

SUPPORTING STATEMENT FOR THE
RENEWABLE FUEL STANDARD (RFS) PROGRAM

1. Identification of the Information Collection

a. Title: Recordkeeping and Reporting for Renewable Fuel Standard (RFS) Program, EPA ICR No. 2546.03; Docket Number EPA-HQ-OAR-2022-0105

b. Short characterization:

This Information Collection Request (ICR) is a renewal of an existing collection related to the Renewable Fuel Standard (RFS) program of 40 CFR part 80, subpart M. Because it is more efficient and easier for regulated parties to understand, we seek to consolidate the following approved ICRs into this collection:

- Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market Regulations (Final Rule), OMB Control Number 2060-0723, expiring November 30, 2022; and
- Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021, Response to the Remand of the 2016 Standards, and Other Changes (Final Rule), OMB Control Number 2060-0728, expiring December 31, 2023.

When this ICR renewal of 2060-0725 is complete, and once it is approved by OMB, we will seek to cancel 2060-0723 and 2060-0728, as they will no longer be necessary.

Abstract:

What is the RFS Program?

The RFS program was created under the Energy Policy Act of 2005 (EPA Act), which amended the Clean Air Act (CAA). The Energy Independence and Security Act of 2007 (EISA) further amended the CAA by expanding the RFS program. EPA implements RFS in consultation with U.S. Department of Agriculture and the Department of Energy.

The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel. The four renewable fuel categories under the RFS are:

- Biomass-based diesel,
- Cellulosic biofuel,
- Advanced biofuel, and

- Total renewable fuel.

The 2007 enactment of EISA significantly increased the size of the program and included key changes, including:

- Boosting the long-term goals to 36 billion gallons of renewable fuel;
- Extending yearly volume requirements out to 2022;
- Adding explicit definitions for renewable fuels to qualify (e.g., renewable biomass, GHG emissions);
- Creating grandfathering allowances for volumes from certain existing facilities; and
- Including specific types of waiver authorities.

The current regulations for the RFS program are in 40 CFR part 80, subpart M. These regulations list the various regulated parties and their responsibilities. The estimates in this supporting statement cite the associated section and any applicable forms and instructions to aid parties in understanding and commenting upon the burden.

What Renewable Fuels Qualify under RFS?

For a fuel to qualify as a renewable fuel under the RFS program, EPA must determine that the fuel qualifies under the statute and regulations. Among other requirements, fuels must achieve a reduction in greenhouse gas (GHG) emissions as compared to a 2005 petroleum baseline.

We have approved fuel pathways under the RFS program under all four categories of renewable fuel. Advanced pathways already approved include ethanol made from sugarcane; jet fuel made from camelina; cellulosic ethanol made from corn stover; compressed natural gas from municipal wastewater treatment facility digesters; and others.

- Biomass-based diesel must meet a 50% lifecycle GHG reduction;
- Cellulosic biofuel must be produced from cellulose, hemicellulose, or lignin and must meet a 60% lifecycle GHG reduction;
- Advanced biofuel can be produced from qualifying renewable biomass (except corn starch) and must meet a 50% GHG reduction; and
- Renewable (or conventional) fuel typically refers to ethanol derived from corn starch and must meet a 20% lifecycle GHG reduction threshold.

Lifecycle GHG reduction comparisons are based on a 2005 petroleum baseline as mandated by EISA. Biofuel facilities (domestic and foreign) that were producing fuel prior to enactment of EISA in 2007 are “grandfathered” under the statute, meaning these facilities are not required to meet the GHG reductions.

We continue to review and approve new pathways, including for fuels made with advanced technologies or with new feedstocks. Certain biofuels are similar enough to gasoline or diesel that they do not have to be blended but can be simply “dropped in” to

existing petroleum-based fuels. These drop-in biofuels directly replace petroleum-based fuels and hold promise for the future.

How Does RFS Compliance Work?

The regulations for RFS are found in 40 CFR part 80, subpart M. This section describes how the RFS program works, generally.

Obligated parties under the RFS program include parties such as refiners or importers of gasoline or diesel fuel. Compliance is achieved by blending renewable fuels into transportation fuel, or by obtaining credits (called “Renewable Identification Numbers”, or RINs) to meet an EPA-specified Renewable Volume Obligation (RVO).

We calculate and establish RVOs every year through rulemaking, based on the CAA volume requirements and projections of gasoline and diesel production for the coming year. The standards are converted into a percentage and obligated parties must demonstrate compliance annually.

