

SUPPORTING STATEMENT FOR FUELS REGULATORY STREAMLINING - FINAL RULE

PART A

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Recordkeeping and Reporting Requirements for Fuels Regulatory Streamlining. This is a new collection. The EPA ICR Number is 2607.02.

1(b) Short Characterization/Abstract

The final rule, entitled "Fuels Regulatory Streamlining" has been published in the Federal Register. In general, the information to be collected would be used to ensure that gasoline meets standards for sulfur, benzene, RVP and oxygenate blending, and that diesel fuel meets the appropriate standard for sulfur. These standards are designed to protect human health and the environment, and to reduce the harmful effects of emissions from motor vehicles and motor vehicle fuels.

The recordkeeping and reporting associated with each party is directly related to that party's opportunity to create, control or alter the product's characteristics. Parties who produce fuels (e.g., refiners) generally have more recordkeeping and reporting requirements than those who merely distribute them.

The final rule establishes a new 40 CFR part 1090, which will replace a patchwork of fuels regulations under 40 CFR part 80, and which permits several potentially cost-saving improvements, including:

- Promoting the fungibility of fuels, which will reduce distribution and storage costs;
- Reducing the regulated number of fuels characteristics to be tested and reported from 13 to four, which reduces reporting burdens;
- Leveraging the part 80 registration system so that parties who are already registered will remain registered under the new part 1090;
- Reducing the required frequency of batch reporting from quarterly to annual;
- Providing better formats and easier procedures for reporting; and
- Consolidating existing survey programs.

The information under this ICR will be collected by the EPA's Compliance Division, within the Office of Transportation and Air Quality, Office of Air and Radiation, and by the EPA's Air Enforcement Division, within the Office of Civil Enforcement, Office of Enforcement and Compliance Assurance. The information collected will be used by the EPA to evaluate compliance with the fuel quality requirements under the final rule. This oversight by EPA is necessary to ensure the goals of the Clean Air Act are met. Proprietary information (i.e.,

information claimed as CBI) may be submitted by regulated parties; such information must be clearly marked by the submitter. Information claimed as CBI by the submitter will be handled in accordance with EPA regulations at 40 CFR part 2 and established Agency procedures. Registration and reporting activities will be conducted via EPA systems that will provide a method of identifying information claimed as CBI by the submitter (e.g., reporting formats contain a Y/N field asking submitters if they would like to claim the information as CBI).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The rule was developed under the authority granted by Section 211 of the Clean Air Act (CAA). Under Section 211(c)(1), the EPA may adopt a fuel control if at least one of the following two criteria is met: (1) the emission products of the fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or (2) the emission products of the fuel will significantly impair emissions control systems in general use or which will be in general use were the fuel control to be adopted.

This supporting statement describes the recordkeeping and reporting requirements and the associated costs to various regulated parties. These requirements will be necessary to enable the Administrator to:

- (1) Identify the sources of fuels subject to the regulations of part 1090; and
- (2) Ensure that these sources comply with the standards and limitations of part 1090.

An effective oversight scheme will be necessary to ensure environmental goals are met. Without the accompanying recordkeeping and reporting requirements, Congressional intent to improve air quality will be thwarted because neither the EPA nor industry will not have necessary information to monitor compliance.

Sections 114 and 208 of the CAA, 42 U.S.C. §§ 7414 and 7542, authorize the EPA to require recordkeeping and reporting regarding enforcement of the provisions of Title II of the CAA.

2(b) Practical Utility/Users of the Data

The EPA will use the information collected to evaluate the compliance of regulated parties involved in the production, blending, and distribution of fuels regulated under part 1090. These reports will also be used by the EPA to target compliance investigations. Product transfer documents (PTDs) and other records are kept in the normal course of business and provide useful records for regulated entities and EPA to pinpoint and address any compliance issues.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

Efforts have been made to eliminate duplication in this information collection. The information required to be submitted or maintained is not available from another source. Since EPA already provides a system in which benzene and sulfur credits are transacted, parties may use and review the data entered in the system to generate, sign, and submit reports, without having to re-enter information. In addition, respondents do not need to engage in significant system development efforts because EPA provides all registration and reporting systems to them.

