

**RENEWAL OF INFORMATION COLLECTION REQUEST FOR THE  
EPISODIC RELEASES OF OIL AND HAZARDOUS SUBSTANCES**

**EPA ICR No. 1049.14**

**OMB Control No. 2050-0046**

**June 2018**

EPA-HQ-SFUND-2013-0549

**Supporting Statement for the Renewal  
of the Information Collection under CERCLA section 103(a) and CWA Section 311 – Episodic  
Release Notification of Oil and Hazardous Substances**

**EPA ICR 1049.14  
OMB Control No. 2050-0086**

**I. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1a. Title of the Information Collection**

Notification of Episodic Releases of Oil and Hazardous Substances (Renewal). EPA ICR No. 1049.14, OMB No. 2050-0046.

**1b. Short Characterization/Abstract**

This information collection request (ICR) addresses the reporting and recordkeeping activities required to comply with the release notification requirements for hazardous substances and oil specified in section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, and section 311 of the Clean Water Act (CWA), as amended. These reporting requirements are codified at 40 CFR parts 110, 117, and 302. This ICR renews the collection activity previously approved under OMB No. 2050-0046 which will expire on September 30, 2018. Estimates of the burden placed on industry and the government to comply with the release notification requirements are presented on an annual basis.

CERCLA section 103(a) and CWA section 311 require the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the release quantity equals or exceeds the substance's reportable quantity (RQ) level or an oil discharge into U.S. waters. The regulated community is expected to:

- Gather necessary release data, such as the time, quantity, and source of the release;
- Notify the facility manager of the release;
- Consult with the environmental compliance expert regarding the release;
- Report the release to the NRC; and
- Keep a log of release data such as the time, date, and circumstances of the release. (This information is expected, but not required under the regulations.)

There are no recordkeeping requirements specified under CERCLA section 103(a), CWA section 311, or their implementing regulations. The person in charge of the facility or vessel, however, may elect to maintain a log detailing the time, date, and circumstances associated with the reported release. The purpose of maintaining a log of reported releases is to track correspondence with response authorities and to document compliance with release notification requirements under CERCLA and the CWA. Because it is assumed the respondent will maintain a log of reported releases, burden and cost estimates associated with recordkeeping are included in the ICR.

## 2. NEED FOR AND USE OF THE COLLECTION

### 2a. Need and Authority for the Collection

The reporting activity required under 40 CFR parts 110, 117, and 302 is authorized under CERCLA sections 103(a) and 104(e), and CWA sections 311 and 308. The regulations implementing CERCLA section 103(a) (40 CFR part 302) require the person in charge of a facility or vessel to immediately notify the NRC of a hazardous substance release if the release quantity equals or exceeds the substance's RQ. The specific information provided in the notification required under CERCLA section 103(a) is authorized under CERCLA section 104(e). Section 104(e) authorizes the collection of release information, entry and inspection of the release site, and sampling activities at the release site for the purposes of "determining the need for response, or choosing or taking any response action under [CERCLA]." The release information collected is the minimum information needed to determine if a Federal response action is required to control or mitigate any potential adverse effects associated with a release.

In addition to the CERCLA notification requirements, the regulations implementing CWA section 311 (40 CFR part 110) require immediate notification to the NRC of any release of oil into U.S. navigable waters that causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The information required to be provided under CWA section 311 is authorized by CWA section 308, which allows for the collection of release information and entry, monitoring, inspection and sampling activities at the release site for the purpose of ensuring that the objectives of the CWA are satisfied. The Federal government needs to be notified of releases of oil in order to determine if a response action is necessary to mitigate or prevent damage to public health or welfare or the environment.

### 2b. Practical Utility and Users of the Data

The hazardous substance and oil release information collected pursuant to CERCLA section 103(a) and CWA section 311 has a variety of different uses. Federal response authorities, such as EPA and United States Coast Guard On-Scene Coordinators (OSCs), use the information to evaluate the environmental and human health risks attributable to a reported release and to determine if a Federal response action is necessary to mitigate or prevent any adverse effects associated with the release. Any reportable hazardous substance release or discharge of oil into the environment warrants a timely evaluation of its source, emission rate, chemical form, environmental media affected, and quantity released to ensure the proper protection of public health and welfare and the environment. Responses to hazardous substance and oil release notifications by Federal authorities may take a variety of forms, including monitoring and overseeing cleanup activities conducted by the responsible party, evacuating surrounding populations, and directing the actual cleanup operation.

