

**1SUPPORTING STATEMENT FOR APPROVAL OF  
STATE COASTAL NONPOINT POLLUTION CONTROL PROGRAMS**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) TITLE OF THE INFORMATION COLLECTION**

Approval of State Coastal Nonpoint Pollution Control Programs

OMB Control Number 2040-0153; EPA ICR Number 1569.08

**1(b) SHORT CHARACTERIZATION**

This ICR renewal explains reporting requirements that coastal States and Territories (referred to as States) must fulfill in order to obtain final approval of their Coastal Nonpoint Pollution Control Programs (referred to hereafter as “Coastal Nonpoint Programs”) under Section 6217 (Protecting Coastal Waters) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). This ICR renewal also assesses whether State program requirements for management measure implementation will impose any reporting of record-keeping requirements on affected entities.

Section 6217 requires coastal States and Territories with Federally-approved coastal zone management programs (CZMPs) to develop Coastal Nonpoint Programs. The Program Development and Approval Guidance for Section 6217 Coastal Nonpoint Pollution Control Programs was prepared by the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA). The document implements Section 6217, providing guidance to States on the development and content of their Coastal Nonpoint Programs.

Section 6217 addresses persistent coastal pollution problems by improving coordination of Federal and State CZMPs and water quality programs. In the past, there was limited integration of State Nonpoint Source Management Programs approved by EPA under Section 319 of the Clean Water Act (CWA) and State CZMPs approved by NOAA under Section 306 of the Coastal Zone Management Act (CZMA). Section 6217 formalizes coordination of the Section 319 and Section 306 programs by requiring EPA and NOAA to oversee preparation and review of the State Coastal Nonpoint Programs.

The program guidance describes the contents that each coastal State must include in the Coastal Nonpoint Program documentation and the criteria for program approval. Rather than create an independent program, the Section 6217 program guidance encourages States to implement their Coastal Nonpoint Programs through changes to existing Section 319 and Section 306 programs. States failing to submit satisfactory Coastal Nonpoint Programs face reductions in Federal grants issued under CWA Section 319 and under Section 306 of the CZMA.

Section 6217 requires States with approved coastal management programs to submit Coastal Nonpoint Programs within 30 months of the publication of the final program guidance (January 1993). Twenty-nine States and five Territories have submitted their Coastal Nonpoint Programs to the Nonpoint Source Control Branch, Assessment and Watershed Protection Division, Office of Wetlands, Oceans, and Watersheds (OWOW), Office of Water, within EPA, and to the Office of Ocean and Coastal Resource Management within NOAA. Another State is developing its program for submittal to EPA and NOAA in early 2014. The two agencies have jointly reviewed the State Coastal Nonpoint Programs as required by Section 6217.

EPA and NOAA have approved programs from 17 States and five Territories, and conditionally approved programs from 11 States. One State with a conditionally approved program withdrew from NOAA's CZMP in 2011, which brought an end to its participation in the Coastal Nonpoint Program under CZARA. The conditional approvals require States and Territories to submit additional information in order to obtain final program approval. CZARA Section 6217 requires States and Territories to obtain final approval of their Coastal Nonpoint Pollution Control Programs in order to retain their full share of funding available to them under CWA Section 319 and under Section 306 of the CZMA.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) NEED/AUTHORITY FOR THE COLLECTION**

Section 6217(g)(1) of CZARA required EPA to issue guidance for coastal nonpoint source pollution control:

“The Administrator [of EPA], in consultation with the Secretary [of Commerce, overseeing NOAA] and the Director of the United States Fish and Wildlife Service and other Federal agencies, shall publish (and periodically revise thereafter) guidance for specifying management measures for sources of nonpoint pollution in coastal waters.”

In response to Section 6217(g)(1), EPA convened a work group to prepare a technical document specifying management measures for controlling nonpoint source pollution in coastal waters. The draft technical guidance document was issued in June 1991; the final technical guidance document was issued in January 1993. EPA and NOAA proposed program guidance in October 1992 for preparing the State Coastal Nonpoint Programs, which document State efforts to implement the management measures described in the technical guidance. This document was issued in final form in January 1993.

