

United States Environmental Protection Agency (EPA)
INFORMATION COLLECTION REQUEST (ICR)
Part A of the Supporting Statement
(December 2018)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title: Recordkeeping and Reporting Requirements for Diesel Fuels (Renewal)
EPA ICR Number 1718.11
OMB Control Number 2060-0308
Docket ID Number EPA-HQ-OAR-2007-1121

1(b) Abstract

Parties who refine/produce, import, transport, supply, analyze, take custody of, market and/or dispense (1) motor vehicle diesel fuel (MV), (2) nonroad, locomotive, or marine diesel fuel (NRLM), (3) ECA marine fuel (ECA), (4) heating oil (HO), (5) distillates, (6) transmix, (7) kerosene, (8) residual fuel and/or (9) a diesel fuel additive, have recordkeeping and/or reporting requirements per the regulations at 40 CFR 80 – Subpart I. These regulations limit the sulfur content of diesel fuels to limit diesel engine emissions and protect the emission controls on diesel engines. These records assist in monitoring compliance with, and protecting the significant health benefits of, the regulations.

The activities covered by this ICR are:

Registration with EPA by refiners and importers that produce or supply diesel fuels.
Submittal of a compliance plan by a producer of 500 parts per million (ppm) LM diesel fuel and approval of the plan by EPA.
Generation of product transfer documents (PTDs) for the products listed above. If requested by a regulated party, approval of alternative PTD language by EPA.
Submittal of an application for temporary relief due to extreme, unforeseen circumstances, and approval by EPA.
Maintenance of compliance records for five years.
Posting of pump labels.
Sampling and testing of diesel fuels and ECA marine fuel for sulfur content in parts per million (ppm).
Submittal of an application for an alternative test method for the sulfur content of diesel fuel, and approval by EPA.
Registration with EPA by entities that deliver or receive custody of ECA marine fuel and/or 500 ppm sulfur locomotive or marine diesel fuel (LM).
Submittal of an application for a research and development exemption, and approval by EPA.
Defense for a violation, including quality assurance sampling and testing.
Alternative defense reporting.
Resubmission of no-longer-required reports for which errors were identified and corrected.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Emissions from diesel cars, trucks, buses, trains, boats, construction equipment, and farm implements constitute a significant source of air pollution in the United States. The regulations at 40 CFR 80 – Subpart I limit the sulfur content of diesel fuels to significantly reduce emissions and provide significant public health benefits. By 2030 these emissions reductions will annually prevent 20,000 premature deaths, 18,000 hospitalizations, and 2.5 million work days lost, with an economic benefit of \$150 billion.

This supporting statement covers the recordkeeping and reporting requirements and the associated costs to various parties (e.g., refiners, importers, distributors, and retailers of diesel fuels). These general recordkeeping and requirements are necessary to enable the EPA to:

- (1) Identify the sources of diesel fuels and those who convey them to market; and
- (2) Ensure that these parties comply with the standards and limitations of the rules.

An effective enforcement scheme is necessary to ensure that the environmental goals of the diesel program are met, and that those complying with the requirements in good faith are not disadvantaged by non-complying parties. The diesel program requirements create a significant economic incentive for noncompliance.

For performance-based qualification of test methods for diesel fuels, reported data will enable EPA to:

- 1) Qualify laboratories to use test methods based upon accuracy and precision criteria that is supported by industry.
- 2) Ensure that diesel fuels meet the standards required under the regulations at 40 CFR Part 80 and that the associated benefits to human health and the environment are realized.

2(b) Practical Utility/Users of the Data

EPA will use the information contained in the reports required by this information collection to evaluate the compliance of parties involved in the production and importation of diesel with the diesel fuel requirements. These reports will also be used by EPA to target compliance investigations.

PTDs maintained by parties in the diesel fuel distribution system and records related to diesel blending will be used to evaluate the compliance of the parties that maintain the records, and to help evaluate upstream compliance. PTDs are normally generated and retained in the

course of business (i.e., they are customary business practices or “CBP”). There is a small burden associated with the placement of sulfur content or related language, a process which is typically automated.

The automatically printed notice on tax-exempt highway diesel product transfer documents (which EPA allows to be stated in coded form to save space), allows EPA to determine if dyed product is intended for highway use or is high sulfur diesel for off-road use only. It also helps industry to make this determination.

The EPA's Office of Enforcement and Compliance Assurance, Air Enforcement Division, is the governmental user of the information contained in the required records.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

Efforts have been made to eliminate duplication in this information collection. Where possible, information requirements from various organizations within the Agency have been combined to minimize the submittal of duplicate information in different formats. The information in this collection will not be available from another source.