3(b) Public Notice Prior to Submission to OMB

EPA sought comments via the proposed rule (NPRM). EPA docketed a copy of the NPRM supporting statement and supplementary/explanatory materials (such as proposed forms and instructions) for public comment. EPA received public comment on both the proposed regulation and the recordkeeping and reporting elements and forms. Most comments were supportive and many suggested minor improvements to the recordkeeping and reporting.

3(c) Consultations

The regulations, including the cost analysis that is reflected in this ICR, were developed based on experience implementing existing part 80 programs related to gasoline and diesel fuel quality and upon feedback received on the NPRM. EPA has developed the regulations in close consultation with the affected industries and had discussed proposed recordkeeping and reporting with interested parties, including at a workshop held in Chicago in May 2018 (more information about that workshop and materials discussed are posted here: <https://www.epa.gov/diesel-fuel-standards/fuels-regulatory-streamlining-workshop>). A second workshop was held in Ann Arbor in July 2019. EPA has considered and incorporated many of the suggestions from these workshops and has considered and incorporated many of the suggestions made during the comment period for the NPRM. We have docketed a Response to Comment Docket associated with the NPRM.

3(d) Effect of Less Frequent Collection

We have designed the recordkeeping and reporting in a manner that requires an annual submission of compliance data. Under part 80, certain reports ("batch reports") were quarterly; under part 1090, these are not only be simplified in their content, they are now only due once per year, and are only to be submitted more frequently at the party's own discretion. The compliance demonstration for sulfur and benzene and attest engagements are due once per year. Parties will engage in their credit transactions (sulfur, benzene) within a system provided by EPA on an as-needed, self-driven, basis.

Less frequent collection of information would undermine the environmental and public health goals of the program and could (in the case of credit transactions, which may be engaged in at any time a party needs to use the system) create a hardship for industry.

3(e) General Guidelines

This information collection activity complies with 5 CFR 1320.6, except that respondents must keep certain records for longer than three years. Specifically, all parties are required to keep PTDs and records underlying testing and reporting activities for five years. The information required to be retained will facilitate EPA's identification of the source of any fuel found to be in violation of the part 1090 standards. Five-year retention has been required by part 80 fuels programs for decades - resulting in this period becoming the industry standard. Therefore, the retention requirements for part 1090 are no different and produce little-to-no additional burden. Five years is the applicable statute of limitations for these Clean Air Act fuel programs. *See* 28 U.S.C. 2462.

3(f) Confidentiality

Information claimed as CBI is protected in accordance with the EPA regulations at 40 CFR part 2 and established Agency procedures. Reporting form instructions clearly explain how a party may make a claim of CBI and provide a simple Y/N field for indicating such a claim.

3(g) Sensitive Questions

No questions of a sensitive nature are asked in this information collection.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) Respondents/SIC Codes

The respondents to this information collection are listed in detail in Tables I-VII of Appendix A, and include:

- Manufacturers of Fuels - including refiners of gasoline and diesel.
- Manufacturers of Regulated Blendstocks, such as those who manufacturer butane, pentane, ethanol denaturant.
- Blenders, including those who blend oxygenate and detergent into gasoline.
- Transmix processors and blenders.
- Additive Manufacturers, including those who produce oxygenate, detergent, or other additives.
- Parties in Fuel Distribution System, including pipelines, terminals, trucks, wholesale and retail gasoline stations.
- Third Parties who submit reports on behalf of the parties listed above, such as laboratories, auditors, and surveyors.