EPA and NOAA issued the program guidance to explain how States should

prepare their Coastal Nonpoint Programs in order to comply with CZARA Section 6217(a):

“Not later than 30 months after the date of the publication of final guidance under subsection (g), each State for which a management program has been approved pursuant to Section 306 of the Coastal Zone Management Act of 1972 shall prepare and submit to the Secretary and the Administrator a Coastal Nonpoint Pollution Control Program for approval pursuant to this section. The purpose of the program shall be to develop and implement management measures for nonpoint source pollution to restore and protect coastal waters, working in close conjunction with other State and local authorities.”

Section 6217(b) of CZARA specifies the contents of the Coastal Nonpoint Programs, which are incorporated into the program guidance requirements. Table 1 presents a summary of the program contents required by Section 6217(b). Additional justification for each reporting item is provided in section 3(b) of this supporting statement.

In addition, Section 306(d)(16) of CZARA requires State Coastal Nonpoint Pollution Control Programs to include enforceable policies and mechanisms to implement the applicable requirements of Section 6217.

Subsequent to the publication of the program and technical guidance, EPA and NOAA provided further program clarification in the Final Administrative Changes to the Coastal Nonpoint Pollution Control Program Guidance for Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, which the agencies issued in October 1998. This updated guidance calls for each state to communicate program priorities by submitting a 15-year program strategy to EPA and NOAA that briefly describes the State’s overall approach and schedule to ensure implementation of the 6217(g) management measures and improve water quality within 15 years of the date of conditional approval.

At this time, EPA and NOAA have approved programs from 17 States and five Territories, and conditionally approved programs from 11 other States. One State with a conditionally approved program withdrew from NOAA’s CZMP in 2011, which brought an end to its participation in the Coastal Nonpoint Program under CZARA. In order for conditionally approved programs to gain final approval, certain conditions must be met. Such conditions could include the completion of a particular program element or the development of additional authority to ensure implementation of certain management measures. This ICR renewal is needed so that the remaining States may complete development and obtain final approval of their programs. The ICR is also needed to allow states that have recently and voluntarily joined NOAA’s CZMP to develop and submit new Coastal Nonpoint Programs under CZARA to EPA and NOAA. Illinois is the most recent State to join the CZMP, and is required to submit its Coastal Nonpoint Program to EPA and NOAA in 2014.

## **2(b) PRACTICAL UTILITY/USERS OF THE DATA**

EPA and NOAA will use the Coastal Nonpoint Program submittals to determine whether to grant final approval of the State Coastal Nonpoint Programs. States not receiving final approval may lose a portion of both their CWA Section 319 and CZMA Section 306 funds under the withholding provisions of CZARA. The requested information will ensure the efficient distribution of Federal funds to States with comprehensive plans for controlling coastal water pollution. EPA and NOAA will also use the requested information to ensure that State recipients of Federal funds provide adequate opportunities for public participation during program development. States will use the information requested as part of management measure implementation in conformity with EPA's technical guidance.

**Table 1. Statutory Requirements in CZARA §6217**

<b>CZARA Citation</b>	<b>Statutory Requirements for Coastal Nonpoint Programs</b>
§6217(b)	Specify general management measures to protect coastal waters.
§6217(b)(1)	Identify land uses which contribute significantly to the degradation of coastal waters.
§6217(b)(2)	Identify critical coastal areas adjacent to impaired or threatened coastal waters, where the general management measures will be insufficient to maintain water quality standards and/or designated uses.
§6217(b)(3)	Identify additional management measures needed to attain or maintain water quality standards under CWA §303 and designated uses in the critical coastal areas identified in §6217(b)(2).
§6217(b)(4)	Provide technical assistance to local governments and the public for implementing the additional management measures identified in §6217(b)(3).
§6217(b)(5)	Designate opportunities for public participation in all aspects of the coastal nonpoint program.
§6217(b)(6)	Establish mechanisms for coordinating State and local agency implementation of the coastal nonpoint programs.
§6217(b)(7)	Propose modified coastal zone boundary, as the State deems

necessary, so that the State has adequate geographic jurisdiction to implement the management measures (NOAA reviewed the adequacy of existing boundaries for each coastal management program and recommended changes where necessary).