3(b) Public Notice Prior to Submission to OMB

A notice was published in the Federal Register on September 4, 2018 (83 FR 44874). One comment was received and it was not relevant to the ICR.

3(c) Consultations

We have consulted with several industry contacts on burdens. No public comments were received for the previous ICR.

3(d) Effect of Less Frequent Collection

The quarterly and annual reports are no longer required, although we anticipate some resubmissions. Other reports are generally one-time requirements for parties entering the program or seeking alternative requirements for compliance. Recordkeeping is a customary business practice, although there is some information that is maintained due to the regulations.

3(e) General Guidelines

The regulations require record retention for five years. The Agency believes this is important to the success of the program. With the large economic incentive to not comply that exists because of the substantial difference in price that can exist between low sulfur diesel and high sulfur diesel, it is imperative that EPA maintain deterrence by assuring that all parties know that EPA will be able to distinguish the difference between high sulfur and low sulfur deliveries via a review of records generated in the normal course of business. The requirement to retain for

five years is consistent with other record retention periods in the fuels regulations, with the applicable five-year statute of limitations. Most entities already keep these records for five or more years for tax and other business purposes.

3(f) Confidentiality

Proprietary information is routinely submitted by refiners and importers as part of some reports and as part of requests for research and development or hardship exemptions. Confidentiality for such information is covered by established Agency procedures and the regulations at 40 CFR Part 2.

3(g) Sensitive Questions

No questions of a sensitive nature are asked in this information collection, such as, social security numbers, credit card numbers or dates of birth.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) Respondents/SIC Codes

The respondents to this information collection are:

- Refiners (both domestic and foreign refiners who manufacture diesel for use in the U.S.)
- Importers of diesel into the U. S.
- Diesel distributors, carriers, wholesale purchaser-consumers, and retailers
- Testing laboratories
- Manufacturers and distributors of diesel additives

Recordkeeping and, in some cases, reporting is required by the following industries, with SIC Code/2002 NAICS Code indicated:

Refiners (2911/324110),

Importers (5172/424720),

Pipelines (4613),

Petroleum marketers and other distributors (5171, 5172/424710, 424720), Terminals (5171/424710),

Fuel oil dealers (5172/424720),

Fuel additive manufacturers (2911/424720),

Petroleum retailers and wholesale purchaser-consumers (5171, 5172/424710, 424720)

Laboratories (8734/541380).

4(b) Information Requested

1. Data Items

Knowledge of the following definitions at 40 CFR Part 2 is important for a thorough understanding of the reporting and recordkeeping requirements:

“Diesel fuel” means any fuel sold in any state or Territory of the United States and suitable for use in diesel motor vehicles, diesel motor vehicle engines or diesel non-road engines, and which is commonly or commercially known or sold as diesel fuel.

“Motor vehicle diesel fuel” means any diesel fuel, or any distillate product, that is used, intended for use, or made available for use, as a fuel in diesel motor vehicles or diesel motor vehicle engines.

“Refinery” means a plant in the United States at which gasoline or diesel fuel is produced.

“Foreign refinery” means a refinery that is located outside the United States.

“Refiner” means any person who owns leases, operates, controls, or supervises a refinery.

“Importer” means a person who imports gasoline, gasoline blending stocks or components, or diesel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

“Sulfur percentage” is the percentage of sulfur in diesel fuel by weight, as determined using one of the test methods specified in the regulations.

“Parts per million (ppm)” is a typical method of expressing sulfur content in diesel fuel.

“Batch of motor vehicle diesel fuel” means a quantity of diesel fuel which is homogenous with regard to those properties that are specified for motor vehicle diesel fuel under 40 CFR 80 - Subpart I.

2. Recordkeeping and Reporting Requirements

- (a) Transmix Compliance Plan (80.513(h)(3)) – A facility producing 500 ppm sulfur LM diesel fuel from transmix must obtain approval from EPA for a compliance plan that demonstrates that the fuel will be properly labeled and segregated in the distribution system and dispensed for use only in engines still eligible to use it. (Most engines now may only use 15 ppm sulfur diesel fuel.) Transmix is a mixture of finished fuels, such as pipeline interface, that no longer meets the specifications for a fuel that can be used or sold without further processing or handling. It is typically high in sulfur as it frequently contains fuels that do not have a sulfur limit, such as jet fuel and heating oil. The following is required to be submitted:

A description of how the 500 ppm LM will be segregated in the distribution system.

A description of how the end users of the 500 ppm LM will have access to 15 ppm LM for their engines that require 15 ppm LM.

