

**Information Collection Request for
Water Quality Standards Regulation (Renewal)**

November 2018

EPA ICR Number 0988.13
OMB Control Number 2040-0049

U.S. Environmental Protection Agency
Office of Water
Office of Science and Technology
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Contents

| | | |
|-------|--|----|
| 1. | Identification of the Information Collection..... | 3 |
| 1.1 | Title of the Information Collection..... | 3 |
| 1.2 | Short Characterization/Abstract..... | 3 |
| 2. | Need for and Use of the Collection..... | 5 |
| 2.1 | Need and Authority for the Collection..... | 5 |
| 2.2 | Practical Utility/Users of the Data..... | 8 |
| 3. | Non-Duplication, Consultations, and Other Collection Criteria..... | 10 |
| 3.1 | Non-Duplication..... | 10 |
| 3.2 | Public Notice Required Prior to ICR Submission to OMB..... | 10 |
| 3.3 | Consultations..... | 10 |
| 3.4 | Effects of Less Frequent Collection..... | 11 |
| 3.5 | General Guidelines..... | 12 |
| 3.6 | Confidentiality and Sensitive Questions..... | 12 |
| 4. | The Respondents and the Information Requested..... | 13 |
| 4.1 | Respondents/NAICS Codes..... | 13 |
| 4.2 | Information Requested..... | 14 |
| 4.3 | Respondent Activities..... | 18 |
| 5. | The Information Collected – Agency Activities, Collection Methodology, and Information Management..... | 19 |
| 5.1 | Agency Activities..... | 19 |
| 5.2 | Collection Methodology and Management..... | 19 |
| 5.3 | Small Entity Flexibility..... | 20 |
| 5.3.1 | Indian Tribes..... | 20 |
| 5.3.2 | Small Dischargers..... | 21 |
| 5.4 | Collection Schedule..... | 21 |
| 6. | Estimating the Burden and Cost of the Collection..... | 22 |
| 6.1 | Estimating Respondent Burden and Costs..... | 22 |
| 6.2 | Estimating Agency Burden and Cost..... | 30 |
| 6.3 | Reasons for Change in Respondent Burden..... | 31 |
| 6.4 | Burden Statement..... | 33 |
| 7. | Summary Tables..... | 34 |
| | Table 1: Total annual burden and cost for states, tribes and dischargers..... | 34 |
| | Table 2: Total agency burden and cost..... | 37 |
| | Table 3: Change in Respondent Burden..... | 38 |

1. Identification of the Information Collection

1.1 Title of the Information Collection

The title of this Information Collection Request (ICR) is *Water Quality Standards Regulation (Renewal)*.

1.2 Short Characterization/Abstract

Water quality standards (WQS) are provisions of state,¹ tribal,² or federal law which consist of designated uses for waters of the United States, water quality criteria to protect those uses, and antidegradation requirements. WQS are established to protect public health or welfare, protect and enhance the quality of water, and serve the purposes of the Clean Water Act. Such standards serve the dual purposes of establishing the water quality goals for water bodies, and serving as a regulatory basis for establishing water quality-based treatment controls and strategies beyond technology-based treatment required by sections 301 and 306 of the Act.

The WQS regulation establishes the framework for states and authorized tribes to adopt standards, and for the Environmental Protection Agency (EPA) to review and approve or disapprove them. For the purposes of this ICR, the WQS regulation (or “regulation”) consists of 40 CFR part 131 (Water Quality Standards), and the portions of 40 CFR part 132 (Water Quality Guidance for the Great Lakes System) that are related to WQS.³ This ICR is for information collections needed to implement the WQS regulation, required to obtain or retain benefits (*e.g.*, relaxed regulatory requirements) under the regulation, and to collect voluntary program information useful in administering WQS program effectively and efficiently.

This ICR renews the WQS Regulation ICR, OMB Control Number 2040-0049 with an expiration date of June 30, 2019, and consolidates the burden and costs associated with activities previously reported in two related ICRs, which upon OMB approval will be discontinued as separate ICRs:

- WQS Regulatory Revisions ICR, OMB Control Number 2040-0286 with an expiration date of December 31, 2018; and
- Revised Interpretation of Clean Water Act Tribal Provision ICR, OMB Control Number 2040-0289 with an expiration date of July 31, 2019.

The effect of this ICR renewal and consolidation is a reduction in the number of WQS-related ICRs from three to one. Due to changes in the number of expected responses, EPA anticipates the burden associated with the consolidated ICR to be 507,887 hours, a decrease of 233,140 hours (31.5 percent) from the previously approved burden of the three stand-alone ICRs.

¹ “States” in the EPA WQS regulation and in this document includes 56 entities: the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

² “Tribes” in this document refers to federally recognized tribes and “authorized tribes” refers to those federally recognized Indian tribes with authority to administer a CWA WQS program.

³ These portions include §§ 132.1 - 132.5, Appendices A - E, and procedures 1, 2, and 6 of Appendix F.

This ICR renewal and consolidation includes the following information collection activities:

- (A) WQS Adoption, Review, and Revision (WQS Base Program) *(from original ICR 2040-0049)*
- (B) 2015 WQS Program Revisions *(consolidated from ICR 2040-0286)*
 - (1) Rulemaking
 - (2) Designated Uses: Identifying the Highest Attainable Use
 - (3) Triennial Review: Criteria Explanations
 - (4) Antidegradation: Implementation Methods
 - (5) Antidegradation: Tier 2 Waters Designations
 - (6) Antidegradation: Alternatives Analyses
 - (7) Antidegradation: Additional Tier 2 Reviews
 - (8) WQS Variances: Submission Requirements
 - (9) WQS Variances: Reevaluations
- (C) Great Lakes WQS Requirements *(from original ICR 2040-0049)*
 - (1) Great Lakes Bioassay Tests
 - (2) Great Lakes Antidegradation Demonstrations
 - (3) Great Lakes Regulatory Relief Requests
- (D) Tribal-Related Dispute Resolution Requests and TAS Applications
 - (1) Dispute Resolution Requests *(from original ICR 2040-0049)*
 - (2) Tribal Applications for TAS *(from original ICR 2040-0049, updated by consolidation from ICR 2040-0289)*
- (E) Periodic Requests for WQS Program Information *(quantified for the first time in this ICR)*

2. Need for and Use of the Collection

2.1 Need and Authority for the Collection

This section describes the need and authority for the collections of information described in this ICR. Table 1 summarizes the collections and authorities.

(A) WQS Adoption, Review, and Revision (WQS Base Program)

Authorities: Section 303(c) of the Clean Water Act (CWA or “the Act”), 33 U.S.C. 1313(c); 40 CFR part 131, especially §§ 131.5, 131.6, 131.20 - 131.22; 40 CFR part 132, especially §§ 132.1 - 132.5, Appendices A - E, and procedures 1, 2, and 6 of Appendix F.

The CWA under section 303(c) and the EPA WQS regulation under 40 CFR parts 131 and 132 govern the WQS program. They require states and authorized tribes⁴ to review and, as appropriate, revise their WQS (or adopt new standards) at least once every three years, and to submit to the Agency the results and WQS revisions or new standards resulting from the reviews. The Agency then reviews each state or tribal submission for approval or disapproval. Once approved by the Agency, the standards become effective for all purposes under the Act.

Specifically, 40 CFR 131.20 establishes the requirement for state or tribal review and revision of WQS; 40 CFR 131.6 establishes the minimum requirements for states and authorized tribes to submit new and revised WQS and supporting materials to the Agency for review and approval or disapproval; and 40 CFR 131.5 prescribes the EPA review of such submissions. The Agency must review these materials to determine: (a) whether the state or tribe has adopted designated water uses which are consistent with the requirements of the Clean Water Act; (b) whether the state or tribe has adopted criteria that protect the designated water uses based on sound scientific rationale consistent with the regulation; (c) whether the state or tribe has adopted an antidegradation policy consistent with the regulation and whether any adopted antidegradation implementation methods are consistent with the regulation; (d) whether any adopted WQS variance is consistent with the regulation; (e) whether any adopted provision authorizing the use of schedules of compliance for water quality-based effluent limits in National Pollutant Discharge Elimination System (NPDES) permits is consistent with the regulation; (f) whether the state or tribe has followed applicable legal procedures for revising or adopting standards; (g) whether state or tribal WQS which do not include the uses specified in section 101(a)(2) of the Act are based on appropriate technical and scientific data and analyses; and (h) whether the state or tribal submission meets the requirements included in § 131.6, and, for Great Lakes states or tribes, the requirements of 40 CFR part 132. This information collection will ensure that the Agency has the needed information to review WQS as required to make approvals or disapprovals, and to make Administrator determinations that new or revised WQS are necessary.

⁴ Tribes that have received EPA authorization to administer the water quality standards program under 40 CFR 131.8. The Agency maintains a current list of such tribes at <https://www.epa.gov/wqs-tech/epa-approvals-tribal-water-quality-standards-and-contacts>.

(B) 2015 WQS Program Revisions

Authorities: 40 CFR part 131, especially §§ 131.10, 131.12, 131.14, 131.15, and 131.20

In 2015, the EPA revised 40 CFR part 131 to clarify certain specific requirements of the WQS regulation (2015 WQS Program Revisions).⁵ This ICR incorporates additional information collection requirements resulting from that regulation, including:

- (1) rulemakings as needed to conform state and tribal programs to the 2015 program revisions, including meeting revised requirements for antidegradation policies and implementation, WQS variances, and authorizations for NPDES permit compliance schedules;
- (2) identifying and adopting the highest attainable use (HAU) whenever adopting new or revised WQS based on a required use attainability analysis, and submitting “use and value demonstrations” when removing designated uses not specified in CWA section 101(a)(2);
- (3) providing an explanation for why the state or authorized tribe is not adopting new or revised criteria for parameters for which the EPA published new or updated CWA section 304(a) criteria recommendations;
- (4) involving the public when developing or revising antidegradation implementation methods;
- (5) involving the public when a state or authorized tribe uses the water body-by-water body approach to identify waters receiving Tier 2 antidegradation protection;
- (6) performing/evaluating more extensive Tier 2 antidegradation reviews because they now must evaluate a range of non-degrading and less degrading practicable alternatives;
- (7) performing/evaluating more Tier 2 antidegradation reviews because more water bodies may be receiving Tier 2 protection pursuant to new requirements when designating Tier 2 waters on a water body-by-water body basis;
- (8) additional documentation when submitting WQS variances; and
- (9) reevaluating WQS variances with a term longer than five years no less frequently than every five years.

