

# SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) PLANS

## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### 1(a) Title of the Information Collection

Spill Prevention, Control, and Countermeasure (SPCC) Plans (Renewal).  
(EPA ICR No. 0328.19, OMB No. 2050-0021)

### 1(b) Short Characterization

The Oil Pollution Prevention regulation, 40 CFR part 112, requires and establishes procedures for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans help minimize the potential for oil discharges from non-transportation-related onshore and offshore facilities which, due to their location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines.

Owners and operators of regulated facilities must prepare SPCC Plans in accordance with good engineering practices and sound industry practices. The plans either must be certified by a Professional Engineer (PE) or self-certified in the case of qualified facilities and approved by a person with the authority to commit the resources necessary to implement the SPCC Plan. SPCC Plans address the following three areas: (1) operating procedures that prevent oil spills; (2) control measures to prevent a spill from reaching navigable waters or adjoining shorelines; and (3) countermeasures to discover, contain, clean-up, and mitigate the effects of an oil discharge that could reach navigable waters. While each SPCC Plan is unique to the facility it covers, Plans must include certain standard elements to ensure compliance with the regulations.

This Information Collection Request (ICR) renewal covers all provisions of 40 CFR part 112 relating to SPCC Plans.

This supporting statement estimates paperwork-related burden for the three-year ICR renewal period, of 2023 through 2025<sup>1</sup>. The U.S. Environmental Protection Agency (EPA) estimates that approximately 550,400 facilities are covered by the SPCC regulations in 2023 and may incur paperwork-related burden in the first year of this ICR.<sup>2</sup> EPA estimates a total reporting and recordkeeping burden for all regulated facilities of approximately 6.6 million hours in each year of this ICR.

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<sup>1</sup> Note that the previous ICR renewal was intended to cover the three-year period 2019-2021. However, OMB extended that renewal to 2022, so this renewal now covers 2023-2025. This renewal assumes that the same number of facilities estimated for 2021 were covered in 2022.

<sup>2</sup> The paperwork burden incurred by facilities covered by the rule varies depending on whether the facility is newly regulated, or an existing facility. While new facilities will incur significant paperwork-related burden by taking certain actions in the first year of the ICR, such as preparing an SPCC Plan, existing facilities may not need to take any action other than maintain records.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

Section 311(j)(1)(C) of the Federal Water Pollution Control Act (FWPCA), or Clean Water Act (CWA), authorizes the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such discharges.<sup>3</sup> The President delegated the authority to regulate non-transportation-related onshore facilities under §311(j)(1)(C) of the Act to EPA under Executive Order (E.O.) 12777, §2(b)(1).<sup>4</sup> By this same Executive Order, the President delegated authority over transportation-related onshore facilities, deep water ports, and vessels to the U.S. Department of Transportation (DOT)<sup>5</sup> and authority over other offshore facilities, including associated pipelines, to the U.S. Department of the Interior (DOI). A Memorandum of Understanding (MOU) dated February 3, 1994, among EPA, DOT, and DOI, reallocated the responsibility for non-transportation-related offshore facilities that are landward of the coastline, to EPA. An earlier MOU between the Secretary of Transportation and the EPA Administrator, dated November 24, 1971 (36 FR 24080), established the definitions of non-transportation-and transportation-related facilities.

The Oil Pollution Prevention regulation, 40 CFR part 112, outlines requirements for preventing, preparing for, and responding to oil discharges (spills). The prevention part of this regulation at §112.1 through §112.12 is also known as the SPCC rule. It was originally promulgated on December 11, 1973, at 38 FR 34164, under the authority of §311(j)(1)(C) of the CWA and subsequently amended on several occasions, with the most recent substantive amendments in April 2011 (76 FR 21652). The regulation applies to non-transportation-related onshore and offshore facilities with aboveground oil storage capacity or completely buried underground oil storage capacity greater than specified thresholds and meeting other applicability criteria (see §112.1). Regulated facilities are those which, because of their location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines.

### **2(b) Practical Utility/Users of the Data**

EPA does not routinely collect SPCC Plans or related records from SPCC-regulated facilities, except during compliance monitoring activities. Preparation, implementation, and maintenance of the SPCC Plan by the facility owner or operator helps prevent oil discharges and mitigate the environmental damage caused by such discharges. The primary user of the data is the facility owner or operator, and the utility of these data is described below:

- Collecting the necessary data requires that the facility staff analyze the facility measures and procedures for preventing oil discharges, facilitating safety awareness, and promoting appropriate modifications to facility design and operations.

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<sup>3</sup> 33 U.S.C. 1321(j)(1)(C).

<sup>4</sup> 56 FR 54757 (October 22, 1991), superseding Executive Order 11735, 38 FR 21243.

<sup>5</sup> Authority over transportation-related onshore facilities, deep water ports, and vessels rests with the U.S. Coast Guard, which is now part of the Department of Homeland Security.

- Having the required information in a single document promotes an efficient response in the event of a discharge.
- Implementing the Plan according to the specifications of 40 CFR part 112 requires meeting certain design and operational/industry standards that reduce the likelihood of an oil discharge.
- Keeping inspection records promotes important maintenance activities, visual inspections and facilitates discharge detection.
- Reviewing the Plan periodically ensures the implementation of lessons learned and more effective oil discharge prevention control technology (as technology becomes available and is demonstrated to be effective) and updates to the Plan regarding amendments that may have not been documented.

Although facility personnel are the primary users of the Plan data, EPA may use the data in certain situations. For example, an EPA Regional Administrator (RA) may require a facility owner or operator to amend an SPCC Plan as a result of typical compliance monitoring activities if the RA finds that the facility has not met the requirements of the regulation, as a result of certain reportable oil discharges or if such amendment will help prevent and contain discharges of oil.

State and local governments may be users of the data. The information provided in SPCC Plans (e.g., facility configuration and potential risks) can assist local emergency preparedness planning efforts and may not be available elsewhere. The Plan must include a complete discussion of conformance with applicable requirements of any applicable more stringent State rules (112.7(j)), and in cases where secondary containment is impracticable, include an oil spill contingency plan that follows the criteria applicable to plans developed with State, local and regional agencies under 40 CFR 109. Coordination with state governments is further facilitated by the provision in 40 CFR §112.4(c) requiring the owner/operator to provide information on certain oil discharges, which must be sent to the RA under 40 CFR §112.4(a), must also be sent to the relevant state and local agencies. The flexibility with respect to Plan formatting promotes greater coordination with state planning efforts by encouraging the use of plans prepared pursuant to state regulations. The Plan must meet all of the applicable requirements listed in this rule, and must be supplemented with a section cross-referencing the location of requirements listed in this SPCC rule and the equivalent requirements in the other prevention plan, per the requirements of §112.7.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-duplication**

1 Generally, completely buried tanks are regulated exclusively either by the SPCC rule or by the Underground Storage Tank (UST) rule to minimize dual regulation. The SPCC rule accomplishes this by exempting completely buried tanks subject to all of the technical requirements of EPA's UST program (40 CFR part 280) or a state program approved under 40 CFR part 281. Due to their unique configuration, design and operational requirements, a small population of partially buried containers associated with the Oil Pollution Prevention regulation

may have complementary requirements under the USTs. The SPCC provisions focus on surface water protection and the UST provisions focus on groundwater protection, as these unique container configurations (with both above and below ground portions) pose threats to both surface and groundwater.

The regulation allows considerable flexibility in Plan preparation, management, and recordkeeping, including the use of alternative, appropriately cross-referenced, formats based on state or other federal requirements. Flexibility is also provided for facility recordkeeping practices by allowing the use of usual and customary business records to meet the SPCC recordkeeping requirements. For example, records required pursuant to the National Pollutant Discharge Elimination System (NPDES) program and American Petroleum Institute (API) or other industry standards or recommended practices may satisfy certain SPCC recordkeeping requirements. Records kept under other usual and customary business practices are also accepted for inspections, tests, and records.

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

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency notified the public of the renewal of this ICR through publication of a notice in the Federal Register on November 4, 2022 (87 FR 66695). The Agency received one public comment on the ICR during the 60-day comment period. The commenter asked why the information requested in the ICR is not already available via Tier II reporting. As summarized above, EPA does not routinely collect SPCC Plans or related records from SPCC-regulated facilities, except during certain compliance monitoring activities. The primary user of the data covered by the ICR is the facility owner or operator.

### **3(c) Consultations**

1For this renewal, the following three PE firms were consulted:

SCS Engineers; Denver, PA  
Yorke Engineering LLC; Los Angeles, CA  
WithersRavenel; Greensboro, NC

The PE firms EPA contacted provide services to SPCC-regulated facilities in a variety of industries, including oil production, oil storage and distribution, renewable energy, manufacturing, and farming. Three firms agreed to participate in a consultation. Two are small firms operating solely in California and North Carolina, respectively, and the third is a mid-size firm with offices nationwide. Overall, consultations confirmed that EPA's unit burden estimates are reasonable. During the consultations, the three firms noted that EPA estimates were generally within the range of burden associated with the various SPCC activities, and that for certain SPCC activities and facility size categories, the burden could actually be smaller than EPA's estimates. However, they also noted that several "drafter" hours were generally necessary for completing a revision of an existing plan. Drafters assist the PEs and other senior technical staff in making updates to the plan, for example, by revising the facility diagrams, storage container lists, etc. EPA has accounted for these additional hours in estimating the reporting burden for the three-year ICR renewal period. See Appendix A for the script used for

the consultations. Contacted firms were also sent questionnaires via email and given the option to respond by email. Notes on responses by the PE firms can be found in Part A of the Attachment to this document.

EPA identified and contacted seven other firms in an effort to collect additional information, but was unsuccessful in completing these consultations. Transcripts and details of contact with each firm are provided in Parts B and C of the Attachment to this document.

### **3(d) Effects of Less Frequent Collection**

1The SPCC rule requires the development and maintenance of SPCC Plans. EPA does not require the owner or operator of a regulated facility to submit their Plan to EPA nor is approval of the Plan required by EPA. The Plan must be available to the Regional Administrator (RA) or a delegated and certified EPA inspector for onsite review during normal business hours. Additionally, section 112.4(a) requires that owners and operators submit certain critical information to EPA regarding facility oil storage, discharge cause, and corrective actions following an oil discharge (causing harm)<sup>6</sup> of more than 1,000 U.S. gallons or two oil discharges (causing harm) of more than 42 U.S. gallons occurring in a 12-month period. EPA personnel conducting follow-up activities may request a copy of the Plan, access a copy of the Plan by visiting the facility or request the Plan by utilizing CWA section 308 authorities associated with compliance monitoring activities. Because the rule does not contain a collection schedule, less frequent collection is not possible.