These respondents generally fall within the following industry categories and NAICS and SIC codes:

Table 4(a).1: Respondent Industry Classification Codes

Industry Category	NAICS ¹ Code	SIC ² Code
Petroleum refineries (including importers and butane/pentane blenders)	324110	2911
Butane and pentane manufacturers	325110	2869
Ethyl alcohol and other oxygenate manufacturing	325193	2869
Natural gas liquids extraction and fractionation	211112	1321
Other basic organic chemical manufacturing	325199	2869
Natural gas liquids pipelines, refined petroleum products pipelines.	486910	4613
Chemical and allied products merchant wholesalers	424690	5169
Manufacturers of gasoline additives	325199	2869
Petroleum bulk stations and terminals.	424710	5171
Other warehousing and storage-bulk petroleum storage	493190	4226
Gasoline Retailers and Wholesale Purchaser-Consumers	44711 44719	5541
Testing Laboratories	54138	8734

1) North American Industry Classification System

2) Standard Industrial Classification system

4(b) Information Requested

The recordkeeping and reporting requirements applicable to the regulated parties vary depending on their position in the fuel production, blending and distribution stream and their potential to influence the qualities of gasoline and diesel fuel.

(i) *Data items, including recordkeeping requirements*

The specific recordkeeping and reporting for each respondent are laid out in Tables I-VII of Appendix A. The following is a general description of the recordkeeping and reporting under part 1090.

General Recordkeeping

- Product transfer documents (PTDs). Persons who manufacture, import, sell, offer for sale, dispense, distribute, supply, offer for supply, store, or transport fuels including gasoline, gasoline blendstocks, gasoline additives, oxygenates, or certified ethanol denaturants must

provide PTDs to accompany each transfer of the product.¹ Parties who sell to end users, such as retail gas stations selling to consumers, do not generate PTDs, but are required to retain them. PTDs are commonly used and their retention is a customary business practice. In earlier times, when many of the regulations in part 80 were initially implemented, generating PTDs was a largely manual process. Now, they are typically generated rather automatically and are stored within electronic recordkeeping systems. For purposes of this ICR, we have used the same approach we have used for the RFS ICR - specifically, we have assumed that PTDs are automatically generated within the system for every business day of the year (i.e., we have assumed 260 instances - days - of PTD generation). The burden estimate focuses on the initial programming of any new codes or statements, rather than the automated process of generating and using PTDs, which requires minimal human interaction once the codes and statements are programmed. PTDs are normally generated during business, even in the absence of EPA or other regulations. However, since we require their use and the application of certain codes or statements, we have accounted for them for all parties who will use and keep them in this ICR.

- Sampling and testing. Parties who manufacture, import, or who change the quality of fuel products must conduct sampling and testing for sulfur, benzene, RVP, and oxygenate and must keep batch records that typically include:
 - The location, date, time, tank or storage tank identification for each sample collected;
 - The name and title of the person who collected the sample and the person who performed the testing; and
 - The results of the test as originally printed or recorded, and any record which contains a result that is not identical to the originally printed or recorded test.
 - Test results by parameter and test method are reported to EPA via batch reporting.Parties who sell to end users, such as retail gas stations selling to consumers, do not typically change the quality of gasoline and, as such, do not typically engage in sampling and testing. As part of the quality survey program, the independent surveyor may visit retail gas stations to acquire/purchase gasoline for sampling and testing, but such testing is not performed by the retail gas station.

Today's rule includes provisions related to performance-based test methods and their use. Qualifying a test method for use is typically an expense directly borne by a fuel manufacturer either directly or via the independent laboratory they contract with. The estimates related to performance-based test methods are contained in Table I of Appendix A.

- Affirmative defenses. For purposes of establishing an affirmative defense to a violation, parties other than retailers or wholesale purchaser-consumers are required to provide business records documenting the following:
 - A periodic sampling and testing program designed to ensure that the gasoline meets the applicable standard; and

¹ Except for transfers to truck carriers, retailers and wholesale purchaser-consumers, product codes can be used on PTDs to convey the required information if such codes are clearly understood by each transferee. This allowance lessens the burden of compliance and is consistent with the requirements.

