

**THE INFORMATION COLLECTION REQUEST (ICR)
SUPPORTING STATEMENT**

**Establishing No-discharge Zones (NDZs)
under Clean Water Act Section 312 (Renewal)
EPA ICR Number 1791.08, OMB Control Number 2040-0187**

Prepared by

**Environmental Protection Agency
Oceans, Wetlands and Communities Division
of the Office of Wetlands, Oceans, and Watersheds
Washington, D.C.**

TABLE OF CONTENTS

Part A Introduction.....	1
Organization of Information Collection Request Supporting Statement.....	1
Approach Taken in this Information Collection Request Supporting Statement	2
CHAPTER I	
Chapter I: Supporting Statement for the Establishment of No-discharge Zones for Discharges Incidental to the Normal Operation of Armed Forces Vessels under CWA Section 312(n).....	3
SECTION 1: Identification of the Information Collection.....	3
1(a): Title of the Information Collection.....	3
1(b): Short Characterization/Abstract.....	3
SECTION 2: Need for and Use of the Collection.....	3
2(a): Need/Authority for the Collection.....	3
2(b): Practical Utility/Users of the Data.....	5
SECTION 3: Non-duplication, Public Notice, Consultations, and Other Collection Criteria.....	5
3(a): Non-duplication.....	5
3(b): Public Notice Required Prior to ICR Submission to OMB.....	5
3(c): Consultations	6
3(d): Effects of Less Frequent Collection.....	6
3(e): General Guidelines.....	6
3(f): Confidentiality.....	6
3(g): Sensitive Questions.....	6
SECTION 4: The Respondents and the Information Requested.....	6
4(a): Respondents/SIC Codes.....	6
4(b): Information Requested.....	7
SECTION 5: The Information Collected–Agency Activities, Collection Methodology, and Information Management.....	8
5(a): Agency Activities.....	8
5(b): Collection Methodology and Management.....	10
5(c): Small Entity Flexibility.....	10
5(d): Collection Schedule.....	10

SECTION 6: Estimating the Burden and Costs of the Collection.....	11
6(a): Estimating Respondent Burden.....	11
6(b): Estimating Respondent Costs.....	12
6(c): Estimating Agency (EPA) Burden and Cost.....	13
6(d): Bottom Line Burden Hours and Cost Tables.....	14
6(e): Burden Statement.....	14

CHAPTER II

Chapter II: Supporting Statement for the Establishment of No-discharge Zones for Vessel Sewage under CWA Section 312(f)(3) and 312(f)(4)(A) and (B).....	16
--	----

SECTION 1: Identification of the Information Collection.....	16
1(a): Title of the Information Collection.....	16
1(b): Short Characterization/Abstract.....	16

SECTION 2: Need for and Use of the Collection.....	16
2(a): Need/Authority for the Collection.....	17
2(b): Practical Utility/Users of the Data.....	19

SECTION 3: Non-duplication, Public Notice, Consultations & Other Collection Criteria.....	19
3(a): Non-duplication.....	19
3(b): Public Notice Required Prior to ICR Submission to OMB.....	20
3(c): Consultations (Not applicable).....	21
3(d): Effects of Less Frequent Collection.....	21
3(e): General Guidelines.....	21
3(f): Confidentiality.....	21
3(g): Sensitive Questions.....	21

SECTION 4: The Respondents and the Information Requested.....	21
4(a): Respondents/SIC Codes.....	22
4(b): Information Requested.....	22

SECTION 5: The Information Collected–Agency Activities, Collection Methodology, and Information Management.....	24
5(a): Agency Activities.....	25
5(b): Collection Methodology and Management.....	26
5(c): Small Entity Flexibility.....	26
5(d): Collection Schedule.....	26

SECTION 6: Estimating the Burden and Costs of the Collection.....	27
6(a): Estimating Respondent Burden.....	27
6(b): Estimating Respondent Costs.....	28
6(c): Estimating Agency (EPA) Burden and Cost.....	30
6(d): Bottom Line Burden Hours and Cost Tables.....	32
6(e): Burden Statement.....	32

APPENDIX

TABLES— Supplementary Excel file

Table 1: Establishment of No-discharge Zone by State Prohibition, Respondent (State Agency) Burden Hours and Costs [40 CFR § 1700.9]

Table 2: Establishment of No-discharge Zone by EPA Prohibition, Respondent (State Agency) Burden Hours and Costs [40 CFR § 1700.10]

Table 3: Petition for Review, Respondent (State Agency) Burden Hours and Costs [40 CFR § 1700.12]

Table 4: Establishment of No-discharge Zone by State Prohibition, Agency (EPA) Burden Hours and Costs [40 CFR § 1700.9]

Table 5: Establishment of No-discharge Zone by EPA Prohibition, Agency (EPA) Burden Hours and Costs [40 CFR § 1700.10]

Table 6: Petition for Review, Agency (EPA) Burden Hours and Costs [40 CFR § 1700.12]

Table 7: Total Estimated Respondent (State Agency) Burden and Cost Summary

Table 8: Total Estimated Agency (EPA) Burden and Cost Summary

Table 9: State No-discharge Zone Applications under 40 CFR 140.4(a)

Table 10: No-discharge Zone Application Review by EPA under 40 CFR 140.4(a)

Table 11: State No-discharge Zone Applications under 40 CFR 140.4(b)

Table 12: No-discharge Zone Application Review by EPA under 40 CFR 140.4(b)

Table 13: State No-discharge Zone Applications under 40 CFR 140.4(c)

Table 14: No-discharge Zone Application Review by EPA under 40 CFR 140.4(c)

Table 15: Total Estimated Respondent (State Agency) Burden and Cost Summary for Establishing NDZs for Vessel Sewage

Table 16: Total Estimated Agency (EPA) Burden and Cost Summary for Establishing NDZs for Vessel Sewage

ATTACHMENT

Attachment A: Summary Tables for Information Collection under CWA Section 312

- Table 17: Total CWA Section 312 Estimated Respondent (State Agency) Burden and Cost Summary
- Table 18: Total CWA Section 312 Estimated Agency (EPA) Burden and Cost Summary

ESTABLISHING NO-DISCHARGE ZONES (NDZs) UNDER CLEAN WATER ACT SECTION 312 (Renewal)

EPA ICR # 1791.08 / OMB Control # 2040-0187

PART A

Introduction

This application is made by the Oceans, Wetlands, and Communities Division in the Office of Water, U.S. Environmental Protection Agency (EPA). As will be demonstrated in this application, the proposed information collection activities are accomplished by the least burdensome and costly means; are not duplicated by other sources; and are pivotal to the EPA's responsibilities in the establishment of no-discharge zones (NDZs) for treated or untreated vessel sewage discharges and for discharges incidental to the normal operation of vessels of the Armed Forces under Clean Water Act (CWA) section 312.