These information collections will ensure that the Agency has the needed information to review WQS as required to make approvals or disapprovals, and to make Administrator determinations that new or revised WQS are necessary.

⁵ See *Water Quality Standards Regulatory Revisions*, final rule, Aug. 21, 2015, 80 FR 51020. The rule clarified requirements related to: EPA Administrator determinations that new or revised water quality standards are necessary; designated uses for water bodies; triennial reviews of state and tribal WQS; antidegradation requirements and implementation; WQS variances; and provisions authorizing the use of schedules of compliance for water quality-based effluent limits in NPDES permits. See <https://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation>.

(C) Great Lakes WQS Requirements

Authorities: Section 118(c)(2) of the Clean Water Act, and 40 CFR part 132, especially §§ 132.1 - 132.5, Appendices A – E, and procedures 1, 2, and 6 of Appendix F.

Special WQS requirements for waters of the Great Lakes system⁶ were enacted in the Great Lakes Critical Programs Act of 1990 and are specified in section 118(c)(2) of the Clean Water Act and in 40 CFR part 132 (Water Quality Guidance for the Great Lakes System). States and authorized tribes in the Great Lakes basin must establish certain water quality criteria, implementation procedures, and antidegradation provisions that are as protective as the requirements in 40 CFR part 132. The Great Lakes information collections in this ICR consist of the following three activities that water dischargers may initiate in accordance with 40 CFR part 132 provisions to obtain or maintain benefits in the form of relaxed regulatory requirements, and the actions of Great Lakes states and tribes in response to these activities:

- (1) Great Lakes bioassay tests to enable states and tribes to develop site-specific water quality criteria and values;⁷
- (2) Great Lakes antidegradation demonstrations to enable states and tribes to approve certain discharger activities that would lower water quality in high quality waters; and
- (3) Great Lakes regulatory relief requests, such as modifications to water quality criteria, or discharge variances from WQS.

(D) Tribal-Related Dispute Resolution Requests and TAS Applications

Authorities: CWA section 518(e) and 40 CFR part 131, §§ 131.7 and 131.8.

- (1) 40 CFR 131.7 establishes a mechanism in for resolution of disputes which arise between states and tribes over differing WQS on common bodies of water. Where an authorized tribe or state desires a formal dispute resolution action, an information collection is necessary to enable the EPA to fulfill its responsibilities under CWA section 518(e) in a reasonable and timely manner. The state or tribal request constitutes an information collection to obtain a benefit.
- (2) 40 CFR 131.8 specifies requirements for Indian tribes to administer a WQS program. To be found eligible, a tribe must apply to the EPA to be treated in a similar manner as a state (TAS) and demonstrate that it meets certain criteria.⁸ The tribal application constitutes an information collection to obtain a benefit.

⁶ The “Great Lakes system” means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes within the United States.

⁷ Bioassay tests can be initiated either by dischargers or by states and tribes. In order to avoid underestimating the burden on dischargers, this ICR assumes that the tests are conducted by dischargers.

⁸ Per 40 CFR 131.8, the tribe must be federally recognized; the tribe must have a governing body carrying out substantial governmental duties and powers; the WQS program must be administered for water resources within the borders of an Indian reservation or legal equivalent; and, the tribe must reasonably be expected to be capable of carrying out the functions of an effective WQS program under the Act.

(E) Periodic Requests for WQS Program Information

Authorities: CWA section 104(a)(1) (authorizing surveys and studies related to prevention, reduction, and elimination of water pollution).

From time to time, the EPA may request states and tribes to provide information voluntarily that would assist in administering state, tribal, regional and national WQS programs effectively and efficiently, and further cooperative federalism. For example, the Agency may request technical information to assist in developing guidance or other materials; technical comments on draft program-related policies and guidance documents; and information concerning program operations to assist in information sharing and improving program efficiency. The Agency may also invite state and tribal participation in program-related work groups. Submission of state or tribal information and participation by states and tribes in workgroups is voluntary.

2.2 Practical Utility/Users of the Data

**(A) WQS Adoption, Review, and Revision (Base Program); and
(B) 2015 WQS Program Revisions**

The EPA will use the information collected under (A) WQS Base Program and (B) 2015 WQS Program Revisions of this ICR to carry out its oversight responsibilities under the CWA and the WQS regulation. Specifically, 40 CFR 131.21 requires the Agency to review any state or tribal submissions of new or revised WQS, and all supporting materials, and to approve or disapprove the WQS. The decision criteria for approving or disapproving the submitted WQS are specified in the WQS regulation, including 40 CFR 131.5, as described in section 2.1 above, and 40 CFR 131.6.

Once approved by the EPA, WQS adopted by states and authorized tribes generally become effective for all CWA purposes.^{9,10} WQS serve as the basis for water quality-based effluent limitations in NPDES permits for point source dischargers (including publicly-owned treatment works and industrial facilities) under sections 301(b)(1)(C) and 402 of the Act. In addition, under CWA section 303(d), states and authorized tribes must identify which waters are not meeting their WQS. For waters identified under section 303(d), WQS serve as the basis for establishing total maximum daily loads. WQS are also used as the basis to protect wetlands and other aquatic resources by providing states and authorized tribes an opportunity to address the aquatic resource impacts of federally issued permits and licenses under section 401 of the Act.

If new or revised WQS adopted by states or tribes are not approved by the EPA, they do not become effective for CWA purposes. Thus, if the information collection activities in this ICR are not performed, it would be difficult for the Agency to review the WQS, and the state or tribal WQS would likely not go into effect and could not serve as the basis for CWA regulatory actions to restore and maintain water quality.

(C) Great Lakes WQS Requirements

Great Lakes states and authorized tribes and the EPA will use the information collected under (C) Great Lakes WQS Requirements to help determine whether to approve requests for

⁹ The full text of all applicable WQS are available on the Agency website. See <https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa>,

¹⁰ Exceptions can occur for waters where the Agency has promulgated corresponding federal WQS and such federal WQS would need to be withdrawn for the state or tribal approved standards to become effective for CWA purposes.

regulatory relief and certain changes in WQS requested by Great Lakes dischargers under provisions of 40 CFR part 132. Specifically, the information will assist states, tribes, and the Agency in: (1) reviewing and approving or disapproving changes in water quality criteria supported by bioassay tests; (2) making antidegradation decisions which determine whether an activity a discharger is about to undertake will be allowed, even though it may lower high water quality; and (3) reviewing whether to grant discharger requests for certain types of regulatory relief. The Agency could not make such decisions without the information collected.

(D) Tribal-Related Dispute Resolution Requests and TAS Applications

The EPA will use information collected under (D) Tribal-Related Dispute Resolution Requests and TAS Applications to determine whether to initiate the dispute resolution mechanism in 40 CFR 131.7 to resolve disputes between states and authorized tribes that may arise as a result of differing water quality standards on common bodies of water, and whether to find an applicant tribe eligible for TAS to administer the WQS program under 40 CFR 131.8. The Agency could not make such decisions without the information collected.

(E) Periodic Requests for WQS Program Information

The EPA will use state and tribal information provided voluntarily under (E) Periodic Requests for WQS Program Information to advance cooperative federalism. This includes developing guidance or other materials to help make program-related policies and guidance documents useful and technically accurate; to facilitate sharing of information; and to improve program efficiency.

3. Non-Duplication, Consultations, and Other Collection Criteria

3.1 Non-Duplication

The information collection requirements described in this ICR do not duplicate the information collection requirements described in other EPA ICRs.

Two collections – (C)(2) Great Lakes Antidegradation Demonstrations and (C)(3) Great Lakes Regulatory Relief Requests – appear in both this ICR (WQS Regulation) and a separate ICR (NPDES Program), OMB Control Number 2040-0004. This ICR covers the WQS portion of the collections, and the NPDES Program ICR covers the NPDES portion of the collections.

3.2 Public Notice Required Prior to ICR Submission to OMB

On June 15, 2018, the EPA published a Federal Register notice¹¹ to solicit comments and information to enable the Agency to: (1) evaluate whether the proposed collection of information in the proposed ICR is necessary and will have practical utility; (2) evaluate the accuracy of the Agency estimate of the burden estimates and the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond.

The Agency received seven comments from the public in response to the notice. Copies of the comments are available in the docket for this ICR.¹² Each of these comments was outside the scope of the notice. For more information about these comments, see the Response to Comments document in the docket.

3.3 Consultations

The EPA has consulted with states, tribes, and stakeholders continually on all aspects of the WQS program, including information collection, since the inception of the Clean Water Act, and particularly since the WQS regulation was finalized in 1983. Since 2003, EPA has had regular monthly or bimonthly meetings with the WQS Managers Association, a group of state and EPA managers responsible for WQS programs at the state, regional, and national level. At these meetings, the group discusses a variety of policy and program issues, including information collection. For example, the group discussed various options for developing and implementing the 2015 WQS Program Revisions that included ways to minimize reporting and recordkeeping burden.

The Agency has also conducted specific consultations concerning information collection. The consultations most relevant to this ICR are as follows:

In 2014, the EPA consulted with seven states to gather input regarding burden estimates related to the WQS base program and the anticipated requirements of the 2015 WQS Program Revisions then under development. The resulting burden estimates are discussed in section 6.1 under (B) 2015 WQS Program Revisions. In these discussions, the Agency and the states recognized

¹¹ *Proposed Information Collection Request; Comment Request; Water Quality Standards Regulation (Renewal)*, EPA, 83 FR 27891, June 15, 2018.

¹² The docket for this ICR is available for online viewing at www.regulations.gov, by searching for ID No. EPA-HQ-OW-2011-0465. See section 6.4 below for more information about the docket.

that simply adding the burden estimates for implementing the 2015 WQS Program Revisions to the burden for the WQS base program might not reflect the burden that would result after integrating and optimizing the new and existing activities. Thus, the states preferred that the Agency wait until the revisions to 40 CFR part 131 regulations were proposed, finalized and implemented before consulting in-depth with states to update burden estimates for the WQS program as a whole. Some states and authorized tribes have yet to reach full implementation of the 2015 WQS Program Revisions.

Also in 2014, the EPA consulted with eight tribes with experience in applying for TAS for the WQS program regarding anticipated burden reductions under the interpretive rule, *Revised Interpretation of Clean Water Act Tribal Provision*, that the Agency later finalized in 2016. Information from these tribes was used in developing the burden estimates that appear in section 6.1 under (D)(2) Tribal Applications for TAS.