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### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) NONDUPLICATION**

Under the original ICR, the EPA Assessment and Watershed Protection Division consulted with OPPE Desk Officer Harold Woodley and Masi Okasaki of NOAA to ensure that the information requested in the Section 6217 program guidance could not be acquired from other sources. EPA reviewed existing ICRs prepared by EPA's Office of Water and NOAA's Office of Ocean and Coastal Resource Management to identify possible duplications of reporting requirements. EPA recently (October 2013) found that NOAA has included information on this information collection as part of a larger set of programs authorized under the CZMP under OMB Control No. 0648-0119. In the future, EPA and NOAA will work to merge these estimates and submit it as a single information collection request since the collection consists of the same set of respondents simultaneously submitting the same information to both federal agencies.

EPA recognizes similarities between the reporting requirements for the biennial State Section 305(b) reports (under ICR Number 1560.1) and those in the Section 6217 program guidance. The Section 305(b) program guidance requires States and Territories to summarize total impaired estuarine and ocean waters and the sources of impairment in their 305(b) reports. States are aware that they are able to conduct monitoring activities associated with the Section 6217 program guidance at least partially through their existing Section 305(b) processes.

#### **3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB**

On November 20, 2013, EPA published a notice in the Federal Register (78 FR 69664) soliciting public comments on this ICR for 60 days. No comments were received. EPA will solicit comments for an additional 30 days when this ICR is submitted to OMB for approval.

#### **3(c) CONSULTATIONS**

Under the original ICR, NOAA and EPA held regional meetings to acquire respondent input during the initial development of the Section 6217 program guidance.

The regional meetings were attended by representatives of State coastal management programs, State water quality control programs, the Coastal States Organization (CSO), and the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). EPA and NOAA also distributed options papers and requested comments from each of the approved State coastal management programs.

NOAA and EPA issued proposed program guidance in October 1992 and provided a 60 day public comment period. The agencies held a series of focus group meetings with representatives from State coastal management and water quality agencies and began a second series of regional meetings with States and EPA regional offices during the summer of 1992. The State respondents expressed concern about flexibility to tailor their Coastal Nonpoint Programs to specific water quality problems in their coastal zones. EPA and NOAA have provided flexibility by allowing respondents to propose alternative management measures to those included in the technical guidance. The respondents must document that the alternative management measures are as effective as the pre-approved management measures in the technical guidance prepared by EPA.

The final program guidance was published in January 1993. In response to State concerns about potential burden requirements, EPA and NOAA made every effort to integrate components of existing CWA Section 319 and CZMA Section 306 programs into the Coastal Nonpoint Program requirements. In order to minimize respondent burden, States may satisfy some reporting requirements contained in Section 6217 by identifying existing program activities that already meet Coastal Nonpoint Program objectives.

EPA issued proposed management measures guidance in June 1991 and provided a six-month comment period on the management measures guidance. EPA convened technical workgroups composed of Federal and State experts in preparing both the proposed and the final management measures guidance. In addition, EPA held focus group meetings with various industry groups (agriculture, forestry, and marinas, in particular). The final technical guidance was published in January 1993.

In 1993 and 1994, EPA and NOAA worked closely with States to assist them in developing their programs. This assistance included highly detailed reviews of draft State Coastal Nonpoint Programs, as well as extensive meetings with individual States. Subsequently, on January 6, 1995, EPA and NOAA wrote letters to the State organizations that represent State nonpoint source and coastal zone management agencies to provide increased flexibility to the States with respect to criteria for program approval and schedules for implementation.

In April 1997, NOAA, EPA, the States, and other interested parties began discussions regarding the progress made to date in developing and implementing State Coastal Nonpoint Programs and the significant impediments to further progress. Both the States and Federal agencies recognized that while the goals of CZARA remain valid, the

program and schedules originally conceived by NOAA and EPA were extremely ambitious, and additional flexibility would be needed to enable the States to successfully implement their programs. Based on this understanding, the parties proceeded to discuss in detail the specific aspects of the program that would require modification while maintaining the overall objective that States implement management measures needed to protect coastal waters.

Based on these discussions, EPA and NOAA drafted a set of proposed administrative changes the agencies would use to guide future implementation of the CZARA program and made them available for a 60 day public comment period beginning March 11, 1998. After reviewing and responding to public comments on the proposed changes, NOAA and EPA issued final administrative changes to the program guidance, reflecting the comments received. In some cases, the administrative changes impacted previous findings and conditions on State Coastal Nonpoint Programs. In such cases, EPA and NOAA reviewed those findings and conditions and made adjustments (including, where appropriate, elimination of conditions).

