

Supporting Statement Draft for Information Collection Request

EPA ICR No. 2566.01, OMB Control No. 2050-New

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection:

The 2017 Survey About Hazardous Substance Handling and Storage Procedures and Associated Costs

1(b) Short Characterization:

The Clean Water Act (CWA) Section 311(j)(1)(C) directs the U.S. Environmental Protection Agency (EPA) to issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of ... hazardous substances ... from non-transportation related onshore facilities, and to contain such discharges.” In addition, Section 304(e) of the Act authorizes the Administrator to publish regulations to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage... which may contribute significant amounts of toxic and hazardous pollutants to jurisdictional waters.

EPA proposed requirements to prevent the discharge of designated Clean Water Act hazardous substances (CWA HS; 40 CFR116.4) from facilities subject to permitting requirements under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act¹ in 1978 (43 Fed. Reg. 39276), but the regulations were never finalized. The proposed rule was published concurrently with the regulations under section 402 of the Act (SPCC Plans; 40 CFR Part 125, Subpart L).

On July 21, 2015, several parties filed a lawsuit against EPA for failing to establish regulations of hazardous substances under CWA 311(j)(1)(C). According to a settlement agreement reached in that case and filed with the United States District Court, Southern District of New York, on February 16, 2016, EPA is required to sign a proposed rulemaking no later than June 16, 2018; this date is partly based on a 10-month extension to account for EPA publishing a Federal Register Notice regarding the collection of information.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Numerous types of facilities (e.g., chemical manufacturing, consumer products, metals industry, textiles) produce CWA hazardous substances or use them as raw materials to generate more complex chemicals and products used by industry and consumers. The EPA is developing a proposed regulatory action to address CWA hazardous substances under CWA 311(j)(1)(C), and additional information is needed regarding procedures, methods and equipment and other requirements (e.g., best management practices) to prevent and contain discharges of CWA hazardous substances from non-transportation-related onshore and offshore facilities landward of

¹ The NPDES program is authorized under CWA section 304.

the coastline. Additional information about impacts of historic CWA hazardous substances discharges (e.g., fish kills, drinking water system impacts) is also needed to augment impacts data available in the USCG National Response Center (NRC) database. This information will be used to support decisions and cost benefit analyses required for a rulemaking. Thus, it is necessary to collect specific information reported to states, tribes, and territories (e.g., State Emergency Response Commissions (SERCs)) by facilities that produce, use, process, store, or distribute CWA hazardous substances to assess regulatory approaches. The survey instrument will collect information necessary to assist EPA in verifying and refining the universe of facilities potentially affected by a proposed regulatory action. It is also necessary to collect data and information pertaining to impacts (e.g., to downstream drinking water intakes, fish kills) caused by CWA HS discharges, since these impacts are not typically documented in available sources like the NRC database.

2 (b) Practical Utility/Users of the Data

This collection will be used to support a regulatory action under CWA 311(j)(1)(C). EPA will use the information to refine an estimate of the number of potentially regulated facilities and to more accurately estimate the potential costs and benefits of a regulatory action. EPA also intends to identify and evaluate existing state requirements to prevent discharges of hazardous substances to surface waters, to identify facilities/equipment subject to these state requirements and to help inform any regulatory action. This information will also be used to identify regulatory controls that may need to be addressed by the proposed rule and assist in estimating the regulated universe.

3. NON DUPLICATION, CONSULTATION, & OTHER COLLECTION CRITERIA

3(a) Non-duplication

One of the major goals of this survey is to ensure that any proposed regulation by the agency minimizes duplication of existing regulatory requirements related to prevention and control of discharges of hazardous substances to CWA 311 jurisdictional waters. As part of this effort, we are requesting information on existing spill prevention programs and spill impacts at the state level that otherwise are not available to EPA. This will assist the agency in conducting analyses that help identify facilities/equipment subject to these state requirements, to assist in estimating the potentially regulated universe, and to better identify regulatory controls that may need to be addressed by the proposed rulemaking.

Much of the information requested is available only to states, tribes, and territories, and is not routinely provided to the federal government. For example, EPCRA section 304 requires follow up reports to be submitted directly to states, to provide additional information about emergency releases reported to the NRC. These reports may contain information about the impacts of CWA HS discharges, which could allow EPA to better quantify impacts from these events and, for example, improve the cost benefit analysis for the CWA 311(j)(1)(C) rulemaking.

State, tribal, and territorial agencies may have other information and reports submitted under their respective jurisdictional authorities, which would be helpful to EPA. Due to the voluntary

nature of the survey and the flexibility of the survey language, states, tribes, and territories have the discretion to provide only information not already available to EPA, which would be useful to EPA in conducting the rulemaking.

