

SUPPORTING STATEMENT
For Information Collection Requirements under the
Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, for 40 CFR Part 6:
Procedures for Implementing the National Environmental Policy Act (NEPA) and
Assessing the Environmental Effects Abroad of EPA Actions

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List of Acronyms

CE	Categorical Exclusion
CEQ Regulations	Council on Environmental Quality’s Regulations, 40 CFR 1500 – 1508
EA	Environmental assessment
EID	Environmental information document
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FONSI	Finding of no significant impact
FMSD	Facilities Management and Services Division
ICR	Information collection request
MPRSA	Marine Protection, Research and Sanctuaries Act, 33 U.S.C. 1401 <i>et seq.</i>
NEPA	National Environmental Policy Act of 1969, 42 U.S.C. 4321 – 4347
NPDES	National Pollutant Discharge Elimination System
OMB	Office of Management and Budget
PRF	Paperwork Reduction Act, 44 U.S.C. 3501 <i>et seq.</i>
RFA	Regulatory Flexibility Act, 5 U.S.C. 601 <i>et seq.</i>
ROD	Record of Decision
SBREFA	Small Business Regulatory Enforcement Fairness Act of 1996
STAG	State and Tribal Assistance Grants

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection: "Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions"

1(b) Abstract:

The Environmental Protection Agency (EPA or Agency) is proposing to amend its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The proposed rule also includes minor, technical amendments to the Agency's procedures for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

EPA's Procedures for Implementing the National Environmental Policy Act. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4347 establishes the federal government's national policy for protection of the environment. The Council on Environmental Quality Regulations (CEQ Regulations) at 40 CFR parts 1500 through 1508 establish procedures implementing the national policy. The CEQ Regulations (40 CFR 1505.1) require federal agencies to adopt and, as needed, revise their own implementing procedures to supplement the CEQ Regulations and to ensure their decision-making processes are consistent with NEPA.

EPA is proposing amendments to its procedures for implementing the requirements of the CEQ Regulations for NEPA. The proposed rule would amend EPA's NEPA implementing procedures by: (1) consolidating and standardizing the procedural provisions and requirements of the Agency's environmental review process under NEPA; (2) clarifying the general procedures associated with categorical exclusions, consolidating the categories of actions subject to categorical exclusion, amending existing and adding new categorical exclusions, and consolidating and amending existing and adding new extraordinary circumstances; (3) consolidating and amending the listing of actions that generally require an environmental impact statement; (4) clarifying the procedural requirements for consideration of applicable environmental review laws and executive orders; and (5) incorporating other proposed revisions consistent with CEQ's Regulations.

Those subject to the proposed NEPA rule include EPA employees who must comply with NEPA and certain grant or permit applicants who must submit environmental information

documentation to EPA for their proposed projects. The proposed NEPA regulations would consolidate and standardize the environmental review process applicable to all EPA actions subject to NEPA, including those actions now specifically addressed in the current regulations and other actions subject to NEPA but not specifically addressed in the current regulations (e.g., certain grants awarded for special projects identified in the State and Tribal Assistance Grants (STAG) account authorized by Congress through the Agency's annual Appropriations Act).¹

As with EPA's current NEPA implementing regulations, compliance with the proposed NEPA regulations would be the responsibility of EPA's Responsible Officials. For applicant-proposed actions, certain procedures would apply to applicants (that is grantees and permit applicants) who must submit environmental information to EPA as part of the environmental review process. The EPA Responsible Official would be responsible for the environmental review process, including any categorical exclusion determination or the scope, accuracy, and contents of a final environmental assessment (EA) or environmental impact statement (EIS) and any supporting documents. The applicant would contribute by submitting environmental information to EPA as part of the environmental review process.

For 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 from further NEPA review. If the proposed action is not categorically excluded, the Responsible Official may prepare an EA in order to determine whether to prepare an 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 categorical exclusion 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 documents 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 contract agreement with the applicant.

EPA's Procedures for Implementing Executive Order 12114. Part 6 also includes EPA's procedures, "Assessing the Environmental Effects Abroad of EPA Actions," that implement Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (see 46 FR 3364). EPA's Executive Order 12114 procedures further the purpose of NEPA and provide that EPA may be guided by its NEPA procedures to the extent they are applicable.² Therefore, when

1 [?]Certain EPA actions are exempt from the procedural requirements of NEPA and the CEQ Regulations. See Attachment 1.

2 [?]The courts have determined, and CEQ has issued guidelines, that NEPA does not apply to Federal agency actions significantly affecting the environment of the global commons or the environment of a foreign nation not participating with the United States and not otherwise involved in the action. The Executive Order is "... solely for

EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. As with EPA's current Executive Order 12114 implementing procedures, compliance with the procedures would be the responsibility of EPA's Responsible Officials and, for applicant-proposed actions, applicants may be required to provide environmental information to EPA as part of the environmental review process. For this Information Collection Request (ICR), applicant-proposed projects subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs) are addressed through the NEPA process.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection: The CEQ Regulations (40 CFR 1505.1) require federal agencies to adopt and, as needed, revise their own implementing procedures to supplement the CEQ Regulations. The purpose of the proposed rule is to meet the procedural requirements of the CEQ Regulations for NEPA. The proposed regulations also include minor, technical amendments to EPA's environment review procedures implementing Executive Order 12114. EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114.

2(b) Practical Utility/Users of the Data: EPA's NEPA regulations apply to the actions of EPA that are subject to NEPA in order to ensure that environmental information is available to the Agency's decision-makers and the public before decisions are made and before actions are taken. This includes actions such as wastewater treatment construction grants under Title II of the Clean Water Act, EPA's issuance of new source National Pollutant Discharge Elimination System (NPDES) permits, certain research and development projects, EPA actions involving renovations at or new construction of EPA facilities, and certain grants awarded for special projects identified in the STAG account authorized by Congress through the Agency's annual Appropriations Act. EPA actions subject to NEPA that are based on applicant proposals may include any of these except EPA actions for construction of special purpose facilities or facility renovations of EPA facilities. The Part 6 regulations also include EPA's procedures implementing Executive Order 12114. These procedures ensure that environmental information is available to the Agency's decision-makers and other appropriate Federal agencies and officials for actions subject to Executive Order 12114.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication: For both the NEPA and Executive Order 12114 implementing procedures, the information submitted by an applicant does not duplicate information otherwise submitted to the government. For an EPA action subject to NEPA that is based on an applicant

the purpose of establishing internal procedures for Federal agencies to consider the significant effects of their actions on the environment outside the [U.S.], its territories and possessions ..." [Executive Order 12114, Section 3-1]

proposal, the applicant (e.g., grantee or permit applicant) would submit information used by the Responsible Official during the environmental review process. This one-time submission is specific to the applicant's proposed action in order to provide project-specific information necessary for the Responsible Official's environmental review of the proposed action.

3(b) Public Notice Requirement Regarding ICR Submission to OMB: As part of its Notice of Proposed Rulemaking published in the *Federal Register*, EPA included public notice that the information collection requirements of this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2220.01. EPA's *Federal Register* notice requested public comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. EPA has established a public docket for this rule, which includes this ICR, under Docket ID number EPA-HQ-OECA-2005-0062. EPA requested that any comments related to the ICR for this proposed rule be submitted to EPA and OMB.

EPA's docket is available for public viewing at the Public Reading Room, Room B102, Enforcement and Compliance Docket and Information Center, EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566-1752. An electronic version of the public docket is available at <http://www.regulations.gov>. The public may use the public docket to obtain a copy of the draft ICR including the Supporting Statement, submit or review public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically.

EPA's Notice of Proposed Rulemaking requested that comments related to the ICR for the proposed rule be submitted to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after the date the Notice of Proposed Rulemaking is published in the *Federal Register*, EPA informed the public that a comment to OMB is best assured of having its full effect if OMB receives it by 30 days after the date the Notice of Proposed Rulemaking is published in the *Federal Register*. The final rule will respond to any OMB or public comments on the information collection requirements contained in the proposed rule.

3(c) Consultations:

EPA's NEPA Practitioners: EPA actions subject to NEPA or Executive Order 12114 that are based on applicant proposals are one-time only and involve various government jurisdictions and businesses rather than repeated requests for information from specific government jurisdictions

and businesses. EPA relied on information available from its NEPA practitioners and their experience working with grantees and permit applicants to prepare the burden estimates in this ICR. These are the same EPA practitioners that conduct the assessments of applicant-proposed actions subject to NEPA or Executive Order 12114 as further discussed in Section 4(a) of this Supporting Statement. As provided for in Executive Order 12114, EPA's NEPA procedures may be used for assessing these projects. The information provided by EPA's NEPA practitioners is summarized in Attachment 2. EPA has, however, requested public comment on this ICR as discussed in Section 3(b), above.

Council on Environmental Quality (CEQ): EPA's NEPA implementing regulations will be amended in consultation with CEQ (see 40 CFR 1507.3(a)).

3(d) Effects of Less Frequent Collection: Under the rule, respondents submit project-specific information only for EPA actions subject to NEPA or Executive Order 12114 that are based on applicant proposals (as further discussed in Section 4(a)). Such actions are generally one-time requests from EPA for environmental information from applicants requesting grant assistance for specific projects subject to NEPA or for new source NPDES permits to be issued by EPA. There are no ongoing or periodic reporting or recordkeeping requirements.

3(e) General Guidelines: The information submitted by applicants would be consistent with the guidelines of the Office of Management and Budget (OMB) in 5 CFR 1320.6. For an applicant-proposed action, the applicant (e.g., grantee or permit applicant) submits information to EPA's Responsible Official as part of the environmental review process. This is a one-time submission specific to the applicant's proposed action in order to provide project-specific information necessary for the environmental review of the proposed action. The Responsible Official, however, may ask the applicant to provide additional information if the Responsible Official needs it to prepare the EA or EIS. There are no schedule requirements or requirements on the number of copies of the documentation to be submitted or requirements for ongoing reporting or recordkeeping or to conduct statistical surveys.

3(f) Confidentiality: The rule does not require applicants to submit confidential, proprietary or trade secret information.

3(g) Sensitive Questions: The rule does not require applicant response to sensitive questions (e.g., questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private).

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents: Those subject to the proposed rule include EPA employees who must comply with NEPA or Executive Order 12114, and certain grant or permit applicants who must submit environmental information documentation to EPA for their projects. For purposes of delineating the information collection requirements under the Paperwork Reduction Act, 44

U.S.C. 3501 *et seq.*, "applicants" (e.g., grantees or permit applicants) are the respondents (e.g., the persons who must generate, maintain, or provide information to or for a Federal agency).

EPA actions generally subject to NEPA include: wastewater treatment construction grants, issuance of new source NPDES permits by EPA, certain research and development grants, EPA actions for construction of special purpose facilities or facility renovations of EPA facilities, and certain grants awarded for special projects identified in the STAG account authorized by Congress through the Agency's annual Appropriations Act. EPA actions subject to NEPA that are based on applicant proposals may include any of these except EPA actions for construction of special purpose facilities or facility renovations of EPA facilities. The EPA Responsible Official is responsible for the environmental review process, including any categorical exclusion determination or the scope, accuracy, and contents of a final EA or EIS and any supporting documents. The applicant may contribute by submitting environmental information to EPA as part of the environmental review process.

EPA actions typically subject to Executive Order 12114 include major EPA actions which affect the environment of a foreign nation or the global commons and may include: major research or demonstration projects, ocean dumping activities carried out under section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) (33U.S.C. 1401 *et seq.*), major permitting or licensing of facilities by EPA,³ Wastewater Treatment Construction Grant Program under section 201 of the Clean Water Act when activities addressed in the facility plan would have environmental effects abroad, and other EPA activities as determined by EPA.

Wastewater Treatment Construction Grants Program facilities or new source NPDES permits to be issued by EPA for facilities in the U.S. bordering Mexico or Canada are subject to EPA's NEPA implementing procedures. If these facilities could have significant environmental effects abroad, generally they would also be subject to EPA's procedures implementing Executive Order 12114. In addition, EPA has determined that certain grants awarded for special projects identified in the STAG account authorized by Congress through the Agency's annual Appropriations Act are subject to NEPA. STAG special projects in the U.S. bordering Mexico or Canada and that could have significant environmental effects abroad generally would also be subject to EPA's procedures implementing Executive Order 12114.

Further, certain actions subject to EPA's Executive Order 12114 implementing procedures are not subject to EPA's NEPA implementing procedures (see Attachment 1). As with EPA's current Part 6 regulations, EPA's Executive Order 12114 implementing procedures (with only proposed minor, technical amendments) provide that: (a) for ocean dumping activities, the information submitted under 40 CFR part 221 is sufficient to satisfy the environmental

³ This may include such actions as EPA-issued permits for hazardous waste treatment, storage, or disposal facility under section 3005 of the Resource Conservation and Recovery Act (42 U.S.C. 6925), NPDES permits under section 402 of the Clean Water Act (33 U.S.C. 1342), and prevention of significant deterioration approvals under Part C of the Clean Air Act (42 U.S.C. 7470 *et seq.*).

assessment requirements; and (b) for permits issued under section 3005 of the Resource Conservation and Recovery Act, section 402 of the Clean Water Act, and section 165 of the Clean Air Act, the information submitted by applicants for such permits or approvals under the applicable consolidated permit regulations (40 CFR parts 122 and 124) and Prevention of Significant Deterioration regulations (40 CFR part 52) satisfy the environmental document requirements of Executive Order 12114.

In summary, the applicant burden for any applicant-proposed actions, including permitting or licensing, under these authorities is already addressed under EPA's ICRs for these programs and is not further addressed in this ICR. However, the applicant burden for any EPA action subject to NEPA and/or Executive Order 12114 that is based on an applicant proposal, including Wastewater Treatment Construction Grants Program facilities, STAG actions subject to NEPA and new source NPDES permits issued by EPA, is addressed in this ICR. EPA's Executive Order 12114 implementing procedures further the purpose of NEPA and provide that EPA may be guided by the CEQ Regulations to the extent they are applicable. Therefore, when EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows the CEQ Regulations and the procedures in EPA's NEPA implementing regulations. For these reasons, for applicant-proposed actions subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs), the remainder of this ICR Supporting Statement will evaluate the respondent burden only with regard to EPA's NEPA implementing procedures.

