

## Supporting Statement for Application for Permit to Transport Municipal and Commercial Waste

### A. Justification.

#### 1) Circumstances that make the collection of information necessary.

In accordance with the legislative mandate of the Shore Protection Act (33 USC 2601 *et seq.*), the Secretary of Transportation is authorized to require applications for permits to transport municipal or commercial waste in the coastal waters of the United States and to prescribe an identification number or other marking that the vessels are to display. The Act specifies that prior to issuing permits, the Secretary is to consult with the Administrator of the Environmental Protection Agency (EPA) to determine whether the applicant has a history of serious violations of various environmental laws. The Secretary of Transportation delegated this authority to the Coast Guard on January 12, 1989. Based on the above mandate received from the Secretary of Transportation, the Coast Guard issued an interim regulation on May 24, 1989 (54 FR 22546) requiring owner/operators of vessels to apply for a permit to transport municipal or commercial waste in the coastal waters of the United States and to display an identification number on the vessel.

The date of enactment for the Shore Protection Act was November 1988. Permit applications were to be made publicly available 60 days after the date of enactment (January 17, 1989). The Act requires that permits must be issued or denied by the Coast Guard within 30 days after receiving a completed application. Vessels may not transport municipal or commercial waste without a permit 240 days after the date of enactment, which was July 15, 1989.

The Act also requires the Administrator of EPA to draft regulations establishing operational requirements to prevent wastes from entering coastal waters during vessel loading and unloading operations and during vessel transportation from a waste source to a waste reception facility. The Coast Guard is responsible for enforcing the operational waste-handling regulations developed by EPA.

The information collected on the vessels, under this collection of information request, provides the basis for issuing or denying a conditional permit for the transportation of municipal or commercial waste. The Coast Guard is authorized to suspend or revoke a permit if the vessel owner/operator is found to be in violation of the Act or regulations issued under the authority of the Act. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

Code	Regulation/Action	Date
33 USC 2601	Shore Protection Act (Date of Enactment)	November 18, 1988
	Secretary of Transportation delegates authority of Act to Coast Guard	January 12, 1989
33 USC 2602	Permit applications publicly available	January 17, 1989
54 FR 22546	Coast Guard Interim Regulation	May 24, 1989
33 USC 2601	No transportation without permit (Statutory Deadline)	July 15, 1989
67 FR 6171	Coast Guard Final Regulation (33 CFR 151.1000 <i>et seq.</i> )	February 11, 2002

This information collection supports the following strategic goals:

#### Department of Homeland Security

- Prevention
- Protection



U.S. Coast Guard

- Protection of the Natural Resources

Prevention Directorate (CG-3P)

- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.
- Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical flow of goods and people, while maximizing safe, effective, and efficient waterways for all users.

2) By whom, how, and for what purpose the information is to be used.

The information submitted on an application is essential for the Coast Guard to issue permits to vessels transporting municipal or commercial waste. Without this information, the Coast Guard will have no rational basis for issuing or denying a permit or for issuing an identification number to these vessels. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Shore Protection Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

3) Consideration of the use of improved information technology.

Unlike many other collections of information, this collection does not require the use of standard forms. Instead, the information provided by the respondents is particular to each request. The initial application contains all necessary information for issuing a permit. Owners or operators applying for a permit renewal will be asked to verify the information on their current applications. This will reduce the burden on the public and the Federal Government for issuing permits and maintaining records. Respondent's submissions may be sent by any of a number of formats, and submissions are amenable to the use of improved information technology.

We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that 15% of them are done in this manner.

4) Efforts to identify duplication. Why similar information cannot be used.

The Coast Guard maintains the only comprehensive data files on U.S. owned commercial vessels in the United States. Many of the vessels transporting municipal or commercial waste are undocumented and uninspected vessels. The Coast Guard has no information relating to the ownership or operation of these undocumented and uninspected vessels. No State or local regulations exist relating to this issue. No similar information collection is conducted by other Federal agencies. As noted, there is no equivalent or similar information collected that can be used.

5) Methods to minimize the burden to small businesses if involved.

In order to minimize the burden to small entities, only the minimum information necessary for the Coast Guard to fulfill its obligations under the Act, or to preserve administrative remedies for the respondents is required.

6) Consequences to the Federal program if collection were not done or conducted less frequently.

In order to allow vessels transporting municipal and commercial waste to continue to operate after July 15, 1989, the Coast Guard initiated an interim system for application and issuance of permits and vessel identification numbers. Permits issued under this interim system are conditional permits.

7) Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with guidelines.

Information is collected in a manner that is consistent with the guidelines.

8) Consultation.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2007-28121], May 11, 2007, 72 FR 27832) The USCG has not received any comments on this information collection.

9) Explain any decision to provide payment or gift to respondents.

No payments or gifts of any kind are provided to respondents.

10) Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is provided to respondents.

11) Additional justification for any questions of a sensitive nature.

There are no issues of a sensitive nature involved in this information collection.

12) Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.

The hour and cost burdens to respondents are depicted in Table 12.1.