3(b) Public Notice Required Prior to ICR submission to OMB

This ICR is being submitted to the Office of Management and Budget (OMB) as required by the Paperwork Reduction Act of 1995 (PRA) and the subsequent rule issued by the OMB on August 29, 1995 (60 FR 44978). In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency has notified the public of the proposed ICR through the Federal Register on September 21, 2017 (Federal Register / Vol. 82, No. 182) [EPA-HQ-OLEM-2017-0444; FRL-9967-75-OLEM] (Attachment 1)

3(c) Consultations

To estimate the respondent burden associated with this ICR, EPA contacted a random sample of seven states that have collection authority for Emergency Planning and Community Right to Know Act (EPCRA) Tier II (“Tier II”) facility data under Section 312. The selected states (listed below) were given the proposed information collection request instrument. The complete list of state/territorial contacts are detailed at <https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>

1. California (R9)
2. Connecticut (R2)
3. Delaware (R3)
4. Massachusetts (R1)
5. Maryland (R3)
6. North Dakota (R8)
7. Texas (R6)

3(d) Effects of Less Frequent Collection

This effort reflects a one-time collection via a voluntary survey requesting that the state, territorial, or tribal agency with Tier II collection authority² respond to EPA’s information request on the number and type of Tier II facilities, the CWA HS associated with them, and the recent history of impacts from accidental discharges to surface waters. This information is critical to better understanding and quantifying the universe of potentially affected facilities that may produce, store, or use CWA HS, as well as the extent of the impacts caused by recent discharges of CWA HS to surface waters. Because this is a one-time information collection, the agency could not consider potential impacts of less frequent information collection.

3(e) General Guidelines

This ICR adheres to the guidelines for Federal data requestors, as provided at 5 CFR 1320.6.

3(f) Confidentiality

All information submitted to the agency in response to the ICR surveys will be managed in accordance with applicable laws and EPA’s regulations governing treatment of confidential

² EPCRA reporting requirements are established in 40 CFR part 370 for providing the public with important information on the hazardous chemicals in their communities.

business information at 40 CFR Part 2, Subpart B. Any information determined to constitute a trade secret will be protected under 18 U.S.C. § 1905.

3(g) Sensitive Questions

Security issues related to Tier II data (e.g., in the context of potential threats to facility security) will increase the likelihood that States will provide data that is not aggregated (e.g. Tier II facility data may not have associated location (GIS) data). They may also decide not to respond, or to only provide partial data since this survey is voluntary. The former will result in an overestimate of the potentially affected facilities as it will increase uncertainty associated with the number of potentially regulated facilities based on proximity to jurisdictional waters since facility location is unknown, whereas the latter will impact the accuracy of agency's estimate of the facility universe requiring a surrogate measure rather than a direct count from a state, territory, or tribe that does not respond.

4. RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Identification of Potentially Affected Facilities/Respondents

Methodology:

The Agency has designated Emergency Response Commissions (ERC) for states, territories, and tribes (SERCs and TERCs) as respondents for the purposes of the ICR. A SERC is an ERC in any State of the United States, the District of Columbia, and US territories (the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Marianas Islands). A TERC (or tribal SERC) is an ERC for an Indian Tribe under whose jurisdiction facilities on tribal lands must report. The chief executive officers of federally recognized Tribes appoint Tribal Emergency Response Commissions (TERCs), responsible for carrying out the provisions of EPCRA in the same manner as State Emergency Response Commissions (SERCs). In the absence of a SERC for a State or Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC or TERC (55 FR 30632). Alternatively, Tribal leaders can join a Tribal Coalition which functions as the TERC, or establish a Memorandum of Understanding with a state to participate under the SERC. Where there is a cooperative agreement between a state and a tribe, the SERC shall be the entity identified in the agreement. <https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-part355-appA.pdf>

EPCRA reporting requirements are established in 40 CFR part 370 for providing the public with information on the hazardous chemicals (including all CWA HS) in their communities. EPCRA Section 312 requires SERCs and TERCs to collect and disseminate information (to the public) detailing the amounts, storage conditions, and locations of hazardous chemicals and extremely hazardous substances (EHS) from facilities that produce, store, or use these chemicals in excess of reportable quantities. All CWA hazardous substances in 40 CFR § 116.4 are also EHS under EPCRA (40 CFR 355 Appendices A and B), and must be reported to a SERC or TERC if reporting thresholds are exceeded.

For the purposes of this ICR, the respondent universe will consist of SERCs located in the 50 states, the District of Columbia, the five recognized U.S. territories (Puerto Rico, Guam, USVI, American Samoa, and the Marianas Islands), and 31 tribal “ERCs” for a total of 87 potential respondents.

There are currently 573 Indian tribes that are federally recognized and eligible for funding and services from the Bureau of Indian Affairs (BIA). However, it is unknown if any of these tribes have established TERCs individually, through tribal coalitions or through MOUs with states allowing SERCs to act on their behalf. Thirty-one tribes have requested that they receive information and updates periodically issued by EPA to SERCs and TERCs related to implementation of EPCRA. EPA used this number (31) to estimate the burden on tribes for response to this voluntary survey. Also, SERCs may not have direct access to spill impact information related to fish kills or drinking water intakes requested on the ICR, and may have to contact other state agencies for this information. For the purposes of burden calculation associated with this ICR, EPA assumes that the SERC will facilitate contact with the appropriate state agency to get the information, and will provide it, if available. Burden estimates associated with facilitation and responses by other state agencies were collected from 3 of the 7 respondent states as part of the consultation and are incorporated into respondent burden estimates below.

4(b) Information Requested

The information requested in the ICR is intended to help accomplish three objectives: first, a conservative estimate of the universe of potentially affected facilities; second, assessment of recent CWA hazardous substance discharge history and impacts to health and the environment, and third, an assessment of existing state spill prevention programs.