Each fuel type is assigned a “D-code” – a code that identifies the renewable fuel type – based on the feedstock used, fuel type produced, energy inputs and GHG reduction thresholds, among other requirements. The four categories of renewable fuel have the following assigned D-codes:

- Cellulosic biofuel is assigned a D-code of 3 (e.g., cellulosic biofuel) or D-code of 7 (cellulosic diesel),
- Biomass-based diesel is assigned a D-code of 4,
- Advanced biofuel is assigned a D-code of 5, and
- Renewable fuel (non-advanced/conventional biofuel) is assigned a D-code of 6 (grandfathered fuels are also assigned a D-code of 6).

“Renewable identification numbers” or RINs are the credits that obligated parties use to demonstrate compliance with the standards. Obligated parties must obtain sufficient RINs for each category to demonstrate compliance with the annual standards.

To track compliance with the RFS program, various parties involved with the production and blending of renewable fuels, or who engage in transactions involving RINs, must register with EPA and submit various types of compliance reports related to the activity they engage in under the program. Domestic and foreign entities may be subject to these regulations and to the associated information collection. The RFS program was developed with certain flexibilities, including for small entities, for which there are associated information collection requirements. In brief, affected entities include RIN Generators (Producers and importers of renewable fuels), Obligated Parties (Refiners and importers of non-renewable gasoline and diesel transportation fuels), RIN Owners, Exporters, Quality Assurance Plan (QAP) providers, and certain independent Third Parties (such as engineers and agents who are not themselves regulated parties, but who may register and submit information on behalf of regulated parties).

Since this ICR was last approved, EPA has issued the following rules:

In 2019, EPA finalized a rule for RIN Market Reform (RMR). This rule made changes to the RFS RIN market to improve market functioning and transparency. The reforms include:

- Requiring public disclosure when RIN holdings exceed a certain threshold.
- Taking additional steps to improve EPA's market monitoring capabilities.

This renewal fully incorporates the information collection approved by OMB under control number 2060-0723.

In 2020, EPA finalized a rule to clarify diesel renewable volume obligation (RVO) calculations and that included regulations related to pathway petition conditions; esterification pathway, distillers' corn, and sorghum oil pathways; and certified non-transportation 15 ppm distillate fuel ("certified NTDF").

This renewal fully incorporates the information collection approved by OMB under control number 2060-0728.

Who are the Respondents for this ICR?

The main categories of respondents are discussed below. Respondents register and report according to their business activity or activities, which means that a party may be registered under multiple business activities. For ease of understanding, we have grouped the respondents covered by this ICR according to the following activities:

Table I - RIN Generators

For purposes of the estimates in "Table I – RIN Generators" of this ICR, we have assumed 548 renewable fuel producers and 119 importers of renewable fuel, for a total of 548 RIN Generators. This total is based upon the number of parties we had that were registered and active in October 2021. The following paragraphs explain the background for the estimates for RIN Generators as summarized in Table I.

The information collection activities for RIN Generators are designed to properly characterize and credit the type of renewable fuel being produced or imported, and to properly account for that fuel in terms of associated RINs generated and RIN transactions. Information collection activities for these parties include program registration (to receive EPA-issued company and facility identification numbers), transactional and compliance reporting system registration (to engage in on-line recording of RIN transactions and to submit compliance reports), submission of transactional and annual compliance reports and attest engagements, and recordkeeping.

Although registration is typically a one-time process, parties are responsible for keeping their information current and for initiating updates as needed.

The information collection items for producer registration are quite specific, and the estimates in Appendix A take into account the level of detail required for these respondents. In addition to overhead and basic Central Data Exchange (CDX) and EPA Moderated Transaction System (EMTS) registration information, producers are required to submit information about their products and processes. They are also required to engage the services of a third-party professional engineer (P.E.) to prepare an engineering review, which is submitted as part of registration and updated every three years. Depending upon the type of renewable fuel produced, a producer may have to submit and retain additional information as part of registration. We have considered this burden of providing additional information as part of the cost of registration in Table I - RIN Generators. As an example, a renewable fuel derived from municipal solid waste (MSW) requires submission/retention of an MSW separation plan as part of registration. There are other examples where producers may need to either submit or retain information, including for producers of a renewable fuel derived from an invasive species (*donax* or *Pennisetum purpureum*); this requires submission/retention of a risk mitigation plan, documentation from USDA, copies of permits, etc. We have considered the added burden of submission/retention of “special” registration information in our estimates for producer registration.

