

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

1. Identification of the Information Collection

1(a) Title of the Information Collection

Information Collection Request for ICR Supporting Statement Information Collection Request for Water Quality Certification Regulations, EPA ICR Number 2603.03, OMB Control Number 2040-0295.

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) describes the cost and burden associated with 40 CFR 121, the regulations that implement Clean Water Act (CWA) section 401. Under section 401, a federal agency may not issue a permit or license that may result in any discharge into waters of the United States unless the certifying authority where the discharge would originate issues a section 401 water quality certification verifying that the discharge will comply with certain water quality requirements or waives the certification requirement. CWA section 401 requires project proponents to submit project specific information to certifying authorities. Certifying authorities may act on project specific information by either granting, granting with conditions, denying, or waiving section 401 certification. CWA section 401 requires certifying authorities to submit information to the relevant federal licensing or permitting agency to indicate the action taken on a request for certification. If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. The EPA is also responsible for coordinating input from certain neighboring or downstream states and tribes affected by a discharge from a federally licensed or permitted project under section 401(a)(2). Information collected directly by the EPA under section 401 in support of the section 402 permit program is already captured under an existing ICR (OMB Control Number 2040-0004) and is therefore not included in this analysis.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

CWA section 401 requires project proponents to submit specific information to certifying authorities. Certifying authorities may then act on project specific information by either granting, granting with conditions, denying, or waiving section 401 certification. All states and tribes with treatment as a state (TAS) authorization for section 401 have authority to implement section 401 certification programs. The EPA has authority to implement section 401 certification programs on behalf of tribes without TAS for section 401 and on lands of exclusive federal jurisdiction. The EPA is also responsible for providing notification to neighboring or downstream states and

tribes affected by a discharge from a federally licensed or permitted project under section 401(a) (2). CWA section 401 requires certifying authorities to submit information to the relevant federal licensing or permitting agency to indicate the action taken on a request for certification. If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application.

2(b) Practical Utility/Users of the Data

The information collected under section 401 is used by the certifying authorities for reviewing proposed projects that require a federal license or permit and have the potential for a discharge to a navigable water.

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

3(a) Non-duplication

The information collected under this section may not be systematically collected or made available elsewhere, nor is it currently available elsewhere.

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

In compliance with the Paperwork Reduction Act of 1995 (PRA), EPA issued a public notice in the *Federal Register* on November 27, 2019 (84 FR 65390). The notice indicated that EPA was planning to submit an ICR, “Request for Water Quality Certification Regulations,” EPA ICR Number 2603.03, OMB Control Number 2040-0295, to the Office of Management and Budget (OMB) for review and approval in accordance with the PRA. The notice also requested comments on the information collection and burden estimates covered in the ICR. The public comment period extended through January 27, 2020. The EPA did not receive any substantive public comments in response to this notice.

3(c) Consultations

As part of a concurrent process to update the certification regulations at 40 CFR 121, the EPA received input from a variety of sources that has been useful in helping the Agency refine its understanding of the current collection (now being renewed with this ICR -- EPA ICR Number 2603.03). Those sources including state and tribal meetings, meetings with federal agencies, and public comments received on a notice of proposed rulemaking (Docket ID No. EPA-HQ-OW-2019-0405).

Additionally, the EPA communicated with nine (9) jurisdictions¹ directly to collect more information on their respective water quality certification programs, including the types and content of certification requests received. Eight (8) jurisdictions responded². This additional information has been assessed and used to inform the estimates presented in this supporting

¹ States: Florida, Louisiana, Ohio, Kansas, Massachusetts, Nevada, and New York. Tribe: Ute Mountain Ute Territory: Puerto Rico.

² The State of Ohio did not respond to the information request.

statement. The additional information provided more specific details on the potential number of responses submitted by project proponents and the time that certifying authorities spend reviewing information. This new information has been, in some cases which are discussed in section 6, included in the ranges used when calculating estimated hour and cost burdens.

