

1SPILL 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. 0328.17, OMB No. 2050-0021)

1(b) Short Characterization

1The 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 into or upon the navigable waters of the United States or adjoining shorelines that affect certain natural resources.

Owners and operators of regulated facilities must prepare SPCC Plans in accordance with good engineering practices and have them 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 installed to prevent a spill from reaching navigable waters or adjoining shorelines; and (3) countermeasures to contain, clean up, and mitigate the effects of an oil discharge that could reach navigable waters. Each SPCC Plan, while unique to the facility it covers, must include certain standard elements to ensure compliance with the regulations.

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

This supporting statement estimates paperwork-related burden for the ICR period, which covers three years: July 1 – December 31, 2016, 2017, 2018, and January 1 – June 30, 2019. The U.S. Environmental Protection Agency (EPA) estimates that approximately 540,000 facilities will be covered by the SPCC regulations in 2017 and may incur paperwork-related burden in the first year of this ICR.¹ EPA estimates a total reporting and recordkeeping burden for all regulated facilities at approximately 6.2 million hours in each year of this ICR.

EPA expects that the paperwork burden may change over the three-year covered period due to a potential rulemaking prompted by the Water Resources Reform and Development Act (WRRDA) of 2014 (Pub .L. 113-121). EPA will submit a revised burden estimate as needed to reflect the changes in regulatory requirements.

¹ While new facilities will incur significant paperwork-related burden by taking certain actions in the first year of the ICR (e.g., new facilities will prepare an SPCC Plan), existing facilities may not need to take any action except for maintaining 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, 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.² 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).³ By this same Executive Order, the President delegated authority over transportation-related onshore facilities, deepwater ports, and vessels to the U.S. Department of Transportation (DOT) 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-related facilities and transportation-related facilities.

The Oil Pollution Prevention regulation, 40 CFR Part 112, outlines requirements for preventing, preparing, and responding to oil 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, most recently in April 2011 (76 FR 21652). The regulation establishes spill prevention procedures, methods, and equipment requirements for non-transportation-related onshore and offshore facilities with aboveground oil storage capacity or completely buried underground oil storage capacity greater than certain thresholds and meeting other criteria (see §112.1). Regulated facilities are limited to those that, 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.

2(b) Practical Utility/Users of the Data

EPA does not routinely collect SPCC Plans or related records from SPCC-regulated facilities. 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. Therefore, the primary user of the data is the facility owner or operator. For example:

- Accumulating 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;

² 33 U.S.C. 1321(j)(1)(C).

³ 56 FR 54757 (October 22, 1991), superseding Executive Order 11735, 38 FR 21243.

- Having the required information in a single document promotes 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 standards that reduce the likelihood of an oil discharge;
- Keeping inspection records promotes important maintenance, facilitates leak detection, and demonstrates compliance with the SPCC requirements; and
- Reviewing the Plan periodically ensures the implementation of more effective spill prevention control technology as it becomes available and is demonstrated to be effective.

Although facility personnel are the primary users of the data, EPA may use the data in certain situations. EPA's primary use of the data contained in an SPCC Plan is through inspection to ensure that a facility is in full compliance with all elements of the SPCC rule, including design and operation specifications and inspection requirements. For example, EPA reviews SPCC Plans as part of its inspection program. However, inspection-related activities are not covered by this ICR. A Regional Administrator may require a facility owner or operator to amend an SPCC Plan if he/she finds that the facility has not met the requirements of the regulation, or if amendment of the Plan is necessary to prevent and contain discharges of oil.

State and local governments are also users of the data. The information provided in SPCC Plans (e.g., facility configuration and potential risks) is not necessarily available elsewhere and assists local emergency preparedness planning efforts. The Plan should be compatible and coordinated with local emergency plans, including those developed under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499). Coordination with state governments is facilitated by the provision in §112.4(c) requiring that, after certain discharges, information on the discharge 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.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

1For some facilities, certain requirements of the Oil Pollution Prevention regulation could be the same or substantially similar to regulations addressing underground storage tanks (USTs). The SPCC rule addresses this overlap 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.

The regulation allows considerable flexibility in Plan preparation and recordkeeping. The regulation allows the use of alternative, appropriately cross-referenced formats based on other state or other federal requirements. Flexibility is also provided for facility recordkeeping practices, as records required pursuant to the National Pollutant Discharge Elimination System (NPDES) program and API Standards may satisfy certain SPCC recordkeeping requirements.

Records kept under 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 has notified the public of the renewal of this ICR through the Federal Register on January 13, 2016 (81 FR 1625). One comment was submitted. The commenter indicated that the signature date was incorrect.

Response to Comment

EPA agrees with the comment. The first notice indicated a signature date of December 23, 2105. However, the document was actually signed on December 23, 2015. The original paper signature page has the correct signature date, so this was a typographical error.

3(c) Consultations

1As part of previous efforts to estimate the per-facility compliance cost with the SPCC paperwork requirements, EPA had contacted affected facilities and PE firms or associations that provide PE services directly to or represent regulated facilities about EPA's SPCC burden assumptions and estimates (see 77 FR 74659). The contacts confirmed that EPA's hour burden estimates were reasonable. For this renewal, the following individuals were consulted:

Brian Klingler; Conoco Engineers, Scientists, and Surveyors; (508) 697-3191

Kelly Lamkin; Lamkin Production Company; (870) 947-0415

Warner T. Smith, PE; Warner T. Smith Associates, Inc.; (870) 725-2550

Timothy Laughlin, PE; North Carolina Petroleum and Convenience Marketers Association; (919) 782-4411

3(d) Effects of Less Frequent Collection

1The SPCC rule requires the development and maintenance of SPCC Plans. EPA does not require the owners and operators of facilities to submit these Plans to EPA. The Plan must be available to the Regional Administrator (RA) (or an inspector) for onsite review during normal business hours. Section 112.4(a) requires that owners and operators submit certain critical information to EPA regarding a discharge and corrective actions. In order to conduct proper follow-up actions as necessary, EPA personnel may request the Plan itself or access a copy of the entire SPCC Plan by visiting the facility. Because collection is not periodic, less frequent collection is not possible.

The owner or operator of a facility is required to review and evaluate the facility Plan every five years. EPA's experience in administering the SPCC regulation indicates that updating Plans to reflect currently available and proven technology and techniques for preventing and

controlling oil discharges every five years is sufficient given the degree to which such technologies and techniques evolve over time.

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 nature of the data being gathered as part of this ICR is not confidential.