Approach Taken in this Information Collection Request Supporting Statement

This ICR analysis addresses actions associated with two activities, described separately in Chapters 1 and 2. Chapter 1 discusses information collection needs that result from NDZs that prohibit the discharges (other than sewage) incidental to the normal operation of vessels of the Armed Forces. Chapter 2 discusses information collection needs that result from NDZs that prohibit sewage discharges from all vessels.

This ICR was developed based on program office knowledge of the process, a review of selected NDZ applications similar to those being called for under this ICR, a review of EPA's guidance on establishing sewage NDZs under §312 of the Clean Water Act, a review of the literature on vessel discharges, and interviews with Federal and local officials working on vessel discharge issues.

Chapter I. Supporting Statement for the Establishment of No-discharge Zones for Discharges Incidental to the Normal Operation of Armed Forces Vessels under CWA Section 312(n) (Renewal)

SECTION 1: Identification of the Information Collection

1(a): Title of the Information Collection

Establishing No-Discharge Zones Under Clean Water Act Section 312 (Renewal)

1(b): Short Characterization/Abstract

Section 312(n) of the Clean Water Act (“Uniform National Discharge Standards for Vessels of the Armed Forces” or “UNDS”) calls for the promulgation of standards and regulations for the control of discharges (other than sewage) incidental to the normal operation of vessels of the Armed Forces. Once such regulations have been promulgated, states and their political subdivisions will be pre-empted from adopting or enforcing any of their own statutes or regulations regarding these discharges. However, no-discharge zones (“NDZs”) may be established by either state prohibition or EPA prohibition following the procedures published in 40 CFR Part 1700. The purpose of this chapter of the ICR is to discuss the information that will be required from a state to establish an NDZ by state or EPA prohibition.

States also may petition the EPA and the Secretary of Defense to review any determination or standard promulgated under UNDS if there is significant new information that could reasonably result in a change to the determination or standard. This chapter of the ICR also discusses the information that will be required from a state if it decides to submit such a petition.

SECTION 2: Need for and Use of the Collection

2(a): Need/Authority for the Collection

1) NDZ by State Prohibition: In order for a state to prohibit a discharge incidental to the normal operation of vessels of the Armed Forces, the EPA must make the following determinations: i) that adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and ii) that the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel (see CWA section 312(n)(7)(A), 33 USC 1322(n)(7)(A)). The state must provide EPA enough information to be able to make those determinations. The specific information being requested is listed in 40 CFR 1700.9(a).

2) *NDZ by EPA Prohibition*: In order for EPA to prohibit a discharge incidental to the normal operation of an Armed Forces vessel (upon application of a state), EPA must make the following determinations: i) that the protection and enhancement of the quality of the specified waters require a prohibition of the discharge; ii) that adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and iii) that the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel (see CWA section 312(n)(7)(B), 33 USC 1322(n)(7)(B)). The state must provide EPA enough information to be able to make those determinations. The specific information being requested is listed in proposed 40 CFR 1700.10(a).

3) *Petition for review*: A state may request that EPA and the Secretary of Defense review i) a determination of whether an UNDS discharge will require a control, or ii) a standard of performance for a control on an UNDS discharge, by submitting a petition which discusses significant new scientific and technical information that could reasonably result in a change to the determination or standard (see CWA section 312(n)(5)(D), 33 USC 1322(n)(5)(D)). The state must provide EPA this information and a discussion of how the information is relevant to one or more of the seven factors which EPA and the Secretary of Defense are required to consider in making these determinations and standards (see CWA section 312(n)(2)(B), 33 USC 1322(n)(2)(B)). These requirements are listed in proposed 40 CFR 1700.12.

2(b): Practical Utility/Users of the Data

1) *NDZ by State Prohibition*: The information requested from the state will be used by EPA to make the determinations that are required to make by law for a state prohibition to go into effect.

2) *NDZ by EPA Prohibition*: The information requested from the state will be used by EPA to make the determinations that are required to make by law to establish an NDZ.

3) *Petition for review*: The information requested from the state will be used by EPA and the Secretary of Defense in order to review any determinations or standards promulgated under UNDS.

SECTION 3: Non-duplication, Public Notice, Consultations, and Other Collection Criteria

3(a): Non-duplication

1) *NDZ by State Prohibition*: EPA is responsible for two determinations necessary for an NDZ by state prohibition to be effective under CWA section 312(n)(7)(A). There is no duplication of effort in the NDZ application process.

2) *NDZ by EPA Prohibition*: EPA is responsible for the approval of an NDZ by EPA prohibition under CWA section 312(n)(7)(B). There is no duplication of effort in the NDZ application process.

3) *Petition for review*: EPA and the Secretary of Defense are responsible for reviewing determinations and standards upon petition by a state. There is no duplication of effort in the petition for review process.

3(b): Public Notice Required Prior to ICR Submission to OMB

The announcement of this ICR was made in the Federal Register on 09/11/2018, 83 FR 45927. It was titled “Agency Information Collection Activities; Proposed Collection; Comment Request; Establishing No-Discharge Zones Under Clean Water Act Section 312 (Renewal); EPA ICR No. 1791.08; OMB Control No. 2040-0187.” EPA received no comments on this notice.

3(c): Consultations

Three representatives of state environmental offices were contacted by EPA in December of 2018 and asked to provide comments on EPA’s burden estimate (see section 6(e)): Todd Callaghan (Massachusetts Office of Coastal Zone Management, 617-626-1233); Renan Jauregui (California State Water Resources Control Board - Division of Water Quality, 916-341-5505); and Jason Fagel (Research Scientist, Division of Water, NY State Department of Environmental Conservation 518- 402-8156). The three respondents had no comment on the CWA section 312(n) NDZs.

3(d): Effects of Less Frequent Collection

The information collection requirements related to the NDZ application process described in this chapter of the ICR are submitted on a one-time basis. Reductions below this level are not feasible.

3(e): General Guidelines

The information collection activities discussed in this chapter of the ICR are fully consistent with all guidelines in 5 CFR 1320.5(d)(2).

