

**INFORMATION COLLECTION REQUEST  
SUPPORTING STATEMENT**

**FOR**

**State Review Framework**

January 2020

U.S. Environmental Protection Agency  
Office of Compliance

## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### 1(a) Title of the Information Collection

State Review Framework (ICR No. 2185.07; OMB Control Number: 2020-0031)

### 1(b) Short Characterization/Abstract

The State Review Framework (“Framework”) is an oversight tool designed to assess state performance in enforcement and compliance assurance. The Framework’s goal is to evaluate state performance by examining existing data to provide a consistent level of oversight and develop a uniform mechanism by which EPA regions, working collaboratively with their states, can ensure that state environmental agencies are consistently implementing the national compliance and enforcement program in order to meet agreed-upon goals and standards. Furthermore, the Framework is designed to foster dialogue on enforcement and compliance performance between the states that will enhance relationships and increase feedback, which will in turn lead to consistent program management and improved environmental results.

Specifically, the Framework is a structured process that provides critical information on a state’s (or regions, for states with EPA-implemented programs) core enforcement and compliance assurance performance by employing existing data available in EPA’s national databases and presented in management reports for each state. No new data collection is required for the national databases. Data from national databases is complimented by data obtained through file reviews of a state environmental agency’s compliance and enforcement files. No new data is required in these files; however, they are reviewed to ensure proper and adequate documentation.

The Framework process asks regions, states and local governments to examine the existing data described above in three core programs: Clean Air Act (“CAA”), Stationary Sources; Clean Water Act (“CWA”), National Pollutant Discharge Elimination System (“NPDES”); and Resource Conservation and Recovery Act (“RCRA”), Subtitle C. The EPA evaluates five (5) elements using data and file review metrics that require no new reporting burden. The utility of the Framework’s metrics and the Implementation Guide are a direct result of the collaboration between states, EPA regions, and EPA Headquarters.

The five elements are 1) Data (completeness, accuracy, and timeliness of MDR entry into national data systems); 2) Inspections (coverage, report completeness and timeliness); 3) Violations (accuracy of compliance and SNC/HPV determinations); 4) Enforcement (timeliness, appropriateness, return to compliance); and 5) Penalties (documentation of gravity, economic benefit, reduction in amount, and collection). In the interest of accuracy and efficiency, the Framework also includes a four-step protocol for managing the process: (1) pre-review and offsite review; (2) onsite review; (3) drafting of the report; and (4) composing the final report and follow-up. After reviewing the level of performance based on the metrics developed under the five required performance elements, and other information collected in the review process, EPA will determine if a state or region meets minimum performance levels.

## 2. NEED FOR AND USE OF THE COLLECTION

### 2(a) Need/Authority for the Collection

The purpose of this collection is to assess state performance in core enforcement and compliance assurance programs. The goals are to provide a consistent level of oversight and develop a uniform mechanism by which EPA regions, working collaboratively with their states, can ensure that state environmental agencies are meeting agreed-upon goals. It is important to note that all data requested by this collection is currently in EPA's or the state's databases and enforcement and compliance files. No additional monitoring or sampling will be required by this ICR.

While the data that the Agency will collect is pre-existing, the Agency is permitted to review the states' Clean Air Act, Stationary Source program, the Resource Conservation and Recovery Act, Subtitle C program, and the Clean Water Act, National Pollutant Discharge Elimination System permit program to ensure minimum performance levels are met. The Agency's oversight authority for the aforementioned programs are:

#### (1) Clean Air Act, Stationary Source program:

Section 114 allows collection of information from states. Specifically, the collection of the requested information is authorized by 40 CFR 70.4(j)(1), which states that "[a]ny information obtained or used in the administration of a State program shall be available to EPA upon request without restriction and in a form specified by the Administrator, including computer-readable files to the extent practicable," and 40 CFR 70.10(c)(1)(iii), which addresses EPA oversight of State and local agencies' compliance and enforcement efforts for major sources under Title V operating permit programs.

#### (2) RCRA Conservation and Recovery Act, Subtitle C program:

The Act refers to activities at companies that generate hazardous waste. At §3007, the Agency is permitted to have access to and request records regarding hazardous waste generating activities. Additionally, 40 CFR 271.17(a) authorizes EPA, upon request without restriction, access to "[a]ny information obtained or used in the administration of a State program."

#### (3) Clean Water Act, NPDES program:

The Act refers to activities involving the discharge of materials into waters of the United States. At §308, the Agency is permitted to review records to determine compliance with effluent limitations or treatment performance standards. Further, the NPDES state program regulations provide that "[a]ny information obtained or used in the administration of a State program shall be available to EPA upon request without restriction." 40 CFR 123.41. Also, 40 CFR 123.43 requires states to provide EPA with information on NPDES program implementation.

The information collected through this ICR will aid the Agency in achieving EPA's Strategic Plan goal to increase compliance and environmental stewardship. This goal was developed in response to the 1993 Government Performance and Results Act and is described in EPA's FY2018- 2022 Strategic Plan, the Agency's core mission of protecting human health and the environment.

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

EPA will use the data obtained from the collection to determine if a state or region meets minimum performance levels. Such a determination is necessary to recognize states that are performing well and to provide assistance to states that are not meeting minimum performance levels.

