SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY

Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan, Subpart J (40 CFR 300.900)

1. Identification of the Information Collection

1(a) Title of the Information Collection

National Oil and Hazardous Substances Pollution Contingency Plan; Monitoring Requirements for Use of Dispersants and Other Chemicals (Final Rule). (EPA ICR # 1644.13, OMB # 2050-0141)

1(b) Short Characterization/Abstract

The Environmental Protection Agency (EPA or the Agency) regulatory requirements in Subpart J of the NCP govern the use of dispersants and any other chemical agents or other substances in response to oil spills. Subpart J (40 CFR 300.900) applies to the navigable waters of the United States and adjoining shorelines; the waters of the contiguous zone and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act; activities under the Deepwater Port Act of 1974; or activities that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources under the Magnuson Fishery Conservation and Management Act of 1976 (waters of the US and adjoining shorelines).

On January 22, 2015, EPA published a proposed rule in the Federal Register (80 FR 3380) to amend Subpart J of the NCP to inform the use of dispersants and other chemical or biological agents when responding to oil discharges. The proposed amendments incorporated lessons learned from the federal government's experiences in the Gulf. They also addressed recommendations specific to agent testing and use in response to oil discharges from the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling Report to the President; in particular, new monitoring requirements for subsea or prolonged surface application of dispersants, which are addressed in this ICR. A copy of the Proposed Subpart J rule and accompanying ICR can be found in the EPA docket EPA-HQ-OPA-2006-0090, where future Agency actions will be posted. The Subpart J rule promulgated in 1994 is covered by ICR No. 1664.11, which can be found in EPA docket: EPA-HQ-OPA-2007-0042.

The goal of establishing a Schedule under the NCP is to protect the environment from possible damage caused by spill mitigating agents used in response to oil discharges. The new monitoring requirements for certain discharge situations in this action supplement the existing regulatory provisions under Subpart J, which include test data and information requirements for chemical agents as well as procedures for authorizing the use of those agents to respond to oil spills.

The Agency's final rule establishes new requirements for monitoring dispersant products used in response to oil discharges that meet applicability criteria specified by the final rule. The final rule adds § 300.913, which establishes requirements for the responsible party (RP) to monitor any subsurface use of dispersant in response to oil discharges, any surface use of dispersants in response to a discharge of more than 100,000 U.S. gallons occurring within 24 hours, and any surface use of dispersants for more than 96 hours in response to an oil discharge. In addition, the RP must submit a Dispersant Monitoring Quality Assurance Project Plan for approval to the Federal On-Scene Coordinator (OSC) covering the collection of all environmental data.

The final rule's monitoring requirements include documenting information on dispersant application, performing water column sampling, oil distribution analysis, ecological characterization analysis, and immediate and daily reporting.

Monitoring-related compliance activity is discharge-dependent and is anticipated to occur for only one entity at a rate of approximately one discharge every five years, based on historical discharge data documented in EPA's final rule RIA.[1] Therefore, EPA anticipates that in most years, no entities will incur any costs and upon the occurrence of an applicable discharge, only one entity will incur costs. Given this infrequent estimated incidence rate, EPA is assuming an annual-equivalent rate of 0.2 incidents per year, or 0.6 incidents over the three-year period covered by this ICR. The RP's burden varies based on the particular characteristics of the future discharge. For a discharge that meets the rule's applicability criteria and for which dispersant use is authorized, the characteristics of the discharge will determine the use of dispersants, the corresponding extent of the monitoring effort and, consequently, the RP's total burden. The estimated burden is therefore incident-specific. To account for this, the Agency estimates burden for a range of hypothetical discharge scenarios. This information collection is estimated to have a reporting burden of 30 to 927 hours per response (and $32,000 to $3,000,000 in total cost) in the first year and subsequent years, depending on the frequency of occurrence of discharges subject to the requirements of the final rule.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

Under sections 311(d) and 311(j) of the CWA, as amended by section 4201 of the Oil Pollution Act of 1990 (OPA), Pub. L. 101-380, the President is directed to prepare and publish the NCP for removal of oil and hazardous substances. The Clean Water Act provides that the National Contingency Plan "shall include, but not be limited to, the following: … (F) Procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances. (G) A schedule, prepared in cooperation with the States, identifying – (i) dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the [NCP], (ii) the waters in which such dispersants, other chemicals, and other spill mitigating device and substances may be used, and (iii) the quantities of such

[1] National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Monitoring Requirements (RIN 2050-AH16). Final Rule Regulatory Impact Analysis, DATE TBD, Docket ID EPA-HQ-OPA-2006-0090.

dispersant, other chemicals, or other spill mitigating device or substance which can be used safely in such waters…".. The authority of the President to implement this portion of the CWA is currently delegated to EPA in Executive Order 12777 (56 FR 54757, October 22, 1991). Subpart J of the NCP governs the use of dispersants, and any other chemical agents to respond to oil discharges (40 CFR part 300 series 900).