- (i) Questions 1-2 request facility and chemical information (private and government-owned facilities) available in state Tier II reporting databases.
- (ii) Questions 3-6 request information regarding CWA hazardous substances discharge occurrence and impacts (i.e., drinking water supply and fish kills) and will assist the agency in developing impact analyses.
- (iii) Questions 7-8 request spill prevention and existing state program information which will assist the agency in refinement of cost/benefit and existing regulatory coverage analyses.

A majority of the information requested is expected to be readily available from agency records, however, agency respondents may need to gather responses to various questions not contained in databases. They may also need to coordinate with other state/tribal/territorial agencies depending on where information resides, particularly information on impacts of chemical releases (e.g. water supply, fish kills), which may be available in agencies other than SERCs or TERCs.

Respondent Activities. The activities a respondent will undertake to fulfill the requirements of the information collection are presented in Table 3 in Appendix 1. These include:

- i) read survey instructions;
- ii) respond to survey questions about facilities and CWA HS;

- iii) if necessary, research various aspects of survey questions that may not be easily accessed through state databases;
- iv) perform final review of the compiled information, and
- v) submit information to the EPA through electronic survey instrument.

5. AGENCY ACTIVITIES, METHODS, AND INFORMATION MANAGEMENT

5(a) Agency Activities

A list of activities that will be required of EPA is provided in Table 2 in Appendix 1. These include: i) develop electronic questionnaire/reporting form; ii) answer respondent questions; and iii) review and analyze responses.

5(b) Collection Methodology and Management

EPA will collect responses electronically or on paper, at the respondent's convenience. In collecting and analyzing the information associated with this ICR, EPA (or its contractors) will use personal computers, Microsoft Excel© based analysis. The EPA will review each submittal for accuracy, completeness, and relevance to the regulatory action, to the extent possible. The information collected pursuant to this ICR will be maintained electronically on secure EPA servers.

5(c) Small Entity Flexibility

EPA does not believe that this survey will impact small entities. To the extent that a territorial or tribal ERC might be considered a small entity, this is a voluntary survey, so the tribe or territory would be free to determine if responding to the ICR would cause undue burden.

5(d) Collection Schedule

5(d)(1) Notice of Intent

On September 21, 2017, the EPA published a notice in the Federal Register notifying the public of its intent to submit an information collection request (ICR), "Survey on Clean Water Act Hazardous Substances and Spill Impacts" (EPA ICR No. 2566.01, OMB Control No. 2050-New) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). EPA provided a 60-day public comment period in the notice, consistent with process guidance. At the close of the public comment period on November 20, 2017, EPA had received comments from 11 commenters, including five industry organizations, four anonymous commenters, one set of comments from a collaborative of 12 non-governmental organizations, and one set of comments from a consortium of state, tribal and local emergency response agencies.

Several commenters characterized the regulatory action this ICR is supporting as an expansion of the SPCC program and noted that SPCC provided adequate regulatory coverage for facilities associated with oil and gas production and storage. Two commenters thought that the ICR was valuable for obtaining information that could be used to improve the regulatory process, whereas several commenters thought that the information sought on the ICR was already available to

EPA and therefore the collection would be duplicative. One commenter suggested several changes to the language of the questions to ensure that information collected was characterized appropriately. Some commenters suggested that EPA should ask more questions related to state spill prevention programs. EPA has developed written responses to the comments received (Attachment 3), and has made certain changes in response to recommendations received during the public comment period, reflected in an updated draft survey instrument (Attachment 2).

5(d)(2)

EPA anticipates issuing a notice in the Federal Register (FR) in February 2018 notifying the public that the survey is being reviewed by OMB. If OMB approves the survey, EPA will then issue another FR Notice notifying the public of the availability of the survey. The FR notice will request the voluntary participation of state, tribal, and territorial government agencies that collect data from facilities that produce, use, or distribute reportable quantities of designated CWA hazardous substances to complete and submit the survey within 45 days of receipt.

6. ESTIMATING BURDEN AND COST

6(a) Estimating Respondent Burden

The one-time burden estimate for reporting and recordkeeping requirements are presented below in Appendix 1, Table 1. These numbers were derived from estimates received during consultation with states during July-August 2017, and are based on the staff time needed to collect, sort, and transmit the data and information required for the eight questions making up the survey by the seven states consulted for this ICR.

6(b) Estimating Respondent Costs

EPA used labor rates (hourly salary) reported by state agency respondents during the consultation process to estimate costs. Staff with EPCRA Tier II data collection authority, as well as staff from state water programs (e.g., drinking water and fish kill investigations) were queried since they collect or have access to the data necessary to most efficiently and effectively respond to the questions in the ICR. These rates were loaded using an overhead factor of 110%, consistent with other ICRs. The resulting loaded hourly mean rates for state agency staff ranged from \$20.00 - \$26.53 (mean - \$21.65). These values were taken from the Bureau of Labor Statistics Occupational Employment Statistics Survey Web site and reflect the latest values available (May 2016). To avoid underestimation of respondent burden, the highest reported hourly labor rate by any respondent was used.

6(c) Estimating Agency Burden and Cost

The costs the Federal Government would incur are presented in Appendix 1, Table 2 below. Labor rates and associated costs are based on the estimated 2015 loaded hourly rates (labor rate plus 60% for overhead) of \$88.30 for management personnel (GS- 15, step 5); \$53.42 for technical personnel (GS- 12, step 5); and \$30.11 for clerical personnel (GS-7, step 5). These labor categories and burden estimates were selected to be consistent with other ICRs.