The EPA also consulted with states, tribes, dischargers, and the public in the Great Lakes area to develop the final 1995 rule, *Water Quality Guidance for the Guidance System*, now codified as 40 CFR part 132. The Agency relied on these consultations to help develop burden estimates for that rule and has updated the estimates in subsequent ICR renewals. The burden estimates for this renewal are discussed in section 6.1 under (C) Great Lakes WQS Requirements.

During the initiation of the base WQS program, the Agency consulted with 11 states to develop burden estimates for the purposes of the WQS Regulation ICR. The 11 states represented various geographical areas, differing levels of water quality management activities, and differing approaches to controlling priority toxic pollutants for consultation.

The Agency is renewing this ICR with the recognition that the burden estimates herein are the best available estimates currently and remain valid as reasonable approximations of actual burden to respondents. Pursuant to 5 CFR section 1320.8(d)(1), the Agency plans to consult with a representative group of states and tribes on key aspects of the ICR prior to the next renewal of this ICR.

3.4 Effects of Less Frequent Collection

- (A) WQS Adoption, Review, and Revision (WQS Base Program);**
- (B)(2) Designated Uses: Identifying the Highest Attainable Use;**
- (B)(3) Triennial Review: Criteria Explanations; and**
- (B)(4) Antidegradation: Implementation Methods**

The reporting frequency of the above four collections (see section 4 for descriptions of all information collection categories) is generally established by statute in CWA section 303(c), which requires states and authorized tribes to hold public hearings from time to time (but at least once every three-year period) for the purpose of reviewing applicable WQS, and, as appropriate, modifying and adopting standards. Results of such reviews shall be made available to the Administrator. This triennial frequency is not adjustable by the EPA. States and authorized tribes may schedule more frequent WQS reviews than required at their discretion.

- (B)(1) Rulemaking; and**
- (B)(5) Antidegradation: Tier 2 Waters Designations**

These two collections are one-time activities triggered by the 2015 WQS Program Revisions.

- (B)(6) Antidegradation: Alternatives Analyses;**
- (B)(7) Antidegradation: Additional Tier 2 Reviews;**
- (B)(8) WQS Variances: Submission Requirements;**
- (B)(9) WQS Variances: Reevaluations;**
- (C)(1) Great Lakes Bioassay Tests;**
- (C)(2) Great Lakes Antidegradation Demonstrations;**
- (C)(3) Great Lakes Regulatory Relief Requests;**
- (D)(1) Dispute Resolution Requests; and**
- (D)(2) Tribal Applications for TAS**

These nine collections are for activities that are primarily driven by initiatives to obtain or retain benefits pursuant to the WQS regulation. The Agency has no control over the frequency of these collections.

(E) Periodic Requests for WQS Program Information

For this collection, the EPA practice is to limit the number of periodic requests for WQS program information from states and authorized tribes to as few as possible. Such requests are generally cleared by senior managers before being initiated. The Agency often coordinates in advance with state and tribal associations to determine the nature and timing of such requests. Additionally, the Agency has been working with states and authorized tribes to ensure that the operation of the WQS Program uses a cooperative federalism approach. As such, the Agency offers states and tribes the opportunity to participate in workgroups to provide accurate information regarding implications of implementing potential technical approaches or policy directions. In all cases, states' and tribes' submission of information and participation in workgroups is voluntary.

3.5 General Guidelines

The EPA reviewed this ICR for compliance with OMB information collection guidelines in 5 CFR 1320.5(d)(2) and concludes it is in compliance.

3.6 Confidentiality and Sensitive Questions

State and authorized tribal submissions to the EPA under this ICR will contain no confidential or sensitive information.

Most information from dischargers under collection (C), Great Lakes WQS Requirements, will contain no confidential or sensitive information. In some cases, however, Great Lakes dischargers may elect to submit confidential business information to help support antidegradation alternatives analyses, designated use revisions, and WQS variances. If this is the case, the discharger may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7 and the EPA Security Manual Part III, chapter 9, dated August 9, 1976.

4. The Respondents and the Information Requested

This section describes the respondents for this ICR and the information that the EPA will collect.

4.1 Respondents/NAICS Codes

The following describes the universe of potential respondents. The actual numbers estimated to submit information annually are described in section 6.

“States” described as respondents in this ICR refers to the 50 states, the District of Columbia, and five territories (*i.e.*, 56 “states”).¹³

“States and authorized tribes” in this ICR refers to the 100 entities with WQS: the 56 states defined above and any federally-recognized Indian tribes that have EPA approved WQS. As of November 2018, there were 44 such tribes.”¹⁴

“Great Lakes states and tribes” refers to the eight states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and tribes that have adopted EPA approved WQS for waters of the Great Lakes system (five tribes to date). These 13 respondents are in NAICS code 92411 “Administration of Air and Water Resources and Solid Waste Management Programs,” formerly SIC code #9511.

Any of over 240 federally recognized tribes with a reservation could potentially apply for TAS to administer a WQS program under collection (D)(2) Tribal Applications for TAS.¹⁵ The respondents affected by this collection activity are in NAICS code 92411 “Administration of Air and Water Resources and Solid Waste Management Programs.”

Any authorized Indian tribes with EPA approved WQS, or the states that share common water bodies with such tribes, can potentially submit dispute resolution requests under collection (D) (1) Dispute Resolution Requests. The respondents affected by this collection activity are in NAICS code 92411 “Administration of Air and Water Resources and Solid Waste Management Programs.”

The potential “Discharger” respondents affected by elements of this ICR under (C) Great Lakes WQS Requirements include the following NAICS codes: Mining (except oil and gas) (212), Food manufacturing (311), Paper manufacturing (322), Chemical manufacturing (325), Petroleum refineries (32411), Primary metal manufacturing (331), Fabricated metal product manufacturing (332), Machinery manufacturing (333), Computer and electronic product manufacturing (334), Electrical equipment, appliance, and component manufacturing (335),

¹³ The five territories are the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands

¹⁴ The tribes with EPA approved WQS are listed on the Agency website. See <https://www.epa.gov/wqs-tech/epa-approvals-tribal-water-quality-standards-and-contacts>.

¹⁵ A federally recognized tribe may apply for TAS if the tribe has a reservation and is otherwise eligible. Over 300 federally recognized tribes have reservations, and of these, as of November 2018, 60 applicant tribes have been found eligible, of which 44 have adopted EPA approved WQS. This leaves over 240 tribes that could potentially apply for TAS.

Transportation equipment manufacturing (336), Electric power generation, transmission, and distribution (2211), and Sewage treatment facilities (22132).

4.2 Information Requested

(A) WQS Adoption, Review, and Revision (WQS Base program)

The WQS regulation at 40 CFR 131.20 requires that whenever a state or authorized tribe adopts new or revised WQS, it must submit the WQS to the EPA for review and approval. The WQS regulation at 40 CFR 131.6 establishes the following minimum requirements for a WQS submission, in addition to the new or revised WQS themselves:

- Use designations consistent with sections 101(a)(2) and 303(c)(2) of the Act;
- Methods used and analyses conducted to support WQS revisions;
- Water quality criteria sufficient to protect the designated uses;
- An antidegradation policy consistent with 40 CFR 131.12;
- Certification by the state or tribal Attorney General or other appropriate legal authority within the state or tribe that the WQS were duly adopted pursuant to state or tribal law; and
- General information which will aid the EPA in determining the adequacy of the scientific basis of the standards which do not include the uses specified in section 101(a)(2) of the Act as well as information on general policies applicable to state standards which may affect their application and implementation.

The WQS regulation at 40 CFR 131.20 requires states and authorized tribes to review applicable WQS – those adopted into state or tribal law pursuant to the WQS regulation as well as federally promulgated WQS – at least once every three years and submit the following information to the EPA:

- The results of the review;
- Any supporting analysis for the use attainability analysis;
- The methodologies used for site-specific criteria development;
- Any general policies applicable to WQS;
- Any revisions of the WQS; and
- An explanation for not adopting new or revised criteria for certain parameters (see (B)(3) Triennial Review: Water Quality Criteria Explanations below).

(B) 2015 WQS Program Revisions

(B)(1) Rulemaking

States and authorized tribes are performing one-time WQS rulemakings where needed to conform their programs to the 2015 WQS Program Revisions. Where WQS programs already meet these requirements, the state or authorized tribe may not need to do rulemaking. The program elements most likely to require rulemakings include antidegradation policies and implementation methods, and any provisions the state or tribe chooses to adopt into its WQS rules governing the issuance of WQS variances or authorizing the use of NPDES permit compliance schedules. Such provisions are WQS subject to EPA review and approval. States and authorized tribes must submit such provisions to the Agency.

(B)(2) Designated Uses: Identifying the Highest Attainable Use

The 2015 WQS Program Revisions require states and authorized tribes to adopt the HAU whenever adopting new or revised WQS based on a required use attainability analysis (UAA). Additionally, the revisions require states and authorized tribes to submit a “use and value demonstration” when removing non-101(a)(2) uses, but this requirement may be satisfied with a UAA. Consequently, the rule may require some states and authorized tribes to modify their designated use revision process to include identification and adoption of the HAU, thus increasing the information submitted to the EPA.

(B)(3) Triennial Review: Criteria Explanations

The Clean Water Act requires states and authorized tribes to review applicable WQS at least once every three years. The 2015 WQS Program Revisions added a requirement to 40 CFR 131.20 of the WQS regulation for states and authorized tribes to provide an explanation if they are not adopting new or revised criteria for parameters for which the EPA published new or updated CWA section 304(a) national recommended water quality criteria, thus increasing the information submitted to the Agency.