The Agency is adding new requirements under §300.913 for monitoring any subsurface use of dispersant in response to oil discharges, surface use of dispersants in response to a discharge of more than 100,000 U.S. gallons occurring within 24 hours, and any surface use of dispersants for more than 96 hours in response to an oil discharge. When these dispersant use conditions are met and for the duration of dispersant operations, the responsible party (RP), under direction of the OSC, must implement the new monitoring requirements for dispersant use. The final rule includes monitoring requirements for: 1) Information on Dispersant Application, 2) Water Column Sampling, 3) Oil Distribution Analysis, 4) Ecological Characterization, 5) Immediate Reporting, and 6) Daily Reporting. More detail on these requirements can be found in section 4(b)(i) of this Supporting Statement.

2(b) Practical Utility/Users of the Data

Each oil discharge represents a unique situation with distinct conditions, which may require various response methods. Product testing conducted under standardized laboratory conditions is useful for comparing different products; however, standardized laboratory conditions do not necessarily reflect field conditions. Monitoring of agents in the field informs the OSCs and supports agencies in understanding the overall effectiveness of dispersant use, including the environmental effects and transport of dispersed oil. These new monitoring requirements, in conjunction with the existing testing and information requirements for chemical agents, and the procedures for authorizing the use of those agents, serve to protect the environment from possible damage related to the spill mitigating products used.

The Agency believes that comprehensive monitoring in certain discharge situations is necessary to determine the overall effectiveness of dispersants and should extend from the initial dispersant application to include the transport and environmental effects of the dispersant and dispersed oil in the water column. Monitoring the overall effectiveness of dispersant use in the field provides those agencies responsible for authorizing the use of dispersants with data and information for decision-making during subsurface or prolonged surface dispersant applications. Adverse effects on ecological receptors from exposures to dispersed oil depend on the duration and concentration of the exposure, which in turn depend on the transport of dispersed oil. Because these exposures may vary depending on the discharge situation, the Agency believes comprehensive monitoring for certain discharge situations is necessary to inform decision-making and to conduct an effective response.

The monitoring-related reporting specified by the Agency's final rule will be available for use by OSCs, Regional Response Teams (RRTs), and Area Committees (ACs) in determining the most appropriate response during the course of an applicable discharge. The information collected from the respondent will enable the OSCs, RRTs, and ACs to make informed decisions

to safely employ countermeasures to control oil discharges. Correct product use is critical in emergency situations.

3. Non-Duplication, Consultations, and Other Collection Criteria

3(a) Non-duplication

RPs do not report this information to any other federal agency, and this is the only national level reporting requirement of its kind; therefore, there is no duplication.

3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)

On January 22, 2015, EPA published a proposed rule in the Federal Register (80 FR 3380) to amend Subpart J of the NCP. The public comment period ended on April 22, 2015, and the Agency received more than 80,000 total public comment submissions from industry, academia, state/local governments, environmental groups and individuals. A copy of the Proposed Subpart J rule and accompanying ICR can be found in the EPA docket: EPA-HQ-OPA-2006-0090.

The Agency did not receive any comments specifically on the proposed ICR. The Agency did receive one specific comment regarding the Agency's estimated compliance costs in the proposed rule, which is the same burden covered by this ICR. The commenter stated that the Agency underestimated the cost of the monitoring requirements in the proposed rule and provided an independent, bottom-up cost estimate of the monitoring requirements of $850,000 per incident, which was $350,000 higher than the Agency's proposed rule estimate of $500,000 per incident. The Agency has addressed this comment by redeveloping the burden and cost analysis as a bottom-up, detailed cost estimate for the final rule (see Appendix A of this ICR supporting statement or the RIA for the final rule). The Agency believes this more detailed methodology it is now using result in a more complete and realistic estimate of the cost of these requirements.