We have accounted for the recordkeeping and reporting burden of petitioning for new fuel pathways in Table I - RIN Generators. In 2010, EPA established a process for companies to petition for new fuels pathways to qualify under the RFS program. A fuel pathway is a specific combination of three components: (1) feedstock, (2) production process and (3) fuel type. Assessment of lifecycle greenhouse gas (GHG) emissions is necessary to determine which fuel pathways can qualify. EPA maintains a list of currently approved pathways, which includes the applicable feedstock and process information, and the associated D-Codes, at <https://www.epa.gov/renewable-fuel-standard-program/approved-pathways-renewable-fuel>.

Table II - Obligated Parties

For purposes of the estimates in “Table II –Obligated Parties” of this ICR, we have assumed 453 refiners and 119 importers of non-renewable gasoline and diesel transportation fuels, for a total of 572 Obligated Parties. This total is based upon the number of parties we had that were registered and active in October 2021. The following paragraphs explain the background for the estimates for Obligated Parties as summarized in Table II.

The information collection activities for Obligated Parties are designed to ensure and document compliance with the annual RFS standard, and to properly account for that fuel in terms of associated RINs generated and RIN transactions. Information collection activities for these parties include program registration (to receive EPA-issued company and facility identification numbers), transactional and compliance reporting system

registration (to engage in on-line recording of RIN transactions and to submit compliance reports), submission of transactional and annual compliance reports and attest engagements, and recordkeeping. Although registration is typically a one-time process, parties are responsible for keeping their information current and for initiating updates as needed.

Table III - RIN Owners

For purposes of the estimates in “Table III – RIN Owners” of this ICR, we have assumed 1,001 RIN Owners. This total is based upon the number of parties we had that were registered and active in October 2021. The following paragraphs explain the background for the estimates for RIN Owners as summarized in Table III.

The information collection activities for RIN Owners are designed to ensure the integrity of RINs generated and RIN transactions, and include program registration (in order to receive EPA-issued company and facility identification numbers), transactional and compliance reporting system registration (in order to engage in on-line recording of RIN transactions and to submit compliance reports), submission of transactional and annual compliance reports and attest engagements; and generation of PTDs and recordkeeping. Although registration is typically a one-time process, RIN Owners are responsible for keeping their information current and for initiating updates as needed.

Table IV - Exporters

For purposes of the estimates in “Table IV – Exporters” of this ICR, we have assumed a total of 174 respondents. This total is based upon the number of parties we had that were registered and active in October 2021. The following paragraphs explain the background for the estimates for Exporters as summarized in Table IV.

The information collection activities for Exporters are designed to ensure and document compliance with the annual RFS standard, and to properly account for that fuel in terms of associated RINs generated and RIN transactions. Information collection activities for these parties include program registration (to receive EPA-issued company and facility identification numbers), transactional and compliance reporting system registration (to engage in on-line recording of RIN transactions and to submit compliance reports), submission of transactional and annual compliance reports and attest engagements, and recordkeeping. Although registration is typically a one-time process, parties are responsible for keeping their information current and for initiating updates as needed.

Table V - QAP Providers (Voluntary Quality Assurance Program for RINs)

For purposes of the estimates in “Table V – QAP Providers” of this ICR, we have assumed three (3) QAP providers. Although we have 17 parties who indicate QAP provider in their registrations, nearly all are not active or prepared to provide QAP services. We typically see only two or three (2-3) truly active QAP providers, so we have

used the lower figure. The following paragraphs explain the background for the estimates for QAP Providers as summarized in Table V. To understand the nature of these parties, some background on the QAP program is provided.

The RFS program includes a voluntary third-party QAP option for RINs that regulated parties may exercise as a supplement to the “buyer beware” liability as prescribed under existing regulations. The program provides a means for ensuring that RINs are properly generated through audits of renewable fuel production conducted by independent third parties using quality assurance plans (QAPs), provides an affirmative defense for the transfer or use of invalid RINs that had been verified under an approved QAP, defines the conditions when RINs must be replaced, and a process for determining who will replace the RINs.

Information collection activities for QAP Providers include program registration (to receive EPA-issued company and facility identification numbers), compliance reporting system registration (to submit compliance reports), submission of periodic reports, and recordkeeping.

Table VI - Petition for International Aggregate Compliance Approach

The estimates for petitioners for the international aggregate compliance approach for foreign countries are presented in a separate table, as these are submitted extremely infrequently, and the respondents would typically be foreign governments rather than the types of regulated party-respondents described in Tables I-V. These petitions are very infrequent, but we could still receive one at any time; as such, we have estimated one petition over the three-year period of this ICR.

