

1SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

Application Requirements to Apply for Orphaned Well Site Plugging, Remediation, and Restoration Grant Consideration OMB Control Number 1093-New

Terms of Clearance: Pursuant to Office of Management and Budget (OMB) procedures established at 5 C.F.R. Part 1320, Controlling Paperwork Burdens on the Public, the U.S. Department of the Interior, Office of Environmental Policy and Compliance (OEPC) request that the proposed information collection, the Orphaned Well Site Plugging, Remediation, and Restoration Grant Workplan, be processed as an Emergency Clearance Request in accordance with 5 C.F.R. §1320.13, Emergency Processing.

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Pub. L. 117-58, Section 40601, "*Orphaned Well Site Plugging, Remediation, and Restoration*" of the Bipartisan Infrastructure Law (BIL) (November 15, 2021) amends Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907) and designates the U.S. Department of the Interior (Interior) as the key agency responsible for implementing a grant program for applicable government entities to plug, remediate, and reclaim orphaned wells on lands covered by the legislation. The associated investments, as part of the new grant programs, will rebuild America's critical infrastructure, tackle the climate crisis, advance environmental justice, and drive the creation of good-paying union jobs.

Interior will issue financial assistance through grant and cooperative agreement awards to state governments and Indian tribal governments under Assistance Listing (CFDA) program 15.018 Energy Community Revitalization Program (ECRP). The authority is the Infrastructure Investment and Jobs Act (P.L. 117-58), Title VI, Section 40601.

The program is separated into the following parts:

1. Initial Mandatory Grants to States
2. Formula Grants to States
3. Performance Grants to States
4. Tribal Grants

BIL Section 40601 stipulates the first deadline to implement the initial grants portion of the program as May 14, 2022. However, since that date is a Saturday, the program has set the deadline for applications to 11:59PM EDT Friday, May 13, 2022. The BIL requires Interior to collect information necessary to ensure that grant funds authorized by this legislation are used in accordance with the BIL and Federal assistance requirements under 2 CFR 200. Information collected by Interior's Office of Environmental Policy and Compliance (OEPC) as part of the consolidated workplan is described below. Interior seeks OMB approval of an emergency clearance to collect this information to manage and monitor grant awards to comply with the BIL.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

To implement grant funds authorized by the BIL, the OEPC proposes to collect the following information as part of the application process associated with “*Orphaned Well Site Plugging, Remediation, and Restoration*” under Section 40601:

CONSOLIDATED WORKPLAN

We propose to collect the following information as part of the consolidated work plan:

- (a) The applicant's process for determining that a well has been orphaned, including what efforts will be made to redeem financial assurances or otherwise recoup remediation costs from any parties responsible;
- (b) A description of the applicant's plugging standards, including the witnessing requirements (qualifications of witness, documentation);
- (c) Details of the applicant's prioritization process for evaluating and ranking orphan wells and associated surface reclamation, including criteria, weighting, and how such prioritization will address resource and financial risk, public health and safety, potential environmental harm (including methane emissions where applicable), and other land use priorities;
- (d) If no prioritization process currently exists, the applicant should describe its plans to develop and implement a prioritization process;
- (e) Details of how the applicant will identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on disadvantaged communities, including communities of color, low-income communities, and Tribal and indigenous communities;
- (f) The methodology to be used by the applicant to measure and track methane and other gases associated with orphaned wells, including how the applicant will confirm the effectiveness of plugging activities in reducing or eliminating such emissions;
- (g) The methodology to be used by the applicant to measure and track contamination of groundwater and surface water associated with orphaned wells, including how the applicant will confirm the effectiveness of plugging activities in reducing or eliminating such contamination;
- (h) The methodology to be used to decommission or remove associated pipelines, facilities, and infrastructure and to remediate soil and restore habitat that has been degraded due to the presence of orphaned wells and associated infrastructure;
- (i) Methods the applicant will use to solicit recommendations from local officials and the public regarding the prioritization of well plugging and site remediation activities, and any other processes the applicant will use to solicit feedback on the program from local officials and the public;
- (j) Latitude/Longitude and all other data elements and associated units of measure as indicated in the Orphaned Well Data Reporting Template (see guidance provided within the IC in ROCIS);
- (k) How the applicant will use funding to locate currently undocumented orphaned wells;
- (l) Plans the applicant has to engage third-parties in partnerships around well plugging and site remediation, or any existing similar partnerships the applicant currently belongs to;