For purposes of this ICR, EPA considers the model respondents to be two types of applicants:

- Grant applicants applying to EPA for funding of special projects identified in the STAG account authorized by Congress through the Agency's annual Appropriations Act. These applicants are generally governmental jurisdictions.⁴
- Permit applicants applying to EPA for issuance of new source NPDES permits under §402 CWA. EPA issues new source NPDES permits only in states and U.S. territories that have not assumed authority for this program (i.e., New Hampshire, Massachusetts, Puerto Rico, New Mexico, Oklahoma (for concentrated animal feeding operations only), Alaska, and Idaho), the District of Columbia, off-shore waters (e.g., the inter-continental shelf for Texas, all outer-continental shelf areas, all deep-water port areas), and on federally-recognized Indian tribal lands. These permit applicants are not limited to a specific business sector. EPA has permitted, and anticipates continued permit activity, with

⁴ Approximately 75% of EPA's grants are under the STAG appropriations account. Certain line items in the STAG appropriations account are not subject to NEPA (see Attachment 1). Grantee actions subject to NEPA are predominately under the STAG appropriations account (including consideration of the Wastewater Treatment Construction Grants Program and other actions subject to NEPA, including those under the Agency's Environmental Programs and Management (EPM) account).

projects typically involving: oil and gas extraction from off-shore waters, hardrock mining (recently gold, silver, lead and zinc, and copper), dairy cattle and milk production, seafood processing, and concentrated animal feeding operations (CAFOs), including poultry, cattle, hogs and pigs.

	<u>NAICS Code⁵</u>
	Crude petroleum and natural gas extraction
	211111
Hardrock mining	Gold ore mining
	212221
	Silver ore mining
	212222
	Lead ore and zinc ore mining
	212231
	Copper ore and nickel ore mining
	212234
	Dairy cattle and milk production
	112120
	Seafood fresh and frozen processing
	311712
Poultry and egg production	Chicken egg production

⁵ North American Industry Classification System (NAICS) codes, NAICS 2002, <http://www.census.gov/epcd/www/naics.html>, and <http://www.sba.gov/size/sizetable2002.html>.

112310
Broilers and
other meat type
chicken production
112320
Turkey
production

112330
Poultry
hatcheries

112340
Cattle feedlots

112112
Hog and pig farming

112210

4(b) Information Required: 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 from further NEPA review. If the proposed action is not categorically excluded, the Responsible Official may prepare an EA in order to determine whether to prepare an EIS or a FONSI. The Responsible Official prepares an EIS if the proposed action will have a significant effect on the human environment. For EPA actions subject to NEPA that are based on applicant proposals, the Responsible Official may gather the information and prepare the NEPA documents without environmental information submitted by the applicant, or have the applicant prepare an EID, or a draft EA and supporting documents, or implement a third-party agreement with the applicant.⁶

The level of NEPA documentation and the project-specific information the Responsible

⁶ If an EA or EIS is to be prepared for an action subject to NEPA, the Responsible Official and the applicant may enter into an agreement whereby the applicant engages and pays for the services of a third-party contractor to prepare an EA or EIS and any supporting documents. The Responsible Official has sole authority for approval and modification of the statements, analyses, and conclusions of the EA or EIS and any supporting documents. Because EISs are generally more complex than EAs in terms of the issues to be addressed and the associated analyses, it has generally been EPA's experience that grantees and permit applicants will enter into third-party agreements with EPA for preparation of the EIS and supporting documents. (See Attachment 2.)

Official needs for decision-making is determined by the potential for environmental impact of the action, or the facility to be permitted or the project to be funded by the action rather than the dollar amount of the project or whether the applicant is a grantee or permit applicant.⁷ Table 1 summarizes the information to be submitted by an applicant for a categorical exclusion (CE) determination, an EA and FONSI, and an EIS and Record of Decision (ROD). There are no schedule requirements or requirements on the number of copies of the information document to be submitted or requirements for ongoing reporting or recordkeeping.

⁷ For example, a grantee action for renovation of an existing wastewater treatment or drinking water supply system may be categorically excluded. An EA may be required for a grantee action to construct a new sewage treatment system in a small governmental jurisdiction; or to assess a new source NPDES permit for a discharge from a confined animal feedlot operation for chickens, cattle, hogs or pigs. An EIS may be required for a grantee action to construct a new sewage treatment plant with potential for significant impacts to wetlands, or cultural or archaeological features; or to assess a new source NPDES permit for discharges from an oil and gas extraction facility, or mining operation, or a confined animal feedlot operation with potential for significant impacts to wetlands, or cultural or archaeological features, or threatened or endangered species.

Table 1. Summary of Information Submitted by Applicants for CEs, EAs/FONSI, and EISs/RODs

Categorical Exclusion (CE) means a category of actions which do not individually or cumulatively have a significant effect on the human environment and have been found by EPA to have no such effect. To find that a proposed action is categorically excluded, the Responsible Official needs to determine that the proposed action fits within a categorical exclusion that is listed in the regulations, and the proposed action does not involve any extraordinary circumstances as listed in the regulations. Extraordinary circumstances means those circumstances in which a normally excluded action may have a significant environmental effect. Based on review of information in the applicant’s application and other available information, the Responsible Official notifies the applicant if the action is categorically excluded, or if EPA needs additional information to support the application of a categorical exclusion.

Information Submitted by Applicant: The applicant may provide statements or documents to the Responsible Official to verify that the proposed action would not involve any of the listed extraordinary circumstances.

For example, the applicant might submit information to support a categorical exclusion determination for an action that meets the criteria for “Actions in unsewered communities relating to the use of proposed wastewater on-site technologies where such technologies replace existing systems.” If the project area is known to be near a property with nationally significant historic value, the applicant would likely enclose a letter from the State Historic Preservation Officer that confirms the proposed project will not have a significant environmental effect on the historic property. The applicant letter may also verify there are no wetlands in the project area.

Environmental Assessments (EAs) need to include sufficient information and analysis for the Responsible Official to determine whether to prepare an EIS or to issue a FONSI.

Information Submitted by Applicant: The applicant submits an EID of sufficient scope to enable the Responsible Official to prepare an EA, and then determine whether to issue a FONSI or prepare an EIS. At the discretion of the Responsible Official, the applicant may prepare a draft EA and supporting documents in lieu of an EID.

An EID for an EA, or a draft EA and supporting documents, generally will: (1) include brief discussions of the need for the proposed action; the alternatives, including the no action alternative; description of the affected environment; and the environmental impacts of the proposed action and alternatives; (2) include a listing or summarize any coordination or consultation undertaken with any federal agency, state or local government, or federally-recognized Indian tribe, including compliance with applicable laws and executive orders; (3) identify and describe any mitigation measures that must be considered, including any mitigation measures that must be adopted to ensure the action will not have significant impacts; and (4) incorporate documents by reference.

Environmental Impact Statements (EISs) are generally prepared for major actions that may significantly affect the quality of the human environment, or when an EA indicates that significant impacts may occur that cannot be reduced or eliminated by changes to or mitigation of the proposed action. A Record of Decision (ROD) documents the decision of the Responsible Official.

Information Submitted by Applicant: The applicant submits an EID of sufficient scope to enable the Responsible Official to prepare an EIS and ROD. In lieu of submitting documentation, the Responsible Official and the applicant may enter into a third-party contract agreement. The information needed for an EIS parallels the information needed for an EA with a focus on assessment of significant environmental issues and alternatives.

An EID for an EIS generally will: (1) provide EPA with information the Agency will use to prepare an EIS; (2) analyze all reasonable alternatives and the no action alternative; (3) describe the potentially affected environment including, as appropriate, the size and location of new and existing facilities, land requirements, operation and maintenance requirements, auxiliary structures such as pipelines or transmission lines, and construction schedules; (4) summarize any coordination or consultation undertaken with any federal agency, state or local government, or federally-recognized Indian tribe, including compliance with applicable laws and executive orders; (5) the draft EIS must summarize any public meetings during the scoping process, and the final EIS must summarize the public participation process held after publication of the draft EIS; (6) the draft EIS must consider substantive comments received during the scoping process, and the final EIS must summarize all comments on the draft EIS and respond to any substantive comments and explain any changes to a revised draft EIS or the final EIS and the reasons for the changes; and (7) include the names and qualifications of the persons primarily responsible for preparing the EIS including significant background papers.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities: Compliance with the regulations is the responsibility of EPA's Responsible Officials. For applicant-proposed actions, grantees or permit applicants must submit environmental information to EPA as part of the environmental review process unless the Responsible Official decides to prepare the NEPA documents without assistance from the applicant. As noted in Table 1 above, the Responsible Official may determine that the action is categorically excluded, or prepare an EA in order to determine whether to prepare an EIS or issue a FONSI, or prepare an EIS and ROD.

5(b) Collection Methodology and Management: Whether the NEPA documents are based on environmental information developed by the Responsible Official or submitted by the applicant, the NEPA review and resulting documents generally rely on the use of existing data and information, including data and information from other federal agencies, state or local governments, or federally-recognized Indian tribes with jurisdiction by law or special expertise.

Whether the NEPA documents are prepared by the Responsible Official or based on environmental information submitted by the applicant, the quality of the information provided by an applicant must be sufficient to enable the Responsible Official to make a decision. This is accomplished under EPA's NEPA implementing procedures through: (1) early coordination and cooperation with federal agencies, state and local governments, and federally-recognized Indian tribes with jurisdiction by law or special expertise (see proposed rule §6.202); and (2) the public participation process associated with actions other than those categorically excluded⁸ (see proposed rule §6.203).⁹ When the environmental information is provided by the applicant, the Responsible Official is responsible for the statements, analyses, and conclusions of the EA or EIS and any supporting documents.

The information compiled is a one-time submission in narrative text format (see proposed rule §§6.205 and 6.207) rather than computerized compilations of data and information. There are no forms, checklists, or ongoing reporting, recordkeeping or file-maintenance requirements for applicants (see proposed rule Subpart C). EPA maintains file records for each action.

5(c) Small Entity Flexibility:¹⁰ The 1995 Paperwork Reduction Act (PRA)

8 [?]Categorical exclusions are subject to notice and comment rulemaking and, thus, public scrutiny.

9 [?]EPA's Peer Review Guidelines recognize the public review process for NEPA documents. Also, EPA's Quality System may apply to certain information gathering activities undertaken directly by EPA.

10 [?]Information, including quoted material, taken from: "ICR Handbook, EPA's Guide to Writing Information

incorporated the Regulatory Flexibility Act (RFA) into it. The RFA requires EPA to prepare a regulatory flexibility analysis for any rule that has a "significant economic impact on a substantial number of small entities." As part of the certification requirement, the EPA must show that the collection:

"reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)), the use of such techniques as:

"(1) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(3) an exemption from coverage of the collection of information, or any part thereof"

The requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 must also be considered.

The information collected under this ICR is one-time only for applicant-proposed actions; e.g., actions proposed by grantees seeking funding assistance from EPA or for an NPDES permit application initiated by the permit applicant. In either case, EPA assumes the action will directly benefit the applicant (such as a grantee seeking STAG funding for renovation of a community drinking water system, or a permit applicant seeking a new source NPDES permit from EPA to further the applicant's business interests). Nonetheless, if the applicant cannot afford to provide the required environmental information to EPA, then EPA would undertake the environmental review without input from the applicant.¹¹ Further, grantees may be grant-eligible for certain costs associated with providing environmental information to EPA.¹² Permit applicants are not eligible for EPA financial assistance.

EPA has attempted to reduce the burden on small entities (including businesses and government jurisdictions) through the following provisions in the proposed rule:

Collection Requests Under the Paperwork Reduction Act of 1995, U.S. Environmental Protection Agency, Office of Policy, Planning, and Evaluation, Regulatory Information Division, revised February 1999.

11 [?]Applicants would normally be requested to demonstrate financial hardship, including inability to provide the requested environmental information. If so demonstrated, then EPA would undertake the environmental review necessary for the grant or permit action.

12 [?]Under appropriate grant conditions, grantees generally may use EPA financial assistance to prepare an EID but not to prepare a draft EA and supporting documents. Third-party contract costs for an EID may also be grant-eligible. For grantee contractor costs to be reimbursable, grantees must meet certain contractor requirements, including procurement criteria.

- **Section 6.300:** An EID is not required when the action is categorically excluded, or the applicant will prepare a draft EA and supporting documents. The Responsible Official may prepare the NEPA documents without environmental information submitted by the applicant.
- **Section 6.302:**
 - o The Responsible Official may prepare generic guidance for categories of actions involving a large number of applicants; and must ensure early involvement of applicants, consult with the applicant and provide guidance describing the scope and level of environmental information required, and provide guidance on a project-by-project basis to any applicant seeking assistance.
 - o The Responsible Official must consider the extent to which the applicant is capable of providing the required information, may not require the applicant to gather data or perform analyses that unnecessarily duplicate either existing data or the results of existing analyses available to EPA, and must limit the request for environmental information to that necessary for the environmental review.
- **Section 6.303:** An applicant may enter into a third-party agreement with EPA. (For grantees, certain third-party contractor costs may be eligible for cost reimbursement; see footnote 12. However, new source NPDES permit applicants are not eligible for EPA financial assistance.)

5(d) Collection Schedule: Information must be submitted by an applicant only for EPA actions subject to NEPA that are based on applicant proposals unless EPA will prepare the NEPA documents without environmental information submitted by the applicant. The information to be submitted is required only when an applicant applies for a grant for an action subject to NEPA or a new source NPDES permit to be issued by EPA, a one-time application process. The Responsible Official, however, may ask the applicant to provide additional information if the Responsible Official needs it to prepare the EA or EIS. There are no schedules in the regulations for this collection process.

6. ESTIMATING THE BURDEN OF THE COLLECTION

The content of the environmental information submitted by an applicant for a draft EA and supporting documents and an EID for a draft EA and supporting documents is similar. There may be a financial difference for grantees in that EPA financial assistance generally may be used to prepare an EID but not to prepare a draft EA and supporting documents (see footnote 12). New source NPDES permit applicants are not eligible for EPA financial assistance. The applicant may also enter into a third-party agreement whereby the applicant engages and pays for the services of a contractor to prepare the draft EA and supporting documents. EPA's experience with applicants

has generally been that they contract directly for preparation of an EID or a draft EA and supporting documents.¹³ Therefore, for purposes of estimating the maximum burden, the calculations will be based on preparation of a draft EA by a contractor whose services will be paid for by the applicant. See Attachment 2.