The Agency will provide public notice of this final ICR by means of a Federal Register Notice of Final Rulemaking.

3(c) Consultations

Developing the burden estimates for this ICR required 1) specifying a range of discharge scenarios given the high degree of variability in the frequency and characteristics of historical discharges and potential future discharges, and 2) specifying unit burden estimates associated with the monitoring requirements for each discharge scenario. Estimating the burden in this case presents a unique challenge because the events covered by the ICR are very infrequent, and historically, there have been very few respondents to these types of incidents. To specify the above parameters, the Agency relied on publicly-available, secondary data sources, including historical discharge reports and other sources. The Agency also consulted with an expert with experience from the response to the Deepwater Horizon oil spill. Burden estimates and the

associated methodology were also reviewed by an EPA Working Group comprised of staff from across the Agency (including e.g., OLEM/OEM/RID, OLEM/PARMS, OLEM/OSTRI, OCSPP, OECA, OGC, OP, ORD, and several EPA Regions). A detailed description of the research and analysis EPA conducted to develop the model discharge scenarios and unit costs for the rule requirements can be found in Appendix A.

3(d) Effects of Less Frequent Collection

A respondent must submit information only when the final rule's monitoring requirement applicability conditions are met, and only for the duration of dispersant operations. The rule's applicability conditions include the surface use of dispersants in response to a discharge of more than 100,000 U.S. gallons occurring within 24 hours, and any surface use of dispersants for more than 96 hours in response to an oil discharge. As documented in the Agency's RIA for the final rule,[2] the Agency estimates that applicable discharges occur at an average rate of one every five years, or 0.2 applicable discharges per year. A single respondent, the RP, is associated with each discharge.

3(e) General Guidelines

The information collection activities discussed in this renewal ICR comply with all regulatory guidelines under 5 CFR 1320.5(d)(2).

3(f) Confidentiality

Under 40 CFR 300.920(c), respondents may claim certain information in the technical product data submissions as confidential business information (CBI). The information collection activities discussed in this document are not anticipated to involve any CBI; however, EPA will handle CBI any claims pursuant to the provisions in 40 CFR Part 2, Subpart B. Information claimed as CBI must be submitted separately from non-confidential information, clearly identified, and clearly marked "Confidential Business Information."

3(g) Sensitive Questions

The information collection activities discussed in this document do not involve any sensitive questions.

4. Respondents and the Information Requested

4(a) Respondents NAICS Codes

Respondents include potential RPs associated with applicable discharges. Oil discharges can occur at any point in the lifecycle of petroleum production and consumption – during exploration and extraction, transport, refining, storage, consumption, or waste disposal. Potential RPs include entities in a variety of North American Industrial Classification System (NAICS) industries, as summarized in Exhibit 1.

[2] National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Monitoring Requirements (RIN 2050-AH16). Final Rule Regulatory Impact Analysis, DATE TBD, Docket ID EPA-HQ-OPA-2006-0090.

Exhibit 1: Potentially Affected NAICS Industries

NAICS Code	NAICS Description
211120	**Crude Petroleum Extraction –** This industry comprises establishments primarily engaged in (1) the exploration, development, and/or the production of petroleum from wells in which the hydrocarbons will initially flow or can be produced using normal or enhanced drilling and extraction techniques or (2) the production of crude petroleum from surface shales or tar sands or from reservoirs in which the hydrocarbons are semisolids.
211130	**Natural Gas Extraction –** This industry comprises establishments primarily engaged in (1) the exploration, development, and/or the production of natural gas from wells in which the hydrocarbons will initially flow or can be produced using normal or enhanced drilling and extraction techniques or (2) the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry
324110	**Petroleum Refineries –** This industry comprises establishments primarily engaged in refining crude petroleum into refined petroleum. Petroleum refining involves one or more of the following activities: (1) fractionation; (2) straight distillation of crude oil; and (3) cracking.
424710	**Petroleum Bulk Stations and Terminals –** This industry comprises establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas.
424720	**Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) –** This industry comprises establishments primarily engaged in the merchant wholesale distribution of petroleum and petroleum products (except from bulk liquid storage facilities).
483111	**Deep Sea Freight Transportation –** This U.S. industry comprises establishments primarily engaged in providing deep sea transportation of cargo to or from foreign ports
483113*	**Coastal and Great Lakes Freight Transportation –** This U.S. industry comprises establishments primarily engaged in providing water transportation of cargo in coastal waters, on the Great Lakes System, or deep seas between ports of the United States, Puerto Rico, and United States island possessions or protectorates. Marine transportation establishments using the facilities of the St. Lawrence Seaway Authority Commission are considered to be using the Great Lakes Water Transportation System. Establishments primarily engaged in providing coastal and/or Great Lakes barge transportation services are included in this industry
486110	**Pipeline Transportation of Crude Oil –** This industry comprises establishments primarily engaged in the pipeline transportation of crude oil.
*Note: Only the coastal freight transportation component of this industry is affected by the rule. Great Lakes-related transportation is unaffected because dispersants are not applied on freshwater.	