(B)(4) Antidegradation: Implementation Methods

(B)(5) Antidegradation: Tier 2 Waters Designations

(B)(6) Antidegradation: Alternatives Analyses

(B)(7) Antidegradation: Additional Tier 2 Reviews

The 2015 WQS Program Revisions require states and authorized tribes not to exclude water bodies from Tier 2 antidegradation protection solely because water quality does not exceed levels necessary to support all of the uses specified in CWA section 101(a)(2). The 2015 WQS Program Revisions also provide that before allowing a lowering of high water quality, states and authorized tribes must evaluate a range of non-degrading and less degrading practicable alternatives. Furthermore, the regulation specifies that, where states and authorized tribes identify waters to receive Tier 2 protection on a water body-by-water body basis, states and authorized tribes must involve the public on any decisions pertaining to when they will provide Tier 2 protection, and the factors considered in such decisions. Finally, the regulation requires states’ and authorized tribes’ antidegradation implementation methods to be consistent with these requirements, and to provide an opportunity for public involvement during the development and any subsequent revisions of antidegradation implementation methods. These requirements could potentially result in incremental information collection associated with the following activities:

- Involving the public when developing or revising antidegradation implementation methods;
- Involving the public when a state or authorized tribe uses the water body-by-water body approach to identify waters receiving Tier 2 antidegradation protection;
- Performing/evaluating more extensive Tier 2 antidegradation reviews because they now must evaluate a range of non-degrading and less degrading practicable alternatives; and
- Performing/evaluating more Tier 2 antidegradation reviews because more water bodies may be receiving Tier 2 protection.

(B)(8) WQS Variances: Submission Requirements

(B)(9) WQS Variances: Reevaluations

The 2015 WQS Program Revisions provided more specificity and clearer submission requirements for the development and use of WQS variances. Most of the revisions specify or clarify when and how WQS variances should be used, and thus are unlikely to result in significant incremental administrative burden and cost to states and authorized tribes. However, two revisions potentially result in increased information collection:

- Specification of the documentation that states and authorized tribes must submit to the EPA when requesting Agency review and approval of a WQS variance; and
- Requirement that states and authorized tribes reevaluate WQS variances with a term longer than five years no less frequently than every five years and to submit the results of those reevaluations to the EPA.

(C) Great Lakes WQS Requirements

(C)(1) Great Lakes Bioassay Tests

The WQS regulation at 40 CFR 132.3 specifies that Great Lakes states and tribes must adopt certain water quality criteria published by the EPA, or criteria that they develop using methodologies published by the Agency. Dischargers may choose to conduct bioassay tests or other studies to assist the states and tribes in developing such criteria. Any bioassay tests or other studies must conform to the methodologies in Appendices A, B, C, and D of 40 CFR part 132.

(C)(2) Great Lakes Antidegradation Demonstrations

Appendix E to 40 CFR part 132 of the WQS regulation specifies that any entity seeking to lower water quality in a high-quality water of the Great Lakes system, or proposing a new or increased discharge to Outstanding International Resource Waters (OIRWs) of the Lake Superior Basin, must submit an antidegradation demonstration to the NPDES permitting authority (normally the state or the EPA). The regulation specifies that the demonstration include:

- A pollution prevention alternatives analysis;
- An alternative or enhanced treatment analysis; and
- An important social or economic development analysis.

Appendix E to 40 CFR part 132 contains additional requirements where OIRWs or certain remedial actions¹⁶ are involved.

(C)(3) Great Lakes Regulatory Relief Requests

Appendix F to 40 CFR part 132 specifies at least two ways that the Great Lakes WQS adopted pursuant to 40 CFR part 132 may be modified to provide regulatory relief: site-specific modifications to criteria and values (Procedure 1), and variances from WQS (Procedure 2).

Great Lakes dischargers seeking site-specific water quality criteria modifications would need to provide data to the state or tribe in accordance the methodologies in Appendices A, B, C, and D to 40 CFR part 132.

¹⁶ Remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), corrective actions under the Resource Conservation and Recovery Act (RCRA), or similar actions under other federal or state laws.

Great Lakes dischargers seeking variances from WQS need to apply to the state or tribe and provide information demonstrating that attaining the standards is not feasible based on one or more of six specified factors, including natural conditions, human-caused conditions that cannot be remedied, certain hydrologic modifications, or controls that would result in substantial and widespread economic and social impact.

(D)(1) Dispute Resolution Requests

The WQS regulation at 40 CFR 131.7 specifies that an authorized tribe or state interested in having the EPA initiate a formal dispute resolution action must submit a written request to the lead Regional Administrator. Information that a state or tribe must submit with the request includes:

- A concise statement of the unreasonable consequences that are alleged to have arisen because of differing WQS;
- A concise description of the actions which have been taken to resolve the dispute without EPA involvement;
- A concise indication of the state/tribal WQS provision which has resulted in the unreasonable consequences;
- Factual data to support the alleged unreasonable consequences; and
- A statement of the relief sought from the alleged unreasonable consequences.

(D)(2) Tribal Applications for TAS

The WQS regulation at 40 CFR 131.8(b) specifies the information a tribe must provide in its program application for TAS. Specifically, an interested tribe must submit:

- A statement that the tribe is recognized by the Secretary of the Interior;
- A descriptive statement demonstrating that the tribal governing body is currently carrying out substantial governmental duties and powers over a defined area;
- A descriptive statement of the Indian tribal authority to regulate water quality, and an identification of the surface waters for which the tribe proposes to establish WQS;
- A narrative statement describing the capability of the Indian tribe to administer an effective WQS program; and
- Any additional documentation required by the Regional Administrator, which in the judgment of the Regional Administrator, is necessary to support the application.

Where a tribe has previously qualified for TAS under another program, the tribe need only provide the required information which has not been submitted in a previous application.

(E) Periodic Requests for WQS Program Information

From time to time, the EPA may request technical information from states and tribes in support of its effective and efficient administration of regional and national WQS program. Such information would relate directly to a state or tribe's program and would likely consist of technical information to assist in developing guidance or other materials; technical comments on draft program-related policies and guidance documents; information concerning program operations to assist in information sharing and improving program efficiency; and state and tribal participation in program-related work groups. The Agency may also invite state and tribal participation in program-related work groups. Submission of state or tribal information or participation by state and tribes in workgroups is voluntary.

4.3 Respondent Activities

The EPA identified the following activities respondents may need to undertake under this ICR:

- Reviewing instructions, guidance, and regulations necessary for each collection;
- Planning of information collection activities, including identifying required analyses, gathering and analyzing existing water quality data, effluent data, and waterbody use information as needed;
- Generating, gathering, and organizing information needed for each collection;
- Planning for and conducting required public hearings for triennial reviews and/or proposing and adopting new or revised WQS;
- Conducting public outreach and obtaining public input where appropriate. Includes issuing public notices, managing information for the public on websites, soliciting comments, and documenting, reviewing, and responding to comments;
- Preparing submissions to the EPA, including assembling all materials and, where required, obtaining attorney general certifications that WQS have been adopted according to state or tribal law and the Agency requirements;
- Organizing and implementing recordkeeping as required; and
- Providing voluntary information in response to requests, providing voluntary technical comments on draft policies and guidance documents, and participating voluntarily in workgroups on WQS program implementation.

5. The Information Collected – Agency Activities, Collection Methodology, and Information Management

5.1 Agency Activities

The EPA conducts a full range of activities associated with this ICR, including the following.

- Assembling relevant information to conduct the Agency review of new or revised WQS submitted by states and authorized tribes;
- Reviewing new or revised WQS standards for consistency with the CWA and the WQS regulation;
- Preparing and sending a letter to the state or tribe conveying the EPA approval or disapproval decision(s);
- Making any Administrator determinations that federal WQS are necessary;
- Proposing, seeking comment on, and promulgating federal standards where state or tribal WQS are disapproved or where the Administrator has determined that federal WQS are necessary;
- Proposing, seeking comment on, and finalizing the withdrawal of federal standards when a state or tribe adopts corresponding WQS that the Agency has approved;
- Notifying appropriate governmental entities and others, where appropriate, that a tribe has applied for TAS, and providing an opportunity for them to comment on the tribal assertion of authority;
- Evaluating the tribal TAS application and relevant comments to determine whether the tribe meets statutory and regulatory criteria for TAS eligibility, and notifying the tribe if the application is approved; and
- Reviewing requests for EPA assistance to resolve disputes regarding differing state and tribal WQS on common bodies of water. Managing the dispute resolution process where the Agency determines that a dispute resolution action under 40 CFR 131.7 is justified.

See also section 2.2, Practical Utility/Users of the Data.

Activities related to, but not included in, this ICR include revising the WQS regulation as needed; developing policies, guidance, and technical resources for states and tribes; developing national recommended water quality criteria; assisting states and tribes in interpreting and implementing regulations, policies and initiatives; and coordinating activities related to standards with other CWA programs and with other federal agencies. The Agency website, Water Quality Standards: Regulations and Resources, provides more information. See <https://www.epa.gov/wqs-tech>.

5.2 Collection Methodology and Management

States and authorized tribes submit their new and revised WQS to the appropriate EPA regional office. Likewise, tribes applying for TAS, and states or tribes requesting dispute resolution, submit their requests to the regional office. Responsibility for Agency decisions on WQS, TAS applications, and dispute resolution requests has been delegated to Regional Administrators, or in some cases, redelegated to officials designated by the Regional Administrator.

The WQS staffs in EPA regional offices work closely with states and authorized tribes on WQS issues, and are available to review and offer comments on draft proposed and final WQS submissions. Headquarters provides support to the regional offices in the review of these submissions.

The EPA posts approved WQS adopted by states and authorized tribes, and federally promulgated WQS on its website. See <https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa>.

The Agency also maintains the Great Lakes Initiative (GLI) Clearinghouse. The Clearinghouse is a central resource for developing water quality standards in the Great Lakes watershed. It contains information on criteria, toxicity data, exposure parameters and other supporting documents. It can be used to help establish water quality criteria, permit discharge limits, Total Maximum Daily Loads, Remedial Action Plans and Lakewide Management Plans. The Clearinghouse is accessible on the Agency website. See <https://www.epa.gov/gliclearinghouse>.

The WQS regulation does not specify the form – hardcopy or electronic – for submitting responses under this ICR. The EPA is committed to reducing reporting burden, and before the next ICR renewal will review the practices listed below to identify opportunities for expanded electronic reporting to the Agency:

- Hardcopy reporting is generally used for submitting new or revised WQS and supporting materials, and for providing other explanations, reports, and requests specified by the WQS regulation, although states and tribes sometimes provide electronic copies as well; and
- Electronic reporting is generally used for responses to periodic EPA requests for voluntary WQS program information from states and authorized tribes.

5.3 Small Entity Flexibility

The reporting requirements discussed in this ICR do not place an unreasonable burden on small entities.

5.3.1 Indian Tribes

The EPA has long recognized that tribes require special considerations considering their generally small size and their unique status as sovereign entities. For the WQS program, the Agency has provided special guidance, training, and technical assistance tailored to the unique needs of tribes to help build their capacity to apply for and administer the WQS program. In addition, the Agency provides substantial funding to tribes through the Indian General Assistance Program (GAP) and tribal allocations of CWA section 106 Water Pollution Control Program grants that tribes can use to develop WQS capabilities and administer WQS programs.