The owner or operator of a facility is required to review, evaluate and update (as appropriate) the Plan every five years to reflect currently available and proven technology and techniques for preventing and controlling oil discharges. EPA's experience in administering the SPCC regulation indicates that this time frame is adequate, given the pace at which such technologies and techniques evolve. As a practical matter, this review also offers the owner or operator an opportunity to document any technical amendments that may have not be properly captured in the past five years.

### **3(e) General Guidelines**

The information collection activities discussed in this ICR comply with the general Paperwork Reduction Act guidelines at 5 CFR 1320.5(d)(2).

### **3(f) Confidentiality**

The data collected under this ICR is not confidential.

### **3(g) Sensitive Questions**

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

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<sup>6</sup> Harm is defined in 40 CFR part 110.

#### 4. THE RESPONDENTS AND THE INFORMATION REQUESTED

##### 4(a) Respondents/NAICS Codes

The industries that are likely to be covered by the SPCC rule fall into numerous North American Industrial Classification System (NAICS) categories, including those associated with petroleum production; non-petroleum oil storage and distribution; petroleum refining, processing, distribution, storage, and consumption; and manufacturing facilities using and storing animal fats and vegetable oils (AFVOs). Most regulated facilities fall under the industry sectors listed in Exhibit 1.

**Exhibit 1**  
**Primary Industry Sectors and NAICS Codes Covered by the SPCC Rule**

Industry Category	NAICS Code(s)
Oil and Gas Extraction	211111
Farms	111, 112
Electric Utility Plants	2211
Petroleum Refining and Related Industries	324
Chemical Manufacturing	325
Food Manufacturing	311, 312
Manufacturing Facilities Using and Storing Animal Fats and Vegetable Oils	311, 325
Metal Manufacturing	331, 332
Other Manufacturing	31-33
Real Estate Rental and Leasing	531-533
Retail Trade	441-446, 448, 451-454
Contract Construction	23
Wholesale Trade	42
Other Commercial	492, 541, 551, 561-562
Transportation	481, 483-488
Arts Entertainment & Recreation	711-713
Other Services (Except Public Administration)	811-813
Education	61
Petroleum Bulk Stations and Terminals	4247
Hospitals & Other Health Care	621, 622
Accommodation and Food Services	721, 722
Fuel Oil Dealers	45431
Gasoline Stations	4471
Information Finance and Insurance	51, 52
Mining	212
Warehousing and Storage	493
Pipelines	4861, 48691
Government	92

Industry Category	NAICS Code(s)
Military Installations	928110
Religious Organizations	813110

#### 4(b) Information Requested

##### Data Items, including Recordkeeping Requirements

1The primary data collection activities required by the SPCC rule are the preparation and maintenance of the SPCC Plan and inspection records and tests. In preparing a Plan, a facility owner or operator must follow the provisions outlined in the regulation and include a discussion of the measures taken to meet the SPCC requirements. Some key elements are highlighted below. For more detailed requirements, refer to the Oil Pollution Prevention regulation at 40 CFR part 112.

- Potential equipment failure. 1Where experience indicates a reasonable potential for equipment failure (e.g., tank overflow, rupture, or leakage), the Plan must include a prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the facility resulting from each major type of equipment failure (§112.7(b)).
- Containment/diversion or contingency planning. Appropriate containment and/or diversion structures or equipment must be provided to prevent a discharge (see §§112.7(c), 112.7(h)(1),112.8(c)(2),112.8(c)(11),112.9(c)(2),112.10(c),112.12(c)(2), and/or 112.12(c)(11)), as applicable according to facility and oil type. If containment is impracticable, a contingency plan must be developed in accordance with §112.7(d)(1) and the Plan must include a written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful, in accordance with §112.7(d)(2).
- Detailed requirements. 1In addition to secondary containment requirements, the Plan must include a discussion of the facility's conformance with more detailed and specific requirements, as applicable according to facility and oil type. These specific requirements are detailed in §§112.7(a),112.7(f) through (j),112.8(c)(6),112.9(c)(3) or 112.12(c)(6); and 112.9(d)(4).
- Recordkeeping requirements. Every facility owner or operator must conduct inspections and tests required by 40 CFR part 112 in accordance with written procedures in the Plan and keep a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years (§112.7(e)). Records of inspections and tests kept under usual and customary business practices fulfill these requirements. EPA allows appropriate electronic recordkeeping to reduce costs and improve efficiency (see discussion under section 5(b) below).
- Reporting requirements. As the result certain oil discharges, in accordance with §112.4, the following information must be provided to the Regional Administrator and the respective State agency:

- (1) Name of the facility;
- (2) Name of the owner or operator;
- (3) Location of the facility;
- (4) Maximum storage or handling capacity of the facility and its normal daily throughput;
- (5) The corrective action or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
- (6) Adequate description of the facility, including maps, flow diagrams, and topographic maps;
- (7) Cause(s) of the discharge, (which cause harm as described in 40 CFR part 110), including a failure analysis of the system or subsystem in which the failure occurred;
- (8) Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
- (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

In addition, as necessary, a facility owner or operator must amend the facility's Plan following a modification in the facility's design or operations that materially affects its potential for a discharge and following the five-year review. According to the timeframes in the regulation, these amendments must also be implemented by the Plan owner or operator once the amendment has been documented in the SPCC Plan.

### Respondent Activities

The Oil Pollution Prevention regulation requires an owner or operator to conduct the following compliance activities:

- Prepare and implement an SPCC Plan (§§112.3 and 112.7);
- Maintain the SPCC Plan and keep records (§§112.3 and 112.7(e));
- Revise the SPCC Plan following a material modification of the facility (§112.5(a));
- Conduct periodic reviews of the SPCC Plan (§112.5(b)); and,
- For certain oil discharges, submit information to EPA and the State Agency in charge of oil pollution control activities in the State in which the facility is located (§ 112.4(a)).

Each of these compliance activities is described briefly below:

#### ***Prepare and implement an SPCC Plan***

The owner or operator of a new non-production facility must prepare and implement an SPCC Plan in accordance with the guidelines set forth in 40 CFR part 112 before beginning operations (excluding oil production facilities). The owner or operator of a production facility has six months after beginning operations to prepare and implement an EPCC Plan. The actual preparation of the Plan may involve several tasks which can be conducted by the facility's technical personnel (including a PE employed directly by the facility) or by an outside engineering firm. These tasks include:



- Field investigations conducted to fully understand the design of the facility and to accurately predict the areas or equipment most likely to discharge oil (e.g., to predict the flow paths of spilled oil).
- A regulatory review conducted by management personnel, such that the technical personnel in charge of preparing the Plan are fully aware of all requirements in 40 CFR part 112.
- A review of existing procedures conducted to determine the effectiveness of the current spill prevention and control practices employed by the facility.
- Preparation of the Plan, which involves both technical and clerical time, as well as a final review by facility management personnel prior to completion (this could also be performed by an engineering firm).

Generally, a PE must review and certify an SPCC Plan and technical amendments. That PE may be employed directly by the facility or work for an outside engineering firm retained by the facility owner or operator.

Owners and operators of qualified facilities can self-certify their Plan instead of having a PE review and certify their Plan. Qualified facilities are those that have an aggregate aboveground oil storage capacity less than 20,000 U.S. gallons in the case of a farm or 10,000 U.S. gallons for all other types of facilities, and no oil discharge history. The rule sets two categories of qualified facilities: Tier I and Tier II.

Owners and operators of Tier I qualified facilities, which have no aboveground oil storage containers exceeding 5,000 U.S. gallons, can complete an SPCC Plan template (Appendix G to the 40 CFR part 112) and self-certify compliance with a set of streamlined SPCC rule requirements, in lieu of preparing a full SPCC Plan. Tier I facilities cannot deviate from conditions provided in the Plan template. See §§112.7(a)(3), 112.3(g) and 112.3(d) for more details.

Owners and operators of Tier II qualified facilities (those facilities that do not meet the Tier I maximum aboveground container criterion) have the option to self-certify that their SPCC Plan complies with 40 CFR part 112, in lieu of having a PE review and certify their Plan. In some circumstances, owners and operators of Tier II qualified facilities may have a PE review and certify certain portions of their self-certified Plan (e.g., if they deviate from certain requirements of the SPCC rule as specified under §112.7(a)(2) or make impracticability determinations as described under §112.7(d) (see §112.6(b)(4)).

EPA estimated burden for Tier I and Tier II qualified facility Plans based on expected use of a Plan template and other streamlined requirements for these facilities. In estimating burden, EPA assumed that no Tier II qualified facilities will require section-specific PE certification of their Plan.

### ***Maintain the SPCC Plan and keep records***

Section 112.3 requires the owner or operator to maintain a copy of the SPCC Plan at the facility if the facility is normally attended for at least four hours per day or at the nearest field office if not attended. The Plan must be available to the Regional Administrator for review during normal working hours (§112.3(e)). In addition, as described in Section 4(b)(i) of this supporting statement, a facility owner or operator is required to maintain and update Plan-specific records as outlined under §112.7(e). In estimating burden, EPA assumes that Plan maintenance and recordkeeping activities involve almost entirely technical labor, although they may also require a small amount of clerical labor.

### ***Submit information in the event of certain discharges of oil***

In the event of certain discharges of oil into navigable waters<sup>7</sup>, a facility owner or operator must submit information described in §112.4(a) to the Regional Administrator and to the appropriate State agency within 60 days.

Submission of information after a discharge of oil requires both technical and management labor hours to collecting the required information. Section 112.4(c) also requires the facility owner or operator to submit a copy of this information to the State agency with regulatory authority over the facility. The Regional Administrator may require the owner or operator of the facility to amend the SPCC Plan to prevent and contain discharges from the facility. Unless contested by the facility, amendments must become part of the Plan within 30 days. The amended Plan must then be certified by a licensed PE prior to implementation, or self-certified in the case of qualified facilities. As required by §112.4(e), amendments to the Plan must be implemented as soon as possible, but no later than six months after the amendments become part of the Plan. Section 112.4(f) allows a facility owner or operator to appeal a decision made by the Regional Administrator requiring a Plan amendment.

