

## 2018 Clean Water Act Hazardous Substances Survey

OMB Control No. 2050-XXXX

Expires XX/XX/XXXX

### **PRA Statement**

The respondent burden for reading this email survey, which is approved under OMB 2050-XXXX, is estimated to average 30 minutes per responding entity. This survey is a voluntary collection under 40 CFR Part 116 and is estimated to take 86.5 hours per entity to respond. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The completed survey should be submitted in accordance with the instructions accompanying the survey. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Please include the OMB control number in any correspondence.

### **Privacy Act Statement**

*None of the information collected under this ICR is expected to be considered Personally Identifiable Information (PII) or Confidential Business Information (CBI).*

### Background:

The Clean Water Act (CWA) directs the President to issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from... onshore facilities and offshore facilities, and to contain such discharges” (33 U.S.C. § 1321(j)(1)(C)).

In 1978, EPA designated a list of hazardous substances under CWA § 311(b)(2)(A). This list is found at [40 CFR part 116.4](#). EPA concurrently proposed requirements to prevent the discharge of designated hazardous substances from facilities subject to permitting requirements under the National Pollutant Discharge Elimination System (NPDES) of the CWA (43 Fed. Reg. 39276); the proposed regulations were never finalized.

The Agency has developed a short, voluntary survey to be sent to states, tribes, and territories of the United States requesting information on Emergency Planning and Community Right to Know (EPCRA) Tier II facilities. Under EPCRA Section 312, facilities must report the maximum and average daily amounts of hazardous chemicals onsite during the preceding year to the respective state, Tribal or territorial authority. EPCRA does not require this information to be reported to EPA. Therefore, the Agency is administering a voluntary survey to states, tribes, and territories to collect this information. The information will be used to assist in estimating the universe of facilities that could potentially be subject to spill prevention regulations for hazardous substances listed at [40 CFR part 116.4](#) (“CWA hazardous substances”). The agency is also interested in reported impacts of discharges of CWA hazardous substances to surface waters (e.g., fish kills, drinking water) over the past 10 years, as well as existing state programs in place to help prevent and mitigate the impact of CWA hazardous substances to surface waters. This information will assist EPA in determining appropriate regulatory approaches to prevent discharges of CWA hazardous substances to surface waters, as well as estimating the scale and potential impacts of any regulatory action taken by the agency.

## Instructions:

This voluntary survey requests information about facilities that produce, use or store hazardous substances designated at 40 CFR part 116 (Clean Water Act Listed Hazardous Substances; “CWA HS”), the CWA HS they store (i.e., EPCRA Tier II data), historical discharges of these CWA HS to waterways, and the relevant citations for any state requirements relating to preventing discharges of these substances into waterways. A list of the CWA hazardous substances is available at [40 CFR part 116.4](#).

Please respond to questions that apply in your state, tribe or territory. This is a voluntary survey and some questions may not be applicable for your government, and you may find that you instead partially answer or skip over those questions. For some questions, you may submit raw data for EPA to compile the relevant information.

Completed surveys are due [**INSERT DATE 45 CALENDAR DAYS FROM ISSUANCE OF SURVEY TO RESPONDENTS**] Please send your government’s responses to Joe Beaman via email at [beaman.joe@epa.gov](mailto:beaman.joe@epa.gov). If you need to send via postal mail, please contact Joe Beaman for mailing instructions. For additional questions on this survey, please contact Joe Beaman (202-566-0420; [beaman.joe@epa.gov](mailto:beaman.joe@epa.gov)).

## Facilities with CWA Hazardous Substances

- 1) a) How many EPCRA Tier II (40 CFR part 370) facilities in your state/tribal territory/US territory reported having a [CWA hazardous substance](#) onsite at some point throughout calendar year 2016 (or most recent year for which the state has final (QA/QC completed) data)?<sup>1</sup>
- b) Which [CWA hazardous substance\(s\)](#) did each facility report?
- c) Please provide the names/address or GIS data, facility ID, [CWA hazardous substance\(s\)](#) reported (i.e., chemical name, chemical abstract system (CAS) number, maximum weight onsite). Information about mixtures should be noted where possible, based on available information.<sup>2</sup> 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 [CWA hazardous substance](#) information, in electronic format (e.g., Excel).
- c) Please indicate which facilities are owned/operated by state territorial, local, or tribal government

## Accident History

- 2) Does your government have an accident reporting database that contains information about accidental discharges of [CWA hazardous substances](#) to waterways in your state or territory?

<sup>1</sup> Note that the list of “hazardous chemicals” covered under EPCRA sections 311 and 312 differs from, and is broader than, the list of CWA HS designated at 40 CFR part. 116.4.

<sup>2</sup> If the 40 CFR part 116.4 hazardous substance is a component of a Tier II-reported mixture of substances, or is diluted by a solvent, the composition of the mixture should be provided if readily available, and the submission should be clear as to whether the listed amounts refer to the total mixture or to just the specific component.

**[If no, then skip to Question 4]**

**[If yes, then please provide a copy of this database and skip to Question 4]**

**[If respondent has a database but cannot provide it, please answer Question 3]**

3) a) How many CWA hazardous substances discharges to surface water were reported in each calendar year for the 10-year timeframe of 2007-2016?

b) If documented, please provide for all discharges please list the [CWA hazardous substance\(s\)](#) involved and the (estimated) quantity discharged to water.

c) If available, please provide information on the causes of each [CWA hazardous substance](#) discharge to water. You may answer this question by providing copies of EPCRA Section 304 reports received for CWA HS discharges.

4) a) 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 hazardous substance](#) to water?

b) Please provide annual numbers by calendar year from 2007-2016, for all shutdowns, advisories, and alerts. If available, also include the list of [CWA hazardous substance\(s\)](#) involved and the reported amount.

5) Please provide any fish kill information available from 2007-2016, specifically the number of fish kills attributed to a discharge of a [CWA hazardous substance](#) to the water, and if documented, the names and amounts of the CWA hazardous substance(s) involved.

#### **State/, Territory, and Tribe Regulatory Controls and Provisions**

6) If your state, territory, or tribe have regulations or provisions relating to state spill prevention requirements for [CWA hazardous substances](#), please provide a citation and link for those regulations and/or provisions.

7) If you have a database of facilities or equipment subject to the requirements in question 6, please provide a copy.