3(d) Effects of Less-Frequent Collection

To satisfy the requirements of the statute, certifying authorities must collect information necessary to determine whether a potential discharge from a federally licensed or permitted activity into a water of the United States will comply with water quality requirements. Project proponents cannot move forward, and a federal agency may not proceed with issuing a license or permit, before a certifying authority acts on a request for certification. If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application.

3(e) General Guidelines

There are no special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

3(f) Confidentiality

Federal licensing and permitting agencies are responsible for following statutory and regulatory requirements regarding the collection and handling of any confidential business information. The EPA and other federal agencies will handle requests from the public for release of information under standard Freedom of Information Act procedures.

3(g) Sensitive Questions

This ICR does not require the collection of any information of a sensitive nature.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

Participants in the information collection and recordkeeping activities described by this ICR are generally project proponents or certifying authorities. Any entity that requires a federal license or permit and has the potential to discharge into waters of the United States could be a project proponent. Given the broad range of potential respondents, the EPA is unable to comprehensively catalogue their particular North American Industry Classification System (NAICS) or Standard Industrial Classification (SIC) codes. However, the following general sectors would be expected to be highly represented among respondents.

<u>Code</u>	<u>Industry Title</u>
21	Mining
22	Utilities
23	Construction
31-33	Manufacturing

Most certifying authorities will fall into the following SIC codes.

<u>Code</u>	<u>Industry Title</u>
9111	Executive Offices
9199	General Government, Not Elsewhere Classified

4(b) Information Requested

(i) Data Items & Respondent Activities

The regulations at 40 CFR 121.2 specify the information certifying authorities must provide when acting on a request for certification. If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. The EPA notes that this information collection does not capture information that may be requested by the certifying authority during the certification process after an initial request is received. The EPA does not mandate what further information, if any, may be needed for a certifying authority to act on a request for certification.

The regulations at 40 CFR 121.22 list the information a project proponent must submit when the EPA acts as the certifying authority. Information collected directly by the EPA under section 401 in support of the section 402 permit program is already captured under an existing ICR (OMB Control Number 2040-0004, EPA ICR No. 0229.23) and is therefore not included in this analysis.³

Additionally, the regulations at 40 CFR 121.16(b) specify that certifying authorities must provide an express waiver of certification in writing. The regulations do not explicitly discuss information requirements when a certification is denied.

The regulations at 40 CFR 121.2(b) state that certifying authorities can modify certifications as agreed upon by the certifying authority, federal agency, and the EPA. However, these modifications are rarely used by certifying authorities.

³ Section A.1.9.1, EPA ICR No. 0229.23.

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

5(a) Agency Activities

Under the regulations at 40 CFR 121.21, the EPA acts as a certifying authority on behalf of federally recognized tribes that lack TAS and for lands of exclusive federal jurisdiction. On average, the EPA estimates it performs 54 CWA section 401 water quality certification decisions per year for projects on tribal lands where the tribe does not have TAS. The EPA rarely performs section 401 water quality decisions on lands of exclusive federal jurisdiction.

On rare occasions, a Regional EPA office notifies a neighboring jurisdiction that a discharge originating in one jurisdiction may affect a neighboring jurisdiction, in accordance with current regulations at 40 CFR 121.13.

5(b) Collection Methodology and Management

Through the water quality certification process, project proponents must submit project specific information to certifying authorities. Certifying authorities may then act on project specific information by either granting, granting with conditions, denying, or waiving section 401 certification

The certifying authority collecting the information determines the information collection technique and may require either physical or electronic submission of information.

The information collected under section 401 may be published provided that it is not proprietary or confidential business information. The determination as to whether to publish or not is made by the certifying authority or federal licensing or permitting agency collecting the information.

5(c) Small Entity Flexibility

Although information collected under section 401 could be furnished by small entities, small entities are more likely to qualify for general permit authorizations for which section 401 certification is already granted (e.g., CWA section 404 nationwide general permits). The EPA cannot further minimize the burden to small entities because section 401 requires all project proponents to submit a certification request.

5(d) Collection Schedule

Information is generally submitted by a respondent once, on a per permit basis.