### ***Revise the SPCC Plan following modification of the facility***

Section 112.5(a) requires the facility owner or operator to amend the facility's Plan in accordance with §112.7 whenever there is a change in the facility's design, construction, operation, or maintenance that materially affects the facility's potential to discharge oil into navigable water in harmful quantities. The activities the facility must then undertake to amend the Plan are assumed to involve technical labor hours, as well as some clerical labor. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. These amendments must be implemented as soon as possible, but not later than six months after the Plan amendment occurs.

### ***Review the SPCC Plan***

An owner or operator of an SPCC-regulated facility is required to review and evaluate the facility's Plan at least once every five years. This review is expected to involve mostly

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<sup>7</sup> These discharges are 1) A single discharge as described in §112.1(b) of more than 1,000 U.S. gallons; or 2) Two or more discharges as described in §112.1(b), each more than 42 U.S. gallons.

technical labor hours to review spill prevention and control procedures, as well as a regulatory review involving management labor hours. Clerical hours are also used to complete necessary paperwork. An owner or operator is required to amend their SPCC Plan within six months of the review to include more effective prevention and control technology under certain conditions. Any technical amendments to the Plan must be certified prior to implementation by a licensed PE or, for qualified facilities, self-certified in accordance with §112.6(b). SPCC Plan review cost estimates are generated in this ICR for an existing facility only because a new facility that becomes operational after the beginning of the ICR-approval period will not be required to conduct its review until after the three-year period covered by this ICR.

## **5. INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

If a SPCC-regulated facility discharges more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or discharges more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any 12-month period, EPA's review of the information submitted by the facility under 40 CFR 112.4(a) may include:

- (1) Name of the facility;
- (2) Name of the owner or operator;
- (3) Location of the facility;
- (4) Maximum storage or handling capacity of the facility and its normal daily throughput;
- (5) The corrective action or countermeasures taken, including an adequate description of equipment repairs and/or replacements;
- (6) Adequate description of the facility including maps, flow diagrams, and topographic maps;
- (7) Cause(s) of the discharge, (which causes harm as described in 40 CFR part 110), including a failure analysis of the system or subsystem in which the failure occurred;
- (8) Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and,
- (9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

EPA's routine inspection/compliance monitoring, enforcement, and outreach activities conducted as part of administering this program are not covered by this ICR. Inspectors typically request a copy of the SPCC Plan during an inspection. The small burden the facility incurs to provide the plan is included in the activity "Revise the SPCC Plan and Maintain Records".

### **5(b) Collection Methodology and Management**

SPCC Plans must be tailored to the unique characteristics of the facility. Due to the wide range of types and sizes of facilities subject to the regulation, EPA does not prescribe any specific information management technique or technology in preparing and maintaining SPCC

Plans or records. In fact, because of this wide variation and to reduce compliance costs, EPA generally employs a performance-based regulatory approach. The regulation allows flexibility with this performance-based approach in Plan preparation and recordkeeping in a way that allows the use of additional, appropriately cross-referenced formats (§112.7). Greater flexibility is also provided for facility recordkeeping practices, which may potentially satisfy certain SPCC recordkeeping requirements with records kept under normal business practices, such as those required pursuant to the NPDES program and API, Steel Tank Institute (STI) or other industry standards or recommended practices.

EPA also provides the flexibility of a performance-based approach in the development of user-friendly tools for writing and maintaining SPCC Plans, provided the Plans and records continue to provide the required information and meet the administrative requirements of the SPCC rule. These include, for example, the use of both electronic plan formats and electronic recordkeeping procedures/documentation programs. Whichever medium is used, the Plan must be readily accessible to response personnel in an emergency and during normal working hours.

EPA maintains the information submitted to Regional Offices by facilities following certain reported oil discharges. This supports ongoing program activities, such as targeting inspections and evaluating industry trends, as well as supports response operations during oil discharges that are not covered by this ICR. However, EPA does not collect SPCC Plans or related records from facilities on a routine basis, except during an inspection and related compliance monitoring activities.

### **5(c) Small Entity Flexibility**

EPA amended the SPCC rule (40 CFR part 112) in 2002, 2006, 2008/2009 and 2011 to provide additional flexibility to the regulated community, including small entities. Some flexibilities are based on the facility's storage capacity, e.g., *de minimis* container size of less than 55 U.S. gallons and aggregate aboveground capacity of 1,320 U.S. gallons or less of oil and others are based on a facility's discharge history or the industry sector or activity conducted, e.g., farms, oil production, hot-mix asphalt facilities, facilities that produce or process animal fats and vegetable oil.

### **5(d) Collection Schedule**

1The SPCC rule does not require a specific information collection schedule. However, a facility owner or operator must prepare, amend, and implement an SPCC Plan before beginning operations according to the compliance deadlines in §112.3(a) and (b). New oil production facilities must prepare and implement an SPCC plan within six months after beginning operations.

The owner or operator must review the SPCC Plan once every five years to ensure that SPCC Plans reflect currently available and proven technology and techniques for preventing and controlling oil discharges.

## 6. ESTIMATING BURDEN AND COST

### 6(a) Estimating Respondent Burden

1 To estimate the respondent burden, EPA divided regulated facilities into four size categories based on their aggregate oil storage capacity and the facility type (see Exhibit 2). These size categories help to account for differences in the rule requirements and corresponding differences in the potential compliance time burden and costs incurred by facilities of different sizes.

**Exhibit 2**  
**SPCC-Regulated Facility Size Categories**

Size Category	Aggregate Capacity*
I	Non-farm facilities: 1,321 to 10,000 U.S. gallons <i>Farm facilities: 2,500** to 19,999 U.S. gallons</i>
II	Non-farm facilities: 10,001 to 42,000 U.S. gallons <i>Farm facilities: 20,000 to 42,000 U.S. gallons</i>
III	All facilities: 42,001 to 1 million U.S. gallons
IV	All facilities: greater than 1 million U.S. gallons

\* EPA included farms with aggregate capacity up to 20,000 U.S. gallons in Category I in estimating the SPCC Rule burden because these facilities are assumed to self-certify their SPCC Plan.  
\*\* This threshold is set by statute.

EPA also categorized facilities as either production (operations primarily involving oil production) or storage (all other industry groups) facilities. This reflects differences in the estimated burden of compliance activities based on the nature of the facility's operations.

Additionally, EPA categorizes facilities as either existing or new to reflect the differences in compliance activities between these two groups. For existing facilities that initiated operations prior to this ICR renewal period, EPA assumed that they have already prepared their SPCC Plans and have incurred all costs associated with initial Plan preparation and implementation. EPA assumes a portion of these facilities will incur costs to perform a five-year review, revise their SPCC Plan, submit information in the event of certain oil discharges, and maintain the Plan and keep records. New facilities will initiate operations during the ICR period and become existing facilities after their first year of operation.

For its 2008 Regulatory Impact Analysis (RIA), EPA developed a unit burden hours inventory with burden estimates for each of the SPCC rule requirements. EPA relied on those burden estimates, as well as information EPA obtained during the consultations for this renewal (see Section 3(c)) to estimate the burden of conducting compliance activities at regulated facilities for this ICR renewal.

EPA calculated the total annual burden by summing the unit burden estimates for all compliance activities undertaken by an average facility by size and industry category. The annual burden for an average facility differs for each size category based on the assumed

differences in the oil storage capacity and complexity of the facility and its operations. The estimated annual burden hours for an average respondent in each size category for existing and new facilities are presented in Exhibit 4 through Exhibit 8.

#### Total Annual Burden per Average Respondent Summary

EPA calculated the unit burden for each compliance activity performed by the average facility in estimating the per-respondent burden for existing and new facilities in each size category. These average per-facility burdens are shown in Exhibit 4 through Exhibit 8. To estimate the burden for each compliance activity performed by the average respondent facility in each size category under the rule, EPA summed the unit burden estimates for management, technical, and clerical personnel for each activity and then totaled the results to calculate an annual average burden for each size category of facility.

Existing facilities are those that have been in operation for at least one year. Their burdens include activities that occur continuously, such as recordkeeping, or once every several years, such as SPCC Plan review.<sup>8</sup> Their estimated total annual burden per facility for all information collection activities required by the SPCC rule are:

- Category I (Tier I): 3.8 hours;
- Category I: 6.5 hours;
- Category II: 11.8 hours;
- Category III: 19.5 hours; and,
- Category IV: 39.4 hours.

New facilities will initiate operations during the ICR period and become existing facilities after the first year of operation. Therefore, each year a new set of facilities would incur the burdens listed below. A typical SPCC-regulated facility would incur the burden for new facilities in Year 1 and incur the burden for existing facilities presented above in each subsequent year. Their estimated total annual burden per facility for all information collection activities required by the SPCC rule:

- Category I (Tier I): 12.7 hours;
- Category I: 51.2 hours;
- Category II: 68.7 hours;
- Category III: 121.6 hours; and,
- Category IV: 203.8 hours.

Estimated annual burdens for new facilities are higher than those for existing facilities because of the larger amount of time associated with preparing a new SPCC Plan, which could include PE certification or developing an oil spill contingency plan when necessary.

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<sup>8</sup> The cost estimates in the Exhibits present average annual burdens for each facility, e.g., the annual burden estimate for Plan review represents the total burden for Plan review divided by five.

## 6(b) 1 Estimating Respondent Costs

1 This section presents estimated respondent costs for facilities that are regulated by the SPCC rule. Plan preparation costs affect new facilities that become subject to the SPCC rule. Plan certification costs also affect new facilities unless they meet the “qualified facility” criteria. New facilities include those facilities that will initiate operations during the ICR period. EPA assumes that owners or operators of new facilities will incur the total cost of preparing a Plan and PE certification (if applicable) in their first year.

EPA assumes that one-fifth of all existing facilities will undertake a formal five-year review of their SPCC Plans annually during each year of the ICR period. In addition to Plan-related costs, owners or operators of all new and existing facilities will incur costs to prepare and maintain records.

Owners or operators of some new and existing facilities may need to submit information because of a reportable oil discharge and others may need to revise their Plan during the ICR period. For the 2002 rule ICR, based on spill data obtained from the Emergency Response Notification System database, EPA estimated that approximately 0.15 percent of all facilities would incur costs each year due to reporting requirements related to an oil discharge (see §112.4(a)).<sup>9</sup> In addition, based on conversations with EPA regional personnel involved with the SPCC program, EPA estimated that approximately 10 percent of all facilities would revise their Plan each year to address requirements at §112.5(a) or (c) or §112.4(d). EPA retained these assumptions for estimating the burden for this ICR. EPA updated the costs from the previous ICR renewal by using more recent data and adjusting the previous ICR values using either the construction cost index, the employment cost index or the GDP deflator, depending on the cost component.

