

**Statement Supporting the Renewal of the Information
Collection Procedure for Emergency Planning and Release Notification Requirements**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Emergency Planning and Release Notification Requirements (EPCRA sections 302, 303, and 304) - EPA No. 1395.10.

1(b) Short Characterization

This information collection request (ICR) was previously approved as OMB No. 2050-0092 through December 31, 2018. The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) establishes authorities for emergency planning and preparedness, emergency release notification reporting, community right-to-know reporting, and toxic chemical release reporting.

The emergency planning provisions of EPCRA, codified in 40 CFR part 355, require any facility where an extremely hazardous substance (EHS) is present in a quantity at or in excess of the threshold planning quantity (TPQ) to have notified the state emergency response commission (SERC) and local emergency planning committee (LEPC) by May 17, 1987. This activity has been completed; the section 302 costs and burden hours for this ICR renewal, therefore, reflect only the estimate of the cost and burden incurred by new facilities that have an EHS in excess of the TPQ during the period covered by this ICR.

EPCRA section 303 requires LEPCs to prepare emergency plans for facilities that have EHSs in excess of the TPQs in their local planning district. Facilities are required to provide local planners with information necessary for the preparation of emergency plans. In addition, the facilities are required to inform LEPCs of any relevant changes in chemical use or production that may affect the emergency plans. Section 303 requires LEPCs to have completed their emergency plans by October 17, 1988. This ICR therefore reflects the costs attributable to the requirement of annually updating the local emergency response plans required under section 303(a).

Emergency release notification provisions under EPCRA section 304, codified in 40 CFR part 355, require facilities to report to SERCs and LEPCs releases in excess of quantities established by EPA. Facilities are required to report releases above the reportable quantity (RQ) of any EHS or hazardous substance defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) section 101(14). Notice of a release must be given to both the LEPC and SERC. In addition, facilities must provide a written follow-up report providing additional information on the release, its impacts, and any actions taken in response.

EPA estimates that 95,000 facilities (23,750 manufacturers and 71,250 non-manufacturers) are subject to reporting under EPCRA section 302 and 3,556 SERCs and LEPCs are subject to section 303. EPA estimates that approximately 10,000 release notifications are made annually to the SERCs and LEPCs under section 304. The total burden to facilities over the three-year information collection period is estimated to be 448,500 hours (149,500 hours annually), at a total cost of \$19 million (\$6.3 million annually), with an associated state and local government total burden of 329,868 hours (109,956 hours annually), at a cost of \$13.8 million (\$4.6 million annually).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The authority for these requirements is EPCRA sections 302, 303, and 304 (42 U.S.C. 11002, 11003, and 11004).

Section 302 of EPCRA required the EHS list to be “the same list as the list published in November 1985 by the Administrator in Appendix A of the “Chemical Emergency Preparedness Program Interim Guidance”. The section further required EPA to “publish an interim final regulation establishing a threshold planning quantity for each substance on the list...” If EPA failed to publish the interim final rule, “the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.”

The interim final rule was published in the *Federal Register* on November 17, 1986 (51 FR 41570), followed by a final rule published on April 22, 1987 (52 FR 13378). The EHS list consisted at that time of 406 chemicals, and the TPQs ranged from one pound to ten thousand pounds. There are currently 355 chemicals on the EHS list.

The EHS list, along with the TPQs, is used to designate facilities for initial screening for the local emergency planning process. Section 303 of EPCRA requires facilities required to provide the notification under section 302 to designate a facility coordinator to the LEPC and to “promptly provide information to [the LEPC] necessary for developing and implementing the emergency plan.” In this manner, the LEPC determines the potential scope of a response and, therefore, the amount of effort necessary for emergency planning. The LEPC reviews its plan annually and incorporates any changes or additions. These emergency plans increase the local response and preparedness capability by allowing local planners to work with industry in their community, to determine the level of preparedness necessary for a response if a release should occur.