The hazardous substance and oil release information collected under CERCLA section 103 and CWA section 311 also is used by EPA program offices and other Federal agencies to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or for improved emergency response planning.

In addition, release notification information, which is stored in the national Emergency Response Notification System (ERNS) data base, is used by state and local government authorities, the regulated community, and the general public. State and local government authorities and the regulated community use release information to help inform local emergency response planning. The public use release information to become aware of the releases that have occurred in their communities and throughout the nation and to learn of actions, if any, that are being taken to protect public health and welfare and the environment. The public has access to release information, statistics, and fact sheets through the Freedom

of Information Act and the NRC's website (<http://www.nrc.uscg.mil/>).

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

#### 3a. Non Duplication

The information required to be provided in the telephone call to the NRC is the minimum information necessary to evaluate a hazardous substance release or discharge of oil. Direct notification to the NRC, as opposed to notification to multiple Federal response authorities, helps to ensure a coordinated Federal response effort and that unnecessary delays in requesting assistance do not occur. One call to the NRC fulfills the requirement to report releases of hazardous substances under CERCLA and several other regulatory programs, including the CWA, the Resource Conservation and Recovery Act, and the Hazardous Materials Transportation Act the Emergency Planning and Community Right-to-Know Act. When the NRC receives a notification, the NRC watch stander immediately notifies the appropriate Federal OSC, who evaluates the circumstances surrounding the release and determines the need for a government response action. The Federal government has extensive resources, expertise, and authority under CERCLA to formulate response actions, ensuring a timely and coordinated field response with State, local, and private organizations, as needed.

EPA analyzed possible areas of overlap with other regulations and concluded that there are limited areas of overlap with reporting requirements under other statutes and provisions. For example, there may be limited duplication with the reporting requirements specified in CERCLA section 103(a) and in certain permitting regulations. Permitting regulations often require reports if the permit level is exceeded. Thus, if a release of a hazardous substance exceeds its permit level and the substance's RQ, the release must be reported to both, the applicable Federal or state permitting authority, and NRC. However, the purpose and timing of the two reports often differ. Violations of permit regulations are reported to EPA Regional permitting offices or to state permitting authorities in order to maintain proper permit enforcement records or to evaluate ambient conditions over time. Typically, permit reporting is required on a monthly or quarterly basis. In contrast, Federal officials use release information provided to the NRC to evaluate the release situation in near real time and to determine if a government response is necessary. Thus, the notification in [monthly] monitoring reports that a permit release limit is exceeded is not timely for response purposes.

In addition to a possible overlap between CERCLA reporting and certain permitting regulations, there may be some overlap with respect to the reporting requirements specified in section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), which requires immediate reporting of releases of CERCLA hazardous substances equal to or above an RQ to state and local response officials. EPCRA section 304 collection is under OMB control number 2050-0092. However, reporting to the NRC as well as to the appropriate State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as required under EPCRA section 304, is appropriate because it ensures that the Federal government is alerted to releases that may require a Federal field response. Although the SERCs and LEPCs are notified of the releases under EPCRA section 304, some SERCs and LEPCs may not possess the resources necessary for a proper response action. Notification to the NRC allows for a timely response in the event of an emergency. Furthermore, reporting to the NRC, SERC, and LEPC provides for a coordinated effort among Federal, state, and local response officials, which helps ensure that a response actions are coordinated and efficient. When Congress enacted EPCRA section 304, it was aware that releases of hazardous substances were already reported to the NRC; Congress determined that it was necessary and appropriate for such potentially hazardous releases to be reported immediately to all potentially affected government jurisdictions. The requirements under EPCRA, however, are separate from those under CERCLA and are outside the scope of this ICR (1049.14). The statutory requirements under

CERCLA and EPCRA are clear and distinct; the Federal response system, as well as the state and local response systems, must be immediately alerted to potentially dangerous releases of hazardous substances that may pose a threat to public health or welfare or the environment.

### 3b. Public Notice Required Prior to ICR Submission to OMB

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), EPA requested comment from the public through the Federal Register notice on the renewal of this ICR (1049.14) on April 11, 2018 (83 FR 15562). EPA received 7 comments, the content of which are outside the scope of this ICR. The Docket ID for the notice is EPA-HQ-SFUND-2013-0549 and can be accessed at [www.regulations.gov](http://www.regulations.gov).