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

Detailed data on all certification request submittals by project proponents is not currently available. The estimates presented in the supporting statement from the first notice have been augmented to include additional data provided in public comments from the proposed rule docket and a questionnaire that was presented to nine (9) certifying authorities. Eight (8) certifying authorities responded and provided data. The data that was collected via this questionnaire provided more specific information on the potential number of responses submitted by project proponents and the time that certifying authorities spend reviewing information. This new information has been included, where appropriate, in the ranges used when calculating estimated hour and cost burdens.

i) Certifying Authorities

Table 1 presents the annual average number of issued federal licenses and permits estimated based on data from five (5) licensing/permitting category types.

Table 1: Federal License/Permit Summary

License/Permit Type	Annual Average # Licenses/Permits Issued
CWA Section 404	50,159 general; ⁴ 2,511 ^a individual
Rivers and Harbors Act Section 10	8,607 general; 1,670 ^b individual
Rivers and Harbors Act Section 9	30-35
Federal Energy Regulatory Commission license	47 ^c
Nuclear Regulatory Commission license	3 ^d
Estimated Total Annual Average # Licenses/Permits Issued	63,032

a) Estimate based on the annual average number of 404 permits from 2013-2018

b) Estimate based on the annual average number of section 10 permits from 2013-2018

c) Estimate based on annual average license issuance for hydropower facilities/major natural gas pipelines from 2013-2018

d) Estimate based on annual average number of licenses for operating nuclear power reactors from 2013 to 2018

The EPA estimates that 119 certifying authorities⁵ serve as respondents for this information collection. The estimated number of responses present in this section have increased from the first notice based on data provided in the eight (8) questionnaire responses. The estimates in this supporting statement were reformulated to incorporate additional information made available to the EPA through questionnaire responses and public comments to Docket ID No. EPA-HQ-OW-2019-0405. The average number of reviewed requests across the six (6) states that provided more data when presented with the questionnaire was 2,618 requests per state. The EPA did not include the questionnaire response estimates provided by the tribe and territory in this state average. Multiplying this estimate by all 50 states gives a revised high estimate of 131,000 certifying authority responses per year. The low estimate is based on the 63,000 annual issued licenses and permits presented in Table 1; the EPA assumes at a minimum, there is one certification request, and therefore response required by a certifying authority, per license/permit

4 An individual 404 permit covers one discharge with more than minimal adverse effects; a general 404 permit covers discharges that have only minimal adverse effects based on activity category.

5 The 50 states, Washington, DC, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and 62 tribes with treatment as a state for section 401.

issued. The midpoint of the two values is 97,000.

The federal license/permit summary in Table 1 captures only those licenses and permits that are issued, which may not accurately reflect the full number reviewed by certifying authorities or submitted by project proponents. The high estimate is based on a limited number of states and is not expected to be representative of the whole population of certifying authorities. Use of the midpoint is justified to address the incomplete nature of both estimates.

Table 2: Number of Certification Requests on General and Individual Permit Range Estimates for Certifying Authorities

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	19,000	29,000	39,000
Individual Permits	44,000	68,000	92,000
Total	63,000	97,000	131,000

In the supporting statement from the first notice, the EPA estimated the hourly burden for a certifying authority reviewing a certification request to be four (4) hours per certification request.⁶ The questionnaire data suggests that some certifying authorities spend more than the estimated 4 hours per request used in the first notice, and a range for the per-request burden would be more appropriate. The EPA has estimated a low of four (4) hours and a high of 10 and 16 hours for certifying authorities to review general and individual certification requests, respectively (Table 3Error: Reference source not found).

Table 3: Per-Certification Request Review Burden (Hours)

Permit Type	Low Estimate	Midpoint	High Estimate
General	4	7	10
Individual	4	10	16

Using the midpoint estimates of seven (7) and 10 hours per review for general and individual requests, respectively, multiplied by the number of requests in Table 2, the average estimated burden associated with certification request review for certifying entities ranges from 441,000 to 917,000 hours per year, with a midpoint of 679,000 hours per year.

