

**SUPPORTING STATEMENT FOR  
EPA INFORMATION REQUEST 1656.16**

**RISK MANAGEMENT PROGRAM REQUIREMENTS AND PETITIONS TO MODIFY  
THE LIST OF REGULATED SUBSTANCES UNDER SECTION 112(R) OF THE  
CLEAN AIR ACT (CAA) (RENEWAL)**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title of the Information Collection Request**

Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under Section 112(r) of the Clean Air Act (Renewal)

**1(b) Short Characterization**

This information collection request (ICR) renews a previously approved ICR (1656.14), OMB Control No. 2050-0144.

This ICR addresses the following information requirements:

- (1) Documenting sources'<sup>1</sup> risk management programs and submitting a source's risk management plan (RMP) under the Clean Air Act (CAA) Section 112(r)(7).
- (2) Collecting and submitting information to support petitions to modify the list of regulated substances under CAA Section 112(r)(3).

EPA issued a final rule on June 20, 1996 (61 FR 31668), requiring covered sources to submit a RMP (including the source registration as well as information on a source's hazard assessment, prevention program, and emergency response program) to the EPA every five years beginning June 21, 1999. The RMP requirements (codified in 40 CFR part 68) have been amended several times since the 1996 final rule.

The regulatory program under Part 68 consists of three tiers of risk management programs into which sources are classified based on the degree of risk posed by potential releases and coverage by the Occupational Safety and Health Administration (OSHA)'s Process Safety Management (PSM) standard (29 CFR 1910.119). Sources with processes classified as Program 1 pose little risk and face minimal compliance requirements. Sources with processes classified as Program 2 must implement a streamlined list of prevention program requirements. Sources with processes classified in Program 3 must complete a prevention program identical to

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<sup>1</sup> In this Supporting Statement, the term "source" refers to a "stationary source" which is the Clean Air Act term for facility.

that required by the Occupational and Safety Health Administration (OSHA) Process Safety Management (PSM) standard.

The compliance schedule for the part 68 requirements requires sources to submit at least every five years, or earlier if they undergo certain changes to their covered processes. Most sources use EPA's online system, RMP\*eSubmit, for RMP submissions. A small number that do not have access to an internet-connected computer will submit their RMPs using a paper form provided by EPA. EPA has assumed responsibility for maintaining a database of submitted RMPs, which are made available electronically to the implementing agency, states, local governments, and (except for the Offsite Consequence Analysis data) the public.

Most sources that will submit RMPs during this ICR period must also comply with prevention program activities and on-site documentation of their prevention program (sources with only Program level 1 processes do not have prevention program obligations under part 68).

This ICR estimates burden for existing and new sources that are required to comply with RMP requirements. For new sources, this ICR will account for rule familiarization, program implementation and the submission of the RMP.

The final rule establishing the list of regulated substances and threshold quantities under CAA section 112r was published on January 31, 1994 (59 FR 4478) and includes provisions and procedures for submitting a petition to add or delete a substance. The Agency will then determine whether it will accept or deny the request. The information collected requesting modification of the chemical listings is stored in a public docket.

## **2. NEED FOR AND USE OF THE COLLECTION**

### 2(a) Need/Authority for the Collection

#### Risk Management Plans

Information collection for on-site documentation is authorized by CAA sections 112(r)(7)(B)(i) and (ii), which state, "The Administrator shall promulgate reasonable regulations and appropriate guidance to provide ... for the prevention and detection of accidental releases of regulated substances..." and, "The regulations ... shall require the owner or operator ... to prepare and implement a risk management plan to detect and prevent or minimize accidental releases..." Information collection for submitting an RMP is authorized under CAA section 112(r)(7)(B)(iii), which, in the relevant part, states, "The owner or operator of each stationary source...shall register a risk management plan...with the Administrator before the effective date of the regulations...in such form and manner as the Administrator shall, by rule, require...and shall be available to the public under section 114(c)." Information collection for on-site documentation and submittal of RMPs are also authorized by CAA 114(a)(1). The list and thresholds promulgated under CAA section 112(r)(3) determine which sources must comply with the accident prevention regulations; a source must comply with the CAA section 112(r)(7) regulations if it holds more than a threshold quantity of a listed substance in a process. State and

local authorities will use the information in RMPs to modify and enhance their community response plans. The agencies implementing the RMP rule will use RMPs to evaluate compliance with part 68 and to identify sources for inspection because they may pose significant risks to the community. Citizens may use RMPs to assess and address chemical hazards in their communities.

## **Petitions**

This information collection is authorized under CAA section 112(r)(3), which, in the relevant part, states, “The Administrator shall establish procedures for the addition and deletion of substances from the list established under this paragraph consistent with those applicable to the list in subsection (b).” The information collected during the petition process will provide the primary basis for EPA to determine whether it is appropriate to add or delete a chemical. To be consistent with the petition process under CAA section 112(b), EPA is required to consider and respond to petitions to modify the list of regulated substances within 18 months of submission of the petition; complete data supporting the petition are necessary to enable EPA to finish its review within that time period.

### **2(b) Use/Users of the Data**

***Risk Management Plans.*** The information collected in the RMP is critical for assisting government agencies in assessing the quality and thoroughness of a source’s hazard assessment, prevention program, and emergency response program. The information also would be used by state and local emergency planners to prepare or modify community response plans, identify hazards to the community and provide a basis for working with sources to prevent accidents.

***Risk Management Programs.*** Documentation of the implementation of risk management programs is necessary to assist government agencies in determining whether a source has complied with the regulations. In some cases (e.g., safety information and operating procedures), the documentation is a critical requirement of the rule and provides the basis for other rule elements.

***Petitions.*** EPA uses the information collected in support of a petition to modify the list of regulated substances to determine whether to grant or deny a petition to add or delete a chemical from the list.

## **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **3(a) Nonduplication**

***Risk Management Plans.*** Some sources may have submitted information to EPA Headquarters or Regions under other regulations (i.e., Form R or RCRA Biennial Reports) which appears similar to the information requested in the registration form under these regulations. In fact, not all of the information in the RMP registration section, and almost none of the information in the prevention program and hazard assessment sections of the RMP, is submitted to EPA under other

regulations. EPCRA Section 312 Tier II forms, which also include some information similar to that in the RMP registration form, are submitted only to states and local planning authorities, not to EPA. Therefore, for EPA to best comply with the Act, the information requested for registration should be submitted in a concise and organized format, along with prevention program, hazard assessment, and emergency response program information, using the RMP form.

***Confidential Business Information.*** Some sources may have submitted substantiation of CBI claims for chemical identity or other information to EPA Headquarters or Regions under other regulations similar to the substantiation information requested under these regulations. For EPA to best comply with the Act and most effectively evaluate such claims, the CBI substantiation should accompany the submission of the RMP.

### **3(b) Public Notice**

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency notified the public of the ICR renewal through publication of a Federal Register notice on Sept.11, 2018 (80 FR 45928). EPA did not receive any comments.

### **3(c) Consultations**

In developing this ICR renewal, the Agency contacted several sources to obtain information on the number of hours sources spend on collecting data and submitting an RMP. Some of the sources contacted have resubmitted their RMP off-cycle from the four previous reporting periods (June 1999, 2004, 2009, and 2014) because of changes in their processes or worst-case or alternative scenarios. Others had resubmitted with only minor changes to their previous RMP.

EPA contacted the following eight sources for the current renewal:

Blanchard Refining Company LLC- Galveston Bay Refinery, Texas City, TX  
Enterprise Greenwood Terminal & Storage, Greenwood, NE  
Londonderry Freezer Warehouse, Londonderry, NH  
The McGregor Company Endicott Retail, Endicott, WA  
Meijer Tipp City Distribution Complex, Tipp City, OH  
Perdue Foods LLC, Milford, DE  
San Jose Creek Water Reclamation Plant, Whittier, CA  
SiVance LLC, Gainesville, FL

These sources are in various industry sectors, including petroleum refining, chemical manufacturing, agricultural retail, and cold storage, among others, and of different sizes (small, medium and large). The number of burden hours reported by these sources ranged from 5 to 339 hours. These hours were spent preparing and submitting an RMP, as well as complying with hazard assessment, management, and prevention program activities. Although currently covered sources already have a risk management program in place, these sources are expected to review and update it for any changes made and to resubmit the RMP on their resubmission deadline. For

RMP-covered sources that are also covered under the OSHA PSM standard, which requires activities that are virtually identical to those required under Subparts C and D of part 68 for Program level 3 sources, the burden associated with ongoing prevention program activities accrues to the OSHA PSM rather than this ICR. Therefore, burden hours reported by PSM-covered sources include only burden hours required to comply with part 68 requirements beyond those of OSHA PSM (e.g., hazard assessment, RMP submission, etc.).