4(b) Information Requested

(i) Data Items

Under Subpart J §300.913, the respondent (the RP) must report the following data items during the course of dispersant operations in response to a discharge that meets the final rule's applicability criteria. No specific recordkeeping activities are required.

Information on Dispersant Application

The final rule requires that the RP document:

- The characteristics of the source oil;
- The oil discharge flow, including a description of the method, associated uncertainties, and materials;
- Descriptions, methods, associated uncertainties, and materials of dispersant application. This documentation includes dispersant used, rationale for dispersant choice, including the results of any efficacy and toxicity tests, recommended dispersant-to-oil ratio (DOR);

and the application method(s) and procedures, including a description of the equipment to be used, hourly application rates, capacities, and total amount of dispersant needed; and,

- For subsurface discharges, the best estimate of the discharge flow rate of any associated volatile petroleum hydrocarbons, periodically reevaluated as conditions dictate, including a description of the method, associated uncertainties, and materials.

Water Column Sampling

The final action requires the responsible party to collect a representative set of ambient background water column samples in areas not affected by the discharge of oil, at the closest safe distance from the discharge as determined by the OSC, and in the directions of likely oil transport considering surface and subsurface currents. The responsible party is also to collect a representative set of baseline water column samples absent dispersant application at such depths and locations affected by the oil discharge absent dispersant application, considering surface and subsurface currents, oil properties, and other relevant discharge conditions. In addition to the background water sample collection, the final rule requires the RP to collect water column samples daily in the dispersed oil plume at such depths and locations where dispersed oil is likely to be present. The background, baseline, and dispersed oil plume water column sampling must include, as applicable:

- In-situ oil droplet size distribution analysis;
- In-situ fluorometry;
- Fluorescence signatures;
- Dissolved oxygen (subsurface only);
- Total petroleum hydrocarbons (TPHs);
- Methane if present (subsurface only);
- Heavy metals analysis;
- Turbidity;
- Water temperature;
- pH; and,
- Conductivity.

Oil Distribution Analysis

The final rule requires that the RP, in consultation with the OSC and considering available technologies, characterize the dispersant effectiveness and oil distribution, considering the condition of the oil, dispersant, and dispersed oil components from the discharge location. The Agency is also requiring the RP to characterize the dispersant effectiveness to evaluate the changes in the condition of the oil due to weathering.

Ecological Characterization

The final rule requires that the RP, in consultation with the OSC, develop a report characterizing the ecological receptors (e.g. aquatic species, wildlife, and/or other biological

resources), their habitats, and exposure pathways that may be present in the discharge area. The ecological characterization includes, but is not limited to:

- Species that may be in sensitive life stages;
- Transient or migratory species;
- Breeding or breeding-related activities (e.g., embryo and larvae development); and,
- Threatened and/or endangered species that may be exposed to oil, dispersed oil, and dispersant

The RP may refer to relevant sources of information such as applicable expedited decision-making plans, environmental assessments or statements, federal and state environmental databases or studies conducted by universities or other research institutions.

Immediate Reporting

The final rule requires immediate reporting by the RP to the OSC and, in coordination with OSC, to the applicable RRT(s):

- Any deviation of more than 10 percent of the mean hourly subsurface dispersant use rate for the total dispersant volume authorized for that 24-hour use, and the reason for the deviation (e.g., equipment malfunction); and,
- Any threatened or endangered species of environmental importance, and any other ecological receptors as identified by the OSC or the Natural Resource Trustees, including any threatened or endangered species.