Identification of the entities that will handle the 500 ppm LM through to, and including, the ultimate consumers.

A description of procedures to be employed to prevent the use of 500 ppm LM in engines requiring 15 ppm LM.

There is little new activity in this area. We estimate that we will receive one plan per year and it will take 8 hours to prepare.

- (b) Calculation of 500 ppm LM volumes (80.513(h)(3)(iv)) – Entities that handle 500 ppm LM must calculate the balance of 500 ppm LM received versus the volume delivered and used on an annual basis. Such fuel shipped by pipeline may swell by no more than 2% upon delivery to the next party. Such records must be maintained for five years.

We estimate that there are 250 entities and that the annual calculation takes one hour per entity.

- (c) Registration with EPA by producers of 500 ppm LM diesel (80.513(h)(3)(i)) – There is little new activity in this area. Producers are already registered. The following is required to be reported for registration:

Producer's name, business address, contact name, and phone number; and if kept off-site, the location of required records and contact information.

We estimate one new registration annually that takes one hour.

- (d) Registration with EPA by refiners and importers that produce or supply MV diesel (80.597(a), NRLM diesel (80.597(b), and/or ECA marine fuel (80.597(c)). There is modest new activity in this area. Just about all refiners and importers are already registered. The reported information is the same as above.

We estimate 40 new registrations annually for the above categories at one hour each.

- (e) Registration with EPA by an entity that delivers or receives custody of ECA marine fuel and/or 500 ppm LM diesel fuel (80.597(d)(3)). There is little new activity in this area. These entities are already registered. The reported information is the same as above.

We estimate one new registration annually at one hour.

- (f) Product transfer documents (PTDs) for 500 ppm LM (80.513(h)(3)(ii)) – Producers must initiate PTDs with the following information:

A designation of 500 ppm sulfur LM.

Names and addresses of the transferor and transferee.
Volume of fuel being transferred.
Location of the fuel at the time of the transfer.
The date of the transfer.
The sulfur content standard the transferor represents the fuel to meet.

A PTD is a customary business practice. In just about all cases, inclusion of the information is automatically generated by software. The burden is discussed below.

(g) PTD requirements for MV, NRLM, heating oil, ECA marine fuel, and other distillates (80.590) – With the exception of when a fuel is dispensed to a vehicle, on each occasion that any person transfers custody or title to one of these fuels, the transferor must provide to the transferee a PTD with the following information (in certain cases, product codes clearly understood by transferees may be used):

A designation of MV, NRLM, MVNRLM, jet fuel, heating oil, ECA marine fuel, distillate, kerosene, transmix, or residual fuel.
Names and addresses of the transferor and transferee.
Volume of fuel being transferred.
Location of the fuel at the time of the transfer.
The date of the transfer.
For MVNRLM or ECA marine fuel, the sulfur content standard the transferor represents the fuel to meet.
The facility registration numbers of the transferor and transferee.
Whether the fuel is dyed or undyed.
For heating oil, whether marked or unmarked.
(If applicable, “15 ppm sulfur (maximum) Undyed Ultra-Low Sulfur Diesel Fuel. For use in all diesel vehicles and engines.” (Or substantially similar language with EPA approval.))
(If applicable, “15 ppm sulfur (maximum) Dyed Ultra-Low Sulfur Diesel Fuel. For use in all nonroad diesel engines. Not for use in highway vehicles or engines except for tax exempt use in accordance with section 4082 of the Internal Revenue Code. (Or substantially similar language with EPA approval.))
(If applicable, “500 ppm sulfur (maximum) Dyed Low Sulfur Locomotive and Marine diesel fuel. Not for use in highway or other nonroad vehicles and engines.” (Or substantially similar language with EPA approval.))
(If applicable, “Heating oil. Not for use in highway vehicles or engines or nonroad, locomotive, or marine engines.” (Or substantially similar language with EPA approval.))
(If applicable, “1,000 ppm sulfur (maximum) ECA marine fuel. For use in Category 3 marine vessels only. Not for use in engines not installed on C3 marine vessels.” (Or substantially similar language with EPA approval.))
(If applicable, “This is high sulfur diesel fuel for use only in Guam, American Samoa, or the Northern Mariana Islands.”)
(If applicable, “This diesel fuel is for export use only.”)
(If applicable, “This diesel fuel is for research, development, or testing purposes

only.”)

(If applicable, “This diesel fuel is for use in diesel highway vehicles or nonroad equipment under an EPA-approved national security exemption only.”)