### 3c. Consultations

During the public comment period of this ICR, EPA contacted nine facilities that reported releases to the NRC to collect estimates of the time it takes to comply with the reporting requirements of Section 103(a) of CERCLA and section 311 of the CWA. These estimates are used in the calculation of burden in this ICR. See Appendix A of this document for a description of this effort.

### 3d. Effects of Less Frequent Collection

The information required under the regulations implementing CERCLA section 103(a) and CWA section 311 is not collected at any specified frequency; rather, it is collected when reportable releases occur. The information collected under the regulations, such as the source, quantity, and type of material released and the environmental medium affected, is critical to evaluating the threat posed by the release and the need for a response action. The regulatory requirements evaluated in this ICR (1049.14) represent EPA's efforts to ensure that the NRC is notified immediately of those hazardous substance and oil releases for which a Federal response action may be necessary to protect public health and welfare and the environment.

### 3e. General Guidelines

The regulations implementing CERCLA section 103(a) and CWA section 311 adhere fully to OMB's general guidelines concerning the collection of information and the control of paperwork burdens on the public.

### 3f. Confidentiality

The regulations implementing CERCLA section 103(a) and CWA section 311 do not require the submittal of any proprietary, trade secret, or other confidential information.

### 3g. Sensitive Questions

The regulations implementing CERCLA section 103(a) and CWA section 311 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 Industry Sectors

The use and release of hazardous substances and oil are pervasive throughout industry. EPA expects a number of different industrial categories to report hazardous substance and oil releases pursuant to the requirements specified in CERCLA section 103(a) and CWA section 311. No one industry sector or group of sectors or size of facility is affected disproportionately by the information collection burden.

### 4b. Information Requested

#### i. Data items, including record keeping requirements

Notification under CERCLA section 103(a) and CWA section 311 is intended to ensure that Federal authorities receive prompt notification of hazardous substance and oil releases for which a timely response may be necessary to protect public health or welfare or the environment. The information provided in the telephone call to the NRC serves to notify government authorities of the release and provides them with a description of the circumstances surrounding the release. The following information is requested from all callers:

- The name and location of the individual reporting the release, the name and type of organization (e.g., general public, industrial facility, or Federal, state, or local government) with which the individual reporting the release is affiliated, and the telephone number of the person reporting the release;
- The name and location of the facility or vessel reporting the release, the type of organization, and the telephone number of the facility or vessel;
- The location of the release;
- The date and time of the release;
- The name and type of material involved in the release, and the quantity of the substance released;
- The source of the release, the vehicle identification or carrier number, if applicable, and a brief description of the source;
- The environmental medium affected by the release (e.g., air, land, surface water, or ground water);
- The cause of the incident (e.g., transportation accident, operational error, natural phenomenon), and a brief description of the release scenario denoting any unusual circumstances associated with the release;
- Information on damages that occurred as a result of the release, including the number of injuries, number of deaths, and any property damage;
- A description of the response actions taken at the release site, if any;
- The name(s) and type of organization(s) that the caller has already notified; and

- Any additional comments or information regarding the release.

As mentioned previously, there are no recordkeeping requirements specified under CERCLA section 103(a), CWA section 311, or their implementing regulations. The person in charge of the facility or vessel, however, may elect to maintain a log detailing the time, date, and circumstances associated with the reported release. The purpose of maintaining a log of reported releases is to document correspondence with response authorities and to document compliance with release notification requirements under CERCLA and the CWA. Because the respondent will in all likelihood maintain a reported release log, burden and cost estimates associated with recordkeeping are included in this ICR (1049.14).

#### ii. Respondent Activities

To comply with the notification requirements specified in the regulations implementing CERCLA section 103(a) and CWA section 311, the regulated community is expected to perform the following activities:

- Gather necessary release data, such as the time, quantity, and source of the release;
- Report the release by telephone to the NRC; and
- Keep a log of release data such as the time, date, and circumstances of the release. (This information is expected but not required under the regulations.)

