

**Supporting Statement
for
Waste Management Plans, Refuse Discharge Logs,
Letters of Instruction for Certain Persons-in-Charge (PIC) and
Great Lakes Dry Cargo Residue Recordkeeping
[as modified by USCG-2004-19621; RIN 1625-AA89]**

OMB No.: 1625-0072
COLLECTION INSTRUMENTS: CG-33 & Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

This collection is a combination of the following four approved information requests.

- **(a)** Waste Management Plans.
- **(b)** Refuse Discharge Logs.
- **(c)** Letter of Instruction for Persons-in-Charge (PIC) on Uninspected Vessels.
- **(d)** Dry Cargo Residue (DCR) Recordkeeping

(a) and (b) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) and codified in 33 USC §§ 1901-1909 requires that the Secretary of the Department in which the Coast Guard is operating to prescribe regulations for refuse record books and waste management plans. These statutory provisions are addressed in 33 CFR Part 151.55 and 151.57 respectively.

(c) The letter of instruction's contents should verify the PIC's credentials, stating that the holder has received sufficient formal instruction from the owner, operator, or agent of the vessel, as required by 33 CFR 155.710(e) (2) and 155.715.

(d) DCR Recordkeeping and Management Plan apply to Great Lakes vessels that discharge bulk dry cargo residue, per 33 CFR 151.66.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

U.S. Coast Guard

- Safety
- Protection of the Natural Resources

Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.

2) Purposes of the information collection.

(a) Vessel operators of U.S. oceangoing ships, 40 feet or more in length, engaged in commerce or equipped with galleys and berths are required to develop waste management plans. The purpose of a waste management plan is to prevent the discharge of waste, including plastics, into water. These plans are used to determine whether a ship is in compliance with MARPOL 73/78 Annex V.

(b) Vessel operators of U.S. oceangoing ships of 400 gross tons or more, and U.S. ships involved on international voyages carrying 15 passengers or more, are required to maintain refuse record books. Refuse record books (discharge logs) are used to document waste discharges from the ships. These are also used to determine whether a ship is in compliance with MARPOL 73/78 Annex V. If noncompliance is indicated, these records may serve as evidence that a ship has violated discharge restrictions.

(c) To ensure that fuel transfer competency standards are met, all persons in charge (PICs) on un-inspected vessels must carry a Letter of Instruction if they do not hold a Coast Guard issued license or properly endorsed Merchant Mariner's Document.

(d) (1) DCR recordkeeping requires foreign carriers conducting bulk dry cargo operations on the U.S. waters of the Great Lakes, and U.S. carriers conducting those operations anywhere on the Great Lakes, to record data about:

- Cargo handled;
- Shoreside facilities involved in loading and unloading;
- Control measures used by the facility or vessel to reduce the accumulation of DCR (and hence the volume of DCR needing discharge);
- Time needed to implement control measures;
- Estimated volume of DCR resulting from each loading or unloading; and
- Date, time, vessel location, and speed during each discharge.

Carriers would enter and maintain this data on any format that is easily available to the vessel master. The information would be kept aboard the vessel for a minimum of two years.

This data gives the Coast Guard a more comprehensive picture of what causes DCR accumulation, the conditions under which DCR is swept overboard, the volume of DCR being discharged into the Great Lakes, and the efficacy of control measures in minimizing DCR accumulation. This data is essential if the Coast Guard is to monitor and respond to future trends in Great Lakes DCR discharges. The proposed information collection would provide important data on the efficacy of any control measures that carriers use to comply with the management plan discussed below.

(2) US vessels conducting bulk dry cargo operations anywhere in the Great Lakes will be required to develop a management plan that describes vessels' procedures for minimizing DCR. Foreign carriers of bulk dry cargo operating in US waters of the Great Lakes will be required to affix language that would modify their current wastes management plan to accommodate the requirements of the proposed management plan in our SNPRM. Requirements of the management plan are listed below:

- Equipment onboard the vessel that is designed to minimize bulk dry cargo spillage during loading and unloading;
- Equipment onboard the vessel that is available to recover spilled cargo from the decks and transfer tunnels and return it to the holds or to unloading conveyances;
- Operational procedures employed by the vessel's crew during the loading or unloading of bulk dry cargoes to minimize cargo spillage onto the decks and into the transfer tunnels and to achieve and maintain the broom clean deck condition required by paragraph (b)(4) of the regulation section in SNPRM;
- Operational procedures employed by the vessel's crew during or after loading or unloading operations to return spilled bulk dry cargo residue to the vessel's holds or to shore via an unloading conveyance;
- How the vessel's owner or operator ensures that the vessel's crew is familiar with any operational procedures described by the plan;
- The position title of the person onboard who is in charge of ensuring compliance with procedures described in the plan;
- Any arrangements between the vessel and specific ports or terminals for the unloading and disposal of the vessel's bulk dry cargo residues ashore; and
- The procedures used and the vessel's operating conditions to be maintained during any unavoidable discharge of bulk dry cargo residue into the Great Lakes.