Daily Reporting

The final rule requires the RP to report daily to the OSC and, in coordination with the OSC, to the applicable RRT(s) reporting of:

- Daily transport of dispersed and non-dispersed oil;
- Associated volatile petroleum hydrocarbons if applicable, and dispersants, using available trajectory modeling; and,
- Sampling and data analyses collected within the time frame necessary to make operational decisions (e.g., within 24 hours of collection), including documented observations, photographs, video, and any other information related to dispersant use, unless an alternate time frame is authorized by the OSC. For each application platform, the actual amount of dispersant used for each one-hour period, and the total amount of dispersant used for the previous 24-hour reporting period is required.

5. Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

Under Subpart J, the OSC will perform activities in coordination with the RP during the course of the monitoring process to support information collection, including:

- The OSC must review and approve the RP's Dispersant Monitoring Quality Assurance Project Plan (DMQAPP) covering the collection of all environmental data;
- The RP must consult with the OSC regarding the closest safe distance from the discharge from which to collect background water samples;
- The RP must consult with the OSC in developing the oil distribution analysis and the ecological risk characterization; and,
- The OSC will review daily reports provided by the RP.

5(b) Collection Methodology and Management

Respondents (RPs) are not required to submit records to EPA Headquarters or maintain monitoring records generated by complying with the final rule. However, as specified in the rule, the EPA OSC from the associated EPA Region, will 1) engage in coordinating activity with the RP during information collection, and 2) receive from the RP all documentation required by the rule (e.g., DMQAPP, ecological characterization, daily reports). The information collected by the OSC pursuant to this ICR will be maintained electronically on secure EPA servers.

5(c) Small Entity Flexibility

Under Subpart J, small entities must follow the same collection procedures as other respondents. OSCs need the required information to respond effectively and safely to oil discharges. As detailed in the Agency's final RIA, the Agency finds that affected entities include 112 to 605 small firms. Annual compliance costs do not exceed 1 percent of annual revenues for any potentially affected small firms. Therefore, the Agency's Regulatory Flexibility Analysis (RFA) found that the monitoring-related reporting requirements will not have a significant economic impact on a substantial number of small businesses.

5(d) Collection Schedule

EPA requires information to be collected when a respondent is an RP for a discharge that meets the final rule's monitoring applicability criteria. The rule's applicability conditions include the surface use of dispersants in response to a discharge of more than 100,000 U.S. gallons occurring within 24 hours, and any surface use of dispersants for more than 96 hours in response to an oil discharge. As documented in the Agency's Regulatory Impact Analysis (RIA) for the final rule, the Agency estimates that applicable discharges occur at an average rate of one every

five years, or 0.2 applicable discharges per year. There is only one respondent, the RP, associated with each discharge.

6. Estimating Burden and Cost

6(a) Estimating Respondent Burden

Monitoring-related compliance activity is discharge-dependent and is anticipated to occur for only one entity at a rate of approximately one discharge every five years, based on historical discharge data documented in EPA's final rule RIA. Therefore, EPA anticipates that in most years, no entities will incur any costs, and upon the occurrence of an applicable discharge, then only one entity (the RP) will incur costs. Given this incidence rate, EPA expects that over the three-year period covered by this ICR, an additional 0.6 incidents may occur, or 0.2 per year.

The RP's burden varies based on the particular characteristics of the discharge. For a discharge that meets the rule's applicability criteria and for which dispersant use is authorized, the characteristics of the discharge will determine the use of dispersants, the corresponding extent of the monitoring effort and, consequently, the RPs total burden. The estimated burden is therefore discharge-specific.

To account for this factor, the Agency estimates burden for a range of hypothetical discharge scenarios, summarized in Exhibit 2 (also see Section 6.1 of the final rule RIA). Exhibit A-20 in Appendix A contains estimates of the burden hours required to respond to each data item covered by this ICR for each model discharge scenario.

