

**ENVIRONMENTAL PROTECTION AGENCY****[OPPTS-00186; FRL-4991-5]****RIN 2070-AC92****Facility Identification Initiative****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice and Request for Comments.

**SUMMARY:** As part of EPA's effort to reinvent environmental regulations the Agency is seeking comment on a number of options to standardize facility data reporting. This initiative represents the first step of a larger Agency effort to streamline and consolidate EPA's collection and maintenance of environmental data. Specifically, in this Notice EPA is considering options for establishing a national standard for the reporting and maintenance of information regarding the identification of facilities that are subject to federal environmental reporting and permitting requirements. EPA believes that a successful standardized facility identification scheme would reduce reporting burden on the regulated community while improving public access to the Agency's environmental data. Since States are partners with EPA in receiving and managing environmental data, EPA has actively sought the participation of State representatives during the development of this Initiative. This Notice is intended to provide all stakeholders with an opportunity to comment on the goals and benefits of the Facility Identification Initiative, as well as on the potential approaches for implementation.

**DATES:** Written comments on this Notice must be received by EPA on or before December 23, 1996.

**ADDRESSES:** Written comments should be submitted in triplicate to: TSCA Document Receipt Office, (7407), Environmental Protection Agency, Office of Pollution Prevention and Toxics, 401 M St., SW., Washington, DC 20460. Comments should include the document control number for this Notice, OPPTS-00186.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [oppt.ncic@epamail.epa.gov](mailto:oppt.ncic@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form

must be identified by the docket number OPPTS-00186. Comments containing Confidential Business Information (CBI) should be submitted to the same address, with all CBI clearly identified, and must include a sanitized copy for the public record. No CBI should be submitted through e-mail. Electronic comments on this Notice may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** Sam K. Sasnett or Mary C. Hanley, Project Managers, 202-260-8020 or 202-260-1624, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-108, Mail Code 7407, 401 M St., SW., Washington, DC 20460; e-mail: [sasnett.sam@epamail.epa.gov](mailto:sasnett.sam@epamail.epa.gov), or [hanley.mary@epamail.epa.gov](mailto:hanley.mary@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction****A. Background**

The EPA and its governmental regulatory partners are authorized to collect a wide range of data from a variety of sources. For example, the data may be related to the management of wastes, to the maintenance of operations at a particular location in accordance with a permit, or to the locations at which pesticides are formulated. For the most part, the Federal laws authorizing environmental data collections were developed under different statutory authorities to address specific environmental media concerns such as hazardous and toxic chemical emissions and spills, control of pesticide use, air pollution, surface and subsurface water contamination, the management of solid and hazardous waste, the delivery of safe drinking water, and the cleanup of existing waste deposits. EPA, State, and local governments developed organizational structures and programs tailored to address these specific, single-media concerns. Consequently, the collection, maintenance, and use of environmental data by EPA and the States follow this media-by-media approach to addressing environmental concerns.

In more recent years, concepts of environmental protection have evolved toward cross-media environmental impacts, the need to prevent pollution at the source, and the importance of a well-informed public participating in the decision making process. In most cases, however, environmental data collection and management has not adjusted to this evolution and is still collected and maintained in a media-specific way.

Compounding this situation is the growing need for both government and

the private sector to cut costs and increase the efficiency of operations. Currently, industries must report environmental information to many different offices, at different times, and in different formats. At the same time, the public expects to have access to accurate, comprehensive environmental data. Together, these forces are stimulating a fundamental and inevitable change in the collection and management of environmental data.

Therefore, the Facility Identification Initiative represents a significant Agency reinvention commitment. The Initiative is a first step toward establishing a new one-stop reporting approach for environmental data. By having facilities identified the same way for all reporting requirements under environmental laws, a new approach can be established which will simplify reporting for affected parties and simplify public access to information currently residing in many different places. The President announced this initiative in the March 1995 report, *Reinventing Environmental Regulation*. EPA will work closely with states to design this new approach. Facility identification is an important building block in this critical reinvention initiative.

EPA believes that there is already a broad base of support for this initiative. For example, in August 1994, the National Advisory Council for Environmental Policy and Technology (NACEPT) published a report entitled "Using Information Strategically to Protect Human Health and the Environment: Recommendations for Comprehensive Information Resources Management" (Ref. 1). This report was developed by NACEPT's Information Resources Management Strategic Planning Task Force, which involved representatives of all the major groups concerned with EPA policy, including industry, states and local governments, the environmental community, and other government agencies. The NACEPT Committee made four major recommendations:

- (1) EPA must use information strategically to achieve the Agency's mission.
- (2) EPA must actively use information to empower its partners.
- (3) EPA must establish an integrated information infrastructure to support a comprehensive approach to environmental protection.
- (4) EPA must establish a more effective organization for information resources management.

Under the third recommendation, the Committee went on to state that:

Data standardization is a fundamental part of EPA's integrated information infrastructure. The first step towards standardizing data is to identify those common data elements widely used throughout the Agency and by State Co-Implementors, which provide the framework to link and combine information.

Without standardized facility data across environmental data collections, two major problems persist. First, lack of standardized facility identification data makes it difficult to establish a linkage between all environmental data relating to the same facility. Second, multiple reporting of facility-specific data results in inefficiencies and additional burden for both the regulated community and regulators, and impedes public right-to-know.

A primary problem that users of EPA and State environmental data experience is the difficulty (and in some cases the inability) to establish reliable links between data relating to the same facility. There are several underlying factors. There are inconsistencies in the facility identification data. A slightly different spelling of a facility name or address reduces the accuracy and effectiveness of comparing the data about a facility. Also, different reporting requirements may have different statutory or regulatory definitions for the reporting facility. This can result in reports that may represent the same facility but that appear to be different.

There are numerous, separate environmental data collections that include the reporting of different facility identification data. The submitter must repeatedly report such data to multiple EPA and State data systems and the Agencies must also separately input and maintain such identification data. Developing some means to consolidate such reporting could lead to greater efficiencies for both the regulated community and government agencies that receive and maintain such data. Finally, it could improve the accuracy of the data and provide the public with easier access to the data.

The Agency believes that these data linkage problems and reporting inefficiencies could be alleviated by developing a universal set of facility identification data which is shared by EPA and the States. Standardizing facility identification data could also pave the way for any further consolidation of Federal environmental data. Therefore, this Notice represents a detailed outline of the Agency's concepts on facility data standardization and consolidation.

### *B. Goals of the Facility Identification Initiative*

The overarching goal of the Facility Identification Initiative is:

To streamline access to and reporting of environmental data by establishing a uniform set of facility identification data and the infrastructure needed to make it operational.

The specific objectives of the initiative are:

(1) To obtain and maintain an accurate set of uniform, facility-specific information and keep it current.

(2) To build an infrastructure based upon as many existing approaches as possible that efficiently support data linkage capabilities.

(3) To improve public access to Agency data, to empower communities and to support multi-media analysis of environmental issues.

(4) To minimize the burden on the regulated community and States as part of the process of obtaining and maintaining such information, and eliminate, where possible, duplication.

(5) To serve as a first practical step toward the broader goal of consolidating environmental data collection.

### *C. Benefits of the Facility Identification Initiative*

The Facility Identification Initiative is seeking to create two features that will work together to create an electronic pointer system to Agency data. The first feature is a single record of consistent facility identification data (e.g. facility name, street address, corporate affiliation, etc.) established and updated for each reporting facility. The second feature is a unique facility identification number which is assigned to each facility. The facility identification number would then serve as the primary link or electronic pointer to all of the Agency's data about that facility.

