
Justification Statement
for Information Request for Procedures for Implementing
NEPA
EPA ICR #2243.01

Purpose

The Environmental Protection Agency (EPA or Agency) currently has procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). For EPA actions subject to NEPA, the Responsible Official may determine that the proposed action does not individually or cumulatively have a significant effect on the human environment and may, therefore, be categorically excluded (CE, categorical exclusion) from further NEPA review. If the proposed action is not categorically excluded, the Responsible Official may prepare an environmental assessment (EA) in order to determine whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI). If necessary, the Responsible Official must prepare an EIS if the proposed action will have a significant effect on the human environment. For applicant-proposed actions, the applicant may submit information to the Responsible Official regarding the applicability of a CE and request a determination by the Responsible Official. Unless the applicant-proposed action is categorically excluded, the Responsible Official may gather the information and prepare the NEPA document without assistance from the applicant, or have the applicant prepare an environmental information document (EID) or a draft EA and supporting documents or implement a third-party agreement with the applicant generally for preparation of an EIS. Applicants generally are grant applicants applying to EPA for funding of special projects identified in EPA's State and Tribal Assistance Grants (STAG) account authorized by Congress through the Agency's annual Appropriations Act, and permit applicants applying to EPA for issuance of new source National Pollutant Discharge Elimination System (NPDES) permits under Section 402 of the Clean Water Act. The rule also includes the Agency's procedures for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (E.O.). EPA's E.O. procedures further the purpose of NEPA and provide that EPA may be guided by its NEPA procedures to the extent they are applicable. For this Information Collection Request (ICR), applicant-proposed projects subject to either NEPA or E.O. 12114 (and that are not addressed in other EPA programs' ICRs) are addressed through the NEPA process.

Justification

During the process of revising the procedures for implementing NEPA, the Agency was made aware that an existing ICR was not in place. The Agency would like to request an ICR to cover the period of time between now and when the amended rule is finalized. A regularly reviewed ICR will also be submitted when the proposed rule is made final in the Federal Register.

Attachment A
Estimating the Burden and Cost of Collection

The respondents for this information collection request are the grant and permit applicants who have to assess the environmental impacts of their projects. Grant applicants are generally those who have a governmental jurisdiction (state, local or tribal governments), while the permit applicants are those who are seeking a new source NPDES permit in a state that has not assumed permitting authority (generally businesses). Assessing these impacts can take the form of a categorical exclusion (CE), environmental assessment (EA), or environmental impact assessment (EIS). For this analysis, we estimate that there will be approximately 300 grant applicants, and 12 permit applicants. This creates five categories of respondents: grant applicants with a CE, grant applicants with an EA, grant applicants with an EIS, permit applicants with an EA, and permit applicants with an EIS. No permit applicants will be using a CE.

To respond to this ICR, we estimate the following one-time burden for each respondent for each type of documentation (for this table, EPA assumes its contractor rate is \$75 per hour, which includes consolidated wages for all personnel working on a project, project expenses and profit):

| RESPONDENT | CE | | EA/FONSI | | EIS/ROD | |
|-------------------------|--------------|-------------|-----------------|-------------|----------------|----------------------------|
| <u>Grant Applicant</u> | <u>Hours</u> | <u>Cost</u> | <u>Hours</u> | <u>Cost</u> | <u>Hours</u> | <u>Cost</u> |
| Contractor Hrs/Cost | 40 | \$3,000 | 200 | \$15,000 | 2,400 | \$300,000 |
| Direct Hrs/Labor Cost | 5 | 275 | 60 | 3,300 | 440 | 24,200 |
| O&M | | 17 | | 40 | | 280 |
| TOTAL | 45 | \$3,292 | 260 | \$18,340 | 2,840 | \$324,480 (1 per 3-yrs) |
| <u>Permit Applicant</u> | <u>Hours</u> | <u>Cost</u> | <u>Hours</u> | <u>Cost</u> | <u>Hours</u> | <u>Cost</u> |
| Contractor Hrs/Cost | None | None | 400 | \$50,000 | 2,400 | \$300,000 |
| Direct Hrs/Labor Cost | None | None | 60 | 3,900 | 440 | 28,600 |
| O&M | None | None | | 40 | | 280 |
| TOTAL | None | None | 460 | \$53,940 | 2,840 | \$328,880 |

For the EIS conducted by a grant applicant approximately once every three years, we annualize the cost for a total of \$108,160 per year (\$324,480 divided by 3).

Currently, EPA assumes that there are 300 grantee projects annually, and about half of those projects are documented with a CE, while the other half is documented with an EA. There is approximately one EIS every three years. Permit applicants do not use categorical exclusions, and it is estimated that there will be 11 projects documented with an EA and one documented with an EIS for a total of 12 projects annually. This leads to the following analysis:

| <u>Respondent</u> | <u>Estimated Number of Projects (annually)</u> | <u>Cost per Project</u> | <u>Total Cost</u> | <u>Hours per Project</u> | <u>Total Hours</u> |
|---------------------------|---|------------------------------------|--------------------------|---|-------------------------------|
| Grant Applicant w/a CE | 150 | \$3,292 | \$493,800 | 45 | 6,750 |
| Grant Applicant w/an EA | 150 | \$18,340 | \$2,751,000 | 260 | 39,000 |
| Grant Applicant w/an EIS | 1 (per 3-yrs) | \$108,160 | \$108,160 | 2,840 | 947 |
| Permit Applicant w/an EA | 11 | \$53,940 | \$593,340 | 460 | 5,060 |
| Permit Applicant w/an EIS | 1 | \$328,880 | \$328,880 | 2,840 | 2,840 |
| TOTAL | | | \$4,275,180 | | 54,597 |

The total annual burden for all respondents is approximately \$4,275,180. This includes \$9,550 for annual Operations and Maintenance Costs.

| <u>Respondent</u> | <u>Estimated Number of Projects (annually)</u> | <u>O&M Cost Per Project</u> | <u>Total O&M Cost</u> |
|---------------------------|---|--|--------------------------------------|
| Grant Applicant w/a CE | 150 | \$17 | \$2,550 |
| Grant Applicant w/an EA | 150 | \$40 | \$6,000 |
| Grant Applicant w/an EIS | 1 (per 3-yrs) | \$280 | \$280 |
| Permit Applicant w/an EA | 11 | \$40 | \$440 |
| Permit Applicant w/an EIS | 1 | \$280 | \$280 |
| TOTAL | | | \$9,550 |