Under section 304, respondents are required to notify the LEPC and SERC of releases of EHSs or hazardous substances (as identified under CERCLA) above the reportable quantity. The purpose of the reporting is to allow response agencies to determine whether their assistance is needed in handling the response action. The facility must provide a written follow-up report.

2(b) Practical Utility/Users of the Data

The information provided by facilities under sections 302, 303, and 304 is provided to the SERCs and LEPCs. Individuals can obtain the information by contacting the SERCs and LEPCs. The information provided under sections 302 and 303 is used to increase the community's level of preparedness to respond to releases of chemicals in their community. The information is also made available to the public to allow individuals to practice their “right-to-know” about the hazards posed by chemicals in their community.

The information provided under section 304 is the trigger to activate the community's chemical emergency response system. The written follow-up report is to update and clarify the information provided in the initial call. It is also made available to the public so that the community can understand what happened during the release.

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

3(a) Non-Duplication

Currently, no other federal reporting requirements are comparable to sections 302, 303, and 304 of EPCRA. Release reporting under CERCLA section 103 is an emergency notification to the National Response Center (NRC), while release reporting under section 304 is made directly to local and state entities. The follow-up report required under section 304 is also unique.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency has notified the public through the Federal Register notice on the renewal of this ICR on July 18, 2018 (83 FR 33932). EPA received no public comments during the 60-day public comment period.

3(c) Consultations

In June 2018, EPA conducted telephone interviews with nine facilities who reported incidents to the National Response Center (NRC) to obtain information on the time respondents spent on initial spill notification and recordkeeping activities for ICR renewal under CERCLA (OMB Control No. 2050-0046). These facilities are also required to notify the SERC and LEPC as stated in EPCRA section 304. A log summary of the interviews can be found in Appendix A.

3(d) Effects of Less Frequent Collection

The reporting deadlines for sections 302, 303, and 304 are set by statute. EPA has no authority to allow less frequent collection.

3(e) General Guidelines

The collection activities specified in this renewal ICR adhere to the guidelines specified by OMB.

3(f) Confidentiality

The respondent may claim specific chemical identities as trade secrets in the notification to the LEPC on information for developing and implementing the emergency response plan, under sections 303(d)(2) and (d)(3). Such information must be submitted according to EPCRA sections 322 and 323 (40 CFR Part 350).

All trade secret claims submitted to EPA under EPCRA are handled and stored according to procedures set out in the *Manual for Physical Handling, Security, and Protection of Files containing Trade Secret Claims Submitted under Sections 303, 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), December 2014*. These procedures were developed expressly for EPCRA trade secret claims with the knowledge that these documents are sensitive. Handling and review of documents containing EPCRA trade secret information is permitted only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities. When not being processed or reviewed by authorized individuals, the claim submissions containing trade secret information are stored in restricted access areas. To ensure that

appropriate handling procedures are activated and the confidentiality of EPCRA trade secret submissions is maintained, the Agency attaches a cover sheet to each trade secret document and otherwise marks the document to clearly identify the document as EPCRA confidential.

3(g) Sensitive Questions

The information gathering activities under this renewal ICR do not involve any sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

Sections 302, 303, and 304 are applicable to all facilities that either have present or release the regulated substances. These sections apply to facilities in both the manufacturing and non-manufacturing sectors.

Facilities in the following major group of NAICS codes may be subject to either or both implementing regulations under EPCRA section 302 and 304. Other facilities may be covered by these regulations, but are not listed. Major group that may be subject are: 11 (Agriculture, Forestry, Fishing and Hunting), 22 (Utilities), 31-33 (Manufacturing), 43 (Wholesale Trade), 44- 45 (Retail Trade), and 48-49 (Transportation and Warehousing).

