

SUPPORTING STATEMENT
For Renewal of Information Collection Requirements under the
Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

40 CFR Part 6:
Procedures for Implementing the National Environmental Policy Act and
Assessing the Environmental Effects Abroad of EPA Actions

Table of Contents

1.	IDENTIFICATION OF THE INFORMATION COLLECTION.....	1
1(a)	Title of the Information Collection.....	1
1(b)	Abstract.....	1
2.	NEED FOR AND USE OF THE COLLECTION.....	3
2(a)	Need/Authority for the Collection.....	3
2(b)	Practical Utility/Users of the Data.....	3
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA.....	3
3(a)	Nonduplication.....	3
(b)	Public Notice Requirement Regarding ICR Submission to OMB.....	4
3(c)	Consultations.....	4
3(d)	Effects of Less Frequent Collection.....	4
3(e)	General Guidelines.....	5
3(f)	Confidentiality.....	5
3(g)	Sensitive Questions.....	5
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED.....	5
4(a)	Respondents.....	5
4(b)	Information Required.....	8
5.	THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.....	12
5(a)	Agency Activities.....	12
5(b)	Collection Methodology and Management.....	12
5(c)	Small Entity Flexibility.....	13
5(d)	Collection Schedule.....	14
6.	ESTIMATING THE BURDEN OF THE COLLECTION.....	14
6(a)	Estimated Respondent Burden.....	15
6(b)	Estimated Federal Government Burden.....	23
6(c)	Estimated Annual and 3-Year Aggregate Burden.....	30
6(d)	Burden Statement Summary and Burden Statement.....	33
	Part B of the Statistical Survey – Statistical Survey	36

Attachments

Attachment 1: Exemptions from NEPA for Certain EPA Actions and EPA’s Voluntary NEPA Policy and Procedures

Attachment 2: Estimates of Hours and Contractor Costs for Applicants and EPA

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" – i.e., 40 CFR Part 6

1(b) Abstract:

In September 2007, the Environmental Protection Agency (EPA or Agency) amended its procedures for implementing the requirements of the National Environmental Policy Act of 1969 (NEPA). The final rule also includes 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 amended its procedures for implementing the requirements of the CEQ Regulations for NEPA. Specifically, the final rule amended 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 revisions consistent with CEQ's Regulations.

Those subject to the final NEPA rule include EPA officials who must comply with NEPA

and certain grant or permit applicants who must submit environmental information documentation to EPA for their proposed projects. The final NEPA regulations consolidate and standardize the environmental review process applicable to all EPA actions subject to NEPA, including those actions now specifically addressed in the regulations and other actions subject to NEPA but not specifically addressed in the regulations (e.g., certain grants awarded for special projects authorized by Congress through the Agency's annual Appropriations Act).¹

Compliance with 40 CFR Part 6 is the responsibility of EPA's Responsible Officials. For applicant-proposed actions, certain procedures 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 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.

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. 40 CFR 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

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 the purpose of establishing internal procedures for Federal agencies to consider the significant effects of their actions

Therefore, when EPA conducts an environmental assessment pursuant to its Executive Order 12114 procedures, the Agency generally follows its NEPA procedures. Compliance with the procedures is 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 40 CFR Part 6 is to satisfy the procedural requirements of the CEQ Regulations for NEPA. Additionally, 40 CFR Part 6 includes 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 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 proposal, the applicant (e.g., grantee or permit applicant) would submit information used by the

on the environment outside the [U.S.], its territories and possessions ..." [Executive Order 12114, Section 3-1]

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:

On May 7, 2010 (75 FR 25237), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

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. EPA has, however, requested public comment on this ICR as discussed in Section 3(b), above.

Council on Environmental Quality (CEQ): 40 CFR Part 6 was developed in consultation with CEQ (see 40 CFR 1507.3(a)).

3(d) Effects of Less Frequent Collection: Under 40 CFR Part 6, 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: 40 CFR Part 6 does not require applicants to submit confidential, proprietary or trade secret information.

3(g) Sensitive Questions: 40 CFR Part 6 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 40 CFR Part 6 include EPA officials 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 projects 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

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.*).

