a farm owner or operator (medium and large CAFOs) performs the following information collection activities:

- (1) Provides an initial telephone call to the NRC;
- (2) Provides an initial written report to the EPA Region;
- (3) Prepares a one-time follow-up written report for the EPA Region on or before the first-year anniversary of the submission of an initial written report;
- (4) Conducts an annual evaluation of a release beginning the year after the submission of the one-time follow-up written report;
- (5) Prepares change in the sources, composition, or frequency of a release reports;

- (6) Prepares change in other information reports;
- (7) Provides immediate notifications of SSIs; and
- (8) Maintains a log or other formal record to document compliance with the CRRR ((Record keeping).

Each of these notification and record keeping activities is listed and described in detail in section 4(b)(i), above. In addition to these activities, persons in charge of the farm may be required to perform supplemental collection activities in response to the Federal government's evaluation of the farm's continuous release reports. In situations where EPA's evaluation of release reports engenders concern over potential adverse effects, EPA may require the person in charge of the farm in question to submit the additional information or clarify and refine information previously submitted. EPA may use this additional information to better assess the risks associated with the release. Finally, in response to a release report or additional information, EPA may conduct a site inspection. Industry personnel may accompany EPA personnel during the site inspection to address any questions, concerns, or information requests that may arise. Thus, the following other activities are included within the information collection activities performed by the regulated community:

- (9) Provision of additional information; and
- (10) Accompany EPA personnel for site inspection

Estimates of the burden hours incurred by farms as a result of reporting continuous releases were developed based on estimates of the time expended in providing a specific report (e.g., the initial telephone call, the initial written report, the follow-up written report) as opposed to developing estimates for each work element (e.g., gathering information, reviewing report formats, completing reports) involved in completing all of the required activities. The burden estimates for each information collection and record keeping activity performed by the farms under the CRRR are presented in Section 6(a) of this ICR. (Exhibit 1 – Unit Burden).

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

5a. Agency Activities

Each of the notification reports submitted by farms (medium and large CAFOs) are processed and evaluated by EPA. For some continuous releases evaluated under the CRRR, EPA may request additional (supplemental) information or clarification of information previously submitted by a farm. EPA may use this information to conduct a more in-depth risk assessment of the release. In some extreme cases, the in-depth risk assessment may not allay EPA's concerns and EPA may decide to conduct a site inspection to review the circumstances associated with the release first-hand. Additionally, site inspections may be conducted periodically. Thus, the Agency performs the following other activities as a result of continuous releases reported under CERCLA Section 103(f)(2):

- Request additional information; and
- Site inspection

Estimates of the burden hours incurred by the Federal government are developed based on estimates of the time expended in processing the notification reports required under the CRRR (e.g., the initial written report, first anniversary report) or completing another activity (e.g., seeking additional information, conducting site inspection) as opposed to developing estimates for each work element (e.g., reviewing data, entering data, filing, evaluating a release, storing evaluation results). The burden estimates developed for each of the processing, evaluating, and other activities performed by the Federal government are presented in section 6(b) of this ICR.

5b. Collection Methodology and Management

To facilitate collection and storage of information on continuous releases, EPA developed CR-ERNS. CR-ERNS is an information management system that serves as the depository for continuous release information received by the EPA Regions. CR-ERNS is designed to assist EPA Regional personnel in managing continuous release information and establishing priorities with respect to the review and evaluation of continuous release reports. The reports submitted to the EPA Regions include the initial written report, the follow-up report, and changes in release reports. Additionally, the NRC immediately notifies the appropriate EPA Region of any SSI reports.

5c. Small Entity Flexibility

The notification requirements under Section 103(a) of CERCLA and the reporting relief available under Section 103(f)(2) apply equally to all farms regardless of size. There are no special information collection or record keeping requirements on small businesses. EPA believes that the notification system developed under the CRRR represents the minimum level of reporting necessary for the EPA to evaluate whether a response action is needed to prevent or mitigate any hazards to public health and welfare and the environment. A reduction in the reporting requirements facing small businesses is not possible without jeopardizing the quality of the information needed to evaluate the threat posed by the release and the need for a Federal response.

5d. Collection Schedule

The farm must provide an initial telephone call to the NRC as soon as the person in charge has knowledge of a hazardous substance release that equals or exceeds its RQ. The caller must decide whether to report the release under CERCLA Section 103(a) (i.e., as an episodic release) or CERCLA Section 103(f)(2) (i.e., as a continuous release). The reporting and record keeping activities associated with reporting an episodic release under CERCLA Section 103(a) are presented in OMB Number 2050-0046.