4(b) Information Requested

4(b)(i) Data Items

Facilities newly subject to section 302 must notify their SERC and LEPC if the facility has any extremely hazardous substance (EHS) at or above its threshold planning quantity (TPQ) established in the regulations in 40 CFR part 355. Under section 303, the facility must designate a facility emergency coordinator and provide “information to (the LEPC) necessary for developing and implementing the (LEPC's) emergency plan.” The information necessary to fulfill this requirement is determined by the facility and the LEPC. If a facility has a very low likelihood of having a release that would impact the community, the LEPC likely would require very little information for emergency planning. However, if the facility is a large chemical plant or is in close proximity to a populated area, the LEPC most likely would develop extensive planning (especially if the facility is anticipating an offsite response). Information requested for the plan would likely include:

- Names, hazards, quantities, and storage information for EHSs on-site;
- Methods and procedures to be followed by facility owners and operators to respond to a release;
- Description of emergency equipment;
- Methods for determining the occurrence of a release, and the area or population likely to be affected by a release; and
- Procedures to provide reliable, effective, and timely notification.

LEPCs were required to have their plans completed by October 17, 1988 and they are required to review and update the plan annually. Facilities newly subject to these requirements would have to provide emergency planning notification. Facilities already subject would have to update the LEPC only if the information that they have already provided changes.

Under section 304, respondents are required to notify the LEPC and SERC of releases of EHSs or hazardous substances (as identified in CERCLA section 101) above the reportable quantity. The notice must include the following information, to the extent that it is known:

- The chemical name or identity of any substance involved in the release;
- An indication of whether the substance is on the list of EHSs;
- An estimate of the quantity of any such substance that was released into the environment;
- The time and duration of the release;
- The medium or media into which the release occurred;
- Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals;
- Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan); and
- The name and telephone number of the person or persons to be contacted for further information.

The facility must also provide a written follow-up report that includes the information above and any updates. Also, the following additional information must be provided:

- Actions taken to respond to and contain the release;
- Any known or anticipated acute or chronic health risks associated with the release; and
- Where appropriate, advice regarding medical attention necessary for exposed individuals.

4(b)(ii) Respondent Activities

To determine whether a facility is subject to section 302, the facility first would need to review the EHS list to determine whether it has any of the 355 chemicals on-site and then compare the quantity of any EHSs to the TPQ. If the facility has an EHS above the TPQ, the facility would need to contact its SERC and LEPC to notify them of their reporting obligation. *(Note: States may have specific requirements regarding the format for this notification under the state right-to-know regulations. Facilities are encouraged to contact their state.)*

To comply with section 303, the designated facility coordinator would work with the LEPC to ensure that the community has an adequate plan to respond to emergencies that would involve the facility. Facility coordinators may be asked to serve as industry representatives to the LEPC.

To comply with section 304, the facility would need to determine whether the quantity of an EHS or a CERCLA hazardous substance being released is greater than the reportable quantity established in the regulations in 40 CFR parts 302 and 355. Information on the release needs to be provided in the initial telephone notification to the SERC and LEPC. The material safety data sheet (MSDS) or other information that the facility has would provide the health risks and medical information, as well as response information.

The written follow-up notice must be filed “as soon as practical after a release.” This notice documents and updates the information provided in the initial notification. Because the initial notification should be provided immediately after the discovery of the release, the written follow-up notice allows the facility more time to prepare with greater precision the information provided in the initial notification. The facility may include a copy of its own internal report of the circumstances of the accident.

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

5(a) Agency Activities

No information provided under sections 302, 303, and 304 is sent to EPA. It is maintained at the state and local level.

5(b) Collection Methodology and Management

EPA does not receive the data; therefore, EPA does not have any special data collection methodology and management. However, to assist SERCs and LEPCs in their information management practices and emergency planning, EPA and the National Oceanic and Atmospheric Administration have created the Computer Aided Management of Emergency Operations (CAMEO) database.