The content of the environmental information submitted by an applicant for a draft EIS and supporting documents and an EID for a draft EIS and supporting documents is similar. For grantees, third-party contractor costs may be eligible for cost reimbursement (see footnote 12). New source NPDES permit applicants are not eligible for EPA financial assistance. Although an applicant may contract for preparation of an EID for a draft EIS, because EISs are generally more complex than EAs in terms of the issues to be addressed and the associated analyses, it has generally been EPA's experience that applicants will enter into a third-party agreement with EPA for preparation of the EIS and supporting documents. Therefore, for purposes of estimating the maximum burden for this ICR, EPA assumes the applicant will enter into a third-party agreement for the environmental review process and preparation of the documents for the project.¹⁴ See Attachment 2.

6(a) Estimated Respondent Burden: For an EPA action subject to NEPA that is based on an applicant proposal, the applicant would generally submit information to the EPA Responsible Official as part of the environmental review process as delineated in Section 4(b), Table 1. As noted above, EPA assumes the applicant will use a contractor to compile and prepare the environmental information to be submitted to the Responsible Official. For the applicant, the burden¹⁵ includes the time and costs needed to:

1. Procure contractor services.
2. Review instructions (such as the regulations and any program-specific guidelines the Responsible Official may also provide) and/or meet with the Responsible Official.

13 [?]It has been EPA's experience that applicants often use in-house engineering contractors for preparing CE- and EA-related environmental documents usually without seeking cost reimbursement.

14 [?]EPA believes the calculations for this ICR are representative of most projects. EPA's experience with a limited number of EISs has included one-time costs ranging from nominal for information submitted by letter to supplement an existing oil and gas extraction EIS to over a million dollars for new EISs for a mining project and an oil and gas extraction project with multiple complex issues. (See Attachment 2.)

15 [?]For purposes of this ICR: Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; research data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

3. Research data sources.
4. Complete and review the collection of environmental information.
5. Transmit the information to the Responsible Official.
6. Meet with the Responsible Official on the need for any revisions to the environmental information, and prepare and submit any necessary revisions to the information.

The applicant would not be required to develop, acquire, install, or utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; or train personnel to be able to respond to a collection of information; nor would there be requirements for ongoing reporting or recordkeeping.

In summary, EPA assumes an applicant would expend time and incur contractor costs to submit: (1) information to support application of a categorical exclusion with environmental information prepared directly by the applicant's contractor, or (2) a draft EA and supporting documents prepared directly by the applicant's contractor, or (3) a draft and final EIS and supporting documents prepared by the applicant's contractor under a third-party agreement with EPA.

Respondents include grant applicants applying to EPA for funding of special projects identified in the STAG account authorized by Congress through the Agency's annual Appropriations Act. These applicants are generally governmental jurisdictions. The number of such grants authorized by Congress, and subsequently awarded by EPA, has generally been increasing annually with about 25 awarded in 1993, about 100 awarded in 1998, and about 300 awarded each year in 2002 and 2003; for the 3-year period 2002 through 2004, about 800 have been awarded by EPA. Recognizing that the number of STAG awards has been increasing annually, for purposes of this ICR, EPA anticipates that approximately 900 STAG grants will be awarded during the 3-year life of this ICR, with approximately 300 awarded annually. EPA estimates that about 50% of the STAG projects are documented with a CE, and about 50% with an EA/FONSI although EPA anticipates that under the proposed rule, the STAG projects documented with a CE may increase 5% to 10%. Thus, based on EPA's experience, under the proposed rule, EPA anticipates there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year period of this ICR. EPA's estimates of a grantee's contractor costs and applicant hours, and other assumptions, are presented in Attachment 2. EPA estimated contractor costs and hours, and hours for grantees and EPA for CE, EA/FONSI and EIS/ROD documentation are summarized in Table 2 (also see Section 6(b) for further information on estimates for EPA's burden).

Table 2. Summary of Estimated Contractor Costs and Hours for Grantees and EPA

	<i>CE Documents Project</i>		<i>EA/FONSI Documents Project</i>		<i>EIS/ROD Documents Project</i>	
	<i>Current</i>	<i>3-Yr ICR Period</i>	<i>Current</i>	<i>3-Year ICR Period</i>	<i>Current</i>	<i>3-Yr ICR Period</i>
Grantee	\$1-4,000 1-5 hours	\$3,000* 5 hrs	\$5-25,000 not estimated	\$15,000* 60 hrs	\$200-300,000 not estimated	\$300,000* 440 hrs
	*Contractor: \$75/hour ^(a) \$75/hr x 40 hrs = \$3,000		*Contractor: \$75/hour \$75/hr x 200 hrs = \$15,000		*Contractor: \$125/hour \$125/hr x 2400 hrs = \$300,000	
EPA	\$0	\$0	\$2-5,000	\$5,000 for 25% of projects 120 hrs	\$0	\$0
	10-40 hours 50%	30 hrs	40-360 hours 50%	40%	400+ - 500+ hrs □ 1 per 3 yrs	440 hrs 1 per 3-yrs
		60%				

^a Contractor cost/hour assumed to include consolidated wages for all personnel working on the project, project expenses, overhead and profit.

Respondents also include permit applicants applying to EPA for issuance of new source NPDES permits under §402 CWA. EPA issues new source NPDES permits only in states and U.S. territories that have not assumed authority for this program (see Section 4(a)). Because most states have assumed the NPDES program, few new source NPDES permits are issued by EPA. Regions 4, 6 and 10 currently handle the majority of these projects. As presented in Section 4(a) of this Supporting Statement, most projects involve oil and gas extraction in off-shore waters areas, hardrock mining, concentrated animal feeding operations (CAFOs), dairy farming, and seafood processing. None of these projects have been documented with a CE and, during the 3-year life of this ICR, EPA does not anticipate any projects will be documented initially with a CE. Further, for the 3-year life of this ICR, EPA estimates that annually about 11 projects will be documented with EAs/FONSIs. In addition, EPA estimates one project will have an EIS/ROD completed annually. EPA’s estimates of a permit applicant’s contractor costs and applicant hours, and other assumptions, are presented in Attachment 2. EPA estimated contractor costs and hours, and hours for permit applicants and EPA for EA/FONSI and EIS/ROD documentation are summarized in Table 3 (also see Section 6(b) for further information on estimates for EPA’s burden).

Table 3. Summary of Estimated Contractor Costs and Hours for Permit Applicants and EPA

	<i>CE Documents Project</i>		<i>EA/FONSI Documents Project</i>		<i>EIS/ROD Documents Project</i>	
	<i>Current</i>	<i>3-Yr ICR Prd</i>	<i>Current</i>	<i>3-Year ICR Period</i>	<i>Current</i>	<i>3-Yr ICR Period</i>
Permit Applicant	None	None	\$20-75,000 not estimated	\$50,000* 60 hrs	\$0-300,000-1M not estimated	\$300,000* 440 hrs
			* Contractor: \$125/hour ^a \$125/hr x 400 hrs = \$50,000		*Contractor: \$125/hour \$125/hr x 2400 hrs = \$300,000	
EPA	None	None	\$5-12,000 100-120 hours 66 per 6-years	\$10,000 for 50% of projects 120 hrs 11 projects	\$0 400+ - 500+ hrs □ 1 per 3 yrs	\$0 440 hrs 1 per year

^a Contractor cost/hour assumed to include consolidated wages for all personnel working on the project, project expenses, overhead and profit.

EPA does not anticipate any applicant capital or start up costs.¹⁶ Operating and maintenance (O&M) costs are the recurring dollar amount of cost associated with O&M or purchasing services. EPA assumes the O&M costs associated with the paperwork requirements for respondents would be costs for photocopying and mailing the compiled environmental information for a CE, EA or EIS. For a CE, EPA assumes up to 20 pages may be copied at 10¢ per page, or \$2.00. For maximum cost estimate purposes, EPA assumes the documentation is express mailed at a cost of \$15.00, for a total cost of \$17.00 per CE. For an EA, EPA assumes 100 pages will be submitted at a cost of \$10.00 for copying and \$30.00 for express mail for a total cost of \$40.00 per EA. For an EIS, EPA assumes 800 pages will be submitted (4 x 200 pages per EIS - preliminary draft EIS, draft EIS, preliminary final EIS, final EIS) at a cost of \$80.00 for copying and \$200.00 for express mail (4 x \$50 per document) for a total cost of \$280.00 per EIS. See Attachment 2.

Based on the above assumptions and estimates for grantees and permit applicants, Tables 4 and 5 list the estimated one-time, annual and three-year contractor hours and costs, and hours, direct labor and O&M costs for grantees and permit applicants (three years represents the approval period for this ICR). The direct labor rate, including benefits, for state and local government applicants is assumed to be \$44; loaded at 25% for other non-benefits overhead, this rate is \$55. The direct labor rate for federally-recognized Indian tribe applicants is assumed to be the same as for state and local government applicants. Grantee applicants are assumed to be state

¹⁶ One-time capital/start-up costs usually include any produced physical good needed to provide the necessary information. Start-up capital must be purchased for the specific purpose of satisfying EPA's reporting or recordkeeping requirements. Capital goods include computers, machinery, or equipment. Start-up capital costs are usually incurred at the beginning of an information collection period and are usually incurred only once.

and local governments and federally-recognized Indian tribes. The direct labor rate, including benefits, for civilian worker (professional) applicants is assumed to be \$43; loaded at 50% for other non-benefits overhead and including profit, this rate is about \$65. Permit applicants are assumed to be civilian worker applicants. (Labor rates, including benefits, from the Bureau of Labor Statistics, “Employer Costs for Employee Compensation – September 2005,” <http://stats.bls.gov/news.release/ecec.toc.htm>.)

Table 4. One-Time, Annual and 3-Year Total Estimated Costs and Hours for Grant Applicants

<i>Respondent</i>	<i>CE Projects</i>	<i>EA/FONSI Projects</i>	<i>EIS/ROD Projects</i>	<i>Totals</i>
Grantee-Annual: Number of Projects	60% x 300 proj = 180 proj	40% x 300 proj = 120 proj	(None annually, one on a 3-year basis)	Grantee-Annual: 300 projects
Contractor Hours	180 proj x 40 hrs/proj = 7,200 hours	120 proj x 200 hrs/proj = 24,000 hours	(None annually, one on a 3-year basis)	31,200 hours
Contractor Costs	180 proj x \$3,000/proj = \$540,000	120 proj x \$15,000/proj = \$1,800,000	(None annually, one on a 3-year basis)	\$2,340,000
Grantee Hours	180 proj x 5 hrs/proj = 900 hours	120 proj x 60 hrs/proj = 7,200 hours	(None annually, one on a 3-year basis)	8,100 hours
Grantee Labor Costs	900 hours x \$55/hour = \$49,500	7,200 hours x \$55/hour = \$396,000	(None annually, one on a 3-year basis)	\$ 445,500
O&M	180 proj x \$17/proj = \$3,060	120 proj x \$40/proj = \$4,800	(None annually, one on a 3-year basis)	\$ 7,860
Totals on One-Time Proj. Basis	40 + 5 = 45 hours/project \$3,000 + (\$55 x 5) + \$17 = \$3,292/project	200 + 60 = 260 hours/proj \$15,000 + (\$55 x 60) + \$40 = \$18,340/project	(None annually, one on a 3-year basis)	
Grantee-3-Yr Total: Number of Projects	3 yrs x 180 proj = 540 proj	3 yrs x 120 proj = 360 proj	1 project on a 3-year basis	Grantee-3-Yr Total: 901 projects
Contractor Hours	3 yrs x 7,200 hours = 21,600 hours	3 yrs x 24,000 hours = 72,000 hours	1 proj x 2,400 hours/proj = 2,400 hours	96,000 hours
Contractor Costs	3 yrs x \$540,000/yr = \$1,620,000	3 yrs x \$1,800,000/yr = \$5,400,000	1 proj x \$300,000/proj = \$300,000	\$7,320,000
Grantee Hours	3 yrs x 900 hours = 2,700 hours	3 yrs x 7,200 hours = 21,600 hours	1 proj x 440 hours/proj = 440 hours	24,740 hours
Grantee Labor Costs	3 yrs x \$49,500/yr = \$148,500	3 yrs x \$396,000/yr = \$1,188,000	440 hrs x \$55/hour = \$24,200	\$1,360,700
O&M	3 yrs x \$3,060/yr = \$9,180	3 yrs x \$4,800/yr = \$14,400	1 proj x \$280/proj = \$280	\$ 23,860
Totals on One-Time Proj. Basis			2,400 + 440 = 2,840 hours \$300,000 + (\$55 x 440) + \$280 = \$324,480	

Table 5. One-Time, Annual and 3-Year Total Estimated Costs and Hours for Permit Applicants

<i>Respondent</i>	<i>CE Projects</i>	<i>EA/FONSI Projects</i>	<i>EIS/ROD Projects</i>	<i>Totals</i>
Permittee-Annual: Number of Projects	None	11 projects/year	1 project/year	Permittee-Annual: 12 projects
Contractor Hours	None	11 proj x 400 hrs/proj = 4,400 hours	1 proj x 2,400 hrs/proj = 2,400 hours	6,800 hours
Contractor Costs	None	11 proj x \$50,000/proj = \$550,000	1proj x \$300,000/proj = \$300,000	\$850,000
Permittee Hours	None	11 proj x 60 hrs/proj = 660 hours	1 proj x 440 hrs/proj = 440 hours	1,100 hours
Permittee Labor Costs	None	660 hours x \$65/hour = \$42,900	440 hours x \$65/hour = \$28,600	\$ 71,500
O&M	None	11 proj x \$40/proj = \$440	1 proj x \$280/proj = \$280	\$ 720
Totals on One-Time Proj. Basis	(None)	400 + 60 = 460 hours \$50,000 + (\$65 x 60) + \$40 = \$53,940	2,400 + 440 = 2,840 hours \$300,000 + (\$65 x 440) + \$280 = \$328,880	
Permittee-3-Yr Total: Number of Projects	None	3 yrs x 11 proj/yr = 33 proj	3 yrs x 1 proj/yr = 3 proj	Permittee-3-Yr Total: 36 projects
Contractor Hours	None	3 yrs x 4,400 hours = 13,200 hours	3 yrs x 2,400 hours = 7,200 hours	20,400 hours
Contractor Costs	None	3 yrs x \$550,000/yr = \$1,650,000	3 yrs x \$300,000/yr = \$900,000	\$2,550,000
Permittee Hours	None	3 yrs x 660 hours = 1,980 hours	3 yrs x 440 hrs/yr = 1,320 hours	3,300 hours
Permittee Labor Costs	None	3 yrs x \$42,900 = \$128,700	3 yrs x \$28,600 = \$85,800	\$ 214,500
O&M	None	3 yrs x \$440/yr = \$1,320	3 yrs x \$280/hr = \$840	\$ 2,160

As discussed in Section 5, the information collected under this ICR is one-time only for applicant-proposed actions. Grantees or permit applicants must submit environmental information to EPA as part of the environmental review process unless the Responsible Official decides to prepare the NEPA documents without assistance from the applicant. If the applicant cannot afford to provide the required environmental information to EPA, then EPA would undertake the environmental review without input from the applicant (see footnote 11). Further, grantees may be grant-eligible for certain costs associated with providing environmental information to EPA (see footnote 12); permit applicants are not eligible for EPA financial

assistance. Table 6 summarizes the one-time total estimated applicant costs, including contractor hours and costs, applicant hours and direct labor costs, and O&M for documentation to support a CE, or an EA/FONSI, or an EIS/ROD. Based on EPA experience, under the proposed rule, EPA anticipates that for grantees there will be approximately 300 projects with about 60% of the projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE.