Exhibit 4 through Exhibit 8 provide average cost estimates for existing and new facilities. For existing facilities, the estimates include the following activities: five-year plan review under §112.5(b); information submission in the event of certain oil discharges under §112.4(c); Plan modification under §112.5(a) and PE certifications of any technical amendment under §112.5(c); and recordkeeping. For newly regulated facilities, paperwork-related activities include SPCC Plan preparation under §112.3(a); oil spill contingency plan preparation under §112.7(d); information submission in the event of certain oil discharges under §112.4(c); Plan modification under §112.5(a) and PE certifications of any technical amendment under §112.5(c); and recordkeeping under §112.7(e).

The option to self-certify an SPCC Plan according to the requirements in §112.6 is available to qualified non-farm facilities with storage capacity of 10,000 U.S. gallons or less, and to qualified farm facilities with storage capacity of less than 20,000 U.S. gallons. EPA assumed that all new qualified facilities with storage capacity of 10,000 U.S. gallons or less (and all new farms with storage capacity of 20,000 U.S. gallons or less) would self-certify their Plan rather than hire a PE, and owners and operators of all existing qualified facilities would self-certify a technical amendment to their Plan.

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<sup>9</sup> Information Collection Request for the final rule to amend the oil pollution prevention regulation (40 CFR part 112), May 2002.

EPA assumed that owners and operators of *all* new qualified facilities, with no single aboveground container greater than 5,000 U.S. gallons, would take advantage of the reduced requirements and complete a Tier I template to serve as the facility SPCC Plan. EPA assumed that all facilities with aggregate aboveground storage capacity of 5,000 U.S. gallons or less, and half of the facilities with between 5,001 and 10,000 U.S. gallons (up to 20,000 U.S. gallons in the case of farms), have no aboveground container larger than 5,000 U.S. gallons and would therefore be eligible to use the Tier I template.

The costs presented in Exhibit 4 through Exhibit 8 represent the average costs for facilities of different sizes, accounting for the probability that certain facilities will incur those costs (e.g., five-year reviews conducted by one-fifth of existing facilities) and for the assumed overlap between federal and state requirements. Costs that facilities have a low probability of incurring (e.g., submitting information to EPA in accordance with §112.4(c)) distributed across many facilities yield only nominal per facility average costs, particularly when state overlap is taken into consideration.

The state overlap assumptions are based on research originally conducted for the 2002 SPCC rule<sup>10</sup> and are described in the regulatory impact analysis for the SPCC final rule. Each state has its own regulations regarding the storage, handling, and containment of oil. In some cases, the effort required by these state regulations and SPCC may be the same. Overall, in 2002, EPA found that approximately 5.9 percent of facilities are in states with complete overlap; 5.6 percent are in states with substantial overlap; and 5.7 percent are in states with partial overlap. EPA reviewed the assumptions in 2009 as part of the regulatory analysis for the 2009 final SPCC amendments. While the overlap percentages may have changed since 2002 because of amended state regulations and EPA's 2011 SPCC amendments, EPA is not adjusting the overlap estimates and is using these same overlap assumptions for this ICR renewal.

#### (i) Estimating Labor Costs

To estimate the per-facility costs to develop the SPCC Plan and comply with other information collection requirements for typical new and existing respondents in each facility size category, EPA multiplied unit labor estimates for management, technical, and clerical personnel by the fully loaded hourly wage rate for each labor category. EPA then added these labor costs to capital and operating and maintenance (O&M) costs.

The labor wage rates for private industry were derived from the June 2021 U.S. Department of Labor's Employer Costs for Employee Compensation.<sup>11</sup> The June 2021 wage rates include wages and salaries; benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, and legally required benefits. These wage rates reflect private industry averages estimated by the Bureau of Labor Statistics (BLS) and reflect industry averages, which may underestimate or overestimate the actual wages received by some SPCC

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<sup>10</sup> U.S. Environmental Protection Agency, "Economic Analysis for the Final Revisions to the Oil Pollution Prevention Regulation (40 CFR part 112)," May 2002.

<sup>11</sup> United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, June 2021. Available at <https://www.bls.gov/web/eccec/ecsuhst.pdf>.



regulated facility personnel. The following are the estimated hourly loaded wage rates used in this analysis:

- Management: \$76
- Technical: \$67
- Clerical: \$30.

EPA further adjusted these hourly rates to reflect overhead costs of 17 percent.<sup>12</sup>

- Management: \$89
- Technical: \$78
- Clerical: \$35.

EPA assumed these labor rates would apply to all scenarios when facilities use in-house labor to satisfy requirements, such as preparing the SPCC Plan. When required or needed, EPA assumes that a portion of facilities will contract with an outside PE firm to develop and/or certify the Plan. A small facility might be more likely to hire outside engineers because it may not have the necessary in-house expertise. However, small facilities also may not have the resources to hire outside engineers and may be in a better position to use in-house labor because the owner may be closely involved with all operations. Similar arguments can also be made for larger facilities. Therefore, EPA assumed that 50 percent of the facilities of all size categories use in-house labor and the remaining 50 percent use outside PE firm labor.

EPA assumes that the cost to a facility owner or operator to retain an outside PE firm to certify the SPCC Plan varies by the size, complexity and location of the facility; for example, a larger facility likely has a more complex SPCC Plan and Plan amendments than a smaller facility. Unless a facility meets the “qualified facility” criteria, certifying an SPCC Plan and its amendments requires a PE. The fully loaded hourly wages for PE firm labor used in this analysis are as follows:<sup>13,14</sup>

- Management: \$193
- Technical: \$155
- Drafter: \$97
- Clerical: \$72.

EPA expects some facilities will retain a PE firm to certify their SPCC Plans, along with any subsequent technical amendments that are made to the Plan. In certifying the Plan, the engineer attests to having examined the facility and determining that the Plan has been prepared in accordance with good engineering practices that satisfy the SPCC requirements (40 CFR part 112).

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<sup>12</sup> Overhead costs were computed separately from BLS data and were assumed to be an additional 17 percent of the total wage rate, which is composed of direct wages and salaries and employee benefits, as reported by BLS. Fully loaded wage rates are rounded here to nearest dollar.

<sup>13</sup> Source: SCS Engineers, a professional engineering firm adjusted with BLS wage rates for June 2021 published April 2019.

<sup>14</sup> Values updated in 2018 using United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, June 2021. Available at <https://www.bls.gov/web/ecec/ecsuphst.pdf>.

Exhibit 3 summarizes the average expected costs for facilities of different sizes for PE certification of a new Plan, as well as any subsequent amendments. The costs to certify Plan amendments are higher than for a new plan because of differences in the types of facilities and/or technical amendments that require involvement of a PE, and the relative input from facility personnel and the PE firm in preparing the plan or developing justifications for the technical amendments. Further, not all facilities retain a PE firm to certify their SPCC Plans. EPA assumes that Tier I facilities in Category I use a simplified SPCC Plan template and self-certify their Plan.

### Exhibit 3

#### Cost of PE Certification for the SPCC Plan (2021\$)<sup>1</sup>

Size Category	Facility Type	New Plan	Amendments
I	Storage	\$2,111	\$2,756
	Production	\$931	\$1,253
II	Storage	\$3,974	\$5,263
	Production	\$1,862	\$2,507
III	Storage	\$5,836	\$7,770
	Production	\$3,725	\$5,014
IV	Storage	\$8,629	\$11,631
	Production	\$5,587	\$7,521

Source: SCS Engineers adjusted with June 2021 ECI data.

<sup>1</sup>One-time compliance costs.

#### (ii) Estimating Capital and O&M Costs

EPA expects that facilities will incur capital and O&M costs to maintain the Plan and keep records (40 CFR 112.3 and 112.7(e)), and to submit required information in the event of certain discharges of oil (40 CFR 112.4). EPA assumes that most facilities will maintain files electronically and that paper file storage will be minimal and impose no significant incremental cost relative to existing business practices. In the event of certain discharges to navigable waters, the owner or operator is required to submit information to the Regional Administrator and the state agency in charge of oil pollution control activities for the area where the discharge occurs. EPA assumes that this information will be submitted electronically, at a *de minimis* cost, thus reducing facility burden.

#### Total Annual Cost per Average Respondent Summary

EPA calculated the unit cost for each compliance activity performed by the average facility in estimating the per-respondent costs for existing and new facilities in each size category. These average per-facility costs are shown in the right-hand columns of Exhibit 4 through 8. To estimate the cost for each compliance activity performed by the average respondent facility in each size category under the rule, EPA multiplied the unit burden estimates for management, technical, and clerical personnel by the hourly wage rate for each labor category and then added the result to the capital and O&M costs.

Existing facilities are those that have been in operation for longer than a year. Their costs include activities that occur continuously, such as recordkeeping, or once every several years, such as SPCC Plan review.<sup>15</sup> Their estimated total annual costs per facility for all information collection activities required by the SPCC rule are:

- Category I (Tier I): \$308
- Category I: \$1,233
- Category II: \$1,657
- Category III: \$2,866
- Category IV: \$5,287.

New facilities will initiate operations during the ICR period and become existing facilities after the first year of operation. Therefore, each year a new set of facilities would incur the costs listed below. A typical SPCC-regulated facility would incur the costs for new facilities in Year 1 and incur the costs for existing facilities presented above in each subsequent year. Their estimated total annual costs per facility for all information collection activities required by the SPCC rule:

- Category I (Tier I): \$1,010
- Category I: \$5,139
- Category II: \$9,590
- Category III: \$17,472
- Category IV: \$29,926.

Estimated annual costs for new facilities are higher than those for existing facilities because of the greater expenses associated with preparing a new SPCC Plan, which could include PE certification or developing an oil spill contingency plan when necessary.

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<sup>15</sup> The cost estimates in the Exhibits present average annual costs for each facility, e.g., the annual cost estimate for Plan review represents the total cost for Plan review divided by five.

**Exhibit 4**  
**Annual Burden and Unit Costs for All Required Information Collection Activities**  
**Average Category I Facility (Tier I)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan and Revise as Needed <sup>4</sup>	0.2	0.6	0.3	0.0	0.8	\$0	\$98
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Maintain the SPCC Plan and Keep Records	0.0	2.7	0.0	0.0	2.7	\$0	\$210
<b>TOTAL</b>	<b>0.2</b>	<b>3.3</b>	<b>0.3</b>	<b>0.0</b>	<b>3.8</b>	<b>\$0</b>	<b>\$308</b>
<b>New Facilities<sup>3</sup></b>							
Prepare an SPCC Plan	1.0	3.0	0.0	0.0	4.0	\$0	\$490
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$7
Maintain the SPCC Plan and Keep Records	0.0	3.7	0.0	0.0	3.7	\$0	286
<b>TOTAL</b>	<b>1.7</b>	<b>10.1</b>	<b>0.0</b>	<b>1.0</b>	<b>12.7</b>	<b>\$0</b>	<b>\$1,010</b>

<sup>1</sup> Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the nearest dollar.