EPA assumes that air releases of hazardous substances from animal waste at farms are on-going and therefore qualify for continuous release reporting. If the caller reports a continuous release, the initial written report required by CERCLA Section 103(f)(2) must be provided within 30 days of the initial telephone call. In the second year of reporting, the farm must submit a written follow-up report to the EPA Region within 30 days of the anniversary date of submission of the initial written report (“First Anniversary Report”). Thereafter, the reporting facility (farm) is responsible for reevaluating the release annually, but no reports are required unless there is a change in the sources or composition of a release, a change in release information previously submitted, or an SSI in the release.

SSIs in a release are considered to be episodic releases and must be reported as soon as the person in charge is aware that an SSI has occurred. If there is a change in the information submitted in the initial written or follow-up report, other than a change in sources, composition, or frequency of the release, the person in charge must submit a letter detailing the change to the EPA Region within 30 days of determining that a change has occurred.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6a. Estimating Respondent (Farm) Burden for each Activity

The burden estimated in this section assumes that all farms (medium and large CAFOs) would utilize the CRR form that EPA developed. The form is submitted to OMB for approval along with this ICR.

To report a continuous release, the farms perform the following activities (outlined in section 4(b) of this ICR): (1) provides an initial telephone notification to the NRC; (2) prepares an initial written report for the EPA Region; (3) prepares follow-up written report for the EPA Region on the first-year anniversary of the submission of the initial written report; (4) conducts an annual evaluation of the release beginning the year after the submission of the one-time follow-up written report; (5) reports a change in the sources, composition, or frequency of the release; (6) reports a change in other information; (7) reports SSIs in the release; (8) provide additional information upon EPA request; (9) accompany EPA personnel for site inspection; and (10) keeps records on the release, including documentation of the annual evaluation.

Activities (5), (6), (7), (8) and (9) are conditional activities and are necessary for only a small fraction of all the continuous releases reported each year. For example, SSIs are defined in the CRRR as hazardous substance releases whose quantity exceeds the upper bound of the normal range, where the normal range includes all releases of the hazardous substance reported or occurring during the previous year. Thus, only a small fraction of facilities experience SSIs in their continuous releases in a given year.

When calculating the burden and costs in this ICR it is assumed that the typical farm participates in all the necessary information collection activities for each release. For example, the farm will provide an initial telephone notification and written report for each of its continuous releases. In

fact, it is likely that many farm operators will consolidate collection activities for releases at their farm (e.g., provide one telephone notification for several releases).

The estimated burden hours for each of the activities listed in the paragraph above are presented in Exhibit 1 for a typical facility (facility other than farms). The burden estimates are taken from ICR 1445.07 (OMB Control Number 2050-0086). A description of the basis for each burden estimate, as well as the percentage of continuous releases for which the burden is expected to be incurred, is provided in the remainder of this section.

**Exhibit 1 – Unit Burden Hours per Information Collection Activity – Typical Facility
(Facilities other than Farms)***

Collection Activity	When Collection Activity is Performed	Percentage of Continuous Releases that will	Unit Burden Hours			
			Management	Technical	Clerical	Total
Initial Telephone Notification	When first reporting a release	100% of new releases	1.0	2.0	0.0	3.0
Initial Written Report	Within 30 days of an initial telephone notification	100% of new releases	3.0	3.0	1.0	7.0
Follow-up Report	A year after the submission of an initial written report	100% of all second year releases	3.0	1.0	1.0	5.0
Conducting an Annual Evaluation of a Release	Each year beginning the year after the submission of a written follow-up report	100% of all third year and subsequent year releases	3.0	1.0	1.0	5.0
Reporting a Change in the Sources, Composition, or Frequency of a Release	When the sources, composition, or frequency of a release changes	5% of all releases	4.0	4.0	1.0	9.0
Reporting Other Changes in Information	Changes in other information	10% of all releases	1.0	1.0	0.5	2.5
Reporting an SSI in a Release	Immediately after an SSI event is noticed	5% of all releases	1.0	1.0	0.0	2.0
Other Activities – Providing Additional Information; accompany EPA personnel during site inspection	Upon EPA request	30% of all releases	4.0	0.0	0.0	4.0
Recordkeeping	Each year of a release	100% of all releases	0.0	4.0	0.0	4.0

*For a typical facility, these are the reporting requirements established in the regulations at 40 CFR 302.8 (Continuous Release Reporting Regulations).

Exhibit 1 lists all the activities and the burden incurred by a typical facility (other than a farm). EPA believes that operations at farms may not change (i.e. increase in the number of animal species) constantly, therefore, some of the collection activities listed in this exhibit would not apply to farms as explained below.