3(f): Confidentiality

The information collection activities discussed in this chapter of the ICR do not require the submission of any confidential information.

3(g): Sensitive Questions

The information collection activities discussed in this chapter of the ICR do not require the submission of any sensitive information.

SECTION 4: The Respondents and the Information Requested

4(a): Respondents/SIC Codes

State governments (SIC code 9511, NAICS code 924110) are the only respondents to the data collection activities described in this chapter of the ICR.

4(b): Information Requested

No-discharge Zone (NDZ) by State Prohibition under 40 CFR 1700.9

(i) Data Items

- Identification of discharge
- Definition of waters in the proposed NDZ
- Determination of necessity for greater environmental protection
- Description of discharge removal facilities
- Information on regulation of this discharge from non-Armed Forces vessels

(ii) Respondent Activities

For the establishment of an NDZ by State Prohibition, a state must:

- Submit to EPA a certification that it has determined that the protection and enhancement of the quality of the proposed waters require greater environmental protection, and
- Submit to EPA a request with enough information for EPA to determine that: (1) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and (2) the prohibition will not have the effect of discriminating against vessels of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

No-discharge Zone (NDZ) by EPA Prohibition under 40 CFR 1700.10

(i) Data Items

- Identification of discharge
- Definition of waters in proposed NDZ
- Technical analysis showing why protection requires a prohibition of the discharge
- Description of discharge removal facilities
- Information on regulation of this discharge from non-Armed Forces vessels

(ii) Respondent Activities

For the establishment of an NDZ by EPA Prohibition, a state must:

- Submit an application to EPA with enough information for EPA to determine that:
 - (1) the protection and enhancement of the quality of the proposed waters require a prohibition of the discharge;
 - (2) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and

- (3) the prohibition will not have the effect of discriminating against vessels of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

Petition for Review under 40 CFR 1700.11 - 1700.13

(i) Data Items

- Identification of discharge or standard
- Scientific and technical information on which petition is based
- An explanation of why the state believes that consideration of the information provided should result in a change to the determination or standard on a nationwide basis, and an explanation of how the technical information provided is relevant to one or more of the seven factors considered in making the original determination or standard as required by the statute (CWA 312(n)(2)(B))

(ii) Respondent Activities

If a state believes there is significant new information that could reasonably result in a change to a determination of whether a particular discharge will require a marine pollution control device, or to a Federal standard of performance for a Marine Pollution Control Device, it may submit a petition requesting that the Secretary of Defense and EPA review the determination or standard.

SECTION 5: The Information Collected - Agency Activities, Collection Methodology and Information Management

5(a): Agency Activities

No-discharge Zone (NDZ) by State Prohibition under 40 CFR 1700.9

Agency activities associated with a request by a state to establish an NDZ by state Prohibition consist of the following:

- Clarify any questions from state applicants
- Review the information in the request and determine whether:
 - (1) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and
 - (2) the prohibition will not have the effect of discriminating against vessels of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel
- Notify the state in writing of the above determinations
- Copy, store, file, and maintain the state's request and EPA's response letter

No-discharge Zone (NDZ) by EPA Prohibition under 40 CFR 700.10

Agency activities associated with an application from a state to establish an

NDZ by EPA Prohibition consist of the following:

- Clarify any questions from state applicants
- Review the information in the application and determine whether:
 - (1) the protection and enhancement of the quality of the proposed waters require a prohibition of the discharge;
 - (2) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and
 - (3) the prohibition will have the effect of discriminating against Armed Forces vessels by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.
- Notify the state in writing whether the application for the NDZ was approved
- If the application is approved, publish notice of proposed rulemaking in the Federal Register, receive and review public comments, then issue a final determination taking into account any comments submitted
- Copy, store, file, and maintain the state's request and EPA's response letter

Petition for Review under CFR 1700.11 - 1700.13

Agency activities (in conjunction with the Secretary of Defense) associated with an application from a state to review a determination or standard consist of the following:

- Clarify any questions from state applicants
- Review petition and decide whether the requested change will be made within two years after receiving the complete petition
- If the change requested in the petition is approved, publish notice of proposed rulemaking in the Federal Register, receive and review public comments, then issue a final determination taking into account any comments submitted
- If the change requested in the petition is not approved, notify the state of the reasons in writing
- Copy, store, file, and maintain the state's request and EPA's response letter

5(b): Collection Methodology and Management

The information described in this chapter of the ICR will be given to EPA by states in the form of a request letter, application, or petition. EPA will ensure the accuracy and completeness of this information by reviewing each submittal. This information will be made available to the public when necessary for rulemaking through the Federal Register.

5(c): Small Entity Flexibility

The only possible respondents to the activities described in this chapter of the ICR are states. Therefore, there are no small entities affected.

5(d): Collection Schedule:***No-discharge Zone (NDZ) by State Prohibition under 40 CFR 1700.9***

EPA expects very few requests for NDZs by state prohibition because the discharges from vessels of the Armed Forces which will be regulated by this rulemaking are not currently regulated by most states. This is not a reporting requirement, nor are there any deadlines associated with these requests. If a state determines that it would like to establish an NDZ by state prohibition, it is required by statute to secure two determinations by EPA, and this chapter of the ICR specifies the information EPA requires in order to make those determinations. The EPA is estimating 1 request in the 3 years covered in this ICR.

No-discharge Zone (NDZ) by EPA Prohibition under 40 CFR 1700.10

EPA expects very few applications for NDZs by EPA prohibition because the discharges from vessels of the Armed Forces which will be regulated by this rulemaking are not currently regulated by most states and because this process is more complex than establishing an NDZ by state prohibition. This is not a reporting requirement, nor are there any deadlines associated with these requests. If a state determines that it would like EPA to establish an NDZ by EPA prohibition, EPA is required by statute to make three determinations before doing so, and this chapter of the ICR specifies the information EPA requires in order to make those determinations. The EPA is estimating one application in the 3 years covered by this ICR.

Petition for Review under 40 CFR 1700.11 - 1700.13

The EPA expects few petitions for review of determinations of whether a discharge incidental to the normal operation of an Armed Forces vessel requires control, or of standards of performance for Marine Pollution Control Devices. Such petitions may only be used by a state if there is significant new information, not considered previously, that could reasonably result in a change to a particular determination or standard. This is not a reporting requirement, nor are there any deadlines associated with these petitions. This chapter of the ICR specifies the information EPA requires in order to consider such a petition. The EPA is estimating one petition in the 3 years covered by this ICR.