<sup>3</sup> New facilities include those facilities that will initiate operations during the ICR period. This analysis assumes that new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

<sup>4</sup> The burden of reviewing and revising the SPCC Plan for a Tier I facility is assumed to be no more than that of preparing a new SPCC Plan using the Template and is assumed to occur once every five years.

<sup>5</sup> The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$167. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.05 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

**Exhibit 5**  
**Annual Burden and Unit Costs for All Required Information Collection Activities**  
**Average Category I Facility**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	0.4	2.8	0.0	0.4	3.5	\$0	\$397
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.3	1.8	0.3	0.2	0.0	\$0	\$626
Maintain the SPCC Plan and Keep Records	0.0	2.7	0.0	0.0	2.7	\$0	\$210
<b>TOTAL</b>	<b>0.7</b>	<b>7.3</b>	<b>0.3</b>	<b>0.6</b>	<b>6.5</b>	<b>\$0</b>	<b>\$1,233</b>
<b>New Facilities<sup>3</sup></b>							
Prepare an SPCC Plan	1.8	27.0	10.0	3.6	42.4	\$0	\$4,619
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil <sup>4</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$0	\$7
Maintain the SPCC Plan and Keep Records	0.0	3.7	0.0	0.0	3.7	\$0	\$287
<b>TOTAL</b>	<b>2.5</b>	<b>34.2</b>	<b>10.0</b>	<b>4.6</b>	<b>51.2</b>	<b>\$0</b>	<b>\$5,139</b>

<sup>1</sup> Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the nearest dollar.

<sup>3</sup> New facilities include those facilities that will initiate operations during the ICR period. This analysis assumes that new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

<sup>4</sup> The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$167. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.05 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

**Exhibit 6**  
**Annual Burden and Unit Costs for All Required Information Collection Activities**  
**Average Category II Facility**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	0.3	4.0	0.0	0.3	4.5	\$0	\$518
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.4	2.6	0.3	0.3	3.4	\$445	\$853
Maintain the SPCC Plan and Keep Records	0.0	3.7	0.0	0.0	3.7	\$0	\$285
<b>TOTAL</b>	<b>0.7</b>	<b>10.3</b>	<b>0.3</b>	<b>0.6</b>	<b>11.9</b>	<b>\$445</b>	<b>\$1,657</b>
<b>New Facilities<sup>3</sup></b>							
Prepare an SPCC Plan	2.8	38.9	15.1	5.1	61.9	\$2,457	\$9,245
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil <sup>4</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.0	0.0	0.0	0.0	0.0	\$5	\$9
Maintain the SPCC Plan and Keep Records	0.0	1.4	0.0	0.0	1.4	\$0	\$110
<b>TOTAL</b>	<b>3.5</b>	<b>43.9</b>	<b>15.2</b>	<b>6.1</b>	<b>68.7</b>	<b>\$2,462</b>	<b>\$9,590</b>

<sup>1</sup> Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the nearest dollar.

<sup>3</sup> New facilities include those facilities that will initiate operations during the ICR period. This analysis assumes that new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.<sup>4</sup> The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$167. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.05 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

**Exhibit 7**  
**Annual Burden and Unit Costs for All Required Information Collection Activities**  
**Average Category III Facility**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	0.5	7.4	0.0	0.5	8.3	\$0	\$957
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.8	4.8	0.4	0.6	6.2	\$817	\$1,562
Maintain the SPCC Plan and Keep Records	0.0	4.5	0.0	0.0	4.5	\$0	\$347
<b>TOTAL</b>	<b>1.3</b>	<b>16.6</b>	<b>0.4</b>	<b>1.1</b>	<b>19.5</b>	<b>\$817</b>	<b>\$2,866</b>
<b>New Facilities<sup>3</sup></b>							
Prepare an SPCC Plan	5.5	72.7	30.0	6.0	114.2	\$4,566	\$17,089
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil <sup>4</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.0	0.1	0.0	0.0	0.1	\$0	\$0
Maintain the SPCC Plan and Keep Records	0.0	2.0	0.0	0.0	2.0	\$0	\$156
<b>TOTAL</b>	<b>6.2</b>	<b>78.4</b>	<b>30.0</b>	<b>7.0</b>	<b>121.6</b>	<b>\$4,566</b>	<b>\$17,472</b>

<sup>1</sup> Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the nearest dollar.

<sup>3</sup> New facilities include those facilities that will initiate operations during the ICR period. This analysis assumes that new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

<sup>4</sup> The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$167. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.05 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.

**Exhibit 8**  
**Annual Burden and Unit Costs for All Required Information Collection Activities**  
**Average Category IV Facility**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	0.9	13.0	0.0	0.9	14.7	\$0	\$1,687
Submit Information in the Event of Certain Discharges of Oil <sup>5</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	1.4	8.4	0.5	1.1	10.9	\$1,444	\$2,740
Maintain the SPCC Plan and Keep Records	0.4	12.1	0.0	0.8	13.2	\$0	\$859
<b>TOTAL</b>	<b>2.7</b>	<b>33.4</b>	<b>0.5</b>	<b>2.7</b>	<b>39.4</b>	<b>\$1,444</b>	<b>\$5,287</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	10.9	126.1	40.9	13.5	191.4	\$8,115	\$29,114
Prepare a Contingency Plan	0.7	3.5	0.0	1.0	5.1	\$0	\$226
Submit Information in the Event of Certain Discharges of Oil <sup>4</sup>	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.0	0.1	0.0	0.0	0.1	\$16	\$31
Maintain the SPCC Plan and Keep Records	0.0	7.0	0.0	0.0	7.0	\$0	\$554
<b>TOTAL</b>	<b>11.5</b>	<b>136.9</b>	<b>40.8</b>	<b>14.5</b>	<b>203.8</b>	<b>\$8,132</b>	<b>\$29,926</b>

<sup>1</sup> Unit burden estimates are weighted averages, rounded to the nearest tenth of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the nearest dollar.

<sup>3</sup> New facilities include those facilities that will initiate operations during the ICR period. This analysis assumes that new facilities become existing facilities after the first year of operation. As a result, in each year of this ICR, a different set of new facilities will become operational.

<sup>4</sup> The unit burden for a facility that needs to submit information because of a discharge is estimated to be one hour of management labor and one hour of technical labor, resulting in a total unit cost of \$167. Because only 0.15 percent of all facilities are expected to meet the discharge criteria and submit information, the average unit burden is less than 0.05 hours, and is therefore indicated here as 0. However, the actual unit burden and cost estimates are used in later calculations.



### 6(c) Estimating Agency Burden and Costs

1EPA incurs costs associated with the evaluation of information submitted in accordance with 40 CFR §112.4, as well as consideration of appeals and extension requests. This section summarizes the estimated burden and cost of these activities to EPA. Burden estimates are based on input from EPA regional staff involved directly with the implementation of 40 CFR part 112. Exhibit 9 shows the total burden and labor cost to EPA. As described in section 6(b), EPA assumed that 0.15 percent of regulated facilities would submit information to EPA for review. The costs to EPA are not included in the calculation of total cost and burden hours for regulated entities because EPA is not considered a “person” as the term applies to regulated entities.

EPA labor costs are based on the January 2021 General Schedule (GS) pay schedule. EPA estimates an average hourly labor cost of \$43.79 for managerial staff (GS-13), and \$30.59 for technical staff (GS-11). EPA then multiplied hourly rates by the standard government overhead factor of 1.6, which resulted in adjusted rates of \$70.06 and \$48.95, respectively. Unit costs were calculated as unit burden estimates multiplied by the hourly labor rates for EPA personnel.

**Exhibit 9**  
**Estimated Annual Burden and Cost to EPA**

Activity	Burden Hours				Total Costs (2021)
	Management	Technical	Clerical	Total	
Plan Evaluations*	825	8,249	0	9,074	\$463,297
Review of Comments	412	412	0	825	\$49,171
Consideration of Appeals	660	0	0	660	\$46,234
<b>Total</b>	<b>1,897</b>	<b>8,661</b>	<b>0</b>	<b>10,558</b>	<b>\$558,703</b>

\*Plan evaluations are conducted as part of compliance monitoring activities.

Note: Costs may not total due to rounding; January 2021 OPM General Schedule.

### 6(d) Estimating the Respondent Universe and Total Burden and Cost

EPA estimates an annual average of 550,350 respondents for the three years of this collection. As shown in Exhibit 12, EPA estimates 550,400 respondents in 2023, 550,300 respondents in 2024, and 550,300 respondents in 2025.

11This section describes the universe of facilities subject to SPCC regulations. The SPCC rule does not include a notification requirement and, with certain exceptions, owners and operators do not submit their SPCC Plans to EPA.

EPA started from its prior estimates of the number of facilities projected to be subject to the SPCC requirements in 2016 (77 FR 74659) and adjusted the number of farm facilities that are expected to incur burden during the ICR period of 2023 through 2025. EPA adjusted the universe of farms to reflect the Water Resources Reform and Development Act (WRRDA) of 2014 and Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, which modified the applicability of the SPCC rule to farms in certain size categories. Specifically, EPA used

data from the study conducted in response to WRRDA (*Oil Storage on U.S. Farms: Risks and Opportunities for Protecting Surface Waters*)<sup>16</sup> as the basis for its estimates of the number of farm facilities with aggregate oil storage capacities between 2,500 and 6,000 U.S. gallons, between 6,000 and 20,000 U.S. gallons, and greater than 20,000 U.S. gallons. EPA distributed farms with aggregate storage capacity greater than 20,000 U.S. gallons among the size categories in proportion to the prior estimates developed for the ICR period of 2019 through 2022.

### Industry Growth Rates

To project the number of existing and new facilities regulated under the SPCC rule over the 2023 through 2025 ICR period, EPA used industry-specific growth rates for new and existing facilities.