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 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. As with EPA's current Part 6 regulations, EPA's Executive Order 12114 implementing procedures (with only minor, technical amendments) provide that: (a) for ocean dumping activities, the information submitted under 40 CFR part 221 is sufficient to satisfy the environmental 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

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

- 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 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 Code</u> ⁵
	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

Construction Grants Program and other actions subject to NEPA, including those under the Agency’s Environmental Programs and Management (EPM) account).

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>.

	production
	112120
	Seafood fresh and frozen processing
	311712
Poultry and egg production	Chicken egg production
	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 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.

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.

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

<p><u>Categorical Exclusion (CE)</u> 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” mean 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.</p> <p><u>Information Submitted by Applicant:</u> 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.</p> <p>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.</p>
<p><u>Environmental Assessments (EAs)</u> need to include sufficient information and analysis for the Responsible Official to determine whether to prepare an EIS or to issue a FONSI.</p> <p><u>Information Submitted by Applicant:</u> 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.</p> <p>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.</p>

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 final rule § 6.202); and (2) the public participation process associated with actions other than those categorically excluded⁸ (see final 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 final 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 Collection Requests Under the Paperwork Reduction Act of 1995, U.S. Environmental Protection Agency, Office of

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 grant 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 final rule:

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.

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

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.
3. Research data sources.

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.

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.

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. Until recently, such grants authorized by Congress, and subsequently awarded by EPA, had generally been increasing annually. However, for the 3-year period 2007 through 2009, the number of grants awarded stabilized at about 300 annually. Therefore, EPA anticipates that approximately 900 STAG grants will be awarded during the 3-year life of this ICR, with approximately 300 awarded annually. EPA estimated that about 60% of the STAG projects were documented with a CE, and about 40% with an EA/FONSI although EPA anticipates that the STAG projects documented with a CE may increase 10% to 15%. Thus, based on experience, EPA anticipates there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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 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>Current 3-Yr ICR Period</i>		<i>EA/FONSI Documents Project</i> <i>Current 3-Year ICR Period</i>		<i>EIS/ROD Documents Project</i> <i>Current 3-Yr ICR Period</i>	
Grantee		\$3,000* 5 hrs	\$15,000	\$19,000* 60 hrs		\$372,000* 440 hrs
	*Contractor: \$75/hour ^(a) \$75/hr x 40 hrs = \$3,000		*Contractor: \$95/hour \$95/hr x 200 hrs = \$19,000		*Contractor: \$155/hour \$155/hr x 2400 hrs = \$372,000	
EPA	\$0	\$0	\$5,000 for 25% \$5,000 for 25% of projects			

^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/FONSI. In addition, EPA estimates one project will have an EIS/ROD completed annually. 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	\$50,000 60 hrs	\$62,000* 60 hrs	\$300,000* 440 hrs	\$372,000* 440 hrs
			* Contractor: \$155/hour ^a \$155/hr x 400 hrs = \$62,000		*Contractor: \$155/hour \$155/hr x 2400 hrs = \$372,000	
EPA	None	None	\$10,000 for 50% of projects	\$10,000 for 50% of projects	\$0	\$0
			120 hrs 11 projects	120 hrs 440 hrs 11 projects per year	530 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.

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 (management and professional) applicants is assumed to be \$48; loaded at 25% for other non-benefits overhead, this rate is \$60. The direct labor rate for federally-recognized Indian

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.

tribe applicants is assumed to be the same as for state and local government applicants. Grantee applicants are assumed to be state and local governments and federally-recognized Indian tribes. The direct labor rate, including benefits, for civilian worker (professional) applicants is assumed to be \$48; loaded at 50% for other non-benefits overhead and including profit, this rate is about \$72. Permit applicants are assumed to be civilian worker applicants. (Labor rates, including benefits, from the Bureau of Labor Statistics, “Employer Costs for Employee Compensation – March 2010,” <http://www.bls.gov/news.release/ecec.nr0.htm>)