6(d) Estimating the Respondent Universe and Total Burden and Costs

The potential respondent universe consists of 50 states and the District of Columbia, five territories, and up to 573 federally recognized tribes with EPCRA Tier II collection authority. EPA expects response rates to be above average (>50%) among state respondents since they are co-regulators. The response rates from tribal and territorial respondents is uncertain, although EPA will ensure these entities are informed about the release of the ICR through normal communication channels. A lower response rate may impact the potential to generalize results from respondents as representative of all potentially affected facilities. The burden hours associated with completion of the survey will vary depending on the availability and format of the data available at the state agency. The consultation results from up to nine states will be used to provide an estimate of the burden hours for the remainder of the states and territories.

6(e) Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. This ICR does not include any requirements that would cause the respondents to incur either capital or start-up costs. An agency may not conduct or sponsor, and a person is not required or requested to respond to, a collection of information request unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR part 15.

6(f) Bottom Line Burden Hours and Cost Tables

(i) Respondent Tally

The total estimated respondent burden hours and costs, presented in Table 1, Appendix 1, are calculated by summing the person-hours column and by summing the cost column. The one-time burden and cost per state/territorial or tribal agency is estimated to be 87 hours and \$1,835.00. The total burden for respondents is calculated by first summing the total number of potential respondents from states/DC (51), territories (5) and tribes (573), and then multiplying the total by the consultation response rate (78%) is 490 respondents. The total burden hours are calculated by multiplying the hours per survey by the total number of entities expected to respond to the survey equals 42,630 hours. The total cost is calculated by multiplying the cost per survey by the total number of entities expected to respond to the survey equals \$899,150.00

(ii) The Agency Tally: The total line Agency burden and cost, presented in Table 2 of Appendix 1 is calculated in the same manner as the industry burden and cost. The estimated burden and cost is 260 hours and \$18,354.00.

(iii) Variations in the Annual Bottom Line: This section does not apply as this is a one-time collection.

6(g) Reasons for Change in Burden

This is a one-time, voluntary information collection; therefore, this section does not apply.

Appendix 1. Burden Estimate Calculations for Survey Respondents and EPA

Table 1: One-Time Burden and Unit Costs for All Required Information Collection Activities from State, Tribal, and Territorial Agencies (Post-Consultation Estimate)

Activity ¹	Technical ² \$21.65	Supervisory ³ \$26.53	Total Burden Hours	Total Cost/Task ⁴ (Agency)	Total Cost
1. Read survey instructions	0.25	0.25	0.5	\$12.04	\$941
2. Compile requested information and complete survey question 1.	1.2	0	1.2	\$25.98	\$2,260
3. Compile requested information and complete survey questions 2 ⁵ .	See Footnote 5		0		0
4. Compile requested information and complete survey questions 3	23	0	19.3	\$417.85	\$36,352
5. Compile requested information and complete survey question 4.	50		10	\$216.50	\$15,533 ⁶
6. Compile requested information and complete survey question 5.	19.5	0	22	\$422.18	\$36,729
7. Compile requested information and complete survey question 6.	27.9		28	\$606.20	\$52,739
8. Compile requested information and complete survey question 7.	1		1	\$21.65	\$1,883
9. Compile requested information and complete survey question 8.	1		1	\$21.65	\$1,883
5. Review compiled survey responses	2	1	3	\$69.83	\$6,075

6. Submit information	1	0	1	\$21.65	\$1,883
Burden Hours (per respondent)	87				
TOTAL Burden Hours	7,569				
Unit Cost Per Survey				\$1,835	
TOTAL COST ICR	Assumes 100% Response Rate for 87 respondents				\$159,645

1 Responses to questions are broken out as activities since the unit time to respond to each question is highly variable depending on the availability and its format. For activity 2 and 4, it is assumed that the respondents will submit databases for further EPA analysis. Activity 3 will likely require some level of cross-referencing state databases that contain the information requested by the ICR.

2,3 Respondents for this survey are state, tribal and territorial agencies with Emergency Response Commission (ERC) authority. These agencies vary from emergency management to environmental management agencies. Certain questions may need to be addressed by other agencies within a respective jurisdiction (e.g. Department of Natural Resources RE: fish kills) Based on this variability, the occupational descriptions and salaries of staff and managers vary. For state agency technical staff level positions/labor rates, the Environmental Science and Protection Technician (19-4091; \$21.43), and the Environmental Engineering Technician (17-3025; 23.97) were considered. At the supervisory level, the Environmental Engineer (17-2081; \$36.78), and the Emergency Management Director (11-9161; \$31.06) was considered representative. For the purposes of this supporting statement, the average labor rate was used for the technical staff category, since the salary range was small. All agency labor rates include a multiplier of 1.6 to account for overhead and fringe benefit costs.

4 Cost per task reflects the mean cost for each task based on the mean of the salaries reported by each respondent for each survey question. The costs reported are slightly different because not all of the states that were consulted responded to each question.

5,6 A detailed summary of the consultation burden estimate is provided in Appendix 2

6 Six of the seven states that were consulted responded to this question; 1 state (TX) provided a burden estimate; 3 states indicated that they expected EPA or its contractor would obtain that information as part of the analysis for question 3 or an associated analysis; and 2 states indicated that the response would be covered by the state level of effort in answering question 3. The burden estimate for this question is based on the total (50 hrs. X 21.65 = \$1093 X 87 respondents = \$95091. We then adjusted this estimate cost by accounting for the proportion of respondents consulted that provided a burden estimate (1/6) = \$95091 X 0.166 = \$15785.