5(c) Small Entity Flexibility

Regulations for sections 302, 303, and 304 make no special allowances for small businesses. EPA’s burden hour estimate for small businesses are lower than those for large facilities because of the reduced number of chemicals and processes present at smaller facilities.

5(d) Collection Schedule

The frequency of collection for these sections of EPCRA is required by statute. Facilities are required to report any relevant changes when they occur. Under section 304, releases of EHSs and CERCLA hazardous substances in excess of the reportable quantity must be reported “immediately” after the owner/operator has knowledge that they occurred. The written follow-up notice is required “as soon as practicable after the release.”

6. ESTIMATING THE BURDEN AND COST OF COLLECTION

6(a) Estimating Respondent Burden

EPA estimated the respondent burden hours and costs associated with all recordkeeping and reporting requirements covered in EPCRA sections 302, 303, and 304. Unit burden and costs were estimated by labor category required for each of the tasks performed by facilities under sections 302, 303 and 304 (codified in 40 CFR Part 355), and tasks performed by LEPCs under EPCRA section 303.

Based on the data EPA received from EPA Regions for 45 states, EPA estimates that approximately 90,180 facilities would be subject to EPCRA sections 302 and 303, which is the same estimate in the previous ICR. However, to be conservative, EPA again is using an earlier estimate of 95,000 facilities for the period covered by this ICR. EPA estimates that approximately 25 percent of these facilities are manufacturers (23,750) and 75 percent (71,250 facilities) are non-manufacturers. EPA expects no new facilities to be required to come into compliance during this ICR period based on the data obtained from EPA Regions.

The number of notifications under section 304 was based on the average number of CERCLA hazardous substance releases (some of these are also EHSs) reported to the National Response Center for the past three years, approximately 10,000. As noted earlier in this document, SERCs and LEPCs get notified of CERCLA hazardous substances and EHSs.

Exhibit 1 presents the estimated unit burden by labor category required for each of the tasks performed by facilities under EPCRA sections 302, 303 and 304 (40 CFR Part 355), and tasks performed by LEPCs under EPCRA section 303. Wage rates for facility management, technical and clerical staff are weighted averages of wage rates based on the percentages of manufacturing and non-manufacturing facilities (25 percent and 75 percent, respectively).

Read and Understand Regulations

EPA assumes that only newly regulated facilities incur the cost of reading and understanding regulations at 40 CFR Part 355. As explained above, EPA expects no new facilities to come into compliance in the period covered by this ICR based on information received from EPA Regions. EPA is using the same data from the Regions on the number of facilities subject to EPCRA sections 302 and 303 it used in the previous ICR, which was lower than earlier estimates. This is most likely because facilities are using chemicals that are less hazardous, thus keeping inventory down. Therefore, EPA did not estimate any burden for this activity for new facilities. All currently regulated facilities are already familiar with the regulations. The burden for this activity was estimated in previous ICRs.

Emergency Planning Notification by Facilities (EPCRA Section 302)

All regulated facilities must first determine whether they have at least a threshold planning quantity (TPQ) of an EHS. All regulated facilities are required to notify the SERC and designate a facility representative. As mentioned above, EPA does not expect any new facilities to come into compliance in this ICR period. Currently covered facilities already completed this activity.

Because few facilities may have significant changes that would affect emergency planning, EPA estimates that only ten percent of all subject facilities will be required to inform LEPCs of any changes at the facility. EPA assumes that only manufacturers may have changes occurring at the facilities which require notification to the LEPCs.

In addition, because little information is required from facilities after the initial submittal, EPA also estimates that only five percent of all subject facilities will provide additional information to LEPCs either to develop or implement emergency plans. The burden associated with providing local governments with updated information for planning purposes is assumed to be a small percentage of the initial burden for contributing to planning efforts. EPA estimates that it may take 13.0 hours for currently covered facilities to inform LEPC of any changes relevant to emergency planning and to provide information to the LEPC requests to develop emergency response plans. (See Exhibit 1).