EPA believes that there are numerous benefits of establishing a universal set of facility identification data to be shared between EPA, States and the public.

1. *Better access to data by facility.* For the first time, reliable links will be established between data relating to the same facility held in separate EPA and State data systems. Standardization of facility identification data will eliminate inconsistencies in facility identification data that currently exist. Environmental data about a facility can be found and used more effectively.

2. *Improved access by the public.* The public would be provided with improved access to the Agency's environmental data. The facility identification data will provide new and greater capabilities for the public to

access Federal environmental data, and allow for links to other data sources.

Providers of information can also use the facility identification data as a tool to locate and check the accuracy of their data as represented in EPA and/or other systems. Standard facility identification data could increase opportunities for the owners or operators of facilities to tell their own story about site-specific or corporate pollution prevention and environmental progress. For example, the data could be designed to allow a facility to provide an Internet address as well as an E-mail address. This could serve as a link to further information, analyses, reports, or interpretations that the data provider believes would enable the public to better understand its submissions.

#### *3. Improve multi-media perspectives.*

The facility identification data would better support the efforts of data users who want to compile or analyze environmental data across media data collections. In particular, it would support those doing geographic or community-based analyses. Having an up-to-date linkage capability could significantly increase the reliability of multi-media analyses by providing a standard framework for organizing and storing facility information.

4. *Empowering communities.* Facility identification data can serve as a tool to empower communities by aiding them in identifying the presence of detailed environmental data related to a specific facility within their localities.

5. *Reducing burden.* Consolidating facility identification data could lead the way, over time, to reduce the reporting burden for those required to submit data under a number of existing Federal environmental regulations. The facility identification data of the individual reporting forms could be abbreviated. EPA is mindful of the need to implement the facility identification initiative creatively and in a fashion that minimizes burden on the regulated community. Thus, no additional burden will be placed on the regulated communities to reconcile facility data that EPA has already collected. The Agency will do an initial reconciliation of facility data using existing records, without asking facilities to submit additional information. Facilities would be provided an opportunity to voluntarily review and verify (electronically) their reconciled facility record if they choose to do so. Care also needs to be taken to minimize burden on the regulated community when deciding which data elements to consolidate into a single facility record. For example, EPA is considering innovative ways to include latitude-

longitude coordinates in the consolidated facility record without requiring facilities to incur any new reporting burden. Rather than requiring that facilities report longitude and latitude data, EPA intends to use secondary sources to populate these data fields. EPA will expend its own resources to conduct address matching and will use existing sources such as State data, to ascertain longitude and latitude for each facility. EPA is also considering providing Federal and State inspectors with the means to ascertain longitude and latitude easily and uniformly, or perhaps empowering facilities themselves with the means to do so voluntarily. One of EPA's primary objectives is not only to avoid imposing any new burden, but to also reduce existing burden wherever possible. As such, EPA is very interested in receiving comments or suggestions on ways that EPA can implement a consolidation program and still achieve either a zero impact on burden or a net reduction.

## II. Approaches to Achieving Facility Identification

This unit explores a number of alternatives for implementing the Facility Identification Initiative. Each alternative addresses who (e.g. EPA, the State, the facility) takes responsibility for data reconciliation, keeping the facility data record current, and providing public access. In reviewing these discussions, EPA requests that the reader consider how any individual alternative supports or does not support one or more of the goals as outlined in Unit I.B. of this document. Also, EPA requests reviewers to comment on the practical feasibility and relative probability of success of a given approach. The approaches are not mutually exclusive of each other, so the reader might comment that one or more approaches should be combined. Additionally, EPA also encourages commenters to suggest other approaches that could be implemented.

In brief, the five approaches presented here include: (1) An administrative approach that would upgrade an existing Agency-maintained facility identification data base, (2) establishment of an EPA-State non-regulatory data management partnership to develop and maintain facility identification data and the necessary linkages between information systems, (3) a distributed information system in which EPA would not establish a central facility identification data base but would rely on building connections to State systems, (4) a regulatory approach that would require consolidated reporting of facility data to

EPA or the States while eliminating duplicative reporting, and (5) an approach that would use existing regulatory authority and establish facility identification reporting requirements by developing new OMB Information Collection Requests (ICR).

### A. Approach 1: Upgrade FINDS

EPA's Facility Index System (FINDS) is a data base of facility identification data maintained by the Agency. Facility identification data maintained by each program office data base are consolidated in FINDS and an attempt is made to reconcile discrepancies. The major deficiencies with the current FINDS approach are that the reconciliation occurs after data is entered into programmatic data bases; there is no formal mechanism for correcting the programmatic data bases, and the "data of record" continues to be the data contained in the program offices' data base which may be inconsistent across the data bases.

Under the "Upgrade FINDS" approach, EPA would conduct a comprehensive clean-up, data reconciliation and restructuring of FINDS. The Agency would need to invest significant additional resources into upgrading the quality of the current FINDS data base by eliminating incorrect records and resolving certain existing discrepancies. The current FINDS data base would then be expanded and new methods would be adopted to share this data with the States, program systems, and the public.

Under this approach, it is envisioned that EPA would assign a single identification number to each facility and use that number in all its data bases, thus supporting the goal of data integration and improving public access. This alternative would put no new obligation on the State or the industry to use the new identification number. Therefore, this approach does not affect the burden on industry and it also does not consolidate reporting data. It does maintain or even increase the burden on EPA to continue to reconcile differences in reported facility data and develop and maintain a consistent facility record.

EPA would have the primary responsibility for data reconciliation under this approach. This reconciliation would continue to occur after data are entered into individual program data bases. There would be a continuing need for staff to use their best judgment to resolve discrepancies and populate certain new data fields. However, the Agency could provide facilities with a voluntary opportunity to review and comment on their facility identification

record as is currently done for Federal facilities. (For example, EPA's Federal Facilities Enforcement Office uses the Federal Facilities Tracking System (FFTS) to provide a mechanism for facility records review, modification, and correction by a designated Federal agency representative.) Such a voluntary, interactive review process could be accomplished through EPA's Internet Home Page. EPA would like to receive comments and ideas on these and other mechanisms the Agency could use to provide a facility with an opportunity to review and comment on their facility identification data, regardless of the approach adopted to implement the facility identification initiative.

For those who are interested, EPA's current Home Page address is: <http://www.epa.gov>. This will provide access to the EPA Server. The ENVIROFACTS system contains a listing for current FINDS records. It can be found under the listing for EPA Data Systems and Software.

### B. Approach 2: State/Federal Data Management Model

This approach recognizes that both EPA and the States are recipients of environmental reports from facilities. EPA is the initial recipient of some reports such as the Toxics Release Inventory, and pesticide data under FIFRA. However, most facility-based reports generated as a result of Federal environmental laws and regulations initially are received by States who have been delegated the authority by EPA.

Under this approach, EPA and the States would agree to administrative data management procedures for accomplishing the basic goals of the Facility Identification Initiative. These agreements could, for example, be established through a new performance partnership agreement process or in connection with existing programmatic grants.

The focus of this activity would be a State accepting the primary responsibility for reconciling differences in facility records for reports it collects. The State would maintain a consistent "master record" for that facility. EPA and the State would agree upon a standard set of data elements for such records, along with such other tools as a standard data dictionary and standards for timing of facility data records transfer and the acceptable level of data quality.