### **3 (d) Effects of Less Frequent Collection**

Sources are required by statute to register and submit an RMP once every five years, unless there are significant changes in the information provided. Less frequent collection is not allowed.

### **3(e) General Guidelines**

CAA section 112(r)(7)(B)(iii) requires that sources update their RMPs periodically. To maintain consistency with OSHA PSM requirements, EPA's implementing rule requires sources to update PHAs and hazard assessments every five years. Thus, sources are required to maintain such documentation for five years (and in the case of the PHA, for the life of the covered process), which is greater than the three years specified in OMB's general guidelines.

### **3(f) Confidentiality and Sensitive Questions**

#### **(i) Confidentiality**

Certain elements mandated in the regulation for the RMP may require the submittal of data viewed as proprietary, trade secret, or confidential. As described above, EPA has adopted procedures for sources to claim certain information as confidential business information.

#### **(ii) Sensitive Questions**

No questions of a sensitive nature are included in any of the information collection requirements. The information submitted in an RMP includes information on a source's hazard assessment, prevention program, and emergency response program, and the information submitted in support of a petition to modify the list of regulated substances includes toxicity data and accident history data. The information collection requested under the EPA rulemaking complies with the Privacy Act of 1974 and OMB Circular A-108.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents/NAICS Codes**

#### **Risk Management Programs and Plans**

The accidental release prevention program under the CAA was developed for sources that manufacture, react, mix, store, or use regulated substances in processes that require equipment

designed, constructed, installed, operated, or maintained in specific ways to prevent accidental releases and ensure safe operations. The CAA requires sources to comply with the regulations if they have more than a threshold quantity of a regulated substance on-site to use in a process. Based on submissions of RMPs, the rule applies to manufacturers (i.e., sources categorized in North American Industry Classification System (NAICS) codes 31-33), as well as some non-manufacturers, including Federal sources, utilities (NAICS code 221: electric utilities, drinking water systems, wastewater treatment works), warehouses, large ammonia refrigeration systems (e.g. food processors and distributors), wholesalers, ammonia retailers, and gas processors.

As of September 2018, approximately 12,300 sources currently are subject to 40 CFR part 68 requirements. RMPs are due every five years. The first submission deadline was June 21, 1999. The second, third, and fourth submission deadlines were June 2004, June 2009, and June 2014. The next five-year resubmission deadline is June 2019, which is during the period covered by this ICR.

While this ICR period includes a major reporting year (e.g., 2019), some covered sources included in this ICR resubmitted their RMPs for various reasons specified in 40 CFR 68.190 prior to the next scheduled five-year submission deadline; therefore, EPA assigned these sources a new five-year deadline, which is not necessarily the original deadline specified in part 68 (e.g., June 21). Accordingly, this ICR includes sources with on-cycle (i.e. June 2019) and off-cycle RMP submission dates. Of the 8,449 sources submitting RMPs during this three-year ICR period, 4,766 have a resubmission deadline in the first year of this ICR period (Jan. to Dec. 2019), 1,730 sources have a resubmission deadline in the second year, and 1,953 sources have a resubmission deadline in the third year covered by this ICR. At the time of the publication of this ICR, approximately 310 sources had overdue resubmissions (e.g., these sources had not resubmitted their RMPs by their last five-year resubmission deadline, and had not submitted a deregistration notice to the Agency). The remaining sources covered under part 68 (3,542 sources) have resubmission deadlines beyond the period covered by this ICR. EPA estimates that 155, or half of the overdue sources will resubmit during this ICR period, and that the other half are in fact no longer covered under part 68 and will submit a deregistration notice to the Agency. Based on the number of new sources that reported between 2014 and 2016, EPA estimates that approximately 849 new sources may comply with the regulation during this three-year ICR period, or an average of approximately 283 each year. Summing these sources results in a total of 12,995 sources, all of which will be required to maintain on-site documentation. Most sources will also be required to conduct prevention program activities, although for sources covered under the OSHA PSM standard, the burden associated with those activities does not accrue to this ICR.

During the period covered by this ICR, approximately 14 State and local agencies will maintain a delegation of authority from EPA to implement the RMP program. These 14 agencies are expected to carry out their implementing functions each year covered by this ICR.

Therefore, the total number of respondents for this ICR period is 13,009. Exhibit 1 shows the number of sources that have resubmission deadlines from January 2019 to December 2023. Exhibit 2 shows the number of new manufacturing and nonmanufacturing sources expected to be in compliance this ICR period.

## **Petitions**

Any person may petition EPA to modify, by addition or deletion, the list of regulated substances. Potential petitioners are likely to include environmental groups, industry, and state and local agencies. Due to the nature of its activities, the chemical manufacturing sector is likely to be the primary industry producing, using, or storing listed regulated substances affected by the petition process. Since the list rule was promulgated in January 1994, however, only one petition has been submitted to EPA, and that petition later was withdrawn. Based on this record, EPA assumes that no additional petitions will be submitted in the period covered by this ICR.

### **4(b) Information Requested**

Data requirements and respondent activities vary by program level. Program 1 requires the smallest amount of data and respondent time, while Program 3 requires the most. Sources with Program 3 processes are those that do not meet Program 1 but are subject to OSHA's PSM standard, or those in any of the ten NAICS codes listed in section 68.10(d)(1). Program 2 processes are those that do not meet Program 1 or 3 eligibility requirements. See section 68.10 for more detailed description of each Program.

Every five years, all sources are required to update and submit an RMP that includes basic facility data, an executive summary, five-year accident history, data on the worst-case release scenarios (a minimum of one for toxics and one for flammables), and data on emergency response regardless of their program classification. In addition, Program 2 and 3 sources must also submit data on alternative release scenarios (one for each toxic and one for flammables) and their prevention programs (by process). If a change at the source (e.g., a substantial change in the quantity held, a major modification of a covered process) meets one or more of the conditions specified in section 68.190(b), the RMP must be revised and resubmitted. Depending on the event that triggers the need for an update, the source must resubmit the revised RMP either before the change is implemented (e.g., the addition of a new regulated substance) or within six months of the change (e.g., a major process modification).

#### **(i) Data Items**

### **Risk Management Plans**

**Registration.** Sources must submit the following information to EPA in the registration section of the RMP:

- Name and location of the stationary source, latitude and longitude, as well as the method used to determine the latitude and longitude and an indication of the specific location at the source that it represents;
- The name, telephone number, and mailing address of the owner/operator of the source;

- Name and title or position of the person responsible for RMP implementation at the source;
- Name, title, phone number, 24-hour telephone number and the email address of the emergency contact at the source;
- Name, mailing address, and telephone number of the contractor who prepared the RMP (if any);
- The source's (and parent company's, if applicable) Dun & Bradstreet number, which is a common identifier for sources and would allow EPA to cross-reference the data with other EPA databases;
- For each covered process, the names, CAS numbers, and quantities (to two significant digits) of all regulated substances and the applicable NAICS code(s);
- Number of full-time employees at the source;
- Whether the source is covered under the OSHA PSM standard and EPCRA 302;
- The source's CAA Title V permit number (if applicable); and
- The type of and reason for any changes being made to a previously submitted RMP;

Voluntary data elements that may be provided as part of the registration include the LEPC for the planning district in which the source is located; and, to support communication with the public, a public contact phone number for the source, the website of the source or its parent company, and the e-mail address of the source.