SECTION 6: Estimating the Burden and Cost of the Collection

Burden and cost estimates are in Tables 1 to 8, in the Appendix. The text in this section explains how these estimates were derived.

6(a): Estimating Respondent Burden

Respondent labor burden hours listed in Tables 1 to 3 are primarily based on data and assumptions presented in EPA's 2005 ICR analysis for Clean Water Act section 312 mandates. Where necessary, the level-of-effort determinations for the 2008 ICR were adjusted to correspond to the specific

new information collection requirements resulting from the requirements of sections 1700.9, 1700.10, and 1700.12. All of the level-of-effort estimates presented in Tables 1 to 3 have been reviewed for accuracy and reasonableness by EPA.

6(b): Estimating Respondent Costs

(i) Estimating Labor Costs

All labor cost-rate data used in Tables 1 to 3 were obtained from the U.S. Bureau of Labor Statistics (BLS) Compensation Cost Trends webpage published for June of 2018 (<http://www.bls.gov/ncs/ect/>) estimating the salaries for state and local government employees.

Table 4 of the BLS report (<http://www.bls.gov/news.release/ecec.t04.htm> June, 2018, last modified in September 2018) contains employee compensation data for state and local government employers. The labor rates for respondent management, technical, and clerical personnel in Tables 1 to 3 of the ICR were obtained from the “State and local government workers Occupational group” category.

BLS Report (Table 4) State and Local Government Workers Job Classification Titles	ICR Respondent Job Classification Titles Used in ICR Tables 1-3	Corresponding Labor Compensation (hourly rate) from BLS Report
Management, professional, and related	Management	\$ 59.23
Professional and related	Technical	\$ 57.57
Office and administrative support	Administrative	\$ 34.46

The above labor rate data are “fully burdened” and include wages/salaries and benefits. The BLS report provides a breakdown of benefit costs, which includes paid leave, supplemental pay, insurance, retirement, and legally required benefit. Only fully burdened BLS labor cost data (i.e., total compensation) are used in the analysis described in this chapter of the ICR.

(ii) Estimating Capital and Operations and Maintenance (O&M) Costs

There are no predicted respondent capital or start-up costs associated with the activities described in this chapter of the ICR.

Non labor O&M includes only costs for photocopying, postage, telephone charges, and similar expenses. Item 1b of ICR Tables 1 to 3, Clarify Questions with EPA, is assumed to be exclusively telephone and facsimile machine expenses. Other O&M expenses listed in Tables 1 to 3 (i.e., under Items 3, 5, and 6) are predominantly photocopy, postage, and related paperwork distribution expenses.

6(c): Estimating Agency (EPA) Burden and Cost

EPA labor burden hours listed in Tables 4 to 6 are primarily based on data and assumptions presented in EPA’s 2008 ICR analysis for Clean Water Act section 312 mandates [specifically, information collection effort under for CWA sections 312(f)(3), (f)(4)(A) and (f)(4)(B)]. Where necessary, the level-of-effort determinations in the 2008 ICR were adjusted to correspond to the specific new information collection requirements resulting from the requirements of §§1700.9, 1700.10, and 1700.12. All of the level-of-effort estimations presented in Tables 4 to 6 have been reviewed for accuracy and reasonableness by EPA.

Agency labor costs data associated with this chapter of the ICR were obtained using pay scale rates for GS-9, GS-12, and GS-14 employees. The 2015 General Schedule Locality Pay Tables can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/html/DCB.aspx>. The salary scales contained in the table were effective January 2018.

Step 1 of the GS salaries was used in this chapter of the ICR analysis. The annual GS salary rates were converted to hourly rates according to instructions in Section 6(c) of the *EPA ICR Handbook* (10/2009 version). Total salaries were divided by 2,080, which represent the average number of hours work in a calendar year, and then multiplied by a factor of 1.6. The multiplier represents the benefits multiplication factor. The result is the true hourly cost to the federal government to employ a federal worker for one hour. These calculated hourly rates are used in Tables 4 to 6 of the ICR.

ICR Agency Job Classification Title Used in ICR Tables 4-6	2015 Annual GS Salary (Step 1)	Work Hours Per Year Factor	Benefits Factor	Calculated Hourly Rate Used in Tables 4-6
Management	GS-14, \$114,590	÷ 2,080	× 1.6	\$ 88.15
Technical	GS-12, \$81,548	÷ 2,080	× 1.6	\$ 62.73
Administrative	GS-9, \$56,233	÷ 2,080	× 1.6	\$ 43.26

6(d): Bottom Line Burden Hours and Cost Tables

Total estimated burdens associated with the requirements under §§ 1700.9, §1700.10, and §1700.12 to the State Agency respondents and to EPA are summarized in Tables 7 and 8, respectively. The data contained in both of these tables are transcribed from Tables 1 to 6.

Bottom line Respondent (State Agency) Estimated Burden and Cost Summary for 312(n) (from table 7)

	Number of Respondents Per Year	Number of Activities Per Year	Total Hours Per Year	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)	Total Annual O&M Costs (\$)

TOTAL	0.99	0.99	138.5	\$7,561.43	\$7709.93	\$148.50
--------------	-------------	-------------	--------------	-------------------	------------------	-----------------

Bottom line EPA Estimated Burden and Cost Summary for 312(n) (from table 8)

	Number of Respondents Per Year	Number of Activities Per Year	Total Hours Per Year	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)	Total Annual O&M Costs (\$)
TOTAL	0.99	0.99	30.855	\$2,007.14	\$2,066.54	\$59.40

6(e): Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 139 hours per response (139 hours/1). (From Table 7, rounded off.) The combined annual public reporting and recordkeeping burden for this entire Information Collection Request is estimated to average 152 hours per response (914/6). (From Table 17, rounded off.) 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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2008-0150, which is available for online viewing at www.regulations.gov, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., 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, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view

public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID EPA-HQ-OW-2008-0150, and OMB control number 2040-0187 in any correspondence.