Under this alternative, EPA would establish a national Facility Identification data base. The State and EPA would agree to apply a unique identifier number to each unique

facility. EPA would then obtain the full facility record from the State. Furthermore, States and EPA would agree that any relevant data transmitted to an EPA program data base about such facilities would have to contain the facility identifier number. Otherwise, that data would not be accepted. In this way, both the State and EPA program data bases could contain the necessary linkage capability to make the Facility Identification Initiative function as envisioned.

There may be cases where EPA receives reports directly from a facility and the State does not maintain the same record for that facility. In those cases, EPA would take direct responsibility for reconciling such facility records, establishing the master record, and assigning a facility identifier number. The State would, thereafter, have full access to such records.

It is also possible that a State may want EPA to include records for "State-only" facilities and other geographic entities in its Facility Identification data base. For example, this could include records associated with facilities that report environmental data to the State under the authority of State law. For example, a number of States currently use EPA's Aerometric Information Retrieval System (AIRS) data system as their means of maintaining certain air quality data. These States include both Federally covered as well as any additional facility reports in their data uploads to AIRS.

This non-regulatory approach would be transparent to the reporting facility and would result in no new reporting burden being placed on a facility. It would, however, not result in any direct consolidation of facility data reporting elements and the consequent burden reduction across several collections administered by the State. Voluntary mechanisms could be established for a facility to review and comment on their facility record. This would be left up to the State to administer.

This would be a non-mandatory approach and not all States would want or be able to participate. EPA could establish a process to develop a model agreement and test the concept with as many States as may wish to participate. Thereafter, EPA and the States would need to be willing to fund their respective parts of such an initiative separately.

EPA requests comment on the overall feasibility of such an approach. What specific provisions would be a necessary part of such State/EPA agreements? Ultimately, what level of State participation would be required in such a program (other than 100%) in

order for EPA to be able to represent this option as a nationally viable facility identification data set? What should EPA do in situations where the State has accepted only partial delegation (e.g., for all programs except water, etc.)?

#### *C. Approach 3: Distributed System Access*

The Agency and its State partners are reexamining their respective roles as co-implementers of environmental regulations. Many EPA programs currently delegate to the States much of the implementation of the national programs. Does this lessen the need for EPA to maintain a national facility-specific data set?

Under this approach, States would pursue facility data integration in a manner that best meets their individual needs. This would represent decentralization of the concept of data integration and would support the concept of States developing their own approaches. A significant question needs to be addressed concerning such an approach. How will EPA obtain the data it needs for determining national and cross-boundary trends, and ensuring a national level playing field? This alternative could hamper the Agency's ability to use or provide integrated data on a national basis. EPA would be dependent upon the State systems for what questions could be answered. This approach would, however, provide the States with maximum flexibility to determine how they would manage their data and provide access to it. EPA could maintain a requirement that it and the public have access to these data systems. EPA could then use the data in these distributed systems to do analysis and special projects and reports. However, in this circumstance EPA would not try to maintain a "master file" of facilities that would try to track each facility and any changes thereto. Whether the States should be required to do this needs to be considered. Are there alternative ways of achieving the same goal? Is there a need for consistency across States? Should EPA be responsible for providing the public with a national pointer system to any individual facility and its related data points? Or can the public's need for this information be met through distributed State systems, each of which provides the public access to its data or subsets of its data? Should this decision be a national one, across all States and agencies implementing specific environmental reporting requirements, or should the decision on public access be left to each State?

Another alternative to consider might be a requirement that States provide integrated facility data, but not specify how to do it. EPA could set certain minimum levels of service and a standard set of facility data that would tie together program information in various systems. The States would then implement the approach that makes the most sense to them, given other data projects they may already be involved in. No matter how individual States accomplished data integration, each State would have to develop a system of facility identification which would be applicable across program lines. This might result in a master file or lead program system which would assign identifiers which other State offices would pick up. This could be very similar to Approach 1: Upgrade FINDS, except that the State would not be required to establish a master file similar to FINDS and EPA would not establish and maintain a national data base of all the facilities or even all the Federally regulated facilities maintained at the State level. EPA could then use the data in these distributed systems to do analysis and special projects and reports. Access would be provided from the State and perhaps made available to the public and EPA through the Internet or other electronic medium. EPA could rely on the current movement of States to the Internet and World Wide Web where more and more State data are being made accessible electronically. This could obviate the need for a single EPA-managed system to integrate data. Mechanisms for integrating the more important facility elements at a local or regional basis could then be developed. This would allow systems to remain distributed, but would allow EPA or the public to obtain answers to their questions about a regulated entity.

#### *D. Approach 4: Collecting Data by Rule*

This approach involves EPA promulgation of a rule that would require certain Federally regulated data submitters to report (or verify) a standard set of facility data. The responsibility for reconciliation of differences in facility data submissions and updating of the facility record would rest with the facility. EPA believes that it could reasonably cite multiple existing statutory authorities as the basis for promulgating a rule to establish and maintain a separate, consistent, facility data record and appropriately streamline the reporting of facility data elements under existing rules to reduce duplication of reporting.

Definitions of what is to be reported in this rule (i.e., the term "facility"), would be cross-cutting and not

dependent upon the differing regulatory and statutory definitions that apply in any individual rule. The rule would also establish a time frame for the initial report and set forth any requirements for ongoing review and correction of the data record.

A rule process would involve three basic changes:

(1) EPA would place cross references into existing rules advising the regulated "person" that they are subject to the new consolidated facility data reporting requirements.

(2) A Facility Identification number would then be added as a required data element in those existing rules allowing the form(s) authorized by those existing rules to include the new, consistent identifier number for that facility.

(3) Existing rules and reporting forms would also be amended to eliminate certain data elements that would also be present in a Facility Identification rule. However, basic name and location address necessary for data validation purposes on any current form would not be eliminated.

It is envisioned that facilities that are subject to one or more Federal environmental reporting requirements that are identified in the rule would be subject to the facility data reporting requirements of a potential rule. The reporting requirements identified in the rule would be site-specific, of a fixed location (e.g., mobile source regulation would be outside the scope); and would have to require periodic reporting, or could be a one-time application and/or registration with periodic follow-up. One-time notifications, surveys, and incident reports would not be considered within the scope of a new rule. Based upon this draft criteria, EPA has identified numerous data collections that it considers to be potentially within the scope of such a facility data reporting rule. These data collections are listed in Table 1 in Unit III.B. of this Notice.

The Facility Identification data reported would be included in a central data base. This data base would be accessible to EPA, States, and the public. This approach could support most of the goals of a Facility Identification Initiative. By establishing a uniform set of place-based data, overlapping data elements could be reduced. Additionally, this reduction could be representative of the first step toward reporting data consolidation. Initially the burden reduction aspect of this approach may not be realized because a new reporting requirement would be established. However, over time the elimination of overlapping data

elements from multiple rules could provide a net burden decrease.

The workgroup discussed a number of other issues and options associated with development of a rule. The rule-related issues and options are presented in detail in a document titled "Support Document for Facility Identification Initiative: Notice and Request for Comment" which is available as part of the Public Record for this Notice. This document may also be found on the Key Identifiers Project Page of EPA's World Wide Web Home Page. The address is <http://www.epa.gov/Internet/OPPTS> or <http://www.epa.gov/EPAHome/Initiatives.html>. Included in the Support Document, for comment, are the following:

1. *State and Federal models for flow of data.* A critical determination in implementing a rule will be how the data is collected. The Agency has looked at five rule-based models for collecting the data and entering it into a Facility Identification data base. These include a Federal collection, a State-only collection and, three variations of a State and Federal hybrid collection. EPA is interested in receiving comments on each of these models.