(If applicable, “High sulfur fuel. For use only in ships with an approval permit as allowed by MARPOL Annex VI, Regulation 3.”)

(If applicable, “High sulfur fuel. For use only in ships as allowed by MARPOL Annex VI, Regulation 4.”)

(If applicable, “High sulfur fuel. For use only in ships as allowed by MARPOL Annex VI, Regulation 3 or Regulation 4.”)

A PTD is a customary business practice. In just about all cases inclusion of the information is automatically generated by software. However, some of the information would not be provided without the regulatory requirements. Diesel fuels comprise about 70 billion gallons annually and are handled by 5,000 entities. Assuming an average shipment of 3,000 gallons results in 23 million shipments annually, each requiring a PTD. For a number of years the ICR burden estimate for the software-generated gasoline PTD has been an average of one second. The PTDs are comparable. We believe that is a reasonable estimate here, resulting in an annual burden of approximately 6,389 hours.

- (h) PTDs for diesel fuel additives (80.591) – On each occasion that any person transfers custody or title of a diesel fuel additive for use downstream of a refinery, the transferor must provide to the transferee a PTD with the following information (in certain cases product codes may be used to convey some of this information if they are clearly understood by each transferee):

Names and addresses of the transferor and transferee.

Date of the transfer.

Location of the transfer.

Volume of the additive transferred.

(If applicable, “The sulfur content of this diesel fuel additive does not exceed 15 ppm.”)

(If applicable, “This diesel fuel additive may exceed the federal 15 ppm sulfur standard. Improper use of this additive may result in non-complying diesel fuel.”)

A PTD is a customary business practice. In just about all cases inclusion of the information is automatically generated by software. However, some of the information would not be provided without the regulatory requirements. Because additives are shipped in a wide variety of volumes, from small cans for consumers to rail cars for high-volume use, we do not have a good estimate for the number of shipments and thus the number of PTDs. However, there are approximately 850 diesel additive manufacturers and 6,000 diesel additives. Just about all have already programmed the PTD language. We estimate that a manufacturer will spend 10 minutes per year per additive to ensure compliance, for a total of 1,000 hours.

- (i) PTDs for diesel fuel additives that contain a static dissipater and/or red dye having a sulfur content greater than 15 ppm (80.591) – In addition to the requirements of the

preceding paragraph, the following must be on the PTD:

- (If applicable, “This diesel fuel additive contains a static dissipater additive having a sulfur content greater than 15 ppm.”)
- (If applicable, “This diesel fuel additive contains red dye having a sulfur content greater than 15 ppm.”)
- (If applicable, “This diesel fuel additive contains a static dissipater additive and red dye having a sulfur content greater than 15 ppm.”)
- The additive package’s maximum sulfur concentration.
- The maximum recommended concentration in volume percent for use of the additive package in diesel fuel.
- The contribution to the sulfur level of the fuel, in ppm, that would result if the additive package is used at the maximum recommended concentration.

A PTD is a customary business practice. In just about all cases inclusion of the information is automatically generated by software. This burden is included in the preceding estimate.

- (j) Labels on diesel additives in containers for use by the ultimate consumer of diesel fuel (80.591) – Each transferor must have displayed on the additive container, in a legible and conspicuous manner, either of the following:

“This diesel fuel additive complies with the federal low sulfur content requirements for use in diesel motor vehicles and nonroad engines.” Or

“This diesel fuel additive does not comply with federal ultra-low sulfur content requirements for use in model year 2007 and newer diesel motor vehicles or model year 2011 and newer diesel nonroad equipment engines.”

A label is a customary business practice. In just about all cases inclusion of the statement is automatically generated by software. However, this language would not necessarily be included without the regulatory requirements. As with PTDs, we do not have a good estimate for the annual number of containers (and thus labels) in which additives are shipped. As with additive PTDs, we estimate that a manufacturer will spend 10 minutes per additive per year to endure compliance, for a total of 1,000 hours.

- (k) Recordkeeping requirements (80.513(h)(3)(vii), 80.586, 80.592, 80.602, 80.613(e)(3)(vi), 80.614(f)(7)) – the parties identified above are required to maintain the following for five years:

Transmix compliance plans.

Volume swell calculations.

PTDs.

Records related to the establishment of accuracy and precision values, all test method documentation, and any quality control testing and analysis under 80.582, 80.584, and/or 80.585.

VCSB test records.

From the sampling and testing of motor vehicle diesel fuel:

Location, date, time, and storage tank or truck identification for each sample.

The name and title of the person who collected the sample.

The name and title of the person who tested the sample.

The test results (e.g., sulfur, cetane index, aromatics content, etc.)