Exhibit 2: General Model Discharge Assumptions

General Assumptions	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Discharge Type	Surface	Surface	Subsurface	Subsurface
Discharge Size (U.S. gallons)	150,000	8.0 million	170 million	1 - 3 billion
Duration of active oil discharge, days	1	22	60	85
Oil discharge rate (gallons/day)[1]	~ 20,000	300,000 to 400,000	1.2 to 1.4 million	10 to 20 million
Dispersant Application				
Duration of dispersant application, days	3	24	65	90
Quantity of dispersants applied,[2] gallons	5,000	425,000	1.8 million	10 to 12 million
Location of dispersant application	Surface	Surface	Surface & Subsurface	Surface & Subsurface
Dispersant Monitoring				
Duration of dispersant monitoring, days	5	27	65	90

Notes:

1) Sources include Buchholz et al. 2016 (Buchholz, Kurt, and et al. 2016. "Worst Case Discharge Analysis (Volume I)." Washington D.C.: U.S. Department of the Interior Bureau of Safety and Environmental Enforcement (BSEE), and USCG 2006 (U.S. Coast Guard, National Oceanic and Atmospheric Administration, U.S. Environmental Protection Agency, Centers

General Assumptions	Scenario 1	Scenario 2	Scenario 3	Scenario 4
for Disease Control and Prevention, Minerals Management Service. Special Monitoring of Applied Response Technologies). 2) In past discharges such as the Deepwater Horizon oil spill, approximately 40 percent of dispersants were applied to the subsurface (USCG 2011).				

6(b) Estimating Respondent Costs

To estimate the labor cost for RPs per applicable discharge, the burden estimates are multiplied by the appropriate hourly wage rate category. For a detailed breakdown of RP response costs, including labor hour and related equipment needed to collect the required information, see Exhibit A-29 in Appendix A.

6(c) Estimating Agency Burden and Costs

Under Subpart J, the EPA OSC will perform activities in coordination with the RP during the course of the monitoring process to support information collection. This section presents the estimated unit burden and unit cost to the Agency for those activities that occur during the response to an applicable discharge. Exhibit 6 shows the labor burden to the Agency by activity. The Agency's burden is estimated to be 16 to 40 hours, plus 3 to 5 hours per day for the duration of the oil spill response.

Agency labor costs are based on the January 2020 General Schedule (GS) pay schedule, for a GS-13 Step 10 level employee. Based on the pay schedule, EPA derived an hourly rate of $102.67 by dividing the GS-13 Step 10 annual salary ($133,465)[3] by 2,080 (the number of hours worked by a full-time EPA employee) and multiplied by the standard government overhead factor (1.6). The adjusted wage rate is multiplied by the burden hours in to obtain the EPA labor burden unit cost per discharge.

Exhibit 3: **Estimated Unit Burden and Cost to EPA**

Information Collection Activity	Scenario 1		Scenario 2		Scenario 3		Scenario 4	
	One-Time	Daily	One-Time	Daily	One-Time	Daily	One-Time	Daily
Review and approve the RP's DMQAPP	8	0	8	0	8	0	8	0
Consult with RP about where to collect water samples	0	1	0	1	0	1		1
Consult with RP in performing the oil distribution analysis	0	1	0	2	0	2	0	2
Consult with RP in developing the ecological characterization	8	0	16	0	24	0	32	0
Review reports by the RP	0	1	0	1	0	1	0	2
Total Unit Burden	**16**	**3**	**24**	**4**	**32**	**4**	**40**	**5**
Review and approve the RP's DMQAPP	$821	$0	$821	$0	$821	$0	$821	$0
Consult with RP about where to collect water samples	$0	$103	$0	$103	$0	$103	$0	$103
Consult with RP in performing	$0	$103	$0	$205	$0	$205	$0	$205

[3] U.S. Office of Personnel Management. 2020 General Schedule – DCB: Effective January 2020. (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx)

Information Collection Activity	Scenario 1		Scenario 2		Scenario 3		Scenario 4	
	One-Time	Daily	One-Time	Daily	One-Time	Daily	One-Time	Daily
the oil distribution analysis								
Consult with RP in developing the ecological characterization	$821	$0	$1,643	$0	$2,464	$0	$3,285	$0
Review reports by the RP	$0	$103	$0	$103	$0	$103	$0	$205
Total Unit Cost	**$1,643**	**$308**	**$2,464**	**$411**	**$3,285**	**$411**	**$4,107**	**$513**

Exhibit 4 presents the estimated total burden and cost to EPA per discharge after accounting for the number of days associated with each discharge response (S1=5 days, S2=27 days, S3=65 days, S4=90 days). The Agency's total burden per discharge is estimated to be 31 to 490 hours, and $3,200 to $50,000, depending on the characteristics of the discharge.