Table VII – Third Parties

These are parties who must register or keep records on behalf of other regulated parties/respondents under the RFS program. We include them in our estimates to “count” them properly in the respondent total; however, the hours and cost of their services are assigned to the respondents in Tables I-V for whom they provide purchased services (and whom they bill for the hours/cost of their services).

What Information is Collected from Respondents?

The information collected by EPA under the RFS program may be divided into the following broad categories:

- Registration
- Reporting (including transactional, quarterly, and annual)
- Recordkeeping

A. Registration

All parties listed above and in Tables I-V must be registered with EPA; certain parties in Table VII must be registered with EPA as indicated in Appendix A. Registration must be on forms and following instructions provided by the Administrator. Respondents must provide basic overhead information (company name, address, types of activities engaged in – for example, producer, exporter, etc.) and they must register and establish an account with CDX to use EMTS, the fuels registration and reporting applications (OTAQREG and DCFUEL). We have made every effort to standardize and simplify registration and to avoid having parties submit unnecessary or duplicative information. EPA provides user guides on its website to assist parties with program and CDX registration and provides help desk support.

It is of note that producers of renewable fuels do have more detailed registration requirements than other parties, owing to the necessity to be able to characterize types of renewable fuels they are making and processes/pathways that apply to such fuels. As part of registration, producers are required to engage a third-party professional engineer (P.E.) to submit an engineering review. This engineering review is submitted upon initial registration and then is updated every three years.

In addition, depending upon the renewable fuel, there may be additional items that must be submitted via registration. The detailed items are listed in 40 CFR 80.1451(b)(1). We have made general assumptions in Table I about the additional time and expense required to locate and submit certain pieces of information as part of registration (e.g., to submit an MSW separation plan or other item specific to a process). We believe that most, if not all, of the required records would be kept in the normal course of business (i.e., customary business practice of “CBP”).

We have docketed the registration instructions and templates associated with this ICR.

B. Reporting

The exact reports filed will depend upon the activities engaged in by the party. Parties indicate their activities when they register. A party must file reports appropriate for each activity it engages in – for example, if a party is *both* an exporter of renewable fuel *and* a producer of renewable fuel, then that party must file the reports applicable to both activities.

There are different types and schedules for reporting under the RFS program. Transactional reporting related to RIN generations and transfers is conducted within EMTS. This is “real time” reporting system that many parties use daily. There are quarterly (submitted four times per calendar year) and annual (submitted once per calendar year) compliance reports. We provide the specific instructions for each type of report on our website; most reports may be submitted using our unified reporting form (URF). The URF proves a simple, accessible format. Other reports may be downloaded

and generated within EMTS. EPA provides user guides on its website to assist parties with submission of reports and attest engagements and provides help desk support.

We have docketed the reporting instructions and templates associated with this ICR. Tables I-VII associates these forms with the individual reporting requirements, for each type of respondent. In the case of systems, we have docketed screen shots, guidance, or other items to explain the systems and what they collect.

C. Recordkeeping

Parties are required to retain records underlying their registration and reporting submissions to EPA, and certain product transfer documentation (PTD), for a period of five (5) years. Most of the records we require to be retained, e.g., PTDs, would normally be kept as customary business practice (CBP). Please refer to section 3(e) below for a discussion of the record retention period.

2. Need for, and Use of, the Collection

a. Authority for the Collection

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

b. Practical Utility/Uses of the Data

The registration, reporting and recordkeeping requirements of this regulation will allow EPA to monitor compliance with the RFS program.

3. Non-duplication, Consultation, and other Collection Criteria

a. Non-duplication

Efforts have been made to eliminate unnecessary duplication; further efforts are being made to reduce duplication via the e-Enterprise and related efforts discussed above.

b. Public Notice

We published a Federal Register notice to announce our intention to submit this information collection to OMB; the supporting statement and estimates have been docketed, along with all proposed forms and form instructions. No comments were received via the public docket. A second public comment period of 60 days will commence with the publication of a second Federal Register notice and the submission of this proposed information collection to OMB. We encourage interested parties to submit comments.