Volume of product in the tank from which the sample was taken.

Description of the actions taken if a violation is identified.

If seeking temporary relief under 80.561 (refiner, importer, or foreign refiner):

Batch volume.

Batch number.

Date of production or import.

The record designating the batch as 15 ppm.

If an importer or foreign refiner, the records identified at 80.620.

Additional records for aggregated facilities consisting of a refinery and a truck loading terminal, for each batch of motor vehicle diesel fuel produced by the refinery and sent over the aggregated facility's truck rack:

Batch volume.

Batch number.

Date of receipt or import.

The record designating the batch as 15 ppm.

A record indicating the volumes that were either taxed, dyed, or dyed and marked.

Volume reports for all motor vehicle diesel fuel from external sources sent over the aggregated facility's truck rack.

By entities in the NRLM diesel fuel, ECA marine fuel, and diesel fuel additive production, importation, and distribution system:

The comparable records listed above for MV as applicable for the sampling and testing NRLM, ECA marine fuel, NRLM diesel additives, or heating oil.

For refiners and importers of NRLM diesel fuel and ECA marine fuel:

Batch volume.

Batch number.

Date of production or import.

A record designating the batch as NRLM diesel fuel, NR diesel fuel, LM diesel fuel, ECA marine fuel, or heating oil, its sulfur standard, if it is dyed or undyed with red solvent 164, and if it is marked or unmarked with solvent yellow 124.

For foreign refiners and importers of their fuel, the records required under 80.620.

For importers, records that identify and verify the source of each batch of certified DFR-Diesel and non-certified DFR-Diesel imported and demonstrated compliance with 80.620.

Any registered mobile facility must keep records of all contracts from any contracted components (e.g., tank truck, barge, marine tanker, rail car, etc.) of each of its registered mobile facilities.

Comparable records for aggregated facilities as listed above for MV plus hand-off reports for all distillate fuel (or residual fuel with a sulfur level of 1,000 ppm or less if such fuel is intended for use in an ECA) from external sources such as another refiner or importer.

Records of surveys conducted under the alternative defense requirements of 80.613(e).

Records required under the alternative defense requirements of 80.614.

Maintaining records is a customary business practice. However, some of the records above would likely not be maintained for five years without the regulatory requirements. We estimate that there are 5,000 diesel fuel and heating-oil entities (refiners, importers, terminals, distributors, laboratories, etc.), plus 900 diesel additive manufacturers, that maintain these records. Most are maintained electronically, which significantly reduces the time to organize and file records. We estimate that, on average, an entity will spend 1 hour annually to maintain the records it would not normally retain, for a total of 5,900 hours.

- (l) Batch testing and sample retention requirements for motor vehicle diesel fuel, NRLM diesel fuel, and ECA marine fuel (80.581).

Each refiner and importer shall collect a representative sample from each batch that it produced or imported and test for sulfur content. Samples shall be retained for at least 30 days.

Importers who import by truck or rail may comply with the alternative sampling and testing requirements at 80.583.

It is estimated that refiners and importers account for 30,000 batches per year. Most sampling and testing is automated, but some is still performed manually. We estimate that, on average, 15 minutes is required to sample, test, and record the results for each batch, for a total of 7,500 hours.

- (m) Application by a refiner for an in-line blending exemption (80.581(c)(2)) and approval by EPA (automatic approval if no action by EPA within 60 days). The refiner shall submit a description of the refiner's computer-controlled in-line blending operation, including the following:

The location of the operation.

The length of time the refiner has used the operation.

The volumes of diesel/ECA produced using the operation since the refiner began the operation or during the previous three years, whichever is shorter, by grade.

The movement of diesel/ECA produced using the operation to the point of fungible mixing.

The physical layout of the operation.

A description of the automated control system, including the method of

monitoring and controlling blend properties and proportions.

Any sampling and analysis of diesel/ECA and a description of the methods used.

Any sampling and analysis of diesel/ECA produced by the operation that occurs downstream from the blending operation prior to fungible mixing.

A description of any quality assurance procedures that are carried out over the operation.

A description of any occasion(s) during the previous three years when the refiner adjusted any physical or chemical property of any diesel/ECA produced using the operation downstream from the operation, including the nature of the adjustment and the reason the diesel/ECA had properties that required adjustment.

There is little new activity in this area. We estimate one application annually at 8 hours.

- (n) Information to be reported by a refiner (in this case, including a foreign refiner) or importer seeking relief from a standard due to extreme, unforeseen circumstances, and EPA approval.

A demonstration of how a return to compliance can be expeditiously achieved.