Providing an Initial Telephone Notification to the NRC – In providing the initial telephone notification, facilities incur a one-time, first-year burden of notifying the NRC that a hazardous substance release is reported under CERCLA Section 103(f)(2). Providing the required information by telephone to the NRC is estimated to require 15 minutes (0.25 hours) of management time. Prior to the telephone call, however, the facility must determine if the release

is continuous and stable in quantity and rate as defined in the CRRR. This determination is estimated to require 45 minutes (0.75 hours) of management time and two hours of technical time. Forty-five minutes (0.75 hours) of management time and two hours of technical time should be sufficient to determine if a release is continuous because facilities likely to be affected by the CRRR should be familiar with the reporting requirements of CERCLA Section 103. In total, the burden associated with the initial telephone call is *three hours*.

Preparing an Initial Written Report – The burden associated with providing the initial written report is also a one-time that occurs in the first-year. Much of the information required for the initial written report (e.g., facility identification, hazardous substance identification, frequency and source of the release) is readily available to the farm. Time is needed to organize and format the required information into a report suitable for submission to the government. It is assumed that many farms will use EPA’s prepared report format (streamlined reporting form for farms) to minimize report organization and formatting efforts. Preparation of the initial written report that uses EPA’s prepared report format is estimated to require three hours of managerial time, three hours of technical time, and one hour of clerical time. The costs of photocopying and mailing this report and all other reports to the appropriate EPA Region are computed in Section 6(a)(ii). Preparation of the initial written report is estimated to require three hours of managerial time (including one-hour of legal review), four hours of technical time, and one hour of clerical time. Thus, the total burden associated with the initial written report is *seven hours*.

Preparing a Follow-up Written Report – Within one year of submitting the initial written report, facilities (farms) must submit a one-time follow-up written report (First Anniversary Report) to the appropriate EPA Region. The follow-up report requires the same information as the initial written report but serves to confirm, update, and refine the information provided in the initial report based on release data from the previous operating year. Because some of the technical information gathered for preparation of the initial written report, such as the source of the release and specific information describing the environmental media affected remains unchanged, preparation of the follow-up report requires less technical time than preparation of the initial written report. EPA estimates that preparation of the follow-up report requires three hours of managerial time, one hour of technical time, and one hour of clerical time. In total, the burden associated with the follow-up written report is *five hours*. The burden associated with the follow-up written report is incurred in the second year of reporting.

Conducting an Annual Evaluation of the Release – Although the written follow-up report is prepared and submitted only once, facilities are required to conduct and document an annual evaluation of each hazardous substance release reported under Section 103(f)(2) beginning the year after submitting the follow-up written report. This annual evaluation is comparable to the review and information collection necessary for preparation of the follow-up report. The burden associated with the annual evaluation, therefore, is assumed to be the same as the burden of preparing the written follow-up report (*five hours*). The burden associated with the annual evaluation is incurred in the third and all subsequent years.

Reporting a Change in the Sources, Composition, or Frequency of the Release – When a farm experiences a change in the sources, composition, or frequency of a release, the release is

considered a new release because the associated hazard may have changed significantly. Changes in the sources, composition, or frequency of a release are expected to result only from significant changes in the production process, such as an increase in the number of animal species or the amount of feed given to the animals. While such significant changes are expected over the long-term, the likelihood of such a change occurring in a particular year is small. EPA estimates that the number of already reported continuous releases that experience a change in sources, composition, or frequency is equal to 5 percent of the total number of hazardous substance releases being reported under the CRRR.

Farms experiencing a change in the sources, composition, or frequency of a continuous release must complete the initial notification process for the release (i.e., an initial telephone call to the NRC and an initial written report and follow-up report to the EPA Region). For facilities experiencing a change in the sources, composition, or frequency of a continuous release, much of the information from the previous initial written report (e.g., facility identifiers, the media affected) should not change. It is assumed that the technical time required evaluating the release, determining whether it is stable in quantity and rate, and accurately document the composition of the release and the environmental media affected would take *four hours*. The number of management and clerical hours required to report a new continuous release are assumed to be *four hours and one hour* respectively. Thus, the total burden associated with reporting a change in the sources, composition, or frequency of a continuous release is *nine hours* for a typical facility (facilities other than farms). Farms may not be subject to this activity as their day to day operations may not change (i.e. increase in the number of animal species). Also, this ICR only account for the releases of hazardous substances to air from animal wastes.

Reporting Other Changes in Information – For changes other than a change in the sources, composition, or frequency of a release, the person in charge must notify the EPA Region by letter that the information previously submitted in support of a continuous release notification is no longer valid. For example, the population density in the vicinity of the facility would be reported by submitting a letter detailing the change and its cause. Such changes in information previously submitted are likely to occur over an extended period of time, but are much less likely to occur every year. EPA estimates that, on an annual basis, approximately 10 percent of the releases reported under CERCLA Section 103(f)(2) will experience a change that requires submission of a letter to the EPA Region. Gathering and reporting the change in the release by a letter to the EPA Region is estimated to require one hour of managerial time, one hour of technical time, and one-half hour of clerical time for a total burden of *2.5 hours*.