On October 25, 2002 (67 FR 65563), EPA sought comments on a previous renewal of this ICR pursuant to 5 CFR 1320.8(d). On November 20, 2002 (67 FR 70070), EPA extended the comment period 30 days. EPA received one comment from NOAA, providing recommendations for increasing the Federal government burden hours to more accurately reflect the assessment of hours incurred by the agencies' review of State programs. EPA incorporated NOAA's recommendations to adjust the estimate accordingly (see Table 4).

NOAA and EPA have continued to consult with States and public interest groups throughout the process of formulating strategies for final approval and criteria for fulfilling conditions. Much of this work has been coordinated through the Coastal States Organization (CSO), which has continued from 2011 through 2013 by way of an ongoing CSO-led joint state-federal work group.

### **3(d) EFFECTS OF LESS FREQUENT COLLECTION**

The development and approval of State Coastal Nonpoint Programs is a one-time collection activity. To date, twenty-two coastal States and Territories have completed development and obtained conditional approval of their Coastal Nonpoint Programs, and now need only to remove the remaining conditions to obtain final approval. In any given year, a subset of States has made progress to reduce the number of remaining conditions.

### **3(e) GENERAL GUIDELINES**

The guidance does not include any information collection activities that exceed the PRA-imposed guidelines contained in 5 CFR 1320.6.

### **3(f) CONFIDENTIALITY**

The information collected under Section 6217 and this ICR renewal will not require States and Territories to collect any confidential information.

### **3(g) SENSITIVE QUESTIONS**

Information to be reported is not of a sensitive nature.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) RESPONDENTS/SIC CODES**

The respondent community consists of the 12 coastal States with approved CZMPs that have not yet submitted fully approvable Coastal Nonpoint Programs under CZARA. The SIC Code for State respondents is 9511 (Administration of Environmental Quality Programs: Air and Water Resources and Solid Waste Management).

### **4(b) INFORMATION REQUESTED**

#### **(i) Data Items, including Record Keeping Requirements**

The respondents have reported on the following items in their Coastal Nonpoint Program submittals under Section 6217. (The CZARA section requiring each item is listed in brackets.) No record keeping requirements are imposed on the respondents.

1. Categories and subcategories of nonpoint sources that generally impair or threaten coastal water quality within the respondent's jurisdiction [CZARA §6217(b)].
2. Management measures selected from the CZARA §6217(g) technical guidance to address each significant nonpoint source category and subcategory identified above [CZARA §6217(b)].
3. Alternative management measures and technical documentation. (This optional item is included to allow the States additional flexibility in designing their Coastal Nonpoint Programs.)
4. Coastal waters not maintaining water quality standards and coastal waters threatened by increased pollution from new or expanding uses [§6217(b)(1)].
5. Land uses that are sources of nonpoint pollution entering impaired or threatened coastal waters [§6217(b)(1)].

6. Critical coastal areas adjacent to waters not maintaining water quality standards [CZARA §6217(b)(3)].
7. Additional management measures developed by the State or Territory to address threats or impairments identified in #5 above and for application in critical coastal areas [§6217(b)(3)].
8. Plans for revising additional management measures [CZARA §6217(b)(3)].
9. Plans for providing technical assistance for implementing additional management measures to local governments and the public [CZARA §6217(b)(4) and §6217(b)(5)].
10. The organization, structure, authority, and resources of lead agencies selected to implement management measures. (This information is needed to ensure that implementation of the Coastal Nonpoint Program is delegated to agencies with adequate authority and resources.)
11. Schedules for implementation of management measures. (This information is needed to evaluate State progress towards implementing their Coastal Nonpoint Programs.)
12. Legislative and administrative authorities for implementing management measures. (This information is needed to ensure that the State has the authority to implement the Coastal Nonpoint Program.)
13. Mechanisms for coordinating State agency and local government participation in the Coastal Nonpoint Programs [CZARA §6217(b)(6)].
14. Procedures to ensure implementation of management measures including operation and maintenance, inspection, and monitoring activities. (This information is needed to ensure that the State can implement selected management measures in the Coastal Nonpoint Program.)
15. Plans to modify coastal zone boundaries [CZARA §6217(b)(6)].
16. Mechanisms for coordinating Coastal Nonpoint Programs with CWA programs under Sections 208, 303, 319, and 320 [CZARA §6217(a)(2) and §6217(b)(6)].
17. Provisions for public participation [CZARA §6217(b)(5)].