In 1994, the Agency established a “simplification rule” (59 FR 64339) to make it easier for tribes to obtain Agency approval for TAS to administer CWA regulatory programs. This rule enabled tribal applications to be combined with other administrative steps, simplified certain showings that a tribe needs to make, simplified jurisdictional analyses, and gave more flexibility to determining whether a tribe has program capability. Each of these steps helped minimize information to be collected.

In 2016, the EPA further simplified the process of applying for TAS. It issued a final interpretive rule, *Revised Interpretation of Clean Water Act Tribal Provision*, 81 FR 30183, May 16, 2016. The rule concluded that CWA section 518 includes an express delegation of authority by Congress to Indian tribes to administer regulatory programs over their entire reservations, subject to the eligibility requirements in section 518. This eliminated the need for applicant tribes to demonstrate inherent authority, which was found to be burdensome for many applicants. Further, the Agency provided customizable templates for tribes to prepare TAS applications and draft WQS for adoption, and posted them on its website. See <https://www.epa.gov/wqs-tech/tribes-and-water-quality-standards>.

5.3.2 Small Dischargers

The WQS regulation at 40 CFR part 131 only applies to states and authorized tribes and not to dischargers, while the WQS regulation at 40 CFR part 132 applies to states, authorized tribes and dischargers in the Great Lakes. This ICR includes three elements that involve information collection from dischargers: (C)(1) Great Lakes Bioassay tests, (C)(2) Great Lakes Antidegradation Demonstrations, and (C)(3) Great Lakes Regulatory Relief Requests. With these three information collections, dischargers to the Great Lakes system may seek various forms of regulatory relief. The Great Lakes elements of the WQS regulation do not specify different requirements for small dischargers compared to the requirements for other Great Lakes dischargers. Requests for regulatory relief are generally voluntary. A small discharger to waters in the Great Lakes System that seeks to expand operations in a way that triggers antidegradation provisions, or that conducts bioassay testing, or requests a variance from effluent limitations, does so based on its assessment that the benefits of doing so outweigh the burdens. The time and effort required to prepare a small facility's antidegradation demonstration or variance request might be less than that required to develop similar information for a larger, more complex facility. The Agency is developing resources and tools that may assist small dischargers develop such information. For example, see the WQS Variance Building Tool on the Agency website at <https://www.epa.gov/wqs-tech/water-quality-standards-variance-building-tool>.

5.4 Collection Schedule

The CWA and the WQS regulation require state and authorized tribes to conduct reviews of applicable WQS at least once every three years. For WQS variances with terms longer than five years, the WQS regulation requires reevaluations of the variances no less frequently than every five years. No other WQS activities in this ICR must occur on a fixed schedule. See section 3.4 for a discussion of these other activities.

6. Estimating the Burden and Cost of the Collection

6.1 Estimating Respondent Burden and Costs

In this section, the EPA calculates respondent burden and costs.

- The respondent **burden** for each collection is generally based on estimates of the number of responses expected times estimates of the burden hours for each response. In some cases, aggregate estimates are used where it is difficult to relate burden linearly to responses.
- The respondent **labor cost** for each collection is based on the burden hours calculated above multiplied by estimated personnel compensation rates for each class of respondent. These rates are estimated as follows:
 - Labor costs for state or tribal employees were estimated using the hourly rate of a GS-9, Step 10 federal employee, of \$27.32.¹⁷ Overhead costs are expected to be 60 percent, or \$16.39 per hour, yielding a total hourly rate of \$43.71; and
 - Labor costs for wastewater treatment workers (to oversee contractor work) were estimated using the hourly rate of a GS-7, Step 1 federal employee, of \$17.18. Overhead costs are expected to be 50 percent, or \$8.59, yielding a total hourly rate of \$25.77.
 - Labor costs for contractors were estimated using the Bureau of Labor Statistics estimate for civilian workers in the management, professional, and related category, of \$40.61 per hour. Overhead costs and profit are estimated to be 67 percent, or \$27.21, yielding a total hourly rate of \$67.82.
 - Labor costs for federal employee rates are discussed in section 6.2
- The respondent **Operations and Maintenance (O&M) expenses** are estimated separately. See (D)(2) Tribal Applications for TAS below.

There are no Capital Expenses in this ICR.

In developing burden estimates, this ICR generally uses conservative assumptions (*i.e.*, assumptions designed to avoid underestimating the burden). However, some of the estimates are based on assumptions that may need to be reviewed for continued accuracy.

(A) WQS Adoption, Review, and Revision (WQS Base Program)

State and tribal burden: The CWA and the WQS regulation require a WQS review and associated information collection at least once every three years from the 100 entities with WQS (the 50 states, D.C., five territories, and 44 authorized tribes with EPA approved WQS). In the consultation with states at the initiation of the program, described in section 3.3, the Agency asked the states to quantify the reporting and recordkeeping burden of the WQS program as a

¹⁷ General Schedule rate, effective January 2018, assuming base pay rate with no locality adjustment. See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/html/GS_h.aspx

whole to meet the statutory requirements, including reviewing the WQS at least once every three years. After discussions with the states, the Agency requested them to provide aggregate annualized burden estimates because states have different ways of counting responses, different overhead components to consider, and differing practices regarding procedures for conducting WQS reviews and WQS adoptions (*e.g.*, statewide versus basin-specific reviews and adoptions). Because of the limited time available to develop them, these annual estimates were considered "rough," ranging from 81 hours to 7,375 hours per state. For this reason, the lowest and highest estimates for each burden item were not considered in the calculation for the average burden per state per year (that is, a modified mean was used). As a result, the average burden per state or tribe per year was estimated to be 2,500 hours. No comments on this figure have been received in response to any Federal Register Notice published as part of an ICR renewal since the 1980s, and the Agency believes that they are still valid. Based on a total of 100 entities with WQS, the total estimated annual burden hours are $(100 \text{ respondents}) * (2,500 \text{ hours}) = \mathbf{250,000 \text{ hours}}$.

State and tribal labor costs: Total estimated annual cost = $(250,000 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$10,927,500}$.

(B) 2015 WQS Program Revisions

Based on the March 2014 consultations described in section 3.3 above on the 2015 WQS Program Revisions, as well as information otherwise available at that time, the EPA has developed the burden and cost estimates described in (B)(1) through (B)(9) below. The Agency believes that these estimates are still valid generally, with exceptions noted in section 6.3 below.

(B)(1) Rulemaking

State and tribal burden: When issuing the final 2015 WQS Program Revisions, the EPA estimated that each state or authorized tribe would need to perform a one-time WQS rulemaking as described in this ICR within the first three years. The Agency estimates that half of these rulemakings, or $(100 \text{ entities with WQS}) * 50\% = 50$, have been completed while the other half have been delayed and will occur in the next three years, at a rate of 16.33 (rounded to 17) per year. Based on the consultation described in section 3.3, the Agency estimates that 1,000 hours are required for each rulemaking. The total estimated annual burden hours are thus $(17 \text{ rulemakings}) * (1,000 \text{ hours per rulemaking}) = \mathbf{17,000 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(17,000 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$743,070}$.

(B)(2) Designated Uses: identifying the Highest Attainable Use

State and tribal burden: Based on the consultation described in section 3.3, the EPA estimates that 15 states and tribes conduct an average of one UAA per year that needs additional work to identify the HAU. The Agency estimates that identifying the HAU for a UAA requires 300 hours. The total estimated annual burden hours are thus $(15 \text{ responses}) * (300 \text{ hours per response}) = \mathbf{4,500 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(4,500 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$196,695}$.

(B)(3) Triennial Review: Criteria Explanations

State and tribal burden: The EPA has issued an average of 10 new or updated national water quality criteria recommendations per year under CWA section 304(a), based on records from 1972 to 2018. States and authorized tribes are required to adopt new or revised water quality criteria into their WQS for all parameters for which such recommendations have been issued, or to provide an explanation for why they have not done so. The Agency estimates that states and authorized tribes adopt half of such criteria; this work is covered under collection (A) WQS Adoption, Review, and Revision. For the remainder, the Agency estimates that each of the 100 entities with WQS will need to provide an average of 5 criteria explanations per year, or 500 responses nationally. Based on experience and the consultation described in section 3.3, the Agency estimates 50 burden hours per explanation. The total estimated annual burden hours are thus $(500 \text{ responses}) * (50 \text{ hours per response}) = \mathbf{25,000 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(25,000 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$1,092,750}$.

(B)(4) Antidegradation: Implementation Methods

State and tribal burden: As discussed in section 4.2 above, the 2015 WQS Program Revisions require states and authorized tribes to provide an opportunity for public involvement when developing or revising antidegradation implementation methods (AIMs). In 2015, when issuing the final rule, the EPA had information about the practices of 40 states for identifying waters to receive Tier 2 antidegradation protection. Of the 40, the practices of 18 states were identified as potentially not consistent with the rule requirements for identifying Tier 2 waters because they use a water body-by-water body method that is not explicitly consistent with the final rule, or do not specify a Tier 2 method. The Agency conservatively assumes that all such states would need to revise their AIMs. The Agency estimated that the states and authorized tribes for which it did not have available information (60 states, territories, and tribes) were likely to have the same proportion of non-consistent practices. Thus, the Agency estimates that $(18/40) * (40 + 60) = 45$ states and tribes would need to revise AIMs to comply with the WQS regulation.

To revise AIMs, the EPA assumes conservatively that all 45 states and tribes would need to conduct additional public involvement activities, such as notification, documentation, and recordkeeping. Based on stakeholder input, the Agency estimates that 300 hours are needed per state and tribe for these activities. The Agency estimates that states and authorized tribes will make such revisions on the average of once every 10 years to bring AIMs into compliance with the Tier 2 designation requirements and to make other adjustments to keep their methods up to date in the future, for a total of 4.5 responses (rounded to 5) per year. The total estimated annual burden hours are thus $(5 \text{ responses}) * (300 \text{ hours per response}) = \mathbf{1,500 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(1,500 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$65,565}$.