Table 4: Estimated Certifying Authority Annual Hour Burden

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	133,000	203,000	273,000
Individual Permits	308,000	476,000	644,000
Total	441,000	679,000	917,000

Not all certification request reviews necessitate the same associated burden. The certifications for small projects can be reviewed by the certifying authority with relatively little associated burden. The certifications for larger, more complex projects may require significantly more associated burden to review. Certifying authorities may also choose to waive certification

⁶ Section A.1.9.1, EPA ICR No. 0229.23.

for a project. Waivers may or may not involve review by the certifying authority and are often issued without incurring any measurable associated burden.

The regulations include no specific recordkeeping requirements for certifying authorities.

ii. Project Proponents

In the supporting statement from the first notice the EPA estimated, based on the data from Table 1, that the annual average responses from project proponents would range from 19,000 to 63,000, with a midpoint of 41,000 responses per year. However, the annual average licenses and permits issued may not capture the totality of information submissions made by project proponents. For example, if burden estimates only relied on issued licenses and permits, then it would not account for certification requests that may be denied by certifying authorities or withdrawn by project proponents. The estimates in this supporting statement were reformulated to better account for these factors and to incorporate additional information made available to the EPA through eight (8) questionnaire responses and public comments to Docket ID No. EPA-HQ-OW-2019-0405. The average number of reviewed requests across the six (6) states that provided more data when presented with the questionnaire was 2,618 requests per state. Multiplying this estimate by all 50 states gives a revised high estimate of 131,000 project proponent responses per year. While this number could underestimate project proponent requests that are submitted but not reviewed, the number could also overestimate the number of unique proponent requests that are resubmitted by project proponents without substantial changes. The low estimate is based on the 63,000 annual issued licenses and permits presented in Table 1; the EPA assumes at a minimum, there is one certification request, and therefore response required by a project proponent, per license/permit issued. The midpoint of the two values is 97,000.

Table 5: Number of Certification Request Range Estimates for Project Proponents

Low Estimate	Midpoint	High Estimate
63,000	97,000	131,000

The EPA assumed an average per-certification request baseline burden estimate for the section 401 requirements equal to what is presented in the collection request for EPA’s section 402 permit program (EPA ICR No. 0229.23). An average burden on project proponents related to submission of information to EPA is four (4) hours per certification request in the 402 permit program collection request.⁷ This average burden estimate for project proponents for submission of information is unchanged from the first notice as no public comments were received.

The average marginal estimated burden associated with certification requests for project proponents ranges from 252,000 to 524,000 hours per year, with a midpoint of 388,000 hours per year.

Table 6: Total Estimated Annual Hour Burden for Project Proponents

Low Estimate	Midpoint	High Estimate
252,000	388,000	524,000

⁷ Section A.1.9.1, EPA ICR No. 0229.23.

The regulations include no specific recordkeeping requirements for project proponents.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

1. Certifying Authorities

The EPA estimates that \$30.67 (starting point of a GS-11 “Rest of U.S.” locality⁸) is an appropriate average hourly wage for a certifying authority employee.⁹ Adding a 1.6 overhead factor¹⁰ results in an estimated hourly wage for a certifying authority employee of \$49. The EPA multiplied the hourly wage of \$49 by the annual estimated hourly burden range presented in Table 4 to arrive at an estimated annual dollar burden range of \$22.0 million to \$45.0 million per year, with a midpoint of approximately \$33.0 million per year.

Table 7: Estimated Certifying Authority Annual Cost Burden (Millions)

Low Estimate	Midpoint	High Estimate
\$22.0	\$33.0	\$45.0

2. Project Proponents

Certification request documents are likely prepared by a team of employees with a range of skills. For the purposes of this burden estimate, the EPA consulted the Bureau of Labor Statistics website for wage information related to engineering services.¹¹ The median hourly wage for all occupations under engineering services for May 2018, the most recent available, is \$37. Adding a 1.6 overhead factor results in a median hourly wage of \$59. The EPA multiplied this hourly wage by the hourly burden for project proponents in Table 6 to arrive at the estimated cost burden. The average estimated total cost burden associated with certification requests for project proponents ranges from \$15.0 million to \$31.0 million per year, with a midpoint of approximately \$23.0 million per year.