Emergency Release Notification by Facilities (EPCRA Section 304)

The number of annual reportable quantity (RQ) releases based on the average number of CERCLA hazardous substance reported in the National Response Center for the last three years is approximately 10,000. EPA estimates 90 percent of these releases require notifying LEPCs and SERCs, and 10 percent require notifying the 911 operator regarding transportation-related releases. All reportable releases except transportation-related require a written follow-up report.

For this ICR, EPA contacted nine facilities that reported releases of EHSs to determine the actual burden incurred to comply with initial notification and written follow-up requirements in section 304 of EPCRA. These facilities spent between 23 and 93 minutes for initial notification. (See Appendix A, Exhibit A-1.) EPA will continue to use the same burden estimated in the previous ICRs, which is 30 minutes. The burden per respondent for initial notification is approximately 0.50 hours (30 minutes) and is approximately 8.0 hours for written follow-up. EPA estimates that it takes approximately 0.25 hours (15 minutes) to report a transportation-related release to the 911 operator.

Emergency Response Plan Development by LEPCs (EPCRA Section 303)

Emergency Response Plans must be reviewed and updated annually. EPA estimates that SERCs review all LEPC plans annually. EPA contacted a few LEPCs in the previous ICR period to determine the burden associated with reviewing or updating their emergency response plan. Based on information from LEPCs, the time required to update plans varies from 18 to 40 hours. To develop an estimate, EPA assumed that the largest 120 LEPCs would spend 40 hours a year and the smaller LEPCs would spend 20 hours a year; EPA thus calculated a weighted average of 21 hours for the recordkeeping burden to keep records of all Emergency Response Plans.

EPA also asked the nine facilities contacted for their burden estimates for this ICR about their estimated time spent on recordkeeping activities. The estimates ranged from 10 minutes to one hour. (See Appendix A, Exhibit A-1.) EPA is will continue to use the same burden estimated in the previous ICR for this activity, which is significantly higher (10 hours). The LEPC with a large concentration of chemical plants indicated that it spent a month on release notification; the other LEPCs indicated that this activity took five hours a year at most. EPA developed a weighted average of 10 hours for the annual burden for each of the LEPCs (3,500) and SERCs (56). This burden is unchanged from the estimate in the previous ICR.

Exhibit 1
Section 302, 303, and 304 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Cost

Information Collection Activity	Annual Burden Hours			Total Hours Burden	Annual Cost
	Management	Technical	Clerical		
EMERGENCY PLANNING (Facilities)					
Inform LEPC of changes to facility that may affect emergency planning	0.50	1.00	0.50	2.00	\$81.72
Provide information to LEPC, as required	2.00	8.00	1.00	11.00	\$453.88
EMERGENCY RELEASE NOTIFICATION (Facilities)					
Determine whether a release is an RQ	0.10	0.10	0.00	0.20	\$10.02
Notify LEPC and SERC of any RQ release	0.50	0.00	0.00	0.50	\$31.10
Develop and submit written follow-up notice	1.50	5.00	1.50	8.00	\$321.24
Notify 911 operator of transportation-related releases	0.25	0.00	0.00	0.25	\$15.55
EMERGENCY RESPONSE PLANS (EPCRA section 303)					
Update Emergency Response Plans (LEPCs)	5.00	15.00	1.00	21.00	\$906.76
Review Emergency Response Plans (SERCs)	4.00	12.00	0.00	16.00	\$705.28
Keep records and make them available to the public	0.00	0.00	10.00	10.00	\$380.40

Note: Weighted average labor rates for manufacturing (25 percent weight) and non-manufacturing (75 percent weight) facilities are as follows: Management is \$62.20, technical is \$38.04 and clerical is \$25.16.

