

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OLEM-2018-0105; FRL-12911-01-OLEM]

**Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Oil Pollution Act Facility Response Plans (Renewal), EPA ICR No. 1630.15, OMB Control No. 2050-0135****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR): Oil Pollution Act Facility Response Plans (Renewal) (EPA ICR No. 1630.15, OMB Control No. 2050-0135) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through May 31, 2026. This document allows 60 days for public comments.

**DATES:** Comments must be submitted on or before January 16, 2026.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OLEM-2018-0105, to: EPA online using <https://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Christie Torres Rosa, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-0121; email address: [torres-rosa.christie@epa.gov](mailto:torres-rosa.christie@epa.gov).

**SUPPLEMENTARY INFORMATION:** This is a proposed extension of the ICR, which is currently approved through May 31, 2026. 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.

This document allows 60 days for public comments. Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov> or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** The authority for EPA's facility response plan (FRP) requirements is derived from section 311(j)(5) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990. EPA's regulation is codified at 40 CFR 112.20 and 112.21 and related appendices. The owner or operator of a facility subject to 40 CFR 112.20 must prepare and submit an FRP to EPA based on the following applicability criteria: (1) The facility transfers oil over water to or from a vessel and has a total storage capacity of greater than or equal to 42,000 gallons; or (2) the facility's total oil storage capacity is greater than or equal to one million gallons and one or more of the following harm factors are met: Insufficient secondary containment for aboveground storage tanks at the facility; a discharge of oil could cause injury to fish and wildlife and sensitive environments; a discharge

of oil could shut down a drinking water intake; the facility has experienced a reportable oil discharge of 10,000 gallons or more in the last 5 years; or other factors considered by the Regional Administrator (see 40 CFR 112.20(a)(2), (b)(1), (f)(1) and (f)(2) for further information).

The purpose of an FRP is to help an owner or operator identify the necessary resources to respond to an oil discharge in a timely manner. If implemented effectively, the FRP will reduce the impact and severity of oil discharges and may prevent discharges because of the identification of risks at the facility. Although the owner or operator is the primary data user, EPA also uses the data in certain situations to ensure that facilities comply with the regulation and to help allocate response resources. State and local governments may use the data, which are not generally available elsewhere, and can greatly assist local emergency preparedness planning efforts. The EPA reviews all submitted FRPs and must approve FRPs for those facilities whose discharges may cause significant and substantial harm to the environment to ensure that facilities believed to pose the highest risk have planned for adequate resources and procedures to respond to oil discharges (see 40 CFR 112.20(f)(3) for further information about the criteria for significant and substantial harm.). No information collected under the FRP rule is expected to be confidential. One of the criteria necessary for information to be classified as "proprietary business information" (40 CFR 2.208) is that a business must show that it has previously taken reasonable measures to protect the confidentiality of the information and that it intends to continue to take such measures. EPA provides no assurances of confidentiality to facility owners or operators when they file their FRPs.

The burden estimates, numbers and types of respondents, wage rates and unit and total costs for this ICR renewal will be revised and updated, if needed, during the 60-day comment period while the ICR Supporting Statement is undergoing review at OMB.

**Form numbers:** None.

**Respondents/affected entities:** Owners or operators of facilities required to have Spill Prevention, Control, and Countermeasure (SPCC) plans under the Oil Pollution Prevention regulation (40 CFR part 112) and that, because of their location, could reasonably be expected to cause substantial harm to the environment.

**Respondent's obligation to respond:** Mandatory under section 311(j)(5) of the

CWA, as amended by the Oil Pollution Act of 1990.

*Estimated number of respondents:* 16,752 (total).

*Frequency of response:* Annual.

*Total estimated burden:* 321,984 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$17,348,480 (per year), includes \$20,369 annualized capital or operation and maintenance costs.

*Changes in estimates:* Total estimated costs reflect U.S. Bureau of Labor Statistics labor rates as of May 2024. This estimate is based on EPA's current inventory of facilities that have submitted and are maintaining an FRP. Any change in burden or cost resulting from the 60-day OMB review period will be described and explained in this section when the updated ICR Supporting Statement is completed.