2. *Frequency and timing of facility identification reports.* Related issues discussed in the Support Document include: (a) Setting an initial reporting time-frame; (b) submitter verification of existing Agency facility record to potentially minimize burden on data submitters; (c) options for phasing in the requirement for submitting the initial report; (d) addressing initial submissions by new facilities reporting after promulgation of the rule.

3. *Reviewing and updating the facility identification record.* Keeping a Facility Identification data base current would be a long-term challenge. It is essential that the Facility Identification record reflect the most current information about a facility because it would be the overall reference used by multiple Agency data systems and data users. Therefore, if a new reporting requirement is adopted, the Agency must consider how frequently the Facility Identification data should be reviewed and updated once the facility's record is established through initial reporting. The Agency must balance the need for keeping the data accurate with the burden association with the ongoing nature of such submissions. The following options for ongoing review and updating of the Facility Identification data base are presented for comment in the Support Document: (a) Mandated periodic review and update; (b) updating only when changes occur; (c) report changes as they occur,

and verify periodically, and; (d) incorporate in the current submission.

#### *E. ICR-Only Approach*

This approach is also a data reporting requirement and would involve many of the same issues as outlined in D. of this Unit. Under this approach, however, EPA would not revise regulations but would prepare a new Information Collection Request (ICR). An ICR outlines burdens and costs associated with information collections, and is required to be prepared by the Agency and approved by the Office of Management and Budget under provisions of the Paperwork Reduction Act.

The new ICR prepared under this approach would seek approval under the provisions of the Paperwork Reduction Act to centrally collect facility identification information that is currently collected under many separate rules. Those rules are currently supported by separate ICRs. In effect, EPA would consolidate facility data reporting into one new form and set of instructions approved by a new ICR. At the same time, all relevant existing forms approved by current ICRs would be modified to eliminate, where possible, existing duplicative facility data elements. The burden calculations of the existing ICRs would also be modified as appropriate to reflect the removal of reporting elements. The existing regulations would not be modified. Instead, the facility identification data requirements in each set of regulations would be fulfilled by submission of the consolidated facility information under the new ICR.

There could be certain advantages to this approach. First, this approach could provide an expedited means of achieving the practical changes necessary to consolidate facility data reporting and streamline the facility data sections of many existing reporting forms. Also, under revised provisions of the Paperwork Reduction Act, the ICR development mechanism provides expanded opportunity for public review and comment. This is not the equivalent of notice and comment rulemaking, but it does offer the public an opportunity to affect the substance of the data collection requirement prior to the Agency's submission of the ICR to OMB.

A potential disadvantage is that the ICR-only approach may not provide the long-term stability necessary for such a comprehensive data management program. Without the backing of a codified requirement, it could be more vulnerable to discontinuation. Such a lack of long-term commitment could be very disruptive and wasteful of the

investments made by all parties involved in both supplying and managing the data.

### III. Cross Cutting Issues

EPA believes that there are a number of common questions that must be addressed regardless of the approach chosen to implement the Facility Identification Initiative. In order to create a comprehensive facility record, the question arises of whether we need to develop a comprehensive definition of "facility"? What environmental data collections (i.e., which facilities) should be included in the Initiative? What should the comprehensive facility record contain? Are there any confidentiality concerns with the development and access to such a comprehensive facility data record? How can we take advantage of evolving technology to meet the information management challenges of the Facility Identification Initiative?

#### A. Facility Definition

1. *Rationale for a facility definition.* As stated previously, one of the goals of the Facility Identification Initiative would be to establish a streamlined method for identifying a facility across various, separate environmental data collections. No matter how the Facility Identification Initiative is implemented, EPA believes that a standard concept of facility is central to the development of a successful program. For purposes of developing a consolidated "facility-specific" record, it is essential that all parties involved have an opportunity to review and comment on the need for, and potential elements of, a "facility" term or definition. For purposes of further discussion in this Notice, EPA will use the term "facility."

The EPA workgroup considered the issue of how to define the term "facility" for purposes of the Facility Identification Initiative. It identified three basic attributes which it believed needed to be considered in constructing a definition.

(1) First is the fixed, spacial or geographic attribute of a facility. Generally speaking, regulated activities occur within a physical boundary, usually a real estate property boundary. In many cases (but not always), there is a "street address" that corresponds with this physical location, and other spacial coordinates can be used to identify or define the location.

(2) Next, there is the attribute of ownership or control. Generally speaking a facility is owned or operated by a legal person (i.e. an individual, corporation, or government). Therefore, another parameter for a discrete

"facility" is that the activities/property/physical boundary is owned or operated by the same person. Take, for example, the situation in which an operation owned by one person is physically surrounded by another persons operation. That separate ownership would be the critical factor in distinguishing one facility from the other.

(3) Finally, there is the attribute of time. That is, the attributes of both physical composition and ownership/control can change with time. Obviously, facility ownership can change and so can the physical boundaries/components. Additions of operations on adjoining properties as well as sale of parts of a location can result in physical changes to a facility and, subsequently, changes to what that facility may have to report under environmental laws and regulations.

2. *Draft facility definition.* EPA believes that developing a facility concept acceptable to all parties involved could ensure both the success and the longevity of the Facility Identification Initiative and data consolidation in general. However, EPA would not intend for a definition of "facility" developed under this initiative to alter or affect existing statutory and regulatory definitions of "facility" that guide reporting of substantive data within those collections. The point of reference (e.g., facility, site) for reporting substantive data and the substantive reporting requirements of separate collections would not change with a rule or other action defining "facility" for purposes of a Facility Identification Initiative.

EPA believes that it would be appropriate to develop a definition of "facility" that could apply across a broad array of current environmental data collections and permit requirements. Therefore the definition would have to be broad enough to encompass the whole of the facility's operations but remain within the physical and ownership attributes as discussed above. The workgroup developed the following draft facility definition for comment:

"All buildings, equipment, structures, and other items located on a single site or contiguous or adjacent sites owned or operated by the same person or persons."

Under this approach, the outermost perimeter of the single geographic area occupied by the entire entity, including all of its parts or divisions, would constitute the "facility."

Incorporated into the draft facility definition are elements that EPA considered to be necessary to achieve

the goals of the initiative. First, the definition is holistic, or all encompassing. That is, the definition is comprehensive enough to encompass all activities at a particular facility, including all its parts or divisions. Also, the definition relates to a single piece of geography that can encompass contiguous or adjacent sites. This is an important element in achieving consolidated, facility-specific identification data. Finally, the definition specifies that the property must be under a common ownership or control. This element, in combination with the concept of single geographic area, would ensure that all related parts of a facility are captured in an entity's Facility Identification record.

EPA would like to receive comment on whether a term other than "facility" should be used to denote the reference point for consolidated facility identification data. If so, what term should be used instead. EPA realizes that other terms may be used such as "site," "regulated entity," "establishment," or "reporting unit," to name a few. EPA requests comment, particularly from States, on their experience with developing and using such terms, along with the problems and successes they have experienced.