Reporting a Statistically Significant Increase in the Release – As soon as the person in charge of a farm has knowledge that the quantity of a continuous release being reported under CERCLA Section 103(f)(2) exceeds the upper bound of its previously established normal range of release, the person in charge must notify the NRC. SSIs are episodic release events because the release has not been previously reported or evaluated.

SSIs are defined as releases that exceed the normal range, and the normal range is defined to include all release quantities recorded during the previous operating year. We do not believe that farms would have any SSI in their releases during the three years covered by this ICR due to the

fact that their operations do not change on a day-to-day basis (i.e. increase in the number of animal species at the farm, which would not be an immediate change), therefore, the amount of hazardous substances released to air from animal wastes would be consistent.

Other Activities – In response to EPA’s processing and evaluating the initial and follow-up reports, persons in charge of farms may be required to: (1) provide additional information or clarify information previously submitted; and (2) accompany EPA personnel during a site inspection.

Providing Additional Information – For some percentage of the continuous releases reported under the CRRR, the information provided in the initial and/or follow-up reports may be incomplete or incorrect, prompting EPA to request additional information regarding the nature and extent of the release. For example, EPA may seek additional information concerning release activity in order to better assess the risk posed by the release. EPA estimates that approximately 30 percent of the follow-up reports could require submission of additional information or some level of interaction with EPA in the second year of reporting. This ICR assumes that the percentage of reportable releases for which additional information is necessary will be 30 percent for the second year of reporting. For each hazardous substance report that requires additional communication with EPA, farms are estimated to expend *four hours* of managerial time.

Record keeping – EPA assumes that farms would maintain a log or some other record of each hazardous substance release reported under the CRRR. Farms may find it useful to collect and record the following information for use in demonstrating compliance with the provisions of CERCLA Section 103(f)(2): (1) estimates of daily release quantities to demonstrate the continuity and stability of the release, and to establish and modify the normal range of the release; (2) documentation of the methodology and calculations used in estimating required information; and (3) documentation of the annual assessment required each year subsequent to submission of the follow-up written report. Much of the time necessary to gather these records has already been attributed to the preparation of the initial and follow-up reports, however, it is estimated that an additional *four hours* of technical time is necessary for keeping records on each hazardous substance release reported under the CRRR.

Annual Burden Hours for each Activity – Typical Farm

Based on the explanations provided above, the estimated annual burden hours incurred by a “typical” farm are presented in Exhibit 2. Note that a typical farm may not incur burden for certain activities (SSI and Reporting a change in the sources, composition, or frequency of a release) described above.

A farm is assumed to file one continuous release report for the two most recognized hazardous substances, ammonia and hydrogen sulfide. Activities, such as SSI reporting and report changes in sources, composition and frequency are not assumed for farms. The inclusion of burden estimates associated with these additional activities may result in a significant overestimation of the burden incurred by a typical farm. This ICR only accounts burden associated with air

releases of animal wastes from farms. EPA does not believe that there would be any SSI from the original release quantity, or the farms would have any changes in sources, composition or frequency. Therefore, it would be an overestimation if we add burden for these two activities for farms. Burden hours shown in Exhibit 2 are for three years covered by this ICR.

Note: ICR 1445.07 (Supplemental Section on Estimating the Burden and Cost of the Collection of Farms) only incurred burden and costs for large CAFOs to comply with EPCRA Section 304. CRRR under Section 304 (40 CFR 355.32) contains fewer reporting requirements than the requirements under CERCLA Section 103 (40 CFR 302.8).

To reduce reporting burden for farms, EPA has developed a streamlined continuous release reporting form and submitted the form to OMB along with this ICR for approval. The form include pre-populated information in certain required data elements in order to assist farms to comply with reporting releases. However, EPA is using the same burden estimates in this ICR as provided in ICR 1445.07.

Exhibit 2 – Burden Hours for a Typical Farm*

Collection Activity	First Year Burden Hours				Second Year Burden Hours				Third Year Burden Hours			
	Mgt	Tech	Clerical	Total	Mgt	Tech	Clerical	Total	Mgt	Tech	Clerical	Total
Initial Telephone Notification	1.0	2.0	0.0	3.0	NA	NA	NA	0.0	NA	NA	NA	0.0
Initial Written Report	3.0	3.0	1.0	7.0	NA	NA	NA	0.0	NA	NA	NA	0.0
Follow-up Written Report	NA	NA	NA	0.0	3.0	1.0	1.0	5.0	NA	NA	NA	0.0
Annual Evaluation of a Release	NA	NA	NA	0.0	NA	NA	NA	0.0	3.0	1.0	1.0	5.0
Reporting other changes in information	NA	NA	NA	0.0	1.0	1.0	0.5	2.5	1.0	1.0	0.5	2.5
Providing Additional Information	NA	NA	NA	0.0	4.0	NA	NA	4.0	NA	NA	NA	0.0
Recordkeeping	0.0	4.0	0.0	4.0	0.0	4.0	0.0	4.0	0.0	4.0	0.0	4.0
Total Burden for a Typical Farm	4.0	9.0	1.0	14.0	8.0	6.0	1.5	15.5	4.0	6.0	1.5	11.5

