

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

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Emergency Planning and Release Notification Requirements (EPCRA sections 302, 303, and 304) - EPA No. 1395.11, OMB Control No. 2050-0092.

1(b) Short Characterization

This information collection request (ICR) renews the collection activities previously approved by OMB under Control No. 2050-0092, with an expiration date of April 30, 2022. The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) establishes authorities for emergency planning and preparedness, emergency release notification reporting, community right-to-know reporting, and toxic chemical release reporting. The emergency planning provisions of EPCRA, codified in 40 CFR part 355, require any facility where an extremely hazardous substance (EHS) is present in a quantity at, or in excess of, the threshold planning quantity (TPQ), to have notified the SERC (or Tribal Emergency Response Commission (TERC)) and local emergency planning committee (LEPC) (or Tribal Emergency Planning Committee (TEPC)) by May 17, 1987. Costs and burden hours incurred under EPCRA section 302 for this ICR renewal reflect only the estimate of the cost and burden incurred by new facilities that have an EHS in excess of the TPQ during the period covered by this ICR.

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

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

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

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

Section 302 of EPCRA required the EHS list to be “the same list as the list published in November 1985 by the Administrator in Appendix A of the “Chemical Emergency Preparedness Program Interim Guidance.” The section further required the Environmental Protection Agency (EPA or Agency) to “publish an interim final regulation establishing a threshold planning quantity for each substance on the list...” If EPA failed to publish the interim final rule, “the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.” The EHS list currently includes 355 chemicals.

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

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

2(b) Practical Utility/Users of the Data

Facilities provide the information required under EPCRA sections 302, 303, and 304 to the SERCs (or TERCs) and LEPCs (or TEPCs). The public can contact these agencies to obtain the information. Information required under sections 302 and 303 is used to increase the community preparedness to respond to releases of chemicals and also enables the public to exercise their “right-to-know” about the hazards posed by chemicals in their community.

The information provided under section 304 is the trigger to activate the community's chemical emergency response system. The written follow-up report updates and clarifies the

information provided in the initial call and is also made available to the public so that the community can understand what happened during the release.

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

3(a) Non-Duplication

Currently, no other federal reporting requirements are comparable to EPCRA sections 302, 303, and 304. Release reporting under CERCLA section 103 is an emergency notification to the National Response Center (NRC), while release reporting under section 304 is made directly to local and state entities. The follow-up report required under section 304 is not duplicated by any other agency.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency has notified the public through the Federal Register notice on the renewal of this ICR on August 18, 2021 (86 FR 46242). EPA did not receive any comments during the 60-day comment period.

3(c) Consultations

In June 2021, EPA contacted nine facilities who reported incidents to the National Response Center (NRC) to obtain information on the time respondents spent on initial spill notification and recordkeeping activities and conducted telephone interviews with three of them. A summary of the facilities and interviews can be found in Appendix A.

3(d) Effects of Less Frequent Collection

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

3(e) General Guidelines

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

3(f) Confidentiality

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

All information submitted under an EPCRA trade secret claim is handled only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities, and stored in restricted access areas according to procedures set out in the *Manual for Physical Handling, Security, and Protection of Files containing Trade Secret Claims Submitted under Sections 303, 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), December 2014*. EPA attaches a cover sheet to each trade secret document and otherwise marks the document to clearly identify the document as “confidential.”

3(g) Sensitive Questions

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

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

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

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

4(b) Information Requested

4(b)(i) Data Items

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

must include when notifying the LEPC (or TEPC) and SERC (or TERC) of releases of EHSs or hazardous substances (as identified in CERCLA section 101) above the RQ and in the follow-up written report after a release.

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

4(b)(ii) Respondent Activities

To determine whether a facility is subject to section 302, the facility first reviews the EHS list of the 355 chemicals on-site and then compares the quantity of any EHSs it has on-site to the threshold planning quantity (TPQ). If the facility has an EHS above the TPQ, the facility contacts the SERC (or TERC) and LEPC (or TEPC) to notify them of their reporting obligation. (Note: States may have specific requirements regarding the format for this notification under the state Right-to-Know regulations. Facilities are encouraged to contact their state.)

To comply with section 303, the designated facility coordinator works with the LEPC (or TEPC) to ensure that the community has an adequate plan to respond to emergencies involving the facility. Facility coordinators may be asked to serve as industry representatives to the LEPC.