To estimate industry-specific growth rates for existing facilities of all SPCC-related industry categories except farms and oil production, EPA used the same 2006 and 2016 U.S. Economic Census data on the number of establishments in each industry, identified by NAICS code, as in the previous ICR due to data limitations.<sup>17</sup> Where complete data did not exist for those years, EPA used 2011 and 2016 Economic Census data or the Department of Energy's Commercial Buildings Energy Consumption Survey for 2003 and 2012. EPA used an extended time period to estimate industry-specific growth rates to attempt to account for diverse economic conditions under which SPCC-regulated industries operate. To estimate annual growth rates for agricultural establishments, EPA used data reported by the U.S. Department of Agriculture Census of Agriculture on the number of farms in the United States from 2007 and 2017.

EPA estimated the growth rates for new facilities using 2006 through 2016 Business Employment Dynamics (BDS) data from the BLS.<sup>18</sup> EPA matched nine BDS sectors with SPCC industry classifications (Exhibit 10), and averaged annual rate of entry data over 10 years. The BDS classifies establishments that change hands as new establishments, but these establishments would not be expected to develop a new SPCC Plan. Instead, a new owner may amend the existing Plan. EPA assumed that 25 percent of the new establishments projected using the BDS rates would need to develop a new SPCC Plan and 75 percent would amend the existing Plan for the facility.

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<sup>16</sup> The study is available at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-storage-us-farms-risks-and-opportunities>.

<sup>17</sup> In the 2016 Economic Census, the U.S. Census Bureau did not include establishment numbers for NAICS code 482. This was left out of the industry growth rate calculations. The Economic Census is a 5-year census. More recent data for the same series were not available at the time this analysis was conducted.

<sup>18</sup> Previous analyses relied on the D&B Market Spectrum database (2005).

**Exhibit 10**  
**Mapping of SPCC Industry Categories to BDS Sectors**

Industry Category	NAICS Code(s)	BDS Sector
1Oil and Gas Extraction	211111	Manufacturing
Farms	111, 112	Agricultural Services, Forestry, and Fishing
Electric Utility Plants	2211	Transportation and Public Utilities
Petroleum Refining and Related Industries	324	Manufacturing
Chemical Manufacturing	325	Manufacturing
Food Manufacturing	311, 312	Manufacturing
Manufacturing Facilities Using and Storing Animal Fats and Vegetable Oils	311, 325	Manufacturing
Metal Manufacturing	331, 332	Manufacturing
Other Manufacturing	31-33	Manufacturing
Real Estate Rental and Leasing	531-533	Finance, Insurance, and Real Estate
Retail Trade	441-446, 448, 451-454	Retail Trade
Contract Construction	23	Construction
Wholesale Trade	42	Wholesale Trade
Other Commercial	492, 541, 561, 562	Services
Transportation	481, 483-488	Transportation and Public Utilities
Arts Entertainment & Recreation	711-713	Retail Trade
Other Services (Except Public Administration)	811-813	Services
Education	61	Services
1Petroleum Bulk Stations and Terminals	4247	Wholesale Trade
Hospitals & Other Health Care	621,622	Services
Accommodation and Food Services	721, 722	Retail Trade
Fuel Oil Dealers	45431	Wholesale Trade
Gasoline Stations	4471	Services
Information Finance and Insurance	51, 52	Finance, Insurance, and Real Estate
Mining	212	Mining
Warehousing and Storage	493	Services
Pipelines	4861, 48691	Manufacturing
Government	92	Services
Military Installations	928110	Services
Religious Organizations	813110	Services

In total, EPA estimated that nearly will be regulated by the SPCC rule in 2023. Oil production facilities (44 percent), electric utilities (12 percent), real estate rental and leasing (6 percent), and farms (4 percent), account for the majority of SPCC-regulated facilities. Petroleum bulk stations and terminals comprise one percent of SPCC-regulated facilities.

1Exhibits 11 and 12 present the estimated number of existing and new SPCC-regulated facilities that are expected to incur a burden associated with the final amendments to the SPCC rule. The count of facilities includes facilities owned or operated by private entities, facilities owned or operated by state or local governments, and facilities owned or operated by the Federal government. Exhibit 11 presents the number of facilities by facility type – storage and production facilities – for the first year of the ICR renewal period, 2023. Exhibit 12 presents the number of facilities for the entire analysis period, 2023 through 2025.

**Exhibit 11**  
**Number of Existing and New Facilities**  
**(First Year of ICR: 2023)**

Facility Type		Category I (1,320- 10,000 U.S. gallons)*	Category II (10,001- 42,000 U.S. gallons)	Category III (42,001 to 1 million U.S. gallons)	Category IV (>1 million U.S. gallons)	Total
<b>Existing</b>	Storage	189,000	77,800	35,200	2,877	304,900
	Production	28,900	155,600	40,900	401	225,800
	<b>Total</b>	217,900	233,400	76,100	3,278	530,700
<b>New</b>	Storage	5,734	2,697	1,203	90	9,724
	Production	1,279	6,892	1,812	18	10,000
	<b>Total</b>	7,013	9,588	3,015	107	19,700
<b>Total</b>		<b>224,900</b>	<b>243,000</b>	<b>79,100</b>	<b>3,385</b>	<b>550,400</b>

Note: values may not total due to rounding.

\* Category I includes farms with aggregate oil storage capacity up to 19,999 U.S. gallons.

**Exhibit 12**  
**Number of Existing and New Facilities**  
**(ICR Period: 2023 – 2025)**

Facility Type/ Year		Category I (1,320-10,000 U.S. gallons)*		Category II (10,001- 42,000 U.S. gallons)	Category III (42,001 to 1 million U.S. gallons)	Category IV (>1 million U.S. gallons)	Total
		Tier I	All Others				
<b>Existing</b>	Year 1 – 2023	122,500	95,400	233,400	76,100	3,278	530,700
	Year 2 – 2024	122,800	95,300	232,800	76,000	3,272	530,200
	Year 3 – 2025	123,200	95,200	232,300	75,800	3,266	529,800
<b>New</b>	Year 1 – 2023	3,930	3,083	9,588	3,015	107	19,700
	Year 2 – 2024	4,027	3,152	9,767	3,074	110	20,100
	Year 3 – 2025	4,126	3,224	9,950	3,135	113	20,500
<b>Total</b>	Year 1 – 2023	126,400	98,500	243,000	79,100	3,385	550,400
	Year 2 – 2024	126,900	98,500	242,600	79,000	3,382	550,300
	Year 3 – 2025	127,300	98,400	242,200	79,000	3,379	550,300

Note: values may not total due to rounding.

\* Category I includes farms with aggregate oil storage capacity up to 19,999 U.S. gallons.

## **6(e) Bottom Line Burden Hours and Cost Tables**

- (i) Respondent Tally
- (ii) The Agency Tally
- (iii) Variations in the Annual Bottom Line

1The total burden hours are estimated as the average per-facility burden multiplied by the number of affected facilities. Similarly, the total cost for all respondents is estimated by multiplying the number of facilities in each size category by the unit costs for each compliance activity. The total annual burden and costs for all respondents in each category are presented in Exhibits13 through 18 for each facility size. The annual average total burden is estimated at 6.6 million hours; the annual average total cost is estimated at \$896 million.

**Exhibit 13**  
**Total Annual Burden and Costs for**  
**Average Category I Facilities (Tier I)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan and Revise as Needed <sup>3</sup>	34,100	101,000	44,300	-	179,400	\$0	\$16,712,000
Submit Information in the Event of Certain Discharges of Oil	256	256	-	-	511	\$0	\$42,600
Maintain the SPCC Plan and Keep Records	-	460,200	-	-	460,200	\$0	\$35,808,000
<b>TOTAL</b>	<b>34,400</b>	<b>561,400</b>	<b>44,300</b>	<b>-</b>	<b>640,100</b>	<b>\$0</b>	<b>\$52,563,000</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	5,604	16,600	-	-	22,200	\$0	\$2,747,000
Prepare a Contingency Plan	3,655	19,400	-	5,365	28,400	\$0	\$1,269,000
Submit Information in the Event of Certain Discharges of Oil	8	8	-	-	17	\$0	\$1,402
Revise the SPCC Plan	20	118	17	16	153	\$0	\$40,400
Maintain the SPCC Plan and Keep Records	-	20,600	-	-	20,600	\$0	\$1,604,000
<b>TOTAL</b>	<b>9,287</b>	<b>56,700</b>	<b>17</b>	<b>5,381</b>	<b>71,400</b>	<b>\$0</b>	<b>\$5,662,000</b>

<sup>1</sup> Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the three significant figures.

<sup>3</sup> The burden of reviewing and revising the SPCC Plan for a Tier I facility is assumed to be no more than that of preparing a new SPCC Plan using the Template and is assumed to be incurred once every five years.

**Exhibit 14**

**Total Annual Burden and Costs for All Other Facilities**

**Average Category I Facilities (Includes Private, State and Local Government, and Federal Government)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	17,200	133,500	-	17,200	167,900	\$0	\$18,907,000
Submit Information in the Event of Certain Discharges of Oil	71	71	-	-	143	\$0	\$11,900
Revise the SPCC Plan	14,500	86,800	12,400	11,600	124,100	\$0	\$29,820,000
Maintain the SPCC Plan and Keep Records	-	128,600	-	-	128,600	\$0	\$10,004,000
<b>TOTAL</b>	<b>31,700</b>	<b>349,000</b>	<b>12,400</b>	<b>28,700</b>	<b>296,600</b>	<b>\$0</b>	<b>\$58,744,000</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	2,843	42,600	15,800	5,732	67,000	\$0	\$7,279,000
Prepare a Contingency Plan	1,028	5,458	-	1,509	7,995	\$0	\$357,000
Submit Information in the Event of Certain Discharges of Oil	2	2	-	-	5	\$0	\$394
Revise the SPCC Plan	6	33	5	4	48	\$0	\$11,400
Maintain the SPCC Plan and Keep Records	-	5,804	-	-	5,804	\$0	\$452,000
<b>TOTAL</b>	<b>3,879</b>	<b>53,900</b>	<b>15,800</b>	<b>7,246</b>	<b>80,800</b>	<b>\$0</b>	<b>\$8,099,000</b>

<sup>1</sup> Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the three significant figures.