*Program 1.* Sources with Program 1 processes are required to prepare an executive summary and include a five-year accident history and emergency response data in their RMP. In addition, for Program 1 processes, owners/operators are required to document the worst-case release in the RMP and certify that:

- (1) The worst-case release would not reach any public receptors;
- (2) The process has had no accidents in the previous five years that resulted in certain impacts offsite;
- (3) No additional measures are necessary to prevent offsite impacts from accidental releases; and,
- (4) In the event of fire, explosion, or a release of a regulated substance from the process(es), entry within the distance to the specified endpoints may pose a danger to public emergency responders. Therefore, public emergency responders



should not enter this area except as arranged with the emergency contact indicated in the RMP.

*Programs 2 and 3.* Sources with Program 2 and Program 3 processes are required to submit an RMP that includes the following information:

- An executive summary;
- A five-year accident history for each incident that caused specific on-site or offsite impacts from a release of a regulated substance held above its threshold in a covered process;
- The results of the offsite consequence analysis (OCA) (worst-case and alternative release scenarios);
- Information concerning the prevention program and process hazards, controls, mitigation systems, and detection systems identified during the PHA or hazard review for each covered process;
- Information concerning emergency response steps and coordination with the LEPC plan; and,
- Certification of the accuracy of the information submitted.

The requested information in the RMP is critical in assisting government agencies in assessing the quality and thoroughness of a source's prevention, detection, and response program. The information will assist agencies in identifying sources that should be visited to ensure safe source operations.

***Deregistration.*** Sources that are no longer subject to part 68 are required to notify EPA in writing within six months of the date on which they are no longer covered.

## **Risk Management Programs**

### **Prevention Program Documentation**

All covered sources with Program 2 or 3 processes are required to conduct and document a compliance audit within the three-year period of this ICR. These sources are also assumed to incur costs for incident investigation if they have an incident meeting the incident investigation criteria specified in §§68.60 (for Program 2) or 68.81 (for Program 3). Other on-going costs for documentation for Program 2 processes are for maintaining up-to-date safety information and operating procedures. For Program 3 processes, most on-going costs of keeping Process Safety Information (PSI) and Operating Procedures up-to date, documenting refresher training, training of new employees, mechanical integrity, and management of change accrue to the OSHA PSM standard. Any source that has an emergency response plan is subject to the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) standard (29 CFR 1910.120); all

costs for updating the plan accrue to the OSHA standard. A few sources are expected to change their OCA over the three-year period. The documentation for those costs is included in the RMP costs.

*Program 1.* New Program 1 sources will need to maintain only on-site records of their worst-case release analysis, and their simplified RMP. Maintaining copies of these submissions is expected to require no additional effort.

*Program 2.* New Program 2 sources will need to maintain on-site records supporting the contents of their RMP and compliance with other rule requirements. These sources must also maintain records of any compliance audits performed and any accident investigation reports.

The on-site documentation associated with the risk management program for Program 2 sources consists of information that will be generated automatically during the development of the hazard assessment, operating procedures, compliance audits, and safety information. Each required data item is an integral element of a good program; maintenance of these data on-site will allow EPA or state or local authorities to conduct effective source audits without requiring submittal of sensitive business information. Under the requirements, Program 2 sources must maintain the following specific on-site documentation:

- Records of the hazard assessment, including data and assumptions used, and descriptions of alternative and worst-case release scenarios (updated once every five years);
- Documentation of the source's management system for implementation of risk management program requirements.
- Applicable parameters and other documentation associated with the safety information requirements;
- Written operating procedures for each Program 2 process;
- Hazard review report using models, checklists, or What Ifs (updated once every five years);
- Compliance audit reports; and,
- The emergency response plan, including procedures for warning employees and the public, a list of response personnel and equipment, and response action procedures.

*Program 3.* EPA's risk management program identifies specific information that Program 3 sources are required to maintain on-site, as well as specific information to be included in the RMP. Most Program 3 processes are covered by OSHA's PSM standard. Therefore, these sources are expected to incur the costs of maintaining on-site documentation for only those activities performed for processes and substances not already covered under OSHA's PSM

standard.

The on-site documentation consists of information that will be generated automatically during the development and performance of the hazard assessment, the PHA, safety information, operating procedures, the mechanical integrity and training programs, compliance audits, management of change, accident investigations, and emergency response program. On-site documentation for Program 3 sources will include the following:

- Records of the hazard assessment, including data and assumptions used, and descriptions of alternative and worst-case release scenarios (updated once every five years);
- Documentation of the source's management system for implementation of risk management program requirements.
- Chemical and process information, including equipment specifications, and diagrams of equipment, piping, pumps, valves, controls, and instrumentation (P&IDs) for each Program 3 process;
- Process hazard analysis report and management steps to address identified hazards (updated once every five years);
- Written operating procedures for each Program 3 process;
- Records of all training programs;
- Records of the mechanical integrity program, including inspection and testing schedules;
- Procedures for conducting pre-startup reviews;
- Procedures used for managing changes in processes, operations, and procedures;
- Compliance audit reports;
- Accident investigation procedures; and,
- The emergency response plan, including procedures for warning employees and the public, a list of response personnel and equipment, and response action procedures.

All the data elements listed above are integral to an efficient and effective risk management program. Sources and processes covered by OSHA's standard are already required to maintain all of this information (except the hazard assessment and management system) on-site and are assumed to incur only the additional costs to maintain on-site records of the hazard assessment and management system. For example, the ICR includes no additional costs associated with developing pre-startup review and management of change procedures because all

Program 3 sources are already required to have such procedures in place under the OSHA PSM standard. For any source that has an emergency response plan is subject to 29 CFR 1910.120, all costs for updating the plan accrue to the OSHA standard.

### **Confidential Business Information**

Section 68.210 provides that information will be available to the public under CAA section 114(c), which provides for protection of trade secrets. To clarify procedures for submitting RMPs that contain confidential business information (CBI), EPA added two sections to the rule. In general, however, the existing rules governing CBI in 40 CFR part 2 will also apply and provide procedures for determining the appropriateness of CBI claims as well as the substantive criteria that must be met to assert such claims.

To qualify for CBI protection, the substantive criteria set forth at 40 CFR 2.301 must be met. These criteria generally require that the data not be available to the public through other means, that the source take appropriate steps to prevent disclosure, and that disclosure of the data would be likely to cause substantial harm to the source's competitive position.

To assert a CBI claim, a source is required to submit a sanitized version of its RMP, which EPA enters into the RMP database. The sanitized version will identify each data element, except chemical identity, claimed as CBI by the notation "CBI" in the data field. For chemical identity, the source is required to provide a generic chemical category or class name in lieu of the actual chemical name. At the same time, the source is also required to submit to EPA the data claimed as confidential on a separate, paper form. The source must also substantiate why each item claimed as CBI meets the CBI criteria. Substantiation information may be claimed as CBI. If all or part of the substantiation is claimed as CBI, a sanitized version of substantiation must also be filed with EPA. Review of the CBI claims will be handled as provided for in 40 CFR part 2.

CBI claims must be made at the time of submittal. The source's owner, operator, or senior official is required to certify the accuracy of the CBI substantiation claims.

### **Petitions**

Any person may petition the Administrator to modify, by addition or deletion, the list of regulated substances in 40 CFR 68.130. Based on the information presented by the petitioner, EPA may grant or deny a petition. Under § 68.120(g), all petitions must contain the following information:

Name and address of the petitioner and a brief description of the organization(s) that the petitioner represents, if applicable;

Name, address, and telephone number of a contact person for the petition;

Common chemical name(s), common synonym(s), Chemical Abstract Service (CAS) number(s), and chemical formula and structure;

Action requested (addition or deletion of a substance);

Rationale supporting the petitioner's position — how the substance meets the criteria for addition or deletion. A short summary of the rationale must be submitted along with a more detailed narrative; and

Supporting data — the petition must include sufficient information to scientifically support the request to modify the list. EPA believes that the information required to be submitted in support of a petition is the minimum information that would enable the Agency to determine whether to grant or deny a petition within the 18-month time frame. The information must include:

- A list of all supporting documents;
- Documentation of literature searches conducted, including, but not limited to, identification of the database(s) searched, the search strategy, dates covered, and printed results;
- Effects data (animal, human, and environmental test data) indicating the potential for death, injury, or serious adverse human and environmental impacts from acute exposure following an accidental release. Printed copies of the data sources, in English, should be provided; and
- Exposure data or previous release accident history data indicating the potential for serious adverse human health or environmental effects from accidental releases. These data might include, but are not limited to, physical and chemical properties of the substance (such as vapor pressure); modeling results (including data and assumptions used and model documentation); and historical accident data, citing data sources.