(B)(5) Antidegradation: Tier 2 Waters Designations

State and tribal burden: As discussed in section 4.2 above, the 2015 WQS Program Revisions require states and authorized tribes to provide an opportunity for public involvement when a state or authorized tribe uses the water body-by-water body approach to identify waters receiving Tier 2 antidegradation protection. The Agency conservatively assumes that all 45 states and tribes

identified in (B)(4) Implementation Methods above will need to revise their Tier 2 water designations to become consistent with the rule, and to conduct additional public involvement activities when doing so. The Agency further assumes that such a decision-making process will occur as a one-time single effort for all waters of the state or authorized tribe. The Agency estimates that half of these processes have already occurred, and that the other half, or 22.5, have been delayed and will occur in the next three years, at a rate of 7.5 (rounded to 8) per year. As part of its analysis in support of the final rule, the Agency estimated that 300 hours are required for each public involvement process. The total estimated annual burden hours are thus $(8 \text{ processes}) * (300 \text{ hours per process}) = \mathbf{2,400 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(2,400 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$104,904}$.

(B)(6) Antidegradation: Alternatives Analyses

State and tribal burden: When issuing the 2015 WQS Program Revisions, the EPA had information available about the practices of 40 states¹⁸ in analyzing alternatives when conducting Tier 2 antidegradation reviews. Of the 40, the practices of 19 states were identified as generally not consistent with the rule requirements for conducting alternatives analyses. A total of 41,618 individual NPDES dischargers are located in those 40 states, of which 19,059 are located in the 19 states with practices inconsistent with the alternatives analysis requirements. A total of 8,684 permits are located in the remaining 56 states and tribes without sufficient information. The Agency estimated that the 60 states and authorized tribes for which it did not have available information were likely to have the same proportion of NPDES permits subject to consistent and non-consistent state and tribal practices. Thus, $(50,302 \text{ individual NPDES permits nationally}) * (19,059/41,618) = 23,036$ permits are estimated to be in jurisdictions that would require additional work to provide adequate alternatives analyses when conducting Tier 2 antidegradation reviews. Based on information from the states of Iowa and Missouri, as discussed in the ICR for the 2015 WQS Program Revisions, the Agency estimated that about 2 percent of dischargers, or $(23,036 * 2\%) = 461$ dischargers, will require Tier 2 antidegradation reviews per year in these states. The Agency estimates that 90 hours are required per response. The total estimated annual burden hours are thus $(461 \text{ responses}) * (90 \text{ hours per response}) = \mathbf{41,490 \text{ hours}}$.

State and tribal labor costs: Total estimated annual costs are $(41,490 \text{ hours}) * (\$43.71/\text{hour}) = \mathbf{\$1,813,528}$.

(B)(7) Antidegradation: Additional Tier 2 Reviews

State and tribal burden: As discussed in (B)(4) Implementation Methods above, in 2015 the EPA had information available about the practices of 40 states for identifying waters to receive Tier 2 antidegradation protection. Of the 40, the practices of 18 states were identified as generally not consistent with the rule requirements for identifying Tier 2 waters. A total of 38,232 individual NPDES dischargers are located in those 40 states, of which 19,594 are located in the 18 states with practices potentially not consistent with requirements for Tier 2 waters identification. A total of 12,070 permits are located in the remaining 60 states and tribes without sufficient information. The Agency estimated that the 60 states, territories, and tribes for which it did not

¹⁸ Note that these were not the same 40 states analyzed in (B)(3) and (B)(4) above.

have available information were likely to have the same proportion of NPDES permits subject to non-consistent state and tribal practices. Thus, the Agency estimates that (50,302 individual NPDES permits nationally) * (19,594/38,232) = 25,780 individual NPDES dischargers are located in jurisdictions that were not in compliance with requirements for Tier 2 waters identification. As states and tribes come into compliance, the Agency estimates that an additional 1 percent of these dischargers per year, or 258, will require a Tier 2 review. The Agency estimates that the additional work needed will require 390 hours. The total estimated annual burden hours are thus (258 responses) * (390 hours per response) = **100,620 hours**.

State and tribal labor costs: Total estimated annual costs are (100,620 hours) * (\$43.71/hour) = **\$4,398,100**.

(B)(8) WQS Variances: Submission Requirements

State and tribal burden: In the past five years (2013-2017), states and authorized tribes have issued 122 WQS variances, or an average of 24.4 (rounded to 25) per year. The 2015 WQS Program Revisions added requirements for states and tribes to document variances for EPA review. Considering recent interest in variances, the Agency expects that the rate of variance development could potentially double, to 50 variances per year. As part of its analysis in support of the revisions, the Agency estimated that the increased submission requirements would result in 75 additional burden hours per variance. The total estimated annual burden hours are thus (50 responses) * (75 hours per response) = **3,750 hours**.

State and tribal labor costs: Total estimated annual costs are (3,750 hours) * (\$43.71/hour) = **\$163,913**.

(B)(9) WQS Variances: Reevaluations

State and tribal burden: The 2015 WQS Program Revisions provided that variances issued thenceforward with terms longer than five years need to be reevaluated at least every five years. Under the conservative assumptions that (a) all variances issued since 2015 will have terms longer than five years, and (b) all states and tribes will choose to conduct their reevaluations on a three-year cycle, the EPA estimates that this requirement will result in reevaluations in 2019-2021 of each of the 150 variances issued in 2016-2018 (see (B)(8) above), or 50 reevaluations per year. As part of its analysis in support of the 2015 WQS Program Revisions, the Agency estimated that the increased reevaluation requirements will require 56 hours per variance reevaluated. The total estimated annual burden hours are thus (50 responses) * (56 hours per response) = **2,800 hours**.

State and tribal labor costs: Total estimated annual costs are (2,800 hours) * (\$43.71/hour) = **\$122,388**.

(C) Great Lakes WQS Requirements

The burden estimates below were initially developed in conjunction with the final rule, *Water Quality Guidance for the Great Lakes System*, 60 FR 15366, March 23, 1995 (1995 Great Lakes Regulation), and refined to reflect changes during subsequent implementation, including changes in the number of Great Lakes dischargers.

(C)(1) Great Lakes Bioassay Tests

Discharger burden and labor costs: The discharger burden consists of work that the discharger would likely contract out to a private laboratory, plus staff labor to oversee the contract. The total discharger burden is **34,964 hours** and **\$2,339,300** annual labor costs.

- *Contractor burden:* Based on the original ICR for the paperwork burden associated with the 1995 Great Lakes Regulation, the EPA assumed that dischargers would use contractors to conduct bioassays to support the development of water quality criteria for an estimated 3 human health criteria and 11 aquatic life criteria each year. The Agency consulted with contractors with expertise in this specialized area to determine that conducting 14 bioassays of these types would require an estimated 34,204 hours in aggregate. The Agency believes that this estimate is still valid.
- *Contractor labor costs:* The total estimated labor cost = (34,204 hours) * (\$67.82 per hour) = \$2,319,715.
- *Staff burden:* The Agency estimates, based on the ICR for the paperwork burden associated with the 1995 Great Lakes Regulation, the total estimated annual burden hours for dischargers to oversee the contractors' 14 bioassay tests is 760 hours. The Agency believes that this estimate is still valid.
- *Staff labor costs:* Total estimated annual labor costs are (760 hours) * (\$25.77/hour) = \$19,585.

State or Tribal burden: The EPA assumes that the 14 studies to support the development of water quality criteria would be submitted to the states or tribes for review, resulting in 14 state or tribal responses. Based on the ICR for the paperwork burden associated with the 1995 Great Lakes Regulation, the Agency estimated the state/tribal burden associated with review and data collection of the 14 studies to support the development of water quality criteria to be **2,714 hours** in aggregate. The Agency believes that this estimate is still valid.

State or tribal labor costs: Total estimated annual labor costs are (2,714 hours) * (\$43.71) = **\$118,629**.

(C)(2) Great Lakes Antidegradation Demonstrations

Discharger burden: There are 2,689 dischargers to the Great Lakes system, of which 972 are municipal sources and 1,717 are non-municipal. The EPA estimates that 5 percent of these dischargers (approximately 49 municipal and 86 non-municipal) will discharge bioaccumulative chemicals of concern (BCCs). The Agency conservatively assumes that all the permittees that discharge BCCs will request an increase in permit limits and be required to perform an antidegradation demonstration. The Agency estimates that one-fifth of these permittees (10 municipal and 17 non-municipal) will prepare and submit an antidegradation demonstration each year. Likewise, the Agency estimates that another 10 municipal and 17 non-municipal permittees will submit antidegradation demonstrations for discharges of non-BCCs. The results are shown in Column (A) of the table below.

Based on the ICR for the paperwork burden associated with the 1995 Great Lakes Regulation, the EPA has developed estimates in Column (B) of the table below of the number of hours required to prepare the antidegradation demonstrations. These estimates vary, as shown,

depending on whether the discharger is municipal or non-municipal, and whether the demonstration is for BCCs or non-BCCs.

The antidegradation demonstration includes both WQS elements and NPDES permitting elements. Therefore, the EPA has split this activity equally between this ICR and the ICR for the NPDES Program. The share of the burden hours per demonstration for this WQS Regulation ICR is shown in column (C). The total discharger burden hours for antidegradation demonstrations hours – the number of antidegradation demonstrations per year in Column (A) times the share of burden hours charged to this ICR in column (C) – are shown in Column (D).

Thus, the total estimated discharger burden for Great Lakes Antidegradation Demonstrations, shown in Column (D) below, is **685 hours**.

| Discharger and Pollutant Type | Demonstrations per year Column (A) | Unit Burden Hours Column (B) | WQS Regulation ICR Share of Burden Hours Column (C) | WQS Regulation ICR Total Burden Hours Column (D) |
|--------------------------------------|---|-------------------------------------|--|---|
| Municipal – BCCs | 10 | 44.4 | 22.2 | 222 |
| Municipal non-BCCs | 10 | 29.6 | 14.8 | 148 |
| Non-municipal BCCs | 17 | 22.2 | 11.1 | 189 |
| Non-municipal non-BCCs | 17 | 14.8 | 7.4 | 126 |
| TOTAL | 54 | | | 685 |

Discharger costs: Total estimated annual labor costs are (685 hours) * (\$25.77/hour) = **\$17,652**.

State or Tribal Burden. The EPA estimates that it would take a Great Lakes state or tribe about 16 hours to review an antidegradation demonstration. The Agency has split this activity equally between this ICR and the ICR for the NPDES Program (OMB Control Number 2040-0004) and assumes that 50 percent of the 16 hours (8 hours) will be associated with the WQS-related work to review an antidegradation demonstration. This results in a total estimated burden of (54 reviews) * (8 hours per review) = **432 hours**.