Foreign vessel carriers would not have to comply with all requirements in the management plan, since they can prolong most of their DCR management until they reach international waters, at which time they would not be affected by US regulations.

The management plan provides a prescriptive mean by which the industry would be afforded the capabilities of policing themselves to achieve the best possible and economically feasible practice that will minimize the amount of DCR discharge that can potentially find its way into the waters of the Great lakes. The management also provides the Coast Guard with the means to monitor vessel's DCR minimization practices by comparing management plan to observable DCR minimization done on the vessels.

3) Consideration of the use of improved information technology.

(a) We believe that most waste management plans and related materials can be recorded electronically.

(b) and (c) Not applicable. To meet international treaty obligations and national compliance and enforcement requirements, the logs and Letter of Instruction must be maintain and available in written (i.e., non-electronic) format.

(d) We believe that most DCR recordkeeping can be recorded and maintained electronically onboard the vessel.

We estimate that 60% of the recordkeeping requirements can be done electronically. At this time, we estimate that 25% are done electronically.

4) Efforts to identify duplication.

There are no State or local regulations relating to this issue. No similar information collection is conducted by other Federal agencies. Similar information does not exist.

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

This information collection does not have an impact on small businesses or other small entities.

6) Consequences to the Federal program if collection were conducted less frequently.

(a) Written waste management plans ensure personnel responsible for the handling of ship generated refuse are aware of the garbage pollution regulations and that waste is handled aboard the ship in a consistent manner. If this information were not recorded, vessel personnel would be unfamiliar with waste handling procedures, which might result in the unintentional disposal of garbage in violation of the regulations. This information is a one-time requirement and revised whenever waste handling procedures are modified.

(b) This information is collected whenever applicable ships discharge garbage. If recordkeeping were required less frequently, the Coast Guard would not be able to use these records as an enforcement tool. Less frequent recordings of disposal/discharge operations would also hinder the Coast Guard's ability to accurately evaluate the level of compliance among ships with MARPOL 73/78 Annex V discharge restrictions. Lastly, if the crew is not held accountable for documenting every disposal/discharge operation, the recordkeeping process will no longer be an effective tool to promote knowledge of discharge regulations and awareness of waste handling practices on the ship.

(c) If information was submitted or recorded less frequently, no assurance could be given that vessels are operating within the applicable requirements that ensure marine safety.

(d) If the DCR loading, unloading, or discharge operation data were recorded less frequently, the Coast Guard would expect the data to be less accurate, and this would reduce our ability to enforce compliance

with the conditions under which DCR discharges are permitted in the Great Lakes, as well as our ability to monitor and respond to long term developments in DCR discharge practices.

Also, under the proposed amendment to 1625-0072, the regulation will require businesses to develop a management plan and distribute the management plan to their vessels. The management plan is vital to the Coast Guard in measuring how DCR is being managed and minimized onboard vessels. Although changes in this particular industry happen slowly, changes still occur over time. Therefore, as vessels modernize their equipment and practices, they will be required to update their vessel management plan. Updating the management plan is a requirement of the proposed rule, without this requirement, the Coast Guard would be unable to monitor changes in industry practices.

7) Special collection circumstances.

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8) Consultation.

The Coast Guard published on September 29, 2008, an Interim Rule (IR) entitled “Dry Cargo Residue Discharges in the Great Lakes” (DCR) [USCG-2004-19621; RIN 1625-AA89; 73 FR 56492]. The rulemaking amended Coast Guard regulations—

- to allow the discharge of bulk dry cargo residue (DCR) in limited areas of the Great Lakes by self-propelled vessels and by any barge that is part of an integrated tug and barge unit. DCR is the residue of non-toxic and non-hazardous bulk dry cargo like limestone, iron ore, and coal. These regulations also add new recordkeeping and reporting requirements and encourage carriers to adopt voluntary control measures for reducing discharges. Discharges are now prohibited in certain protected and sensitive areas where, previously, they were allowed.

The Coast Guard received no collection of information-related comments.

On July 30, 2012, the DCR Supplemental Notice of Proposed Rulemaking (SNPRM) was published (77 FR 44528). The SNPRM 90-day comment period closed on October 29, 2012. The Coast Guard has finalized its review of SNPRM comments and determined that there are no changes needed to the DCR SNPRM COI estimate. On January 31, 2014, the DCR Final Rule was published (79 FR 5261).

9) Provide any payments or gifts to respondents.

There is no offer of monetary or material value for this information collection.

10) Describe any assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection.

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

There are no questions of sensitive language.

12) Estimate of annual hour and cost burdens to respondents.

- The estimated number of annual respondents is 5,137.
- The estimated number of annual responses is 745,209.
- The estimated hour burden is 65,696 hours.
- The estimated cost burden is \$5,408,936.