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

#### 5a. Agency Activities

Every hazardous substance and oil release reported by the regulated community to the NRC must be evaluated by Federal authorities. The appropriate Federal On-Scene Coordinator (OSC) is notified of a release by a telephone call from the NRC. The NRC conveys all the relevant information regarding the release to the OSC, including whether the release is to air, soil, water, etc., the source of the release, and the type of substance released. The telephone call from the NRC to the OSC must occur within 15 minutes of the original release notification. The OSC is responsible for evaluating the circumstances surrounding the release to determine whether government monitoring and/or a Federal response action may be necessary.

NRC personnel are also responsible for entering release information into the NRC data base. The release data are stored in the NRC data base, ERNS, a national data base that stores release information by facility. The data can be accessed through the NRC web site: <http://www.nrc.uscg.mil/>. The primary activity of the Federal government under the regulations implementing CERCLA section 103(a) and CWA section 311 is processing and recording the reported release information and responding to releases that may pose a significant hazard to public health or welfare or the environment.

#### 5b. Collection Methodology and Management

For purposes of reporting releases under the regulations implementing CERCLA section 103(a) and CWA section 311, a person in charge of a facility or vessel that experiences a reportable release must telephone the NRC. The NRC notifies the appropriate EPA Region or United States Coast Guard Office, the affected state, and any other Federal agency that may be able to lend support to a potential response action.

To manage the hazardous substance and oil release information submitted in accordance with CERCLA

section 103(a) and CWA section 311, EPA uses the ERNS data base. When a hazardous substance or oil release is reported to the NRC, it is immediately entered into the NRC data base. The ERNS data base allows EPA to document, analyze, and maintain data gathered under the CERCLA and CWA notification process.

For Federal response authorities, the ERNS data base reduces the cost and time associated with processing and documenting release reports. For other EPA program offices, state and local response officials, and the public, ERNS provides for easy access to release data.

#### 5c. Small Entity Flexibility

The notification requirements apply equally to all facilities or vessels, regardless of size, that have reportable releases of CERCLA hazardous substances or oil. The regulations do not impose any general information collection or recordkeeping requirements on small businesses. EPA believes that the notification requirements specified under these regulations represent the minimum level of information necessary for Federal response officials to determine if a government response action is needed to prevent or mitigate any damage to public health or welfare or the environment. The regulatory requirements are satisfied by a toll-free telephone call to the NRC. A reduction in these reporting requirements for small businesses is not possible without jeopardizing the Federal government's ability to evaluate the threat posed by a release and determine if a Federal response is necessary.

#### 5d. Collection Schedule

Information is not collected at any specified frequency; rather, it is collected when reportable releases occur. Under CERCLA section 103(a), a release of a hazardous substance is reportable when it equals or exceeds its RQ. Pursuant to CWA section 311, a discharge of oil into navigable waters is reportable whenever the discharge causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

### 6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

#### 6a. Estimating Respondent Burden

Under CERCLA section 103(a) and CWA section 311, the person in charge of a facility or vessel that experiences a reportable release is expected to perform the following activities: (1) gather necessary release data, such as the time, date, quantity, and source of the release; (2) report the release by telephone to the NRC; and (3) keep a log of release data such as time, date, and circumstance of the release. (A respondent is not required to keep a log of release data under the episodic release notification regulation; however, EPA assumes respondents will keep a log of release data.) Cost and burden estimates associated with completing these activities assume that respondents will telephone the NRC with 18,447 release notifications per annum from October 1, 2018 through September 30, 2021.

Exhibit 1 presents a summary of the unit burden hours associated with reporting a typical release to the NRC. The burden associated with the first collection activity in Exhibit 1, "Initial Telephone Call to the NRC," includes the burden of gathering of data on the release. EPA has estimated that the respondent's burden hours for reporting a typical release is 1.02 hours.



<b>Exhibit 1</b>				
<b>Unit Burden Hours for Reporting a Typical Release to the NRC</b>				
<b>Collection Activity</b>	<b>Burden Hours</b>			<b>Total Burden Hours</b>
	<b>Managerial</b>	<b>Technical</b>	<b>Clerical</b>	
Initial Telephone Call to the NRC	0.32	0.32	0.00	<b>0.64</b>
Recordkeeping	0.02	0.18	0.18	<b>0.38</b>
<b>Total</b>	<b>0.34</b>	<b>0.50</b>	<b>0.18</b>	<b>1.02</b>