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

The written follow-up notice must be filed “as soon as practical after a release.” This notice documents and updates the information provided in the initial notification. The facility may include a copy of its own internal report of the circumstances of the accident.

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

5(a) Agency Activities

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

5(b) Collection Methodology and Management

EPA does not receive the data; therefore, EPA has no special data collection methodology and management. However, EPA and the National Oceanic and Atmospheric Administration (NOAA) created the Computer Aided Management of Emergency Operations (CAMEO) database to assist SERCs (or TERCs) and LEPCs (or TEPCs) in their information management practices and emergency planning.

5(c) Small Entity Flexibility

Regulations for EPCRA sections 302, 303, and 304 include no special provisions for small businesses. EPA's burden hour estimate for small facilities is lower than those for large facilities because of the reduced number of chemicals and processes present at smaller facilities.

5(d) Collection Schedule

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

6. ESTIMATING THE BURDEN AND COST OF COLLECTION

6(a) Estimating Respondent Burden

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

Based on the data EPA received from EPA Regions for nine states for 2017 through 2019, EPA estimated that approximately 115,655 facilities are subject to EPCRA sections 302 and 303. However, to avoid overestimating the burden, EPA is using an earlier estimate of 95,000 facilities for the period covered by this ICR. See Appendix C for the EPCRA Section 302 facility data for nine states. EPA estimates that 30 percent of these facilities are manufacturers (28,500) and 70 percent (66,500 facilities) are non-manufacturers. EPA expects no new facilities to be required to come into compliance during this ICR period based on the data obtained from EPA Regions.

EPA expects to receive 7,420 notifications each year of this ICR renewal under section 304 based on the average annual number of reportable CERCLA hazardous substance and EHS releases reported to the National Response Center for the past three years (2017 to 2019).

Exhibit 1 presents the estimated unit burden by labor category required for each of the tasks performed by facilities under EPCRA sections 302, 303 and 304 (40 CFR Part 355), and tasks performed by LEPCs (or TEPCs) under EPCRA section 303. Wage rates for facility management, technical and clerical staff are weighted averages of wage rates based on the percentages of manufacturing and non-manufacturing facilities (30 and 70 percent, respectively). The weights have been adjusted from 25 and 75 percent to 30 and 70 percent, respectively, for this ICR renewal to be consistent with the those used in the EPCRA section 311 and 312 ICR renewal. See section 6(b) for details.

Read and Understand Regulations

EPA assumes that only newly regulated facilities incur the cost of reading and understanding regulations at 40 CFR Part 355. As explained above, EPA expects no new facilities to come into compliance in the period covered by this ICR based on information received from SERCs (or TERCs), so therefore, EPA did not estimate any burden for this activity for new facilities. EPA is using the same data from the Regions on the number of facilities subject to EPCRA sections 302 and 303 it used in the previous ICR. All currently regulated facilities are already familiar with the regulations. The burden for this activity was estimated in previous ICRs.

Emergency Planning Notification by Facilities (EPCRA Section 302)

All newly regulated facilities must first determine whether they have at least a threshold planning quantity (TPQ) of an EHS and if they do, then notify the SERC (or TERC) and designate a facility representative. EPA does not expect any new facilities to come into compliance in this ICR period and currently covered facilities already completed this activity.

Because few facilities may have significant changes that affect emergency planning, EPA estimates that only ten percent (9,500) of all subject facilities will be required to inform LEPCs (or TEPCs) of any changes at the facility. EPA assumes that only manufacturers will have changes occurring at the facilities which require notification to the LEPCs (or TEPCs).

In addition, because little information is required from facilities after the initial submittal, EPA also estimates that only five percent (4,750) of all subject facilities will provide additional information to LEPCs (or TEPCs) either to develop or implement emergency plans. The burden associated with providing local governments with updated information for planning purposes is assumed to be a small percentage of the initial burden for contributing to planning efforts. EPA estimates 13.0 hours for currently covered facilities to inform the LEPC (or TEPC) of any changes relevant to emergency planning and to provide information to the LEPC's (or TEPC's) requests to develop emergency response plans (See Exhibit 1).