## **(ii) Respondent Activities**

### **Rule Familiarization**

All newly affected sources are expected to spend time to read and understand the requirements when they first become subject to part 68. Burden for currently covered sources for rule familiarization was included in previous ICRs.

### **Risk Management Programs and Plans**

*Deregistration.* Any source that is no longer subject to part 68 is required to notify EPA in writing within six months of the date on which it is no longer subject.

*Program 1.* Burden for new Program 1 sources to prepare and submit a RMP is included in this ICR. Burden for existing Program 1 sources that will be resubmitting their RMP in 2019,

2020, or 2021 is also included in this ICR. New and existing Program 1 sources are required to maintain records supporting the implementation of the risk management program, as explained in the previous section.

*Program 2.* Program 2 sources incur the burden of preparing or revising an RMP and maintaining specific on-site documentation of the items listed in the previous section.

*Program 3.* Program 3 sources incur the burden of assembling information to maintain on-site documentation (except that already required under OSHA PSM) and preparing and submitting an RMP.

The burden estimates for preparing the RMP and maintaining on-site documentation for sources with Program 2 or Program 3 processes are presented in section 6(a) of this ICR.

### **Confidential Business Information**

Based on the CBI claims received in prior reporting years, EPA expects a small number of sources with processes in Program 2 and Program 3 may seek to claim certain RMP information as confidential business information during the three-year ICR renewal period (2019- 2021). The required activities for such sources include the preparation of a sanitized RMP (estimated as described above for all sources) and a substantiation of the claim for each data element (and potentially the substantiation itself) claimed as confidential, the list of unsanitized data elements and the submission of these documents to EPA at the time of the submission of the RMP. Burden estimates for these activities are presented in section 6(a) of this ICR.

### **Petitions**

To submit a petition to modify the list of regulated substances, a petitioner is expected to perform the following activities:

- Read EPA guidance document and consult with EPA;
- Plan activities;
- Prepare literature search;
- Conduct literature search;
- Process information;
- Review and focus information;
- Write petition;
- Review and edit petition; and,
- Submit petition to EPA and file.

The burden for petitions is discussed in section 6(a) of this ICR.

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

### **5(a) Federal, State, and Local Government Activities**

## **Burden to State and Local Agencies and Others**

The burden and cost estimates developed for the following state and local government activities are presented in section 6(b) of this Supporting Statement.

### **Program Management**

Fourteen state and local agencies currently are approved to serve as the implementing agencies for part 68. We do not expect any additional agencies to seek delegation to implement the program during the period of this ICR. Delegated implementing agencies will be required to implement and enforce the program for all or some of the sources in their states. Implementing agencies will need to keep records of reviews, audits, and inspections conducted, any administrative and legal actions taken, and other correspondence between the agency and sources, other agencies, EPA, and the public. Implementing agencies will also need to document their budgets for internal purposes, and any agreements they reach with other state, local, or federal agencies. To become a delegated implementing agency, the state or local agency must be able to demonstrate to EPA that it has the personnel and other resources to perform these tasks.

During the period covered by this ICR, EPA expects that all 14 agencies will be implementing the program each year.

## **Burden to the Federal Government**

The burden estimates developed for the following Federal government activities are presented in section 6(c) of this Supporting Statement.

### **Federal Program Management**

EPA will serve as the implementing agency for any State that does not seek or is not granted delegation. EPA will need to keep records of reviews, audits, and inspections conducted, any administrative and legal actions taken, and other correspondence between the agency and sources, other agencies, and the public. EPA will also need to document its budgets for internal purposes, and any agreements it reaches with other State, local, or Federal agencies.

### **Risk Management Plans**

In 1999, at the Risk Management Program's inception, EPA developed and made available a suite of software applications which perform various functions to assist with the program. They included RMP\*Submit, which creates an electronic file for submission of a diskette or CD in the mail. In 2009, EPA replaced RMP\*Submit with a new, web-based RMP submission system named RMP\*eSubmit, which allows sources to submit their RMP directly to EPA over the internet. RMP\*eSubmit includes pick lists for chemical names, LEPCs, and certain other data elements from which a source may choose its responses. EPA has made the system and accompanying documentation available via its website. The web-based system reduces burden for facilities by simplifying the RMP submission process. It also has improved data

quality and security. EPA also accepts RMPs on a paper form, although less than one percent of RMP facilities file on paper<sup>2</sup>.

Other RMP software applications allow processing of the RMPs and creation of a database, which are functions performed by contractors who operate EPA's RMP Reporting Center to which facilities electronically submit their RMPs. The suite of applications also includes RMP\*Info, a database with extracts from the main RMP database and query functions, and RMP\*Review software to assist in querying the database.

The Agency performs the following activities:

- Makes the RMP submission system, database, software and forms available;
- Processes the RMPs submitted by sources into a database and makes the information available through various means;
- Answers any questions from sources concerning the submission process;
- Processes any claims of confidential business information;
- Notifies each submitter of the status of their RMP;
- Stores RMP submissions and retrieves information;
- Provides technical assistance to sources; and,
- Maintains the RMP database.

The EPA contractor who operates the reporting center processes electronically submitted RMPs and manually enters RMPs submitted on paper. The Center also responds to questions from sources and handles any CBI information.

EPA has also provided web-based access to the database by Federal, State and local government officials through RMP\*Info now available via the Agency's Central Data Exchange (CDX).

## **Petitions**

EPA does not expect to receive any petitions during this ICR period. However, for any petition submitted under 40 CFR 68.120, EPA would perform the following activities:

- Answer respondent's questions;
- Review petition for completeness;
- Publish a notice of petition receipt and request for comments;
- Review data submissions;
- Record or enter the data submissions;
- Store the data; and
- Prepare and publish the final decision.

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<sup>2</sup> During the four-year period of 2014 through 2017, EPA received three paper forms. Two (one in each 2015 and 2016) could not be processed. EPA received only one complete paper form in 2014.



## 5(b) Collection Methodology and Management

Respondents complete an RMP electronically or on paper. EPA manages the data as discussed above.

## 5(c) Small Entity Flexibility

The rule includes several measures to reduce the burden to small entities. Most sources subject to Program 3 requirements already are required to comply with the OSHA PSM standard. These sources therefore have already completed the prevention program elements specified in Subpart D of 40 CFR part 68.

All other small sources face reduced requirements under Programs 1 and 2. In addition, the quantity of information submitted in the RMP and the associated burden varies with the size of the source (i.e., smaller sources would generally have a lower burden). EPA has developed industry-specific guidance documents to help smaller sources comply with the rule. Therefore, the RMP regulations do not impose a disproportionate compliance burden on small sources.

Also, as mentioned in the end of section 1 of this document, the RMP online reporting system (RMP\*eSubmit) was made available in 2009. This reduces burden for small entities because submitters can more easily revise and resubmit information online rather than print and/or mail EPA CDs with the changes.

## 5(d) Collection Schedule

**Risk Management Plans.** Sources with more than a threshold quantity of a listed substance in a process are required to comply with the risk management program beginning June 21, 1999. Compliance includes, among other activities, submitting an RMP to EPA by the initial compliance date and at least every five years thereafter. After submitting an RMP, a source must update it by the time it adds a listed substance new to the source in a process above a threshold quantity or for other reasons and within the timeframes specified in 40 CFR 68.190. Otherwise, sources are required to resubmit their RMP within five years of their last submission even if there were no significant changes to the source or its covered processes during the five-year period.

**Petitions.** Each petitioner needs to submit information only once in support of a petition.

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

The source-level (unit) burden applied to various types of sources and sectors is based on the complexity of the processes at the sources. Exhibits 3 to 6 show the source-level burden for currently covered and new sources.