Table 8: Estimated Project Proponent Annual Cost Burden (Millions)

Low Estimate	Midpoint	High Estimate
\$15.0	\$23.0	\$31.0

Not all certification requests necessitate the same associated burden. The certifications for small projects can be prepared by the project proponent with relatively little associated burden. The requests for larger, more complex projects may require significantly more associated burden to prepare.

⁸ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/RUS_h.aspx, accessed February 2020.

⁹ Use of GS-11 as a proxy for state and local level wage information is consistent with existing EPA ICR supporting statements.

¹⁰ An overhead factor is used to estimate total compensation (wages and employment benefits).

¹¹ https://www.bls.gov/oes/current/naics5_541330.htm, accessed February 2020.

There are no specific record keeping requirements in the EPA’s certification regulations.

(ii) Estimating Capital/Startup and Operation and Maintenance Costs

1. Fees

In some cases, project proponents may pay fees for certification requests. Not all certifying authorities assign fees for section 401 water quality certifications. Twenty states in addition to the District of Columbia do not charge fees, while the remainder may charge fees but the structure under which they are assigned varies. Some fees are flat, meaning each submission is assigned the same fee, while others vary depending on project characteristics (i.e. project activity, permit type, project size, etc). Detailed data on all project proponent submissions is not currently available. A per-certification request range of fees was estimated based on state fee structures and is presented in Table 9, where the high estimate is the average fee for those states with available information on fees.

Table 9: Per-Certification Request Fee Estimates

Permit Type	Low Estimate	High Estimate
General Permit	\$0	\$69
Individual Permits	\$0	\$859

The per-certification request fee estimates were multiplied by the estimated number of certification requests submitted by project proponents presented in Table 5 to provide a total estimate of potential fees charged to project proponents. Based on a review of the fee structures for certifying authorities that do charge fees, the larger or more complicated the project the more likely it requires a fee be submitted for review by the certifying entity. The estimates in Table 10 are likely an overestimate as these estimates are based solely on one dimension of a certification request, whether it is for a general or individual permit. Additionally, some fees are assigned for certifying authority review, but may not be solely for review of the section 401 elements of a request. Other state or jurisdictional programs may receive fees during a onetime payment for a request submission. The estimated fees paid by project proponents for certification requests ranges from \$0 to \$16.0 million, with a midpoint of \$8.0 million.

Table 10: Estimated Fees Paid by Project Proponents (Millions)

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	\$0.0	\$4.0	\$8.0
Individual Permits	\$0.0	\$4.0	\$8.0
Total	\$0.0	\$8.0	\$16.0

6(c) Estimating Agency Burden and Cost

The EPA estimates that \$43.71 (starting point of a GS-13 “Rest of U.S.” locality¹²) is an average hourly federal government employee wage for an EPA regional employee tasked with acting on certification requests on behalf of tribes. Adding a 1.6 overhead factor results in an estimated average hourly employee wage of \$70.

¹² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/RUS_h.aspx, accessed February 2020.

On average, federal review of certification requests performed by the EPA is estimated at three (3) hours per request, based on information provided by EPA employees. Multiplying the 54 estimated annual decisions per year by the estimated three (3) hours to review an application results in an hourly burden for certification request review by the federal government of 162 hours per year. The 54 CWA section 401 water quality certification decisions per year, multiplied by the estimated three (3) hour review time and an estimated hourly wage of \$70 provides an estimated annual cost burden of \$11,340.

Table 11: Estimated Federal Government Annual Hour and Cost Burden

Total Estimated Annual Hour Burden	Total Estimated Annual Dollar Burden
162	\$11,340

6(d) Estimating the Respondent Universe

Participants in the information collection activities described by this ICR are generally project proponents or certifying authorities. The EPA estimates that there is one project proponent per federal license or permit submission that has the potential to discharge into waters of the United States that serves as a respondent for this information collection. The EPA estimates that the 119 certifying authorities¹³ serve as respondents for this information collection.