The burden associated with the Waste Management Plan portion of this collection is reported in Appendix A, Table 12.1. Notes on Table 12.1:

- a. The Coast Guard estimates that these plans will be modified, on average, once every five years. The estimated number of responses is therefore 20 percent of the universe of potential

respondents (number of vessels required to maintain a waste management plan.)

b. We estimate that, on average, five percent of the population consists of new vessels, requiring the creation of a new waste management plan.

c. The positions of management and clerical staff are analogous to a Lieutenant (O-3) and a GS-5, respectively. The rates shown are in accordance with the current edition of COMDTINST 7310.1(series).

The burden associated with the Refuse Discharge Log portion of this collection is collection is reported in Appendix A, Table 12.2. Notes on Table 12.2

a. The Coast Guard estimates that each log entry will take no more than five minutes to complete.

b. The responsibilities of the individual making the log entry is commensurate with that of a Lieutenant (O-3). The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series).

The burden associated with the PIC Letter of Designation portion of this collection is collection is reported in Appendix A, Table 12.3. Notes on Table 12.3:

a. The Coast Guard estimates that each vessel will be required to maintain two designated PICs.

b. Because this collection is performed only once during an individual's period of employment, the number of responses is assumed to match the rate of attrition (turnover), conservatively estimated at 30 percent.

c. The responsibilities of the individual creating the Letter of Designation is commensurate with that of a Lieutenant, Junior Grade (O-2). The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series).

d. We estimate that each letter will take no more than 10 minutes to create.

The burden associated with the DCR recordkeeping portion of this collection is collection is reported in Appendix A, Table 12.4. Notes on Table 12.4:

a. The Coast Guard estimates that each Clerical Recordkeeping Entry will take .08 hours or 5 minutes to complete and each Master/Captain Certification will take .08 hours or 5 minutes to complete.

b. The responsibilities of the individuals making the recordkeeping entry and certification are commensurate with that of GS-11 and GS-15 respectively. The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series).

c. The Coast Guard anticipates that each of the 14 U.S. companies that are operating dry cargo vessels on the Great Lakes will be developing a management plan for their fleet of vessels. We estimate that it will take each company 25 hours to develop the DCR Management Plan and an additional .08 hours or 5 minutes of copy time, of the management plan, for distribution to each of their vessels. The Coast Guard anticipates that foreign vessels will require 2 hours to amended their current waste management plans to meet the new requirements set forth in the SNPRM.

d. For the U.S. population, we anticipate the individuals developing the Management Plan are commensurate with that of a GS – 12, and the individual making the copies with that of a GS – 3. For the foreign population, the Coast Guard anticipates that the individual amending the waste management plan to meet the requirements of the DCR management plan will be commensurate with that of an O-6 (Captain). The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series).

13) Total annualized capital and start-up costs.

There are no capital, start-up or maintenance costs associated with this information collection.

14) Estimates of annualized Federal Government costs.

The estimated annual Federal Government cost is \$3,522 (see Appendix B).

(a), (b), (c): This collection is for recordkeeping purposes only, and the public need not submit the information for review to the Coast Guard. Instead, Coast Guard personnel review these documents

during periodic inspections, random boardings, and post-casualty, in conjunction with other vessel documentation and equipment. We estimate that an O-3 (Lieutenant) or W-3 (Chief Warrant Officer) will conduct reviews on 10% of the respondents each year. The review would take approximately 5 minutes. Summary calculations are provided in Table 14.1 of Appendix B.

(d): For the DCR recordkeeping collection data, the Coast Guard would review records during periodic vessel inspections, random boardings, and post-casualty, in conjunction with other vessel documentation and equipment. In addition, we would analyze reported data as part of the data collection and analysis work to be performed in conjunction with the proposed new rulemaking to consider requiring the use of DCR control measures on the Great Lakes. We estimate that an O-3 (Lieutenant) or W-3 (Chief Warrant Officer) will conduct reviews on 30% of the respondents each year, as this is a new requirement. The review would take approximately 5 minutes. Summary calculations are provided in Table 14.2 of Appendix B. In future years, we expect the DCR review rate to drop to 10% of respondents, similar to the rate for the other requirements in this ICR.

15) Reasons for the change in burden.

The change (i.e., increase) in burden is a PROGRAM CHANGE due to the DCR Final Rule. The rule will continue to allow non-hazardous and non-toxic discharges of bulk DCR in limited areas of the Great Lakes. However, vessel owners and operators will need to minimize DCR discharges using methods they will be required to document in DCR management plans.

16) Plans for tabulation, statistical analysis, and publication.

This information collection will not be published for statistical purposes.

17) Approval for not explaining the expiration date for OMB approval.

The Coast Guard will display the expiration date for OMB approval of this information collection.

18) Explain each exception to the certification statement.

The Coast Guard does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.