Table 6. Summary of Estimated One-Time Total Costs and Hours for Applicants

<i>Respondent</i>	<i>One-Time Total Costs and Hours</i>					
	<i>CE</i>				<i>EA/FONSI</i>	
					<i>EIS/ROD</i>	
	Hours	Cost	Hours	Cost	Hours	Cost
Grant Applicant						
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
						ONE PER 3-YEARS
Permit Applicants						
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

The information collected under this ICR is one-time only for EPA actions subject to NEPA that are based on applicant proposals (see Section 5). For purposes of this ICR, Table 7 summarizes the estimated total annual and 3-year applicant costs, including contractor hours and costs, applicant hours and direct labor costs, and O&M for the three-year period of this ICR. Based on EPA’s experience, under the proposed rule, EPA anticipates there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE.

Table 7. Summary of Total Estimated Annual and 3-Year Costs and Hours for Applicants

<i>Respondent</i>	<i>Annual</i>			<i>3-Year Life of ICR</i>		
Grant Applicant	Hours		Cost	Hours		Cost
Contractor Hrs/Cost	31,200		\$2,340,000	96,000		\$ 7,320,000
Direct Hrs/Labor Cost	8,100		445,500	24,740		1,360,700
O&M	\$ 7,860			\$ 23,860		
Number of Projects	300			901		
Sub-Totals	300	39,300	\$2,793,360	901	120,740	\$ 8,704,560
Permit Applicant	Hours		Cost	Hours		Cost
Contractor Hrs/Cost	6,800		\$ 850,000	20,400		\$ 2,550,000
Direct Hrs/Labor Cost	1,100		71,500	3,300		214,500
O&M	\$ 720			\$ 2,160		
Number of Projects	12			36		
Sub-Totals	12	7,900	\$ 922,220	36	23,700	\$ 2,766,660
Totals	312	47,200	\$3,715,580	937	144,440	\$11,471,220

6(b) Estimated Federal Government Burden:¹⁷ For EPA actions subject to NEPA that are based on applicant proposals, EPA may: (1) prepare the NEPA documents without assistance from the applicant, with or without using EPA contractor support; or (2) prepare the NEPA documents based on information submitted by the applicant (and any other supplemental information) with or without using EPA contractor support. If an EPA contractor is used, the contractor is generally tasked with technical assistance for reviewing any applicant-submitted information, gathering any other necessary information, and preparing the EA or EIS and supporting documents for EPA’s Responsible Official. EPA generally does not use its contractors on projects documented with a CE or for which EPA and the applicant enter into a third-party agreement.

- For CEs, EPA estimates it prepares CE documentation without assistance from the applicant for five STAG projects per year based on the information in a grantee’s grant application and supplemental information gathered directly by EPA using about 40 hours per project. For CE-documented projects based on grantee-submitted information, EPA uses an estimated 30 hours. See Attachment 2.
- For EAs, EPA estimates contractor costs for technical assistance with reviewing an applicant’s draft EA and supporting documents and subsequent preparation of the EA at \$5,000, with EPA using an estimated 120 hours. EPA estimates use of a contractor on about 25% of the grantee projects and 50% of the permit applicant projects. See

¹⁷ EPA actions for construction of special purpose facilities or facility renovations of EPA facilities are actions undertaken directly by EPA and do not involve applicants. Therefore, EPA’s burden (contractor costs and hours) for these actions is not included in this ICR Supporting Statement.

Attachment 2.

- Most applicant EISs are prepared under a third-party agreement with EPA directly reviewing the third-party contractor-prepared EIS and supporting documents using an estimated 440 hours per project. EPA has also, and will likely continue to prepare EISs for new source NPDES permit projects in conjunction with other federal agencies. In these cases, EPA is usually a Cooperating Agency and either adopts or supplements and reissues the lead agency's EIS. EPA may also supplement and reissue one of its own EISs for a project. EPA generally uses a contractor in these cases with contractor costs ranging from \$25,000 to \$225,000. For purposes of this ICR and based on EPA's experience with adoption or supplementation of another EIS, EPA estimates that for direct preparation of one such EIS/ROD annually, EPA's contractor costs are estimated to be \$50,000 with EPA using an estimated 440 hours. See Attachment 2.

Estimated contractor costs and hours for EPA for applicant-proposed projects are compiled on a document-type basis with the burden assumed to be the same for environmental information submitted by either a grantee or permit applicant. The following lists EPA's tasks generally associated with preparation of NEPA documents based on environmental information submitted by an applicant and the estimated hours for these tasks:

1. Consult with the applicant as early as possible in the planning process to provide guidance with respect to the appropriate level and scope of information that EPA may require; for CEs, EPA estimates 10 hours, for EAs 20 hours, and for EISs 40 hours.
2. Review and independently evaluate the applicant-submitted and other project-related documents, including the grant or permit application and any appropriate public comments, and provide comments or guidance to the applicant about any additional information needed. For purposes of this ICR, these cost and hour estimates include using EPA contractor technical assistance during the review process for EAs. For CEs, EPA estimates 5 hours, for EAs 40 hours, and for EISs 160 hours.
3. Meet with the applicant on the need for any revisions to the environmental information and supporting documents, and review any revised documentation; for CEs, EPA estimates 5 hours, for EAs 10 hours, and for EISs 40 hours.
4. Consult with the applicant, when appropriate, on a third-party agreement. EPA assumes this will generally be done only for an EIS and estimates 20 hours for this task.
5. Complete the required environmental review and NEPA documentation before rendering a final decision regarding the applicant's proposed action; for CEs, EPA estimates 5 hours, for EAs 40 hours, and for EISs 160 hours.
6. Maintain files; for CEs, EPA estimates 5 hours, for EAs 10 hours, and for EISs 20 hours.

On occasion, EPA may prepare the NEPA documentation without assistance from the applicant for an applicant's project, using an EPA contractor for technical assistance with preparation of EAs/FONSI and EISs/RODs. EPA tasks, and the estimated hours for these tasks, generally include the following:

1. Issue a Statement of Work for the project; for CEs EPA estimates 0 hours, for EAs 15 hours, and for EISs 40 hours.
2. For EPA's direct consultations for CEs, and for coordination with the contractor and/or for direct consultations during EA or EIS preparation, on issues related to consulting with federal agencies, states or federally-recognized Indian tribes regarding extraordinary circumstances and/or potential impacts; for CEs EPA estimates 23 hours, for EAs 20 hours, and for EISs 60 hours.
3. Review the contractor-prepared documents; for CEs EPA estimates 0 hours, for EAs 40 hours, and for EISs 160 hours.
4. Complete the required NEPA review and documents; for CEs EPA estimates 15 hours, for EAs 35 hours, and for EISs 160 hours.
5. Maintain files; for CEs EPA estimates 2 hours, for EAs 10 hours, and for EISs 20 hours.

There are no one-time capital/start-up costs for EPA, and the O&M hours for maintaining files are included in the EPA hours estimate.

For EPA actions subject to NEPA that are based on applicant proposals with applicants submitting environmental information, EPA's annual and three-year estimated contractor costs and hours are summarized in Table 8 for grantee projects and Table 9 for permit applicant projects. Table 10 summarizes EPA's annual and three-year estimated contractor costs and hours for preparation of CE, EA and EIS documentation by EPA without assistance from the applicant and with EIS preparation based on adoption of another federal agency's EIS or supplementation of another EIS. For purposes of this Supporting Statement, EPA assumes its contractor rate is \$75 per hour which includes consolidated wages for all personnel working on a project, project expenses and profit. EPA's hourly salary rate of about \$60 is based on the pay for a GS-12, step 10, with 70% overhead, including benefits, O&M and other overhead expenses; see federal wages at: <http://www.opm.gov>. For this Supporting Statement, O&M is listed as a zero line item in the tables for ease of comparison to the applicant tables; specific O&M expenses are not included as these are included in EPA's overhead.

Table 8. Grantee Projects - Annual and 3-Year Estimated Costs and Hours Per Document Type for EPA

<i>Respondent</i>	<i>CE Projects</i>	<i>EA/FONSI Projects</i>	<i>EIS/ROD Projects</i>	<i>Totals</i>
Grantees - Annual Number of Projects	180 projects	120 projects	(None annually, one on a 3-year basis)	300 projects
Contractor Hours	0	25% x 120 proj x 70 hrs/proj = 2,100 hours	(None annually, one on a 3-year basis)	2,100 hours
Contractor Costs	\$0	25% x 120 proj x \$5,000/proj = \$150,000	(None annually, one on a 3-year basis)	\$150,000
EPA Hours	180 proj x 30 hrs/proj = 5,400 hours	120 proj x 120 hrs/proj = 14,400 hours	(None annually, one on a 3-year basis)	19,800 hours
EPA Direct Labor Costs	5,400 hrs x \$60/hr = \$324,000	14,400 hrs x \$60/hr = \$864,000	(None annually, one on a 3-year basis)	\$1,188,000
O&M	\$0	\$0	(None annually, one on a 3-year basis)	\$0
Totals on One-Time Project Basis	0hrs + 30hrs = 30 hrs \$0 + (30hrs x \$60/hr) + \$0 = \$1,800	70hrs + 120hrs = 190 hours \$5,000 + (120hrs x \$60/hr) + \$0 = \$12,200		
Grantees - 3-Yr Total: Number of Projects	3 yrs x 180 proj/yr = 540 proj	3 yrs x 120 proj/yr = 360 projects	1 project on a 3-yr basis	901 projects
Contractor Hours	3 yrs x 0 hours/yr = 0	3 yrs x 2,100 hours/yr = 6,300 hours	1 proj x 0 hrs/yr = 0 hours	6,300 hours
Contractor Costs	3 yrs x \$0 = \$0	3 yrs x \$150,000/yr = \$450,000	1 proj x \$0 = \$0	\$450,000
EPA Hours	3 yrs x 5,400 hrs/yr = 16,200 hours	3 yrs x 14,400 hrs/yr = 43,200 hours	1 proj x 440 hours = 440 hours	59,840 hours
EPA Direct Labor Costs	3 yrs x \$324,000/yr = \$972,000	3 yrs x \$864,000/yr = \$2,592,000	440 hrs x \$60/hr = \$26,400	\$3,590,400
O&M	3 yrs x \$0/yr = \$0	3 yrs x \$0/yr = \$0	\$0	\$0
Totals on One-Time Project Basis			0 + 440hrs = 440hrs \$0 + \$26,400 + \$0 = \$26,400	

^a Project assumed to be under third-party contract with no technical support by EPA's contractor.

Table 9. Permit Applicant Projects - Annual and 3-Year Estimated Costs and Hours Per Document Type for EPA

<i>Respondent</i>	<i>CE Projects</i>	<i>EA/FONSI Projects</i>	<i>EIS/ROD Projects</i>	<i>Totals</i>
Permittees - Annual No. Projects	None	11 projects/year	1 project/year	12 projects
Contractor Hours	None	50% x 11 proj x 135 hr/proj = ~740 hours	1 proj x 0 hr/proj = 0 hours	~740 hours
Contractor Costs	None	50% x 11 proj x \$10,000/proj = \$55,000	1 proj x \$0/proj = \$0	\$55,000
EPA Hours	None	11 proj x 120 hrs/pr= 1,320 hrs	1 proj x 440hrs/proj = 440 hours	1,760 hours
EPA Direct Labor Costs	None	1,320 hrs x \$60/hr = \$79,200	440 hrs x \$60/hr = \$26,400	\$105,600
O&M	None	\$0	\$0	\$0
Totals on One-Time Project Basis	(None)	135 hrs + 120 hrs = 255 hours \$10,000 + (120 hr x \$60/hr) + \$0 = \$17,200	0 hrs + 440 hrs = 440 hours \$0 + \$26,400 + \$0 = \$26,400	
PERMITEES - 3-Yr Total: No. Projects	None	3 yrs x 11 proj/yr = 33 projects	3 yrs x 1 proj/yr = 3 proj	36 projects
Contractor Hours	None	3 yrs x 740 hrs/yr = 2,220 hours	3 yrs x 0 hrs/yr = 0 hours	~2,200 hours
Contractor Costs	None	3 yrs x \$55,000/yr = \$165,000	3 yrs x \$0/yr = \$0	\$165,000
EPA Hours	None	3 yrs x 1320 hrs/yr = 3,960 hrs	3 yrs x 440 hrs/yr = 1,320 hrs	5,280 hours
EPA Direct Labor Costs	None	3 yrs x \$79,200/yr = \$237,600	3 yrs x \$26,400/yr = \$79,200	\$316,800
O&M	None	3 yrs x \$0/yr = 0	3 yrs x \$0/yr = \$0	\$0

^a Project assumed to be under third-party contract with no technical support by EPA's contractor.