3(g) Sensitive Questions

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

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 many North American Industrial Classification System (NAICS) categories, including those associated with petroleum production, non-petroleum oil storage, processing (refining), distribution, storage, and consumption. The majority of 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)
1Oil and Gas Extraction	211
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	481-488
Arts Entertainment & Recreation	711-713
Other Services (Except Public Administration)	811-813
Education	611
1Petroleum Bulk Stations and Terminals	4247
Hospitals & Other Health Care	621-624
Accommodation and Food Services	721, 722
Fuel Oil Dealers	45431
Gasoline Stations	4471
Information Finance and Insurance	51, 52
Mining	212, 213
Warehousing and Storage	493
Pipelines	4861, 4869
Government	92
Military Installations	928110
Religious Organizations	813110

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

1The primary data collection activities required by the SPCC rule are the preparation and maintenance of the SPCC Plan along with preparing records of inspections 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 of which are listed below. For more detailed requirements, please refer to the Oil Pollution Prevention regulation at 40 CFR part 112.

- Potential equipment failure. Where 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 as a result of 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 (§§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 type). For onshore facilities, the owner or operator must use one of the following preventive systems or its equivalent: dikes, berms, or retaining walls sufficiently impervious to contain oil; curbing; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; or sorbent materials. The owner or operator of an offshore facility is subject to slightly different requirements due to the facility's unique configuration. While §112.7(c) generally requires secondary containment to be appropriately sized (i.e., to address the most likely discharge so that the oil will not escape containment before cleanup occurs), the additional provisions listed above specify a required minimum size for secondary containment at particular areas of a facility (i.e., sized to contain the largest single oil compartment or container plus sufficient freeboard to contain precipitation). Where installation of these structures or equipment is determined by the owner or operator to be impracticable, a facility owner or operator must explain why, provide a contingency plan following 40 CFR part 109 (or a Facility Response Plan), conduct periodic integrity testing of the containers and periodic integrity and leak testing of valves and piping, and provide a written commitment of the manpower, equipment, and materials required to expeditiously control and remove any harmful quantity of oil discharged (§112.7(d)).

Owners and operators of facilities with certain types of oil-filled operational equipment have the option of preparing an oil spill contingency plan and a written commitment of manpower, equipment, and materials in lieu of providing secondary containment for qualified oil-filled operational equipment, without making an individual impracticability determination as required in §112.7(d). Owners or operators who pursue this alternative are required to establish and document an inspection or monitoring program for this qualified oil-filled operational equipment to detect equipment failure and/or a discharge, in lieu of providing secondary containment. An owner or operator cannot pursue the option if that facility has had a single discharge as described in §112.1(b) from any oil-filled operational equipment exceeding 1,000 U.S. gallons or two discharges as described in §112.1(b) from any oil-filled operational equipment each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been operating for less than three years.

Owners and operators of oil production facilities have the option of preparing an oil spill contingency plan and a written commitment of manpower, equipment, and materials in

lieu of providing secondary containment in accordance with §112.7(c) for flowlines and intra-facility gathering lines. These facility owners/operators may also choose alternative compliance options in lieu of sized secondary containment requirements of §112.9(c)(2) for flow-through process vessels and produced water containers.⁴ However, if the facility experiences discharges from flow-through process vessel or produced water container (excluding discharges that are the result of natural disasters, acts of war, or terrorism) as described below, then the facility is no longer eligible for the alternative requirements for this equipment and must comply with the sized secondary containment and inspection requirements of §112.9(c)(2) and (c)(3) within six months:

- A discharge of more than 1,000 U.S. gallons of oil in a single discharge as described in §112.1(b), or
- Two discharges of more than 42 U.S. gallons of oil in each of two discharges as described in §112.1(b) within any twelve month period.

The alternative requirements for flow-through process vessels are described in §112.9(c)(5) and require visual inspection and/or test of flow-through process vessels and associated components (such as dump valves) for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) on a periodic and regular schedule; corrective action or repairs to flow-through process vessels and any associated components as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge; and prompt removal or actions initiated to stabilize and remediate any accumulations of oil discharges associated with flow-through process vessels.

The alternative requirements for produced water containers are described in §112.9(c)(6) and require:

- A procedure for each produced water container that is designed to separate the free-phase oil that accumulates on the surface of the produced water be implemented on a regular schedule. The SPCC Plan must describe the procedures, frequency, amount of free-phase oil expected to be maintained inside the container, and a Professional Engineer certification in accordance with §112.3(d)(1)(vi). Records of such events must be maintained in accordance with §112.7(e).
 - Visual inspection and/or test of the produced water container and associated piping for leaks, corrosion, or other conditions that could lead to a discharge as described in §112.1(b) in accordance with good engineering practice and on a regular schedule.
 - Corrective action or repairs to the produced water container and any associated piping as indicated by regularly scheduled visual inspections, tests, or evidence of an oil discharge.
 - Prompt removal or actions initiated to stabilize and remediate any accumulations of oil discharges associated with the produced water container.
- Detailed requirements. In addition to secondary containment requirements, the Plan must include a discussion of the facility's conformance with more detailed and specific

⁴ Note that the secondary containment requirements of §112.7(c) still apply to these containers.

requirements, as applicable according to facility type. These specific requirements concern facility diagrams and discharge reporting information and procedures (§112.7(a)); personnel, training, and discharge prevention procedures (§112.7(f)); security (§112.7(g)); facility tank car and tank truck loading/unloading rack (excluding offshore facilities) (§112.7(h)); brittle fracture issues related to certain field-constructed aboveground containers (§112.7(i)); other applicable federal, state, and local requirements (§112.7(j)), integrity testing and/or visual inspection (§112.8(c)(6), §112.9(c)(3) or §112.12(c)(6)); and flow-line maintenance programs (§112.9(d)(4)).

- Specific 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 may be kept under usual and customary business practices.
- Specific reporting requirements. As the result of an oil discharge, in accordance with §112.4 the following information must be provided to the Regional Administrator:
 - (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) Description of the facility including maps, flow diagrams, and topographic maps;
 - (7) Cause(s) of the spill, 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 to the spill event.

In addition, a facility owner or operator must update his or her Plan as necessary, following a modification in the facility's design or operations that materially affects its potential for a discharge and following the five-year review.

(ii) 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)); and

- Conduct periodic reviews of the SPCC Plan (§112.5(b)).

Each of these compliance activities is summarized in more detail below:

Prepare and implement an SPCC Plan

The owner or operator of a new non-production facility must amend or prepare, and implement, an SPCC Plan in accordance with the guidelines set forth in 40 CFR part 112 before beginning operations.⁵ The actual preparation of the Plan may involve several separate tasks, which could be conducted by the facility's technical personnel or PEs. These tasks may include:

- Field investigations, which are conducted to fully understand the design of the facility and to accurately predict the areas or equipment most likely to discharge oil (this involves predicting the flow paths of spilled oil);
- A regulatory review conducted by management personnel, such that the technical personnel in charge of actually 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 (could also be performed by an engineering firm).

Tier I qualified facilities - a subset of qualified facilities having no oil storage containers with a capacity greater than 5,000 gallons - are allowed to complete an SPCC Plan template (Appendix G to the 40 CFR part 112) in lieu of a full SPCC Plan. By completing the SPCC Plan template, an owner or operator of a Tier I qualified facility self-certifies that the facility complies with a set of streamlined SPCC rule requirements. The owner or operator is responsible for ensuring that the facility is in compliance with all SPCC rule requirements.