## **(ii) Respondent Activities**

Section 6217 required each respondent to prepare a one-time document describing its Coastal Nonpoint Program. Eleven of the 12 respondents have already performed the following activities and submitted their coastal Nonpoint Programs to NOAA and EPA in compliance with the program and technical guidances:

- Reviewed the program and technical guidance documents describing the contents required in the Coastal Nonpoint Programs and the management measures for controlling nonpoint sources of water quality degradation in coastal areas.
- Planned activities (i.e., delegate collection tasks, plan interagency meetings, establish reviewers, and delegate writing activities) to complete development of the Coastal Nonpoint Program.
- Collected information relevant to the data items listed above (e.g., lists of impaired coastal waters, lists of management measures to be adopted, legal and geographical jurisdiction of agencies implementing management measures). The States acquired all of the information from existing sources.
- Analyzed the information and constructed the Coastal Nonpoint Program, including revising coastal zone boundaries and planning new or modified State and local regulations to implement the Coastal Nonpoint Program.
- Wrote draft and final Coastal Nonpoint Programs, provided notice and opportunity for public comment on their programs, and submitted the programs to EPA and NOAA for approval.

Under this ICR renewal, States that have received conditional approval for their Coastal Nonpoint Programs will be required to submit additional information to obtain final program approval.

## **5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) AGENCY ACTIVITIES**

EPA and NOAA activities under this ICR renewal will consist of the review of Coastal Nonpoint Program amendments and/or informational updates submitted by States to fulfill specified conditional approval requirements necessary to obtain final program approvals, as well as review of initial Coastal Nonpoint Program submittals by new State program entrants.

### **5(b) COLLECTION METHODOLOGY AND MANAGEMENT**

The States will submit amendments to their Coastal Nonpoint Programs when such amendments are required to fulfill and therefore remove the conditions set out in the conditional approval and obtain final program approval. New State program entrants will submit initial Coastal Nonpoint Programs for review by EPA and NOAA.

#### **5(c) SMALL ENTITY FLEXIBILITY**

This section is not applicable because respondents are States and Territories, and are not small businesses or organizations as defined in the Regulatory Flexibility Act, 5 U.S.C. Sections 601(3) and (4).

#### **5(d) COLLECTION SCHEDULE**

There is no uniform schedule for the submission of State amendments to Coastal Nonpoint Programs when such amendments are required to fulfill conditions established in conditional approvals. Rather, EPA and NOAA have set forth specific schedules for completion of conditions tailored to each State's program.

### **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

#### **6(a) ESTIMATING RESPONDENT BURDEN**

The burden hour estimates for the original ICR were based upon discussions with Regional NOAA and EPA personnel who have direct contact with State respondents and past experience with Coastal Nonpoint Program submittal procedures. Burden estimates for specific elements were also acquired from a small sample of State respondents (Wisconsin, Maine, North Carolina, and Washington). The detailed breakdown of burden estimates for each activity is presented in Table 2.

Based on our analyses of State Coastal Nonpoint Programs that have been submitted to EPA and NOAA under Section 6217, we have estimated that the collection burden under this ICR renewal for the conditionally approved programs will be approximately 41 percent of the burden estimated in the original ICR (12 respondents in 2013 versus 29 original respondents). This estimate is based on States' successful completion of the majority of program elements, the additional work already underway by many States to complete program elements that require further development, and the entrant of a new State Coastal Nonpoint Program in 2014. In addition, while States will submit information under this ICR renewal more than once to address different aspects of their Coastal Nonpoint Programs that require additional work specified under a conditional approval, other States may not submit any information under this ICR renewal because the conditions in their conditional approvals may be resolved through State rulemaking or legislative processes as a result of other forces at work or as a result of investigations conducted for other reasons that support exemptions to existing

conditions. Therefore, the estimate of the collection burden under this ICR renewal is an approximate prediction.

**6(b) ESTIMATING RESPONDENT COSTS**

The associated collection under this ICR renewal will have a moderate financial impact on the respondents.

**(i) Estimating Labor Costs**

This respondent labor cost estimate under the original ICR was based upon an average hourly rate and benefits comparable to a Federal GS Grade 10, Step 7. The total hourly rate, including benefits, was estimated in the original ICR to be \$33. For this ICR renewal, the estimated hourly rate was increased to \$37 to account for inflation. Table 2 presents a detailed breakdown of the labor cost estimates for each activity.