Chapter II. Supporting Statement for the Establishment of No-discharge Zones for Vessel Sewage under CWA Sections 312(f)(3) and 312(f)(4)(A) and 312(f)(4)(B)

SECTION 1: Identification of the Information Collection

1(a): Title of the Information Collection

Establishing No-Discharge Zones Under Clean Water Act §312 (Renewal)

1(b): Short Characterization/Abstract

EPA requires the collection of information by states interested in designating state waters under the Clean Water Act §312(f) as areas prohibiting the discharge of treated or untreated sewage from vessels. The CWA mandates under §312 (f)(3) and (f)(4)(A) and (f)(4)(B), that EPA review state requests for prohibiting the discharge of vessel sewage into waters identified by the state. Under §312(f)(3), EPA makes a determination based on the state application whether there are adequate, safe, and reasonably available pump-out facilities for such waters to which such a prohibition would apply. Under §312(f)(4)(A), a state can petition EPA to designate, by regulation, its waters as a No-discharge Zone (NDZ) for vessel sewage if the protection of the waters require a complete prohibition of the discharge of vessel sewage. Finally, under §312(f)(4)(B), upon application by a state, EPA may, by regulation, establish a drinking water intake zone in any waters within that state and prohibit the discharge of sewage from vessels within that zone. For EPA to make the approvals and designations related to establishing No-discharge Zones (NDZs), states are required under the regulations to provide information relevant to this decision-making process thus triggering the requirement for EPA to have an ICR in compliance with the Paperwork Reduction Act.

SECTION 2: Need for and Use of the Collection

This section describes the statutory and regulatory authorities associated with this information collection. It also summarizes the use of the information designating NDZs.

2(a): Need/Authority for the Collection

The need for EPA to obtain information to establish NDZs stems from statutory authority and subsequent regulations. The establishment of NDZs provide state and local governments with a tool to protect waters from treated or untreated vessel sewage discharges, which is one of many types of water pollution. A summary of the statutory authority and subsequent regulations, follows.

1) *Statutory Authority:* Section 312(f) (33 U.S.C. 1322) of the Clean Water Act (CWA) provides states with the opportunity to apply to EPA for a

complete prohibition of vessel sewage (treated and untreated) in all or some of a state's waters. The area designated as no discharge, if approved by EPA, is called an NDZ. EPA has delegated its authority to establish NDZs under §§312(f)(3), (f)(4)(A), and (f)(4)(B) to EPA Regional Administrators (Administrator). There are three parts of CWA §312 that are related to the establishment of sewage NDZs. They are:

§312(f)(3). After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply. Upon application of the State, the Administrator shall make such determination within 90 days of the date of such application.

§312(f)(4)(A). If the Administrator determines upon application by a State that the protection and enhancement of the quality of specified waters within such State require such a prohibition, the Administrator shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into such waters.

§312(f)(4)(B). Upon application by a State, the Administrator shall, by regulation, establish a drinking water intake zone in any waters within such State and prohibit the discharge of sewage from vessels within that zone.

Most states which have designated and gained approval of NDZs have done so under §312(f)(3). This method requires the state to demonstrate a need for the discharge prohibition and the existence of adequate sanitary waste reception facilities (i.e., pump-out facilities). The relevant regulations promulgated under CWA §312 are described in the following section.

2) *Regulatory Authority*: CWA §312(b) authorizes the EPA to develop regulations on the standard of performance for marine sanitation devices (MSDs) (see 40 CFR Part 140.3). The standard only applies to vessels equipped with installed toilets. In most cases, the statute and regulations require the use of marine sanitation device meeting specified effluent levels.

As provided for in CWA §312, the EPA regulations also provide states with the

opportunity to apply for a no-discharge zone, or a complete prohibition of vessel sewage (treated and untreated) in all or some of a state's waters. The regulations are found at 40 CFR 140.4.

Under 40 CFR 140.4(a), the Administrator must review state applications for prohibiting the discharge of vessel sewage into waters identified by the state and determines from the state application whether there are adequate, safe and reasonably available pump-out facilities for such waters to which such a prohibition would apply [§312(f)(3)].

Under 40 CFR 140.4(b), states may make a written application to EPA to designate an NDZ by regulation where protection and enhancement of the specified waters is desired [§312(f)(4)(A)].

Under 40 CFR 140.4(c), states may make written application to EPA to designate an NDZ in waters which are used for drinking purposes [§312(f)(4)(B)].

2(b): Practical Utility/Users of the Data

The state uses the information collected under this chapter of the ICR to prepare the application to be submitted to the EPA Administrator. An NDZ application is submitted by a state environmental agency to the EPA Administrator. Depending on the type of NDZ sought by the state, the EPA uses the information to assist the state NDZ designation. The EPA uses the information collected under this ICR to carry out their responsibilities under the CWA with respect to reviewing applications for proposed NDZs and granting approval of qualifying NDZs.

(1) NDZ Designation under 312(f)(3) and 40 CFR 140(a): The information requested from the state will be used by the EPA to make the determination of the availability of pump-out facilities in the area supporting a state's potential NDZ for vessel sewage designation.

(2) NDZ Designation under 312(f)(4)(A) and 40 CFR 140(b): The information requested by the EPA from the state will be used by the EPA to designate the particular waters as an NDZ for vessel sewage. This type of designation is sought when the state believes and EPA concludes that the waters require additional protection.

(3) NDZ Designation under 312(f)(4)(B) and 40 CFR 140(c): The information requested by the EPA from the state will be used by the EPA to designate the particular waters as an NDZ for vessel sewage because the waters will be used for drinking purposes.

SECTION 3: Non-duplication, Public Notice, Consultations, and Other Collection Criteria

This section describes the EPA's efforts to ensure that the information collected for the establishment of NDZs is not duplicative, appropriate consultations have occurred, the public has had an opportunity to comment on the proposed requirements, and other collection criteria.

3(a): Non-duplication

No similar information is currently available in the form required for the EPA to make a decision on designating waters as NDZs. Each application for an NDZ by definition needs to be site-specific.

NDZ Designation under 40 CFR 140.4(a)

If a state applies for an NDZ under *40 CFR 140.4(a)*, the EPA is responsible for determining if there are adequate pump-out facilities. Upon a favorable determination by the EPA, the state can designate its waters as an NDZ. There is no duplication of effort in the NDZ application process.

NDZ Designation under 40 CFR 140.4(b)

If a state applies to the EPA for the designation of its waters as an NDZ under *40 CFR 140.4(b)* because protection and enhancement of the waters is desired, the EPA can designate the waters as an NDZ by regulation. There is no duplication of effort in the NDZ application process.

3) NDZ Designation under 40 CFR 140.4(c)

If a state applies to the EPA for the designation of its waters as an NDZ under *40 CFR 140.4(c)* because of the waters use as a drinking water intake zone, the EPA can designate the waters as an NDZ by regulation.