Exhibit 4: **Estimated Total Burden and Cost to EPA per Discharge**

Information Collection Activity	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Review and approve the RP's DMQAPP	8	8	8	8
Consult with RP about where to collect water samples	5	27	65	90
Consult with RP in performing the oil distribution analysis	5	54	130	180
Consult with RP in developing the ecological characterization	8	16	24	32
Review reports by the RP	5	27	65	180
Total Burden	**31**	**132**	**292**	**490**
Review and approve the RP's DMQAPP	$821	$821	$821	$821
Consult with RP about where to collect water samples	$513	$2,772	$6,673	$9,240
Consult with RP in performing the oil distribution analysis	$513	$5,544	$13,347	$18,480
Consult with RP in developing the ecological characterization	$821	$1,643	$2,464	$3,285
Review reports by the RP	$513	$2,772	$6,673	$18,480
Total Cost	**$3,183**	**$13,552**	**$29,978**	**$50,306**

The annual burden and costs to the Agency under Subpart J for the monitoring requirements are presented in Exhibit 5. Agency cost is estimated to be in the range of $637 to $10,000 per year; or, $1,900 to $30,000 over the three-year period of this ICR.

Exhibit 5: Annual and Three-Year Labor Burden and Cost for EPA ($2019)

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Annual Number of Respondents and Responses	0.2	0.2	0.2	0.2
Annual Burden (hours)	6	26	58	98
Annual Cost	$637	$2,710	$5,996	$10,061
Three-Year Total Number of Respondents and Responses	0.6	0.6	0.6	0.6

Three-Year Total Burden (hours)	19	79	175	294
Three-Year Total Cost	$1,910	$8,131	$17,987	$30,184

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

Monitoring-related reporting will not occur at regular intervals. EPA has estimated a 20 percent probability of an applicable discharge, per year, so in most years, there will be no reporting by respondents. EPA therefore estimates an annual equivalent value of 0.2 respondents will submit information under the monitoring requirements in § 300.913 each year for the three years of this ICR as shown in Exhibit 6. Therefore, the total number of respondents is 0.6 and the number of responses is estimated to be 0.6. For a detailed breakdown of average annual burden and costs, see Exhibit A-30 in Appendix A.

6(e) Bottom Line Burden Hours and Cost Tables

The total annual estimated burden and costs for each of the three years of the ICR period for respondents are presented in Exhibit 6. The annual burden hours for respondents are 30 to 927 hours (90 to 2,781 hours for three years) and annual respondent costs are $32,124 to $3,033,569 ($96,372 to $9,100,707 for three years). See Appendix A for additional details on unit and total cost estimates.

Exhibit 6: Annual and Three-Year Total Estimated Labor Burden and Cost for Respondents ($2019)

	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Annual Number of Respondents and Responses	0.2	0.2	0.2	0.2
Annual Burden (hours)	30	142	500	927
Annual Cost	$32,124	$277,251	$1,289,488	$3,033,569
Three-Year Total Number of Respondents and Responses	0.6	0.6	0.6	0.6
Three-Year Total Burden (hours)	90	425	1,500	2,781
Three-Year Total Cost	$96,372	$831,753	$3,868,464	$9,100,707

As shown in Exhibit 5, the Subpart J monitoring requirements' annual burden for EPA ranges from 6 to 98 hours. Therefore, the total burden hours for EPA during the three-year ICR period are 18 to 294 hours. The total annual labor costs for EPA are in the range of $637 to $10,000 per year; or, $1,900 to $30,000 over the three-year period of this ICR.

6(f) Reasons for the Change in Burden

There was a change in burden of an estimated additional 400 annual hours and an additional estimated annual cost of $1,600,000 due to the additional regulatory requirements of the National Oil and Hazardous Substances Pollution Contingency Plan, Subpart J (40 CFR 300.900) (Final Rule).

6(g) Burden Statement

The collection of information required to comply with the discharge dispersant monitoring requirements is estimated to have a public reporting burden of 30 to 927 hours per response (and $32,000 to $3,000,000 in total cost) in the first year and subsequent years, depending on the frequency of occurrence of applicable discharges.

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 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-OPA- 2007-0090, which is available for online viewing at www.regulations.gov. If you are unable to find a document you would like to review in Regulations.gov, call the Reading Room (202) 566-1744 or the Superfund Docket (202) 566-0276 for assistance in obtaining your document.