For facility diagrams required under §112.7(a)(3) the facility owner or operator must mark the location of fixed containers and mark the area on the diagram where mobile containers are stored, and can choose to indicate in the Plan the average number of mobile or portable containers maintained at the facility and the anticipated contents and capacities of those containers, rather than on the diagram itself.

- Certification of the Plan must be conducted for each new Plan. For facilities that do not meet the "qualified facility" criteria set forth in §112.3(g), SPCC Plans and technical amendments to Plans must be certified by a licensed PE.

⁵ In the November 2009 amendments, EPA allowed owners and operators of new oil production facilities a period of six months to prepare and implement an SPCC Plan.

Owners and operators of “qualified” facilities 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. Pursuant to §112.3(g), the self-certification option is available to the owners and operators of non-farm facilities that store 10,000 gallons of oil or less and that have had no single discharge as described in §112.1(b) exceeding 1,000 U.S. gallons or no two discharges as described in §112.1(b) each exceeding 42 U.S. gallons within any 12-month period in the three years prior to the SPCC Plan self-certification date, or since becoming subject to 40 CFR part 112 if the facility has been in operation for less than three years. Owners and operators of Tier II qualified facilities choosing this option may deviate from certain requirements of the SPCC rule as specified under §112.7(a)(2) and make impracticability determinations as described under §112.7(d) only if these portions of the Plan are certified by a licensed PE (see §112.6(b)(4)).⁶ Additionally, pursuant to §1049(b)(2) of the Water Resources Reform and Development Act (WRRDA), farms with an aggregate aboveground storage capacity less than 20,000 gallons may self-certify their SPCC plans as long as they have no reportable oil discharge history.

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, if not, at the nearest field office. 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 document, a facility owner or operator is required to maintain (and update) Plan-specific records as outlined under §112.7(e). Plan maintenance and recordkeeping activities are estimated to involve almost entirely technical personnel time, although a small amount of clerical personnel time may also be required for these activities.

Submit information in the event of certain discharges of oil

In the event of certain discharges of oil into navigable waters, a facility owner or operator must submit information described in §112.4(a) to the Regional Administrator within 60 days. A discharge of oil occurring within any 12-month period that triggers the §112.4 reporting requirements is:

- (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 of which is over 42 U.S. gallons.

Submission of information after a discharge of oil is estimated to require both technical personnel and management expertise/time for collecting the required information. Section 112.4(c) also requires that the facility owner or operator 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. Such amendments, if uncontested by the facility owner or operator, must become part of the Plan 30 days after the Regional Administrator responds to the facility owner

⁶ For the purposes of this ICR, EPA assumes that no facilities will require section-specific certification by a PE.

or operator concerning the final amendments. The amended Plan must then be certified prior to implementation by a licensed PE, 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 his Plan in accordance with §112.7 whenever there is a change in the facility's design, construction, operation, and maintenance that materially affects the facility's potential to discharge oil into navigable waters. Such facility changes may include the addition of a new or rebuilt container; a change in the service of a container; any physical changes or improvements to the facility; or, the construction of a new well and associated piping. The activities to amend the SPCC Plan as a result of these facility changes are estimated to involve facility technical personnel time, as well as some clerical time. The amended Plan must then be certified prior to implementation by a licensed PE, or self-certified in the case of qualified facilities. Such amendments to the SPCC Plan must be implemented as soon as possible, but not later than six months after the change occurs.

Review the SPCC Plan

An owner or operator of an SPCC-regulated facility is required to review and evaluate his Plan at least once every five years. This review is expected to involve mostly technical personnel time to review spill prevention and control procedures being implemented under the current Plan, as well as a regulatory review involving management personnel time. Clerical personnel time is also involved to complete necessary paperwork. An owner or operator is required to amend his SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a discharge as described in §112.1(b) from the facility; and (2) such technology has been field-proven at the time of the review. 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, since 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) EPA Activities

1In the event that an SPCC-regulated facility discharges more than 1,000 gallons of oil into or upon the navigable waters of the United States 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 the necessity to:

- Review facility characteristics;
- Review the cause of the discharge;
- Require any necessary amendments to the Plan to prevent and contain discharges from the facility; and
- Adjudicate any appeal of a final decision requiring an amendment.

In addition, EPA also conducts routine inspection, enforcement, and outreach activities as part of administering this program. Inspections may occur either after a discharge as part of the review of the submitted spill notification report or on a periodic basis. These inspections are not covered by this ICR.

5(b) Collection Methodology and Management

1Plans may 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. The regulation allows flexibility and a 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, as records kept under normal business practices, such as those required pursuant to the NPDES program and American Petroleum Institute (API) Standards, may satisfy certain SPCC recordkeeping requirements.

EPA provides flexibility and a performance based approach in the development and use of user-friendly means of writing and maintaining SPCC Plans, such as electronic programs, provided the Plans continue to provide the required information and meet the administrative requirements listed in the SPCC rule. Whatever medium is used, the Plan should also be readily accessible to response personnel in an emergency.

EPA maintains the information submitted to regional offices by facilities following certain oil discharges to support ongoing program activities such as targeting inspections as well as to support response operations during spills, which are not covered by this ICR. However, EPA does not collect SPCC Plans or related records from facilities on a routine basis.

5(c) Small Entity Flexibility

EPA has made changes to the SPCC rule over time to provide additional flexibility to small entities.

1In 2002, EPA promulgated revisions to the SPCC rule that provided flexibility for small entities in several ways. First, EPA no longer regulates, under 40 CFR part 112, a facility having a single container with an aboveground storage capacity greater than 660 gallons, and aggregate aboveground capacity of 1,320 gallons or less of oil. Second, EPA no longer regulates, under 40 CFR part 112, a completely buried container that is subject to all of the technical requirements of 40 CFR part 280 or a state program approved under 40 CFR part 281. Third, the 2002 rule includes a *de minimis* container size of less than 55 gallons. As a result,

containers less than 55 gallons are no longer included in a facility's aboveground total storage or use-capacity calculation and no longer need to be discussed in the SPCC Plan. Fourth, EPA no longer regulates, under 40 CFR part 112, wastewater treatment facilities or parts thereof (except at oil production, oil recovery, and oil recycling facilities) used exclusively for wastewater treatment and not used to meet any other requirement of the rule. Fifth, the rule was modified to allow the use of additional, appropriately cross-referenced formats that would encourage all regulated facilities, including smaller facilities, to take advantage of similar planning efforts conducted pursuant to state or other federal standards. The revisions, targeted towards reducing the recordkeeping burden to facilities, also decreased the burden to smaller facilities.