Table 2. One-Time Burden and Unit Costs for All Required Information Collection Activities: EPA.

Survey Development Activities	Agency Burden (Hourly Wage ¹ and Hours ²)		Total Response Hours per Activity	Total Labor Cost per Activity
	Technical	Managerial		
	\$62.70	\$103.65		
Publish FR Notice on ICR and Comment Response	30	1	31	\$1,985
Develop Questionnaire	40	1	41	\$2,612
Upload/Send Questionnaire	2	0	2	\$125
Review & Analyze Responses ³	174	0	174	\$10,910
Tabulate Responses & Report Out	20	1	21	\$1,358
Respondent Support Activities ⁴				

Answer Respondent Questions pertaining to survey	21.75	0	21.75	\$1,364
Total			260	\$18,354

1. Labor rates for EPA personnel were used for all public-sector personnel, including employees of State agencies. Source for EPA labor rates: Department of Personnel Management, "Salary Table 2017-GS," https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2017/GS_h.pdf. For the managerial labor rate, level GS-15, step 5 was used; for the technical labor rate, level GS-12, step 5 was used. All agency labor rates include a multiplier of 1.6 to account for overhead and fringe benefit costs. Contractor labor rates were assumed to be equivalent to EPA technical staff labor rates.
2. For survey development activities (except survey review), management hours are assumed to be approximately 5 percent of technical hours.
3. This estimate assumes that contractors will perform approximately 80% of the analysis of survey responses, with EPA technical staff performing approximately 20%. The maximum number of surveys that EPA will receive is 87 based on survey participation from all respondents (50 states, the District of Columbia, 5 territories and 31 tribal ERCs). EPA estimates it will take approximately 2 hours per respondent to review surveys.
4. The Agency assumes that the average respondent (87 respondents) will have one question. A response to each question is estimated to require 0.25 technical hours, on average.

Appendix 2: Summary of State Consultations:

EPA randomly selected 9 states for consultation; 7 states were able to participate in the timeframe selected for the consultation (California, Connecticut, Delaware, Massachusetts, Maryland, North Dakota, and Texas) for consultation based on best professional judgement as permitted by the ICR process (Paperwork Reduction Act) to obtain burden estimates for time and costs to respondents participating in the upcoming ICR. The participation rate for states was ~ 78%; by extension, one would expect approximately 38 states to participate in the voluntary information collection request. Tribes and U.S. territories were not selected to participate in the consultation, so the response rate for these entities is uncertain.

EPA worked with Regional EPCRA Tier II program contacts to obtain State Agency points of contact (POCs) (Appendix 4) to initiate the consultation process with states. The ICR survey questions were distributed to the states, followed by a short informational call to explain the consultation process, and answer questions prior to initiating the consultation. EPA initiated consultation with selected states on July 10th, 2017 and completed information collection on August 8th 2017.

EPA received at least partial information on burden estimates for the eight ICR questions from seven states. Two states (KY and OH) declined to participate in the consultation process.

Summary of Information Received:

Facilities with CWA hazardous substances

1) How many EPCRA Tier II (40 CFR Part 312) facilities in your state/territory reported having CWA HS onsite at some point throughout calendar year 2016 (or most recent year for which the state has final (QA/QC completed) data? Which CWA HS did each facility report?

Please provide the names/address or GIS data/facility ID/CWA HS reported (i.e., chemical name, CAS, maximum weight onsite.) If possible, please provide this information by submitting a database (or url if available via the internet), or a portion of a database with the relevant information, in electronic format (e.g., Excel)

State Summary:

5/7 states provided burden estimates and/or data (EPCRA Tier II databases) for this question.

4/5 states just provided the data with the expectation that EPA or its contractor would perform assessment to filter out the data necessary to respond to the question. If states just provided database, a default assumed burden of 30 min (0.5 hrs) was assumed for accessing database and sending it to EPA electronically or via mail (disk provided).

Burden Estimate:

Time – Mean = 1.2 hrs (0.5 – 4 hrs)*

Cost – Mean = \$23.27/hr (\$20.00 – \$26.53)

*Massachusetts provided a database, but indicated that it would take approximately 30 staff hours to filter data and provide EPA with a response if done at the agency.

2). Based on the list of facilities provided in question # 1, are any of these facilities owned/operated by state or local governments?

State Summary:

6/7 states responded to this question; 2 indicated that the response would be covered by the LOE in answering question 1, whereas the other 4 states indicated that EPA would be able to obtain that information as part of the analysis for question 1 or an associated analysis

Burden Estimate:

Time and Cost covered through LOE response to #1, or borne by EPA/contractor in database filtering process.

Accident History

3) Do you have an accident reporting database that contains information about accidental discharges of CWA HS to waterways in your state or territory?

[If no, then skip to Question 5]

[If yes, then] Please provide a copy of this database and skip to question 5

[If respondent has a database and chooses not to provide it] Please provide the following information:

State Summary:

6/7 states provided burden estimates and/or data (spill databases) for this question.

3/6 states just provided the data with the expectation that EPA or its contractor would perform assessment to filter out the data necessary to respond to the question. If states just provided database, a default assumed burden of 30 min (0.5 hrs.) was assumed for accessing database and sending it to EPA electronically or via mail (disk provided).