**TABLE 2. ESTIMATE OF BURDEN TO STATE RESPONDENTS WITH CONDITIONALLY APPROVED PROGRAMS, LABOR COSTS**

Collection Activity	-A - Burden hours per respondent	-B- Number of respondents	-C- Person- hours C = A x B	-D- Cost in Dollars D = C x \$37
1. Review documents				
a. Program guidance	1	12	12	444
b. Technical guidance	4	12	48	1,776
2. Plan activities	16	12	192	7104

3. Collect information				
a. Identify general NPS categories and identify general management measures	70	12	840	31,080
b. Technical documentation for alternatives	10	12	120	4,440
c. Identify impaired coastal waters	4	12	48	1,776
d. Identify land uses	24	12	288	10,656
e. Identify critical coastal areas	10	12	120	4,440
f. Identify supplemental management measures	16	12	192	7,104
g. Identify lead agencies	4	12	48	1,776
h. Schedule	12	12	144	5,328
i. Legislative/administrative authority	15	12	180	6,660
j. Coordination mechanisms	15	12	180	6,660
k. Operation & maint. procedures	8	12	96	3,552
l. Inspection procedures	8	12	96	3,552
m. Monitoring procedures	26	12	312	11,544
n. Coastal zone boundaries	4	12	48	1,776
o. Technical assistance options	4	12	48	1,776
p. Public participation mechanisms	4	12	48	1,776
4. Compile, review and analyze information				
a. Develop State and local regulations	60	12	720	26,640
b. Revise coastal zone boundaries	5	12	60	2,220
c. Other analysis	30	12	360	13,320
5. Write Coastal Nonpoint Program				
a. Draft program report	10	12	120	4,440
b. Final program report	15	12	180	6,660
6. Recordkeeping requirements	Not applicable	-	-	-
<b>TOTAL: ALL BURDEN ITEMS</b>	<b>375</b>	<b>12</b>	<b>4,500</b>	<b>\$166,500</b>

**(ii) Estimating Capital and Operations and Maintenance Costs**

No capital costs or operation and maintenance costs are associated with this ICR renewal.

**(iii) Capital/Start-up Operations and Maintenance Costs**

No capital/start-up operation and maintenance costs are associated with this ICR renewal.

**(iv) Annualizing Capital Costs**

As there are no capital costs associated with this ICR renewal, this section is not applicable.

**6(c) ESTIMATING AGENCY BURDEN AND COST**

The agency burden in the original ICR was based on discussions with EPA Regional 319 Coordinators and NOAA Regional personnel. The cost was based upon an average hourly rate of \$33, which included salary and benefits for a Federal employee Grade 10, Step 7. The total number of burden hours in the original ICR to the Federal government was estimated to be 13,240, and the total cost was estimated to be \$436,920. Based on comments received from NOAA in 2003, these figures were later determined to be underestimates.

Under this ICR renewal, the Federal government burden will include the burden associated with EPA and NOAA review of amendments submitted by States to fulfill conditional approval requirements. Altogether since CZARA passed into law in 1990, 34 States and Territories have developed and submitted coastal nonpoint programs to EPA and NOAA for approval, and that number will increase to 35 by 2014. The Federal burden for this ICR accounts for review of the remaining elements of the 12 State coastal Nonpoint Programs that remain not yet fully approved. To calculate the Federal government burden, the estimated hourly rate was increased to \$37 to account for inflation. Table 3 presents a breakdown of the burden and cost estimates for each agency.

**TABLE 3. ESTIMATE OF BURDEN TO FEDERAL GOVERNMENT**

Collection Activity	-A - Burden hours (person- hours)	-B- Personnel Costs A x \$37.00	-C- Other direct costs	-D- Total Dollars B + C
1. EPA review of State Coastal Nonpoint Program submittals	9,692	\$358,604	-	\$358,604
2. NOAA review of State Coastal Nonpoint Program submittals	12,000	444,000	-	444,600
TOTAL	24,191	\$802,604	-	\$802,604

**6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS**

The universe of respondents is precisely known to be comprised of the 11 States that remain conditionally approved with regard to their Coastal Nonpoint Programs and one (1) new State program entrant in 2014.

The total burden and costs for these 12 respondents are summarized in 6(e)(i), with detail provided in Table 2.