A payment to the U.S. Treasury of the economic benefit of the nonconformity.

Typically, this would result from a hurricane, earthquake, or similar incident. We estimate six requests annually at 40 hours each.

- (o) Heating oil fuel pump labels (80.571(d)).

“HEATING OIL (May Exceed 500 ppm Sulfur)

WARNING

Federal law prohibits the use in highway vehicles or engines, or in nonroad, locomotive, or marine diesel engines. Its use may damage these diesel engines.”

Alternative language may be used with EPA approval.

- (p) 500 ppm sulfur LM pump labels (80.572(d)).

“LOW SULFUR LOCOMOTIVE AND MARINE DIESEL FUEL
(500 PPM SULFUR MAXIMUM)

WARNING

Federal law *prohibits* use in nonroad engines or in highway vehicles or engines.”

Alternative language may be used with EPA approval.

- (q) ECA marine fuel pump labels (80.574(a)).

“1,000 ppm SULFUR ECA MARINE FUEL
(1,000 ppm SULFUR MAXIMUM)

For use in Category 3 (C3) marine vessels only.

WARNING

Federal law prohibits use in any engine that is not installed in a C3 marine vessel; use of fuel oil with a sulfur content greater than 1,000 ppm in an ECA is prohibited except as allowed by 40 CFR part 1043.”

Alternative language may be used with EPA approval.

Pump labels are a customary business practice. However, the language above would not necessarily be used without the regulatory requirements. We estimate that for 2,000 entities there are 60,000 pumps that dispense HO, 500 LM, or ECA marine fuel, have had the labels for a number of years, and thus are not incurring any additional burden. However, we estimate that 10,000 new labels annually will be needed for new pumps or to replace deteriorated labels. We estimate that the average time to affix the label is 5 minutes, for a total of 834 hours.

- (r) Application from a fuel retailer or wholesale purchaser-consumer for alternative language on a pump label.

The regulations do not identify the information to be reported and thus it is at the discretion of the applicant.

There is little new activity in this area. We estimate one application annually at 8 hours.

- (s) Application for approval of a test method not approved by a voluntary consensus-based standards body (80.585(b)). (Report Format ID (no form): DLQ001 – Diesel Sulfur Accuracy and Precision Information for Approval of Test Methods by Facility). The applicant shall submit:

Full test method documentation, including a description of the technology and/or instrumentation that makes the method functional.

Information demonstrating that the test method meets the applicable accuracy and precision criteria of 80.584, including information on the date and time of each test measurement used to demonstrate precision.

If requested by the Administrator, test results from the use of the method to analyze samples of commercially available fuel provided by EPA.

Any additional information requested by the Administrator and necessary to render a decision as to approval of the test method.

Samples used for precision and accuracy determination must be retained for 90 days.

If the Administrator does not notify the applicant within 90 days that the application is not approved, then the application is approved.

There is little new activity in this area. We estimate one application annually at 180

hours.

- (t) Defense for a person deemed liable for a violation (80.613).

Development of the information identified at 80.613, particularly the quality assurance sampling and testing program at 80.613(d), and made available to EPA, may be used as a defense in the case of a potential violation.

Two hundred refiners and importers develop this information as a prudent business practice. We estimate that each will spend, on average, 25 hours annually, for a total of 5,000 hours.

- (u) Alternative defense for a person in lieu of 80.613(a)(1)(vi), (80.614).

Development of the information identified at 80.614, and made available to EPA, may be used as a defense in the case of a potential violation.

There is not much activity in this area. We estimate one annually at 25 hours.

- (v) Laboratory precision and accuracy report for ECA marine fuel – A laboratory that chooses to use a Non-Voluntary Consensus Standards Body test method must submit the following report and obtain approval from EPA before using the method to make measurements for demonstrating compliance:

Report Form ID: ECA0300 – ECA Marine Fuel Precision Demonstration (80.580(c)(1)(ii)).

There is not much activity in this area. This is now covered by section (s) above.

- (w) Expired reporting requirements – The following reports, covered by the current ICR, are no longer required. However, we expect a small number of resubmissions to correct errors identified by the submitter or EPA upon an audit, and thus are included in this ICR renewal.

Report Form ID: DSF0100 (annual) - Diesel Fuel Sulfur Credit Banking & Generation Report (80.593(a)(5), 80.604(c)).

Report Form ID: DSF0200 (annual) – Diesel Fuel Sulfur Credit Transfer/Conversion Report (80.593(a)(5)(v), 80.604(c)(4)).

Report Form ID: DSF0302 (annual) – Diesel Fuel Sulfur Facility Summary Report (80.593(a)(1) - (4), 80.604(a)).