- (m) Training programs, registered apprenticeships, and local and economic hire agreements for workers the applicant intends to conduct or fund in well plugging or site remediation;
- (n) Plans the applicant has to support opportunities for all workers, including workers underrepresented in well plugging or site remediation, to be trained and placed in good-paying jobs directly related to the project;
- (o) Plans the applicant has to incorporate equity for underserved communities into their planning, including supporting the expansion of high-quality, good paying jobs through workforce development programs and incorporating workforce strategy into project development;
- (p) Procedures the applicant will use to coordinate with Federal or Tribal agencies to determine whether efficiencies may exist by combining field survey, plugging, or surface remediation work across private, State, Federal, and Tribal land;
- (q) The applicant's authorities to enter private property, or an applicant's procedures to obtain landowner consent to enter private property, in the event that any wells to be plugged will be accessed from privately owned surface;
- (r) A work schedule covering the period of performance of the Initial grant; and
- (s) If applicable, a federally approved Indirect Cost Rate Agreement or statement regarding applicant's intention to negotiate or utilize the de minimis rate.

We will use requested information to understand the applicant's management of their orphaned well program, to ensure program objectives are being met, evaluate their readiness to obligate grant funds, and to evaluate their approach to execute grant objectives and the grant-funded work that is to be monitored by Interior.

All grant recipients must provide the following (as applicable):

APPLICATIONS

The OEPC proposes to collect the following additional elements from applicants:

Standard forms (SF) from the SF-424 Series: Applicants must submit the following SF-424 series of forms:

- SF-424, Application for Federal Assistance;
- SF-424A, Budget Information for Non-Construction Programs or SF-424C Budget Information for Construction Program;
- SF-424B, Assurances for Non-Construction Programs) or SF-424D Assurances for Construction Programs);
- SF-428 Tangible Personal Property Report; and the
- SF-LLL, Disclosure of Lobbying Activities, when applicable).

Indirect Cost Statement: If requesting reimbursement for indirect costs, all applicants must include in their application a statement regarding how they anticipate charging indirect costs.

Negotiated Indirect Cost Rate Agreement (NICRA): When applicable, a copy of the applicant's current Federal Agency-approved Negotiated Indirect Cost Rate Agreement is required.

Single Audit Reporting Statement: All U.S. governmental entities and non-profit applicants must submit a statement regarding their single audit reporting status.

Conflict of Interest Disclosures: Applicants must notify the Service in writing of any actual or potential conflicts of interest known at the time of application or that may arise during the life of this award, in the event the Service makes an award to the entity.

Certification Statement: Applicants for the Initial Grant part of this program must provide a signed Certification statement consistent with Section 40601(c)(3)(A)(ii)(III) or 40601(c)(3)(A)(i)(II) of the BIL.

AMENDMENTS

For many budget and program plan revisions, 2 CFR 200 requires recipients submit revision requests to the Federal awarding agency in writing for prior approval. Interior reviews such requests received to determine the eligibility and allowability of new or revised activities and costs and approves certain items of cost.

REPORTING/RECORDKEEPING REQUIREMENTS

Financial Reports: Recipients are required to submit all financial reports on the Standard Form 425, Federal Financial Report. All recipients must submit financial reports in accordance with 2 CFR 200. The frequency of financial reporting may vary between the different parts of this program. However, all recipients will be required to submit reports at least annually and no more frequently than quarterly. We may require interim reports more frequently than quarterly as a specific condition of award in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes, and preferably in coordination with performance reporting.

Performance Reports: Recipients must submit performance reports in accordance with 2 CFR 200. We use performance reports as a tool to ensure that the recipient is accomplishing the work on schedule and to identify any problems that the awardee may be experiencing in accomplishing that work. This information is necessary for the Service to track accomplishments and performance-related data. Performance reports must include:

- A comparison of actual accomplishments to the goals and objectives established for the reporting period, the results/findings, or both;
- If the goals and objectives were not met, the reasons why, including analysis and explanation of cost overruns or high unit costs compared to the benefit received to reach an objective;
- Performance trend data and analysis to be used by the awarding program to monitor and assess recipient and Federal awarding program performance; and
- Consolidated long-term work plan and accomplishments updates, when award is part of a large scale or long-term effort funded under multiple awards over time.

The frequency of performance reporting may vary between the different parts of this program. However, all recipients will be required to submit reports at least annually and no more frequently than quarterly. We may require interim reports more frequently than quarterly as a specific condition of award in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes.

Final 15-month Report: As required in the BIL, recipients under the Initial Grants part of the program must submit a report no later than 15 months after the date on which the applicant receives the funds, describing the means by which the applicant used the funds in accordance with its application and certification, and including the reporting parameters described in this guidance.