3. *Application of the proposed facility definition.* Use of the facility definition proposed here may result in no change in the way that single establishment facilities represent themselves. Likewise, certain complex installations may currently represent themselves in a holistic manner, using a consistent, single name and address for reporting purposes.

However, EPA recognizes that there may be instances where application of a holistic definition of facility could be problematic or confusing. EPA anticipates that such difficulty might arise for at least four specific types of reporting facilities.

(1) Current rules may require reports from "sub-entities" of a facility (e.g. two different Divisions within the same larger facility report different names and addresses as separate hazardous waste disposal units).

(2) Facilities reporting as systems or parts of systems (e.g. railroads, pipelines and other systems in which discrete operating units are "contiguous" by virtue of a transportation, property or other system connection).

(3) Disjointed operations carried out by the same person within a larger real estate perimeter (e.g., non-contiguous production and warehouse units of the same company within an industrial park could under the draft definition be considered separate facilities).

(4) Adjacent subsidiaries of the same corporation that are separate business entities could be required to all have a common address as one "facility." EPA is providing a detailed discussion of these scenarios in the Support Document for this Notice (See Unit II.D. of this document).

EPA requests comment on these and any other problematic situations associated with implementing and interpreting the draft definition of facility proposed herein.

4. *Accommodating facility changes over time.* Under the Facility Identification Initiative, EPA will want to obtain reliable identification information for a particular facility. Therefore, the Facility Identification system will need to accommodate business transactions that alter facility identification information over time (e.g., changes in property boundaries or facility ownership). The types of accommodations that EPA is considering are discussed in the Support Document, and the Agency requests comment on these situations and any other related issues.

#### *B. Data Collections Included.*

1. *Data collections included in facility identification initiative.* In EPA's efforts

to identify the most appropriate data collections (i.e., reporting requirements) to be included for coverage under a Facility Identification Initiative, EPA developed and used the following draft criteria:

(i) The reporting requirement and reports submitted should be site-specific. In other words, the "who" information in a submission should relate to the physical location of the permitted or regulated activity.

(ii) The facility covered by the data collection would have to be fixed (e.g., mobile source regulations under the CAA would be outside the scope); and

(iii) The data collection would have to require periodic reporting or could be a one-time application and/or registration with periodic follow-up. One-time notifications, surveys, and incident reports would not be considered within the scope of the Initiative.

Based upon this draft criteria, EPA has identified numerous data collections that it considers to be potentially within the scope of the Facility Identification Initiative. EPA began the identification process by reviewing all of EPA's current Information Collection Requests (ICRs). Detailed matrices were developed showing the specific ICRs considered

"within scope." The specific elements included: the responsible EPA program office; the statutory authority; the title of the regulation; the ICR and OMB numbers; the CFR citation; the frequency of reporting; whether or not the ICR was considered to be within the scope of the draft criteria; and, the specific facility data elements required to be reported. The completed matrices for these "within-scope" ICRs are available for review in the public record for this Notice.

Appropriate offices within the Agency then reviewed the ICRs for which they have responsibility and compared them to the criteria. The results of this review are presented as Table 1 below. Each listed ICR has its basis in a regulatory and/or statutory provision. Therefore, Table 1, represents a list of Federal actions that could be included under a Facility Identification Initiative. The facility identification data submitted pursuant to the list reporting requirements would be subject to consolidation into one facility record under the Initiative. As an aid to the reader, Table 1 is organized by environmental statute and includes the name of the regulation, the regulatory citation, and the EPA ICR number.

Table 1.—Actions That Could Potentially Be Included Under a Facility Identification Initiative

Regulatory Title	40 CFR Citation	ICR Number
<b>Clean Air Act</b>		
Source Compliance and State Action Reporting	51.100	107
Annual, Updates of Emission Data to Aerometric Information Retrieval System (AIRS)	51.321-51.323	916
New Source Performance Standards (NSPS)	Generally, part 60	
National Emissions Standards for Hazardous Air Pollutants (NESHAPS)	Generally, parts 61 & 63	
CAA Title V - Operating Permits Regulations - Information Requirements	70, 502, 503	1587
Federal Operating Permits Program of the Clean Air Act (part 71)	Part 71	1713
Consolidated ICR for the Acid Rain Core Rules - Permits	Part 72	1633
Consolidated ICR for the Acid Rain Core Rules - Nitrogen Oxides Emission Reduction Program	Part 72	1633
Consolidated ICR for the Acid Rain Core Rules - Opt-In-Program	Part 74	1633
Consolidated ICR for the Acid Rain Core Rules - Continuous Emission Monitoring	Part 75	1633
Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act	Part 68	1656
Recordkeeping and Periodic Reporting of the Production and Consumption of Newly Controlled Ozone Depleting Substances	Part 82, Subparts A & E	1432
<b>Comprehensive Environmental Response, Compensation, and Liability Act</b>		
Continuous Release Reporting Regulation Under CERCLA	302.8	1445
<b>Clean Water Act</b>		

Table 1.—Actions That Could Potentially Be Included Under a Facility Identification Initiative—Continued

Regulatory Title	40 CFR Citation	ICR Number
NPDES Permit Application	122.21, 122.26, 122.44, 122.501	226
National Pollutant Discharge Elimination System (NPDES)/Compliance Assessment Information	122.41, 122.47	1427
Combined Sewer Overflow Policy (CSO), 59 FR 18688 (April 19, 1994)		1680.01
Discharge Monitoring Report	122.21, 122.41	229
Pretreatment Program Information Requirements	403	2
<b>Emergency Planning and Community Right-to-Know Act</b>		
Toxic Release Inventory 313 Reporting	372.25, 372.85	1363
Alternate Threshold for Low Annual Reportable Amounts	372.85	1704
<b>Federal Fungicide, Insecticide, and Rodenticide Act</b>		
Application for Registration of Pesticide-Producing Establishments (EPA Form 3540-8); Notification of Registration of Pesticide-Producing Establishments (EPA Form 3540-8A); Pesticide Report for Pesticide-Producing Establishments (EPA Form 3540-16)	167.20, 167.85	160
<b>Resource Conservation and Recovery Act</b>		
Identification, Listing, and Rulemaking Petitions	260.20(b), 260.22, 261.4(d), 261.4(f)	1189
Notification of Regulated Waste Activity	262, 263, 264, 265, 266, 279	261
1993 Hazardous Waste Report	262.41, 264.75, 265.75	976
Hazardous Waste Generator Standards	262.56(a), 265.56(d), (i), (j)	820
General Hazardous Waste Facility Standards	264.56(d)(2), 264.56(i), (j)	1571
RCRA Hazardous Waste Permit Application and Modifications, Part A	270.1, 270.13, 270.72	262
Part B Permit Application, Permit Modifications and Special Permits	270.1, 270.14(b)	1573
Used Oil Management Standards	279.57	1286
<b>Safe Drinking Water Act</b>		
Public Water Supply Program	142	270
Underground Injection Control Program Facility and Well Inventory Information	144	370
<b>Toxic Substances Control Act</b>		
Partial Updating of TSCA Inventory Data Base; Production and Site Reports	710.32	1011
Toxic Substances Control Act (TSCA) Section 8(a) Preliminary Assessment Information Rule (PAIR)	712	586
Polychlorinated Biphenyls (PCBs): Manufacturing, Processing and Distribution in Commerce Exemptions	750.11, 750.31	857
PCB Disposal Permitting Regulation	761.60	1012
PCB Notification and Manifesting of PCB Waste Activities, and Records of PCB Storage and Disposal	761.180, 761.205, 761.211, 761.218	1446

### C. Elements of a Consolidated Facility Record

Another cross-cutting issue is the content of the facility identification data record. Assuming that the Facility Identification Initiative is implemented using a central facility data registry

approach, the Agency and the States will need to consider what facility data elements are necessary to maintain. The content of this record is particularly important to the discussion of collection of this data by rule. A rule would need to specify what information elements must be reported and updated over

time. This has a direct bearing on the burden issue, both from the standpoint of what elements would constitute a new collection and what elements would be removed from the facility section of existing rules and reporting forms. There is, however, an important difference between what may be part of



a reporting requirement and what EPA and States would decide to include as elements in a facility identification data record. For example, under a reporting rule approach, EPA could decide that it is not necessary to collect a certain data element from facilities. It may, however, be a useful and appropriate data element that can be populated from other existing sources. In short, the ultimate data base structure could be more detailed than the elements of a reporting requirement.