**6(e) BOTTOM LINE BURDEN HOURS AND COSTS/MASTER TABLES**

**(i) The Respondent Tally**

**States**

The one-time total burden to the respondents is:  
 Total hours (375) X Number of Respondents (12) = 4,500 hours

The one-time total cost to the respondents is:  
Total cost (4,875 X \$37/hour) = \$166,500

EPA assumes the respondents will perform the burden items over the three-year ICR renewal period. Thus, the average annual burden/cost is equivalent to the total one-time burden/cost divided by three years:

Total burden (4,500 hours)/3 years = 1,500 hours/year  
 Total cost (\$166,500)/3 years = \$55,500/year (for all respondents)  
 Total cost per respondent per year = \$55,500/12 respondents = \$4,625

The master table for respondent burden and costs is:

	Total Burden Hours	Total Costs
Bottom Line	4,500 hours	\$166,500

**(ii) The Agency Tally**

The total cost to the Federal government is estimated at 21,692 hours, or \$802,604. EPA assumes the Federal government will perform the collection activities over the three-year period of this ICR renewal.

EPA burden hours are estimated at approximately 3,231 hours per year over three years, resulting in a total burden of 9,692 hours.

NOAA burden hours are estimated at approximately 4,000 hours per year over three years, resulting in a total burden of 12,000 hours.

Total Federal Agency Hours = 9,692 (EPA) + 12,000 (NOAA) = 21,692

The average annual burden/cost is equivalent to the total burden/cost divided by three years:

Total burden (21,692 hours)/3 years = 7,231 hours/year

Total cost at \$37/hour = (\$802,604)/3 years = \$267,535

The master table for agency burden and costs is:

	Total Burden Hours	Total Costs
Bottom Line	21,692 hours	\$802,604

### **(iii) Variations in the Annual Bottom Line**

For many reasons, variations for State respondents and for Federal agencies are problematic to estimate. Some of the factors that affect these variations are described in section 6(a). In general, activities associated with Federal approvals of State Coastal Nonpoint Programs have decreased over time, both for State respondents and for Federal agencies, as more States have achieved full program approvals. Indeed, during the first several years of the Coastal Nonpoint Program development period, there were comparatively higher levels of activity among both the Federal partners (who developed program guidance and conducted “threshold reviews” of initial State program submittals) and the State respondents (who submitted materials for most or all 56 management measures specified in statutorily mandated program guidance, as well as information on State enforceable policies and mechanisms). Since that initial start-up period, activity has declined. However, activity levels for CZARA remain moderate among both State respondents and Federal agencies. Two factors seem to account for this:

- 1) Five States joined the Coastal Nonpoint Program as late entrants: Georgia, Minnesota, Ohio, Texas and Indiana, and a sixth state (Illinois) will come onboard in 2014. Minnesota’s program was approved in July 2006.
- 2) Among the 29 original participating States and Territories, the 7 States that remain conditionally approved have challenging and unique obstacles that account for their continued conditionally approved status, and these States, along with the Federal partners (NOAA and EPA), are working to overcome the more difficult hurdles that remain. So while the number of conditions per State has greatly decreased, the few conditions that remain are the most challenging to resolve, and thus require disproportionately greater efforts that were not originally anticipated.

### **6(f) REASONS FOR CHANGE IN BURDEN**

The respondent burden in the original ICR is a net reduction under this ICR renewal because States have already completed most activities in this one-time CZARA Section 6217 requirement and because EPA and NOAA fully approved New Jersey's Coastal Nonpoint Program in late 2009 (since the previous ICR was published). Additionally, one State that was conditionally approved (Alaska) ceased its participation in this program in 2011 by choosing not to participate in the NOAA-administered CZMP. This reduction was partially offset by the anticipated addition of Illinois as a new program entrant in 2014.

### **6(g) BURDEN STATEMENT**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 375 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, 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; search 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 No. EPA-HQ-OW-2006-0394, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in-person viewing at the Office of Water Docket, Environmental Protection Agency, Public Reading Room, Room 3334, WJC West Building, 1301 Constitution Ave., NW, Washington, DC 20004. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426. An electronic version of the public docket is available at [www.regulations.gov](http://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. Once in the system, select "search," then key in the Docket ID Number identified above.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This section is not applicable because no statistical procedures are employed for the data collection.