c. Consultations

We provided the supporting statement and detailed estimates to three representatives from affected industries to solicit their review and feedback. Two responded with detailed feedback, including Weaver, a firm that provides a variety of auditing, registration, and reporting services under the RFS program and Philips 66, a regulated party that engages in multiple program activities under the RFS program. One major change we have made to our estimates is based upon the feedback received from Wade Watson and Steve Schwarzbach of Weaver, and it affects how we calculate purchased services. We have increased our multiplier on the Labor Costs tab to 2.5 x the standard industry mix¹ to better reflect the costs currently facing companies providing auditing and engineering services to regulated parties; previously, our multiplier was 2.0 x the standard industry mix. Based upon the feedback of Lloyd Funk of Philips 66, we have made adjustments to the time taken to fill out two specific reports applicable to RIN generators and obligated parties (these items are noted on the tables in Appendix A).

d. Effects of Less Frequent Data Collection

We have designed the reporting schedule to coincide with existing reporting deadlines applicable to many of the same parties under other fuels programs; less frequent collection would compromise our ability to meet the requirements of the CAA, EPCRA, and EISA.

e. General Guidelines

This collection exceeds one OMB guideline, because records must be kept for five (5) years rather than three (3) years. We believe the five (5) year retention period is necessary for this program, to ensure proper compliance oversight. Also, a five (5) year retention period corresponds to the statute of limitation for violations of the RFS program under the CAA and is a longstanding and typical record retention period for our fuels programs.

f. Confidentiality

We inform respondents that they may assert claims of business confidentiality (CBI) for much of the information they submit. Any information claimed as CBI will be treated in accordance with 40 CFR Part 2 and established Agency procedures. Information that is received without a claim of confidentiality may be made available to the public without further notice to the submitter under 40 CFR § 2.203.

g. Sensitive Information

¹ We calculate recordkeeping and reporting costs by using a standard industry mix approach. We assume one individual who is 0.7 professional/technical, 0.2 clerical, 0.05 managerial, 0.05 legal, as explained in Appendix A, Labor Costs tab. The hourly salary rate we use is derived from the Bureau of Labor statistics data for the petroleum and coal manufacturing industries, which are the closest match to fuels programs.

This information collection does not require submission of any sensitive or personally identifiable information (PII).

4. The Respondents and the Information Requested

a. Respondents/with NAICS and SIC Codes

The respondents to this information collection fall into the following general industry categories: petroleum refineries (324110/2911), ethyl alcohol manufacturers (325193/2869), other basic organic chemical manufacturing (325110/2869), chemical and allied products merchant wholesalers (426990/5169), petroleum bulk stations and terminals (422710/5171), petroleum and petroleum products merchant wholesalers (422720/5172), and other fuel dealers (454319/5989). The estimates use the U.S. Bureau of Labor Statistics, “May 2021 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 324000 - Petroleum and Coal Products Manufacturing,” as this industry grouping best matches the respondents.

b. Information Requested

The individual items of information requested are listed in Appendix A, and are described in terms of registration, reporting, and recordkeeping in this supporting statement.

5. Agency Activities, Methods, and Information Management

a. Agency Activities

- All reports and registrations will be reviewed by EPA for completeness and for potential violations.
- Potential violations will be referred to enforcement personnel.
- Registration numbers will be issued for new registrants.
- EPA will contact reporting parties if there is a problem with their submission.

b. Collection Methodology and Management

We anticipate receiving data in a simplified and secure fashion via the Agency's CDX. Information claimed as CBI will be stored in appropriately controlled areas.

c. Small Entity Flexibility

This collection will not adversely affect small entities. The Final Rule describes flexibility provisions available to small entities. The flexibility provisions that are available to small entities are found in 40 CFR § 80.1441 and § 80.1442.

d. Collection Schedule

Registrations are received on a rolling basis, as updates may be sent in at any time and new parties may enter the regulated industry at any time. Reporting is as-needed, monthly, quarterly, and annual.

6. Estimating the Burden and Cost of Collection

a. Estimating the Respondent Universe

We used the actual number of registrants as of October 2021 to generate the estimates; where the number of registrants is not the appropriate number to use for respondents, we have based the estimate upon experience implementing the program. Our estimates are explained in detail in Appendix A.

b. Estimating the Respondent Burden and Cost

We have provided detailed estimates, described as registration, recordkeeping and reporting in Tables I-VII of Appendix A, for each type of respondent. These tables provided citations to the appropriate sections in 40 CFR Part 80 and reference each form or reporting template, as appropriate. To ensure parties may review all information relevant to this collection, we have docketed all forms and templates. We have assumed an industry standard mix, based upon available Bureau of Labor Statistics estimates. The estimates use “May 2021 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 324000 - Petroleum and Coal Products Manufacturing” (the most recent available)² and are explained in detail on the “Labor Costs” Tab in Appendix A.

c. Estimating Agency Burden and Cost

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

EPA estimates that we require the FTE equivalents of nine (9) GS-13 professional employees and one and one-quarter (1.25) GS-14/15 managers or team leaders/senior staffers.

