

**SUPPORTING STATEMENT FOR
OMB CONTROL NO. 2050-0077**

**" APPLICATION FOR REIMBURSEMENT TO LOCAL GOVERNMENTS FOR
EMERGENCY RESPOSE TO HAZARDOUS SUBSTANCE RELEASES UNDER
CERCLA SECTION 123"**

SHORT CHARACTERIZATION OF THE INFORMATION COLLECTION

The Agency requires applicants for reimbursement under this program authorized under Section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 123 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, requires the Environmental Protection Agency (EPA) to promulgate rules by which any general purpose unit of local government may apply to EPA for reimbursement for costs incurred in carrying out temporary emergency measures necessary to prevent or mitigate injury to human health or the environment associated with the release or threatened release of any hazardous substance or pollutant or contaminant. The Statute limits the maximum award for a single response to \$25,000. The Local Governments Reimbursement (LGR) Program is a voluntary program aimed at alleviating burden incurred by general purpose units of local government from carrying out temporary emergency measures in response to the release of hazardous substances.

The Agency requires applicants for reimbursement to submit an application package that demonstrates consistency with program eligibility criteria and certifies compliance with the reimbursement requirements. This information collection is necessary to ensure proper use and appropriate distribution of reimbursement awards among applicants. EPA will receive and closely evaluate reimbursement requests in accordance with the promulgated final rule (63 FR 8283; Vol. 63 No. 32) to ensure that the most deserving cases receive awards.

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.

Applicants must complete and submit to EPA an application package supplied by the Agency. The application package confirms that the costs were incurred for temporary emergency measures necessary to protect human health and the environment. The application submitted by the local government or agency requesting reimbursement is reviewed by EPA to ensure compliance with all statutory and program requirements.

EPA uses a standard application form because it reduces confusion about what information is to be supplied, helps ensure that all applicants are evaluated on the basis of comparable information, and enables reviewers to check applications for completeness and

consistency quickly. The form requests five basic pieces of information: (1) identification of the local government requesting reimbursement; (2) information about the incident; (3) information about the response, including the specific temporary emergency measures for which reimbursement is being sought; (4) cost data; and (5) certifications and signature of the highest ranking official or authorized representative of the local government. Detailed instructions for completing the form and examples are included in the application package provided by EPA to potential requesters.

Section 1 of the application identifies the general-purpose unit seeking reimbursement and the means of contacting the applicant. This information is necessary to facilitate the exchange of information between the applicant and the Agency.

Section 2 of the application describes the incident, specifically including information on the date and time of occurrence or discovery; location of the incident; source or cause of the release; identity of the hazardous substances released; and the associated threats to human health and the environment. Space is also provided for additional information pertinent to the incident. EPA requires detailed information on the nature of the incident to ensure that hazardous substances covered under CERCLA were involved and warranted temporary emergency measures.

Section 3 of the application describes the response -- specifically information on the date and time of response initiation; date of response completion; response participants; response activities; and the temporary emergency measures for which reimbursement is sought. Space is also provided for additional information pertinent to the response. Information in this section is crucial for EPA's determination of whether the response was appropriate and necessary to prevent or mitigate injury to human health or the environment. The information in this section will confirm whether the response was not inconsistent with CERCLA and The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and meets the eligibility criteria for reimbursement established by 40 CFR 310.

Section 4 of the application contains information on the costs which were directly related to the response effort and for which reimbursement is being sought. In addition to the total reimbursement amount requested, a cost breakdown is provided. This section also requires inclusion of all supporting documentation (e.g., invoices, sales receipts, rental agreements). Cost information is necessary to determine the amount of the potential reimbursement. A cost breakdown allows the Agency to determine which costs are eligible for reimbursement.

The regulation requires that applicants certify that they first sought reimbursement from other sources before seeking reimbursement through the Local Governments Reimbursement Program. Section 4 of the application also requests applicants to certify their attempts to recover costs from other sources, including responsible parties, local government insurance funds, or the state.

The information contained in the application is the minimum required by EPA to make prudent reimbursement decisions. It demonstrates that the reimbursement being requested is

consistent with the statutory requirements of §123 of CERCLA and the regulatory requirements of the NCP.

Applicants receiving reimbursement from the Superfund are required to maintain all cost documentation and any other records relating to the reimbursement request, and to provide EPA with access to such records. If, after three years from the date of reimbursement, EPA has not initiated a cost recovery action, the applicant may dispose of the records. The applicant, however, must notify EPA and allow EPA the opportunity to take possession of the records before they are destroyed.

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.

During development of the Local Governments Reimbursement rule, EPA conducted research into other EPA programs and federal agency programs to determine if the information required for the Local Governments Reimbursement Program was already being collected elsewhere.

Within EPA, the following programs were investigated: the Asbestos in Schools Hazard Abatement Program; Pesticides Indemnification Program; Municipal Water Treatment Works Construction Grants Program.

Other federal agencies investigated include: Federal Emergency Management Agency; Department of Transportation (State Highway Aid Program); Department of Agriculture (Casual Firefighter Program); Department of Education (Impact Aid/Disaster Aid Program); Department of State (Protection of Foreign Missions and Officials Program); Department of Health and Human Services; Department of Housing and Urban Development.