### **Initial Telephone Notification**

In estimating the burden to industry that the regulations implementing CERCLA section 103(a) and CWA section 311 may impose, EPA has assumed that the respondent's initial telephone notification to the NRC regarding a release requires approximately 0.32 hours of technical personnel time and 0.32 hours of managerial time based on the consultations with release reporters described in Section 3c. Therefore, in this ICR (1049.14), EPA assumes 0.64 *burden hours* for the initial telephone notification. Facilities generally agreed that the time required to complete the initial notification varies, depending on the nature of the release. The reported time needed for initial notification ranged from 0.4 hours to 1.6 hours with lower values associated with release incidents that were not complex and the reported information was readily available. Several respondents reported having standardized processes and/or automated notification systems in place that allow for notifications to be completed quickly. One respondent explained that this function is outsourced at their company.

### **Recordkeeping**

Although neither CERCLA nor the CWA requires that records of releases be kept, EPA assumes that a facility will keep a log of any calls made to government organizations. Such a log will be useful in establishing that the notification requirements of CERCLA section 103(a) and CWA section 311 have been met. The log may include a description of the incident and its cause; the NRC/ERNS report number, a brief account of any conversations with Federal officials, and a description of the outcome of the incident, including any cleanup action taken. The burden associated with internal recordkeeping is estimated based on the consultations with release reporters described in Section 3c. A number of the respondents reported that recordkeeping would require less than half an hour of their time per notification. Therefore, in this ICR (1049.14), EPA assumes 0.38 *burden hours* per release for recordkeeping.

### **Response Actions**

Under section 103(a) of CERCLA and section 311 of CWA facilities and vessels responsible for a release are required to take appropriate action to clean up the release. However, because there is no information collection burden associated with response actions, the capital and labor costs associated with response actions are not within the scope of this ICR (1049.14).

#### **6b. Estimating Respondent Costs**

##### **i. Estimating Labor Costs**

The estimated cost to a respondent for evaluating a release and calling the NRC regarding the release are a function of the time expended by respondent personnel (i.e., the burden estimates presented in section 6(a)), and the hourly wage rates for the appropriate categories of labor. The hourly wage rates used for industry in this ICR are from March 2018 and were obtained from the Bureau of Labor Statistics.<sup>1</sup> For

<sup>1</sup> Bureau of Labor Statistics' news release dated June 8, 2018, entitled, "Employer Costs for Employee Compensation

purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$69.90 for managerial staff, \$56.15 for technical staff, and \$27.06 for clerical staff.

These rates reflect employer cost for employee compensation in the United States as of March 2018 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), overhead, and general and administrative costs.

#### ii. Estimating Capital and Operations and Maintenance Costs

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

Operation and Maintenance (O&M) costs are those costs associated with paperwork requirements incurred continually over the life of the ICR. EPA does not anticipate that respondents will incur O&M costs in carrying out the information collection requirements of the proposed rule.

Costs associated with the burden hours presented in section 6(a) of this ICR (1049.14) are shown in Exhibit 2.

<b>Exhibit 2</b>						
<b>Unit Cost for Reporting a Typical release to the NRC</b>						
<b>Collection Activity</b>	<b>Burden Hours</b>			<b>Unit Capital/Start up Cost</b>	<b>Unit O&amp;M Cost</b>	<b>Total Unit Cost/Reportable Release</b>
	<b>Managerial (\$/hr)</b> <b>\$69.90</b>	<b>Technical (\$/hr)</b> <b>\$56.15</b>	<b>Clerical (\$/hr)</b> <b>\$27.06</b>			
Initial Telephone Notification to the NRC	0.32	0.32	0.00	\$0.00	\$0.00	<b>\$40.34</b>
Recordkeeping	0.02	0.18	0.18	\$0.00	\$0.00	<b>\$16.38</b>
<b>Total</b>	<b>0.34</b>	<b>0.50</b>	<b>0.18</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$56.71</b>

For a typical release, EPA has estimated that it costs the respondent \$56.71 to report the release to the NRC and record the release data in the respondent’s log.