Burden Estimate:

Time – Mean = 23 hrs. (0.5 – 60 hrs.)

Cost – Mean = \$20.93/hr. (\$20.00 – \$21.86)

4) How many discharges to water of CWA HS were reported in each calendar year for the past 10 years (2007-2016)? For all discharges please list the CWA HS(s) involved and the (estimated) amount, if documented.

State Summary:

6/7 states responded to this question; 1 state (TX) provided a burden estimate, 3 states indicated that they expected EPA/contractor would be able to obtain that information as part of the analysis for question 3 or an associated analysis, and 2 states indicated that the response would be covered by the LOE in answering question 3.

Burden Estimate:

Time – 50 hrs

Cost – \$21.86/hr

5) What is the number of times that a public water system intake has been affected (e.g., alert or advisory issued, shut down, etc.) in your state or territory due to a discharge of a CWA HS to surface waters? Please provide annual numbers by calendar year from 2007-2016. For each occurrence, please list the CWA HS(s) involved, the (estimated) amount, if documented, and any impacts/actions taken.

State Summary:

4/7 states provided burden estimates to this question.

Burden Estimate:

Time – Mean = 19.5 hrs. (2 – 50 hrs.)*

Cost – Mean = \$20.93/hr. (\$20.00 – \$21.86)

6) How many fish kills have been attributed to a discharge of a CWA HS to surface waters? Please provide any reports available from 2007-2016. For all fish kills, please list the CWA HS(s) involved and the (estimated) amount, if documented.

State Summary:

6/7 states provided burden estimates to this question.

Burden Estimate:

Time – Mean = 27.9 hrs. (2 – 80 hrs)*

Cost – Mean = \$21.29/hr. (\$20.00 – \$22.00)

Regulatory Controls/Provisions

7) Does your state have regulations/provisions relating to spill prevention requirements for CWA hazardous substances? If so, please provide a citation to these requirements and a link. [If no, end survey]

State Summary:

1/7 states provided burden estimates to this question.

Burden Estimate:

Time – 1 hr.

Cost – \$21.65

8) If you have a database of facilities or equipment subject to the requirements in question 7, please provide a copy.

State Summary:

1/7 states provided burden estimates to this question.

Burden Estimate:

Time – 1 hr.

Cost – \$21.65

Average Estimate Cost Method:

To determine the most realistic estimate of burden to respondents for this survey, EPA averaged the burden estimates provided by respondents for each question. EPA also averaged responses for hourly salary to calculate an average hourly salary cost. EPA used this method particularly for questions 1-4, since over 50% of the respondents consulted informed EPA that they would provide EPA with the raw data with the expectation that EPA would do the data reduction and analysis necessary to complete the response, effectively transferring the burden to EPA.

<u>Question</u>	<u>Average (Range) Time Burden</u>	<u>Average/(Range) Hourly Salary</u>
Read Survey	0.5 hrs	21.65
1	1.08 (0.5* – 4.0) hours	\$21.65 (\$20.00 - \$26.53)

2	0.5**	\$21.65 (No salary info provided)
3	19.3 (0.5 – 60)	\$21.65 (\$20.00 - \$21.86)
4	10 (0.5 – 60)	\$21.65 (\$21.86)
5	22 (2 – 60)	\$21.65 (\$20.00 - \$21.86)
6	28 (2 – 80)	\$21.65 (\$20.00 - \$22.00)
7	1	\$21.65 (No salary info provided)
8	1	\$21.65 (No salary info provided)

In addition 3 hrs./respondent were allocated to internal review of the submission, and 1 hr./respondent to facilitate delivery of survey response(s) to EPA.

* Several states provided raw data for questions 1 (4/7) and 3 (3/7). The assumed default burden for providing a database in this analysis is 0.5 hrs.

** For question two, 6/7 respondents stated that the level of effort (burden) to respond to this question would be part of the burden for the response to # 1; 5/7 states responded similarly to question #4, with respect to the burden for the response being incorporated in the response to question # 3.

Calculation of total estimated burden and cost for this ICR:

Calculate total average estimated burden/survey: sum average time estimates recorded for each of 8 questions

$$\underline{\Sigma(0.5 + 1.2 + 0 + 19.3 + 10 + 22 + 28 + 1 + 1 + 3 + 1) = 87 \text{ hrs/survey}}$$

Calculate Total Estimated Burden: multiply average time/survey x total number respondents (states and territories)

$$\underline{87 \text{ hrs./survey} \times 87 \text{ respondents (50 states/Washington DC, 31 tribal ERCs and 5 territories)} = 7569 \text{ hrs.}}$$

Calculate average cost/survey: multiply total hours X average hourly cost

$$\underline{87 \text{ hrs.} \times \$21.65/\text{hr.} = \$1,883.55/\text{respondent. Round to } \$1,883.00/\text{respondent.}}$$

Calculate Total Cost: multiply average cost/survey x total number respondents (states and territories)

$$\underline{\$1,883/\text{survey} \times 87 \text{ respondents} = \$163,821.00.}$$