Table 10. Annual and 3-Year Estimated Costs and Hours by Document Type for Direct Preparation of Documents by EPA for Applicant Projects

<i>Respondent</i>	<i>CE Projects</i>	<i>EA/FONSI Projects</i>	<i>EIS/ROD Projects</i>	<i>Totals</i>
Annually No. Projects - Grantees only	5 projects	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	5 projects
Contractor Hours	0	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	0
Contractor Costs	\$0	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	\$0
EPA Hours	5 proj x 40 hrs/proj = 200 hrs	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	200 hours
EPA Direct Labor Costs	200 hrs x \$60/hr = \$12,000	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	\$12,000
O&M	\$0	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	\$0
Totals on One- Time Project Basis	0 + 40hrs = 40 hrs \$0 + (40hr x \$60/hr) + \$0 = \$2,400			
3-Yr Total No. Projects Grantees and Permittees	3 yrs x 5 proj = 15 proj	1 proj/3-yrs = 1 project	1 proj/3-yrs = 1 project	17 projects
Contractor Hours	3 yrs x 0 hrs/yr = 0 hours	1 proj x 670 hours/proj = 670 hours	1 proj x 670 hours/proj = 670 hours	1,340
Contractor Costs	3 yrs x \$0/yr = \$0	1 proj x \$50,000/proj = \$50,000	1 proj x \$50,000/proj = \$50,000 (adopt/supplement)	\$100,000
EPA Hours	3 yrs x 200 hrs/yr = 600 hours	1 proj x 120 hrs/yr = 120 hours	1 proj x 440 hrs/proj = 440 hrs	1,160 hours
EPA Direct Labor Costs	3 yrs x \$12,000/yr = \$36,000	120 hrs x \$60/hr = \$7,200	440 hours x \$60/hr = \$26,400	\$69,600
O&M	3 yrs x \$0/yr = \$0	\$0	\$0	\$0
Totals on One- Time Project Basis		670hr + 120hr = 790 hrs \$50,000 + \$7,200 + \$0 = \$57,200	670hrs + 440hrs = 1,110 hrs \$50,000 + \$26,400 + \$0 = \$76,400	

As discussed in Section 5, the information collected under this ICR is one-time only for EPA actions subject to NEPA that are based on applicant proposals. Grantees or permit applicants submit environmental information to EPA as part of the environmental review process unless the Responsible Official decides to prepare the NEPA documents without assistance from

the applicant. Table 11 summarizes the one-time total estimated EPA costs, including contractor hours and costs and EPA hours and direct labor costs for preparation of a CE, or an EA/FONSI, or an EIS/ROD. For this Supporting Statement, O&M is listed as a zero line item in the table for ease of comparison to the applicant tables; specific O&M expenses are not included as these are included in EPA's overhead. Based on EPA's experience, under the proposed rule, EPA anticipates that for grantees there will be approximately 300 projects with about 60% of the projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE.

Table 11. Summary of Estimated One-Time Total Costs and Hours for EPA

<i>Respondent</i>	<i>One-Time Total Costs and Hours</i>					
	<i>CE</i>				<i>EA/FONSI</i>	
						<i>EIS/ROD</i>
	Hours	Cost	Hours	Cost	Hours	Cost
Grant Applicant Projects						
Contractor Hrs/Cost	0	\$ 0	70	\$ 5,000	0	\$ 0
Direct Hrs/Labor Cost	30	1,800	120	7,200	440	26,400
O&M		\$ 0		\$ 0		\$ 0
Total	30	\$1,800	190	\$12,200	440	\$26,400
Permit Applicant Projects						
Contractor Hrs/Cost	None	None	135	\$10,000	0	\$ 0
Direct Hrs/Labor Cost	None	None	120	7,200	440	26,400
O&M	None	None		\$ 0		\$ 0
Total	None	None	255	\$17,200	440	\$26,400
Prepared Directly by EPA						
Contractor Hrs/Cost	0	\$ 0	670	\$50,000	670	\$50,000
Direct Hrs/Labor Cost	40	2,400	120	7,200	440	26,400
O&M		\$ 0		\$ 0		\$ 0
Total	40	\$2,400	790	\$57,200	1,110	\$76,400

The information collected under this ICR is one-time only for EPA actions subject to NEPA that are based on applicant proposals (see Section 5). For purposes of this ICR, Table 12 summarizes the total annual and 3-year estimated EPA costs, including contractor hours and costs and EPA hours and direct labor costs for the three-year period of this ICR. For this Supporting Statement, O&M is listed as a zero line item in the table for ease of comparison to the applicant tables; specific O&M expenses are not included as these are included in EPA's overhead. Based on EPA's experience, under the proposed rule, EPA anticipates there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For

permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE.

Table 12. Summary of Total Annual and 3-Year Estimated Costs and Hours for EPA for Applicant-Proposed Projects

<i>Respondent</i>	<i>Annual</i>			<i>3-Year</i>		
Grant Applicant Projects	Hours	Cost		Hours	Cost	
Contractor Hrs/Cost	2,100	\$ 150,000		6,300	\$ 450,000	
Direct Hrs/Labor Cost	19,800	1,188,000		59,840	3,590,400	
O&M		\$ 0			\$ 0	
Number of Projects	300			901		
Sub-Totals	300	21,900	\$1,338,000	901	66,140	\$4,040,400
Permit Applicant Projects	Hours	Cost		Hours	Cost	
Contractor Hrs/Cost	740	\$ 55,000		2,200	\$ 165,000	
Direct Hrs/Labor Cost	1,760	105,600		5,280	316,800	
O&M		\$ 0			\$ 0	
Number of Projects	12			36		
Sub-Totals	12	2,500	\$ 160,600	36	7,480	\$ 481,800
Prepared Directly by EPA	Hours	Cost		Hours	Cost	
Contractor Hrs/Cost	0	\$ 0		1,340	\$ 100,000	
Direct Hrs/Labor Cost	200	12,000		1,160	69,600	
O&M		\$ 0			\$ 0	
Number of Projects	5			17		
Sub-Totals	5	200	\$ 12,000	17	2,500	\$ 169,600
Totals	317	24,600	\$1,510,600	954	76,120	\$4,691,800

6(c) Estimated Annual and 3-Year Aggregate Burden: As discussed in Sections 5, 6(a) and 6(b), the information collected under this ICR is one-time only for EPA actions subject to NEPA that are based on applicant proposals. Grantees or permit applicants must submit environmental information to EPA as part of the environmental review process unless the Responsible Official decides to prepare the NEPA documents without assistance from the applicant. If the applicant cannot afford to provide the required environmental information to EPA, then EPA would undertake the environmental review without input from the applicant (see footnote 11). Further, grantees may be grant-eligible for certain costs associated with providing environmental information to EPA (see footnote 12); permit applicants are not eligible for EPA financial assistance. Table 13 summarizes the aggregate one-time total estimated applicant and EPA costs, including contractor hours and costs, direct labor hours and costs, and O&M for documentation to support a CE, or an EA/FONSI, or an EIS/ROD. For any specific project, only one of these levels of documentation is generally prepared. Based on EPA’s experience, under the proposed rule, EPA anticipates that for grantees there will be approximately 300 projects with about 60% documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For permit applicants, EPA assumes there

will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE.

Table 13. Summary of Aggregate One-Time Estimated Costs and Hours for Applicants and EPA

	<i>One-Time Total Costs and Hours</i>						
	<u>CE</u>				<u>EA/FONSI</u>		
					<u>EIS/ROD</u>		
	<i>Hours</i>				<i>Hours</i>	<i>Cost</i>	
						<i>Hours</i>	<i>Cost</i>
Grant Applicants	45	\$3,292	260	\$18,340	2,840	\$324,480	
Permit Applicants	None	None	460	\$53,940	2,840	\$328,880	
EPA					One per 3-years		
Grant Applicant Projects	30	\$1,800	190	\$12,200	440	\$ 26,400	
Permit Applicant Projects	None	None	255	\$17,200	440	\$ 26,400	
Prepared Directly by EPA	40	\$2,400	790	\$57,200	1,110	\$ 76,400	
Totals	115	\$7,492	1,955	\$158,880	7,670	\$782,560	
					"Third-Year" calculation represents maximum hours/costs in a year		

The information collected under this ICR is one-time only on a per-project basis for EPA actions subject to NEPA that are based on applicant proposals. Grantees or permit applicants submit environmental information to EPA as part of the environmental review process unless the Responsible Official decides to prepare the NEPA documents without assistance from the applicant. The NEPA review for a project may result in a CE, or an EA/FONSI, or an EIS/ROD. For any specific project, only one of these levels of documentation is generally prepared. Based on EPA’s experience, under the proposed rule, EPA anticipates there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year life of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE. Table 14 summarizes the aggregate total annual and 3-year estimated applicant and EPA hours and costs, including contractor hours and costs, direct labor hours and costs, and O&M for documentation to support a CE, or an EA/FONSI, or an EIS/ROD.

Table 14. Summary of Aggregate Total Annual and 3-Year Estimated Costs and Hours for Applicants and EPA

<i>Respondents and EPA</i>	<i>Annual</i>			<i>3-Year</i>		
	<i>Projects</i>	<i>Hours</i>	<i>Cost</i>	<i>Projects</i>	<i>Hours</i>	<i>Costs</i>
Grant Applicants	300	40,247	\$2,901,520	901	120,740	\$ 8,704,560
Permit Applicants	12	7,900	922,220	36	23,700	2,766,660
Sub-Totals	312	48,147	\$3,823,740	937	144,440	\$11,471,220
EPA						
Grant Applicant Projects	300	21,900	\$1,338,000	901	66,140	\$ 4,040,400
Permit Applicant Projects	12	2,500	160,600	36	7,480	481,800
Prepared Directly by EPA	5	200	12,000	17	2,500	169,600
Sub-Totals	317	24,600	\$1,510,600	954	76,120	\$ 4,691,800
Totals	317	72,747	\$5,334,340	954	220,560	\$16,163,020

6(d) Change in Burden:

	Currently Approved Hours	Proposed Hours	Change	Currently Approved Costs ^a	Proposed Costs	Change
Grant Applicants-CE	6,750	8,100	+1,350	\$2,550.00	\$3,060.00	+\$510.00
Grant Applicants-EA	39,000	31,200	-7,800	\$6,000.00	\$4,800.00	-\$1,200.00
Grant Applicants-EIS ^b	947	947	0	\$280.00	\$93.34 ^c	-\$186.66
Permit Applicants-EA	5,060	5,060	0	\$440.00	\$440.00	0
Permit Applicants-EIS	2,840	2,840	0	\$280.00	\$280.00	0
Total	54,597	48,147	-6,450	\$9,550.00	\$8,673.34	-\$876.66

^aThe costs only include O&M.

^bApproximately 1 EIS is completed every three years; for this table, the cost and hour estimates have been annualized.

^cThis is an adjustment from the previous burden, where the cost of an EIS had not been annualized. The other changes in burden are due to program changes, based on the regulation changes.

The reduction in burden will be achieved by increasing the number of projects that are documented with a categorical exclusion (CE) rather than an environmental assessment (EA).

Under the current rule, approximately 50% of the annual 300 grant projects are documented with a CE, and 50% with an EA. Under the proposed rule, however, we estimate that out of the 300 annual grant projects, 60% will be documented with a CE and 40% will be documented with an EA. Annually, then, the burden would shift to 8,100 hours and \$3,060 for CE documentation, and 31,200 hours and \$4,800 for EA documentation. Thus, under the current rule, the total annual burden is 54,597 hours and \$9,550. Under the proposed rule, the total annual burden is 48,147 hours and \$8673.34. The proposed rule would reduce the total annual burden by 6,450 hours and \$876.66.

6(e) Burden Statement Summary and Burden Statement: The Environmental Protection Agency (EPA or Agency) is proposing to amend its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The proposed rule also includes minor, technical amendments to the Agency’s procedures for implementing Executive Order 12114, “Environmental Effects Abroad of Major Federal Actions.”

EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114. EPA’s Executive Order 12114 procedures further the purpose of NEPA and provide that EPA may be guided by these procedures to the extent they are applicable. Therefore, when EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. For this ICR, applicant-proposed projects subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs’ ICRs), are addressed through the NEPA assessment process.

Those subject to the proposed rule include EPA employees who must comply with NEPA and certain grant and permit applicants who must submit environmental information to EPA for their proposed projects. The EPA Responsible Official is responsible for the environmental review process, including any categorical exclusion determination or the scope, accuracy, and contents of a final environmental assessment (EA) or environmental impact statement (EIS) and any supporting documents. The applicant contributes by submitting environmental information to EPA as part of the environmental review process. The information collected from grant or permit applicants is one-time only on a per-project basis for EPA actions subject to NEPA that are based on applicant proposals. Grantees (primarily grants for special projects identified in EPA’s State and Tribal Assistance Grants (STAG) account) or permit applicants (for new source NPDES permits issued by EPA) are required to provide environmental information to EPA as part of the environmental review process unless the EPA Responsible Official decides to prepare the NEPA documents without assistance from the applicant. If the applicant cannot afford to provide the required environmental information to EPA, then EPA would undertake the environmental review without input from the applicant. Further, certain grantees may be grant-eligible for certain costs associated with providing environmental information to EPA; permit applicants are not eligible for EPA financial assistance.

The NEPA review for a project may result in a categorical exclusion (CE), or an EA

documented with a finding of no significant impact (EA/FONSI), or an EIS documented with a record of decision (EIS/ROD). (EPA assumes a project may be documented with a CE only for grantee-proposed projects. EPA does not anticipate that an initial new source NPDES permit application would be documented with a CE.) For any specific project, only one of these levels of documentation is generally prepared. Applicants may submit an environmental information document (EID) to EPA as part of the environmental review process. Alternately, an applicant may submit a draft EA or a draft EIS and supporting documents. Applicants may prepare and submit the information directly, or may enter a third-party contract agreement with EPA for preparation of an EA or EIS and supporting documentation. For purposes of determining the maximum costs to applicants for this ICR, EPA assumed that grant and permit applicants would expend time and contractor costs to submit: (1) information to support application of a CE with environmental information prepared directly by the applicant's contractor; or (2) a draft EA and supporting documents prepared directly by the applicant's contractor; or (3) a draft and final EIS and supporting documents prepared by the applicant's contractor under a third-party contract agreement with EPA.

Based on EPA's experience, under the proposed rule, EPA anticipates there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project (less than one percent of the total annual grantee projects) will have an EIS/ROD completed during the 3-year period of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 of the projects documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE. EPA estimated the one-time costs for applicants to prepare the environmental documentation by including contractor hours and costs, direct labor hours and costs, and O&M for documentation submitted to EPA to support a CE determination, or an EA/FONSI, or an EIS/ROD. For a grantee, EPA estimates an applicant's one-time costs for submitting environmental information will be: 45 hours and \$3,292 for CE documentation, or 260 hours and \$18,340 for EA/FONSI documentation, or 2,840 hours and \$324,480 for EIS/ROD documentation. For a permit applicant, EPA estimates an applicant's one-time costs for submitting environmental information will be: 460 hours and \$53,940 for EA/FONSI documentation, or 2,840 hours and \$328,880 for EIS/ROD documentation. These figures may vary depending on the complexity of issues associated with the project and the availability of relevant information, particularly for EISs. (For example, EPA's experience with a limited number of EISs has included one-time costs ranging from nominal for information submitted by letter to supplement an existing oil and gas extraction EIS to over a million dollars for new EISs for a mining project and an oil and gas extraction project with multiple complex issues.) EPA believes the calculations for this ICR are representative of most projects.