*A “typical” farm is assumed to report one continuous hazardous substance release in the three years covered by this ICR. Activities such as SSI reporting; report changes in sources, composition and frequency etc. are not assumed for typical farms in this ICR, unless there is an increase in the number of animal species, which may then change the amount of hazardous substances released. N/A = Not Applicable.

(i) Estimating Respondent (Farm) Labor Costs

The estimated cost to complete various continuous release reports required under the CRRR is a function of the time expended by farm personnel and the hourly wage rates for the appropriate categories of labor. The hourly wage rates used for industry in this ICR are from May 2016 and

were obtained from the Bureau of Labor Statistics.³ For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$43.68 for managerial staff, \$22.06 for technical staff, and \$19.01 for clerical staff.

These rates reflect the employer costs for employee compensation in the United States as of May 2016 and include both employer costs for legally required benefits (e.g., social security, worker’s compensation, and unemployment insurance), other important fringe benefit categories (e.g., insurance, paid leave, retirement, and savings), and overhead and general and administrative costs. Costs associated with the burden hours presented in section 6(a) are shown in Exhibit 3.

Exhibit 3 presents the unit costs to farms for three years of performing the notification, record keeping, and other activities that may be required in reporting a continuous release. The unit cost of each collection activity is calculated by multiplying the three-year burden hour estimates for each labor category by the hourly wage rate for the appropriate labor category (\$43.68 for managerial; \$22.06 for technical; \$19.01 for clerical).

Exhibit 3 – Unit Labor Cost per Respondent (for a *Typical Farm) for three years

Collection Activity <u>Three years</u>	Burden Hours for <u>three</u> years			Unit Labor Cost (Three Years)
	Managerial/hr \$43.68	Technical/hr \$22.06	Clerical/hr \$19.01	
Initial Telephone Notification	1.0	2.0	0.0	\$106.81
Initial Written Report	3.0	3.0	1.0	\$216.23
Follow-up Written Report	3.0	1.0	1.0	\$172.11
Annual Evaluation of Release	3.0	1.0	1.0	\$172.11
Reporting Other Changes in Information	2.0	2.0	1.0	\$150.49 (2 nd & 3 rd year combined)
Providing additional information	4.0	0.0	0.0	\$174.72
Recordkeeping	0.0	12.0	0.0	\$264.72 (three years combined)

(ii) Estimating Capital and Operations & Maintenance Costs - Farms

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that

³ Sources for these wage rates are from the following Bureau of Labor Statistics’ websites: <https://www.bls.gov/oes/current/oes452021.htm>; <https://www.bls.gov/oes/current/oes119013.htm>; <https://www.bls.gov/soc/2010/soc439061.htm>

respondents will incur capital costs in carrying out the information collection requirements of the CRRR.

Operating and Maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as “the recurring dollar amount of cost associated with O&M or purchasing services.” The O&M costs that are incurred by industries are shown in Exhibit 4. For this ICR, O&M costs cover photocopying of report templates to be filled out for each release source (25 cents per page) and postage and an envelope for reports sent to the Agency. There are no O&M costs associated with providing the initial telephone notification to the Agency or reporting an SSI under the CRRR. Each written report, changes in sources, composition, or frequency of release report, and other changes in information report, are assumed to require five (5) pages. Requests for additional information by the Agency will vary considerably in scope and length, depending on the nature of the request, however, it is estimated that it will take industry approximately 10 pages to complete the Agency’s request. The postage and mailing costs are assumed to be equal for all documents, and are calculated as \$6.65 postage and \$0.30 per envelope, totaling \$6.95 per report.

Exhibit 4 – Operating and Maintenance Costs for a Typical Farm*

Collection Activity	Unit O & M Costs		Total Unit O & M Cost
	Photocopying (\$/pg) \$0.25	Mailing (\$/rpt) \$6.95	
Initial Telephone Notification	\$0.00	\$0.00	\$0.0
Initial & Follow-up Written Report (2 reports)	\$5.00	\$13.90	\$18.90
Reporting Other Changes in Information	\$2.50	\$13.90	\$16.40
Providing additional information – 2 reports (10 pages per report)	\$5.00	\$13.90	\$18.90
Recordkeeping (5 pages)	\$1.25	\$1.25	\$2.50
Total O & M Costs for a Typical Farm	\$11.25	\$42.95	\$54.20

A “typical” farm is assumed to report one continuous hazardous substance release in the three years covered by this ICR. Some activities are not conducted every year covered by this ICR, shown as N/A = Not Applicable.