Since EPA is using the Agency's Central Data Exchange (CDX), some costs incurred by the Agency will be tied to the number of registrants who send us reports. Specifically, there is an annual "subscription cost" associated with the use of CDX that is passed on to the EPA program office and EPA estimate that our office will pay approximately \$75,000–125,000 per year for this service. For purposes of the ICR, we

² https://www.bls.gov/oes/current/naics3_324000.htm (accessed May 2, 2022).

assume the higher \$125,000 value. We estimate \$100,000 of this as the cost attributable to RFS and the other \$25,000 as the cost attributable to non-RFS programs, such as fuels quality programs under part 1090 (see OMB Control Number 2060-0731, expires January 31, 2024).

EPA has a contract that supports registration and reporting activities, and that provides IT programming, system support, and help desk support. We anticipate total IT and contract costs associated with this proposed ICR to be \$2,100,000.

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

Nine GS-13 employees (FTE equivalent) ³	\$ 1,999,699
1.25 GS-14/15 managers or senior staff (FTE equiv.) ⁴	\$ 286,128
Annual IT/CDX subscription fee =	\$ 100,000
Annual IT system and contract costs =	\$ 2,100,000
TOTAL AGENCY COST =	\$ 4,485,827

d. Estimating the Respondent Universe

We estimate the number of regulated entities drawing upon experience regulating the same or similar entities. For Tables I-VII, we used the actual number of active, registered parties as of October 2021. For Table VI, we used an estimate based upon program experience (specifically, we have only received and processed one application for the international aggregate compliance approach for foreign countries).

e. Bottom Line Burden Hours and Costs

From the tables, we estimate the following totals:

TOTAL NO. OF RESPONDENTS:	45,558
TOTAL NO. OF RESPONSES:	5,761,551
TOTAL BURDEN HOURS:	860,971
TOTAL COST TO RESPONDENTS:	The total cost (labor and non-labor) is \$93,160,406, of which \$23,039,905 is non-labor costs (all of which are purchased services).

f. Reason for Change in Burden

³ These estimates are derived from "OPM Salary Table 2022-DCB," effective January 1, 2022. See <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB.pdf> (accessed May 2, 2022). We used the DC area locality pay table and assumed step 10. This was multiplied by 1.6 (which is a common factor utilized in ICRs to account for overhead costs for this purpose). We rounded the resulting dollar value to the nearest thousand.

⁴ See footnote 1; for GS-14/15 senior staff and manager, we used GS-14 step 5 and multiplied the value by 1.6, as above.

There is decrease of 66,917 hours in the total estimated respondent burden compared with the ICRs (as discussed above, this ICR combines three ICRs in the renewal of 2060-0725; these three total 927,888 hours) currently approved by OMB. This decrease is due to several factors. Certain reporting burdens (e.g., initial registration or initial programming of product codes) are front-loaded as far as their hourly burden; and this leads to a decrease in total hours upon renewal. The number of parties participating in various recordkeeping and reporting activities based upon their roles in the program is somewhat fluid, and varies with economic conditions, and we tended to be overly generous in our initial estimates. Upon renewal, we use the actual number of registrants, by role; this ICR renewal uses the total number of parties registered in October 2021. Finally, we showed our estimates to industry representatives who are actual respondents (to perform industry consultations) and made adjustments to the hours spent in recordkeeping and reporting, and to the hourly rates used to estimate cost, based upon their feedback, and as described in this supporting statement.

There is a significant and necessary correction to the OMB inventory included in the ICR. The non-labor costs for this ICR had previously been recorded as 0, with all costs put in the labor category. This was an Agency error. For this ICR renewal, we have properly attributed labor and non-labor costs in this ICR. We estimate the non-labor costs as \$23,039,905. These costs involve the required use of third parties to perform services and submit information on a regulated party's behalf. For example, independent auditors and independent engineers. This ICR properly accounts for these purchased professional services and corrects the prior error.

g. Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to be less than one hour per response. 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 assist parties in commenting 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, we have established a public docket for this ICR.

APPENDIX A – Detailed Burden Estimates