Report Form ID: DSF0401 (annual) – Diesel Fuel Sulfur Batch Report (80.593(a)(7), 80.604(d)).

Report Form ID: DSF0504 (quarterly, annual) – Designate & Track Handoff Report (80.601).

Report Form ID: DSF0601 (quarterly, annual) – Designate & Track Total Volume Report (80.601).

Report Form ID: DSF0700 (quarterly, annual) – Designate & Track Facility Compliance Calculation Report (80.601).

Report Form ID: DSE0700 (annual) – Designate & Track Entity Compliance Calculation Report (80.601).

Report Form ID: DSF0900 (one per facility producing or importing MV diesel) – Motor Vehicle Diesel Fuel Sulfur Pre-Compliance Report (80.594).

Report Form ID: DSF0951 (one per facility producing or importing NRLM) – NRLM Diesel Fuel Sulfur Pre-Compliance Report (80.603).

We estimate that we will receive five resubmissions annually for each of the reports above at one hour each, for a total of 50 hours.

- (x) Exemption for diesel fuel used for research, development or testing purposes – a party is required to submit the information listed at 80.607(c) and obtain EPA approval.

We estimate that we will receive two requests annually at 8 hours each.

The above is summarized below: Table I (*)-not addressed in previous ICR, or (xxx) total hours in previous ICR

<u>Collection Activity</u>	<u>No. of Respondents</u>	<u>Annual Reports Per Respondent/Total</u>	<u>Hours Per / Report/Total</u>	<u>Cost/\$116 Per Hour</u>
Transmix Plan (refiners) (*)	1	1/1	8/8	\$928
Vol. Calculation (distributors) (*)	250 rpds	1/250 reports	1/250 hrs	\$29,000
Diesel Registrations (refiners/importers/suppliers) (1)	42	1/42	1/42	\$4,872
PTDs – Diesel Fuels (*)	5,000	467/23 million	1 sec/6,389	\$741,124

PTDs – Additives (*)	900	6.7/6,000	10 min/1,000	\$116,000
Additive Labels (*)	900	6.7/6,000	10 min/1,000	\$116,000
Recordkeeping (all parties) (200)	5,900	1/5,900	1/5,900	\$684,400
Batch Testing (*) (refiners/importers)	200	150/30,000	0.25/7,500	\$870,000
In-line Blending (*) Exemption (refiners)	1	1/1	8/8	\$928
Hardship Application (refiners/imp) (*)	6	1/6	40/240	\$27,840
HO/500LM/ECA Pump Labels (*)	2,000	5/10,000	5 min/834	\$96,744
Alt. Pump Label (*) Request (distributor)	1	1/1	8/8	\$928
Alt. Test Method Application (lab) (180)	1	1/1	180/180	\$20,880
Defense/QA Data (refiners/importers) (5,000)	200	100/20,000	0.25/5,000	\$580,000
Alt. Defense/QA Data (refiners/imp) (*)	1	100/100	0.25/25	\$2,900
Corrections to Reports (all parties) (5,395)	50	1/50	1/50	\$5,800
R&D Exemption (any party) (2)	2	1/2	8/16	\$1,856
	Respondents	Reports	Hours	Cost
TOTALS	7,900	23,078,354	28,450	\$3,300,200

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

5(a) Agency Activities

- All reported compliance data will be reviewed by EPA.
- EPA will contact submitters about problem submissions.
- Where appropriate, we will prepare a written response to the submitter with approval or disapproval for requests identified above (registrations, compliance plans, alternative language for PTDs or pump labels, temporary relief, alternative test methods, and research exemptions).
- The data will be stored.

5(b) Collection Methodology and Management

EPA accepts common electronic formats for most of the reporting requirements. For example, corrected annual reports may be submitted in any of several commercial spreadsheet formats or, more simply, as comma-delimited text/comma-separated value fields.

The product transfer document information can be included on standard transfer documentation customarily used in the ordinary course of business (i.e., CBP). EPA allows the information to be encoded by upstream parties (refiners, importers, and terminals) to facilitate reporting and save space.