Exhibit 5 presents annual labor and O&M costs for a typical farm.

Exhibit 5– Labor and Operating and Maintenance Costs for a Typical Farm*

Collection Activity	Total Labor Costs			Total O & M Costs			Total Costs (Labor and O & M)		
	First Year	Second Year	Third Year	First Year	Second Year	Third Year	First Year	Second Year	Third Year
Initial Telephone Notification	\$106.81	NA	NA	NA	NA	NA	\$106.81	NA	NA
Initial Written Report	\$216.23	NA	NA	\$9.45	NA	NA	\$225.68	NA	NA
Follow-up Written Report	NA	\$172.11	NA	NA	\$9.45	NA	NA	\$181.56	NA
Annual Evaluation of a release	NA	NA	\$172.11	NA	NA	NA	NA	NA	\$172.11
Reporting Other Changes in Information	NA	\$75.25	\$75.25	NA	\$16.40	\$16.40	NA	\$91.65	\$91.65
Providing additional information	N/A	\$174.72	N/A	NA	\$9.45	NA	NA	\$184.17	NA
Recordkeeping	\$88.24	\$88.24	\$88.24	\$1.25	\$1.25	\$1.25	\$89.49	\$89.49	\$89.49
Total O & M Costs	\$411.28	\$554.44	\$335.60	\$10.70	\$36.55	\$17.65	\$421.98	\$590.99	\$353.25

A “typical” farm is assumed to report one continuous hazardous substance release in the three years covered by this ICR. Some activities are not conducted every year covered by this ICR, shown as N/A = Not Applicable.

6(b) Estimating Agency Burden and Cost

To comply with the provisions of the CRRR, Federal government authorities perform the following activities (see also section 5(a) of this ICR): (1) process initial telephone notification; (2) process initial written report; (3) process follow-up written report; (4) process other changes in information; (5) conduct other necessary activities (obtain additional information, conduct site inspection). The estimated burden to the Federal government for completing each of these CRRR-mandated activities is based on the CRRR economic impact analysis. The CRRR Economic Impact is available in rule making Superfund Docket Number 103(f)CR - 4-8.

Exhibit 6 presents the estimated burden hours and unit cost associated with the Federal government’s processing and evaluation of the various continuous release reports, as well as the burden and cost associated with any other government initiated activities that may involve the collection of information. The unit cost estimates presented in Exhibit 6 are derived by multiplying the applicable burden estimates by the average hourly wage rate for government employees. Based on the 2017 GS pay schedule, EPA estimates an average hourly labor cost of \$30.05 for the average Federal government employee.⁴ A full description of the basis for each government burden estimate is provided in the remainder of this section.

⁴ This hourly wage estimate was calculated by summing the basic hourly wage rate for a GS-12 step 1 government employee in 2017 (\$30.05) and the hourly monetary value of the representative employee’s fringe benefits (assumed to be the basic hourly wage rate multiplied by 60 percent).

**Exhibit 6 – Unit Burden Hours and Costs Incurred by the Government
per Information Collection Activity**

Collection Activity	Burden Hours (\$/hr) \$30.05	Unit Cost
Initial Telephone Notification	0.50	\$15.02
Initial Written Report	1.0 0	\$30.05
Follow-up Written Report	1.0 0	\$30.05
Processing letters - Other Changes in Information	0.50	\$15.02
Other Activities – obtaining additional Information	2.00	\$60.10
Other Activities – conducting site inspection	4.00	\$120.20

Process Initial Telephone Notification – EPA estimates that the NRC requires *30 minutes (0.5 hours)* to process the information provided in the initial telephone call. The first year unit cost associated with *processing the initial telephone call* is \$15.02.

Process Initial Written Report – Government authorities review initial written report to become familiar with the nature and extent of the release, to determine if the release qualifies for reduced reporting under CERCLA Section 103(f)(2), and to assess the hazards to public health and welfare and the environment. EPA estimates that the preliminary evaluation of the release requires on average, *one hour* of government time. The costs of processing and evaluating the initial written report are incurred in the first year of reporting. Therefore, the *unit cost for processing and evaluating the initial written report* is \$30.05.

Process Follow-up Written Report -- Within one year of submitting the initial written report, farms must submit a written follow-up report to update and confirm previously submitted information. The follow-up report provides EPA with a more accurate baseline against which to evaluate both the threat posed by the release and the impact that SSIs in the release may have on public health and welfare and the environment. The activities necessary to reevaluate the continuous release with the newly submitted follow-up report are assumed to be identical to those required to process and evaluate the initial written report, *one hour*. The costs associated with the follow-up written report, however, are incurred in the second year of reporting. Therefore, the *unit cost for processing and evaluating the follow-up written report* is \$30.05.