6(b) Estimating Respondent Costs

EPA estimates costs to respondents on an annual basis by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. EPA updated labor rates from the previous ICR using employer costs for employee compensation tables from the Bureau of Labor Statistics (BLS), March 2018. EPA then multiplied unit costs for each respondent or activity by the number of respondents or activities performed on an annual basis to yield a total cost for each information collection activity in Section 6(d). These costs are shown in Exhibit 1.

Updated hourly respondent labor costs for manufacturing facility respondents are \$70.10 for managerial staff, \$55.39 for technical staff, and \$26.02 for clerical staff, including wages and benefits. Updated hourly respondent labor costs for non-manufacturing facility respondents are \$59.57 for managerial staff, \$32.27 for technical staff, and \$24.86 for clerical staff.¹

EPA then calculated weighted average labor rates for each labor category. Manufacturing facilities comprise 25 percent of all facilities and non-manufacturing facilities comprise 75 percent of all facilities. Therefore, the weighted average wage rate for managerial labor is calculated as $(\$70.10 * .25) + (\$59.57 * .75) = \$62.20$. Using the same weights for technical and clerical labor in manufacturing and non-manufacturing facilities results in a technical labor weighted average wage rate of \$38.04 and a clerical labor weighted average wage rate of \$25.16.

Updated hourly labor rates (including wages and benefits) for LEPCs and SERCs are \$59.33 for managerial staff, \$57.75 for technical staff, and \$34.16 for clerical staff.²

Total annual burden hours and costs for the ICR are shown in Exhibit 2.

Capital and O&M Costs

EPA estimated capital costs incurred by state and local agencies in the previous ICR. EPA expects these costs to be largely unchanged in this ICR renewal. Capital costs include the cost of space required to store information in filing cabinets. Life expectancy for file cabinets is assumed to be 15 years. Therefore, the Agency did not develop any cost for this because it was developed in the ICR approved two renewal cycles previously.

Operating and maintenance costs are limited to mailing costs. EPA assumes facilities incur postage costs for the following activities:

¹ Bureau of Labor Statistics. Economic News Release, March 2018. Table 9. Private industry, goods-producing and service-providing industries, by occupational group. Table 9. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, goods-producing and service-providing industries, by occupational group, March 2018.

² Bureau of Labor Statistics. [Economic News Release](#), March 2018. T

able 4. State and local government, by occupational and industry group. Table 4. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by occupational and industry group, March 2018.

- Providing information to the LEPC as required under EPCRA section 303(d)(3).
- Submitting written follow-up notice (assumes four pages per report)

Facilities are expected to incur long distance charges when notifying SERCs and LEPCs that a release has occurred. Long distance charges are estimated to be \$4.00 per 15-minute call.

EPA assumes LEPCs incur postage costs for the following activities:

- Submitting Emergency Response Plans to the SERCs for review.
- Submitting Emergency Response Plans as requested by SERCs to federal regional response teams for review

Postage is estimated to cost \$0.50 for a first-class letter and approximately \$6.00 to submit a LEPC plan. Operation and maintenance costs are presented in Exhibit 3.

6(c) Estimating Agency Burden and Cost

EPA estimates no annual Agency burden associated with this ICR. Only state and local government entities implement the program in sections 302, 303, and 304 of EPCRA so the federal government incurs no burden.

6(d) Estimating Total Annual Respondent Burden and Costs

Exhibit 2 presents the number of respondents, the respondent burden by labor category, and the total annual cost, for each information collection activity by respondent type (facilities and state and local governments). Exhibits 4 and 5 present the annual and three-year total average burdens and costs, respectively, by respondent type. The total average annual burden to facility respondents is 149,500 hours at a cost of \$6.3 million. The associated state and local government total annual burden is 109,956 hours at a cost of \$4.6 million. The total burden to facilities over the three-year information collection period is estimated to be 448,500 hours, at a total cost of \$19 million, and the associated state and local government total burden is estimated to be 329,868 hours at a cost of \$13.8 million over three years.

6(e) Bottom Line Burden Hours and Cost

See Exhibits 4 and 5 below.