The 2006 rule amendments further reduced the burden of the SPCC regulation, with expected flexibility for small entities. Specifically, the rule amendments reduced the regulatory burden on qualified facilities and facilities with qualified oil-filled operational equipment. Qualified facilities with 10,000 gallons or less of aggregate aboveground oil storage capacity no longer need a licensed PE to certify their Plans. The amendments also allow greater use of contingency plans without requiring an impracticability determination for facilities with qualified oil-filled operational equipment, a cost reduction measure. Facilities that store oil solely in motive power containers are no longer regulated, while other facilities with oil storage in addition to motive power containers may incur lower compliance costs. The rule also allows mobile refuelers to fall under the rule's general containment requirement, which does not require specifically sized secondary containment.

The 2008/2009 final amendments to the SPCC rule reduced the burden on small businesses to the extent that these businesses are eligible for amended regulatory requirements offered to hot-mix asphalt facilities, oil production facilities, facilities that produce or process animal fats and vegetable oil, Tier I qualified facilities, and others.

The 2011 final amendment exempted milk and milk product containers, associated piping and appurtenances from the SPCC rule. Facilities that only have milk and/or milk product containers are no longer regulated, while other facilities with oil storage in addition to milk and/or milk product containers may incur lower compliance costs.

The enactment of the WRRDA in 2014 provided additional relief to small entities in the agricultural sector. Under the WRRDA, farms with 2,500 gallons or less in aggregate oil storage capacity are exempt from the requirement to prepare an SPCC Plan. Certain farms that have 6,000 gallons or less in aggregate oil storage capacity and have had no reportable discharges are also exempt from the requirement to prepare an SPCC Plan. Finally, farms with an aggregate oil storage capacity less than 20,000 gallons and no reportable discharge history are eligible to self-certify their SPCC Plan.

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 according to the compliance deadlines in §112.3(a), and (b). Facilities must prepare and implement an SPCC plan before beginning operations, except that 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. A periodic review is necessary to ensure that SPCC Plans reflect currently available and proven technology and techniques for preventing and controlling oil discharges.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

1 Facility Characteristics

For the purpose of this analysis, EPA divided regulated facilities into four size categories based on their aggregate oil storage capacity (see Exhibit 2). These size categories help to (1) account for differences in the potential compliance time burden and costs experienced by facilities of different sizes and (2) determine the number of facilities affected by each of the changes based on facility's storage capacity.

Exhibit 2

SPCC-Regulated Facility Size Categories

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

* EPA included farms with aggregate capacity up to 20,000 gallons in Category I for the purpose of estimating the SPCC rule burden since these facilities are assumed to self-certify their SPCC Plan.

For the purposes of this ICR, facilities are also grouped into two categories: production facilities (facilities whose operations primarily involve oil production) and storage facilities (all other industry groups). This categorization of facilities reflects differences in the estimated burden of compliance activities depending on the nature of the facility's operations.

Additionally, facilities are divided into existing and new facilities, to reflect the differences in compliance activities between these two groups. Existing facilities include facilities that initiated operations prior to this ICR. All facilities in operation at the start of this ICR period are assumed to have prepared their SPCC Plans. Consequently, existing facilities are assumed to have incurred all costs associated with initially preparing and implementing their SPCC Plans, but some are expected to incur costs to perform a technical 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 include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities become existing facilities after the first year of operation.

Estimating Burden of SPCC Plan

For its Regulatory Impact Analysis (RIA), EPA previously developed a unit cost inventory with cost estimates for each of the SPCC rule requirements. EPA also assessed paperwork-related changes resulting from the 2006, 2008, 2009 and 2011 final amendments. EPA relied on the most recent unit cost estimates to estimate the burden and costs of compliance measures at facilities for this ICR. EPA updated the costs using either the construction cost index, employment cost index or GDP deflator, depending on the cost components.

Estimating Facility Labor Costs

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

The labor wage rates for private industry were derived from the December 2015 U.S. Department of Labor's Employer Costs for Employee Compensation.⁷ The December 2015 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 regulated facility personnel. Following are the estimated loaded wage rates used in the analysis:

- Management: \$69/hour;
- Technical: \$67/hour; and
- Clerical: \$29/hour.

EPA further adjusted these rates to reflect overhead costs of 17 percent.⁸

EPA assumed the above labor rates would apply to all scenarios when facilities use in-house personnel to satisfy requirements involving labor burden such as preparing the SPCC Plan. When required or needed, a facility owner/operator would contract a PE to develop and/or certify his Plans, however, not all facility owners and operators are expected to contract a PE for activities that can be conducted by in-house personnel. On the one hand, a small facility is more likely to hire outside engineers because it may not have the in-house expertise to comply with the SPCC requirements. On the other hand, a small facility 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 the operations. A similar two-sided argument 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 professional labor.

⁷ United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, December 2015. Available at <http://www.bls.gov/ncs/ect/sp/ecsuptc37.pdf>.

⁸ 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.

Overhead rates for SPCC paperwork-related activities can be calculated using various formulas. To see how overall costs might change under different overhead loading rate assumptions, EPA calculated alternative overhead rates based on recommendations in *Estimating Costs for the Economic Benefits of RCRA Noncompliance* (September 1997). This document suggests that labor overhead and profit can be estimated at 50 to 100 percent of the base salary and fringe benefit costs. EPA estimated that raising the overhead rate to 50 percent would increase the wages listed above by 28 percent. If a 100-percent overhead rate were used, these wages would increase by 71 percent. The appropriate overhead loading rate is highly dependent on not only the industry in question, but also individual businesses. The alternative rates are explored in the discussion of total respondent costs in Section 6(e) of this document.

Estimating Capital and O&M Costs

EPA expects that facilities will incur paperwork-related capital and O&M costs in complying with the SPCC requirements 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 anticipates that most facilities will maintain files electronically and paper file storage will be minimal, posing no significant incremental cost relative to existing business practices. In the event of certain discharges, 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 in which it is located. We assume that such information will be submitted electronically, at a *de minimis* cost.

EPA assumed that the cost to a facility owner or operator to retain an outside PE to certify the SPCC Plan varies by the size, complexity and location of the facility. EPA used this assumption because a larger facility likely has a more complex SPCC Plan, and more complex Plan amendments, than a smaller facility. Unless facilities meet the “qualified facility” criteria, the burden associated with certifying SPCC Plans and their amendments requires a PE. The estimated wages for PE labor used in this analysis are as follows:^{9, 10}

- Management: \$168/hour;
- Technical: \$135/hour;
- Drafter: \$84/hour; and
- Clerical: \$63/hour.

Some facilities are expected to incur O&M costs associated with retaining a PE 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 have examined the facility and that the Plan has been prepared in accordance with good engineering practices that satisfy the SPCC requirements in 40 CFR part 112.

⁹ Source: SCS Engineers, a professional engineering firm adjusted with BLS wage rates for June 2012 published September 2012.