Process Other Changes in Information – For changes in a release other than a change in the sources, composition, or frequency, the person in charge must notify the EPA Region by submitting a letter presenting the updated information and explaining the reasons for the change. EPA estimates that processing a letter of changed information requires approximately *30 minutes (i.e., 0.50 hours)* of government time. This estimate consists of the time necessary evaluate the release in light of the changed information. The shorter evaluation time is assumed because it is necessary to evaluate only the incremental change in the risk using previous assessments of the release (assumed to be on file) as a baseline. The applicable unit cost is *\$15.02 per changes* in a release report.

Other Activities – Obtaining additional information & Conducting Site Inspection) – For some percentage of continuous releases, the information provided in the initial and/or follow-up reports will be incomplete or incorrect prompting EPA to request *additional information* concerning the release and its associated hazard. For example, additional information may be necessary to confirm the continuity and stability of the release or to better assess the risk posed by the release. EPA estimates that the process of requesting and reviewing additional information concerning a continuous release requires *2.0 hours* of government time. The applicable unit cost is \$60.10 *per request and review* of additional information.

In extreme cases, the preliminary risk assessment of a release will suggest the need for a *site inspection*, allowing EPA to directly assess and evaluate the circumstances of a release and the population and environment potentially affected by the release. In addition, site inspections are conducted periodically as a compliance and enforcement measure. EPA estimates that site inspections will require *four hours* (\$120.20) of government time. Due to lack of resources, EPA may only conduct inspections of 1% (449 farms) of the farm universe.

6(c) Estimating the Respondent (Farms) Universe and Total Burden and Cost

The total estimated and annual burden hours and costs incurred by farms affected by the CRRR are presented in Exhibit 7. The total number of farms (medium and large CAFOs) subject to reporting air releases of hazardous substances from animal wastes under CERCLA Section 103 is 44,900. According to the Census data, the number of medium CAFOs in 2007 was 27,998 and this number is reduced in the 2012 Census data to 23,403, representing a 16.4% reduction. The number of large CAFOs reported in 2007 was 22,509 and this number is reduced in the 2012 Census data to 21,497, representing a 4.4% decrease.

The total annual burden (hours) and costs incurred by farms are calculated over a three-year period. Two of the activities (initial telephone notification and initial written report) are conducted in the first year covered by this ICR. The initial written follow-up (first anniversary report) is conducted in the second year of this ICR period. The annual evaluation of the release occurs only in the third year covered under this ICR and beyond. Reporting changes in information occurs during all three years covered by this ICR but EPA assumes for only ten percent of the releases (ten percent of the universe) reported in the initial notification. As EPA reviews the initial and follow-up reports, we may request additional information from farms. EPA assumes that only 30% of the universe may need to provide any additional information in the second year covered by this ICR. Recordkeeping activities are assumed for all farms (44,900) subject to the reporting requirements.

EPA does not believe that farms may have any SSI during this ICR period as their operations may not change on a day to day basis. Releases of hazardous substances from animal wastes may be continuous and stable in quantity and rate. EPA also assumes that farms may not increase their production of animal species as shown by the Census data from 2007 and 2012. In fact, there was a reduction in the farm universe. Therefore, burden for reporting SSI is not accounted for in this ICR as it would be an overestimation. SSI reporting is considered as an episodic release notification which is covered under OMB Control Number 2050-0046.

Exhibit 7 – Annual Burden Hours Incurred -- Farms

Collection Activity	# of reported releases that require the collection activity – over three years			Unit Burden Hours	Burden Hours over Three Years		
	1 st Year	2 nd Year	3 rd Year		1 st Year	2 nd Year	3 rd Year
Initial Telephone Notification	44,900	NA	NA	3.0	134,700	NA	NA
Initial Written Report	44,900	NA	NA	7.0	314,300	NA	NA
Follow-up Written Report	NA	44,900	NA	5.0	NA	224,500	NA
Annual Evaluation of the Release	NA	NA	44,900	5.0	NA	NA	224,500
Reporting Other Changes in Information	NA	4,490	4,490	2.5	NA	11,225	11,225
Providing Additional Information	NA	13,470	NA	4.0	NA	53,880	NA
Recordkeeping	44,900	44,900	44,900	4.0	179,600	179,600	179,600
Total					628,600	457,980	404,100

Exhibit 8 shows the annual labor and O & M costs incurred by farms during the three year covered by this ICR.