Burden Statement: The total annual public reporting and recordkeeping burden for this collection of information is estimated at 48,147 hours and \$3,823,740 for contractor hours and costs, direct labor hours and costs, and O&M costs. This burden reflects an annual one-time submission of documentation for an anticipated 312 applicant-proposed projects that may be

documented with a CE, or an EA/FONSI, or an EIS/ROD. Under the proposed rule, EPA assumes there will be approximately 300 grantee projects annually with about 60% of these projects documented with a CE, and about 40% with an EA/FONSI. In addition, EPA estimates that one project will have an EIS/ROD completed during the 3-year period of this ICR. For permit applicants, EPA assumes there will be approximately 12 projects annually with about 11 documented with an EA/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. None will be documented initially with a CE. Over the 3-year period of this ICR, EPA anticipates 937 applicant-proposed projects with a 3-year total burden estimate of 144,440 hours and \$11,471,220. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; research data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2005-0062, which is available for online viewing at www.regulations.gov, or in person viewing at Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC 20004. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566-1752. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2005-0062 in any correspondence.

PART B OF THE SUPPORTING STATEMENT

STATISTICAL SURVEY

This collection of information does not use or is otherwise based on a statistical survey.

ATTACHMENT 1 TO THE SUPPORTING STATEMENT

Exemptions from NEPA for Certain EPA Actions and EPA's Voluntary NEPA Policy and Procedures

Exemptions from NEPA for Certain EPA Actions

Certain EPA actions are exempt from the procedural requirements of NEPA, including the CEQ Regulations. Congress has provided specific statutory exemptions for certain EPA actions taken under the Clean Water Act (CWA) and all EPA actions taken under the Clean Air Act (CAA). Specifically, under CWA Section 511(c)(1), EPA is exempt from preparing EISs for all actions taken under the CWA except for issuance of NPDES permits under CWA Section 402 for “new sources” as defined in Section 306, and for Federal financial assistance provided for assisting construction of publicly owned treatment works under CWA Section 201 (33 U.S.C. 1371(c)). Under the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)), all actions taken under the CAA are deemed not to be major federal actions significantly affecting the environment.

Further, the courts have exempted certain EPA actions from the procedural requirements of NEPA through the functional equivalence doctrine. Under the functional equivalence doctrine, courts have found EPA to be exempt from the procedural requirements of NEPA for certain actions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Resource Conservation and Recovery Act (RCRA), the Toxic Substances Control Act (TSCA), the Safe Drinking Water Act (SDWA), and the Marine Protection, Research, and Sanctuaries Act (MPRSA). The courts reasoned that EPA actions under these statutes are functionally equivalent to the analysis required under NEPA because they are undertaken with full consideration of environmental impacts and opportunities for public involvement. *See, e.g., EDF v. EPA*, 489 F.2d 1247 (D.C. Cir. 1973) (FIFRA); *State of Alabama v. EPA*, 911 F. 2d 499 (11th Cir. 1990) (RCRA); *Warren County v. North Carolina*, 528 F. Supp. 276 (E.D. N.C. 1981) (TSCA); *Western Nebraska Resources Council v. US EPA*, 943 F.2d 867 (8th Cir. 1991) (SDWA); *Maryland v. Train*, 415 F. Supp. 116 (D. Md. 1976) (MPRSA).

Agency actions exempt from the requirements of NEPA would remain exempt under this proposed rule. If a question arises regarding the applicability of the NEPA requirements to certain actions, the Responsible Official should consult with the NEPA Official and the Office of General Counsel.

EPA's Voluntary NEPA Policy and Procedures

In 1974, EPA Administrator Russell Train determined that the Agency could voluntarily prepare EISs for certain regulatory activities that were exempt from NEPA. In 1998, Administrator Carol Browner amended this policy to permit the preparation of non-EIS NEPA

documents for certain EPA regulatory actions. The Agency's current "Notice of Policy and Procedures for Voluntary Preparation of National Environmental Policy Act (NEPA) Documents" (see 63 FR 58045) sets out the policy and procedures EPA uses when preparing environmental review documents under the Voluntary NEPA Policy. This proposed rule does not make any changes to the voluntary NEPA policy and procedures. However, the proposed rule can serve as a framework for the preparation of voluntary NEPA documents.

ATTACHMENT 2 TO THE SUPPORTING STATEMENT

Estimates of Contractor Costs and Hours for Applicants and EPA

Background Information

The Environmental Protection Agency (EPA or Agency) is proposing amendments to its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The proposed rule also includes minor, technical amendments to the Agency's procedures for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."¹⁸

Those subject to EPA's proposed NEPA rule include EPA employees who must comply with NEPA¹⁹ and certain grant and permit applicants who must submit environmental information to EPA for their proposed projects. The EPA Responsible Official is responsible for the environmental review process, including any categorical exclusion (CE) determination or the scope, accuracy, and contents of a final environmental assessment (EA) and supporting documents, or environmental impact statement (EIS) and supporting documents. Unless the EPA Responsible Official decides to prepare the NEPA documents without assistance from the applicant, the applicant contributes by submitting environmental information to EPA as part of the environmental review process. If the applicant cannot afford to provide the required environmental information to EPA, then EPA would undertake the environmental review without input from the applicant.

As discussed in Section 4(a) of this Supporting Statement, grant applicants are assumed to be those applying to EPA for special projects identified in the Agency's STAG account, and permit applicants are those applying to EPA for issuance of new source NPDES permits. Applicants incur contractor hours and costs and direct labor hours and costs related to the environmental information they prepare and submit to EPA. Applicants may prepare the documents directly or task a contractor with their preparation, or the applicant may enter into a third-party contract agreement with EPA for preparation of an environmental information document (EID), or EA or EIS and supporting documents. Grantees may be grant-eligible for certain costs associated with providing environmental information to EPA, including third-party

18 [?]As discussed in Section 4(a) of this Supporting Statement, EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114. EPA's Executive Order 12114 procedures further the purpose of NEPA and provide that EPA may be guided by these procedures to the extent they are applicable. Therefore, when EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. For this ICR, applicant-proposed actions subject to either NEPA or Executive Order 12114 (and that are not addressed in other EPA programs' ICRs), are addressed through the NEPA assessment process.

19 [?]Certain EPA actions are exempt from NEPA as discussed in Attachment 1.

contract costs; permit applicants are not eligible for EPA financial assistance.

EPA incurs contractor hours and costs and direct labor hours and costs related to its responsibilities for conducting environmental reviews and preparing NEPA documents. For applicant-proposed projects, this includes either reviewing environmental information submitted by the applicant and finalizing the NEPA documents for their projects, or preparing the NEPA documents without input from the applicant.²⁰

EPA's NEPA practitioners in its Regional Offices are primarily responsible for reviewing applicant-submitted environmental information and for preparing the NEPA documents for STAG grants and EPA-issued new source NPDES permit projects. Because the projects are proposed by the applicants (both grantees and permit applicants), EPA does not know what projects will be proposed, when they will be proposed, or what level of NEPA review will be required for each individual project. In this regard, EPA's NEPA review process is reactive to an applicant's request. The applicants vary and are not a set universe of respondents for ongoing or periodic information submissions. Therefore, the burden estimates for applicant projects are based on best professional estimates provided by EPA's Regional Office NEPA practitioners and are based on the types of projects historically encountered.

Summary Highlights from EPA Information Sources and EPA Assumptions:

For STAG Grants and Grantees:

- EPA's NEPA compliance actions are nearly always associated with EPA actions subject to NEPA that are based on applicant proposals, primarily for STAG grants (including consideration of the Wastewater Treatment Construction Grants Program and other actions subject to NEPA, including grants issued under the Agency's Environmental Programs and Management (EPM) account). For the 3-year period 2002 through 2004, about 800 STAG grants were awarded with about 270 awarded annually (see Table 1-2).²¹ Recognizing that the number of STAG awards has been increasing annually (see Table 1-1), for purposes of this ICR, EPA estimates that approximately 900 STAG grants will be awarded during the 3-year life of this ICR, with approximately 300 awarded annually.
- STAG awards by Regions 3, 4, 5 and 9 represent 56% of the total awards for the 3-year period 2002 through 2004 (e.g., 453 of 810 projects); with Region 1 included this represents 65% of the total awards (e.g., 529 of 810 projects). These five Regions also

20 [?]EPA actions for construction of special purpose facilities or facility renovations of EPA facilities are actions undertaken directly by EPA and do not involve applicants. Therefore, EPA's burden (contractor hours and costs and direct labor hours and costs) for these actions is not included in this ICR Supporting Statement.

21 [?]EPA's Office of Water SAAPP computer system report, "Special Appropriations Act Projects and Program, Count of Grants Awarded, by Fiscal Year."

represent about 60% of the total dollars awarded for the 3-year period 2002 through 2004 (e.g., \$371.2M of \$604.9M awarded, or 61%). (See Tables 1-2 and 1-3.) However, the NEPA documentation prepared for an EPA action subject to NEPA is based on the potential for environmental impacts of the action, or the facility to be permitted or the project to be funded by the action and not with the dollar amount awarded for the project.

- For STAG projects, the Regions estimate that currently, about 50% are documented with CEs, and about 50% with EAs/FONSI. Most Regions anticipate that under the proposed rule, the projects documented with CEs may increase by 5% to 10%. EPA estimates that grantee spending ranges from about \$1,000 to \$4,000 in contractor costs, and uses about 1-5 hours grantee time to prepare and submit CE-related information. EPA generally does not use contractors for CE reviews, and EPA's estimated time ranges from 10 to 40 hours per CE determination. For purposes of this ICR, EPA assumes that the grantee will submit information to support a CE determination with the information compiled directly by the applicant's contractor. EPA estimates the grantee contractor cost at \$3,000 (\$75/hour x 40 hours per CE-related information), with about 5 hours grantee time and submission of about 20 pages of information, including copied information, per CE. EPA's time is estimated at about 30 hours per CE determination based on applicant-submitted information. EPA anticipates that under the proposed rule about 60% of the projects will be documented with a CE.
- For STAG projects the Regions estimate that currently, about 50% are documented with EAs/FONSI. Most Regions anticipate that under the proposed rule, the projects documented with EAs/FONSI may decrease by 5% to 10% (consistent with above increase estimates for CEs). EPA estimates that grantee spending ranges from about \$5,000 to \$25,000 in contractor costs, and that the pages submitted, including copied information, ranges from about 5 to 250 pages. EPA spending ranges between about \$2,000 to \$5,000 for contractor costs, and EPA's estimated time ranges from about 40 to 360 hours per EA/FONSI. For purposes of this ICR, EPA assumes a grantee will submit a draft EA and supporting documents prepared directly by the applicant's contractor. EPA estimates the grantee contractor cost at \$15,000 (\$75/hour x 200 hours per draft EA and supporting documents), with about 60 hours grantee time (e.g., half of EPA's estimated hours) and 100 pages submitted per draft EA and supporting documents. EPA's contractor costs are estimated as \$5,000 for about 25% of the projects with an estimated 120 hours per EA/FONSI (see a following bullet on EPA tasks/hours estimates). EPA anticipates that under the proposed rule about 40% of the projects will be documented with an EA/FONSI.
- Few of the STAG projects are documented with an EIS/ROD. EPA's EIS filing system indicates there were six EISs completed for STAG projects during the 10-year period 1994 through 2003, or less than one EIS completed every three years. Of about 1,471 projects completed during this 10-year period, the six EISs completed represent about 0.4% of the projects. Estimated grantee costs for these projects range from about \$200,000 to

\$300,000 for a contractor-prepared EIS or for a contractor under a third-party agreement. EPA's time is estimated at 400+ to 500+ hours per EIS/ROD. For purposes of this ICR, EPA anticipates one EIS will be completed on a 3-year basis under a third-party agreement at a grantee contractor cost of \$300,000 (\$125/hour x 2400 hours), with 440 hours grantee time (e.g., the same as EPA's estimated hours) and 800 pages submitted (4 drafts x 200 pages/draft - preliminary draft EIS, draft EIS, preliminary final EIS, and final EIS). EPA's time is estimated as 440 hours per EIS/ROD (see other bullet on EPA tasks/hours estimates); no contractor costs are estimated because EPA anticipates the EIS will be prepared by a third-party contractor and EPA assumes it will not have additional direct contractor costs.

For New Source NPDES Permits and Permit Applicants:

- EPA issues new source NPDES permits only in states and U.S. territories that have not assumed authority for this program (i.e., New Hampshire, Massachusetts, Puerto Rico, New Mexico, Oklahoma (for concentrated animal feeding operations only), Alaska, and Idaho), the District of Columbia, off-shore waters (e.g., the inter-continental shelf for Texas, all outer-continental shelf areas, all deep-water port areas), and on federally-recognized Indian tribal lands (where the tribe has not assumed this authority). Because most states have now assumed the NPDES program, there are few NPDES permits being issued by EPA. Regions 4, 6 and 10 currently handle the majority of these projects (see Table 1-5). Generally, EPA Regional Offices would issue NPDES permits for facilities on federally-recognized Indian tribal lands (unless the tribe has assumed this authority).
 - Region 4: Nearly all oil and gas extraction NPDES permit activity in the Gulf of Mexico is covered by a general permit; individual NEPA reviews are not required. Only activities not covered under the general permit would need to be assessed under NEPA and permitted. In the last five years, Chevron Corporation received a permit. For this EIS, Chevron provided certain information by letter, and EPA supplemented an EIS prepared by the Minerals Management Service at a direct contractor cost to EPA of \$40,000 to \$45,000. For another project in the Gulf involving re-gasification, the U.S. Coast Guard is the responsible agency and EPA is a Cooperating Agency with plans to either adopt the USCG EIS or incorporate this EIS by reference into an EPA EIS for EPA's assessment of the NPDES permit action. Chevron may need to provide certain information by letter, and EPA may have some direct contractor costs.
 - Region 6: NPDES permits for oil and gas extraction activities in the Gulf of Mexico have involved Shell Exploration and Production and Exxon Mobil Corporation. EISs for these projects were conducted under third-party agreements. EAs generally are prepared for concentrated animal feeding operations (CAFOs) in Oklahoma, and for dairy farms in New Mexico. Permit applicants have included:

Tyson Foods, Inc., for chicken and hog CAFOs, and dairy farms in New Mexico operated by Jones Dairy, Rio Vista Dairy, Wright Farms, Opportunity Dairy, and H.A.W. Farms.