**Andrew Baca,**

*Director, Office of Resource Conservation and Recovery.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2025-0486; FRL-12870-01-OAR]

### EPA Determinations of Compliance and Applicability Under Clean Air Act Section 111, 112, and 129 Dashboard: EPA Formal Responses to Inquiries Concerning Compliance With the Clean Air Act Stationary Source Program (Since May 2019)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This document announces the availability of applicability determinations, alternative monitoring decisions, and regulatory interpretations made by the Environmental Protection Agency (EPA) with regard to the New Source Performance Standards (NSPS); the National Emission Standards for Hazardous Air Pollutants (NESHAP); the Emission Guidelines and Federal Plan Requirements for existing sources; and/or the Stratospheric Ozone Protection Program.

**FOR FURTHER INFORMATION CONTACT:** For questions about the Clean Air Act (CAA) section 111, 112, and 129 Dashboard or this document, contact Diana Felix, Air Quality Policy Division, Operating Permits Group; telephone number: (919) 541-7627; email address: *felix.diana@epa.gov*.

An electronic copy of each complete document posted on the CAA section 111, 112, and 129 Dashboard, which contains determinations signed after May 2019, is available on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/complying-air-emissions-standards-stationary-sources/epa-determinations-compliance-and>. All previously issued responses are posted on the Applicability Determination Index (ADI) data system available on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance>.

The letters and memoranda on the CAA section 111, 112, and 129 Dashboard may be located by facility name, affected subpart, or by response date and is searchable by string word searches.

#### SUPPLEMENTARY INFORMATION:

##### General Information

The General Provisions of the NSPS in 40 Code of Federal Regulations (CFR) part 60 and the General Provisions of the NESHAP in 40 CFR part 61 provide that a source owner or operator may request a determination of whether certain intended actions constitute the commencement of construction, reconstruction, or modification. 40 CFR 60.5 and 61.06. The General Provisions in part 60 also apply to Federal and EPA-approved state plans for existing sources in 40 CFR part 62. See 40 CFR 62.02(b)(2). The EPA's written responses to source or facility-specific inquiries on provisions in parts 60, 61 and 62 are commonly referred to as applicability determinations. Although the NESHAP part 63 regulations [which include Maximum Achievable Control Technology (MACT) standards and/or

Generally Available Control Technology (GACT) standards] contain no specific regulatory provision providing that sources may request applicability determinations, the EPA also responds to written inquiries regarding applicability for the 40 CFR part 63 regulations. In addition, the General Provisions in parts 60 and 63 allow sources to seek permission to use monitoring or recordkeeping that is different from the promulgated requirements. See 40 CFR 60.13(i), 61.14(g), 63.8(b)(1), 63.8(f), and 63.10(f). The EPA's written responses to these inquiries are commonly referred to as alternative monitoring decisions. Furthermore, the EPA responds to written inquiries about the broad range of regulatory requirements in 40 CFR parts 60 through 63 as they pertain to a whole source category. These inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulation. The EPA's written responses to these inquiries are commonly referred to as regulatory interpretations.

The EPA previously compiled EPA-issued NSPS and NESHAP applicability determinations, alternative monitoring decisions, and regulatory interpretations, and posted them to the ADI. As of October 2, 2023, the EPA determinations of compliance and applicability under CAA section 111, 112, and 129 will be posted to the CAA section 111, 112, and 129 Dashboard. The CAA section 111, 112, and 129 Dashboard is a data system, accessed via the internet, containing all determinations signed after May 2019.

This document comprises a list of 62 such documents added to the CAA section 111, 112, and 129 Dashboard on June 25, 2025. This document lists the title of each letter and memorandum. Complete copies of these documents may be obtained from the CAA section 111, 112 and 129 Dashboard on the internet through the Resources and Guidance Documents for Compliance Assistance page of the CAA Compliance Monitoring website under "Air" at: <https://www.epa.gov/compliance/resources-and-guidance-documents-compliance-assistance>.