Using a non-reporting/ non-regulatory approach would still call for articulation of a facility identification data structure. One distinction, however, is that the data records would all be populated from existing sources. Therefore, the completeness of any given facility identification data record would be a function of the detail of existing facility data used to develop that consolidated facility data record. This could lead to different decisions about total data structure.

Following is a discussion of data elements that the Agency identified and determined were appropriate for eliciting comment.

1. *Facility Identification number.* This is the unique identifier that would be assigned to a facility, after an initial report or as a result of EPA/State data reconciliation efforts. EPA envisions this to be an "unintelligent" number. That is, all or most of the components of the number would be randomly assigned and not relate to any particular attribute of the facility. EPA realizes that some States may have already developed such a unique identifier. In such cases, the Agency would not necessarily need to utilize an additional identifier if a means could be developed to incorporate the States number into the structure of the Facility Identification data base. In addition the Agency's current Facility Index System (FINDS) and some States use the "EPA ID Number" or "RCRA ID Number." This is a number beginning with a two letter state prefix followed by 9 digits, plus a check digit. This is an identifier that many but not all facilities carry. Also, it may currently apply to individual sub-entity hazardous waste sites that are part of a larger facility. Thus this number may not be appropriate to apply to a facility at large, particularly if there is more than one such sub-entity within the facility. EPA requests comments on how best to consider structuring a unique Facility Identification number and whether the existing EPA Identification Number (RCRA ID Number) could be utilized.

2. *Facility name.* In most cases, this is likely to be a name that already exists

in one or more EPA and/or State records. However, even minor variations in a name (e.g., DeBernardo, de Bernardo, D. Bernardo) can raise questions about the true identity of any given facility, especially in situations where records are stored and reported electronically. Other differences may exist as a result of the variation in the current reporting requirements themselves. Such variations also may exist because different individuals at the facility may have completed different reports in slightly different ways (e.g., Conoco is owned by du Pont, but could be reported as Conoco, duPont - Conoco Div., E. I. du Pont de Nemours, etc.)

EPA wishes to receive comment on what type of guidance, if any, to provide regarding the name to be reported. For example, should the facility record contain a commonly used, "doing-business-as" name, or should it represent the legal incorporation name? A "doing-business-as" name (i.e., duPont - Conoco Div., rather than E. I. du Pont de Nemours) could provide a unique name that most closely represents the current status of facility records. For large corporations, this would not offer a relatively common appellation shared by many other facilities in many different places. As such, it may provide a facility name more understandable to the public. However, the legal incorporation name does appear in existing business and tax records for the facility and may be a more appropriate standard to cite.

The Agency has also considered the inclusion of space for two facility name elements in a data element dictionary so that both a common and a legal incorporation name could be provided. At this point, however, EPA believes that one name representation would be sufficient and that maintaining more than one name record could be counter to the consistency and consolidation goals of this Initiative as well as potentially unnecessarily increasing the reporting burden.

3. *Facility street (physical) address.* This would usually be the postal address corresponding to the physical location of the facility. In some instances, however, it could be a physical description of location if the facility's mailing address does not correspond to its physical location. An example of the latter case would be an entry such as the following, "2 miles south of the intersections of State Route 2 and Route 5," or a conventional street address, "123 XYZ Blvd.," where mail is not accepted at that address. Such an alternate, physical descriptor is required in several current reporting requirements, such as the Toxic

Chemical Release Inventory. EPA believes it is reasonable to include such information, particularly in those cases where the facility mailing address is actually a Post Office box number, or is at an entirely different site, such as a corporate office building away from the site. Such information can aid the data user in understanding the general physical location of the facility and is often critical for spatial data analysis.

4. *Facility mailing address.* This element would be supplied in those cases where the mailing address does not correspond with the actual physical location address of the facility. Examples would be Post Office box numbers or a corporate administrative building not located within the facility itself. This element is necessary for basic purposes of communicating with persons responsible for the operations of the facility.

5. *County, parish, or other jurisdictional indicator.* This data element would indicate jurisdictional location as a part of the standard physical address data. EPA's own experience indicates that this basic data element is very valuable in conducting a wide variety of geographic analyses. Consequently, EPA favors including this data element in the Facility Identification data structure. Furthermore, EPA's experience points to a significant desire on the part of the general public to be able to locate environmental data associated with their county. It can also be an important data quality control check for verifying the address information.

6. *Facility contact.* EPA favors including fields for the name of a person to contact (including telephone number, FAX number, and E-mail address if available) for questions that may arise about the content of the Facility Identification record. EPA would not intend for this data element to represent a contact that applies to all other reporting requirements. Each individual data reporting requirement and system (e.g., the RCRA Biennial Reporting System, BRS, or the Permits Compliance System, PCS) could continue to require the name of a contact person for questions concerning the substantive data submitted to such other systems. It may be more problematic to consider including such a data element if a non-reporting option were implemented. It may be difficult for EPA and the State to make a judgment on filling this element from contact person data available in specific media reports.

7. *Facility SIC code.* The Standard Industrial Classification (SIC) code system is a statistical classification system maintained by the Office of

Management and Budget and used throughout government and industry to describe the economic activities undertaken by business entities. It classifies the activities of business and other "establishments" using divisional groupings and a specified numbering system. While not a regulatory system itself, the SIC code system has become the predominant means by which many data users obtain a functional classification of the activities of regulated facilities, and is an essential analysis tool in the area of economics. Among other uses, an accurate and current SIC code is critical to successful industry sector analyses. Such analyses are carried out with increasing frequency for purposes of identifying pollution prevention and compliance assistance opportunities.

Most current data collections obtain one or more SIC codes, usually at the 4-digit level. EPA believes that the facility identification data structure should provide for multiple entries to accommodate situations in which a facility engages in different activities or may have more than one establishment engaged in different primary activities. If EPA were to implement a reporting rule, the Agency would like comment on the appropriateness of requiring such codes to be supplied at an 8-digit level in order to support more refined analyses.

**8. Facility Dun and Bradstreet number.** Dun and Bradstreet is a private, business information service that provides to its customers data on companies that have applied for commercial credit. This type of data can be facility-specific. The D&B Number, as it is commonly called, is a valuable piece of information, allowing data users to correlate current business data, such as sales and numbers of employees, to the environmental data being reported by the facility. In particular, EPA and other government agencies use such correlations to develop estimates of the impact of current and future regulatory requirements. The facility-specific D&B number can also be used to obtain information on corporate ownership and subsidiaries through access to the D&B Information System. For Federal facilities which do not have D&B numbers, it has been suggested that GSA Real Property ID number be substituted.