Emergency Release Notification by Facilities (EPCRA Section 304)

The annual number of RQ releases based on the average number of CERCLA hazardous substance and EHS releases reported to the National Response Center for the last three years is 7,420. EPA estimates 90 percent of these releases (6,678) require notifying LEPCs (or TEPCs) and SERCs (or TERCs), and 10 percent (742) require notifying the 911 operator regarding transportation-related releases. All reportable releases except transportation-related require a written follow-up report. EPA is using the same burden estimates as in the previous ICR renewal. The burden per respondent for initial notification is approximately 0.50 hours (30 minutes) and is approximately 8.0 hours for written follow-up. EPA estimates that it takes approximately 0.25 hours (15 minutes) to report a transportation-related release to the 911 operator.

Emergency Response Plan Development by LEPCs (or TEPCs) (EPCRA Section 303)

Emergency Response Plans must be reviewed and updated annually. EPA estimates that SERCs (or TERCs) review all LEPC (or TEPC) plans annually. Based on information from LEPCs (or TEPCs), the time required to update plans varies from 18 to 40 hours. To develop an estimate, EPA assumed that the largest 120 LEPCs (or TEPCs) spend 40 hours a year and the smaller LEPCs (or TEPCs) spend 20 hours a year; EPA thus calculated a weighted average of 21 hours for the recordkeeping burden to keep records of all Emergency Response Plans. One LEPC with a large concentration of chemical plants indicated that it spent a month on release notification; the other LEPCs (or TEPCs) indicated that this activity took five hours per year at most. EPA developed a weighted average of 10 hours for the annual burden for each of the LEPCs (or TEPCs) (3,000) and SERCs (or TERCs) (52). This burden is unchanged from the estimate in the previous ICR.

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

Information Collection Activity	Annual Burden Hours			Total Hours Burden	Annual Cost
	Management	Technical	Clerical		
EMERGENCY PLANNING (Facilities)					
Inform LEPC (or TEPC) of changes to facility that may affect emergency planning	0.50	1.00	0.50	2.00	\$87.32
Provide information to LEPC, as required	2.00	8.00	1.00	11.00	\$487.08
EMERGENCY RELEASE NOTIFICATION (Facilities)					
Determine whether a release is an RQ	0.10	0.10	0.00	0.20	\$10.69
Notify LEPC (or TEPC) and SERC (or TERC) of any RQ release	0.50	0.00	0.00	0.50	\$32.89
Develop and submit written follow-up notice	1.50	5.00	1.50	8.00	\$330.86
Notify 911 operator of transportation-related releases	0.25	0.00	0.00	0.25	\$16.44
EMERGENCY RESPONSE PLANS (LEPCs (or TEPCs) and SERCs (or TERC))					
Update Emergency Response Plans (LEPCs (or TEPCs))	5.00	15.00	1.00	21.00	\$972.18
Review Emergency Response Plans (SERCs (or TERCs))	4.00	12.00	0.00	16.00	\$756.42
Keep records and make them available to the public	0.00	0.00	10.00	10.00	\$266.82

Note: Weighted average labor rates for manufacturing (30 percent weight) and non-manufacturing (70 percent weight) facilities are as follows: Management is \$65.78, technical is \$41.11 and clerical is \$26.65.

6(b) Estimating Respondent Costs

(i) Labor Costs

EPA estimates costs to respondents on an annual basis by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. EPA updated labor rates from the previous ICR using employer costs for employee compensation tables from the Bureau of Labor Statistics (BLS), December 2020. EPA then multiplied unit costs for each respondent or activity by the number of respondents or activities performed on an annual basis to yield a total cost for each information collection activity in Section 6(d). These costs are shown in Exhibit 1.

Updated hourly respondent labor costs for manufacturing facility respondents are \$73.50 for managerial staff, \$58.08 for technical staff, and \$27.28 for clerical staff, including wages and benefits.¹ Updated hourly respondent labor costs for non-manufacturing facility respondents are \$62.46 for managerial staff, \$33.84 for technical staff, and \$26.37 for clerical staff.