There is no duplication of effort in the NDZ application process. The application can be prepared using existing sources of data. The EPA has developed a guidance document to help states prepare their applications to establish an NDZ for vessel sewage, and it includes suggestions on where to find the information required. The document is titled "Protecting Coastal Waters from Vessel and Marina Discharges: A Guide for State and Local Officials" (EPA 842-B-94-004). Only when secondary sources of information have been exhausted will primary data collection be required.

3(b): Public Notice Required Prior to ICR Submission to OMB

The announcement of this ICR was made in the Federal Register on 09/11/2018, 83 FR 45927 under EPA-HQ-OW-2008-0150. It was titled "Agency Information Collection Activities; Proposed Collection; Comment Request; Establishing No-Discharge Zones Under Clean Water Act Section 312 (Renewal); EPA ICR No. 1791.08; OMB Control No. 2040-0187." EPA received no comments on this notice.

3(c): Consultations

Three representatives of state environmental offices were contacted by EPA

in December of 2018 and asked to provide comments on EPA's burden estimate (see section 6(e)): Todd Callaghan (Massachusetts Office of Coastal Zone Management, 617-626-1233); Renan Jauregui (California State Water Resources Control Board - Division of Water Quality, 916-341-5505); and Jason Fagel (Research Scientist, Division of Water, New York State Department of Environmental Conservation 518- 402-8156). The three commenters felt the estimates were reasonable.

3(d): Effects of Less Frequent Collection

The information collection requirements related to the NDZ application process are submitted on a one-time basis. Reductions below this level are not feasible.

3(e): General Guidelines

The information collection activities discussed in this chapter of the ICR are fully consistent with all guidelines in 5 CFR 1320.5(d)(2).

3(f): Confidentiality

The information collection activities discussed in this chapter of the ICR do not require the submission of any confidential information.

3(g): Sensitive Questions

The information collection activities discussed in this chapter of the ICR do not require the submission of any sensitive information.

SECTION 4: The Respondents and the Information Requested

This section provides a description of the information collection requirements affiliated with the NDZ for vessel sewage application process. Although the three types of NDZ applications under 40 CFR 140.4 (a-c) have different information collection requirements, the application development and submittal process is similar.

4(a): Respondents/SIC Codes

Under CWA Section 312(f)(3) and CWA Section 312 (f)(4)(A) and (B), states have the authority to designate an NDZ for vessel sewage after the EPA's affirmative determination or have the EPA designate portions of their waters as an NDZ for vessel sewage. States (SIC 9511, NAICS code 924110) are the only respondents to the data collection activities described in this chapter of the ICR.

4(b): Information Requested

NDZ Designation under 40 CFR 140.4(a)

(1) Data Items

There are seven application and information requirements listed in 40 CFR §140.4(a). The information required includes:

- A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;
2. A map showing the location of commercial and recreational pump-out facilities;
 3. A description of the location of pump-out facilities within waters designated for no discharge;
 4. The general schedule of operating hours of the pump-out facilities;
 5. The draft requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;
 6. Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and
 7. Information on vessel population and vessel usage of the subject waters.

Respondent Activities

1. An NDZ application under 40 CFR 140.4(a) is prepared by the state.
2. The state, in turn, submits the application to the EPA. The EPA makes the determination of available pump-out facilities.
3. Upon a finding of adequate or inadequate pump-out facilities availability, the EPA issues a Notice of Determination.
4. If the EPA indicates that adequate facilities are available, a state may designate the particular waters as an NDZ .

NDZ Designation under 40 CFR 140.4 (b)

If a state applies to the EPA for the designation of its waters as an NDZ under 40 CFR 140.4(b) because the protection or enhancement of the specified waters is desired, the EPA can designate the waters as an NDZ by EPA regulation.

(i) Data Items

The regulations at 40 CFR 140.4(b) require the following information to be submitted for the establishment of an NDZ for waters of particular environmental importance:

1. Specification of the waters or portions thereof for which a complete prohibition is desired;
2. Identification of water recreational areas, and/or;
3. Identification of aquatic sanctuaries, and/or;
4. Identification of identifiable fish-spawning and nursery areas, and/or;
5. Identification of areas of intensive boating activities; and
1. A map of the waters to be designated as an NDZ.

(ii) Respondent Activities

1. An application submitted under 40 CFR 140.4(b) is prepared by the state.
2. The state, in turn, submits the application to the EPA for designation of an NDZ.
3. The application development process includes five types of information collection activities.
4. EPA, after evaluation of the application, can designate by regulation an NDZ for the particular waters.
5. EPA can modify the size of the NDZ at its discretion.

NDZ Designation under 40 CFR 140.4(c)

If a state applies to the EPA for the designation of its waters as an NDZ under 40 CFR 140.4(c) because of the waters use as a drinking water intake zone, the EPA can designate the waters as an NDZ by EPA regulation.

(i) Data Items

According to 40 CFR 140.4(c), to establish an NDZ under these provisions, the following information is required in the application:

1. Specification and description of the location of the drinking water supply intake(s) and the community served by the intakes;
2. Specification and description of the waters for which a complete prohibition is desired;
3. A map of the waters to be designated as a drinking water intake zone; and
4. A statement justifying the size of the requested drinking water intake zone.

(ii) Respondent Activities

1. An application submitted under 40 CFR 140.4(c) is prepared by the state.
2. The state, in turn, submits the application to the EPA for approval of an NDZ designation.
3. The application development process includes four types of information collection activities.
4. The EPA, after evaluation of the application, can designate by regulation an NDZ for the particular waters.
5. The EPA can modify the size of the NDZ at its own discretion.

SECTION 5: The Information Collected-Agency Activities, Collection Methodology, and Information Management

This section describes Agency activities involved in implementing the process for the NDZ for vessel sewage designations.

5(a): Agency Activities

NDZ Designation under 40 CFR 140.4(a)

Agency activities associated with a request by a state to establish an NDZ for vessel sewage under 40 CFR 140.4(a) consists of the following:

1. Clarify any questions from state applicants;
2. Review the information in the request and determine whether: adequate facilities for the safe and sanitary removal of the discharges are reasonably available for the waters to which the prohibition would apply;
3. Notify the state in writing of the above determinations; and
4. Copy, store, file, and maintain the state's request and EPA's response letter.