### 6(a) Respondent Burden

Because of the schedule for certain activities established in part 68, respondents do not

incur certain costs during the three-year period covered by this ICR. In this ICR period, approximately 70 percent (8,449) of the 12,146 currently covered sources will be resubmitting their RMPs by their scheduled resubmission deadline. EPA estimates that 155 overdue sources will also submit during this ICR period. These sources will update their process hazard analyses, hazard reviews, offsite consequence analyses, etc. The burden incurred by currently covered sources that resubmit their RMPs in the two years after this ICR period (3,542 sources submitting in 2022-2023) will consist of complying with some of the prevention program, hazard assessment, and management system elements during this ICR period. Although these sources submitted their RMPs prior to this ICR period, some of the program elements (e.g., compliance audits, refresher training for their employees, etc.) will be conducted during this ICR period. Also, as mentioned in section 1 of this Supporting Statement, this ICR will also include burden incurred by an estimated 849 sources that may become subject to the regulations. Therefore, the recordkeeping and reporting costs for part 68 may fluctuate considerably from one ICR period to another.

### **Respondent Burden for Rule Familiarization** *(New sources)*

The burden associated with rule familiarization was estimated in previous ICRs for those sources that are currently subject to the regulations. This ICR estimates rule familiarization burden only for any new sources that may become subject to the regulations during the period covered by this ICR. Based on the data of the new sources submitted from 2014 to 2016 (the most recent calendar years including a major RMP reporting year), EPA estimates that the number of new sources in this ICR period will be 849, or an average of approximately 283 annually. Exhibit 2 shows the number of new sources EPA expects to comply in this ICR period. The number of new sources estimated in each category (manufacturers/non-manufacturers, PSM/non-PSM) is calculated based on the number of new sources that submitted RMPs from 2014 to 2016.

EPA assumes that the new sources are mainly small to medium-sized facilities in the non-manufacturing sectors. The distribution of new sources among various sectors is similar to previous ICRs, and the source-level burden is applied to these sectors as in previous ICRs. The source-level burden for rule familiarization for new sources is estimated to range from 12 to 32 hours for the various sectors covered by the regulations. The total burden for all new sources to become familiar with the rule is estimated to be 3,496 hours at a cost of \$205,613 annually (Exhibits 3, 8 and 12).

### **Respondent Burden for Initial RMP Preparation and Submission** *(New sources)*

Exhibit 3 presents the estimated source-level burden hours for preparing and submitting an RMP for new sources that may be subject to the regulations during the period covered by this ICR. As stated above, based on the RMPs submitted between 2014 and 2016, EPA estimates that 283 new sources will submit RMPs annually. Based on the information provided by some of the sources that EPA contacted and the estimates developed in previous ICRs, the average unit burden to prepare and submit an RMP ranges from 8.25 to 33 hours for the various sectors covered by the regulations. The total burden for new sources for preparing and submitting an RMP is estimated to be 4,947 hours at a cost of \$160,677 annually (14,840 hours at a cost of

\$482,031 for three years) (Exhibits 8 and 12).

### **Respondent Burden for Prevention Program** (*New sources*)

New sources also incur costs for developing documentation for prevention program elements. Estimates of the respondent burden hours for maintaining on-site documentation vary, depending on the size of the source and the complexity of the on-site processes as well as whether the source is already covered by OSHA PSM standard. As stated in section 4(b)(i) of this document, these sources are expected to incur the costs of maintaining on-site documentation only for those activities performed for processes and substances not covered under OSHA's PSM standard. EPA developed an estimate, based on the number of PSM and non-PSM sources currently subject to the regulations, of the numbers of new sources in these categories. The estimated source-level burden for prevention program activities for new sources ranges from 7 to 188 hours (Exhibit 4). The total burden for the new sources to comply with prevention program is estimated to be 19,151 hours at a cost of \$384,201 annually (57,452 hours at a cost of \$1,152,603 for three years) (Exhibits 8 and 12).

### **RMP Submission Prevention Program Documentation** (*Currently covered sources with resubmission deadlines in this ICR period*)

Initial RMPs were submitted in June 1999 and subsequent submission deadlines were 2004, 2009, and 2014 (five, ten, and 15 years after the initial submission) for most sources. As discussed in the previous sections of this document, many sources resubmitted their RMP outside the five-year regulatory resubmission deadlines. Therefore, these sources were assigned a new, off-cycle, five-year submission deadline. Adding new processes or other changes, these sources resulted in the revision and resubmission of the RMP. Because 2019 is a major RMP reporting year, this ICR period includes more resubmission deadlines than the previous ICR period. While the previous ICR period included 3,972 of approximately 12,600 total sources with resubmission deadlines, this ICR period includes 8,449 out of an estimated 12,146 total sources with resubmission deadlines.

As mentioned previously in this document, EPA contacted several sources that recently resubmitted RMPs to inquire about the burden they incur to revise and resubmit their RMP (see section 3(b) of this document for more details). EPA contacted small, medium and large sources in various sectors. The source-level burden for RMP submission and prevention program documentation are shown in Exhibit 6.

The total number of burden hours for the 8,449 currently covered sources to resubmit RMPs in this ICR period is 20,287 hours at a cost of \$1,243,591 annually. The total number of hours for the 8,449 sources to comply with prevention program documentation is 7,124 hours at a cost of \$364,978 annually. (Exhibits 9 and 13).

### **Prevention Program Documentation** (*Currently covered sources with resubmission deadlines in 2022 and 2023*)

These sources have submitted their RMPs prior to this ICR period because they were

assigned a five-year resubmission deadline based on their last resubmission date. Therefore, these sources are required to conduct only certain on-site activities of their prevention program (compliance audits, refresher training, etc.) in this ICR period. Some of the prevention program elements must be conducted annually or every three or five years. EPA encourages sources to review all the prevention program elements and update them periodically even where they are not required to do so on any specific deadline or schedule.

As above, estimates of the respondent burden hours for conducting prevention program activities and maintaining on-site documentation vary, depending upon the size of the source and the complexity of on-site processes, as well as whether the source is already covered by the OSHA PSM standard. However, EPA assumes that sources with resubmission deadlines beyond this ICR period may spend only half of the time on these activities compared to the time spent by sources with resubmission deadlines within this ICR period.

For the approximately 3,542 sources that have resubmission deadlines in 2022 and 2023, the total number of hours for prevention program documentation is 2,484 hours at a cost of \$1,805,052 annually (7,453 hours at a cost of \$5,415,156 for three years) (Exhibits 9 and 13).

#### **Overdue Sources** (*Expected to comply this ICR period*)

Some 310 sources have not submitted their RMPs on their assigned resubmission deadline as of the date of this ICR. EPA assumes that half (155) may be no longer subject to 40 CFR part 68 requirements, and that the other half (155) will resubmit their RMPs in this ICR period.

The total number of hours estimated for 155 sources to resubmit their RMP is 347 hours at a cost of \$20,441 annually (1,041 hours at a cost of \$61,324 for three years). The total number of hours estimated for 155 sources to comply with prevention program and documentation requirements is 209 hours at a cost of \$48,164 annually (626 hours at a cost of \$144,491 for three years) (Exhibits 9 and 13).

#### **Respondent Burden for Confidential Business Information (CBI) Claims**

The requirement that sources submit substantiation with the CBI claim will impose costs on the source making the CBI claim. Previous ICRs estimated that the time required to develop and submit CBI substantiation is 9.5 hours per claim. There have been no changes to these requirements, so the same burden estimate is used for this ICR. Exhibit 5 shows the estimated burden per claim for this activity. EPA received 19 CBI claims for the three-year ICR period (2014-2016) with 12 claims submitted during a major reporting year (2014)<sup>3</sup>. Because this ICR period also includes a major reporting year (2019), EPA assumes that the number of CBI claims made during this ICR period (2019-2021) will be similar. Therefore, for the estimated 19 sources preparing and submitting CBI claims, the estimated industry burden is 60 hours at cost of \$5,507 annually (181 hours at a cost of \$16,520 for three years) (Exhibit 14).

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<sup>3</sup>EPA previously reported that 20 CBI claims were submitted for 2014. This number has since been corrected to 12 based on a later verification of CBI submissions.

## **Respondent Burden for Petitions**

Since 1994 when EPA published the list of chemicals, EPA has received only one petition to remove a chemical from the list. The Agency does not expect to receive any petitions during the period covered by this ICR. Therefore, this ICR does not account for any burden for filing petitions.