**9. Parent company name and Dun and Bradstreet number.** Parent company data is also important to a wide variety of data users because this information helps them to understand the relationship between the activity taking place at a specific location and the higher level corporate responsibility for

that facility. Several current data collections include reporting of parent company information, including the D&B number. This reporting usually refers to the ultimate U.S. parent company. This will provide information concerning the highest level of corporate control within United States jurisdiction. Should this emphasis on ultimate parent be retained or should the data element apply to the facility's most immediate corporate parent? This information could be particularly useful to individual citizens wanting to determine who is immediately responsible for the actions of a particular facility in their community. EPA requests comment on this issue of the most appropriate identification of the facility's parent company.

**10. Permit numbers/system identifiers.** As new EPA programs/data collections were started, there was a need for each to utilize a tracking number to identify the entity that was reporting. However, all of these activities were mandated by Congress independently of each other at different times and seldom utilized the same number. One primary goal of the Facility Identification Initiative is to develop a facility-based data system that acts as a pointer system to more specific environmental data relating to that facility. This data will include, for example, permit data and emissions data reported by the facility to existing EPA or State data systems. It would, therefore, be very important to establish viable links between the Facility Identification data record and facility-based records in relevant Federal and State systems.

Following is an exemplary list of identifier numbers currently used by various EPA and State programs:

(1) TRIFID — The Toxics Release Inventory Facility Identification Number.

(2) NPDES Permit Number — The National Pollutant Discharge Elimination System Permit Number.

(3) RCRA Identification Number — The Resource Conservation and Recovery Act Identification Number. It is also known as the EPA ID Number.

(4) Various air quality permit numbers and facility identifiers — under authority of the Clean Air Act and administered primarily by the States.

(5) ORIS PL Number — The Office of Regulatory Information Systems Plant Number. This is a facility identification number maintained by the Department of Energy's Energy Information Administration and applies to electric power generation utility facilities. It is used as a facility identifier in EPA's National Allowance data base.

(6) UIC Permit Number — The Underground Injection Well Code Permit Number.

(7) FIFRA Establishment Identification Number — The Federal Insecticide, Fungicide, and Rodenticide Act Identification Number.

(8) PWS Identification Number — The Public Water System Identification Number.

(9) The Federal Facility Identification Number — A number assigned by EPA only to Federal facilities.

(10) State Facility Identification Number — A unique identification number that may have been assigned to the facility by the State (or local) delegated agency.

There are two basic sets of issues associated with permit numbers/system identifiers and the facility identification data structure. First, is it necessary for purposes of supporting linkage to include such identifiers in the Facility Identification data set itself? If, for example, a non-reporting alternative is selected, would the State or EPA have to populate each Facility Identification record with other current permit numbers and relevant system identifiers? As an alternative, would it be sufficient for linkage purposes to add a Facility Identification number field to each existing data base record that relates to that same facility?

The second set of issues relates to a reporting requirement approach. In brief, should a Facility Identification reporting rule include a requirement for the facility to report certain permit numbers/system identifiers in order to support the goal of data linkage?

The workgroup considered several alternatives for collecting such data in connection with the Facility Identification record. First, is the option of ongoing reporting/verification of these identifiers. The advantage to this approach is that it provides a consistent mechanism to update changes in the individual identifiers over time. The disadvantage is that it represents a somewhat heavier long-term reporting burden.

The workgroup also considered an option that would require the reporting of such linking elements but "sunsetting" the reporting after a period of time sufficient to establish the linkage. This "sunset" provision would mean that these reporting elements would automatically disappear from a rule and EPA would eliminate them, where possible, from a form and reporting instructions after the specified period of time. During preliminary discussions with stakeholders, concern was expressed about how the term sunset may be interpreted. It was

therefore recommended that if sunseting were included that EPA be specific about the length of time to provide for the transition to the Facility Identification system. If a sunset approach is adopted, how long should EPA provide for the transition?

Finally, the workgroup considered a check-box approach in which it would require that the facility indicate that, for example, it has a NPDES permit or a RCRA identification number. This would provide at least a basic pointer to a system in which records relating to the same facility may be located. This approach would be slightly less burdensome than having to fill in the specific identification number. It would, however, provide an imprecise means of establishing or confirming the necessary linkages, and require a substantial expenditure of Federal and State resources.

EPA requests comment on the issue of maintaining current permit numbers and system identifiers as a means of promoting linkage in connection with a Facility Identification record.

11. *Latitude and longitude coordinates.* EPA and the States currently collect latitude/longitude coordinates under several rules and in connection with facility inspections and other activities. Therefore, another issue to consider is whether latitude and longitude coordinates should be made part of the facility identification data record. If so, should these coordinates be drawn from existing data sources or should, for example, a reporting rule mandate facilities to develop and report these coordinates as part of the exercise of building the Facility Identification record? An important aspect of establishing reliable facility identification involves selecting the elements necessary to describe the facility's location. EPA believes that latitude and longitude coordinates are important for two reasons: (1) They support EPA's goal of place-based or community-based environmental management, and (2) they may provide a universal way to link data.

This data element discussion also has a connection with the holistic facility concept. If data is drawn from several existing sources, which set of coordinates should EPA or the State choose to represent the "facility"? There may be several to choose from that are both general (e.g the TRI submission) and specific, including those that equate to a wastewater discharge pipe or an air emissions stack. Should the coordinates represent a central point of the facility, the front gate, or does it matter as long as the coordinate is located in the facility? A related factor to consider is

the variable degree of accuracy of currently available/reported latitude and longitude data. That is why EPA has developed a Locational Data Policy (Ref. 3) that will require EPA programs to include method, accuracy, and description information in association with any latitude and longitude coordinates they develop. Such a policy would improve the value of these data elements, but requires a higher level of effort on the part of the Agency, the State or the facility to develop and maintain.

If EPA and/or the States pursue a non-reporting approach, what standards and agreements related to latitude and longitude data would have to be developed in order to supply viable data for the Facility Identification record?

If a reporting rule approach is taken, should the facility be required to develop and submit these coordinates or should the States or EPA supply the data for these fields? A decision to require such reporting may not support the goals of burden reduction or reporting element consolidation. Reporting of general latitude and longitude data for the holistic facility would not substitute for reporting more specific latitude and longitude data in the underlying collection. Also, the burden associated with developing and submitting this type of information, along with a necessary indication of the method used to collect it and the accuracy of the data, could be significant in relation to all the other data that may be required by a Facility Identification rule. EPA's preliminary estimates indicate that cost of having industry report latitude/longitude data could approximately equal the cost of developing all the other reporting elements currently under consideration.

Therefore, regardless of the means used to implement the Facility Identification Initiative, EPA believes at this point that it may be sufficient to draw on existing sources and use other methodologies to obtain latitude/longitude data for any given facility. From both new and existing sources, EPA believes that it can improve the quality of this geographic data over time by updating that data with latitude/longitude measurements conducted directly by the Agency, the State, or other authoritative sources.

EPA requests comment on the issue of including latitude and longitude coordinates in the Facility Identification data structure and how best to accomplish it.