NDZ Designation under 40 CFR 140.4 (b)

Agency activities associated with a request by a state to establish an NDZ for vessel sewage under 40 CFR 140.4 (b) consists of the following:

1. Clarify any questions from state applicants;
2. Review the information in the request and determine whether the water for which the prohibition would apply are of environmental importance;
3. Notify the state in writing of the above determinations;
4. If the Administrator makes a finding that the waters listed in the application require prohibition, publish notice of such findings together with a notice of proposed rulemaking;
5. Copy, store, file, and maintain the state's request and EPA's response letter.

NDZ Designation under 40 CFR 140.4(c)

Agency activities associated with a request by a state to establish an NDZ for vessel sewage under 40 CFR 140.4(c) consist of the following:

1. Clarify any questions from state applicants;
2. Review the information in the request and determine whether: the water for which the prohibition would apply are suitable for drinking purposes;
3. Notify the state in writing of the above determinations;
4. If the Administrator makes a finding that the waters listed in the application require prohibition, publish notice of such findings together with a notice of proposed rulemaking;
5. Copy, store, file, and maintain the state's request and EPA's response letter.

5(b): Collection Methodology and Management

States will give the information collection associated with this chapter of the ICR to the EPA in the form of a request letter and/or application. EPA will ensure the accuracy and completeness of this information by reviewing each submittal.

5(c): Small Entity Flexibility

The only respondents to the activities described in this chapter of the ICR are states. Therefore, there are no small entities affected.

5(d): Collection Schedule

NDZ Designation under 40 CFR 140.4(a)

There are ninety NDZs designated under this provision. NDZ designations under this provision have been established significantly more frequently than under the other two provisions. The EPA has to determine if there are adequate pump-out facilities available. The designation does not require any additional information collection other than the one-time application.

NDZ Designation under 40 CFR 140.4(b)

There are three NDZs designated under this provision. A state applies for the NDZ and the EPA determines if such an NDZ is warranted based on the environmental importance of the waters. Upon a favorable determination, the EPA establishes the NDZ by regulation. The designation does not require any additional information collection other than the one-time application.

NDZ Designation under 40 CFR 140.4(c)

There is one NDZ designated under this provision. A state applies for the NDZ and the EPA determines if the waters are for drinking purposes and the size of the NDZ. Upon a favorable determination, the EPA establishes the NDZ by regulation. NDZs established under this provision (like those established under the other provisions) do not require any additional information collection other than the one-time application.

SECTION 6: Estimating the Burden and Cost of the Collection

Burden and Costs associated with the information collection activities described in this chapter are in Tables 9-16 of the Appendix. The text below explains how the burden and costs estimates were derived.

6(a): Estimating Respondent burden

Respondent labor burden hours listed in Tables 9, 11, and 13 were based on the EPA's experience in assisting states in establishing NDZs for vessel sewage in their waters. These burden hours were also derived using information collection activities gathered for previous ICRs that have similar information collection activities. The level-of-effort estimates presented for these tables were reviewed by the EPA's staff and managers, all of whom have experience in assessing information collection work similar to that described in this chapter of the ICR.

The EPA estimated the burden hours by task for each of the three application types based on the amount of time needed to complete the "model" application in the guidance document, and estimates of the time states needed to complete the previously submitted applications reviewed as part

of the development of the ICR. Each application is assumed to be reviewed twice by the state and by the EPA. In other words, the EPA is assumed to request additional information or to deny the application, thus triggering a second round of review. This is a conservative estimate and likely overstates the associated costs.

Listed below are some of the major activities associated with the designation of NDZ for vessel sewage described in this chapter of the ICR for which burden hours have been categorized:

- The application preparation process includes the following type of personnel by stage of the process
 1. Read regulation and review guidance document: management and technical
 2. Information gathering: technical
 3. Preparing application: management, technical, and clerical
- The application review process includes management and technical personnel.
- Information storage involves clerical time for state personnel.

NDZ Designation under 40 CFR 140.4(a)

States submit applications to the EPA. Based on EPA forecasts, four applications per year were assumed. The average application was assumed to be about 15 pages in length. This is based on the average number of pages in previously submitted applications and assumes some optional information is provided in the application.

NDZ Designation under 40 CFR 140.4(b)

States submit applications to the EPA. Based on past experience, the EPA estimates that one application will be received every three years. The average application was assumed to be about 50 pages in length. This is based on the number of pages in a previously submitted application which provides the information required for this type of NDZ application.

NDZ Designation under 40 CFR 140.4(c)

States also submit applications to the EPA. The EPA estimates that there will be one application every three years. The application was assumed to be about 15 pages in length. This is based on the type of information requested and examples of this information included in previously submitted NDZ applications.

6(b): Estimating Respondent Costs

(1) Estimating Labor Costs

All labor cost-rate data used in Tables 9, 11, and 13 were obtained from the U.S. Bureau of Labor Statistics (BLS) Compensation Cost Trends homepage (<http://www.bls.gov/ncs/ect/>). The BLS homepage has a variety of links to publications and reports related to labor costs by category. The BLS report

used in this ICR was titled *Employer Costs for Employee Compensation*, available on-line at: <http://www.bls.gov/news.release/ecec.htm>

Table 4 of the BLS report (<http://www.bls.gov/news.release/ecec.t04.htm> June 2018) contains employee compensation data for state and local government employers. The EPA obtained the labor rates for respondent management, technical, and clerical personnel in Tables 9, 11, and 13 of the ICR from the “State and local government workers, by occupational group” category.

BLS Report (Table 4) State and Local Government Workers Job Classification Titles	ICR Respondent Job Classification Titles Used in ICR Tables 1-3	Corresponding Labor Compensation (hourly rate) from BLS Report
Management, professional, and related	Management	\$ 59.23
Professional and related	Technical	\$ 57.57
Office and administrative support	Administrative	\$ 34.46

The above labor rate data are “fully burdened” and include wages/salaries and benefits. The BLS report provides a breakdown of benefit costs, which includes paid leave, supplemental pay, insurance, retirement, and legally required benefits. The EPA used only fully burdened BLS labor cost data (i.e., total compensation) in the analysis described in this chapter of the ICR.

The unit costs were multiplied by the appropriate units of activity (e.g., burden hours) to estimate costs per application for states seeking an NDZ for vessel sewage. Annualized costs were based on the number of applications expected per year.

(ii) Estimating Capital and Operations and Maintenance (O&M) Costs

There are no predicted respondent capital or start-up costs associated with the activities described in this chapter of the ICR.