- On each occasion that the gasoline is found not to comply with the applicable standard, the actions taken to stop the sale or distribution of any product found not to comply, and the actions taken to remedy the violation and the factors that caused the violation (such as removing the non-complying gasoline from the distribution system and taking steps to prevent future violations).
- Record retention period. Records are required to be maintained for five years from the date they were create with one exception. Records related to ABT credits will be required to be kept for five years from the date of generation, except where credits are transferred. In such cases, records will be required to be kept by the transferor for five years from the date of transfer, and by the transferee for five years from the date of transfer, use or termination, whichever is later. As a result, in certain circumstances, records related to credits may be required to be maintained for longer than five years from the date of origination. This potentially longer retention time is necessary to enable the Agency to determine the legitimacy of credit transfers in the context of an enforcement action.²

General Reporting

- Registration. Parties register with EPA and acquire EPA-issued identification numbers for the company and any facilities. This involves entering information in an e-Registration system provided by EPA (currently called "OTAQReg") and setting up an EPA Central Data Exchange (CDX)³ account to be able to submit reports to EPA. Parties must register prior to engaging in an activity regulated under part 1090. Parties must maintain and update registration information as needed (e.g., change in address occurs). For those parties who will have reports submitted to EPA on their behalf by third parties (e.g. auditors or independent laboratories), it will be necessary to complete a simple association ("handshake") step within registration. The registration method used by EPA is familiar to nearly all parties who would be respondents to this ICR, as nearly all of them are already registered under part 80. We anticipate few new registrants, except for attest engagement auditors and the fuel quality surveyors (currently, there is only one known surveyor). Basic information about initial registration for new companies is at following URL: <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/how-register-new-company-facility-or-user-part-80> and job aids for existing registrants are located at the following URL: <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/job-aids-fuels-registration-system-otaqreg> .
- Annual compliance reporting for sulfur and benzene. This information is typically submitted by fuel manufacturers and includes information related to sulfur and benzene standards and credit activity. The information to be submitted in like the information already submitted, although the formats and methods are somewhat simplified.

² In most cases, this requirement does not impose an additional burden because the required records are already maintained under other 40 CFR part 80 fuels programs, or the records are maintained as a customary business practice.

³ CDX is a service provided for various EPA registration and reporting systems and provides access to services across a variety of EPA programs.

- Annual batch reporting for sulfur, benzene, oxygen, and seasonal RVP. These reporting elements are explored in detail in the form instructions, which have been submitted and docketed with this ICR. Under part 80, this batch reporting was typically quarterly. We have changed batch reporting to be annual and have provided one simplified batch report for gasoline and diesel fuel. Commenters were generally supportive of the reporting elements and formats that were proposed and recommended minor corrections and improvements, which we have adopted in the final rule and its forms.
- Annual attest engagements.⁴ Parties subject to attest engagement requirements are required to have an attest engagement report submitted to EPA by June 1. Under part 1090, it is the party's responsibility to arrange to have the attest engagement completed and to associate with a certified public accountant (CPA) or certified independent auditor (CIA); collectively referred to here as "auditors." The auditor directly submits the information to EPA.
 - The attest engagement is required to be performed on the underlying documentation that forms the basis of required reports.
 - The attest engagement is required to be prepared in accordance with established procedures.
 - The attest engagement will be performed and submitted by the auditor.
 - The attest engagement report lists any findings by the auditor.

We proposed a simple summary form to accompany an attest engagement. The summary form was docketed with the NPRM and its supporting statement. In developing the final rule, we have considered the comments and feedback received and have developed a more useful summary form for auditors to use. The summary form will better track the regulations and will assist both the company for whom the report was prepared and able EPA in locating the most important information.

In-Line Blending Waivers

The in-line blending waiver provisions allow refiners to petition to obtain a procedure to certify batches using in-line blending equipment instead of the more typical batch certification procedures.

Under existing part 80, we have two different sets of in-line blending requirements, one for RFG and another for CG. We proposed to consolidate the two sets of requirements into a single set of requirements for in-line blending in part 1090. The final rule reflects this consolidated approach. The auditing provisions are the same as those familiar to parties under part 80. For CG refiners, we are expanding in-line blending waivers to cover all regulated gasoline parameters instead of just sulfur, a flexibility that refiners support. To implement this, refiners must submit update waiver requests. To allow adequate time, refiners may continue to

⁴ Attest engagements are annual audits of reports submitted to EPA and the underlying records which support the reported information. These reports are already required under various programs under 40 CFR part 80. The only changes in part 1090 reduce the number of parameters the independent auditor must assess and specify that the submitter of the information will be the independent auditor.

use their existing part 80 in-line blending waivers until January 1, 2022, a full year after we proposed to implement most other part 1090 provisions.

