



Submitted via www.regulations.gov

U.S. Environmental Protection Agency
EPA Docket Center
Mailcode 2822IT
Attn: Docket ID No. EPA-HQ-OEM-2022-0174
1200 Pennsylvania Avenue, NW
Washington, DC 20460

October 28, 2022

Re: Proposed Information Collection Request; Comment Request; Statement Supporting the Collection of Information for Accidental Release Prevention Requirements: Risk Management Programs Under Section 112(r) of the Clean Air Act, as Amended; Safer Communities by Chemical Accident Prevention, EPA ICR Number 2725.01, OMB Control Number 2050-NEW

Dear Sir or Madam,

GPA Midstream Association (“GPA Midstream”) appreciates the opportunity to provide these comments to the U.S. Environmental Protection Agency (“EPA”) in response to its proposed information collection request (“ICR”) related to the Risk Management Program under Section 112(r) of the Clean Air Act. 87 Fed. Reg. 52,764 (Aug. 29, 2022) (“Proposal”).

GPA Midstream has served the U.S. energy industry since 1921 and has over 60 corporate members that directly employ more than 56,000 employees that are engaged in a wide variety of services that move vital energy products such as natural gas, natural gas liquids (“NGLs”), refined products, and crude oil from production areas to markets across the United States, commonly referred to as “midstream activities.” The work of our members indirectly creates or impacts an additional 396,000 jobs across the U.S. economy. GPA Midstream members gather over 77% of the natural gas and recover more than 80% of the NGLs such as ethane, propane, butane, and natural gasoline produced in the United States from more than 380 natural gas processing facilities. In the 2019-2021 period, GPA Midstream members spent over \$100 billion in capital improvements to serve the country’s needs for reliable and affordable energy.

GPA Midstream offers the following comments on the Proposal.

The ICR violates the Paperwork Reduction Act. EPA is seeking comments on an ICR directed at a wide expanse of industrial facilities, estimated to number 14,226, and cost a total of \$79 million per year. 87 Fed. Reg. at 52,765. Yet the Proposal never explains what information will be collected or why. Clearly, the ICR has some link to the separate proposed rulemaking to amend the Risk Management Program (“RMP”) regulations, 87 Fed. Reg. 53,556 (Aug. 31, 2022),

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but the type of information and purpose for collecting that information are never revealed. To the extent that the ICR provides any information at all, it is about what EPA intends the substantive RMP proposed rulemaking to accomplish. In other words, the ICR omits the most basic information required by the Paperwork Reduction Act. *See* 44 U.S.C. § 3507(a)(1)(D)(ii)(II) (a summary of the information to be collected); *id.* § 3507(a)(1)(D)(ii)(III) (*Federal Register* notice must provide “a brief description of the need for the information and the proposed use of the information”); *id.* § 3507(a)(1)(D)(ii)(IV) (“proposed frequency of response to the collection of information”). Instead, the ICR states: “Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR.” These supporting documents are not named and no docket numbers for these documents are provided. Thus, anyone seeking the information required by law for this ICR must fish through a docket that contains 70 documents classed as “Supporting & Related Material” for one or more unidentified documents. GPA Midstream found one document (not multiple “[s]upporting documents”) that appears to describe the requested materials. Statement Supporting the Information Request for the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention (“Supporting Statement”). EPA-HQ-OLEM-2022-0174-0002. However, refusing to provide basic information required by law and making members of the public fish through an electronic docket for unidentified documents significantly inhibits the public’s ability to comment.

The Supporting Statement provides no discussion of the ICR’s need. Section 2(a) of the Supporting Statement, purportedly providing the “Need/Authority for the Collection,” provides a brief summary of EPA’s proposed rule to amend the substantive RMP regulations and the Agency’s authority to propose those amendments. Nowhere in the description does the Supporting Statement discuss the need for the information to be collected. Indeed, this is hardly obvious given that EPA has already promulgated the proposed rulemaking, meaning that it has already collected whatever data it needs to support it. *See* Supporting Statement § 2(a) (Proposed rulemaking is “informed by EPA’s review of the current RMP rule and information EPA gathered from public listening sessions held in June and July 2021). Nothing in the Supporting Statement ties the collection of any information with the proposed rulemaking or any other purpose.

The stated effects of less frequent collection are Incoherent. Although the Supporting Statement does provide the required explanation of why less frequent collection is infeasible, the explanation provided is incoherent. It states that “[l]ess frequent collection than that specified in the rule may result in outdated emergency response contact information, personnel unacquainted with emergency response requirements, and poor response capability at the time of an accidental release.” This statement has no obvious relationship to any role EPA plays in preventing or responding to accidental releases of regulated substances. EPA has no responsibilities with respect to maintaining emergency response contact information, training either first responders or facility personnel for emergency responses, or responding to accidental releases.

The summary of information requested fails to provide any information. Section 4(b) of the Supporting Statement, titled “Information Requested,” never describes any information the ICR would request. Instead, it provides summaries of various aspects of the proposed rulemaking and generally refers to the burden, not of providing any information, but substantively complying with the proposed rulemaking if it was finalized. Where information is discussed, such as a summary of the “Information Availability” section of the proposed rulemaking, it refers to

information that would be disclosed to the public, not any information collected pursuant to the ICR. Indeed, the entire Section 4(b) appears to be taken from a Regulatory Impact Analysis for the proposed rulemaking. Thus, the Supporting Statement never discloses what information would be collected under the ICR.

In summary, the proposed ICR, even when considering the contents of the Supporting Statement, fails to comply with the Paperwork Reduction Act. GPA Midstream is unable to comment on the information that would be collected under the ICR because even basic aspects of that collection are never described.

GPA Midstream appreciates the opportunity to submit these comments and is standing by to answer any questions that the agency may have.

Respectfully submitted,

A handwritten signature in black ink that reads "Matt Hite". The signature is written in a cursive style with a large initial "M".

Matt Hite

Vice President of Government Affairs
GPA Midstream Association