- o Region 10: EISs for oil and gas extraction NPDES permits in off-shore waters have involved Exxon Mobile Corporation and BP (British Petroleum). EISs for mining projects, including gold, silver, lead and zinc, and copper, have involved Coeur Alaska, Teck Resources, and Kennecott Minerals Company. EAs for milk production and cheese processing have involved West Farm Foods and Sorrento Lactalis. Seafood processing is covered under a general permit; however, individual NEPA reviews are required and are generally EAs prepared in-house from applicants' EIDs. Seafood processing EAs have been completed for companies such as Alaska Glacier Seafood Company and KwikPak Fisheries. CAFOs (including cattle, hogs, pigs and chickens) are covered under a general permit; individual NEPA reviews are not required.
- The NEPA reviews for NPDES permit projects are generally documented with EAs/FONSI or EISs/RODs.
 - o None of the NPDES permit projects were documented with a CE and, for purposes of this ICR, EPA does not anticipate that future projects will be documented initially with a CE.
 - o Considering that most states have now assumed the NPDES program, for NPDES permit projects, Region 4 estimates one EA per three years, or two per six years; Region 6 estimates five EAs per two years, or 15 per six years; and Region 10 estimates eight per year, or 48 per six years. This totals to 65 EAs per six years. EPA also assumes that one other project may be documented with an EA in one of the other Regions for a total of 66 EAs per six years, or about 11 EAs annually and about 33 every three years. EPA estimates that permit applicant contractor costs range from about \$20,000 to \$75,000. EPA contractor costs range from about \$5,000 to \$12,000 and EPA time ranges from 100 to 120 hours per EA/FONSI. For purposes of this ICR, EPA anticipates preparation of 11 EAs/FONSI and supporting documents annually. The permit applicant's contractor costs are estimated at \$50,000, with 60 hours permit applicant time (e.g., half of EPA's estimated hours) and submission of 100 pages, including copied information. EPA's contractor costs are estimated at \$10,000 for about 50% of the projects, and EPA's time at 120 hours (see a following bullet on EPA tasks/hours estimates).
 - o EPA's EIS filing system indicates there were 14 EISs completed for new source NPDES permit projects during the 13-year period 1990 through 2003, or about one completed every year and three completed every three years. EPA notes that most

of these were for projects in states that have assumed the NPDES program and were for a range of project types including: phosphate mining, power generation facilities, surface lignite and coal mining, and plastics manufacturing. Estimated applicant costs for these projects range from nominal (Region 4, Chevron - two projects), to third-party contractor costs ranging from an estimated \$1M for a limited number of projects with multiple complex issues (Region 10, BP and Teck Resources for gold mining) to \$150,000 to \$500,000 for projects such as oil and gas extraction (Regions 6 and 10). EPA generally does not incur direct contractor costs for EISs prepared under third-party agreements. As noted above, EPA has used its contractors to prepare EISs by adopting or supplementing another EIS at costs ranging from \$25,000 to \$225,000. For purposes of this ICR and based on anticipated energy-related activities, EPA anticipates one EIS will be completed annually under a third-party agreement at a permit applicant contractor cost of \$300,000 (\$125/hour x 2400 hours), with 440 hours permit applicant time (e.g., the same as EPA's estimated hours) and 800 pages submitted (4 drafts x 200 pages/draft - preliminary draft EIS, draft EIS, preliminary final EIS, and final EIS). EPA's time is estimated as 440 hours per EIS/ROD (see other bullet on tasks/hours estimates); no contractor costs are estimated because it is assumed the EIS will be prepared by a third-party contractor. For direct preparation of an EIS/ROD based on EPA's experience with adoption or supplementation of another EIS, EPA's contractor costs are estimated to be \$50,000 and 440 hours of EPA time per EIS/ROD.

General Summary Information for Applicant-Proposed Actions:

- The content of the environmental information submitted by an applicant for a draft EA and supporting documents and an EID for a draft EA is similar, and the content of the environmental information submitted for a draft EIS and supporting documents and an EID for a draft EIS is similar. For grantees, there may be a financial difference in that a grantee generally may use EPA financial assistance to prepare an EID but not to prepare a draft EA and supporting documents although, for grantees, third-party contract costs may be grant-eligible. Grantee contractor costs may be grant-eligible under appropriate grant conditions, including certain procurement criteria and contractor requirements. Permit applicants are not eligible for EPA financial assistance.
- It has been EPA's experience that applicants generally use in-house engineering contractors or otherwise contract directly for preparation of environmental information to support a CE determination (grantees only), and for EIDs or draft EAs and supporting documents, usually without seeking cost reimbursement (grantees only). Because EISs are generally more complex than EAs in terms of the issues to be addressed and the associated analyses, it has generally been EPA's experience that applicants will enter into a third-party agreement with EPA for preparation of an EIS and supporting documents.

- EPA assumes the applicant’s burden includes the time and costs needed for the following activities. The summary of the hourly estimates are listed in Table 1-4.
 1. Procure contractor services.
 2. Review instructions (such as the regulations and any program-specific guidelines the Responsible Official may also provide) and/or meet with the Responsible Official.
 3. Research data sources.
 4. Complete and review the collection of environmental information.
 5. Transmit the information to the Responsible Official.
 6. Meet with the Responsible Official on the need for any revisions to the environmental information, and prepare and submit any necessary revisions to the information.

EPA-Related Contractor Costs and Hours for Applicant-Proposed Actions:

- EPA may review the environmental information submitted by an applicant and prepare the NEPA documents directly or task its contractors with providing technical assistance with the review and preparation of the NEPA documents.
- For STAG projects, some EPA Regions have agreements with the States to use 3% of the grant monies to coordinate with STAG grantees on various administrative activities, including preliminary review of the environmental information documents.²² Otherwise, EPA generally reviews this information directly for STAG projects. EPA estimates it uses its contractors to provide technical assistance for reviewing grantee environmental information and preparing the NEPA documents for EPA for about 25% of the projects documented with EAs/FONSIIs.
- EPA may use its contractors for review of permit applicant environmental information. EPA estimates it uses its contractors to provide technical assistance for reviewing this information and preparing draft EAs/FONSIIs for EPA for about 50% of the projects documented with EAs/FONSIIs; the remainder are reviewed/documented directly by EPA.
- Because most EISs for applicant projects are prepared under third-party agreements, EPA generally does not use its contractors to review EIS-related documents for these projects.
- EPA contractor costs for review of an applicant’s EA documentation range from \$2,000 to \$5,000. For purposes of this ICR, EPA estimates its contractor costs for EA documentation review at \$5,000 with an estimated 25% of the grantee and 50% of the permit applicant EA documents reviewed by contractors.

22 [?]For purposes of this ICR, EPA assumes these States are serving as “contractors” for EPA, and that the 3% set-aside hours and costs are specified in the State/EPA agreements.

- The number of applicant-proposed actions for which EPA prepares the NEPA documents without assistance from the applicant is quite limited.
 - EPA estimates it prepares about five CEs per year for STAG projects using information in the grant application and acquired through direct coordination with other agencies (such as State Historic Preservation Officer and/or State wildlife agency).²³ EPA estimates this process takes about 40 hours per CE determination.
 - Although EPA rarely prepares EAs/FONSIs for STAG or NPDES permit projects without assistance from the applicant, EPA estimates its spending at \$35,000 to \$50,000 in contractor costs, with 80 to 120 hours of EPA time for direct preparation of EAs/FONSIs.
 - EPA has, and assumes it will continue to prepare EISs for NPDES permit projects in conjunction with other federal agencies. In these cases, EPA is usually a Cooperating Agency and either adopts the lead agency’s EIS or supplements and re-issues it. EPA may also supplement one of its own EISs for projects. EPA generally uses a contractor in these cases with contractor costs ranging from \$25,000 to \$225,000; EPA’s contractor costs for adoption or supplementation of another EIS are estimated to generally be \$50,000 with 440 hours of EPA time per EIS/ROD.
- For purposes of this ICR, for preparation of NEPA documents for applicant-proposed projects without assistance from the applicant, EPA estimates 40 hours per CE determination for five CEs for STAG projects per year with no contractor costs; 120 hours for an EA/FONSI with contractor costs of \$50,000 for one EA/FONSI on a 3-year basis; and 440 hours for an EIS/ROD with contractor costs of \$50,000 for one (adopted or supplemented) EIS/ROD on a 3-year basis.
- For applicant-proposed actions, EPA assumes that EPA’s tasks associated with preparation of the NEPA documents based on information submitted by an applicant, and the estimated hours for these tasks, generally include the following (see summary in Table 1-4):
 1. Consulting with the applicant as early as possible in the planning process to provide guidance with respect to the appropriate level and scope of information that EPA may require; for CEs, EPA estimates 10 hours, for EAs 20 hours, and for EISs 40 hours.
 2. Reviewing and independently evaluating the applicant-submitted and other

23 [?]Because this number is less than 1% of the total estimated annual number of STAG projects (e.g., 5 out of 300), these 5 projects are not subtracted from the 300 total in the applicant burden calculations.

project-related documents, including the grant or permit application and any appropriate public comments, and providing comments or guidance to the applicant about any additional information needed. For purposes of this ICR, these cost and hour estimates include using EPA contractor technical assistance during the review process for EAs and EISs. For CEs, EPA estimates 5 hours, for EAs 40 hours, and for EISs 160 hours.

3. Meeting with the applicant on the need for any revisions to the environmental information and supporting documents, and reviewing any revised documentation; for CEs, EPA estimates 5 hours, for EAs 10 hours, and for EISs 40 hours.
 4. Consulting with the applicant, when appropriate, on a third-party agreement. EPA assumes this will generally be done only for an EIS and estimates 20 hours for this task.
 5. Completing the required environmental review and NEPA documentation before rendering a final decision regarding the applicant's proposed action; for CEs, EPA estimates 5 hours, for EAs 40 hours, and for EISs 160 hours.
 6. Maintaining files; for CEs, EPA estimates 5 hours, for EAs 10 hours, and for EISs 20 hours.
- For NEPA documentation prepared by EPA without assistance from the applicant, for CEs and using its contractors for EAs and EISs, EPA assumes the tasks and the estimated hours for these tasks generally include the following for applicant-proposed projects (see summary in Table 1-4):
 1. Issuing a Statement of Work for the project; for CEs EPA estimates 0 hours, for EAs 15 hours, and for EISs 40 hours.
 2. For EPA's direct consultations for CEs, and for coordination with the contractor and/or for direct consultations during EA or EIS preparation, on issues related to consulting with federal agencies, states or federally-recognized Indian tribes regarding extraordinary circumstances and/or potential impacts; for CEs EPA estimates 23 hours, for EAs 20 hours, and for EISs 60 hours.
 3. Reviewing the contractor-prepared documents; for CEs EPA estimates 0 hours, for EAs 40 hours, and for EISs 160 hours.
 4. Completing the required NEPA review and documents; for CEs EPA estimates 15 hours, for EAs 35 hours, and for EISs 160 hours.
 5. Maintaining files; for CEs EPA estimates 2 hours, for EAs 10 hours, and for EISs 20 hours.

Attachment 1 - List of Tables

Table 1-1. Annual Total STAG Awards from Fiscal Year Appropriations, 1992 Through 2003

Table 1-2. Summary of STAG Awards by Region for the 3-Year Period 2002 Through 2004

Table 1-3. Rank Order of Regions Based on Average Number of STAG Awards Per Year and Percent of Total Awards by Regions by Number of Projects and Amounts Awarded (Millions of Dollars)

Table 1-4. Estimated Hours for Applicants and EPA for Preparation of NEPA Documentation

Table 1-5. EPA's Regional NEPA Practitioner's Estimated Contractor Costs and Hours for Applicants and EPA for Applicant-Proposed Projects

Table 1-1. Annual Total STAG Awards from Fiscal Year Appropriations, 1992 Through 2003

<u>Year Awards/</u>		<u>Year Awards/</u>		<u>Year Awards/</u>		<u>Year Awards/</u>	
1992		17	1994	9	1996	28	1998
			104	2000	232	2002	298
1993	24	1995	52	1997	40	1999	144
		2001	256	2003	308		

Table 1-2. Summary of STAG Awards by Region for the 3-Year Period 2002 Through 2004

<i>Region</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
		<i>5</i>	<i>6</i>	<i>7</i>
		<i>8</i>	<i>9</i>	<i>10</i>
		<i>HQ</i>		
		<i>Annual Total</i>		
FY 2002	27	24	34	298
			61	
			45	
			25	
			16	
			18	
			35	
			12	
			1	

FY 2003	24	25	41 59 42 26 17 24 38 11 1	308
FY 2004	25	19	23 24 20 17 18 21 31 0	206
Total	76	68	98 144 107 68 51 63 104 31 2	812

Projects/year	25	23	33 48 36 23 17 21 35 10 less than	271
% of Total	9	8	12 18 13 8 6 8 13 4 1	

Table 1-3. Rank Order of Regions Based on Average Number of STAG Awards Per Year and Percent of Total Awards by Regions by Number of Projects and Amounts Awarded (Millions of Dollars)

<i>Region</i>					<i>Total Awards Total \$ Awarded Awards/yr \$ Awarded/yr % of Total Awards Total \$ Awarded</i>	<i>% of Total \$ Awarded</i>
Reg. 4	144	48	\$ 40.4		18%	
	\$121.2	36	23.2			20%
5	107	35	18.8		13	
	69.5	33	25.5			11
9	104	25	15.8		13	
	56.4	23 each	25.4 and 16.6			9
3	98	21	15.8		12	
	76.6	17	14.4			13
1	76	10	5.7		9	
	47.5	Total 271	\$201.6			8
2 and 6	68 each				8 each	13 and
	76.3 and 49.7				8	
8	63				8	
	47.4					8
7	51				6	
	43.3					7
10	31				4	
	17.0					3
Total	810					
	\$604.9					

Table 1-4. Estimated Hours for Applicants and EPA for Preparation of NEPA Documentation