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

Respondent	CE Projects	EA/FONSI Projects	EIS/ROD Projects	Totals
Grantee-Annual: Number of Projects	75% x 300 proj = 225 proj	25% x 300 proj = 75 proj	(None annually, one on a 3-year basis)	Grantee-Annual: 300 projects
Contractor Hours	225 proj x 40 hrs/proj = 9,000 hours	75 proj x 200 hrs/proj = 15,000 hours	(None annually, one on a 3-year basis)	24,000 hours
Contractor Costs	225 proj x \$3,000/proj = \$675,000	75 proj x \$18,000/proj = \$1,350,000	(None annually, one on a 3-year basis)	\$2,025,000
Grantee Hours	225 proj x 5 hrs/proj = 1,125 hours	75 proj x 60 hrs/proj = 4,500 hours	(None annually, one on a 3-year basis)	5,625 hours
Grantee Labor Costs	1,125 hours x \$60/hour = \$67,500	4,500 hours x \$60/hour = \$270,000	(None annually, one on a 3-year basis)	\$337,500
O&M	225 proj x \$17/proj = \$3,825	75 proj x \$40/proj = \$3,000	(None annually, one on a 3-year basis)	\$6,825
Totals on One-Time Proj. Basis	40 + 5 = 45 hours/project \$3,000 + (\$60 x 5) + \$17 = \$3,317/project	200 + 60 = 260 hours/proj \$18,000 + (\$60 x 60) + \$40 = \$21,640/project	(None annually, one on a 3-year basis)	
Grantee-3-Yr Total: Number of Projects	3 yrs x 225 proj = 675 proj	3 yrs x 75 proj = 225 proj	1 project on a 3-year basis	Grantee-3-Yr Total: 901 projects
Contractor Hours	3 yrs x 9,000 hours = 27,000 hours	3 yrs x 15,000 hours = 45,000 hours	1 proj x 2,400 hours/proj = 2,400 hours	74,400 hours
Contractor Costs	3 yrs x \$675,000/yr = \$2,025,000	3 yrs x \$1,350,000/yr = \$4,050,000	1 proj x \$372,000/proj = \$372,000	\$6,447,000
Grantee Hours	3 yrs x 1,125 hours = 3,375 hours	3 yrs x 4,500 hours = 13,500 hours	1 proj x 440 hours/proj = 440 hours	17,315 hours
Grantee Labor Costs	3 yrs x \$67,500/yr = \$202,500	3 yrs x \$270,000/yr = \$810,000	440 hrs x \$60/hour = \$26,400	\$1,038,900
O&M	3 yrs x \$3,825/yr = \$11,475	3 yrs x \$3,000/yr = \$9,000	1 proj x \$280/proj = \$280	\$ 20,755
Totals on One-Time Proj. Basis			2,400 + 440 = 2,840 hours \$372,000 + (\$60 x 440) + \$280 = \$398,680	

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 \$62,000/proj = \$682,000	1proj x \$372,000/proj = \$372,000	\$1,054,000
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 \$72/hour = \$47,520	440 hours x \$72/hour = \$31,680	\$79,200
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 \$62,000 + (\$72 x 60) + \$40 = \$66,360	2,400 + 440 = 2,840 hours \$372,000 + (\$72 x 440) + \$280 = \$403,960	
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 \$682,000/yr = \$2,046,000	3 yrs x \$372,000/yr = \$1,116,000	\$3,162,000
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 \$47,520 = \$142,560	3 yrs x \$31,680 = \$95,040	\$237,600
O&M	None	3 yrs x \$440/yr = \$1,320	3 yrs x \$280/yr = \$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 40 CFR Part 6, EPA anticipates that for grantees there will be approximately 300 projects with about 75% of the projects documented with a CE, and about 25% 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	\$18,000	2,400	\$372,000
Direct Hrs/Labor Cost	5	300	60	3,600	440	26,400
O&M		\$17		\$40		\$280
Total	45	\$3,317	260	\$21,640	2,840	\$398,680
						ONE PER 3-YEARS
Permit Applicants						
Contractor Hrs/Cost	None	None	400	\$62,000	2,400	\$372,000
Direct Hrs/Labor Cost	None	None	60	4,320	440	31,680
O&M	None	None		\$ 40		\$ 280
Total	None	None	460	\$66,360	2,840	\$403,960

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, EPA anticipates there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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>		
	Hours	Cost		Hours	Cost	
Grant Applicant						
Contractor Hrs/Cost	24,000	\$2,025,000		74,400	\$6,447,000	
Direct Hrs/Labor Cost	5,625	337,500		17,315	1,038,900	
O&M		\$6,825			\$ 20,755	
Number of Projects	300			901		
Sub-Totals	300	29,625	\$2,369,325	901	91,715	\$7,506,655
Permit Applicant						
Contractor Hrs/Cost	6,800	\$1,054,000		20,400	\$3,162,000	
Direct Hrs/Labor Cost	1,100	79,200		3,300	237,600	
O&M		\$ 720			\$ 2,160	
Number of Projects	12			36		
Sub-Totals	12	7,900	\$1,133,920	36	23,700	\$3,401,760
Totals	312	47,200	\$3,503,245	937	144,440	\$10,908,415

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 50 hours per project. For CE-documented projects based on grantee-submitted information, EPA uses an estimated 40 hours.
- 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.