The information is carefully reviewed for compliance with the requirements. Most of the compliance information submitted to the Agency is claimed as business confidential. It is stored in a secure area and in a secure database. Forms associated with collection are as follows (only ECA0300 and DLQ001 are active, however, we expect some re-submissions for the others):

DSF0100 Form: Diesel Fuel Sulfur Credit Banking & Generation Report

DSF0200 Form: Diesel Fuel Sulfur Credit Transfer Report

ECA0300 Form: ECA Marine Fuel Sulfur Precision Demonstration

DSF0302 Form: Diesel Fuel Sulfur Facility Summary Report

DSF0401 Form: Diesel Fuel Sulfur Batch Report

DSF0504 Form: Designate & Track Handoff Report

DSF0601 Form: Designate & Track Total Volume Report

DSF0700 Form: Designate Track Facility Compliance Calculation Report

DSE0700 Form: Designate & Track Entity Compliance Calculation Report

DSF0900 Form: Motor Vehicle Diesel Fuel Sulfur Pre-Compliance Report

DSF0951 Form: NRLM Diesel Fuel Sulfur Pre-Compliance Report

DLQ001 Format (no form) (Used for lab test method) See publication: EPA-420-B-14-066a

5(c) Small Entity Flexibility

The information collection reduces (to the extent practicable and appropriate) the burden on respondents, including small entities. The major reporting requirements apply to refiners and importers of diesel, which are not usually small businesses.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

a. Estimating the Respondent Universe

We drew upon experience implementing similar regulations among the same and similar entities to develop estimates of the burden associated with this collection.

(i) Estimating Respondent Costs

(ii) Estimating Labor Costs

In discussions with industry, four labor categories were identified as having involvement: managerial, legal, professional/technical (prof/tech) and clerical. ¹ According to the Bureau of Labor Statistics, May 2017 National Industry-Specific Occupational Employment and Wage Estimates, mean wages were:

Hourly Wages

Managerial	\$68.20
Legal	\$74.10
ProfTech	\$66.57
Clerical	\$22.21

Doubling for company overhead and, for convenience, rounding to the nearest dollar, gives the following rates that will be used for this ICR:

Total Employer Cost

Managerial	\$136
Legal	\$148
Prof/Tech	\$133
Clerical	\$ 44

The labor mix for each task is assumed to be about 0.05 hour managerial, 0.05 hour legal, 0.7 hour professional/technical, and 0.2 hour clerical. This gives an average labor cost of about \$116 per hour, which will be used in this ICR. Our estimates are summarized above.

¹ Bureau of Labor Statistics, May 2017 National Industry-Specific Occupational Employment and Wage http://www.bls.gov/oes/current/naics4_324100.htm, NAICS 324100 - Petroleum and Coal Products Manufacturing,

Table II - Change in Burden Based upon Expiring Approval

	ICR Expiring 3/31/2019	This Renewal	Change
Total Responses	25,553	23,078,354	+23,052,801
Total Hours	11,078	28,450	+ 17,372

* All of the cost indicated above is labor cost; we estimate that there will be \$0 in capital costs associated with this ICR.

Bottom Line from Table 1

Respondents	7,900
Responses	23,078,354
Hours	28,450
Cost	\$3,300,200

6(c) Estimating Agency Burden and Cost

The Agency activities listed in 5(a) are part of an overall gasoline and diesel reporting system (including reformulated gasoline, conventional gasoline, and diesel). We estimate that this system costs approximately \$120,000 in personnel costs per year (i.e. approximately ¾ of a GS-13 employee with consideration of overhead and benefits).

6(d) and (e) Estimating the Respondent Universe and Total Burden and Costs, and Bottom Line Burden Hours and Costs. This was incorporated into 6(a) and (b).

6(f) Reasons for Change in Burden

For this renewal, we estimated a total annual respondent burden of 23,078,354 reports, an increase of 23,052,801 reports from the last ICR approved by OMB. The number of hours increased from 11,078 hours to 28,450 hours, a difference of 17,372 hours per year due to the inclusion of requirements that had not been addressed in the previous ICR. See the items with an asterisk in Table 1. With the expiration of quarterly and annual reporting, 5,395 hours from the previous ICR have been reduced to 50 hours. The salaries that assisted in calculating the labor mix had slightly varied. This change has caused an increase in the cost per report hour in this collection from \$101 per report hour to \$116 per report hour. The total estimated cost to industry is \$3,300,200 a year, a difference of \$2,281,322 calculated from the prior collection approved by OMB. For future approvals, we project that the cost to report will not change significantly.

6(g) Burden Statement

The public reporting burden for this Environmental Protection Agency (EPA)

collection of information is estimated to average 3.6 seconds per response. This includes time for reviewing instructions and regulations, searching company records, gathering the needed data, and completing, reviewing, copying, and transmitting the collection of information. 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 or 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-OAR-2007-1121, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center 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 Air and Radiation Docket and Information Center is (202) 566-1742. 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-OAR-2007-1121 and OMB Control No. 2060-0308.