**Exhibit 15**

**Total Annual Burden and Costs for All Facilities**

**Average Category II Facilities (Includes Private, State and Local Government, and Federal Government)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	62,100	931,300	-	62,100	1,055,500	\$0	\$120,626,000
Submit Information in the Event of Certain Discharges of Oil	349	349	-	-	698	\$0	\$58,200
Revise the SPCC Plan	100,900	605,400	60,500	80,700	787,000	\$103,688,000	\$189,650
Maintain the SPCC Plan and Keep Records	-	853,800	-	-	853,800	\$0	\$66,436,000
<b>TOTAL</b>	<b>163,300</b>	<b>2,390,800</b>	<b>60,500</b>	<b>142,800</b>	<b>2,757,500</b>	<b>\$103,688,000</b>	<b>\$385,711,000</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	27,400	381,200	148,100	50,100	606,800	\$23,992,000	\$90,285,000
Prepare a Contingency Plan	6,371	33,800	-	9,352	49,500	\$0	\$2,212,000
Submit Information in the Event of Certain Discharges of Oil	15	15	-	-	29	\$0	\$2,444
Revise the SPCC Plan	47	281	29	38	395	\$48,100	\$92,300
Maintain the SPCC Plan and Keep Records	-	13,700	-	-	13,700	\$0	\$1,069,000
<b>TOTAL</b>	<b>33,800</b>	<b>429,100</b>	<b>148,100</b>	<b>59,500</b>	<b>670,500</b>	<b>\$24,040,000</b>	<b>\$93,660,000</b>

<sup>1</sup> Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the three significant figures.



**Exhibit 16**  
**Total Annual Burden and Costs for All Facilities**  
**Average Category III Facilities (Includes Private, State and Local Government, and Federal Government)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	37,400	561,100	-	37,400	635,900	\$0	\$72,677,000
Submit Information in the Event of Certain Discharges of Oil	114	114	-	-	228	\$0	\$19,000
Revise the SPCC Plan	60,800	364,700	29,600	48,600	474,200	\$62,095,000	\$118,648,000
Maintain the SPCC Plan and Keep Records	-	339,000	-	-	339,000	\$0	\$26,377,000
<b>TOTAL</b>	<b>98,300</b>	<b>1,264,900</b>	<b>29,600</b>	<b>86,000</b>	<b>1,478,900</b>	<b>\$62,095,000</b>	<b>\$217,720,000</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	17,100	224,300	92,200	18,400	352,000	\$14,043,000	\$52,518,000
Prepare a Contingency Plan	2,005	10,600	-	2,944	15,600	\$0	\$696,000
Submit Information in the Event of Certain Discharges of Oil	5	5	-	-	9	\$0	\$769
Revise the SPCC Plan	28	166	14	22	229	\$59	\$0
Maintain the SPCC Plan and Keep Records	-	6,135	-	-	6,135	\$0	\$477,000
<b>TOTAL</b>	<b>19,100</b>	<b>241,200</b>	<b>92,300</b>	<b>21,400</b>	<b>374,000</b>	<b>\$14,043,000</b>	<b>\$53,693,000</b>

<sup>1</sup> Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the three significant figures.

**Exhibit 17**

**Total Annual Burden and Costs for All Facilities**

**Average Category IV Facilities (Includes Private, State and Local Government, and Federal Government)**

Activity	Annual Burden Hours <sup>1</sup>				Total Burden Hours	PE Costs (2021\$)	Annual Costs (2021\$) <sup>2</sup>
	Management	Technical	Drafter	Clerical			
<b>Existing Facilities</b>							
Review the SPCC Plan	2,825	42,700	-	2,825	48,300	\$0	\$5,521,000
Submit Information in the Event of Certain Discharges of Oil	5	5	-	-	10	\$0	\$818
Revise the SPCC Plan	4,684	27,500	1,700	3,672	35,900	\$4,734,000	\$8,966,000
Maintain the SPCC Plan and Keep Records	1,200	38,800	-	2,401	42,400	\$0	\$2,810,000
<b>TOTAL</b>	<b>8,714</b>	<b>109,000</b>	<b>1,700</b>	<b>8,897</b>	<b>126,600</b>	<b>\$4,734,000</b>	<b>\$17,298,000</b>
<b>New Facilities</b>							
Prepare an SPCC Plan	1,198	13,900	4,489	1,494	21,100	\$894,000	\$3,198,000
Prepare a Contingency Plan	72	381	-	105	558	\$0	\$24,900
Submit Information in the Event of Certain Discharges of Oil	0	0	-	-	0	\$0	\$28
Revise the SPCC Plan	2	11	1	1	14	\$1,805	\$3,357
Maintain the SPCC Plan and Keep Records	-	780	-	-	780	\$0	\$60,700
<b>TOTAL</b>	<b>1,272</b>	<b>15,100</b>	<b>4,490</b>	<b>1,601</b>	<b>22,400</b>	<b>\$895,000</b>	<b>\$3,287,000</b>

<sup>1</sup> Unit burden estimates are estimated totals, rounded to the nearest three significant figures of an hour, based on the distribution of storage and production facilities and the number of facilities estimated to perform each activity during the one-year period. The numbers in this exhibit may not add precisely due to rounding.

<sup>2</sup> Annual costs are rounded to the three significant figures.

The total estimated burden hours and costs incurred by all new and existing facilities are summarized in Exhibit 18. The exhibit shows the burden and cost components for each year of this ICR, along with three-year total and annual costs.

**Exhibit 18**  
**Estimated Total Burden and Costs for Facilities**  
**(Includes Private, State and Local Government, and Federal Government)**

Year	Total Burden (million hours)	Total Cost (2021\$, millions)		
		Labor	O&M	Total
First	6.6	\$686	\$208	\$895
Second	6.6	\$687	\$209	\$896
Third	6.7	\$688	\$209	\$898
<b>Three-Year Total</b>	<b>19.9</b>	<b>\$2,061</b>	<b>\$626</b>	<b>\$2,689</b>
<b>Annual</b>	<b>6.6</b>	<b>\$687</b>	<b>\$209</b>	<b>\$896</b>

**6(f) Reasons for the Change in Burden**

1Differences in burden and costs from the previous ICR are attributed to adjustments for wage rates and the projected universe of facilities over the covered period 2023 through 2025. Adjustments capture updates to the number of affected facilities and wages.

Exhibit 19 presents the annual burden hours and costs. In total, the burden hours presented in this ICR have increased relative to the currently approved OMB inventory. The new burden estimate shows a net annual increase of approximately 335,200 hours (five percent increase from the current inventory) due to both the addition of drafter hours in SPCC plan revisions and changes in the universe of regulated facilities after accounting for changes in the numbers and types of existing and newly regulated facilities in the new ICR period. Overall, the universe of regulated facilities is estimated to be less than one percent lower on average during the three years covered by this ICR renewal than the current universe (550,400 respondents vs. 550,700 respondents). However, a slightly higher proportion of this universe consists of regulated facilities with a relatively greater unit burden, including a greater number of new facilities across all categories.

Annual O&M costs are estimated to increase by approximately \$7,722,000 (four percent) in nominal terms relative to the estimate in the expiring ICR. These increases are due to higher labor, capital and O&M unit costs due to inflation.

**Exhibit 19**  
**Total Estimated Annual Burden Hours and Annualized Costs Comparison**  
**(Includes Private, State and Local Government, and Federal Government)**

	Annual Burden Hours	O&M Costs (2021\$,1,000s)
Current OMB Inventory Burden	6,309,523	\$201,002
Change in Burden	335,211	\$7,722
SPCC Final Rule Collection Burden	6,644,734	\$208,724

<sup>1</sup>Currently approved cost are presented in \$2018.

The exhibits below present the change in burden (hours and costs) for private and state and local government facilities compared to the burden estimates currently approved by OMB. Exhibit 20 shows the change in burden for all facilities, except for facilities owned or operated by the federal government. Private facilities are broken out separately in Exhibit 21, and State and Local Government facilities, in Exhibit 22.

**Exhibit 20**  
**Total Estimated Annual Burden and Costs Comparison: All Respondent Facilities**  
**Except for Federal Facilities**

	Total Requested	Currently Approved	Change Due to EPA Discretion	Due to EPA Estimate
Annual Responses	549,362	549,785	0	-423
Annual Hour Burden	6,625,194	6,309,523	0	315,671
Annual Cost Burden (Capital/Startup and O&M costs)	\$208,724,033	\$201,002,128	\$0	\$7,721,905

<sup>1</sup>Annual Responses and Annual Hour Burden values in the column, Due to EPA Estimate, do not equal the sums of these values in Exhibits 21 and 22 for private facilities and state and local government facilities, respectively because the Currently Approved values are rounded while Total Requested values are not. This creates a small discrepancy when the private and state and local government figures are summed, and the total is compared to the All Respondent Facilities totals in Exhibit 20.

<sup>2</sup>Currently approved cost are presented in \$2018.

**Exhibit 21**  
**Total Estimated Annual Burden and Costs Comparison: Private Facilities**

	Total Requested	Currently Approved	Change Due to EPA Discretion	Due to EPA Estimate
Annual Responses	548,749	549,218	0	-469
Annual Hour Burden	6,621,999	6,306,549	0	315,450
Annual Cost Burden (Capital/Startup and O&M costs)	\$208,724,033	\$201,002,128	\$0	\$7,721,905

<sup>1</sup> Annual Responses and Annual Hour Burden values in the column, Due to EPA Estimates, do not equal the sums of these figures in Exhibits 21 and 22 for private facilities and state and local government facilities, respectively, because the Currently Approved values are rounded while Total Requested values are not. This creates a small discrepancy when the private and state and local government figures are summed, and the total is compared to the All Respondent Facilities totals in Exhibit 20.

<sup>2</sup>Currently approved cost are presented in \$2018.

**Exhibit 22**  
**Total Estimated Annual Burden and Costs Comparison:**  
**State and Local Government Facilities**

	<b>Total Requested</b>	<b>Currently Approved</b>	<b>Change Due to EPA Discretion</b>	<b>Due to EPA Estimate</b>
Annual Responses	612	566	0	46 <sup>1</sup>
Annual Hour Burden	3,195	2,974	0	221 <sup>1</sup>
Annual Cost Burden (Capital/Startup and O&M costs)	\$0	0	\$0	\$0

<sup>1</sup> Annual Responses and Annual Hour Burden values in the column, Due to EPA Estimates, do not equal the sums of these figures in Exhibits 21 and 22 for private facilities and state and local government facilities, respectively, because the Currently Approved values are rounded while Total Requested values are not. This creates a small discrepancy when the private and state and local government figures are summed, and the total is compared to the All Respondent Facilities totals in Exhibit 20.

**Annual Respondent Burden**

	<b>Respondents</b>	<b>Hours</b>	<b>O&amp;M</b>
Private	548,749	6,621,999	\$208,724,033
State/Local	612	3,195	\$0
<b>Total</b>	<b>549,362</b>	<b>6,625,194</b>	<b>\$208,724,033</b>

Total estimated private and state and local government respondent annual cost (including labor) for this collection is \$893,604,697.