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.

- 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 530 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 widely with an average of \$50,000 per project. 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 530 hours.

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/hour for CE's, \$95/hour for EA/FONSI's and \$155/hour for EIS's which includes consolidated wages for all personnel working on a project, project expenses and profit. EPA's hourly salary rate of about \$65 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	225 projects	75 projects	(None annually, one on a 3-year basis)	300 projects
Contractor Hours	0	25% x 75 proj x 70 hrs/proj = 1,313 hours	(None annually, one on a 3-year basis)	1,313 hours
Contractor Costs	\$0	25% x 75 proj x \$5,000/proj = \$93,750	(None annually, one on a 3-year basis)	\$93,750
EPA Hours	225 proj x 40 hrs/proj = 9,000 hours	75 proj x 120 hrs/proj = 9,000 hours	(None annually, one on a 3-year basis)	18,000 hours
EPA Direct Labor Costs	9,000 hrs x \$65/hr = \$585,000	9,000 hrs x \$65/hr = \$585,000	(None annually, one on a 3-year basis)	\$1,170,000
O&M	\$0	\$0	(None annually, one on a 3-year basis)	\$0
Totals on One-Time Project Basis	0hrs + 40hrs = 40 hrs \$0 + (40hrs x \$65/hr) + \$0 = \$2,600	70hrs + 120hrs = 190 hours \$5,000 + (120hrs x \$65/hr) + \$0 = \$12,800		
Grantees - 3-Yr Total: Number of Projects	3 yrs x 225 proj/yr = 675 proj	3 yrs x 75 proj/yr = 225 projects	1 project on a 3-yr basis	901 projects
Contractor Hours	3 yrs x 0 hours/yr = 0	3 yrs x 1,313 hours/yr = 3,939 hours	1 proj x 0 hrs/yr = 0 hours	3,939 hours
Contractor Costs	3 yrs x \$0 = \$0	3 yrs x \$93,750/yr = \$281,250	1 proj x \$0 = \$0	\$218,250
EPA Hours	3 yrs x 9,000 hrs/yr = 27,000 hours	3 yrs x 9,000 hrs/yr = 27,000 hours	1 proj x 530 hours = 530 hours	54,530 hours
EPA Direct Labor Costs	3 yrs x \$585,000/yr = \$1,755,000	3 yrs x \$585,000/yr = \$1,755,000	530 hrs x \$65/hr = \$34,450	\$3,544,450
O&M	3 yrs x \$0/yr = \$0	3 yrs x \$0/yr = \$0	\$0	\$0
Totals on One-Time Project Basis			0 + 530hrs = 530hrs \$0 + \$34,450 + \$0 = \$34,450	

^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 530hrs/proj = 530 hours	1,850 hours
EPA Direct Labor Costs	None	1,320 hrs x \$65/hr = \$85,800	530 hrs x \$65/hr = \$34,450	\$120,250
O&M	None	\$0	\$0	\$0
Totals on One-Time Project Basis	(None)	135 hrs + 120 hrs = 255 hours \$10,000 + (120 hr x \$65/hr) + \$0 = \$17,800	0 hrs + 530 hrs = 530 hours \$0 + \$34,450 + \$0 = \$34,450	
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 530 hrs/yr = 1,590 hrs	5,550 hours
EPA Direct Labor Costs	None	3 yrs x \$85,800/yr = \$257,400	3 yrs x \$34,450/yr = \$103,350	\$360,750
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 50 hrs/proj = 250 hrs	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	250 hours
EPA Direct Labor Costs	250 hrs x \$65/hr = \$16,250	(None annually, one on a 3- year basis)	(None annually, one on a 3-year basis)	\$16,250
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 + 50hrs = 50 hrs \$0 + (50hr x \$65/hr) + \$0 = \$3,250			
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 \$62,000/proj = \$62,000	1 proj x \$50,000/proj = \$50,000 (adopt/supplement)	\$112,000
EPA Hours	3 yrs x 250 hrs/yr = 750 hours	1 proj x 120 hrs/yr = 120 hours	1 proj x 530 hrs/proj = 530 hrs	1,400 hours
EPA Direct Labor Costs	3 yrs x \$16,250/yr = \$48,750	120 hrs x \$65/hr = \$7,800	530 hours x \$65/hr = \$34,450	\$91,000
O&M	3 yrs x \$0/yr = \$0	\$0	\$0	\$0
Totals on One- Time Project Basis		670hr + 120hr = 790 hrs \$62,000 + \$7,800 + \$0 = \$69,800	670hrs + 530hrs = 1,200 hrs \$50,000 + \$34,450 + \$0 = \$84,450	