EPA then calculated weighted average labor rates for each labor category. In the previous ICR renewal, EPA assumed that manufacturing and non-manufacturing facilities comprise 25 and 75 percent of all facilities, respectively. EPA is adjusting the percentages in this ICR renewal to make them consistent with the EPCRA sections 311 and 312 ICR (OMB Control No. 2050-0072). Therefore, the weighted average wage rate for managerial labor is calculated as $(\$73.50 * .30) + (\$62.46 * .70) = \$65.78$. Using the same weights for technical and clerical labor in manufacturing and non-manufacturing facilities results in a technical labor weighted average wage rate of \$41.11 and a clerical labor weighted average wage rate of \$26.65.

Updated hourly labor rates, including wages and benefits, for LEPCs (or TEPCs) and SERCs (or TERCs) are \$62.52 for managerial staff, \$60.85 for technical staff, and \$35.99 for clerical staff.² Total annual burden hours and costs for the ICR are shown in Exhibit 2.

¹ Bureau of Labor Statistics. Economic News Release, Dec. 2020 Table 9. Private industry, goods-producing and service-providing industries, by occupational group. Table 9. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: private industry workers, goods-producing and service-providing industries, by occupational group, Dec. 2020. https://www.bls.gov/news.release/archives/eci_01292021.htm

² Bureau of Labor Statistics. Economic News Release, Dec. 2020. Table 4. State and local government, by occupational and industry group. Table 4. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by occupational and industry group, Dec. 2020. https://www.bls.gov/news.release/archives/eci_01292021.htm

(ii) Capital and O&M Costs

In a change from the previous ICR renewals, EPA now assumes that the file cabinets states use to store paper files do not need to be replaced after 15 years, so there is no longer an estimated cost to states to purchase new file cabinets.

Operating and maintenance (O&M) costs were limited to mailing costs and telephone charges in the previous ICR renewal. EPA assumes facilities incur postage costs for providing information to the LEPC (or TEPC) as required under EPCRA section 303(d)(3) and submitting written follow-up notice (assumes four pages per report). EPA assumes LEPCs (or TEPCs) incur postage costs for submitting Emergency Response Plans to the SERCs (or TERCs) and to federal regional response teams as requested by the SERCs, for review. Postage is estimated to cost \$0.55 for a first-class letter and approximately \$6.00 to submit a LEPC (or TEPC) plan. O&M costs are presented in Exhibit 3. However, given the prevalence of electronic mail and the availability and use of the internet to request and send information such as new and revised SDS's, EPA is estimating that in this ICR renewal, mailing costs are reduced by two-thirds compared to the previous renewal. Therefore, annual mailing costs are now \$8,470.

EPA is eliminating the long distance telephone charges of \$4.00 per 15-minute call when facilities notify SERCs (or TERCs) and LEPCs (or TEPCs) that a release has occurred. Most facilities now have data plans for phone calls and individual calls are no longer itemized.

6(c) Estimating Agency Burden and Cost

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

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

EPA estimates that 95,000 facilities (23,750 manufacturers and 71,250 non-manufacturers) are subject to reporting under EPCRA section 302 and a total of 52 SERCs (or TERCs) and 3,000 LEPCs (or TEPCs) are subject to section 303. This is a reduction in the numbers of SERCs (or TERCs) from 56 to 52, and LEPCs (or TEPCs) from 3,500 in the previous ICR renewal to 3,000. This adjustment was made so that this ICR renewal is consistent with the renewal of the ICR for EPCRA sections 311 and 312 (OMB Control No. 2050-0072). EPA estimates that 7,420 release notifications are made annually by facilities to the SERCs (or TERCs) and LEPCs (or TEPCs) under section 304. The total burden to facilities over the three-year ICR renewal period is estimated to be 395,726 hours (131,909 hours annually), at a total cost of \$17.7 million (\$5.9 million annually, including an estimated \$7,560 in annual O&M costs). The associated state and local government total estimated burden is 283,056 hours

(94,352 hours annually), at an estimated cost of \$14.8 million for three years (\$4.9 million annually, including an estimated \$17,820 in annual O&M costs).

Appendix C shows the numbers of facilities subject to section 302. EPA obtained facility totals for nine states from the EPA Regions for 2017, 2018 and 2019, and calculated national totals based on the nine state figures. While the numbers were higher than the current estimate of 95,000 facilities, EPA has decided to keep the estimates from the previous ICR renewal. The facility numbers from the nine states that gave us data represent facilities that checked the section 302 box on the Tier II form, so any inaccuracies from the Tier II forms will carry over to 302 information. Without calling all 50 states, EPA has no way of knowing whether the facilities also call LEPCs (or TEPCs) and SERCs (or TERCs) as well as the NRC, so we have to make assumptions about LEPC (or TEPC) notifications.