Table 12.1

	Permit Requests	Appeals	Display of ID Number
<b>Average Annual # Respondents</b>	17	1	12
<b>Average Annual # Responses</b>	77	1	49
<b>Management Hour Burden/Response</b>	0.50	8	0
<b>Clerical Hour Burden/Response</b>	0.25	1	0
<b>Crew Hour Burden/Response</b>	0	0	1
<b>Total Hour Burden/Response</b>	0.75	9	1
<b>Total Hour Burden</b>	58	9	49
<b>Management Wage Rate/Hour</b>	\$89	\$89	\$89
<b>Clerical Wage Rate/Hour</b>	\$31	\$31	\$31
<b>Crew Wage Rate/Hour</b>	\$38	\$38	\$38
<b>Total Cost Burden/Response</b>	\$52	\$739	\$38
<b>Total Cost Burden</b>	\$4,004	\$739	\$1,862

<b>GRAND TOTAL # OF RESPONDENTS:</b>	<b>17</b>
<b>GRAND TOTAL NUMBER OF RESPONSES:</b>	<b>127</b>
<b>GRAND TOTAL ANNUAL HOUR BURDEN:</b>	<b>116</b>
<b>GRAND TOTAL ANNUAL COST BURDEN:</b>	<b>\$6,605</b>

Note 1: The total number of respondents is equal to the average annual number of new permit requests (exclusive of renewal requests), since those respondents wishing to renew their permit may keep their previous number.

Note 2: Information on the number of responses and respondents was provided by the U.S. Coast Guard Office of Domestic Vessel Activities (CG-3PCV-1).

Note 3: Management wage was calculated as the average of GS-14 and GS-15 rates. Clerical wage are Crew wage are equivalent to a GS-5 and a 3<sup>rd</sup> Class Petty Officer (E-4), respectively. The wage rates shown are for “Out-Government” in accordance with the current edition of COMDTINST 73.1 (series).

Note 4: We have received no appeals during the last three years, but have included one appeal in order to account for the possibility.

13) Estimates of annualized capital and start-up costs.

There are no annualized capital or start-up costs.

14) Estimates of annualized Federal Government costs.

The costs to the Federal Government are depicted in Table 14.1.

Table 14.1

	<b>Application Review &amp; Permit Processing</b>	<b>Handling of Appeals</b>	<b>Record- keeping</b>	<b>EPA Costs</b>
<b>Annual # Responses</b>	77	1	77	77
<b>O-3 Burden Hours/Response</b>	3.5	9	0.25	0
<b>GS-15 Burden Hours/Response</b>	0	0	0	1
<b>GS-12 Burden Hours/Response</b>	0	0	0	1
<b>GS-5 Burden Hours/Response</b>	0	0	0	2
<b>GS-10 Burden Hours/Response</b>	0	0	0	1
<b>Total Hour Burden/Response</b>	3.5	9	0.25	5
<b>Total Hour Burden</b>	270	9	19	385
<b>O-3 Hourly Wage Rate</b>	\$62	\$62	\$62	\$62
<b>GS-15 Hourly Wage Rate</b>	\$87	\$87	\$87	\$87
<b>GS-12 Hourly Wage Rate</b>	\$57	\$57	\$57	\$57
<b>GS-10 Hourly Wage Rate</b>	\$45	\$45	\$45	\$45
<b>GS-5 Hourly Wage Rate</b>	\$29	\$29	\$29	\$29
<b>Total Cost Burden/Response</b>	\$217	\$558	\$16	\$263
<b>Total Cost Burden</b>	\$16,709	\$558	\$1,194	\$20,251

<b>Grand Total Hour Burden</b>	<b>683</b>
<b>Grand Total Cost Burden</b>	<b>\$38,712</b>

Note 1: The Federal Government burden is from the Coast Guard’s review, processing, and recordkeeping of each application and appeal, as well as EPA’s assessment of the applicant’s violation of various environmental laws.

Note 2: The wage rates shown are for “In-Government” in accordance with the current edition of COMDTINST 73.1 (series). All Coast Guard effort is assumed to be conducted by a Lieutenant (O-3). The EPA estimates that each application will require the following effort from EPA personnel”

- ◆ One hour of GS-5 time to conduct a database search to determine whether the owner/operator has a history of violations and to produce a record of the findings.
- ◆ Two 2 hours of GS-10 time to review the record, consult with the offices responsible for administering the various environmental programs and to draft both the correspondence advising the Coast Guard of the findings and the recommendation for issuing or denying a conditional permit.
- ◆ One hour of GS-12 time will be required to review the record and correspondence.
- ◆ One hour for a GS-15 for final review and signature.

15) Explain the reasons for the change in burden.

The change in burden is an ADJUSTMENT due to the increase in the number of applications for the permit since the last renewal. The change in cost burden is due to both the increased number of applications and to the use of current wage rates.

16) For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.

There is no plan to use statistical analysis or to publish this information.

17) Approval to not display expiration date.

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18) Explain each exception to the certification statement.

There are no exceptions to the certification statement.

**B. Collection of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.