6(f) Reasons for Change in Burden

Based on the information received from EPA Regions, the number of facilities subject to section 302 decreased from the previous ICR period. However, to be conservative, EPA used the same estimate as in the previous ICR. Because the number of facilities fluctuates from year-to-year, EPA assumed the number of facilities to be the same as in the previous ICR. There are no changes to the burden for activities related to section 302 reporting requirements.

Changes in burden from the previous ICR are attributable to the correction of math errors found while preparing this ICR renewal. Changes in cost are attributable to three sources. First, labor rates were updated from June 2015 to March 2018 using BLS data described previously in this section. Second, EPA calculated weighted average labor rates for management, technical and clerical labor using weights that correspond to the shares of manufacturing (25 percent) and non-manufacturing (75 percent) facilities of all facilities subject to this ICR. The previous ICR renewal did not use weighted average labor rates. And third, math errors corrected in the burden estimates led to different costs, regardless of any changes in labor rates used to calculate total costs, and math errors in previous cost calculations led to incorrect costs in selected activities. The combined effects of these adjustments and corrections is to increase the facilities annual burden by 4,500 hours and the cost by \$2.1 million. Over the three-year period, the facilities total burden would increase by 13,500 hours and the total cost, by \$6.3 million. The state and local government annual burden is unchanged and the annual cost decreases by \$440,000. Over the three-year period, the state and local government total burden would remain the same and the total cost would decrease by \$1.3 million.

6(g) Burden Statement

As explained in the previous sections of this document, EPA does not expect any new facilities to come into compliance during this ICR period. This ICR covers only periodic reporting or updates of information submitted previously by existing facilities under section 302 of EPCRA. The average reporting burden for a limited number of existing facilities, to inform the LEPC of any changes at the facility that may affect emergency planning, is 2.0 hours (see Exhibit 1 for all unit burden and cost estimates discussed in the section). The average reporting burden for facilities to provide information to the LEPC is 11.0 hours. The average reporting burden for facilities reporting releases under EPCRA section 304 is estimated to average approximately 9 hours per release, including the time for determining whether the release is a reportable quantity, notifying the LEPC and SERC, or the 911 operator, and developing and submitting a written follow-up notice. There are no record-keeping requirements for facilities under EPCRA sections 302, 303 or 304. EPA estimates that the total burden to facilities over the three-year renewal period will be 448,500 hours at a cost of \$19 million.

EPA estimates that the average burden for emergency planning activities is 21 hours per plan for LEPCs, and 16 hours per plan for SERCs. Each SERC and LEPC is also estimated to incur an annual record keeping burden of 10 hours. EPA estimates that the total burden to LEPC and SERC over three years is 329,868 hours at a cost of \$13.8 million.

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 Number EPA-HQ-SFUND-2005-0008, which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room 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. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When 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, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2005-0008 and OMB Control Number 2050-0092 in any correspondence.

Exhibit 2
Section 302, 303, and 304 Reporting and Recordkeeping Requirements
Estimated Annual Burden and Cost