Three of the states for which EPA obtained data – Texas, New Jersey and Arizona – require reporting for additional chemicals beyond the federal reporting requirements, and have lower reporting thresholds. In addition, EPA did not obtain any information for American Samoa, the District of Columbia, Guam, Puerto Rico or the U.S. Virgin Islands, and they are not included in the 50-state national total extrapolated from the nine states. Because EPA does not collect the section 302 data and does not maintain a national database of the data, we are unable to develop a more complete, national estimate. In fact, EPA believes that there is no better representative set of states because the states vary widely in the numbers of section 302 subject facilities, the stringency of their state regulations and their lists of additional chemicals.

Exhibit 2 presents the number of respondents, the respondent burden by labor category, and the total annual cost, for each information collection activity by respondent type (facilities and state and local governments). Exhibits 4 and 5 present the annual and three-year total average burdens and costs, respectively, by respondent type.

6(e) Bottom Line Burden Hours and Cost

See Exhibits 4 and 5 below.

6(f) Reasons for Change in Burden

A reduction in the burden estimate of approximately 22 percent (now 60,659 hours annually, or 181,977 hours over three years) for activities related to section 304 reporting requirements for facilities is attributable to a decrease in the number of release notifications reported to the NRC for the previous three years (from 10,000 annually to 7,420 annually or 22,260 over three years) which EPA is assuming will apply to the three years of this ICR renewal. In addition, EPA corrected a few minor calculation errors. The reduction in state and local government burden estimate of approximately 14 percent (from 109,956 hours to 94,352 hours annually, or 283,056 hours over three years) is attributable to the reduction in the numbers

of SERCs (or TERCs) and LEPCs (or TEPCs) in this ICR compared to the previous ICR (new total of 3,052 reduced from 3,556).

Labor and wage rates were updated to Dec. 2020 using BLS data on employer costs for employee compensation for private goods-producing and service-providing industries, and state and local government workers.

6(g) Burden Statement

This ICR renewal covers reporting and updates of information submitted previously by existing facilities under EPCRA sections 302, 303 and 304.

The average reporting burden for existing facilities to inform the LEPC (or TEPC) of any changes at the facility that may affect emergency planning, is 2.0 hours (see Exhibit 1 for all unit burden and cost estimates discussed in the section). The average reporting burden for facilities to provide information to the LEPC (or TEPC) is 11.0 hours. The average reporting burden for facilities reporting releases to the NRC under EPCRA section 304 is estimated to average approximately 9 hours per release, including the time for determining whether the release is an RQ release, notifying the LEPC (or TEPC) and SERC (or TERC), or the 911 operator, and developing and submitting a written follow-up notice. There are no record-keeping requirements for facilities under EPCRA sections 302, 303 or 304. EPA estimates that the total burden to facilities over the three-year renewal period will be 395,727 hours at a cost of \$17.7 million.

EPA estimates that the average burden for emergency planning activities is 21 hours per plan for LEPCs (or TEPCs), and 16 hours per plan for SERCs (or TERCs). Each SERC (or TERC) and LEPC (or TEPC) is also estimated to incur an annual record keeping burden of 10 hours. EPA estimates that the total burden to LEPCs (or TEPCs) and SERCs (or TERCs) over three years is 283,056 hours at a cost of \$14.8 million.

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the

use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-SFUND-2005-0008, which is available for online viewing at www.regulations.gov. 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. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information about the EPA’s public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Docket Center is 202-566-1744. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2005-0008 and OMB Control Number 2050-0092 in any correspondence.