#### *D. Supporting Electronic Data Transfer Methods*

EPA believes that it will be very important to promote the concepts of electronic data transfer methods in connection with implementing the Facility Identification Initiative. The Agency believes that moving aggressively into these data sharing and transfer methods will increase the efficiency and accuracy of Federal and State data management operations. Furthermore, if a reporting rule approach is adopted, several alternatives are available that can support the goal of minimizing burden on both the regulated community and the government. There are a number of emerging technologies that will be easy to use and will be widely available. Examples of the methods currently being investigated are:

1. *Transmission via fax.* FAX systems are almost universally available in industry and government and allow word copy transmissions that can be received and processed in a machine readable format. This can save resources for both the developer as well as the recipient of the data and can improve data accuracy. This method can be used to send the facility's current record for verification or generally provide compliance materials. The facility would call an 800 telephone number to request such materials. The benefit of a FAX system is that it can accommodate material produced by the facility either manually or electronically.

2. *Transmission via Internet/World Wide Web (WWW).* EPA currently makes the existing Facility Index System (FINDS) data base available on the WWW. In addition, it is investigating the capability of providing updates to the existing information by posting a request for addition/changes/deletion (archiving) of facility records to the regulated community. Security issues are being analyzed with the goal of finding effective ways to ensure the integrity of the information provided via the World Wide Web.

3. *Electronic submission.* For several years, EPA has used and made available to data submitters specific electronic data transmission formats that EPA would intend to make available for use as part of this initiative. Providers of Facility Identification data would be able to use the electronic data transmission format currently used for other data collections.

4. *Other methods.* In addition to the above data submission/transmission methods, EPA would accept paper submissions, but would prefer to receive paper forms by fax, as described in item

1. above. Other magnetic media submission methods used traditionally, such as floppy disk, are being considered. However, floppy disks may not be efficient for the submission of a small set of facility information in the case of a reporting rule (i.e. a large number of facilities reporting a small amount of data to EPA or the State).

Also, under consideration is submission via commercial online services and electronic mail.

EPA would be interested in receiving comments from States and potential data submitters regarding the most technically feasible and cost effective methods of electronic data transmission for them.

#### *E. Confidential Business Information and Trade Secrets*

The type of information under consideration in the Facility Identification Initiative is very general in nature. As currently envisioned, this information would be maintained and/or submitted separately from the substantive data reported under existing rules. Only publicly-accessible data would be included. Given the general nature of the facility identification information and its submission independent of other substantive data, the Agency believes that it is unlikely that facility identification information would qualify for protection as either confidential business information (CBI) or a trade secret.

Although the information being contemplated would not give rise to a CBI claim, and the rule would preclude claims for facility identifier information standing alone, all existing statutory and regulatory protection for CBI and trade secrets would remain intact, should there be a Facility Identification rule. Claims applicable to the link between facility identifier information and other reported information would continue to be asserted and maintained in accordance with the statutory and regulatory provisions applicable to the underlying data collections. Information would continue to be protected in the underlying collections, as appropriate.

EPA takes seriously the obligation to protect CBI and will ensure the continued protection of CBI regardless of the method of developing Facility Identification records. EPA is mindful that safeguards are necessary to ensure that CBI submitted under current rules is not inadvertently made available through a facility identification data profile.

EPA is interested in receiving comments on any CBI-related issues that should be considered under the Facility Identification Initiative.

#### **IV. Questions To Consider**

This Unit summarizes a number of questions that the reader should consider when developing comments on this Notice.

(1) Is integrated facility data useful and necessary? Should EPA maintain a national data base of all (or some segment of) regulated facilities in order to fulfill its mission and to allow the public and others access to this information?

(2) What are the specific uses of integrated facility identification data?

(3) Who are the customers for such data and how can they use this data to improve environmental protection?

(4) Is there a benefit to having a national set of data or would access to state collections suffice?

(5) Would a national standard for facility identification, including a commonly applied definition of "facility", be a useful first step to integrating facility data across media programs?

(6) How should "facility" be defined for purposes of such data consolidation?

(7) Is there a better or more comprehensive term to use for the purposes of facility-specific data collection than "facility."

(8) From which existing Federal environmental reporting requirements should facility data be consolidated? Should priorities be set regarding which Federally regulated facilities to cover?

(9) Should the Initiative be limited to facilities reporting under Federal authority only or should a Facility Identification data base include other facilities (e.g. those that only report to a State)?

(10) What data elements would form the optimum consolidated facility identification record?

(11) What methods of electronic data transmission/submission should EPA develop and support?

(12) Are there any CBI issues associated with developing and maintaining a Facility Identification data base?

(13) This Notice outlines a number of possible alternatives for implementing the Facility Identification Initiative. What other approaches should be considered? How would such approaches support the goals of a Facility Identification Initiative?

(14) If a reporting requirement were developed, who should collect the data and who should maintain it — EPA, the States, both?

(15) What reporting provisions or techniques of reporting would minimize the costs of reporting and maintain current data?

(16) Are there non-national alternatives to providing integrated data to the public? In other words, does facility-specific environmental protection require the collection and maintenance of a national data base? Are there needs for national data analyses (in addition to facility-specific analyses) that would warrant such a national data base?

(17) Presuming a system of national data integration is advisable, how best can EPA work with the States to develop such a system?

(18) EPA realizes that there will be impacts to States because of the Facility Identification Initiative. What are potential problems and burdens that States may face under each of the various alternatives to implementing the Facility Identification Initiative?

(19) EPA is aware that a number of States are in the process of implementing programs much like the Facility Identification Initiative. What specific programs have States implemented and what progress has been achieved?

#### **V. Request for Public Comment**

EPA requests public comment on all the issues outlined in this Notice regarding the consolidated reporting of facility identification information. Comments should be submitted to the address listed under the ADDRESSES unit. All comments must be received by EPA on or before December 23, 1996.

#### **VI. Public Participation**

This Notice reflects input received early in the process from various environmental and industrial interest groups, and States. For example, EPA held "stakeholders" meetings on the project on June 23, 1995, in which the project's concepts to date were outlined and oral comments were received. Copies of materials made available at that meeting and a summary of comments is available in the public record for this Notice.

In addition, the Agency entered into a cooperative agreement with the National Governors' Association (NGA). The purpose of the cooperative agreement was to provide a forum for States to exchange information about their respective uniform reporting efforts, to learn about the Agency's Facility Identification Initiative, and to share their experiences with EPA. The forum, consisting of 12 State representatives selected by NGA officials, has held a number of meetings to discuss the Facility Identification Initiative concepts. The individual meeting summaries will also be made part of the public record for this Notice.

EPA intends to hold one or more public meetings in connection with this Notice. Separate notice of such meeting or meetings will be published in the Federal Register.

#### VII. Public Record

A record has been established for this Notice under docket number OPPTS-00186 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI or trade secret, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov.  
Electronic comments must be submitted as an ASCII file avoiding the use of any special characters and any form of encryption. The official record for this Notice, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record for this Notice which will also include all comments submitted directly in writing. The official public record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

#### VIII. References

(1) "Using Information Strategically to Protect Human Health and the

Environment: Recommendations for Comprehensive Information Resources Management" issued by the Information Resources Management Strategic Planning Task Force, a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), August 1994, EPA 270-K-94-002.

(2) EPA 2100 Information Resources Management Policy Manual, Chapter 13 - Locational Data, April 8, 1991.

#### List of Subjects

Environmental protection.

Dated: September 26, 1996.

Carol M. Browner,  
*Administrator.*

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