¹⁰ Values updated to 2015\$ using United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, December 2015. Available at <http://www.bls.gov/nsc/ect/sp/ecsuptc37.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. Average cost for PE-certification of plan amendments are higher than the average cost for PE-certification of 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 in preparing the plan or developing justifications for the technical amendments. Further, not all facilities retain a PE 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 (2015\$)¹

Size Category	Facility Type	New Plan	Amendments
I	Storage	\$1,906	\$2,488
	Production	\$841	\$1,132
II	Storage	\$3,588	\$4,752
	Production	\$1,681	\$2,263
III	Storage	\$5,269	\$7,015
	Production	\$3,363	\$4,527
IV	Storage	\$7,791	\$10,502
	Production	\$5,044	\$6,790

Source: SCS Engineers adjusted with December 2015 BLS data.

¹One-time costs of compliance.

6(b) 1Burden and Costs per Facility

1This section discusses the potential paperwork-related burden and costs to facilities that are regulated by the SPCC rule. Plan preparation and PE certification costs affect new facilities that become subject to the SPCC rule unless they meet the “qualified facility” criteria. New facilities include those facilities that will initiate operations during the ICR period. Owners or operators of new facilities are assumed to incur the total cost of preparing a Plan and PE certification in their first year. In addition to preparing or reviewing SPCC Plans, owners or operators of all new and existing facilities will incur costs to prepare records.

EPA assumes that the formal five-year review of SPCC Plans will affect one-fifth of all existing facilities annually – i.e., owners or operators of one-fifth of all existing facilities will undergo their formal five-year review of their Plans in each year of the ICR period.

Owners or operators of some new and existing facilities will submit information as a result of discharging oil and others will 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)).¹¹ 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 §112.5(a) or (c) or §112.4(d). EPA retained these assumptions for estimating the burden for this ICR.

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

The option to self-certify a facility-specific SPCC Plan according to the requirements in §112.6 is available to qualified non-farm facilities having 10,000 gallons or less in storage capacity, and to qualified farm facilities having less than 20,000 gallons in storage capacity. EPA assumed that all new qualified facilities with storage capacity of 10,000 gallons or less would self-certify their Plan instead of having it certified by a PE. EPA also assumed that under these requirements, owners and operators of all existing qualified facilities would not use a PE to certify a technical amendment to their Plan.

A qualified facility would be a facility subject to the SPCC rule that, as described in §112.3(g), meets the storage capacity threshold and discharge history criteria. Additional flexibility is available for Tier I qualified facilities. This option allows an owner/operator to complete the Tier I SPCC Plan template to serve as the SPCC Plan.

EPA assumed that owners and operators of existing facilities that already have an SPCC Plan will continue to maintain that Plan, except for Tier I qualified facilities, which will adopt a new plan based on the template if it is more cost-effective to do so. EPA assumed that owners and operators of *all* new qualified facilities with no single containers greater than 5,000 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 of the facilities with aggregate aboveground storage capacity 5,000 gallons or less, and half of the facilities with between 5,001 and 10,000 gallons (up to 20,000 gallons in the case of farms), have no tank larger than 5,000 gallons (10,000 gallons for farms) 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 affect one-fifth of existing facilities) and for the estimated overlap between federal and state requirements. Low probability costs (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.

¹¹ Information Collection Request for the final rule to amend the oil pollution prevention regulation (40 CFR part 112), May 2002.

The state-overlap assumptions are based on research originally conducted for the 2002 SPCC rule¹² 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 may be the same as what is required by SPCC. Overall, in 2002 EPA found that about 5.9 percent of facilities are in states with complete overlap; about 5.6 percent of facilities in states with substantial overlap; and about 5.7 percent of facilities in states with partial overlap. EPA reviewed the assumptions in 2009 as part of the regulatory analysis for the 2009 final SPCC amendments and found no compelling reason to adjust the overlap estimates. For this ICR estimate, EPA used these same overlap assumptions. To develop the burden estimates, EPA multiplied the burden hours by both the percentage of facilities in each overlap category and the degree of overlap (i.e., 100 percent for complete overlap, 75 percent for substantial overlap, and 50 percent for partial overlap). When estimating paperwork-related burden resulting from the SPCC requirements, EPA takes into account the estimated degree of overlap to avoid double counting.

Total Annual Burden per Average Respondent

Once the unit per-facility burden hours were determined for each compliance activity undertaken by the average facility in each size category, EPA calculated the total annual burden by summing the unit estimates for all compliance activities. 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 Cost per Average Respondent

In estimating the per-respondent costs for existing and new facilities in each size category, EPA calculated the unit cost for each compliance activity performed by the average facility. These average per-facility costs are shown in the right-hand column of Exhibit 4 through Exhibit 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 time estimates for management, technical, and clerical personnel by the hourly wage rate for each labor category and then added the result to the paperwork-related capital and O&M (PE) costs.

Existing facilities include those facilities that have been in operation for longer than a year. Costs for existing facilities include activities that incur continuously such as recordkeeping or once every several years such as SPCC Plan review.¹³ For the average existing SPCC-regulated facility, following are the estimated total annual costs for all information collection activities required by the final rule:

- Category I (Tier I): \$302 per facility;
- Category I: \$1,119 per facility;

¹² U.S. Environmental Protection Agency, "Economic Analysis for the Final Revisions to the Oil Pollution Prevention Regulation (40 CFR part 112)," May 2002.

¹³ The cost estimates in the tables 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.

- Category II: \$1,513 per facility;
- Category III: \$2,610 per facility; and
- Category IV: \$4,848 per facility.

New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, new facilities 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. For the average new SPCC-regulated facility, the following are the estimated total annual costs for all information collection activities required by the final rule:

- Category I (Tier I): \$965 per facility;
- Category I: \$4,659 per facility;
- Category II: \$8,590 per facility;
- Category III: \$15,690 per facility; and
- Category IV: \$26,967 per facility.

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.

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

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan and Revise as Needed ⁴	0.2	0.6	0.0	0.0	0.8	\$0	\$89
Submit Information in the Event of Certain Discharges of Oil ³	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	\$213
TOTAL	0.0	3.3	0.0	0.0	3.5	\$0	\$302
New Facilities³							
Prepare an SPCC Plan	1.0	3.0	0.0	0.0	4.0	\$0	\$445
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 ⁵	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	\$6
Maintain the SPCC Plan and Keep Records	0.0	3.6	0.0	0.0	3.6	\$0	\$287
TOTAL	0.7	10.1	0.0	1.0	12.7	\$0	\$965

¹ 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.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, 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.

⁴ 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 5 years.

⁵ 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 \$139. 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 ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	0.4	2.8	0.0	0.4	3.5	\$0	\$362
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.3	1.8	0.0	0.2	2.4	\$0	\$544
Maintain the SPCC Plan and Keep Records	0.0	2.7	0.0	0.0	2.7	\$0	\$213
TOTAL	0.7	7.3	0.0	0.6	8.6	\$0	\$1,119
New Facilities³							
Prepare an SPCC Plan	1.8	26.9	10.0	3.6	42.2	\$0	\$4,139
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 ⁴	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	\$6
Maintain the SPCC Plan and Keep Records	0.0	3.6	0.0	0.0	3.6	\$0	\$287
TOTAL	2.5	34.0	10.0	4.6	51.0	\$0	\$4,659

¹ 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.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, 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.