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

Information Collection Activity	Number of Respondents	Annual Hours Burden			Total Hours Burden	Annual Cost
		Management	Technical	Clerical		
RULE FAMILIARIZATION (Facilities)						
Read and understand regulations at 40 CFR Part 355	0	0	0		0	0
Subtotal					0	0
Calculate whether chemicals meet/exceed TPQ (Facilities)	0	0	0	0	0	0
Notify SERC (or TERC) that facility is subject to emergency planning	0	0	0	0	0	0
Designate facility representative and notify LEPC	0	0	0	0	0	0
Inform LEPC (or TEPC) of facility changes that may affect emer. planning	9,500	4,750	9,500	4,750	19,000	\$829,574
Provide information to LEPC, as required	4,750	9,500	38,000	4,750	52,250	\$2,313,636
Subtotal					71,250	\$3,143,210
EMERGENCY RELEASE NOTIFICATION (Facilities)						
Determine whether release is an RQ	7,420	742	742	0	1,484	\$79,309
Notify LEPC (or TEPC) and SERC (or TERC) of any RQ release	6,678	3,339	0	0	3,339	\$219,623
Develop and submit written follow-up notice	7,420	11,130	37,100	7,420	55,650	\$2,455,012
Notify 911 operator of transportation-related releases	742	186	0	0	186	\$12,201
Subtotal					60,659	\$2,766,145
EMERGENCY RESPONSE PLANS (SERCs (or TERCs), LEPCs (or TEPCs))						
Update Emergency Response Plans (LEPCs (or TEPCs))	3,000	15,000	45,000	3,000	63,500	\$3,783,990
Review Emergency Response Plans (SERCs (or TERCs))	52	208	624	0	832	\$50,974
Keep records and make them available to the public (SERCs (or TERCs)),	3,052	0	0	30,520	30,520	\$1,098,538
Subtotal					94,352	\$4,933,503
TOTAL FACILITIES					131,909	\$5,909,355
TOTAL STATE/LOCAL					94,352	\$4,933,503
Grand Total					226,261	\$10,842,858

Exhibit 3
Capital/Start-Up and O&M Costs (Annual)
Facilities and LEPCs (or TEPCs)

Activity/Respondents	Capital/Start-Up Costs	O&M Costs
Provide information to LEPC, as required (Facilities)/4,750	\$0	\$784
Provide information to LEPC, as required (Facilities)/4,750	\$0	\$1,746
Notify LEPC (or TEPC) and SERC (or TERC) of any RQ release (Facilities)/9,000	\$0	\$5,940
Total	\$0	\$8,470

Exhibit 4
Summary of Total Annual Burden and Cost Estimates

	Burden Hours	Labor	O&M	Total Annual Cost
Facilities	131,909	\$5,909,355	\$2,530	\$5,911,885
SERCs (or TERCs) and LEPCs (or TEPCs)	94,352	\$4,933,503	\$5,940	\$4,939,443
Total	226,261	\$10,842,858	\$8,470	\$10,851,328

Exhibit 5
Summary of ICR Total Burden and Cost Estimates (3-Year Totals)

	Burden Hours	Labor	O&M	Total 3-Year Cost
Facilities	395,726	\$17,728,066	\$7,590	\$17,735,656
SERCs (or TERCs) and LEPCs (or TEPCs)	283,056	\$14,800,509	\$17,820	\$14,818,329
Total	678,782	\$32,528,574	\$25,410	\$32,553,985

APPENDIX A

Recent Reporters to the NRC under CERCLA Section 103

EPA contacted the following nine facilities in June 2021 for the ICR renewal for CERCLA section 103 Episodic Releases information collection (OMB Control No. 2050-0046). These same facilities are also required to notify the SERC (or TERC) and LEPC (or TEPC) as required under EPCRA section 304. We assume the same burden is incurred for NRC notification under CERCLA section 103.

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

Time estimates for notification and recordkeeping activities from respondents with recent experience provide EPA with independent information related to burden estimates supporting the ICR renewal. Individuals and companies responding are not identified because the responses are for government use only. While some respondents provided incident details, others provided more general responses. In addition, some respondents provided estimates of lapsed time to complete an activity rather than the total time spent on the activity. **Incident #1 (NRC# 1288753)**

Incident Date: October 1, 2020 9:43

Facility: CONSOLIDATED EDISON COMPANY OF NEW YORK
66 BARKLEY STREET
ASTORIA, NY 11105

PRIMARY Phone: (212)580-8383

Type of Organization: PUBLIC UTILITY

Substance Released: Sulfuric Acid (007664-93-9) into storm drain

Quantity: 16 gallons

Incident Cause: UNKNOWN

The respondent said that it took 5 minutes each to contact the NRC, NY state hotline and the NYC Health Dept. Written report to the SERC (or TERC) and LEPC took 1- 2 hours.