Appendix 3. State and Territorial Agency Point of Contact List

State ¹	Phone	Tier II Administration	Website & POC/Email
Alabama	334-260-2700	Alabama Department of Environmental Management	kfc@adem.alabama.gov http://www.adem.state.al.us/MoreInfo/saraIII.cnt
Alaska	907-465-5242	Alaska Department of Environmental Conservation	https://ready.alaska.gov/SERC/Tier Jason Seifert Jason.Seifert@alaska.gov
Arizona	602-771-4065	Arizona Emergency Response Commission	https://tier2.azserc.org/?ReturnUrl=%2Fdashboard Chris Nutter (nutter.chris@azdeq.gov)
Arkansas	501-683-6753	Arkansas Department of Emergency Management	http://www.adem.arkansas.gov
California	(916) 445-8348	California Emergency Management Agency	http://www.caloes.ca.gov/FireRescueSite/Pages/HazMat-Business-Plan.aspx Ben Hoppers@calepa.ca.gov
Colorado	303-692-3641	Colorado Department of Public Health and Environment	https://www.colorado.gov/pacific/cdphe/tier-ii-hazardous-chemical-inventory-reporting Kendra Appelman-Eastvedt cdphe.edtier2submit@state.co.us
Connecticut	860-424-3373	State Emergency Response Commission	http://www.ct.gov/serc/site/default.asp dep.ctepcra@ct.gov Mr. Mark DeCaprio, SERC Administrator Office: (860) 424-3024 mark.decaprio@ct.gov
Delaware	302-739-9405	Emergency Prevention and Response Branch, DNREC	http://www.dnrec.delaware.gov/SERC/Services/Pages/HazardousChemicalInventoryReporting.aspx
District of Columbia	202-481-3169	Homeland Security & Emergency Management Agency	http://hsema.dc.gov Patrice White (patrice.white@dc.gov)
Florida	850-413-9970	Florida Division of Emergency Management	http://www.floridadisaster.org/hazmat/SERC/EPCRA.htm Sam Brackett (sam.brackett@em.myflorida.com)
Georgia	770-387-4900	Georgia Environmental	http://epd.georgia.gov/ Jerry R. Campbell

State¹	Phone	Tier II Administration	Website & POC/Email
		Protection Division	(jerry.campbell@dnr.state.ga.us)
Guam	671 300-4788	Guam EPA	Mr. Walter S. Leon Guerrero walter.leonguerrero@epa.guam.gov
Hawaii	808-586-4249	Office of Hazard Evaluation and Emergency Response	http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/right-to-know-(hepcra)-compliance heer@eha.health.state.hi.us
Idaho	208-258-6549	Idaho Office of Emergency Management	https://ioem.idaho.gov/Pages/HazardousMaterials/TierII.aspx wharris@imd.idaho.gov
Illinois	217-558-0559	Illinois Emergency Management Agency	https://www.illinois.gov/iema/Preparedness/SERC/Pages/serc_tier2.aspx ema.tier2mgr@illinois.gov
Indiana	855-246-0065	Indiana Department of Homeland Security	http://in.gov/dhs/3893.htm SARATr2@dhs.in.gov
Iowa	515-725-0302	Iowa Department of Natural Resources	http://www.iowadnr.gov/Environmental-Protection/Land-Quality/Emergency-Planning-EPCRA/Chemical-Inventory-Reporting Ms. Elonda Bacon iowa.epcra@dnr.iowa.gov
Kansas	785-296-1688	Kansas Division of Health and Environment	Marla Oestreich (marla.oestreich@ks.gov) http://www.kdheks.gov/radiation/indexRTK.html
Kentucky	502-607-5712	Kentucky Emergency Management (KYEM)	Tier2KYEM@gmail.com http://kyem.ky.gov/Who%20We%20Are/Pages/KERC.aspx
Louisiana	225-925-6113	Louisiana State Police / Right-to-Know Unit	rktier2@dps.state.la.us http://www.dps.louisiana.gov/lcnweb.nsf
Maine	207-624-4440	Maine Emergency Management Agency	maine.serc@maine.gov http://www.maine.gov/mema/serc/serc_library.shtml
Maryland	410-537-3800	Maryland Department of the Environment	Patricia S. Williams (patricia.williams1@maryland.gov) http://mde.maryland.gov/programs/BusinessInfoCenter/Community%20Right%20To%20Know/Pages/BusinessInfoCenter/crtk/index.aspx Patricia S. Williams (patricia.williams1@maryland.gov)
Massachusetts	508-820-2001	Massachusetts Emergency Management	http://www.mass.gov/eopss/agencies/mema/resources/serc/

State ¹	Phone	Tier II Administration	Website & POC/Email
		Agency	Nicholas J. Child MA MPA E-Mail: nick.child@state.ma.us (617) 574-6847 Office (508) 965-6318 Cell
Michigan	517-284-7272	Michigan Department of Environmental Quality	http://www.michigan.gov/sara deq-sara@michigan.gov
Minnesota	651-201-7416	Minnesota Emergency Planning and Community Right-to-Know Act (EPCRA) Program	https://dps.mn.gov/divisions/hsem/epcra/Pages/default.aspx Steve Tomlyanovich (Steve.Tomlyanovich@state.mn.us)
Mississippi	601-933-6369	Mississippi Emergency Management	http://www.msema.org/library-forms/tier-two-instructions/ bmaske@mema.ms.gov
Missouri	800-780-1014	Missouri Emergency Response Commission	https://hazmat.dps.mo.gov/ Paul Kirchhoff (Paul.Kirchhoff@sema.dps.mo.gov)
Montana	406-444-4096	Montana Department of Environmental Quality	http://deq.mt.gov/DEQAdmin/Emergency/EmergencyResponseMarkHall (mahall@mt.gov)
Nebraska	402-471-4251	Nebraska Department of Environmental Quality	http://deq.ne.gov/NDEQProg.nsf/OnWeb/NEPCRA Mark Lohnes (mark.lohnes@nebraska.gov)
Nevada	775-687-7524	Nevada State Fire Marshal and State Emergency Response Commission	http://fire.nv.gov/bureaus/FPL/Hazmat/
New Hampshire	603-271-2231	NH Homeland Security and Emergency Management	NHTier2@dos.nh.gov
New Jersey	609-292-1305	New Jersey Department of Environmental Protection	Kelly Rzuczek http://www.nj.gov/dep/enforcement/opppc.html
New Mexico	505-476-0617	New Mexico Department of Homeland Security and Emergency Management	http://www.nmdhsem.org/Tier2.aspx Daniela Bowman (Daniela.bowman@state.nm.us)