## **Deregistration**

Based on the number of deregistration letters (1,257) EPA received in the period 2014-2016, which includes the major reporting year of 2014, EPA estimates that 419 sources may submit deregistration letters to EPA annually. The 1,257 estimate includes the deregistration letters from approximately half of the overdue sources. The deregistration form letter is available on the RMP information website for download, or sources can write their own letter. We estimate that technical staff spend one hour to produce the letter. The total burden for this activity is 419 hours at a cost of \$25,549 annually (1,257 hours at a cost of \$76,646 for three years).

### **6(b) Estimating Respondent Costs** (*Sources and state implementing agencies*)

#### **(i) Estimating Labor Costs**

##### **Sources**

The estimated unit costs for private firms were based on three categories of labor (legal, managerial, and technical) and wage rates reported by the Bureau of Labor Statistics (BLS), National Industry-specific Occupational Employment Statistics, May 2017 (data were released March 30, 2018). This is the most recent wage rate available at [www.bls.gov](http://www.bls.gov). The wage rates for each category were multiplied by a fringe benefits factor of 1.5 to create a loaded wage rate. The multiplier is based on an average for the categories as estimated by BLS in its *Employer Costs for Employee Compensation*.

The estimated labor and wage rates for state employees also were based on managerial and technical wage rates as reported by BLS. Costs for Federal employees were based on the Office of Personnel Management (OPM, [www.opm.gov](http://www.opm.gov)) Salary Table, effective January 2018. The management labor wage rate is based on a GS-14, step 7 employee, and the technical labor wage rate is based on a GS 12, step 10 employee.

##### **Implementing Agency Costs**

Although EPA does not require states to obtain delegation to implement the part 68 program, to date, 14 State and local agencies have the delegated authority to implement the program. Because EPA will not be granting funds to states as part of the delegation process, the burden and cost that the states will incur is added to the respondent burden in this ICR. For the states that do not obtain delegation of the program, EPA will be the implementing agency.

The Agency does not expect to grant any new delegations for this ICR period. These 14 State and local agencies are expected to carry out the implementation duties during each year covered by this ICR. EPA will serve as the implementing agency for all other states. Implementing agencies are expected to review RMPs, audit RMPs, inspect sources, provide technical assistance, and conduct standard program management activities (e.g., developing budgets, filing administrative orders and enforcement actions).

Implementing agencies conduct the following activities:

- **Initial reviews**, which are first checks of the RMPs to identify any problems (e.g., inconsistencies in reported data, failure to list obvious hazards such as flammability for a listed flammable material) are estimated to require between one and five hours, depending on the number and complexity of processes covered in the RMP.
- **Audits** are detailed reviews of the RMPs, requiring between two and 12 hours per RMP. Audits require technical staff capable of identifying data that may indicate safety problems (e.g., failure to report chemical or process hazards, which could indicate an inadequate PHA, or lack of normal process controls, which could indicate either an incomplete RMP or inadequate safety practices). Audits may be conducted entirely off-site or may include a site visit to review documentation and other aspects of the program. The results of the audits will help identify sources that may require inspection to determine whether the source complies with the rule and is operating safely.
- **Inspections** are site visits to review the activities and documentation. Inspections are estimated to take between eight and 50 hours.
- **Report writing** is assumed to be 12.5 percent of the inspection time and recordkeeping is assumed to be 10 percent of the inspection time.

These 14 agencies cover a total of 1,997 sources, with an average 143 sources per agency. The implementing agencies are expected to complete inspections of all sources within their jurisdiction in five years, which means each will have to review RMPs, inspect the facility, etc., for approximately 29 sources per year. This ICR accounts for reporting and recordkeeping burden and costs related to inspections over the next three-year ICR period. Each agency will spend an estimated 591 hours at a cost of \$42,912 annually on these activities (1,772 hours at a cost of \$128,735 for three years) based on a five-year inspection cycle. The estimated burden for the 14 agencies combined is 8,268 hours at a cost of \$600,764 annually (24,803 hours at a cost of \$1,802,293 for three years).

## (ii) Estimating Capital and Operations and Maintenance Costs

### Capital Costs (State and local agencies)

Because RMPs will be available electronically and EPA will provide them to anyone who does not have Internet access, state and local agencies are expected to incur no capital costs related to RMPs. Implementing agencies will also incur minimal capital costs to maintain documents on program implementation. Most files associated with program implementation are electronic and implementing agencies are assumed to already have computer systems, so the cost of these systems does not accrue to this ICR. Previous ICRs calculated the required number of file cabinets for the states, but because EPA now assumes that states store files electronically, the Agency does not include the costs of file cabinets in this ICR.

### **Operating & Maintenance Costs (Sources)**

This section considers capital or startup costs, annual operating and maintenance costs, and costs for services, such as consultant services which respondents may use to collect information.

Sources are not required nor expected to use consultants to prepare and submit their RMP or their on-site documentation. The RMP program has simplified the requirements and now allows sources to use prepared forms and models to eliminate the need for consultants.

Sources are required to submit the data electronically on-line. EPA has developed an on-line reporting system to submit the RMP, at no cost to the regulated community. Most sources already have access to the internet; therefore, the connection charge associated with internet access is not applied to this ICR.

In previous ICRs, EPA estimated mailing costs as part of operating costs. However, sources no longer incur mailing costs because EPA now requires sources to submit their RMP on-line.

### **6(c) Estimating Agency Burden and Cost**

EPA developed a software system for submission of RMPs (RMP\*Submit) at the inception of the RMP program in 1998. This software was downloadable from the agency's website; facilities created a file and mailed it on a diskette or a CD to EPA's contractor-operated reporting center. This software was refined in 2004 at the first five-year reporting anniversary of the program to accommodate regulatory changes introduced for that year. In 2009, for the second five-year reporting deadline, EPA introduced a web-based reporting application called RMP\*eSubmit, which is the current system for submitting RMPs. Other components of the suite of applications for the RMP system (SRMP) include RMP Maintain, an Oracle application maintaining a secure database with complete RMP data. RMP\*Review allows queries and program management for Federal, State and local agencies and the public. RMP\*Info is a user-friendly version of the database on the Agency's Central Data Exchange (CDX), which makes RMPs available to the government staff. Extramural costs for the software maintenance and development for the RMP program are \$705,911 annually (\$2,117,734 for three years).

The cost to operate the Reporting Center, including answering questions from the public

and inputting paper submissions (if any) into the system, etc., is estimated to be \$768,656 annually (\$2,305,967 over three years). The combined total cost for the Reporting Center, including both software maintenance and development, and operations, is estimated to be \$1,474,567 annually (\$4,423,701 for three years).

As stated in section 6(b) of this document, EPA is the implementing agency for sources in those states not delegated to implement the program. Of the sources responding during this ICR period, approximately 10,998 will be managed by EPA. EPA expects to audit and inspect only approximately four percent of these sources annually during this ICR period. The average burden to review an RMP, inspect the source and prepare a report, is 20.7 hours per source. The cost to conduct one inspection is estimated to be \$1,566. Total annual burden for all 10 Regions to inspect and prepare reports in this ICR period is estimated to be 9,106 hours at a cost of \$688,754 annually (27,319 hours at a cost of \$2,066,263 for three years).

The total Federal government cost for both Reporting Center and inspection costs is thus \$2,163,321 annually (\$6,489,964 for three years).

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

This ICR period covers 12,995 sources and 14 implementing agencies. The number of sources changes weekly and sometimes even daily, depending on how many new sources come into compliance and on how many sources deregister. The number of annual respondents during this ICR period includes new sources, sources that have been assigned a five-year resubmission deadline during the period of this ICR, sources that have a resubmission deadline during the two years after this ICR period (because these sources will be complying with certain prevention program activities in this ICR period), overdue sources that will resubmit during this ICR period, and the implementing agencies. The total number of respondents for this ICR period is 13,009.

Although not all covered sources will resubmit their RMPs during this ICR period, all sources are required to comply with certain documentation requirements. New sources incur burden hours and costs to become familiar with the regulations, prepare and submit RMPs, develop prevention program documentation, and make CBI submissions. Existing sources incur burden hours and costs for revising RMPs (for some sources) and to maintain documentation for the prevention program. The burden for sources (excluding the 14 implementing agencies) is 58,525 hours (or 13.51 hours per response) at a cost of \$4,263,772 annually (175,573 hours at a cost of \$12,791,317 for three years). (See Exhibit 14).