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, EPA anticipates that for grantees there will be approximately 300 projects with about 75% of the projects documented with a CE, and about 25% 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>
Grant Applicant Projects	Hours	Cost	Hours	Cost	Hours	Cost
Contractor Hrs/Cost	0	\$ 0	70	\$ 5,000	0	\$ 0
Direct Hrs/Labor Cost	40	2,600	120	7,800	530	34,450
O&M		\$ 0		\$ 0		\$ 0
Total	40	\$2,600	190	\$12,800	530	\$34,450
Permit Applicant Projects	Hours	Cost	Hours	Cost	Hours	Cost
Contractor Hrs/Cost	None	None	135	\$10,000	0	\$ 0
Direct Hrs/Labor Cost	None	None	120	7,800	530	34,450
O&M	None	None		\$ 0		\$ 0
Total	None	None	255	\$17,800	530	\$34,450
Prepared Directly by EPA	Hours	Cost	Hours	Cost	Hours	Cost
Contractor Hrs/Cost	0	\$ 0	670	\$62,000	670	\$50,000
Direct Hrs/Labor Cost	50	3,250	120	7,800	530	34,450
O&M		\$ 0		\$ 0		\$ 0
Total	50	\$3,250	790	\$69,800	1,200	\$84,450

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 final rule, EPA anticipates there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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>		
	Hours	Cost		Hours	Cost	
Grant Applicant Projects						
Contractor Hrs/Cost	1,313	\$ 93,750		3,939	\$ 218,250	
Direct Hrs/Labor Cost	18,000	1,170,000		54,530	3,544,450	
O&M		\$ 0			\$ 0	
Number of Projects	300			901		
Sub-Totals	300	19,313	\$1,263,750	901	58,469	\$3,762,700
Permit Applicant Projects						
Contractor Hrs/Cost	740	\$ 55,000		2,200		
Direct Hrs/Labor Cost	1,850	120,250		\$165,000		
O&M		\$ 0		5,550	360,750	
Number of Projects	12				\$ 0	
Sub-Totals	12	2,590	\$175,250	36	7,750	\$525,750
Prepared Directly by EPA						
Contractor Hrs/Cost	0	\$ 0		1,340	\$ 112,000	
Direct Hrs/Labor Cost	250	16,250		1,400	91,000	
O&M		\$ 0			\$ 0	
Number of Projects	5			17		
Sub-Totals	5	250	\$ 16,250	17	2,740	\$ 203,000
Totals	317	22,153	\$1,455,250	954	68,959	\$4,491,450

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 experience, EPA anticipates that for grantees there will be approximately 300 projects with about 75% documented with a CE, and about 25% 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>Cost</i>	
				<i>Hours</i>	<i>Cost</i>	
						<i>Hours</i> <i>Cost</i>
Grant Applicants	45	\$3,317	260	\$21,640	2,840	\$398,680
Permit Applicants	None	None	460	\$66,360	2,840	\$403,960
EPA					One per 3-years	One annually
Grant Applicant Projects	40	\$2,600	190	\$12,800	530	\$ 34,450
Permit Applicant Projects	None	None	255	\$17,800	530	\$ 34,450
Prepared Directly by EPA	50	\$3,250	790	\$69,800	1,200	\$ 84,450
Totals	135	\$9,167	1,955	\$188,400	7,940	\$955,990
					"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 final rule, EPA anticipates there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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	30,572	\$2,369,325	901	91,715	\$7,506,655
Permit Applicants	12	7,900	1,133,920	36	23,700	3,401,760
Sub-Totals	312	38,472	\$3,503,245	937	115,415	\$10,908,415
EPA						
Grant Applicant Projects	300	19,313	\$1,263,750	901	58,469	\$ 3,762,700
Permit Applicant Projects	12	2,590	175,250	36	7,750	525,750
Prepared Directly by EPA	5	250	16,250	17	2,740	203,000
Sub-Totals	317	22,153	\$1,455,250	954	68,959	\$ 4,491,450
Totals	629	60,625	\$4,958,495	1,891	184,374	\$15,399,865