Non labor O&M includes only costs for photocopying, postage, telephone charges, and similar expenses. Item 1b of ICR Tables 9, 11, and 13, Clarify Questions with EPA, is assumed to be exclusively telephone and facsimile machine expenses. Other O&M expenses listed in Tables 9, 11, and 13 are predominantly photocopy, postage, and related paperwork distribution expenses.

6(c): Estimating Agency (EPA) Burden and Cost Agency Burden

The EPA based the labor burden hours listed in Tables 10, 12, and 14 primarily on the EPA’s experience in dealing with states in establishing NDZs for vessel sewage. Also, data from the 2003 ICR addressing NDZs for vessel sewage were evaluated. Where necessary, the level-of-effort determinations

and cost estimates in the 2003 ICR were adjusted in 2015 to correspond to the new cost information. No adjustments are made to these level-of-effort determinations. All the level-of-effort estimations presented in Tables 10, 12 and 14 have been reviewed for accuracy and reasonableness by EPA staff and managers, all of whom have had considerable project-management experience doing information-collection work similar to that required by 40 CFR 140.4 (a-c).

Listed below are some of the major activities associated with the designation of NDZ for vessel sewage for which the EPA has categorized burden hours described in this chapter of the ICR:

- Questions from the applicant's technical personnel are answered by EPA technical personnel.
- The application review process includes management and technical personnel.
- The Federal Register Notice process includes the following type of personnel:
management, technical, and clerical.
- Information storage involves clerical time

The estimation of the EPA's burden hours depends on the type of NDZ for vessel sewage that the state is seeking.

NDZ Designation under 40 CFR 140.4(a)

The EPA reviews application by states focusing on the availability of pump-out facilities. Based on EPA forecasts, four applications per year were assumed. The average application was assumed to be about 15 pages in length. The EPA discloses its determination in the Federal Register by Notice of Determination.

NDZ Designation under 40 CFR 140.4(b)

The EPA reviews application from states focusing on the preservation of environmentally important habitats. Based on past experience, the EPA estimates that one application will be received every three years. The average application was assumed to be about 50 pages in length. The EPA discloses its determination in the Federal Register either by rule or by Notice of Determination.

NDZ Designation under 40 CFR 140.4(c)

The EPA reviews application from states focusing on the use of the waters for drinking purposes. The EPA estimates that there will be one application received every three years. The application was assumed to be about 15 pages in length. The EPA discloses its determination in the Federal Register either by rule or by Notice of Determination.

Agency Costs

Agency labor costs data associated with this chapter of the ICR were obtained using pay scale rates for GS-9, GS-12, and GS-14 employees. The 2018 General Schedule Locality Pay Tables can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/18Tables/html/DCB.aspx>. The salary scales contained in the table were effective January 2018. Step 1 of the GS salaries was used in this chapter of the ICR analysis. The annual GS salary rates were converted to hourly rates according to instructions in Section 6(c) of the *EPA ICR Handbook* (10/2009 version). Total salaries were divided by 2,080, which represent the average number of hours work in a calendar year, and then multiplied by a factor of 1.6. The multiplier represents the benefits multiplication factor. The result is the true hourly cost to the Federal government to employ a Federal worker for one hour. These calculated hourly rates are used in Tables 10, 12, and 14 of the ICR.

ICR Agency Job Classification Title Used in ICR Tables 4-6	2015 Annual GS Salary (Step 1)	Work Hours Per Year Factor	Benefits Factor	Calculated Hourly Rate Used in Tables 4-6
Management	GS-14, \$114,590	÷ 2,080	× 1.6	\$ 88.15
Technical	GS-12, \$81,548	÷ 2,080	× 1.6	\$ 62.73
Administrative	GS-9, \$56,233	÷ 2,080	× 1.6	\$ 43.26

The unit costs were multiplied by the appropriate units of activity (e.g., burden hours) to estimate costs per application for the EPA. Annualized costs were based on the number of applications expected per year.

6(d): Bottom Line Burden Hours and Cost Tables

Total estimated burdens associated with 40 CFR 140.4(a-c) to the state respondents and to the EPA are summarized in Tables 15 and 16, respectively.

Estimated Respondent (State Agency) Burden and Cost Summary for Establishing NDZs for Vessel Sewage under CWA 312(f) (from table 15)

Number of Respondents	Number of Activities Per Year	Total Number of Hours Per Year	Total Annual O&M Costs (\$)	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)
4.66	4.66	775.83	\$699.00	\$42,460.95	\$42,159.95

Estimated Agency (EPA) Burden and Cost Summary for Establishing NDZs for Vessel Sewage under CWA 312(f) (from table 16)

Number of Respondents	Number of Activities Per Year	Total Number of Hours Per Year	Total Annual O&M Costs (\$)	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)
4.66	4.66	156.20	\$279.60	\$10,154.83	\$10,434.43

6(e): Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 155 hours per response (776/5). (From Table 15, rounded off.) The combined annual public reporting and recordkeeping burden for this entire Information Collection Request is estimated to average 152 hours per response (914/6). (From Table 17, rounded off.) 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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2008-0150, which is available for online viewing at www.regulations.gov, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., 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, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget at oir_submission@omb.eop.gov, Attention: Desk

Officer for EPA. Please include the EPA Docket ID EPA-HQ-OW-2008-0150, and OMB control number 2040-0187 in any correspondence.

APPENDIX

See the accompanying Excel workbook with the referenced tables.

Summary Tables for Information Collection under CWA Section 312

Table 17: Total CWA Section 312 Estimated Respondent (State Agency) Burden and Cost Summary

* This data is taken from Tables 7 and 15 of this ICR

	Number of Respondents Per Year	Number of Activities Per Year	Total Number of Hours Per Year	Total Annual O&M Costs (\$)	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)
Armed Forces Vessels; Table 7	0.99	0.99	138.51	148.50	7,561.43	7,709.93
Vessel Sewage; Table 15	4.66	4.66	775.83	699.00	42,460.95	43,159.95
Total	5.65	5.65	914.34	847.50	50,022.38	50,869.88

Table 18: Total CWA Section 312 Estimated Agency (EPA) Burden and Cost Summary

* This data is taken from Tables 8 and 16 of this ICR

	Number of Respondents Per Year	Number of Activities Per Year	Total Number of Hours Per Year	Total Annual O&M Costs (\$)	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)
Armed Forces Vessels; Table 8	0.99	0.99	30.85	59.40	2,007.14	2,066.54
Vessel Sewage; Table 16	4.66	4.66	156.20	279.60	10,154.83	10,434.43
Total	5.65	5.65	187.05	339	12,161.98	12,500.98