During the period covered by this ICR, 14 State and local agencies will implement the RMP program in their states. We assume that these 14 agencies will carry out their functions every year covered by this ICR. The total burden for the 14 implementing agencies is 8,268 hours (or 59.57 hours per response) at a cost of \$600,764 annually (24,803 hours at a cost of \$1,802,293 for three years). See section 6(b)(i) of this document and Exhibit 14.

The total burden for both sources and the implementing agencies is 66,792 hours at a cost of \$4,864,537 annually (200,375 hours at a cost of \$14,593,610 for three years). (See Exhibit 14).



**6(e) Bottom Line Burden Hours and Costs**

Exhibits 1, 2, 8, 9, 12 and 13 present the estimated numbers of sources, total hours and costs for all sources for the three years covered by this ICR. The summary is presented in Exhibit 14.

**Annual Respondent Burden and Cost**

	<b>Sources</b>	<b>Implementing Agencies</b>	<b>TOTAL</b>
<b>Responses</b>	4,332	14	4,346
<b>Hours</b>	58,525	8,268	66,793
<b>Costs</b>	\$4,263,772	\$600,764	\$4,864,537

The total annual estimated cost to EPA for Reporting Center operations, and software development and maintenance costs is \$2,163,321 annually (\$6,489,964 for three years).

**6(f) Reasons for Change in Burden**

This ICR includes an increase of 12,792 burden hours for all sources and states compared to the previous ICR. There are two primary reasons for this increase in burden. First, as explained in section 1 of this document, the burden varies from ICR to ICR due to different resubmission deadlines based on the sources’ RMP re-submission deadlines and other regulatory deadlines. Therefore, the burden changes each year depending on how many sources have to submit their RMP and comply with certain prevention program requirements. The majority of the increased burden is because this ICR period includes a major RMP reporting year and the previous ICR did not. Second, as mentioned in section 6(d), the number of sources subject to the regulations fluctuates regularly, and is lower than in the previous ICR (13,396 sources in the previous ICR vs. 12,995 in this ICR period).

This ICR renewal also corrects an error in previous ICR renewals in the cost calculation for the prevention program for current sources. In the spreadsheets for previous ICR renewals, we had incorrectly multiplied the total number of current sources (both OSHA PSM-covered and non-PSM-covered sources) by the unit burden value when calculating the total cost of current sources’ prevention programs. However, because the ongoing prevention program burden for PSM-covered RMP facilities accrues to the OSHA PSM standard and not the RMP rule, the correct way to calculate the cost is to multiply by the number of non-PSM-covered sources only. This is because both regulations have identical prevention program requirements, but the OSHA PSM standard preceded the RMP rule by a few years; therefore; the prevention program burden for PSM-covered RMP facilities accrues to the OSHA standard only (this is explained in the supporting statement).

**6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information

is estimated to average 13.5 hours per response. The public reporting burden will depend on the size of the sources complying with 40 CFR part 68 requirements. In this ICR, the public reporting burden for rule familiarization for new sources is estimated to range between 12 and 32 hours per source; to prepare and submit a RMP for new sources, between 8.25 and 33 hours; and to develop a prevention program, between seven and 188 hours per source. The public reporting burden for those sources that claim CBI is estimated to be 9.5 hours per claim. For currently covered sources, the public reporting burden to prepare and submit an RMP is estimated to range from 5 to 28 hours; and the record keeping burden to maintain on-site documentation, between 4.5 and 124 hours. The total annual public reporting burden for all sources is 58,525 hours (175,573 hours for three years). The total annual burden estimated for 14 implementing agencies is 8,268 hours (24,803 hours for three years). Therefore, the total annual burden for all respondents (sources and states) is estimated to be 66,793 hours (200,375 hours for three years).

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-OAR-2003-0052, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air & Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 & Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://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-2003-0052 and OMB Control Number 2050-0144 in any correspondence.

## APPENDIX

### EXHIBIT 1

#### ALL CURRENTLY COVERED SOURCES

*With submission deadlines January 1, 2019 to December 31, 2023*

	Manufacturers				Non-Manufacturers				Total
	PSM		Non-PSM		PSM		Non-PSM		
	Large	S/M	Large	S/M	Large	S/M	Large	S/M	
<b>Year</b>									
<b>2019</b>	193	908	1	105	39	1,287	2	2,231	<b>4,766</b>
<b>2020</b>	75	430	2	35	23	580	1	584	<b>1,730</b>
<b>2021</b>	99	440	1	40	33	847	0	493	<b>1,953</b>
<b>2022</b>	127	492	4	40	21	643	0	476	<b>1,803</b>
<b>2023</b>	118	456	0	32	38	553	0	542	<b>1,739</b>
<b>Total</b>	<b>612</b>	<b>2,726</b>	<b>8</b>	<b>252</b>	<b>154</b>	<b>3,910</b>	<b>3</b>	<b>4,326</b>	<b>11,991</b>

### EXHIBIT 2

#### NEW SOURCES

*With Expected Compliance Deadlines 2019-2021*

	Manufacturers				Non-Manufacturers				Total
	PSM		Non-PSM		PSM		Non-PSM		
	Large	S/M	Large	S/M	Large	S/M	Large	S/M	
<b>Year</b>									
<b>2019</b>	6	65	0	5	0	129	0	117	<b>322</b>
<b>2020</b>	5	65	1	7	1	121	1	80	<b>280</b>
<b>2021</b>	2	64	0	6	0	109	0	66	<b>247</b>
<b>Total</b>	<b>13</b>	<b>194</b>	<b>1</b>	<b>18</b>	<b>1</b>	<b>359</b>	<b>1</b>	<b>263</b>	<b>849</b>

*Note: These estimates are based on the number of new sources that submitted RMPs in calendar years 2014 to 2016, the most recent three-year period which includes a major reporting year (2014).*

**EXHIBIT 3**  
**RULE FAMILIARIZATION and RMP SUBMISSION**  
*Source-Level Burden, New Sources*

	Rule Familiarization			RMP Preparation and Submission		
	Management	Technical	Total	Management	Technical	Total
<b>Small/Medium Manufacturers</b>	4	8	12	0.25	16	16.25
<b>Large Manufacturers</b>	8	24	32	1	32	33
<b>Small/Medium Non-Manufacturers</b>	4	8	12	0.25	8	8.25
<b>Large Non-Manufacturers</b>	8	24	32	0.5	12	12.5

**EXHIBIT 4**  
**PREVENTION PROGRAM DOCUMENTATION**  
*Source-Level Burden, New Sources*

	Management	Technical	Total
<b>Small/Medium Manufacturers</b>	2	48	50
<b>Large Manufacturers</b>	8	180	188
<b>Small/Medium Non-Manufacturers</b>	1	6	7
<b>Large Non-Manufacturers</b>	2	24	26

**EXHIBIT 5**  
**CONFIDENTIAL BUSINESS INFORMATION**  
*Burden Per Claim*

	<b>Legal</b>	<b>Management</b>	<b>Technical</b>	<b>Total</b>
<b>Hours</b>	1	3	5.5	9.5

**EXHIBIT 6**  
**RMP SUBMISSION, PREVENTION PROGRAM DOCUMENTATION**  
*Source-Level Burden, Currently Covered Sources*

	<b>RMP Preparation and Submission</b>			<b>Prevention Program Documentation (Non-PSM sources)</b>		
	<b>Management</b>	<b>Technical</b>	<b>Total</b>	<b>Management</b>	<b>Technical</b>	<b>Total</b>
<b>Small/Medium Manufacturers</b>	1	9	<b>10</b>	1	32	<b>33</b>
<b>Large Manufacturers</b>	4	24	<b>28</b>	4	120	<b>124</b>
<b>Small/Medium Non- Manufacturers</b>	1	4	5	0.5	4	<b>4.5</b>
<b>Large Non- Manufacturers</b>	2	6	<b>8</b>	1	16	<b>17</b>

*Note: Prevention program documentation burden for sources that are covered by the OSHA PSM program is accounted for under OSHA PSM.*