6(d) Change in Burden:

	Currently Approved Hours	Requested Hours	Change	Currently Approved Costs ^a	Requested Costs	Change
Grant Applicants-CE	8,100	10,125	+2,025	\$3,060.00	\$3,825	+\$765
Grant Applicants-EA	31,200	19,500	-11,700	\$4,800.00	\$3,000	-\$1,800
Grant Applicants-EIS ^b	947	947	0	\$93.34 ^c	\$93.34	\$0
Permit Applicants-EA	5,060	5,060	0	\$440.00	\$440	\$0
Permit Applicants-EIS	2,840	2,840	0	\$280.00	\$280	\$0
Total	48,147	38,472	-9,675	\$8,673.34	\$7,638.34	-\$1,035

^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 is achieved by increasing the number of projects that are documented with a categorical exclusion (CE) rather than an environmental assessment (EA).

Under the current ICR, approximately 60% of the annual 300 grant projects were documented with a CE, and 40% with an EA. Under the renewal ICR, however, we estimate that out of the 300 annual grant projects, 75% will be documented with a CE and 25% will be documented with an EA. Annually, then, the burden would shift to 10,125 hours and \$3,825 for CE documentation, and 19,500 hours and \$3,000 for EA documentation. With the current ICR, the total annual burden is 48,147 hours and \$8,673.34. Under the renewal ICR, the total annual burden is 38,472 hours and \$7,638.34. The renewal ICR reduces the total annual burden by 9,675 hours and \$1,035.

6(e) Burden Statement Summary and Burden Statement: EPA is collecting information from certain applicants as part of the process of complying with either NEPA or Executive Order 12114. EPA's 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 40 CFR Part 6 include EPA officials 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 an EA or 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 annual Appropriations Act) 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 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 experience, EPA anticipates there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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 \$3,317 for CE documentation, or 260 hours and \$21,640 for EA/FONSI documentation, or 2,840 hours and \$398,680 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 \$66,360 for EA/FONSI documentation, or 2,840 hours and \$403,960 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 38,472 hours and \$3,503,245 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 ICR renewal, EPA assumes there will be approximately 300 grantee projects annually with about 75% of these projects documented with a CE, and about 25% 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 115,415 hours and \$10,908,415. 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 the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. 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 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, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2005-0062 and OMB Control Number 2020-0033 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 remain exempt under this final 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 final rule does not make any changes to the voluntary NEPA policy and procedures. However, the final rule can serve as a framework for the preparation of voluntary NEPA documents.

ATTACHMENT 2 TO THE SUPPORTING STATEMENT

List of Tables

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

Table 1-2. Estimated Hours for Applicants and EPA for Preparation of NEPA Documentation

Table 1-1. Summary of STAG Awards by Region for the 5-Year Period 2005 Through 2009

Region												
Year	1	2	3	4	5	6	7	8	9	10	HQ	Total
2005	34	43	32	61	75	40	29	18	61	20	1	414
2006	48	26	61	108	104	49	23	46	75	50	6	596
2007	44	6	35	84	58	20	15	9	29	10	1	311
2008	10	3	34	29	27	3	11	11	10	12	1	151
2009	30	16	36	61	37	8	10	17	18	12	2	247

Table 1-2. 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	assume 5 hours	120 hrs for EPA/2 = 60 hours	Same as EPA = 440 hours
EPA	Applicant submits info: 40 hours Direct preparation: 50 hours	Applicant submits info: 120 hours Direct preparation: 170 hours	Applicant submits info: 530 hours Direct preparation: 570 hours