Exhibit 8 – Annual Labor and O & M Costs Incurred -- Farms

Collection Activity	Unit Labor Costs	Releases/ Universe	Labor Costs Over Three Years			Unit O & M Costs	Total O & M Costs Over Three Years		
			1 st Year	2 nd Year	3 rd Year		1 st Year	2 nd Year	3 rd Year
Initial Telephone Notification	\$106.81	44,900	\$4,795,769	NA	NA	\$0.0	\$0.0	\$0.0	\$0.0
Initial Written Report	\$216.23	44,900	\$9,708,727	NA	NA	\$9.45	\$424,305	NA	NA
Follow-up Written Report	\$172.11	44,900	NA	\$7,727,739	NA	\$9.45	NA	\$424,305	NA
Annual Evaluation of the release	\$172.11	44,900	NA	NA	\$7,727,739	NA	NA	NA	NA
Reporting Other Changes in Information	\$75.45	4,490	NA	\$338,770	\$338,770	\$16.40	\$73,636	\$73,636	\$73,636
Providing additional information	\$174.72	13,470	NA	\$2,353,478	NA	\$9.45	NA	\$127,292	NA
Record-keeping	\$88.24	44,900	\$3,961,976	\$3,961,976	3,961,976	\$1.25	\$56,125	\$56,125	\$56,125
Total			\$18,466,472	\$14,381,963	\$12,028,485		\$554,066	\$681,358	129,761

Exhibit 9 - Annual Burden Hours Incurred – Government

Collection Activity	# of reported releases that require the collection activity – over three years			Unit Burden Hours	Burden Hours over Three Years		
	1 st Year	2 nd Year	3 rd Year		1 st Year	2 nd Year	3 rd Year
Initial Telephone Notification	44,900	NA	NA	0.5	22,450	NA	NA
Initial Written Report	44,900	NA	NA	1.50	67,350	NA	NA
Follow-up Written Report	NA	44,900	NA	1.50	NA	67,350	NA
Review Other Changes in Information submitted	4,490	4,490	4,490	2.00	8,980	8,980	8,980
Other Activities – obtaining additional Information	NA	13,470	NA	2.00	NA	26,940	NA
Other Activities – conducting site inspection	NA	449	NA	4.00	NA	1,796	NA
Total					98,780	105,066	8,980

Exhibit 10 - Annual Costs Incurred – Government

Collection Activity	Unit Labor Costs - Exhibit 6	Labor Costs Over Three Years		
		1 st Year	2 nd Year	3 rd Year
Initial Telephone Notification	\$15.02	\$674,398	NA	NA
Initial Written Report	\$30.05	\$1,349,245	NA	NA
Follow-up Written Report	\$30.05	NA	\$1,349,245	NA
Review Other Changes in information submitted	\$15.02	\$67,439	\$67,439	\$67,439
Other Activities – obtaining additional information	\$60.10	NA	\$809,507	NA
Other Activities – conducting site inspection	\$120.20	NA	\$53,969	NA
Total		\$2,091,082	\$2,280,160	\$67,439

Bottom Line Burden Hours and Costs - Farms

Exhibit 11 summarizes the estimated burden hours and costs incurred by farms. The bottom line burden to industry (farms) is approximately 628,600 hours for the first year, 457,980 hours for the second year and 404,100 hours for the third year. The bottom line labor costs are approximately \$18,466,472, \$14,381,963, and \$12,028,485 for the first, second, and third years, respectively. The bottom line industry O&M costs are approximately \$554,066, \$681,358, and \$129,761 for the first, second, and third years, respectively.

The average burden hour for industry (farms) over a three-year period is 496,893 hours, an average labor cost of **\$14,958,973** and O&M cost of **\$455,061**.

Exhibit 11 – Summary of Burden Hours and Costs Incurred by Farms

	First Year	Second Year	Third Year	Average (over a three-year period)
Total Number of Respondents				44,900
Total Burden Hours	628,600	457,980	404,100	496,893
Total Labor Costs (\$)	\$18,466,472	\$14,381,963	\$12,028,485	\$14,958,973
Total O & M Costs	\$554,066	\$681,358	\$129,761	\$455,061

Exhibit 12 summarizes the estimated burden hours and costs incurred by government. The bottom line burden to the government is approximately 98,780 hours for the first year, 105,066 hours the second, and 8,980 hours for the third year. The bottom line cost to the government is approximately \$2,091,082, \$2,280,160, and \$67,439, respectively.

The average burden hour for the government over a three-year period is 70,942 hours, at an average annual cost of **\$1,479,560**.

Exhibit 12 – Summary of Burden Hours and Costs Incurred by Government

	First Year	Second Year	Third Year	Annual Average
Total Burden Hours	98,780	105,066	8,980	70,942
Total Cost	\$2,091,082	\$2,280,160	\$67,439	\$783,230