**EXHIBIT 7  
FULLY LOADED WAGE RATES**

	<b>Management</b>	<b>Technical</b>
<b>Large Manufacturers</b>	\$107.22	\$81.00
<b>Small/Medium Manufacturers</b>	\$93.36	\$70.82
<b>Large Non-Manufacturers</b>	\$78.02	\$60.98
<b>Small/Medium Non-Manufacturers</b>	\$75.77	\$37.88
<b>State/Local Government</b>	\$84.66	\$70.82

*Source: Bureau of Labor Statistics, National Industry-specific Occupational Employment Statistics, May 2017, released March 2018.*

**EXHIBIT 8**  
**THREE-YEAR AND ANNUAL TOTAL BURDEN HOURS**  
*New Sources*

		<i>New Sources</i>			
		<b>Rule Familiarization</b>	<b>RMP Preparation and Submission</b>	<b>Prevention Program Documentation (non-PSM)</b>	<b>Total</b>
<b>Manufacturers</b>					
	Small/Medium	2,544	3,445	10,600	
	Large	416	6,996	39,856	
<b>Non-Manufacturers</b>					
	Small/Medium	7,464	1,749	1,484	
	Large	64	2,650	5,512	
<b>Three-Year Total</b>		<b>10,488</b>	<b>14,840</b>	<b>57,452</b>	<b>82,780</b>
<b>Annual Total</b>		<b>3,496</b>	<b>4,947</b>	<b>19,151</b>	<b>27,593</b>

**EXHIBIT 9**  
**THREE-YEAR AND ANNUAL TOTAL BURDEN HOURS**  
*Currently Covered and Overdue Sources*

		<i>Currently Covered Sources (resubmission deadline 2019 to 2021)</i>		<i>Overdue Sources (expected to resubmit in this ICR period)</i>		<i>Currently Covered Sources (resubmission deadline 2022 and 2023)</i>	<b>Total</b>
		<i>RMP Preparation &amp; Submission</i>	<i>Prevention Program documentation (non-PSM)*</i>	<i>RMP Preparation &amp; Submission</i>	<i>Prevention Program documentation (non-PSM)*</i>	<i>Prevention Program and documentation (non-PSM)*</i>	
<b>Manufacturers</b>							
	<b>Small/Medium</b>	19,580	5,940	345	297	2,376	
	<b>Large</b>	10,388	496	112	0	496	
<b>Non- Manufacturers</b>							
	<b>Small/Medium</b>	30,110	14,886	580	329	4,581	
	<b>Large</b>	784	51	4			
<b>Three-Year Total</b>		<b>60,862</b>	<b>21,373</b>	<b>1,041</b>	<b>626</b>	<b>7,453</b>	<b>91,355</b>
<b>Annual Total</b>		<b>20,287</b>	<b>7,124</b>	<b>347</b>	<b>209</b>	<b>2,484</b>	<b>30,452</b>

*\*Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM standard.*



**EXHIBIT 10**  
**SOURCE-LEVEL COSTS**  
*New Sources*

		<i>New Sources</i>		
		<b>Rule Familiarization</b>	<b>RMP Preparation and Submission</b>	<b>Prevention Program and Documentation (non-PSM)*</b>
<b>Manufacturers</b>				
	Small/Medium	\$940	\$1,156	\$3,586
	Large	\$2,802	\$2,699	\$15,438
<b>Non-Manufacturers</b>				
	Small/Medium	\$606	\$322	\$303
	Large	\$2,088	\$771	\$1,619

*\*Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM standard.*

**EXHIBIT 11**  
**SOURCE-LEVEL COSTS**  
*Currently Covered and Overdue Sources*

		<i>Currently Covered Sources (resubmission deadline 2019 to 2021)</i>		<i>Overdue Sources (expected to resubmit in this ICR period)</i>		<i>Currently Covered Sources (resubmission deadline 2022 and 2023)</i>	<b>Total</b>
		<i>RMP Preparation &amp; Submission</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	<i>RMP Preparation &amp; Submission</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	
<b>Manufacturers</b>							
	<b>Small/ Medium</b>	\$731	\$2,359	\$731	\$2,359	\$2,359	<b>\$8,540</b>
	<b>Large</b>	\$2,373	\$10,149	\$2,373	\$10,149	\$10,149	<b>\$35,192</b>
<b>Non- Manufacturers</b>							
	<b>Small/Medium</b>	\$227	\$189	\$227	\$189	\$189	<b>\$1,023</b>
	<b>Large</b>	\$522	\$1,054	\$522	\$1,054	\$1,054	<b>\$4,205</b>
<b>Total</b>							<b>\$48,959</b>

*\*Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM standard.*

**EXHIBIT 12**  
**THREE-YEAR AND ANNUAL TOTAL COSTS**  
*New Sources*

		<i>New Sources</i>			
		<b>Rule Familiarization</b>	<b>RMP Preparation &amp; Submission</b>	<b>Prevention Program and Documentation (non-PSM)*</b>	<b>Total</b>
<b>Manufacturers</b>					
	Small/Medium	\$199,272	\$245,153	\$760,198	<b>\$1,204,622</b>
	Large	\$36,423	\$35,090	\$200,691	<b>\$272,204</b>
<b>Non-Manufacturers</b>					
	Small/Medium	\$376,969	\$200,247	\$188,475	<b>\$765,692</b>
	Large	\$4,175	\$1,541	\$3,239	<b>\$8,955</b>
<b>Three-Year Total Costs</b>		<b>\$616,839</b>	<b>\$482,031</b>	<b>\$1,152,603</b>	<b>\$2,251,473</b>
<b>Annual Costs</b>		<b>\$205,613</b>	<b>\$160,677</b>	<b>\$384,201</b>	<b>\$750,491</b>

*\*Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM standard.*

**EXHIBIT 13**  
**THREE-YEAR AND ANNUAL TOTAL COSTS**  
*Currently Covered Sources, Overdue Sources*

		<i>Currently Covered Sources (resubmission deadline 2019 to 2021)</i>		<i>Overdue Sources (expected to resubmit in this ICR period)</i>		<i>Currently Covered Sources (resubmission deadline 2022 and 2023)</i>	<b>Total</b>
		<i>RMP Preparation and Submission</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	<i>RMP Preparation and Submission</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	<i>Prevention Program and Documentation (non-PSM)*</i>	
<b>Manufacturers</b>							
	<b>Small/ Medium</b>	\$1,430,701	\$424,699	\$25,209	\$81,401	\$2,406,629	<b>\$4,368,638</b>
	<b>Large</b>	\$880,338	\$40,596	\$9,492	\$40,596	\$2,527,071	<b>\$3,498,092</b>
<b>Non-Manufacturers</b>							
	<b>Small/ Medium</b>	\$1,368,590	\$626,477	\$26,363	\$21,968	\$419,293	<b>\$2,462,691</b>
	<b>Large</b>	\$51,144	\$3,161	\$261	\$527	\$62,163	<b>\$117,256</b>
<b>Three-Year Total Costs</b>		<b>\$3,730,773</b>	<b>\$1,094,933</b>	<b>\$61,324</b>	<b>\$144,491</b>	<b>\$5,415,156</b>	<b>010,446,678</b>
<b>Annual Costs</b>		<b>\$1,243,591</b>	<b>\$364,978</b>	<b>\$20,441</b>	<b>\$48,164</b>	<b>\$1,805,052</b>	<b>\$3,482,226</b>

\*Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM standard.

**EXHIBIT 14**  
**SUMMARY**  
**THREE-YEAR TOTAL BURDEN AND COSTS**  
*All Sources and Implementing Agencies*

	<i>New Sources</i>	<i>Currently Covered Sources (resubmission deadline 2019 to 2021)</i>	<i>Currently Covered Sources (resubmission deadline 2022 to 2023)</i>	<i>Overdue Sources expected to resubmit in this ICR period</i>	<i>CBI Claims</i>	<i>De-registration</i>	<i>Implementing Agencies</i>	<i>Total</i>
<b>Three-Year Total Burden (Hours)</b>	82,780	82,235	7,453	1,667	181	1,257	24,803	<b>200,375</b>
<b>Total Costs (\$)</b>	\$2,251,473	\$4,825,706	\$5,415,156	\$205,816	\$16,520	\$76,646	\$1,802,293	<b>014,593,610</b>