6(e) Bottom Line Burden Hours and Costs

The detailed bottom line burden hours and cost calculations for the respondents and the EPA are shown above in Error: Reference source not foundTable 4 through Table 11 and summarized below.

(i) Respondent Tally

This ICR estimates 194,000¹⁴ annual responses from 97,119¹⁵ respondents, an increase from the estimated 82,000 annual responses and 41,119 respondents presented in the first notice. Total annual burden for respondents (project proponents and certifying authorities) are anticipated to be 1,067,000 hours with the associated annual labor costs being approximately \$56 million. There are \$8 million estimated non-labor costs associated with this collection attributed entirely to potential fees paid by project proponents.

(ii) The Agency Tally

The total annual burden for the EPA is anticipated to be 162 hours. Activities related to maintaining this collection are expected to cost the EPA approximately \$11,340 each year.

¹³ The 50 states, Washington, DC, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and 62 tribes with treatment as a state for section 401.

¹⁴ 97,000 estimated annual responses for project proponents from Table 5 + 97,000 estimated annual responses for certifying authorities from Table 2.

¹⁵ 97,000 estimated annual project proponent respondents + 119 certifying authorities.

6(f) Reasons for Change in Burden

There is an increase in the estimated burden, number of respondents, and number of responses when compared to the estimates presented in the currently approved ICR. These changes are due to refinements in how the estimates are calculated in addition to newly collected and updated data made available since the first notice. The EPA also consulted with certifying authorities to compile suitable data for estimation of potential fees where appropriate.

Number of Requests: The currently approved ICR estimated the number of certification requests prepared by project proponents and reviewed by certifying authorities based on the number of issued licenses and permits as reported by federal agencies. The Agency assumed that federally issued licenses and permits were a reasonable surrogate for the number of certification requests reviewed by certifying authorities. However, additional data the EPA received from certifying authorities indicates they receive and review more certification requests than the surrogate estimate. While the data from certifying authorities does not conclusively explain this discrepancy, the Agency believes that certifying authorities are likely reviewing requests for licenses and permits that are not ultimately issued, and are reviewing requests that are withdrawn or denied. In this notice, for both project proponents and certifying authorities, the Agency has retained the number of federally issued permits and licenses as the low estimate for the number of certification requests, and included as the high estimate the mean number of certification requests that certifying authorities reported reviewing.

Hours per Request: The currently approved ICR estimated the hours spent to prepare and review certification requests based on the existing NPDES ICR for water quality certifications. However, additional information obtained from certifying authorities indicates that they spend more time reviewing certification requests that are not NPDES permit related certification requests. In this notice, the Agency has retained the NPDES program ICR numbers as the low estimate for certifying authority hours spent reviewing certification requests and added the mean hours from the certifying authority questionnaire as the high estimate for certifying authority hours spent reviewing certification requests. The high estimate is based on a limited number of states and is not expected to be representative of the whole population of certifying authorities. Use of the midpoint is justified to address the incomplete nature of both estimates.

Wage of Employee Handling Submission: Wages have been updated to reflect the most current values.

Request Fees: In the currently approved ICR, the EPA was unable to estimate fees associated with certification requests based on the paucity of available information. However, based on information recently provided by certifying authorities, the estimates for fees paid by project proponents are included.

Overall Changes: Due to incorporating newly collected information from certifying authority consultations and public comment information submitted on the proposed rule as described above, the hour burden for certifying authorities is greater because the number of

certification requests and hours spent reviewing each certification request increased. The hour burden for project proponents is greater because the number of certification requests increased. The certification request fee estimates are also now accounted for because they were not present in the currently approved ICR.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12.5 hours per response. “Burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information either 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 neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for EPA regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the EPA’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-2019-0566. An electronic version of the public docket is available at <http://www.regulations.gov/>, which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the 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 in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), WJC 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 docket center is (202) 566-1752. 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 Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OW-2019-0566 and OMB Control Number 2040-0295 in any correspondence.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in collecting this information.