**6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is approximately 12 hours per response. For newly regulated facilities, it is estimated to range from 13 to 204 hours per facility, with an average burden of approximately 57 hours per response. The annual public reporting and recordkeeping burden for facilities already regulated by the rule is estimated to range from 4 to 39 hours, with an average burden of approximately 10 hours.

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 chapter 15 of 48 CFR.

To comment on EPA'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-2007-0584, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit

or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, comments can be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPA-2007-0584 and OMB Control Number 2050-0021 in any correspondence.

## APPENDIX A

### SPCC ICR Consultation Script

Hello [PE contact name], my name is [contractor name], and I work for ICF. We are a contractor for the U.S. Environmental Protection Agency. Every three years, EPA updates its estimates for paperwork-related burden for implementing the Spill Prevention Control and Countermeasure (SPCC) regulation. Your responses will help EPA determine reasonable burden hours required for completing SPCC paperwork. Note that the questions relate specifically to the administrative or paperwork-related activities associated with SPCC compliance, such as Plan preparation, certification, recordkeeping, and reporting, not capital or O&M costs associated with equipment or installations.

We estimate that this interview should take no more than 15 minutes and we greatly appreciate your willingness to provide insight based on your experience.

First, I will ask some general background questions to understand your experience developing SPCC Plans.

1. Our understanding based on our research is that your firm provides engineering or technical support to facilities subject to SPCC regulation, including support in preparing SPCC Plans. Is that correct?

[If **NO**, then thank them for their time and end the call.]

2. What is your position at [PE firm name]?

3. Would it be helpful to be reminded of what the SPCC regulation is?

[If **YES**, then provide the following information:

The regulation establishes spill prevention procedures, methods, and equipment requirements for non-transportation-related onshore and offshore facilities with oil storage capacity greater than certain thresholds and meeting other criteria. Regulated facilities are those which, because of their location, could reasonably be expected to discharge oil in quantities that may be harmful into the navigable waters of the United States or adjoining shorelines.]

4. Approximately how many SPCC Plans have you worked on over the last five years [or another period (annually) if needed to provide an estimate]? This would include SPCC Plans that you have developed and/or certified.
5. Can you describe the types of facilities for which you develop or certify SPCC Plans? For example, are the Plans for small or large facilities? For oil storage and distribution facilities, oil production facilities, manufacturing facilities, or farms?
6. How does your firm price its SPCC Plan development or certification services? By time and materials (T&M), fixed price, or another pricing structure?



We provided you with written questions in advance of this phone call with estimates of the labor hours required to complete SPCC-related tasks. It would be helpful for you to refer to it as I go over my next set of questions. Do you have the questions in front of you?

**[Pause to confirm]**

EPA estimated hours required to complete certain SPCC-related tasks. These hours vary by whether the facility is a storage or production facility, and which of EPA's four size categories the facilities fall under. For reference, the definitions of each size category are provided in Table 1. I will be asking you questions that seek to assess whether these estimates are reasonable. We understand that this assessment is based on your personal experience and that facility-specific factors may result in different values, but please do your best to think about an "average" facility you have worked with.

**Table 1: SPCC-Regulated Facility Size Categories**

<b>Size Category</b>	<b>Aggregate Capacity</b>
I	Non-farm facilities: 1,321 to 10,000 gallons <i>Farm facilities: 2,501<sup>1</sup> to 19,999 gallons</i>
II	Non-farm facilities: 10,001 to 42,000 gallons <i>Farm facilities: 20,000 to 42,000 gallons</i>
III	All facilities: 42,001 to 1 million gallons
IV	All facilities: greater than 1 million gallons

<sup>1</sup>Note that the correct threshold is 2,500 gallons, not 2,501 gallons, which was included in the Consultation Script in error. However, EPA does not believe that this error had any material effect on the responses to the consultation questions.

**[If PE firm indicated in Question 5 that they provide services to storage facilities, ask questions 7a.-7k.. If PE firm indicated that they serve production facilities, ask questions 8a.-8k.. If PE firm serves both, ask questions 7a.-7k. and 8a.-8k..]**

**7. [For STORAGE facilities:]**

**7a.** Have you ever prepared a new Plan for a new facility? Note that preparing the Plan does not include certifying the Plan if you charge for certification separately.

**[IF YES**, continue on to question 7b.. **IF NO**, then skip to question 7d..]

**7b.** Approximately how many total hours are required to prepare a new Plan for each size category?

**7c.** In the questions we provided you, there is a table with estimated average values of labor hours required to prepare a new Plan for a new facility. These values are in Table 2. They

include only the number of hours required to prepare the Plan, not to certify the Plan. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 2: Hours for preparation of new SPCC Plan for new facilities**

		Management	Technical	Drafter	Clerical	Total
<b>Storage</b> <b>e</b>	Category I	2	30	12	4	48
	Category II	4	60	24	8	96
	Category III	7	90	30	12	139
	Category IV	12	135	40	20	207

**7d.** Have you done technical amendments to an existing SPCC Plan, for example to incorporate a material change in facility design, construction, operations or maintenance that alters the potential for an oil spill? Note that amending the Plan does not include certifying the Plan if you charge for certification separately.

[**IF YES**, continue on to question 7e.. **IF NO**, then skip to question 7g..]

**7e.** Approximately how many total hours are required to amend an existing Plan for each size category?

**7f.** I will next ask about the number of labor hours required for amending an existing SPCC Plan. Please refer to Table 3. These values include only the number of hours for amending the Plan, not to certify the Plan. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 3: Hours for Plan amendment for new and existing facilities**

		Management	Technical	Drafter	Clerical	Total
<b>Storage</b>	Category I	3	15	-	2	20
	Category II	5	30	-	4	39
	Category III	7.5	45	-	6	59
	Category IV	11.5	67.5	-	9	88

**7g.** Have you ever prepared a five-year review of an existing Plan?

[**IF YES**, continue on to question 7h.. **IF NO**, then skip to question 7j..]

7h. Approximately how many total hours are required to conduct a five-year review for each size category?

7i. Next I will ask about number of labor hours required for a five-year review for existing Plans. Please refer to Table 4. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 4: Hours for five-year review for existing Plan**

		Management	Technical	Drafter	Clerical	Total
<b>Storage</b>	Category I	2	15	-	2	19
	Category II	2	30	-	2	34
	Category III	3	45	-	3	51
	Category IV	5	68	-	4.5	77

7j. Have you ever developed a SPCC facility diagram as part of developing, certifying, or reviewing a Plan?

[IF YES, continue on to question 7k.. IF NO, then this is the end of the questions related to storage facilities.]

7k. Finally, for the last question about storage facilities, please refer to Table 5 for the number of average hours required to complete a SPCC facility diagram. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 5: Hours for creating facility diagram**

		Annual Hours Burden				
		Management	Technical	Drafter	Clerical	Total
<b>Storage</b>	Category I	0.5	4	12	-	17
	Category II	1	8	24	-	33
	Category III	2	12	30	-	44
	Category IV	3	18	40	-	

**8. [For PRODUCTION facilities:]**

**8a.** Have you prepared a new Plan for a new production facility? Note that preparing the Plan does not include certifying the Plan if you charge for certification separately.

[**IF YES**, continue on to question 8c.. **IF NO**, then skip to question 8d..]

**8b.** Approximately how many total hours are required to prepare a new Plan for each size category?

**8c.** In the questions we provided you, there is a table with estimated average values of labor hours required to prepare a new Plan for a new facility. These values are in Table 6. They include only the number of hours required to prepare the Plan, not to certify the Plan. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 6: Hours for preparation of new Plan for new facilities**

		<b>Management</b>	<b>Technical</b>	<b>Drafter</b>	<b>Clerical</b>	<b>Total</b>
<b>Production</b>	Category I	1	16	7.5	2	27
	Category II	3	32	15	4	54
	Category III	5	64	30	8	107
	Category IV	8	96	45	12	161

**8d.** Have you done technical amendments to an existing SPCC Plan, for example to incorporate a material change in facility design, construction, operations or maintenance that alters the potential for an oil spill? Note that amending the Plan does not include certifying the Plan if you charge for certification separately.

[**IF YES**, continue on to question 8e.. **IF NO**, then skip to question 8g..]

**8e.** Approximately how many total hours are required to amend an existing Plan for each size category?

**8f.** I will next ask about the number of labor hours required for amending an existing SPCC Plan. Please refer to Table 7. These values include only the number of hours for amending the Plan, not to certify the Plan. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 7: Hours for Plan amendment for new and existing facilities**

		Management	Technical	Drafter	Clerical	Total
Production	Category I	1.25	7.5	-	1	10
	Category II	2.5	15	-	2	20
	Category III	5	30	-	4	39
	Category IV	8	45	-	6	59

**8g.** Have you ever prepared a five-year review of an existing Plan?

[IF YES, continue on to question 8h.. IF NO, then skip to question 8i..]

**8h.** Approximately how many total hours are required to prepare a five-year review for each size category?

**8i.** Next I will ask about number of labor hours required for a five-year review for existing Plans. Please refer to Table 8. Please take a look at the values and let me know if these estimates are reasonable. If not, please let me know the number of hours that you think are reasonable. If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 8: Hours for five-year review for existing facilities**

		Management	Technical	Drafter	Clerical	Total
Production	Category I	0.5	7.5	-	0.5	9
	Category II	1	15	-	1	17
	Category III	2	30	-	2	34
	Category IV	3	45	-	3	51

**8j.** Have you ever created a SPCC facility diagram as part of developing, certifying, or reviewing a Plan?

[IF YES, continue on to question 8k.. IF NO, then this is the end of the survey.]

**8k.** Finally, for the last question about production facilities, please refer to Table 9 for the number of average hours required to complete a SPCC facility diagram. Please take a look at the values and let me know if these estimates are reasonable. If not, can you tell me the number of hours that you think are reasonable? If you are unsure, do you think the total provided is reasonable? What about the distribution among staff of different levels? Which numbers do you think should be higher or lower?

**Table 9: Hours for creating facility diagram**

		<u>Annual Hours Burden</u>				
		<b>Management</b>	<b>Technical</b>	<b>Drafter</b>	<b>Clerical</b>	<b>Total</b>
<b>Production</b>	Category I	0.5	3	8	-	11
	Category II	1	6	15	-	22
	Category III	2	12	30	-	44
	Category IV	3	18	45	-	66