⁴ 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 \$139. 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 ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	0.3	4.0	0.0	0.3	4.5	\$0	\$473
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.4	2.6	0.0	0.3	3.4	\$402	\$750
Maintain the SPCC Plan and Keep Records	0.0	3.7	0.0	0.0	3.7	\$0	\$289
TOTAL	0.7	10.3	0.0	0.6	11.6	\$402	\$1,513
New Facilities³							
Prepare an SPCC Plan	2.8	38.7	15.1	5.1	61.6	\$2,195	\$8,249
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 ⁴	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	\$4	\$8
Maintain the SPCC Plan and Keep Records	0.0	1.3	0.0	0.0	1.3	\$0	\$106
TOTAL	3.4	43.5	15.1	6.0	68.1	\$2,199	\$8,590

¹ 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.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, 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.

⁴ 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 \$139. 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 ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	0.5	7.4	0.0	0.5	8.4	\$0	\$875
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	0.8	4.8	0.0	0.6	6.2	\$738	\$1,382
Maintain the SPCC Plan and Keep Records	0.0	4.5	0.0	0.0	4.5	\$0	\$352
TOTAL	1.3	16.7	0.0	1.1	19.1	\$738	\$2,610
New Facilities³							
Prepare an SPCC Plan	5.5	72.5	30.0	5.9	114.0	\$4,095	\$15,312
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 ⁴	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	1.9	0.0	0.0	1.9	\$0	\$152
TOTAL	6.2	78.0	30.0	6.9	121.1	\$4,095	\$15,690

¹ 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.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, 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.

⁴ 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 \$139. 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 ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	0.9	13.0	0.0	0.9	14.8	\$0	\$1,542
Submit Information in the Event of Certain Discharges of Oil ³	0.0	0.0	0.0	0.0	0.0	\$0	\$0
Revise the SPCC Plan	1.4	8.4	0.0	1.1	11.0	\$1,306	\$2,437
Maintain the SPCC Plan and Keep Records	0.4	11.8	0.0	0.7	13.0	\$0	\$869
TOTAL	2.7	33.3	0.0	2.7	38.7	\$1,306	\$4,848
New Facilities							
Prepare an SPCC Plan	10.8	125.9	40.9	13.5	191.2	\$7,306	\$26,161
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 ⁴	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	\$15	\$28
Maintain the SPCC Plan and Keep Records	0.0	7.0	0.0	0.0	7.0	\$0	\$552
TOTAL	11.5	136.5	40.9	14.5	203.4	\$7,320	\$26,967

¹ 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.

² Annual costs are rounded to the nearest dollar.

³ New facilities include those facilities that will initiate operations during the ICR period. For the purpose of this analysis, 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.

⁴ 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 \$139. 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 EPA Burden and Costs

1EPA incurs costs associated with the evaluation of information submitted in accordance with §112.4 as well as consideration of appeals. 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 2016 General Schedule (GS) pay schedule. EPA estimates an average hourly labor cost of \$40.69 for managerial staff (GS-13), and \$28.55 for technical staff (GS-11). EPA then multiplied hourly rates by the standard government overhead factor of 1.6 for adjusted rates of \$65.10 and \$45.68, respectively. Unit costs were calculated as unit time estimates multiplied by the hourly labor rates for EPA personnel.

Exhibit 9
Estimated Annual Burden and Cost to EPA

Activity	Burden Hours			Total	Total Cost (2015\$)
	Managerial (\$65.10)	Technical (\$45.68)	Clerical		
Plans Evaluation	814	8,138	0	8,952	\$424,751
Review of Comments	407	407	0	814	\$45,081
Consideration of Appeals	651	0	0	651	\$42,388
Total	1,872	8,545	0	10,417	\$512,220

Note: costs may not total due to rounding; January 2016 General Schedule.

6(d) Estimating the Respondent Universe

EPA estimates 542,100 respondents for the next three years of this collection.

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

For the purpose of this ICR, 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. EPA adjusted the universe of farms to reflect the WRRDA of 2014 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)¹⁴ as the basis for its estimates of the number of farm facilities with aggregate oil storage capacities between 2,500 and 6,000 gallons, between 6,000 and 20,000 gallons, and greater than 20,000 gallons. EPA distributed farms with aggregate storage capacity greater than 20,000 gallons among the size categories in proportion to the prior estimates developed for the ICR period of 2014 through 2016.

Industry Growth Rates

To project the number of existing and new facilities regulated under the SPCC rule over the 2017 through 2019 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 2002 and 2012 U.S. Economic Census data on the number of establishments in each industry, identified by NAICS code.¹⁵ Where complete data didn't exist for those years, EPA used 2007 and 2012 Economic Census data, alternate data from the U.S. Census Bureau's County Business Pattern data for 2007 and 2012, or the Department of Energy's Commercial Buildings Energy Consumption Survey for 2003 and 2012. The use of an extended time period to estimate industry-specific growth rates attempted 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 2002 and 2012.

EPA estimated the growth rates for new facilities using 2002-2012 Business Employment Dynamics (BDS) data from the BLS.¹⁶ 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 simply amend the existing Plan. For the purpose of this analysis, EPA assumed that a quarter of the new establishments projected using the BDS rates would need to develop a new SPCC Plan and three quarters would simply amend the existing Plan for the facility.

¹⁴ The study is available at <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/oil-storage-us-farms-risks-and-opportunities-0>

¹⁵ In the 2012 Economic Census the U.S. Census Bureau did not include establishment numbers for NAICS codes 482 and 551. These were left out of the industry growth rate calculations.

¹⁶ 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	211	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	611	Services
1Petroleum Bulk Stations and Terminals	4247	Wholesale Trade
Hospitals & Other Health Care	621-624	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, 213	Mining
Warehousing and Storage	493	Services
Pipelines	4861, 4869	Services
Government	92	Services
Military Installations	928110	Manufacturing
Religious Organizations	813110	Services

In total, EPA estimated that nearly 540,000 facilities would be regulated by the SPCC rule in 2016. Oil production facilities (43 percent), electric utilities (12 percent), real estate rental and leasing (6 percent), and farms (4 percent), account for the majority of SPCC-regulated facilities.

1Exhibit 1 and Exhibit 2 present the estimated number of existing and new SPCC-regulated facilities that are expected to incur paperwork-related 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 1 presents the number of facilities by facility type

- storage and production facilities – for the first year of the ICR, 2016. Exhibit 12 presents the number of facilities for the entire analysis period, 2016/17- - 2018/19.