The New York State Spill Fund, New Jersey State Spill Fund, and the California Emergency Response Fund also were researched. Pursuant to this research, EPA concluded that the information required of reimbursement applicants is specific and unique to the reimbursement program and is not duplicated by any other federal agency/department or EPA program office.

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

The Local Governments Reimbursement (LGR) Program does not directly involve, or produce burden for, small businesses.

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 reimbursement application process involves only one collection of information. Therefore, it would not be feasible to collect information less frequently.

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.

In general, the information collection requirements covered by this ICR adhere to the guidelines stated in the 1995 Paperwork Reduction Act as amended, OMB's implementing regulations, EPA's [Information Collection Review Handbook](#), and other applicable OMB guidance. This ICR does not exceed any of the OMB guidelines found 5 CFR 1320.5(d)(2).

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 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 3 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.

The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published in the *Federal Register* (86 FR 212) on November 5, 2021, and the comment period closed on January 4, 2022. No comments were received.

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an original or renewal ICR to OMB for review and approval. EPA did not pursue consultations with interested parties during the development of the renewal of this collection due to the fact that those that may have interest in the future cannot be identified since the qualifying incidents have not yet occurred

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

No payments or gifts are used in association with the collection activities for this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The local government reimbursement regulation does not require any confidential information.

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.

The local governments reimbursement regulation does not request any information 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. Instead, this cost should be included under ‘Annual Cost to Federal Government’.

Requests for reimbursement consist of a completed application form and supporting documentation that verifies costs incurred in a particular response and are eligible for reimbursement. The actual preparation of the application package and the filing and maintaining of records are the only sources of burden on applicants seeking reimbursement.

EPA conducted a test of the application form and instructions with eight Agency and contractor staff and recorded the time required to perform each step involved in preparing an application. Testers read the preamble and reimbursement rule, a fact sheet on a fictitious response, supporting documentation (such as sales receipts, rental agreements, etc.) and completed the actual form requesting reimbursement for the fictitious response. Estimated response times for each task are noted below in Table 1.

Table 1
**Estimated Burden on Applicants Seeking Reimbursement
for Temporary Emergency Measures
Under §123 of SARA**

Burden Item	Average Hours per Application
Read Instructions ^a	1
Gather Information ^b	2
Compile Information ^c	3
Complete Application ^d	1
File and Maintain Information ^e	<u>.5</u>
Total Estimated Burden Hours Per Application	8.5
Total Estimated Number of Applications Submitted by All Applicants per Year	<u>x 20^f</u>
Total Estimated Annual Burden Hours	170
Total Estimated Cost Burden to Responders ^g	\$ 4,392.80

- a. Time to read or hear instructions. This includes the time which will be needed by applicants to familiarize themselves with the requirements for requesting reimbursement and the instructions for completing the application form.
- b. Time to gather information. This includes the time necessary to collect various reports from files and extract pertinent information and find additional reference materials and information.
- c. Time to compile information. This includes the time necessary to assemble information specific to the response for which reimbursement is being sought. This may include interviewing first responders and ascertaining the number of work hours involved in the response.

- d. Time to complete application. This includes the time required to enter the pertinent information on the application form in accordance with the line-by-line instructions.
- e. Time to file and maintain information. This includes the time needed for preparing file folders, indexes, and filing.
- f. Approximately 20 applications are received each year.
- g.

Estimated hourly rate is \$ 25.84. This estimate takes into consideration that the application may be prepared by a secretary or other administrative staff, fire chief, police officer, county clerk, or health professional. The estimated hourly rate is taken from the Bureau of Labor Statistics average salaries (May 2020) for “Protective Service Occupation” and “Office and Administrative Support Occupation.”

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into two components: (a) a total 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. 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 collections 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.

See Table 1.

14. Provide estimates of annualized costs 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. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Table 2
Estimate of Agency Costs

- | <u>Cost Per FTE</u> | <u>FTE</u> | <u>\$</u> |
|--|------------|------------------|
| Personnel compensation and benefits ^a | .3 | 29,091.00 |
| <u>Overhead (15% of FTE)^b</u> | <u>—</u> | <u>14,545.50</u> |
| Total | .3 | 43,636.50 |
- a) Source: FY 2018 Budget data (EPA Office of Emergency Response Management), average PC&B Cost per FTE in HQ.
 - b) Includes travel, rent, contract services (maintenance), and supplies and materials.
- Cost for 0.3 FTE = \$96,970 x .3 = \$29,091.00
 - Calculated annual hours per federal FTE: 2088
 - 0.3 FTE = 626.4 hrs. per year

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet (in hour or cost burden.)

The change in burden to applicants takes into account that electronic filing of applications and e-signature will shave .5 hours off of the overall burden per applicant. Furthermore, it is anticipated that the Agency will receive fewer applications, thus changing the burden overall.

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.

No collection of information will be published.

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.

Not seeking to not display the expiration date

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

No exception to the topics of the certification statement