CALLER IS REPORTING THE RELEASE OF 16 GALLONS OF SULFURIC ACID THAT WAS IN A PORTABLE STORAGE TANK. THE CALLER STATED THAT 1 GALLON WENT INTO A STORM DRAIN AND THE REMAINING 15 OUNCES WENT ONTO THE STREET AND PAVEMENT. THE CAUSE OF THE RELEASE IS UNKNOWN AT THIS TIME.

Call Date: October 1, 2020
Call Duration: 11 minutes

Incident # 2 (NRC# 1288761)

Incident Date: October 1, 2020, 9:00

Facility: BASF CORP.

8404 RIVER RD

GEISMAR, LA

PRIMARY Phone: (225)936-6874

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Chlorine (007782-50-5)

Quantity: unknown amount

Incident Cause: equipment failure; Medium – Air

The respondent said that it took less than 5 minutes each to notify the NRC, LA State Police and Ascension Parrish County LEPC. Written report to the SERC and LEPC took approximately 3 hours including internal review.

CALLER IS REPORTING THE RELEASE OF UNKNOWN AMOUNT OF CHLORINE FROM PIPING INSIDE THE FACILITY. THE RELEASED MATERIAL WENT INTO THE AIR AND ATMOSPHERE. THE CAUSE OF THE RELEASE IS DUE TO EQUIPMENT FAILURE.

Call Date: October 1, 2020
Call Duration: 9 minutes

Incident #3 (NRC# 1288770)

Incident Date: September 30, 2020, 13:00

Facility: TIVERTON POWER

304 PROGRESS WAY

TIVERTON, RI 02878

PRIMARY Phone: (401)835-0492

Type of Organization: PRIVATE ENTERPRISE

Substance Released: AMMONIA, ANHYDROUS (007664-41-7)

Quantity: 3700 lbs

Incident Cause: EQUIPMENT FAILURE Medium – Air

The respondent said that it took less than 10 minutes each to notify the NRC, SERC and LEPC. Written report to the SERC and LEPC took approximately 2-3 hours.

ANHYDROUS AMMONIA RELEASED FROM A CHILLER SYSTEM DUE TO A SMALL LEAK IN THE COOLING TOWER.

Call Date: October 1, 2020

Call Duration: 4 minutes

Incident #4 (NRC# 1281546)

Incident Date: July 10, 2020 10:08

Facility: WEST ROCK MILL CO. LLC

28270 US HWY 80

DEMOPOLIS, AL 36732

(334) 289-1242

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Hydrogen Sulfide

Quantity: 230 pounds

Incident Cause: OTHER

UPDATE TO NRC REPORT 1089509:

CALLER STATED THE AMOUNT OF ACROLEIN RELEASED WAS 6.91 POUNDS INTO THE AIR. NO OTHER CHANGES WERE NOTED SINCE THE PREVIOUS REPORT.

ORIGINAL REPORT NUMBER IS BELOW:

CALLER IS MAKING A REPORT OF A CONTINUOUS RELEASE OF THE FOLLOWING MATERIALS: ACROLEIN 5.1 POUNDS, AMMONIA 526 POUNDS, CHLORINE 34 POUNDS AND HYDROGEN SULFIDE 230 POUNDS, THIS REPORT IS IN REFERENCE TO NRC REPORT NUMBER 764590.

Call Date: July 10, 2020

Call Duration: 15 minutes

Incident #5 (NRC# 1267820)

Incident Date: January 3, 2020

Facility: OXY VINYL

1000 TIDAL RD

DEER PARK, TX

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Vinyl chloride (000075-01-4)

Quantity: 20lbs

Incident Cause: EQUIPMENT FAILURE

CALLER IS REPORTING THAT A SEAL FAILED ON A FIXED TANK AT A CHEMICAL FACILITY RESULTING IN THE RELEASE OF VINYL CHLORIDE TO THE ATMOSPHERE.

Call Date: Jan. 3, 2020

Call Duration: 4 minutes

Incident #6 (NRC# 1267962)

Incident Date: January 4, 2020

Facility: SASOL

2201 OLD SPANISH TRAIL

WEST LAKE, LA 70669

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Ethylene

Quantity: 1035 lbs

Incident Cause: OVER PRESSURING

CALLER IS REPORTING A RELEASE OF APPROXIMATELY 1,035 POUNDS OF ETHYLENE GAS INTO THE AIR AT THE INCIDENT LOCATION. RELEASE WAS FROM A RUPTURED DISC ON A DRUM, CAUSED BY AN OVERPRESSURE.