Exhibit 11

**Number of Existing and New Facilities
(First Year of ICR: 2017)**

Facility Type		Category I (1,320- 10,000 gallons)*	Category II (10,001- 42,000 gallons)	Category III (42,001 to 1 million gallons)	Category IV (>1 million gallons)	Total
Existing	Storage	186,800	75,800	34,900	2,913	300,400
	Production	28,300	152,500	40,100	393	221,400
	Total	215,100	228,400	75,000	3,307	521,800
New	Storage	4,855	2,335	1,029	77	8,297
	Production	1,158	6,239	1,640	16	9,053
	Total	6,013	8,574	2,670	93	17,300
Total		221,100	236,900	77,700	3,399	539,100

Note: values may not total due to rounding.

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

Exhibit 12

**Number of Existing and New Facilities
(ICR Period: 2017 - 2019)**

Facility Type/ Year		Category I (1,320- 10,000 gallons)*		Category II (10,001- 42,000 gallons)	Category III (42,001 to 1 million gallons)	Category IV (>1 million gallons)	Total
		Tier I	All Others				
Existing	Year 1 – 2017	167,900	47,200	228,400	75,000	3,310	521,800
	Year 2 – 2018	168,400	47,400	230,600	75,500	3,300	525,200
	Year 3 – 2019	168,900	47,700	232,900	76,000	3,300	528,800
New	Year 1 – 2017	4,710	1,340	8,570	2,670	90	17,300
	Year 2 – 2018	4,840	1,370	8,750	2,730	100	17,700
	Year 3 – 2019	4,960	1,410	8,930	2,790	100	18,100
Total	Year 1 – 2017	172,600	48,600	236,900	77,700	3,400	539,100
	Year 2 – 2018	173,200	48,800	239,400	78,200	3,400	543,000
	Year 3 - 2019	173,800	49,000	241,800	78,800	3,400	546,900

Note: values may not total due to rounding.

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

6(e) Estimated Total Annual Burden for All Respondents

The total hour burden is estimated as the average per-facility burden multiplied by the number of affected facilities. Similarly, the total cost burden 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 Exhibit through Exhibit 8 for each facility size. The annual average total burden is estimated at 6.2 million hours; the annual average total cost is estimated at \$797 million.

Alternative Estimates

EPA also calculated alternative cost estimates based on higher overhead rates for labor costs, which are presented in Exhibit 3. The primary estimates are based on a 17 percent overhead rate and the alternatives are calculated assuming a 50 percent overhead rate and a 100 percent overhead rate. The discussion of facility labor costs in section 6(a) describes how the overhead rates affect wage rates. Under the primary assumption, the estimated total annualized burden of the information collection is \$797 million. Under the alternative assumptions, the estimated total burden ranges from \$969 to \$1,233 million.

Exhibit 13
Sensitivity Analysis for Total Cost
Varying Overhead Rates
(2015\$, Millions)

Assumption	Labor	O&M	Total
	Baseline Burden		
17% Overhead	\$613	\$184	\$797
50% Overhead	\$785	\$184	\$969
100% Overhead	\$1,049	\$184	\$1,233

Exhibit 14

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

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan and Revise as Needed ³	33,700	99,800	-	-	133,400	\$0	\$14,969,000
Submit Information in the Event of Certain Discharges of Oil	252	252	-	-	505	\$0	\$40,400
Maintain the SPCC Plan and Keep Records	-	-	-	-	-	\$0	\$0
TOTAL	-	454,100	-	-	454,100	\$0	\$35,828,000
New Facilities							
Prepare an SPCC Plan	4,838	14,300	-	-	19,200	\$0	\$2,151,000
Prepare a Contingency Plan	3,155	16,700	-	4,632	24,500	\$0	\$1,095,000
Submit Information in the Event of Certain Discharges of Oil	7	7	-	-	15	\$0	\$1,160
Revise the SPCC Plan	17	102	-	14	132	\$0	\$30,400
Maintain the SPCC Plan and Keep Records	-	17,600	-	-	17,600	\$0	\$1,389,000
TOTAL	8,017	48,800	-	4,645	61,500	\$0	\$4,667,000

¹ 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.

² Annual costs are rounded to the three significant figures.

³ 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 5 years.

Exhibit 15

**Total Annual Burden and Costs for All Other Facilities
Average Category I Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	17,100	132,900	-	17,100	167,200	\$0	\$17,161,000
Submit Information in the Event of Certain Discharges of Oil	71	71	-	-	142	\$0	\$11,400
Revise the SPCC Plan	14,400	86,400	-	11,500	-	\$0	\$25,828,000
Maintain the SPCC Plan and Keep Records	-	127,900	-	-	127,900	\$0	\$10,089,000
TOTAL	31,600	347,300	-	28,600	295,200	\$0	\$53,090,000
New Facilities							
Prepare an SPCC Plan	2,468	37,000	13,700	4,970	58,100	\$0	\$5,688,000
Prepare a Contingency Plan	896	4,755	-	1,315	6,966	\$0	\$311,000
Submit Information in the Event of Certain Discharges of Oil	2	2	-	-	4	\$0	\$330
Revise the SPCC Plan	5	29	-	4	38	\$0	\$8,623
Maintain the SPCC Plan and Keep Records	-	5,002	-	-	5,002	\$0	\$395,000
TOTAL	3,371	46,700	13,700	6,289	70,100	\$0	\$6,402,000

¹ 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.

² Annual costs are rounded to the three significant figures.

Exhibit 16

Total Annual Burden and Costs for All Facilities

Average Category II Facilities

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	61,500	921,800	-	61,500	1,044,700	\$0	\$109,123,000
Submit Information in the Event of Certain Discharges of Oil	346	346	-	-	691	\$0	\$55,300
Revise the SPCC Plan	99,900	599,100	-	79,900	778,900	\$92,646,000	\$172,955,000
Maintain the SPCC Plan and Keep Records	-	846,000	-	-	846,000	\$0	\$66,747,000
TOTAL	161,700	2,367,300	-	141,300	2,670,300	\$92,646,000	\$348,880,000
New Facilities							
Prepare an SPCC Plan	24,300	337,100	131,200	44,200	536,800	\$19,120,000	\$71,852,000
Prepare a Contingency Plan	5,682	30,200	-	8,342	44,200	\$0	\$1,973,000
Submit Information in the Event of Certain Discharges of Oil	13	13	-	-	26	\$0	\$2,090
Revise the SPCC Plan	41	249	-	33	323	\$38,300	\$71,600
Maintain the SPCC Plan and Keep Records	-	11,700	-	-	11,700	\$0	\$925,000
TOTAL	30,000	379,300	131,200	52,600	593,000	\$19,158,000	\$74,823,000

¹ 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.

² Annual costs are rounded to the three significant figures.