State or Tribal costs: Total estimated annual labor costs are (432 hours) * (\$43.71/hour) = **\$18,883**.

(C)(3) Great Lakes Regulatory Relief Requests

Discharger burden: To be granted relief from certain provisions adopted consistent with 40 CFR part 132, a permittee may perform additional work such as monitoring or special studies

to support its request. The EPA estimates that 18 permittees per year will request regulatory relief. The Agency estimates that each request will entail a burden of 835.3 hours for a discharger. The Agency further assumes that the work is equally split between WQS elements and NPDES permitting elements. Therefore, the Agency has split this activity equally between this ICR and the ICR for the NPDES Program (OMB Control Number 2040-0004) and assumes that 50 percent of the 835.3 hours (417.67 hours) will be associated with the WQS-related work on regulatory relief requests. This results in a total estimated burden of (417.67 hours/permittee) * (18 permittees) = **7,518 hours** for dischargers for this ICR.

Discharger labor costs: (7,518 hours) * (\$25.77/hour) = **\$193,739**.

State or Tribal burden: To process each of the 18 regulatory relief requests, the EPA estimates that a Great Lakes state or tribe will require 88 hours: 4 hours to review the request for completion, including any contact with the permittee for additional information; 4 hours for public notice and comment (assuming conservatively that this process is independent of regular permit public notice); and 80 hours to analyze the regulatory relief request, decide if it is justified, justify the decision, and prepare a permit modification if necessary. The EPA has split this activity equally between this ICR and the ICR for the NPDES Program and assumes that 50 percent of the 88 hours (44 hours) will be associated with the WQS-related work to review an antidegradation demonstration. This results in a total estimated burden of (44 hours/permittee) * (18 permittees) = **792 hours** for Great Lakes states and tribes for this ICR.

State or tribal labor costs: Total estimated annual labor costs are (792 hours) * (\$43.71 hour) = **\$34,618**.

(D) Tribal-Related Dispute Resolution Requests and TAS Applications

(D)(1) Dispute Resolution Requests

State or Tribal burden: When a state or authorized tribe requests the EPA to initiate a formal dispute resolution action, the tribe or state is required to submit a written request to the Agency. The Agency estimates that at most three tribes/states will request a formal dispute resolution action over a three-year period (one request per year). To date, there have been no such formal requests since the regulation went into effect in 1991. The estimated burden to a tribe or state to develop a dispute resolution request is 80 hours. The total estimated annual burden hours = (1 application) * (80 hours/application) = **80 hours**.

State or Tribal costs: Total estimated annual labor costs are (80 hours) * (\$43.71/hour) = **\$3,497**.

(D)(2) Tribal Applications for TAS

Tribal burden: Based on the 2016 ICR for the final interpretive rule, *Revised Interpretation of Clean Water Act Tribal Provision*, the EPA estimates that six tribes will apply to administer the WQS program per year. Based on information from eight tribes with experience in developing TAS applications for CWA regulatory programs, the Agency estimates that developing a TAS application requires 1,607 tribal staff hours and an additional \$43,920 for contract costs (see below) to assist tribes. This results in a total estimated burden of (6 tribes) * (1,607 hours) = **9,642 hours**

Tribal labor costs: Total annual labor costs = (9,642 hours) * (\$43.71/hour) = **\$421,452**.

Tribal Operations and Maintenance (O&M) costs: Total estimated annual tribal costs to cover contractual support are (6 tribes) * (\$43,920) = **\$263,520**.

(E) Periodic Requests for WQS Program Information

State or Tribal burden: The program information in this collection includes: technical information to assist in developing guidance or other materials; technical comments on draft program-related policies and guidance documents; information concerning program operations to assist in information sharing and improving program efficiency; and state and tribal participation in program-related work groups. Submission of state or tribal information or participation by state and tribes in workgroups is voluntary. The EPA estimates that it will make 10 requests for supporting WQS program information from states and authorized tribes per year. Thus, the total number of responses is (10 requests per state or tribe) * (56 states plus 44 authorized tribes) = 1000 requests annually for voluntary information from states and tribes. The Agency estimates that responding to an individual request will average two hours. The total estimated annual burden hours are (1000 responses) * (2 hours/response) = **2,000 hours**.

State or Tribal costs: Total estimated annual labor costs are (2000 hours) * (\$43.71 per hour) = **\$87,420**.

(F) Respondent Burden and Cost Totals

The annual number of information requests for all collections listed above in this ICR is an estimated **2,643**. The estimated annual burden for states, tribes, and dischargers to respond to these requests is **507,887 hours**. The total estimated annual labor costs to respond to these requests are **\$22,863,604**. The total estimated annual O&M costs to respond to these requests is **\$263,520**. These figures are summarized for each collection in Table 1 in section 7.

6.2 Estimating Agency Burden and Cost

The EPA analysis of annual burden and costs to the federal government are detailed in this section. Agency employee costs were estimated assuming a GS-13 Step 5 federal employee earning \$51.91 per hour. Overhead costs for federal employees are expected to be 60 percent, or \$31.15 per hour, yielding a total hourly rate of \$83.06.

(A) WQS Adoption, Review, and Revision (WQS Base Program)

The EPA estimates that reviews of state and tribal WQS submissions of new or revised WQS will require 168 hours per year. The total estimated agency burden is thus (100 respondents) * (168 hours/respondent) = **16,800 hours**. Estimated agency labor costs are (16,800 hours) * (\$83.06/hour) = **\$1,395,408**.

(B) 2015 WQS Program Revisions

The EPA conservatively estimates the incremental labor cost to the Agency as approximately 20% of the annual cost to states and authorized tribes for collections (B)(1) through (B)(9), or \$8,700,913 * 20% = **\$1,740,183**. To estimate agency burden hours, the Agency divided the cost by the hourly rate. Thus, the Agency estimates that staff burden hours to the Agency are (\$1,740,183) / (\$83.06) = **20,950.91 hours**.

(C) Great Lakes WQS Requirements

The EPA estimates it will require a total agency burden of approximately **80 hours** annually to maintain the water quality database for the Great Lakes Clearinghouse. The total agency labor costs are (80 hours) * (\$83.06/hour) = **\$6,645**. In addition, the Agency estimates that web hosting for the Clearinghouse requires **\$400** annually in contract costs. The Agency estimated little additional federal government burden or cost because all the Great Lakes states are delegated NPDES permitting authorities.

(D)(1) Dispute Resolution Requests

The EPA estimates that each review of a state or tribal request will require 20 hours. The estimated agency burden is thus (1 request/year) * (20 hours/request) = **20 hours**. The estimated agency labor costs are (20 hours) * (\$83.06/hour) = **\$1,661**.

(D)(2) Tribal Applications for TAS

The EPA estimates that each review of a tribal TAS program application will require 205 hours. The total agency burden is thus (6 applications/year) * (205 hours/application) = **1,230 hours**. The estimated agency labor costs are (1,230 hours/year) * (\$83.06/hour) = **\$102,164**.

(E) Periodic Requests for WQS Program Information

The EPA estimates it will make 10 requests annually for voluntary WQS program information from states and authorized tribes. The Agency estimates that each request will average 6 hours to develop the request and to compile and analyze the results. Thus, the total estimated agency burden is (10 requests/year) * 6 hours/request) = **60 hours**. Estimated agency labor costs are (60 hours/year) * (\$83.06/hour) = **\$4,984**.

(F) Agency Burden and Cost Totals

In summary, the estimated total annual burden to the EPA in the collections listed above is **39,140.91 hours**. The total estimated annual labor costs to the Agency are (39,140.91 hours) * (\$83.06/hour) = **\$3,251,045**. The estimated total annual O&M costs to the Agency are **\$400**. These figures are summarized for each collection in Table 2 in section 7.

6.3 Reasons for Change in Respondent Burden

The current OMB approved burden for the existing WQS Regulation ICR (OMB Control Number 2040-0049) is 292,305 hours. In this renewal, two other current ICRs – WQS Regulatory Revisions ICR (OMB Control Number 2040-0286) and Revised Interpretation of Clean Water Act Tribal Provision ICR (OMB Control Number 2040-0289) – are being consolidated into the WQS Regulation ICR. They have OMB approved burden hours of 439,080 and 9,642, respectively. If the three collections were combined without any changes, the total annual burden would be 741,027. However, EPA is reducing the estimated burden of the new collection by 233,140 hours (31.5 percent) from the combined OMB approved burden of the three stand-alone ICRs. This is due to changes in the estimated number of responses.

Specifically, the decrease of 233,140 respondent burden hours from the previously approved levels reflects the net effects of the following revised estimates (no program changes were made):

- A downward revision in the estimated number of state and tribal responses submitted to the EPA annually from 960 to 50 under (B)(8) WQS Variances: Submission Requirements and (B)(9) WQS Variances: Reevaluations. Because the average number of variances issued annually has been 25 per year nationally, the Agency found that the estimate of 960 in the currently approved ICR was unrealistic. Instead, the Agency projects a doubling of the historic rate to 50 variances per year (-226,730 burden hours);
- A decrease in the estimated number of remaining one-time responses under (B)(1) Rulemaking and (B)(5) Antidegradation: Tier 2 Waters Designations to reflect one-time actions completed in 2015-2017 (-16,900 hours);
- An increase of two authorized tribes with EPA approved WQS, from 42 to 44, affecting state and tribal burden under (A) WQS Adoption, Review, and Revision (WQS Base Program) and (B)(3) Triennial Review: Criteria Explanations (+5,900 hours);
- An increase in the average number of new or updated EPA water quality criteria recommendations to 10 per year (formerly 9 per year) under (B)(3) Triennial Review: Criteria Explanations (+2,500 hours);
- An increase due to quantifying voluntary state and tribal responses under (E) Periodic Requests for WQS Program Information which were previously authorized but not quantified¹⁹ (+2,000 hours); and
- A net increase from minor adjustments including changes in rounding (+90 hours).

The changes in burden for each collection are provided in Table 3 in section 7.

6.4 Burden Statement

The annual public reporting and record keeping burden for this collection of information is estimated to average 192 hours per response. 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; 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 the EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency 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, the Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2011-0465, which is available for online viewing at

¹⁹ This newly quantified collection may overstate actual burden since states and tribes may elect not to respond. It replaces a non-quantified provision in the previous WQS Program ICR that “*states and authorized tribes may choose to provide additional information from time to time concerning draft, proposed, or adopted standards to enable EPA to better understand the standards and how they are implemented. Such information may include brief descriptions of selected standards provisions or program practices.*”

www.regulations.gov, or in person viewing at the Office of Water Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC. 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. An electronic version of the public docket is available online for viewing at <http://www.regulations.gov>. Use <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for the EPA. Please include EPA Docket ID (EPA-HQ-OW-2011-0465) and OMB Control Number (2040-0049) in any correspondence.