	<i>CE Documents Project</i>	<i>EA/FONSI Documents Project</i>	<i>EIS/ROD Documents Project</i>
Applicants	1-5 hours, assume 5 hours	120 hrs for EPA/2 = 60 hours	Same as EPA = 440 hours

EPA	Applicant submits info: 30 hours Direct preparation: 40 hours	Applicant submits info: 120 hours Direct preparation: 170 hours	Applicant submits info: 440 hours Direct preparation: 480 hours
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Table 1-5. EPA’s Regional NEPA Practitioner’s Estimated Contractor Costs and Hours for Applicants and EPA for Applicant-Proposed Projects

<u>Region 1</u> <u>STAG Grant Projects</u>	<u>Region 1</u> <u>NPDES Permit Projects</u>
<p><u>Categorical Exclusions</u> <u>Applicant:</u> Letter provides information, confirms no extraordinary circumstances. Prepared by applicant’s contractor: \$2-3,000; and 1-5 hours applicant time. Majority of projects are CEs.</p> <p><u>EPA:</u> Review applicant information for CE determination: 20-30 hours. About 2/3 to 3/4 of projects documented with CE, remainder EA/FONSI; CEs likely to increase 5-10% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> EID environmental information that is similar to draft EA, prepared by applicant’s contractor; \$10-15,000 typical; 5-25 pages including copied material</p> <p><u>EPA for applicant-prepared documents:</u> States with EPA agreements serve as “contractor” using 3% of grant for purposes such as this. EID converted to draft EA: 25-75 hours by contractor, 40-80 hours for EPA; estimated costs: \$2-3,000 <u>EPA for direct preparation:</u> Rarely done, in-house if needed: 80 hours</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for STAG projects</p> <p><u>EPA:</u> None</p> <p>EPA Contact: David Chin</p>	<p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> Only one project in last 10 years, prior to January 2001 when State of Maine authorized (power plant). Applicant contractor costs and hours unknown.</p> <p><u>EPA:</u> Contractor costs and hours unknown</p> <p>States have assumed NPDES program except New Hampshire and Massachusetts; Region would also conduct NEPA review and issue new source NPDES permit for facilities on federally-recognized Indian tribal lands.</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for NPDES permit projects</p> <p><u>EPA:</u> None</p> <p>EPA Contact: Roger Jansen</p>
<p><u>Region 2</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> Letter requests CE, confirms no extraordinary circumstances. Prepared by applicant’s contractor: \$2-3,000; 1-5 hours applicant time. Most projects are documented with a CE.</p> <p><u>EPA:</u> Review applicant information for CE determination: 20-30 hours. About 95% of projects documented with CEs, 5% with EA/FONSI; CEs likely to remain the same under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> EID prepared by applicant’s contractor; \$20-25,000; 200-250 pages including copied material. Very few EAs.</p>	<p><u>Region 2</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> Only one project in Puerto Rico (aquiculture) underway. EID prepared by applicant contractor; estimate \$20-35,000.</p>

<p><u>EPA for applicant-prepared documents</u>: EID converted to EA: 360 hours; contractor costs: None <u>EPA for direct preparation</u>: None</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for STAG projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Bill Lawler</p>	<p><u>EPA</u>: Estimated contractor cost for EA prepared from EID: \$12,000</p> <p>All states have assumed NPDES program, Puerto Rico has not assumed; Region would also conduct NEPA review and issue new source NPDES permit for facilities on federally-recognized Indian tribal lands</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for NPDES permit projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Bill Lawler</p>
<p><u>Region 3</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: Letter provides CE information, confirms no extraordinary circumstances. Prepared by applicant’s contractor: \$2-3,000; and 1-5 hours applicant time.</p> <p><u>EPA</u>: Review applicant information for CE determination: 20-30 hours. About 50% of projects documented with CE, 50% with EA/FONSI; CEs likely to increase about 10% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: EID prepared by applicant’s contractor; \$15,000 typical; 50-100 pages including copied material</p> <p><u>EPA for applicant-prepared documents</u>: States with EPA agreements serve as “contractor” using 3% of grant for purposes such as this. EID converted to draft EA: 100-120 hours; estimated cost: \$3-5,000 <u>EPA for direct preparation</u>: None</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for STAG projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Charles Fogg</p>	<p><u>Region 3</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: None</p> <p><u>EPA</u>: None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: None prepared for NPDES permit projects</p> <p><u>EPA</u>: None</p> <p>All states have assumed the NPDES program; Region would conduct NEPA review and issue new source NPDES permit for facilities in the District of Columbia and for facilities on federally-recognized Indian tribal lands (currently no federally-recognized tribes in Region 3); none in last 10 years.</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for NPDES permit projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Tom Slenkamp</p>
<p><u>Region 5</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: Letter provides CE information, confirms no extraordinary circumstances. Prepared by applicant’s</p>	<p><u>Region 5</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: None</p>

<p>contractor: \$2-3,000; and 1-5 hours applicant time.</p> <p><u>EPA</u>: Review applicant information for CE determination: 10-30 hours. About 50% of projects documented with CE, 50% with EA/FONSI; CEs likely to increase 5% - 10% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: Draft EA and supporting documents by applicant's contractor: \$15,000 typical; 50 pages or less including copied material</p> <p><u>EPA for applicant-prepared documents</u>: In-house review of draft EA and supporting documents: 60-100 hours; no contractor costs. State of Indiana serves as "contractor" using 3% of grant for purposes such as reviewing draft EA; estimate 60-100 hours, estimated cost : \$3-5,000 <u>EPA for direct preparation</u>: None prepared directly by EPA</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for STAG projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Kenneth Westlake</p>	<p><u>EPA</u>: None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: None for NPDES permit projects</p> <p><u>EPA</u>: None</p> <p>All states have assumed the NPDES program; Region would conduct NEPA review and issue new source NPDES permit only for facilities on federally-recognized Indian tribal lands</p> <p><u>Environmental Impact Statements</u> <u>Applicant</u>: None prepared for NPDES permit projects</p> <p><u>EPA</u>: None</p> <p>EPA Contact: Kenneth Westlake</p>
<p><u>Region 6</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: Letter requests CE and confirms no extraordinary circumstances. Prepared by applicant's contractor: \$1-2,000; and 1-5 hours applicant time.</p> <p><u>EPA</u>: Review applicant information for CE determination: 20-30 hours. About 60% of projects documented with CE, 40% with EA/FONSI; CEs likely to increase about 5% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: Draft EA or EID with environmental information similar to draft EA, prepared by applicant's contractor: \$7-15,000 typical; about 50 pages including copied material</p> <p><u>EPA for applicant-prepared documents</u>: Review draft EA or prepare EA from EID: 100-120 hours; contractor costs: \$3-5,000 <u>EPA for direct preparation</u>: Contractor direct prep costs: \$35-50,000</p>	<p><u>Region 6</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant</u>: None</p> <p><u>EPA</u>: None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant</u>: About 5 EAs per 2 years; draft EA or EID (essentially same information needed for draft EA), prepared by applicant's contractor; estimate \$15-25,000. EAs generally for confined animal feedlot operations (CAFOs) in Oklahoma and dairy operations.</p> <p><u>EPA</u>: Review draft EA: 120 hours; contractor costs: about \$5,000</p> <p>States assumed NPDES program except NM and CAFOs only in OK; Region would also conduct NEPA review and issue new source NPDES permit for facilities on federally-recognized Indian tribal lands</p>

<p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for STAG projects</p> <p><u>EPA:</u> None for STAG projects</p> <p>EPA Contact: Hector Pena</p>	<p><u>Environmental Impact Statements</u> <u>Applicant:</u> 3rd Party Agreements; \$250-300,000. EISs generally for offshore oil & gas extraction in off-shore waters (and before state delegations for coal mines, petrochemical manufacturing).</p> <p><u>EPA:</u> 400+ hours</p> <p>EPA Contact: Hector Pena</p>
<p><u>Region 7</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> Information beyond that in grant application generally not required.</p> <p><u>EPA:</u> Review grant and any necessary resource agency information for CE determination: 10-20 hours. About 1/3 of projects documented with CE, 2/3 with EA/FONSI; CEs likely to remain the same under proposed rule unless small community limitation changed.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> EID prepared by applicant’s contractor: \$5,000; about 50 pages including copied material</p> <p><u>EPA for applicant-prepared documents:</u> EA prepared from EID: 50-75 hours; contractor review costs: None <u>EPA for direct preparation:</u> None</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for STAG projects</p> <p><u>EPA for applicant-prepared documents:</u> None <u>EPA for direct preparation:</u> One time directly prepared supplement to 1979 EPA EIS for wastewater treatment plant upgrade, contractor cost: \$30,000</p> <p>EPA Contact: Joe Cothorn</p>	<p><u>Region 7</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> None prepared for NPDES permit projects</p> <p><u>EPA:</u> None</p> <p>All states have assumed the NPDES program; Region would conduct NEPA review and issue new source NPDES permit only for facilities on federally-recognized Indian tribal lands; project likely to be CAFOs on Indian lands.</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for NPDES permit projects</p> <p><u>EPA:</u> None</p> <p>EPA Contact: Joe Cothorn</p>
<p><u>Region 8</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> Applicant or contractor provides basic information by phone; letter verifies and confirms no extraordinary circumstances. Prepared by applicant’s contractor: \$2-3,000; and 1-5 hours applicant time.</p> <p><u>EPA:</u> Review applicant information for CE</p>	<p><u>Region 8</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p>

<p>determination: 10-20 hours. About 20% of projects documented with CE, 80% with EA/FONSI; CEs likely to increase 20% - 30% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> Draft EA prepared by applicant’s contractor; \$10-15,000; 50-100 pages including copied material</p> <p><u>EPA for applicant-prepared documents:</u> Review draft EA: 20-40 hours; states may serve as “contractor” using 3% of grant for purposes such as reviewing draft EA and other environmental information, estimated cost \$2-5,000 <u>EPA for direct preparation:</u> None</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for STAG projects</p> <p><u>EPA:</u> None</p> <p>EPA Contact: Dana Allen</p>	<p><u>Environmental Assessments</u> <u>Applicant:</u> None for NPDES permit projects</p> <p><u>EPA:</u> None</p> <p>All states have assumed the NPDES program; Region would conduct NEPA review for new source NPDES permit only for facilities on federally-recognized Indian tribal lands</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> Cooperating agency with BIA for petroleum refinery on tribal lands; project not yet completed.</p> <p><u>EPA:</u> Cooperating agency with BIA; contractor costs: \$100,000 to assist with review and preparation of draft EIS. EPA: 400+ hours</p> <p>EPA Contact: Dana Allen</p>
<p><u>Region 9</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> Grant application describes project; letter to confirm no extraordinary circumstances. Prepared by applicant’s contractor: \$3-4,000; and 5-8 hours applicant time.</p> <p><u>EPA:</u> Review applicant information for CE determination: 30-40 hours. About 10% of projects documented with CE, 87% with EA/FONSI, and 3% with EIS/ROD; CEs not likely to change under proposed rule unless small community limitation changed and because of Regional issues with SHPO and ESA coordination.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> Draft EA or EID with environmental information similar to an EA, prepared by applicant’s contractor: \$20,000; 25-75 pages including copied material</p> <p><u>EPA for applicant-prepared documents:</u> Review draft EA or convert EID to EA: 150-160 hours; contractor costs: None <u>EPA for direct preparation:</u> None</p> <p>.</p>	<p><u>Region 9</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> None for NPDES permit projects.</p> <p><u>EPA:</u> None</p> <p>All states have assumed the NPDES program; Region would conduct NEPA review for new source NPDES permit only for facilities on federally-recognized Indian tribal lands and in the Pacific Island Territories where the NPDES program has not been assumed (e.g., Guam, Commonwealth of the Northern Mariana Islands, American Samoa). Oil & gas platforms in federal waters likely would involve EPA</p>

<p><u>Environmental Impact Statements</u> <u>Applicant:</u> EID prepared by applicant’s contractor, \$200-300,000</p> <p><u>EPA:</u> Convert EID to EIS: 500+ hours; contractor costs: \$50,000</p> <p>EPA Contact: Joe Jung</p>	<p>cooperating with another federal agency for the NEPA review process.</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> NPDES permit for a copper mine in Arizona before the State assumed NPDES program in 2002</p> <p><u>EPA:</u> Cooperating Agency with the Forest Service; contractor costs: \$225,000 to review draft EIS and 400+ hours</p> <p>EPA Contact: Doug Eberhardt</p>
<p><u>Region 10</u> <u>STAG Grant Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> Letter provides CE information, confirms no extraordinary circumstances. Prepared by applicant’s contractor: \$2-3,000; and 1-5 hours applicant time.</p> <p><u>EPA:</u> Review applicant information for CE determination: 10-20 hours. About 40% of projects documented with CE, 60% with EA/FONSI; CEs may increase about 5% under proposed rule.</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> Draft EA and supporting documents prepared by applicant’s contractor: \$10-15,000.</p> <p><u>EPA for applicant-prepared documents:</u> In-house review of draft EA and supporting documents: 50-100 hours; no contractor costs. <u>EPA for direct preparation:</u> None.</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> None prepared for STAG projects</p> <p><u>EPA:</u> None for STAG projects</p> <p>EPA Contact: Hanh Shaw</p>	<p><u>Region 10</u> <u>NPDES Permit Projects</u></p> <p><u>Categorical Exclusions</u> <u>Applicant:</u> None</p> <p><u>EPA:</u> None for NPDES permit projects</p> <p><u>Environmental Assessments</u> <u>Applicant:</u> About three per year; 3rd Party Contract Agreement: \$50-150,000. General Permit (GP) for seafood processing; EIDs converted to EAs in-house, about 50 pages submitted with half being copied materials; about five per year.</p> <p><u>EPA:</u> 100-120 hours per project including GP EAs.</p> <p>States have assumed NPDES program except Alaska and Idaho; Region would conduct NEPA review and issue new source NPDES permit for off-shore waters projects and facilities on federally-recognized Indian tribal lands. GP for CAFOs, individual NEPA review not needed. EAs and EISs for projects have included: seafood processing, milk/cheese production and processing, CAFOs, hard rock mining, and oil & gas extraction.</p> <p><u>Environmental Impact Statements</u> <u>Applicant:</u> 3rd Party Contract Agreement: \$150-500,000; major projects for gold mining and oil/gas extraction have cost about \$1M.</p> <p><u>EPA:</u> 400+ hrs for non-major project</p> <p>EPA Contact: Hanh Shaw</p>