The individual items to be collected, by party, are laid out in Appendix A - Detailed Burden Estimates by Party.

(ii) *Respondent Activities*

Much of the information needed for compliance with the recordkeeping requirements is already being retained either to comply with the requirements of other 40 CFR part 80 fuel programs or as a customary business practice (CBP).

The activities arising out of the sampling and testing, recordkeeping, and reporting requirements outlined in the preceding section are listed in detail in Appendix A, according to the respondents to whom they apply.

The burdens and costs included in this ICR are those which are expected to be incurred during the next three years, the period covered by this ICR. These estimates consider that respondents would be required to meet regulatory requirements, including to:

- read and familiarize themselves with the final regulations;
- arrange and perform an association step in the registration system if the party is required to submit an attest engagement (e.g., a refiner associated with its auditor);
- update existing registration if any information requires updating;
- if a new registrant, perform necessary registration steps (we expect relatively few new registrants);
- read and familiarize themselves with final reporting forms;
- submit reports;
- keep required records;
- perform required sampling and testing; and
- program certain new codes for use on PTDs.

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

5(a) Agency Activities

Agency activities associated with the *annual reporting requirements* of this information collection consist of the following:

- 1) Review submitted reports (includes associated Agency inspections and investigations);
- 2) Analyze requests for confidentiality and provide appropriate protection;
- 3) Store the data and archive according to a record retention schedule conforming to EPA policy.

Agency activities associated with the *attest engagement requirements* of this information collection consist of the following:

- 1) Review submitted reports (includes associated Agency inspections and investigations);
- 2) Store the report and archive according to a record retention schedule conforming to EPA policy.

EPA reviews the material submitted in reports and review it to determine the level of success of the program, to prioritize compliance and enforcement activities, and to develop general materials for transparency purposes to inform the public about fuel quality. (Materials release do the public must be released in a manner consistent with 40 CFR part 2 and related Agency guidance, and in a manner, that does not expose information claimed as CBI). EPA also uses the information received to provide compliance assistance to registered parties who may need help with their reporting activities.

5(b) Collection Methodology and Management

The collection methodology and management of the information collected in part 1090 is like the process used for the existing part 80 fuel programs. Nearly all information may be submitted via simplified electronic formats.

When the submittal is received, EPA will review it for completeness EPA may also review respondents' records as a part of its enforcement effort to ensure the accuracy and validity of the data submitted.

5(c) Small Entities

This collection does not have a disproportionate or significant impact upon small entities. Most of the burden falls upon fuel manufacturers, who are typically larger entities. All entities, regardless of size, will benefit from a reduction in the number or regulated parameters to be tested and reported and from the reduction in frequency of batch reporting. Since the recordkeeping and reporting requirements are tailored to the type and frequency of activities engaged in by the respondent, the impacts upon small entities that engaged in fewer activities are appropriately scaled.

5(d) Collection Schedule

The collection schedule of the compliance reporting requirements is shown in Table 5(d).

Table 5(d). Collection Schedule

All information to be collected, including reporting, is discussed in Tables I-VII of Appendix A in detail. The following table summarizes major items with specific frequency, submission triggers and/or due dates.

Item	Frequency/Due Date
Registration	One-time, as needed (occasional); required in advance of activity in order to access systems and submit reports
Annual Compliance Reporting for Benzene and Sulfur	Annual; due March 31 covering the preceding calendar year
Annual Batch Reports for Benzene, Sulfur, Oxygenate, RVP	Annual; due March 31 covering the preceding calendar year
Benzene and Sulfur Credit Transactions	As needed (occasional); driven by the respondent credit-generation and credit use activities. For larger entities, transactions may be logged each business day. For smaller entities, only a handful of transactions may occur in a year.
Attest Engagements	Annual; due June 1 covering the preceding calendar year; auditor submits information directly to EPA for each respondent.
Survey	Annual participation required by parties in Table I of Appendix A and by certified pentane producers (listed in Table II of Appendix A). Surveyor submits information quarterly/annually directly to EPA, with an annual summary report.