#### 6c. Estimating Federal Government Burden and Cost

Federal government authorities are expected to perform the following activities under the episodic release notification regulation: (1) process respondent telephone notifications of a release; (2) monitor cleanup activities; and (3) conduct field response actions. EPA estimates that only the first Federal government activity listed above, “process telephone notifications,” will involve the processing of submitted paperwork. Estimated unit burden hours and costs and total annual burden hours and costs for the “process telephone notifications” activity are presented in Exhibit 3. For the period covered by this ICR (1049.14), EPA has assumed that the Federal government average hourly labor cost is \$34.78.<sup>2</sup>

– December 2017” listed hourly compensation (wages and salaries plus fringe benefits) rates for civilian managerial, technical, and clerical workers. Therefore, the wage rates used in this ICR (1049.14) include salaries, fringe benefits, overhead costs and general and administrative costs as of March 2018.

<sup>2</sup> Hourly wage for government officials at the NRC is calculated from the GS-9, step 1 hourly wage and the median E-6 military hourly wage. The unweighted average is used as the hourly wage for processing the initial notification, which is

## Processing Telephone Notification

The total burden of processing a telephone notification of a release consists of the time the NRC uses to (1) communicate with the respondent, (2) record and enter the information provided in the telephone call into the NRC data base, and (3) contact the predesignated EPA or Coast Guard OSC or other parties by telephone. EPA has estimated that one hour is needed to complete all the activities associated with processing an initial telephone notification. Therefore, the unit cost associated with processing an initial telephone call is \$34.78 (1 hour x \$34.78 per hour = \$34.78/processed call).

<b>Exhibit 3</b>							
<b>Burden Hours and Costs for Processing a Telephone Notification – Federal Government</b>							
<b>Collection Activity</b>	<b>Number of Reportable Releases/Year</b>	<b>Unit Burden Hours</b>	<b>Unit Capital/Start Up Cost</b>	<b>Unit O&amp;M Cost</b>	<b>Hourly Labor Cost</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Cost</b>
Processing Telephone Notification	18,447	1	\$0.00	\$0.00	\$34.78	18,447	\$641,587

## Response Activities

For some percentage of releases, the information provided in the telephone notification will prompt EPA to monitor cleanup activities. Monitoring a cleanup will allow EPA to directly assess and evaluate the circumstances surrounding the release, and the population and environment potentially affected by the release. In a small percentage of cases, the owner/operator will be unable to respond to the release or cleanup activities will appear unsatisfactory, requiring EPA to conduct its own field response actions to ensure that all potential hazards have been addressed and that the release has been thoroughly cleaned up. However, as these actions are not directly related to the processing of submitted paperwork, the costs and burden hours associated with these actions are not covered under this ICR (1049.14).

### 6d. Estimating the Respondent Universe and Total Burden and Cost

ERNS data from 2015, 2016, and 2017 were used to estimate the number of releases that will be reported to the NRC during the period of October 1, 2018 through September 30, 2021. The exhibits in this section show projected annual release reports, burden hours, and costs.

The total cost and total burden estimates presented in this ICR (1049.14) are the aggregate annual costs and burden hours associated with reporting all hazardous substances and oil releases pursuant to CERCLA section 103(a) and CWA section 311.

Annual respondent burden hours are equal to the number of releases reported to the NRC in a year multiplied by the unit burden hours associated with reporting a release. Annual cost is equal to the number of releases reported to the NRC in a year multiplied by the unit cost of reporting a release. Exhibit 4 presents the annual total annual burden hour and cost estimates for respondents.

<b>Exhibit 4</b>
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multiplied by a factor of 1.60 to account for fringe and overhead.

<b>Estimated Annual Burden Hours and Costs Incurred by Industry (Respondents)</b>					
<b>Collection Activity</b>	<b>Number of Reportable Releases/Year</b>	<b>Unit Burden Hours</b>	<b>Unit Cost/Reportable Release</b>	<b>Burden Hours</b>	<b>Annual Cost</b>
<b>Telephone Notification</b>	18,447	0.64	\$40.34	11,806	\$744,152
<b>Recordkeeping</b>	18,447	0.38	\$16.38	7,010	\$302,162
<b>Total</b>		<b>1.02</b>	<b>\$56.72</b>	<b>18,816</b>	<b>\$1,046,314</b>

#### 6e. Bottom Line Burden Hours and Cost Tables

Exhibits 3 and 4 present the annual burden hours and costs incurred by the government and respondents, respectively, for all information collection requirements covered in this ICR (1049.14). Exhibit 5 summarizes the bottom-line burdens and costs incurred by both respondents and government. The bottom-line burden to respondents is approximately 18,816 hours per year, at a cost of \$1,046,314. The bottom line burden to the government is approximately 18,447 hours per year, at a cost of \$641,587.