Recordkeeping Requirements: Recipients must retain financial records, supporting documents, statistical records, and all other records pertinent to a Federal award per 2 CFR 200 requirements.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

The proposed workplan format will be available on our website. OEPC will accept electronic submission of the completed forms via email at ECRP@ios.doi.gov to reduce the burden of the information collection submission on the applicants and meet GPEA requirements.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The consolidated workplan information is not available through any other information collection conducted by Federal agencies. The collection in the form of a workplan is information specific to each applicant and the orphan well program set up under the BIL, including several metrics required for an annual report to Congress. The grant workplan will capture this information and simplifies the review and evaluation process to collect the information needed in one work plan. It also ensures that the grant program's objectives are met. Information captured in the workplan is not duplicated in the application forms.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of this information will not impact small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information that we collect enables the Interior to meet Congress' intent to provide funds to implement activities and projects associated with Section 40601 of the BIL through financial assistance within statutory deadlines and response times. Without this information, the Interior would be unable to fulfill responsibilities outlined in the statute and adequately evaluate how the funds are being used to accomplish the program's objectives and goals. This data will assist in establishing this baseline and anticipated performance. In addition, this information collection allows the Interior to set proper legal obligations to ensure that we expend Government funds properly and comply with OMB requirements regarding the management of Federal financial assistance.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

No special circumstances exist that would require OEPC's collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On March 30, 2022, we published in the *Federal Register* (87 FR 18385) a notice of our intent to request for emergency approval by the OMB for a one-time collection of data necessary to enable the Interior to meet the aggressive timelines established in the BIL. In that notice, we solicited comments for 60 days, ending on May 31, 2022.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. OEPC will not provide any payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The information collected is on the applicant’s orphaned well program. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

OEPC will not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

OEPC estimates that we will receive **470 responses** (initial estimates are 27 State and 65 Tribal governments) totaling **10,702 burden hours**. We estimate the annual dollar value of the burden hours is **\$588,182** (rounded).

OEPC used Table 1 from the of Bureau of Labor Statistics (BLS) News Release [USD-22-0469](#), March 18, 2022, Employer Costs for Employee Compensation—December 2021, to calculate the cost of the total annual burden hours:

- Government – the hourly rate for all workers is \$54.96, including benefits.

Requirement	Average Number of	Average Number of	Average Number of	Average Completion	Estimated Annual	Hourly Rate	\$ Value of Annual
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	Annual Respondents	Responses Each	Annual Responses	Time per Response	Burden Hours		Burden Hours
Consolidated Workplan							
Government	92	1	92	4 hr	368	\$ 54.96	\$ 20,225.28
Grant Applications							
Government	92	1	92	40	3,680	54.96	202,252.80
Amendments							
Government	10	1	30	3	30	54.96	1,648.80
Financial Reports							
Reporting	92	1	92	6	552	54.96	30,337.92
Recordkeeping				2	184	54.96	10,112.64
Performance Reports							
Reporting	92	1	92	24	2,208	54.96	121,351.68
Recordkeeping				8	736	54.96	40,450.56
Final 15-Month Reports							
Reporting	92	1	92	24	2,208	54.96	121,351.68
Recordkeeping				8	736	54.96	40,450.56
Totals:	470		470		10,702		\$ 588,181.92

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no non-hour cost burden associated with this collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff),

and any other expense that would not have been incurred without this collection of information.

The total Federal cost to administer this program is **\$1,898** (rounded) associated with the consolidation of data and generating the formulated awards.

We used the Office of Personnel Management Salary Table [2022-DCB](#) (Washington-Baltimore-Arlington, DC-MD-VA-WV-PA) to determine average hourly Federal wages. In accordance with BLS News Release [USD-22-0469](#), March 18, 2022, Employer Costs for Employee Compensation—December 2021, we multiplied individual hourly wages for the Federal employees by 1.59 to calculate the fully burdened hourly rate shown below:

Position/Grade	Hourly Rate	Hourly Rate with Benefits	Total Hours	Number of Positions	Total Cost
GS-14/5 ECRP Grant Program Manager	\$ 68.55	\$ 108.99	8	1	\$ 871.92
GS-15/5 ECRP Team Leader	80.63	128.20	8	1	1,025.60
Total:					\$ 1,897.52

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

This is a request for emergency clearance of a one-time collection of data necessary to enable the Interior to meet the aggressive timelines for a new grant program established in the BIL.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

OEPC will not publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OEPC will display the OMB control number and expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.