State¹	Phone	Tier II Administration	Website & POC/Email
New York	518-292-2302	New York State Emergency Response Commission	http://www.dhss.ny.gov/oem/disaster-prep/index.cfm
North Carolina	919-436-2746	North Carolina Division of Emergency Management	http://www.ncdps.gov/hazardous-materials/epcra@ncdps.gov
North Dakota	701-328-8112	North Dakota Division of Homeland Security	https://www.nd.gov/DES/planning/haz-chem/default.asp Ray DeBoer (rdeboer@nd.gov)
Ohio	614-644-2269	Ohio Environmental Protection Agency	http://epa.ohio.gov/dapc/serc.aspx Jeffery Beattie (jeffrey.beattie@epa.ohio.gov)
Oklahoma	405-702-1013	Oklahoma Department of Environmental Quality	http://www.deq.state.ok.us/LPDnew/saratitleiii/tierii.htm Tom Bergman (tom.bergman@deq.ok.gov)
Oregon	503-378-6835	Hazard Substances Information Survey, Office of State Fire Marshal, Community Right to Know Unit	http://www.oregon.gov/OSP/SFM/Pages/CR2K_Home.aspx SFM.CR2K@state.or.us
Pennsylvania	717-783-5099	Department of Labor and Industry	http://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/tier-ii/Pages/Tier-II-(PATTS)-System.asp Carol Freeman (cafreeman@pa.gov)
Puerto Rico	787-767-8181 ext. 3231	Puerto Rico State Emergency Response Commission (PR SERC)	http://www2.pr.gov/agencias/jca/areasprogramaticas/AreaRespuestaEmergenciasAmbientales/Pages/default.aspx prserc@jca.pr.gov
Rhode Island	401-222-1360 x 7128	Rhode Island Department of Environmental Management	http://www.dem.ri.gov/programs/emergencyresponse/epcra.php DEM.TIER2@dem.ri.gov
South Carolina	803-896-4113	DHEC SCSERC EPCRA Reporting Point	http://www.scdhec.gov/Environment/AirQuality/ComplianceandReporting/TierII/Forms_Lists_Instructions/Leepd@dhec.sc.gov
South Dakota	800-433-2288	South Dakota Dept. Environment and Natural Resources	http://denr.sd.gov/des/gw/SARATitleIII/Sara_Title_III.aspx Trish Kindt (Trish.Kindt@state.sd.us)
Tennessee	615-253-3157	Tennessee	https://erplan.net/eplan/home.htm

State¹	Phone	Tier II Administration	Website & POC/Email
		Emergency Response Council	epcra@tnema.org
Texas	512-239-5060	Texas Commission on Environmental Quality	https://www.tceq.texas.gov/permitting/tier2/ tier2help@tceq.texas.gov (Hoyt Henry)
Utah	801-536-4100	Utah Division of Environmental Response and Remediation	http://www.deq.utah.gov/ProgramsServices/programs/cercla/emergencyplanning/tier2/index.htm
Vermont	802-479-7586	Tier II Compliance Program Division of Fire Safety	http://demhs.vermont.gov/programs/epcra Todd Cosgrove (todd.cosgrove@state.vt.us)
US Virgin Islands	340-773-8050		Tier2submit@dpr.vi.gov
Virginia	804-698-4000	Virginia Department of Environmental Quality	http://www.deq.virginia.gov/Programs/Air/AirQualityPlanningEmissions/SARATitleIII/SARA%2%A7311%2%A7312CommunityRighttoKnow.aspx va-epcra@deq.virginia.gov
Washington	800-633-7585	Community Right-to-Know Unit	http://www.ecy.wa.gov/epcra/ epcra@ecy.wa.gov; Sadie Whitener (swhi461@ecy.wa.gov).
West Virginia	304-558-5380	West Virginia Office of Emergency Services	http://www.dhsem.wv.gov/SERCTIERII/Pages/Tier-II-Reporting-.aspx Melissa Buckley (melissa.d.buckley@wv.gov)
Wisconsin	608-242-3215	Wisconsin Emergency Management EPCRA Program Resources	https://whoprs.wisconsin.gov/submit/dmawhoprs@wisconsin.gov
Wyoming	307-777-4906	Wyoming Office Homeland Security	http://wyohomelandsecurity.state.wy.us/serc.aspx hls-wmd@wyo.gov; Mr. Rick Lopez (rick.lopez@wyo.gov)

¹ Consultation States are bolded