Information Collection Activity	Number of Respondents	Annual Hours Burden			Total Hours Burden	Annual Cost
		Management	Technical	Clerical		
RULE FAMILIARIZATION (Facilities)						
Read and understand regulations at 40 CFR Part 355	0	0	0		0	0
Subtotal					0	0
EMERGENCY PLANNING (Facilities)						
Calculate whether chemicals meet/exceed TPQ	0	0	0	0	0	0
Notify SERC that facility is subject to emergency planning	0	0	0	0	0	0
Designate facility representative and notify LEPC	0	0	0	0	0	0
Inform LEPC of facility changes that may affect emer. planning	9,500	4,750	9,500	4,750	19,000	\$776,340
Provide information to LEPC, as required	4,750	9,500	38,000	4,750	52,250	\$2,155,930
Subtotal					71,250	\$2,932,270
EMERGENCY RELEASE NOTIFICATION (Facilities)						
Determine whether release is an RQ	10,000	1,000	1,000	0	2,000	\$100,200
Notify LEPC and SERC of any RQ release	9,000	4,500	0	0	4,500	\$279,900
Develop and submit written follow-up notice	9,000	13,500	45,000	13,500	72,000	\$2,891,160
Notify 911 operator of transportation-related releases	1,000	250	0	0	250	\$15,550
Subtotal					78,250	\$3,286,810
EMERGENCY RESPONSE PLANS (SERCs, LEPCs)						
Update Emergency Response Plans (LEPCs)	3,500	17,500	52,500	3,500	73,500	\$3,173,660
Review Emergency Response Plans (SERCs)	56	224	672	0	896	\$39,496
Keep records and make them available to the public	3,556	0	0	35,560	35,560	\$1,352,702
Subtotal					109,956	\$4,565,854

Exhibit 3

**Capital/Start-Up and O&M Costs
(Annual)
Facilities and LEPCs**

Activity/Respondents	Capital/Start-Up Costs	O&M Costs
Provide information to LEPC, as required (Facilities)/4,750	--	\$2,375
Notify LEPC and SERC of any RQ release (Facilities)/9,000	--	\$43,200
Develop and submit written follow-up notice (Facilities)/9,000	--	\$5,292
Submit Emergency Response Plans (LEPCs)/3,500	--	\$18,000

Exhibit 4

Summary of Total Annual Burden and Cost Estimates

	Burden Hours	Labor	O&M	Total Annual Cost
Facilities	149,500	\$6,219,080	\$50,867	\$6,269,947
SERCs and LEPCs	109,956	\$4,565,854	\$18,000	\$4,583,854
Total	259,456	\$10,784,934	\$68,867	\$10,853,801

Exhibit 5

Summary of ICR Total Burden and Cost Estimates (3-Year Totals)

	Burden Hours	Labor	O&M	Total 3-Year Cost
Facilities	448,500	\$18,809,841	\$152,601	\$18,962,442
SERCs and LEPCs	329,868	\$13,697,562	\$54,000	\$13,751,562
Total	778,368	\$32,507,403	\$206,601	\$32,561,403

APPENDIX A

Summary of Telephone Interviews with Recent Reporters

The following nine facilities were contacted in June 2018 for the ICR renewal for CERCLA section 103 Episodic Releases information collection (OMB Control No. 2050-0046). These same facilities are also required to notify the SERC and LEPC as required under EPCRA section 304. We assume the same burden is incurred for NRC notification under CERCLA section 103.

All nine facilities had reported incidents to the National Response Center (NRC). The interviewees were selected randomly from incident reports associated with material releases subject to required CERCLA reporting from the last six months. Candidate incidents were retrieved from publicly released information (<http://www.nrc.uscg.mil/>) published by the NRC. Once a facility staff person familiar with incident reporting was identified, a short interview was conducted to estimate the time required for notification 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 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 because the responses are for government use only. While some respondents provided incident details, 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, lower and upper bound estimates of the time to complete notification activities and recordkeeping are shown in Exhibit A-1, followed by the call summary for each incident.

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

Collection Activity	Lower Bound Time Estimate for Activity	Upper Bound Time Estimate for Activity	Range of Reported Time Estimates
Initial Spill Notification	23 minutes (.38 hours)	93 minutes (1.55 hours)	23-93 minutes
Recordkeeping	10 minutes (.17 hours)	60 minutes (1 hour)	10-60 minutes
Total	33 minutes (.55 hours)	153 minutes (2.55 hours)	

1. 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.”

2. 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.

3. 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.

4. Incident #4:

It was not determined whether the 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.”

5. 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.

6. Incident #6:

It was not determined whether the 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.”

7. Incident #7:

It was not determined whether the 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.”

8. Incident #8:

It was not determined whether the 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.”

9. 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.