7. Summary Tables

Table 1: Total annual burden and cost for states, tribes and dischargers

| Collection | No. Respondents in Next Three Years | No. Responses per year | Burden Hours per Response | Annual Burden Hours | Annual Labor Cost ²⁰ | Annual O&M Cost |
|--|-------------------------------------|------------------------|---------------------------|---------------------|---------------------------------|-----------------|
| State and Tribal Respondents | | | | | | |
| (A) WQS Adoption, Review, and Revision (WQS Base Program) | 100 | 100 | 2,500 | 250,000 | \$10,927,500 | None |
| (B)(1) Rulemaking | <i>Included in (A)</i> | 17 | 1,000 | 17,000 | \$743,070 | None |
| (B)(2) Designated Uses: Identifying the Highest Attainable Use | <i>Included in (A)</i> | 15 | 300 | 4,500 | \$196,695 | None |
| (B)(3) Triennial Review: Criteria Explanations | <i>Included in (A)</i> | 500 | 50 | 25,000 | \$1,092,750 | None |
| (B)(4) Antidegradation: Implementation Methods | <i>Included in (A)</i> | 5 | 300 | 1,500 | \$65,565 | None |
| (B)(5) Antidegradation: Tier 2 Waters Designations | <i>Included in (A)</i> | 8 | 300 | 2,400 | \$104,904 | None |
| (B)(6) Antidegradation: Alternatives Analyses | <i>Included in (A)</i> | 461 | 90 | 41,490 | \$1,813,528 | None |
| (B)(7) Antidegradation: Additional Tier 2 Reviews | <i>Included in (A)</i> | 258 | 390 | 100,620 | \$4,398,100 | None |
| (B)(8) WQS Variances: Submission | <i>Included in (A)</i> | 50 | 75 | 3,750 | \$163,913 | None |

²⁰ See section 6.1 for derivation of hourly labor rates used: \$43.71/hour for states and tribes; \$25.77/hour for wastewater treatment workers; and \$67.82/hour for contractors.

Water Quality Standards Regulation (Renewal) ICR

| Collection | No. Respondents in Next Three Years | No. Responses per year | Burden Hours per Response | Annual Burden Hours | Annual Labor Cost | Annual O&M Cost |
|---|-------------------------------------|------------------------|---------------------------|---------------------|---------------------|------------------|
| Requirements | | | | | | |
| (B)(9) WQS Variances: Reevaluations | <i>Included in (A)</i> | 50 | 56 | 2,800 | \$122,388 | None |
| (C)(1) Great Lakes Bioassay Tests | <i>Included in (A)</i> | 14 | Aggregate estimate | 2,714 | \$118,629 | None |
| (C)(2) Great Lakes Antidegradation Demonstrations | <i>Included in (A)</i> | 54 | 8 | 432 | \$18,883 | None |
| (C)(3) Great Lakes Regulatory Relief Requests | <i>Included in (A)</i> | 18 | 44 | 792 | \$34,618 | None |
| (D)(1) Dispute Resolution Requests | <i>Included in (A)</i> | 1 | 80 | 80 | \$3,497 | None |
| (D)(2) Tribal Applications for TAS | 18 | 6 | 1,607 | 9,642 | \$421,452 | \$263,520 |
| (E) Periodic Requests for WQS Program Information (new in this ICR) | <i>Included in (A)</i> | 1,000 | 2 | 2,000 | \$87,420 | None |
| Total for State and Tribal Responses | 118²¹ | 2,557 | 181.7 | 464,720 | \$20,312,912 | \$263,520 |
| Great Lakes Discharger Respondents | | | | | | |
| (C)(1) Great Lakes Bioassay Tests | 42 | 14 | Aggregate estimate | 34,964 | \$2,339,300 | None |
| (C)(2) Great Lakes Antidegradation Demonstrations | 162 | 54 | Various | 685 | \$17,652 | None |

²¹ This state and tribal burden is associated with 118 potential respondents: 50 states, the District of Columbia, 5 territories, 44 authorized tribes with approved WQS and 18 additional tribal respondents over the three-year duration of the ICR (based on six additional tribal respondents estimated to apply per year for TAS to administer the WQS program).

Water Quality Standards Regulation (Renewal) ICR

| Collection | No. Respondents in Next Three Years | No. Responses per year | Burden Hours per Response | Annual Burden Hours | Annual Labor Cost | Annual O&M Cost |
|---|--|-------------------------------|----------------------------------|----------------------------|--------------------------|----------------------------|
| (C)(3) Great Lakes Regulatory Relief Requests | 54 | 18 | 417.65 | 7,518 | \$193,739 | None |
| Total for Great Lakes Discharger Responses | 258 | 86 | 501.9 | 43,167 | \$2,550,692 | None |
| Grand Total | | | | | | |
| GRAND TOTAL | 376 | 2,643 | 192.2 | 507,887 | \$22,863,604 | \$263,520 |

Table 2: Total agency burden and cost

| Collection | No. Responses per Year | Burden Hours per Response | Annual Burden Hours | Annual Labor Cost | Annual O&M Cost |
|---|-------------------------------|----------------------------------|----------------------------|--------------------------|----------------------------|
| (A) WQS Adoption, Review, and Revision (WQS Base Program) | 100 | 168 | 16,800 | \$1,395,408 | None |
| (B) 2015 WQS Program Revisions | 1,364 | Aggregate estimate | 20,951 | \$1,740,183 | None |
| (C) Great Lakes WQS Requirements | Not applicable ²² | Aggregate estimate | 80 | \$6,645 | \$400 |
| (D)(1) Dispute Resolution Requests | 1 | 20 | 20 | \$1,661 | None |
| (D)(2) Tribal Applications for TAS | 6 | 205 | 1,230 | \$102,164 | None |
| (E) Periodic Requests for WQS Program Information | 10 | 6 | 60 | \$4,984 | None |
| Total | 1,481 | | 39,141 | \$3,251,045 | \$400 |

²² The EPA burden is associated with maintaining the Great Lakes Clearinghouse. The Agency estimated little additional federal government burden or cost (or “responses”) because all the Great Lakes states are delegated NPDES permitting authorities.

Table 3: Change in Respondent Burden

(Negative numbers are in parentheses)

| Collection | Previously Approved Burden Hours | Burden Hours in This ICR | Difference (hours) | Comments |
|---|----------------------------------|--------------------------|--------------------|--|
| Previous ICR: WQS Regulation (Renewal), 2015 (2040-0049) | | | | |
| (A) WQS Adoption, Review, and Revision (Base Program) | 245,000 | 250,000 | 5,000 | Addition of two tribes with EPA approved WQS ²³ |
| (C)(1) Great Lakes Bioassay Tests | 37,678 | 37,678 | 0 | |
| (C)(2) Great Lakes Antidegradation Demonstrations | 1,117 | 1,117 | 0 | |
| (C)(3) Great Lakes Regulatory Relief Requests | 8,310 | 8,310 | 0 | |
| (D)(1) Dispute Resolution Requests | 80 | 80 | 0 | |
| (D)(2) Tribal Applications for TAS | 120 | Deleted old estimate | (120) | Deletion of old estimate; see new estimate below under previous ICR for Revised Interpretation of Clean Water Act Tribal Provision |
| (E) Periodic Requests for WQS Program Information | Non-quantified | 2,000 | 2,000 | Newly quantified collection, previously non-quantified |
| Total for WQS Regulation | 292,305 | 299,185 | 6,880 | |
| Previous ICR: 2015 WQS Regulatory Revisions (2040-0286) | | | | |
| (B)(1) Rulemaking | 32,000 | 17,000 | (15,000) | Completion of half of one-time rulemakings in 2016-2018 |

²³ There were 42 such tribes when the previous ICR was developed in September 2015, compared to 44 in November 2018.

Water Quality Standards Regulation (Renewal) ICR

| Collection | Previously Approved Burden Hours | Burden Hours in This ICR | Difference (hours) | Comments |
|--|----------------------------------|--------------------------|--------------------|---|
| (B)(2) Designated Uses: Identifying the Highest Attainable Use | 4,500 | 4,500 | 0 | |
| (B)(3) Triennial Review: Criteria Explanations | 21,600 | 25,000 | 3,400 | Addition of four tribes with EPA approved WQS; ²⁴ and an increase in the average number of EPA criteria recommendations from 9 per year to 10 per year |
| (B)(4) Antidegradation: Implementation Methods | 1,290 | 1,500 | 210 | Addition of four tribes with EPA approved WQS ²⁷ |
| (B)(5) Antidegradation: Tier 2 Waters Designations | 4,300 | 2,400 | (1,900) | Completion of half of one-time designations in 2016-2018; change in rounding of response estimate |
| (B)(6) Antidegradation: Alternatives Analyses | 41,490 | 41,490 | 0 | |
| (B)(7) Antidegradation: Additional Tier 2 Reviews | 100,620 | 100,620 | 0 | |
| (B)(8) WQS Variances: Submission Requirements | 72,000 | 3,750 | (68,250) | Downward revision in the number of WQS variances estimated to be submitted annually |
| (B)(9) WQS Variances: Reevaluations | 161,280 | 2,800 | (158,480) | Downward revision in the number of WQS variance reevaluations estimated to be submitted annually |

²⁴ There were 40 such tribes when the previous ICR was developed in June 2015, compared to 44 in November 2018.

Water Quality Standards Regulation (Renewal) ICR

| Collection | Previously Approved Burden Hours | Burden Hours in This ICR | Difference (hours) | Comments |
|---|----------------------------------|--------------------------|--------------------|----------|
| Total for WQS Regulatory Revisions | 439,080 | 199,060 | (240,020) | |
| Previous ICR: Revised Interpretation of Clean Water Act Tribal Provision (Final Interpretive Rule), 2016 (2040-0289) | | | | |
| (D)(2) Tribal Applications for TAS | 9,642 | 9,642 | 0 | |
| Total for Revised Interpretation of CWA Tribal Provision | 9,642 | 9,642 | 0 | |
| GRAND TOTAL | | | | |
| GRAND TOTAL | 741,027 | 507,887 | (233,140) | |