6. ESTIMATING THE ANNUAL BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Universe

We have developed our estimates for respondents based upon our experience with part 80 programs and, where possible, have used the actual number of registrants for specific activities; we do not anticipate any significant change in the number of parties registered or reporting because of part 1090. The Detailed Burden Tables by Party in Appendix A explain the source of the estimated number of respondents. We do not know with certainty the number of independent auditors, since attest engagements are not currently submitted by these parties. We have estimated the number of auditors by reviewing attest engagements currently submitted to us via regulated parties under part 80. (The accounting or auditing firm is named in the submissions or appears in the letterhead of the report, and so we counted the number of unique auditors this year.)

Table 6(a). Estimating Respondent Universe

6(b) Estimating Respondent Burden and Cost

Detailed estimates, by respondent, and listed by collection activity/regulatory citations are found in Tables I - VII of Appendix A.

6(c) Estimating Agency Burden and Cost

Estimating the Agency Burden and Cost: EPA must generate company and facility registration number(s) for new registrants and notify them of these numbers, which must appear on reports. Report formats and instructions/guidance must be prepared and occasionally updated. Reports are processed by EPA contractors and must be reviewed for compliance purposes by EPA personnel. Reporting parties must be contacted if there is a problem with their submission.

By using the renewable fuels standard (RFS) ICR, the RFG and anti-dumping ICR, and other recent fuels-related ICRs as a guide in developing these initial estimates for streamlining, EPA anticipate that EPA may require the FTE equivalents of six GS-13 professional employees and 1/4 of five GS-14/15 managers or team leaders/senior staffers.

Since EPA is using the Agency's Central Data Exchange (CDX), some costs incurred by the Agency will be tied to the number of registrants who send us reports. Specifically, there is an annual "subscription cost" associated with the use of CDX that is passed on to the EPA program office. EPA estimate that our office will pay approximately \$75,000 – 125,000 per year for this service. For purposes of the ICR, we assume the higher \$125,000 value. Since these services cover all fuels reporting and the majority (\$100,000) has been accounted for in the ICR for the renewable fuel standard (RFS), 2060-0725; we have included \$25,000 as the cost attributable to non-RFS. We anticipate having to make some system changes in order to accommodate registration and reporting changes associated with this final rule. We have assumed a cost of \$400,000.

EPA has a contract that supports registration and reporting activities, and that provides help desk support. Additionally, IT contract support is expected to be used to update registration and reporting systems and to assist in the development of tutorials. We anticipate total contract costs associated with this ICR to be \$2,211,000.

Adding the following values results in an annual estimated Agency burden as follows:

Six GS-13 employees (FTE equivalent) =	\$	1,194,000
Five GS-14/15 managers or senior staff (1/4 time) =	\$	160,000
Annual IT/CDX subscription fee =	\$	25,000
IT System Costs =	\$	400,000
Annual contract costs =	\$	2,211,000
TOTAL AGENCY COST =	\$	3,990,000

6(d) Bottom Line Burden Hours and Cost

TOTAL NO. OF RESPONDENTS:	134,668
TOTAL NO. OF RESPONSES:	7,905,905
TOTAL BURDEN HOURS:	608,992
TOTAL COST TO RESPONDENTS:	\$ 53,704,290*

*The total labor and non-labor cost associated with this collection is \$ 53,704,290. The total non-labor costs are \$36,787, 434 and include capital, O&M, and purchased services costs.