Call Date: Jan. 4, 2020

Call Duration: 15 minutes

Incident #7 (NRC# 1268032)

Incident Date: January 6, 2020, 7:07pm

Facility: ADVANCIX

905 E RANDOLPH RD

HOPEWELL, VA

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Benzene (000071-43-2)

Quantity: 19.8 lbs

Incident Cause: EQUIPMENT FAILURE

CALLER REPORTED A RELEASE OF 19.8 POUNDS OF BENZENE FROM PRODUCTION AREA 8 INTO THE AIR DUE TO EQUIPMENT FAILURE.

Call Date: Jan. 6, 2020

Call Duration: 4 minutes

Incident #8: (NRC# 1268128)

Incident Date: January 7, 2020, 10:30

Facility: TOYOTA BOSHOKU INDIANA

1698 S 100 W

PRINCETON, IN

Type of Organization: PRIVATE ENTERPRISE

Substance Released: Toluene Diisocyanate

Quantity: 50 gallons

Incident Cause: EQUIPMENT FAILURE

CALLER REPORTED 50 GALLONS OF TOLUENE DIISOCYANATE WAS RELEASED FROM A HOSE ONTO THE FLOOR DUE TO EQUIPMENT FAILURE. THERE WAS NO EXTERNAL IMPACT.

Call Date: Jan. 7, 2020

Call Duration: 8 minutes

Incident #9 (NRC# 1267968)

Incident Date: January, 3, 2020, 12:25

Facility: CHEMORES

4127 HWY 361

INGLESIDE, TX 78362

Type of Organization: PRIVATE ENTERPRISE

Substance Released: CHLOROTETRAFLUOROPROPANE, TETRAFLUOROPROPENE

Quantity: Chlorotetrafluoropropane: 101 lbs, Tetrafluoropropene 101 lbs

Incident Cause: EQUIPMENT FAILURE

CALLER REPORTED AN EMERGENCY VENT DOWN AT A CHEMICAL FACILITY SPRAY TOWER CAUSED A RELEASE OF TETRAFLUOROPROPENE AND CHLOROTETRAFLUOROPROPANE TO THE ATMOSPHERE.

Call Date: Jan. 4, 2020

Call Duration: 15 minutes

APPENDIX B

Information Included in Facility Emergency Plans

The facility emergency plan is likely to include the following items:

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

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

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

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

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

APPENDIX C

EPCRA Section 302 Facility Data for Nine States

EPA obtained on the numbers of facilities subject to EPCRA section 302 in nine states via a request to the Regions, for 2017, 2018 and 2019 data (plus 2020 for Iowa). The nine states are Maine, New Jersey, Maryland, Florida, Michigan, Texas, Iowa, Utah and Arizona. EPA was limited by the OMB generic ICR limit of nine contacts. The data are presented below.

EPA calculated an annual average for each state, summed those averages and then divided the total by nine, to obtain an annual state average for the set of nine states (2,313 facilities per state). We then multiplied that average by 50, to obtain an estimated national total of 115,655 facilities.

Region 1 – Maine

Year	Section 302 Facilities
2017	526
2018	543
2019	585

Region 2 – New Jersey

Year	Section 302 Facilities
2017	1,696
2018	1,736
2019	1,743

Region 3 - Maryland

Year	Section 302 Facilities
2017	890
2018	896
2019	888

Region 4 - Florida

Year	Section 302 Facilities
2017	3,618
2018	3,601
2019	3,573

Region 5 – Michigan

Year	Section 302 Facilities
2017	2,205
2018	2,314
2019	2,410

Region 6 – Texas

Year	Section 302 Facilities
2017	7,832
2018	7,298
2019	7,732

Region 7 - Iowa

Year	Section 302 Facilities
2017	1,716
2018	1,949
2019	1,773
2020	1,682

Region 8 – Utah

Year	Section 302 Facilities
2017	450
2018	466
2019	507

Region 9 – Arizona

Year	Section 302 Facilities
2017	1,774
2018	1,907
2019	1,890