Exhibit 17

Total Annual Burden and Costs for All Facilities

Average Category III Facilities

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	37,200	558,500	-	37,200	633,000	\$0	\$66,123,000
Submit Information in the Event of Certain Discharges of Oil	113	113	-	-	226	\$0	\$18,100
Revise the SPCC Plan	60,500	363,100	-	48,400	472,000	\$55,809,000	\$104,472,000
Maintain the SPCC Plan and Keep Records	-	337,200	-	-	337,200	\$0	\$26,604,000
TOTAL	97,900	1,258,900	-	85,600	1,442,400	\$55,809,000	\$197,217,000
New Facilities							
Prepare an SPCC Plan	15,100	197,700	81,700	16,200	310,700	\$11,161,000	\$41,728,000
Prepare a Contingency Plan	1,777	9,432	-	2,608	13,800	\$0	\$617,000
Submit Information in the Event of Certain Discharges of Oil	4	4	-	-	8	\$0	\$654
Revise the SPCC Plan	24	146	-	19	190	\$46	\$0
Maintain the SPCC Plan and Keep Records	-	5,244	-	-	5,244	\$0	\$414,000
TOTAL	16,900	212,500	81,700	18,800	330,000	\$11,161,000	\$42,759,000

¹ 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.

² Annual costs are rounded to the three significant figures.

Exhibit 18

**Total Annual Burden and Costs for All Facilities
Average Category IV Facilities**

Activity	Annual Burden Hours ¹				Total Burden Hours	PE Costs (2015\$)	Annual Cost (2015\$) ²
	Management	Technical	Drafter	Clerical			
Existing Facilities							
Review the SPCC Plan	2,855	43,100	-	2,855	48,800	\$0	\$5,101,000
Submit Information in the Event of Certain Discharges of Oil	5	5	-	-	10	\$0	\$792
Revise the SPCC Plan	4,734	27,800	-	3,712	36,300	\$4,320,000	\$8,063,000
Maintain the SPCC Plan and Keep Records	1,178	38,900	-	2,355	42,400	\$0	\$2,845,000
TOTAL	8,772	109,800	-	8,922	127,500	\$4,320,000	\$16,010,000
New Facilities							
Prepare an SPCC Plan	1,035	12,000	3,894	1,289	18,200	\$697,000	\$2,495,000
Prepare a Contingency Plan	62	330	-	91	483	\$0	\$21,600
Submit Information in the Event of Certain Discharges of Oil	0	0	-	-	0	\$0	\$23
Revise the SPCC Plan	2	9	-	1	12	\$1,408	\$2,629
Maintain the SPCC Plan and Keep Records	-	670	-	-	670	\$0	\$52,800
TOTAL	1,099	13,000	3,894	1,381	19,400	\$698,000	\$2,572,000

¹ 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.

² Annual costs are rounded to the three significant figures.

6(f) Bottom Line Burden and Cost Tables

The total estimated burden hours and costs incurred by all new and existing facilities are summarized in Exhibit 109. The exhibit shows the burden and cost components for each year of this ICR, along with total and annualized costs.

Exhibit 109

Estimated Total Burden and Costs for Facilities

Year	Total Burden (million hours)	Total Cost (2015\$, millions)		
		Labor	O&M	Total
First	6.1	\$607	\$182	\$789
Second	6.2	\$613	\$184	\$797
Third	6.3	\$619	\$186	\$805
TOTAL	18.6	\$1,840	\$551	\$2,392
ANNUALIZED	6.2	\$613	\$184	\$797

6(g) 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 2017 through 2019. Adjustments capture updates to the number of affected facilities and wages. The number of affected facilities changed in part due to the WRRDA of 2014 which, as described above, provides exemptions for certain farms based on aggregate oil storage capacity, container sizes, and reportable discharge history. As a result, EPA estimated that approximately 219,000 farms will not have to prepare or maintain an SPCC Plan and this is reflected in the estimate of farms subject to SPCC in 2016 and projected over the 2017 – 2019 ICR period. EPA estimates that there will be 127,900 fewer responses as a result of these adjustments. The change was not discretionary.

Exhibit 20 presents the annual burden hours and costs. In total, the burden hours presented in this ICR have decreased relative to the current OMB inventory. The new burden estimate shows a net annual decrease of approximately 2.6 million hours, due to the net change in the universe of regulated facilities and changes in the reporting and recordkeeping burden for farms eligible for Plan self-certification under the WRRDA of 2014.

Exhibit 20

Total Estimated Annual Burden Hours and Annualized Costs Comparison

	Annual Burden Hours	O&M Costs (Thousands)
Current OMB Inventory Burden	8,798,900	\$186,700
Change in Burden	-2,618,800	-\$3,500
SPCC Final Rule Collection Burden	6,180,100	\$183,200

The exhibits below present the change in burden (hours and costs) as compared to the burden estimates currently approved by OMB.¹⁷ The exhibits show change in burden for all facilities, except for facilities owned or operated by the federal governments (Exhibit 21) and separately for Private facilities (Exhibit 22) and State and Local Government facilities (Error: Reference source not found3).

Exhibit 111

Total Estimated Annual Burden and Costs Comparison: All Respondent Facilities

	Total Requested	Change Due to EPA Discretion	Change Due to New Statute	Change Due to EPA Estimate	Currently Approved
Annual Responses	542,100	0	-219,000	91,100	670,000
Annual Hour Burden	6,180,100	0	-810,900	-1,807,900	8,798,900
Annual Cost Burden (Capital/Startup and O&M costs)	\$183,160,300	0	-\$4,368,900	\$854,400	\$186,674,800

Exhibit 122

Total Estimated Annual Burden and Costs Comparison: Private Facilities

	Total Requested	Change Due to EPA Discretion	Change Due to New Statute	Change Due to EPA Estimate	Currently Approved
Annual Responses	541,600	0	-219,000	91,200	669,400
Annual Hour Burden	6,177,300	0	-810,900	-1,802,800	8,791,000
Annual Cost Burden (Capital/Startup and O&M costs)	\$183,160,300	0	-\$4,368,900	\$1,022,400	\$186,506,800

¹⁷ OMB's currently approved burden was estimated for 2013 – 2015, covering July 1, 2013 through June 30, 2016.

Exhibit 133

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

	Total Requested	Change Due to EPA Discretion	Change Due to New Statute	Change Due to EPA Estimate	Currently Approved
Annual Responses	528	0	0	-75	603
Annual Hour Burden	2767	0	0	-5151	7,918
Annual Cost Burden (Capital/Startup and O&M costs)	\$0	0	0	-\$168,000	\$168,000

Annual Respondent Burden

	Respondents	Hours	O&M
Private	541,572	6,177,343	\$183,160,295
State/Local	528	2,767	\$0
Total	542,100	6,180,110	\$183,160,295

Total respondent annual cost for this collection is \$797,257,493.

6(h) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is about 11 hours per response. For newly regulated facilities it is estimated to range from 13 to 203 hours per facility, with an average burden of approximately 57 hours per response. The net 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, 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. 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.