<b>Exhibit 5</b>		
<b>Estimated Annual Burden Hours and Costs for Information Collection Under CERCLA Section 103(a) and CWA Section 311</b>		
<b>Economic Sector</b>	<b>Burden Hours</b>	<b>Cost</b>
Industry (Respondent)	18,816	\$1,046,314
Government	18,447	\$641,587
<b>Total</b>	<b>37,263</b>	<b>\$1,687,901</b>

#### 6f. Reasons for Change in Burden

Compared to the previous ICR (1049.13), both the unit burden hours and annual burden hours for industry and government have decreased in this ICR (1049.14). In the case of unit burden hours, updated estimates of reporting burden were provided by facilities that have recently reported a spill event to the NRC. Regarding annual burden hours, the projected number of release notifications per annum in this ICR (1049.14) is less than the projected number of release notifications per annum in the previous ICR (1049.13). The previous ICR (1049.13) projected 23,864 incidents would be reported to the NRC annually; while this renewal ICR (1049.14) projects 18,447 incidents will be reported to the NRC annually. Comparing this ICR (1049.14) to the previous ICR (1049.13) annual burden hours for industry is lower by 79,026 hours and for EPA by 5,417 hours.

As shown in Exhibit 6, this ICR (1049.14) projects a lower number of incidents reported to the NRC annually. Combined with a reduction in the time it takes to complete the required tasks compared to the last ICR, EPA estimates an overall lower cost to industry. The previous ICR (1049.13) estimated the cost to industry as \$3,320,485; this renewal estimates the cost to industry will be \$1,046,314, or \$2,274,171 less than the previous estimate. The cost to government is projected to decrease from \$1,102,708 to \$641,587, a decrease of \$461,121. This lower estimate is due to a lower projected number of reportable releases and changes in the wage rates used in the analysis.

<b>Exhibit 6</b>
<b>Summary of Total Burden Hour and Annual Cost Change</b>

<b>Between This ICR and the Previous ICR</b>			
	<b>This ICR</b>	<b>Previous ICR</b>	<b>Difference</b>
Number of Releases Projected to be Reported to NRC Over <u>Three-Year Period</u>	55,341	71,592	-16,251
Annual Industry (Respondent) Burden Hours	18,816	97,842	-79,026
Annual Government Burden Hours	18,447	23,864	-5,417
Annual Industry (Respondent) Costs	\$1,046,314	\$ 3,320,485	-\$2,274,171
Annual Government Costs	\$641,587	\$ 1,102,708	-\$461,121

### 6g. Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 1.02 hours per response, which includes 0.64 hours associated with the initial notification and 0.38 hours record keeping per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-SFUND-2013-0549, which is available for public viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC Public Reading Room 1 is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Superfund Docket is 202-566-0276. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (EPA-HQ-SFUND-2013-0549) and the OMB control number (2050-0046) in any correspondence.

### APPENDIX A: Summary of Telephone Interviews with Recent Reporters

In June 2018, calls were made to nine facilities reporting incidents to NRC. The interviewees were selected randomly from incident reports associated with material releases subject to required Comprehensive Environmental Response and Liability Act (CERCLA) reporting from the last six months. Candidate incidents were retrieved from publicly released information (<http://www.nrc.uscg.mil/>) published by the National Response Center (NRC). Once a facility staff person familiar with incident reporting was identified, a short interview was undertaken to estimate the time required for notification activities and recordkeeping activities. Respondents were asked to provide an estimate of the amount of time necessary to complete each activity required by CERCLA including: gathering the initial spill data, notifying the facility manager, notifying the environmental compliance expert, and contacting the National Response Center (NRC). Recordkeeping inquiries addressed the time needed to log these notification activities.

Time estimates for notification and recordkeeping activities from respondents with recent experience provide EPA with independent information related to burden estimates supporting the ICR renewal. Individuals and companies responding are not identified as use of the responses are for government use only. While some respondents provided details for the selected incident, others provided more general responses. In addition, some respondents provided estimates of lapsed time to complete an activity rather than the total time spent on the activity.

Based on the results of the informal survey, median lower and upper bound estimates of the time to complete notification activities and recordkeeping were calculated and are shown in Figure 1.