6(e) Reason for Change in Burden

Change in Burden vis-à-vis the part 80 Information Collections to be Replaced

This is a new information collection. It is anticipated that this information collection will result in the replacement of the following existing and approved information collections under part 80: 2060-0178 (Reid Vapor Pressure), 2060-0275 (Detergent Additives), 2060-0277 (Reformulated Gasoline and Anti-Dumping), 2060-0308 (Diesel Sulfur), 2060-0692 (Performance-Based Test Methods), 2060-0675 (E15), and 2060-0437 ("Tier 3") Gasoline Sulfur. These collections currently total \$64,375,590 based upon the current inventory.⁵ This collection totals \$53,704,290; which would represent a cost savings of \$10,671,300.

There are several reasons for a change in burden vis-à-vis part 80. Part 1090 represents a change in regulation that will provide the will generally alleviate recordkeeping and reporting burdens by:

- A large reduction in the number of unique fuels compliance report forms from 30 to six⁶;
- Eliminating quarterly batch compliance reporting or converting it to annual;
- Reducing the number of fuels parameters or properties required to be tested and reported, from 13 to four;
- Streamlining and consolidating of PTD and attest engagement requirements and eliminating duplication in reporting and counting across multiple ICRs. The individual part 80 ICRs counted PTDs on the level of each property being regulated, which resulted in overcounting of responses because the information conveyed with the "same" discrete volume of fuel was re-counted as a response in every ICR. In reality, PTDs are programmed once, and the appropriate code(s) are applied for all characteristics/parameters describing that volume of fuel rather automatically. There is not, for example, a separate PTD to describe the volatility, oxygen content, sulfur, and/or benzene value for one discrete volume of fuel being transferred. There is one PTD containing the descriptive information for that one discrete volume of fuel. This ICR considers the programming of new PTD codes and treats PTD use as a per-business day (260 days/year) occurrence.

The change in the number of responses is dramatic. The current collections total 111,748,173 responses. This collection totals to 7,905,905, a reduction in 103,842,268 responses. However, the current collections total 483,829 hours and this collection totals to 608,992 hours; an increase of 125,163 hours. The increase in hours is mostly expected to be due to the need to familiarize with new regulations and one-time programming burdens. Also, although there will be fewer forms (fewer responses) to submit, these forms are new to respondents and may require more time to become familiar with and fill out.

⁵ Certain collections are in the process of being renewed, including RFG and Anti-Dumping. This may affect the totals and estimated cost savings used here, which were accurate as of December 2, 2019.

⁶ A list of existing unique forms is at <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/list-all-gasoline-reports> (accessed on February 21, 2020).

There are some changes to the parties required to register that will result in a small number of new registrants (e.g., we are proposing that independent surveyors and independent auditors register in order to directly submit reports). Existing registrants (nearly all parties affected by the regulations) will neither have to re-register nor make any significant changes to their existing registrations.

Changes in Burden for this Final Rule ICR vis-à-vis the NPRM ICR

We have made some changes to the final rule ICR tables compared to the one docketed with the proposal. These changes include the following to Appendix A - Detailed Burden Estimates by Party and are noted, discussed, or cited on their respective Tables:

- Table I - Fuel Manufacturers: Total respondents increased from 675 to 723 to reflect the current registrants. Corrected an error in the NPRM ICR that double counted a capital cost that was intended to be "included" rather than "added."
- Table II - Blenders: Detergent blenders increased from 100 to 1,350 to reflect a more correct assumption that all terminals (currently 1,350) blend detergents into gasoline.
- Table V - Additive Manufacturers: Total respondents increase from 400 to 1,300 to reflect the current registrants.
- Table VI - Parties in the Fuel Distribution System: Decreased gas stations from 168,000 to 115,000 to reflect the current number of gas stations in 2020. The proposal used an older estimate from a decade ago. The number of gas stations has decreased over time.
- Labor Costs Tab - updated the Bureau of Labor Statistics industry figures used from 2017 to the 2019 ones (most recent available, published in March 2020).

6(f) Burden Statement

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. The annual burden for this collection is estimated at four hours and 30 minutes (4.5) hours per respondent.

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-2018-0227, 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-201x-xxxx and OMB Control Number 2060-NEW in any correspondence.

7. APPENDIX A - Detailed Burden Estimates by Party