**Exhibit A-1: CERCLA Episodic Releases Burden Based on Responses from Nine Facilities**

<b>Collection Activity</b>	<b>Lower End Time Estimate for Activity</b>	<b>Upper End Time Estimate for Activity</b>	<b>Range of Reported Time Estimates</b>
Initial Spill Notification	33 minutes (.55 hours)	38 minutes (.63 hours)	23-93 minutes
Recordkeeping	23 minutes (.38 hours)	23 minutes (.38 hours)	10-60 minutes
Total	56 minutes (0.93 hours)	61 minutes (1.02 hours)	

Summary of Individual Calls:

Call summary re: Incident #1

The respondent reported the spill and had a record of spill timeline and data in front of him during the interview. The respondent reported that initial reporting and release estimation required 25 minutes and recordkeeping required 15 minutes. The respondent added that the company has standardized emergency response processes and most emergency numbers are stored. Therefore, there is no need to search for telephone numbers for the plant manager or compliance lead. The job description of the individual responsible for reporting is “expert in environmental department.”

#### Call summary re: Incident #2

It was unclear whether the respondent was involved reporting the spill. Most of respondent's answers seemed to reference lapsed time to complete the activity rather than the amount of work time needed to accomplish each CERCLA requirement. Time estimates provided for initial notification activities ranged from 4-5 hours to gather the information needed to report to NRC (e.g., release amount) to 24 hours for the actual notification. Recordkeeping time was reported as 2-3 hours. The job description given for the individual responsible for spill reporting was noted as "professional job; not management."

Note that the responses provided by this respondent are an order of magnitude larger than the next highest values provided by other respondents and are therefore considered outliers and are not included in the analysis.

#### Call summary re: Incident #3

Respondent was not involved in reporting the spill and answered questions based on prior experience with spill reporting. Respondent reported that time for both initial reporting and time for record keeping vary greatly with the specifics of the spill. They did not provide specific time estimates for the component notification activities nor for record keeping. Job description of individuals responsible for spill reporting was noted as "engineers" and other first responders.

#### Call summary re: Incident #4

It was not determined if respondent was involved in reporting the incident in question. In general, time for initial notification activities totaled 40 minutes. Time for record keeping was reported as 30 minutes. Job description of individual responsible for spill reporting was noted as "Site-Shift Manager."

#### Call summary re: Incident #5

Respondent was not directly involved in reporting the spill. She answered based on experience of spill reporting. Respondent reported that time for initial reporting varies greatly with the specifics of the spill. The estimate for initial notification ranged from 26 to 51 minutes. A complex and difficult to assess release, as with a sewer leak, might take as long as 24 hours before accurate quantities could be reported to NRC. Time for record keeping was reported to be 10 minutes. Job description of individuals responsible for reporting was noted to be a combination of incident responders and first responders.

#### Call summary re: Incident #6

It was not determined if respondent was involved in reporting the spill. Respondent referenced lapsed time to complete the activity rather than the amount of work time needed to accomplish each of the requirements of CERCLA. Time for completing initial notification activities was reported as ranging from 98-100 hours, Time for completing record keeping totaled 24 hours. Job description of individuals responsible for reporting was noted as "Environmental Specialist."

#### Call summary re: Incident #7

It was not determined if respondent was involved in reporting the spill. Respondent mentioned company has systematic approach that allows for quickly completing notification. Time for initial notification activities totaled 60 minutes but could take as much as 13 hours for complex circumstances. Respondent was unsure about time needed for record keeping. Job description of individuals responsible for spill reporting was noted as "Company Response Engineers."

Call summary re: Incident #8

It was not determined if respondent was involved in reporting the incident. Respondent looked at company's timeline of incident when answering questions, which allowed for precise time estimates. Time for initial notification activities ranged from 88-93 minutes. Time for record keeping totaled 60 minutes. Job description of individual responsible for spill reporting was noted as "Spill Notification Officer."

Call summary re: Incident #9

Respondent was not involved in reporting the spill as company outsources most of these activities. Time for initial notification activities totaled 23 minutes. Respondent was not confident in providing a time for record keeping. Respondent mentioned that company has a built-in notification system in place, allowing for easy notification. Job description of individuals responsible for reporting was noted as "Incident Coordinator" and first responders.