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

#### 3(a) Nonduplication

The information to be obtained under this ICR has not been collected by EPA or any other federal agency.

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

A notice of the docket and public comment period for this ICR renewal was published in the Federal Register on September 17, 2019 (84 FR 48925). A copy of the ICR was placed in the docket. No comments were received.

#### 3(c) Consultations

EPA conducted consultations with fewer than nine respondents to update, as appropriate, burden hour estimates. These consultations provided an opportunity for respondents to provide comments on the burden of information collection through the State Review Framework. Based on such comments, and from regular interactions between respondents and both EPA Headquarters and regions, the Agency has modestly updated its burden hour estimates, gained a better sense of the particular elements of the collection that tend to be most burdensome and offered strategies to reduce such burden.

For example, EPA understands that the most burdensome part of the State Review Framework is the file review process, during which EPA selects a sampling of files from the respondent to review program performance. Such activity requires access and the organization of files, often during an on-site visit, and such file reviews are a central part of the State Review Framework. However, in recent years, EPA is working to reduce the burden by encouraging respondents to move towards the use of electronic files instead of relying solely on paper files. Electronic files allow EPA to review many files remotely thereby reducing the time and cost associated with on-site reviews for both EPA and respondents.

Another example considers a respondent's concern with the collection burden associated with program inspection data under the Clean Water Act. Because this data is not automatically generated and must be generated manually (through the national database or directly from respondents), such information can be burdensome to collect. EPA's on-going implementation of the e-rule whereby respondents must report electronically into the national database is making automated calculations possible.

Below is a list of the specific respondents that supported the update of the burden estimates:

Jeffrey Steers, Virginia Department of Environmental Quality  
John Paulian, Larry Reeder, and William Palmer, Ohio Environmental Protection Agency  
Andrew Gosden, Maryland Department of the Environment  
Reuel Anderson, Nebraska Department of Environmental Quality  
David Chopy, Rhode Island Department of Environmental Management

In addition, EPA periodically consults with several key state and media associations that represent respondents. Such conversations provide opportunities for respondents to provide comments to EPA regarding information collection on an ongoing basis. The main contacts with these organizations are:

**Environmental Council of States (ECOS)**

Carolyn Hanson  
Deputy Director  
50 F Street NW  
Suite 350  
Washington, DC 20001  
Phone: 202-266-4920  
Fax: 202-266-4937

**Association of Clean Water Administrators (ACWA)**

Sean Rolland  
Deputy Director  
1221 Connecticut Avenue, NW, 2<sup>nd</sup> Floor  
Washington, DC 20036  
Phone: 202-756-0600  
Fax: 202-756-0605

**Association of State and Territorial Solid Waste Management Officials (ASTSWMO)**

Dania Rodriguez  
Executive Director  
ASTSWMO

444 North Capitol Street NW  
Suite 315  
Washington, DC 20001  
Phone: 202-624-5828  
Fax. 202-624-7875

Kerry Callahan  
Senior Staff  
Same contact information

**National Association of Clean Air Agencies (NACAA)**

Miles Keogh  
Executive Director  
444 North Capital St NW, Suite 307  
Washington, DC 20001  
202-624-7864

Mary Sullivan Douglas  
Senior Staff Associate  
Same contact information

3(d) Effects of Less Frequent Data Collection

Less frequent data collection would hinder EPA from carrying out its oversight duty by limiting the amount of compliance and enforcement data that is available for evaluating delegated programs against federal performance standards.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2).

3(f) Confidentiality

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

3(g) Sensitive Questions

The collection in this ICR does not contain any sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

#### 4(a) Respondents and SIC Codes

Respondents potentially affected by this action are 10 EPA regional offices, 50 states, 4 territories, and 40 local agencies. Based on our experience, we believe the true number of respondents for this ICR will primarily be 10 EPA regional offices, 50 states, four territories, and fifteen local agencies. There are no SIC codes for the respondents.

#### 4(b) Information Requested

##### *(i) Data items, including recordkeeping requirements*

The State Review Framework requests information on the contribution of state enforcement activities to federally delegated programs. There are no recordkeeping requirements associated with this collection.

Prior to conducting an onsite review, EPA will request states to make available a limited number of pre-existing facility-specific files, so that EPA may review the information in those state files when the onsite review is conducted. The files normally contain information on the state's enforcement and compliance activities, including inspection coverage, enforcement timeliness and appropriateness, penalty calculations and fines collected, and data quality, accuracy and completeness. Most of the data that EPA reviews has been uploaded into the national compliance database from state compliance databases, but a small subset of the data is only available in hard-copy files.

##### *(ii) Respondent Activities*

Respondent will engage in the following activities during the Framework process:

#### **1. Pre-Review and Offsite Review**

Review elements and metrics

Train/brief state staff & managers on review substance and process

Collect files, policies, data sets, reports, and review and correct the national data

#### **2. Onsite Review**

Participate in kick-off meeting

Assist/facilitate EPA review of files and data sets

Participate in discussion of program with EPA

#### **3. Report Drafting**

Review and comment on draft report

#### **4. Coordination of Parts 1, 2 & 3**

Coordination of review with the state agency

Coordination of the review within EPA

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

### 5(a) Agency Activities

Agency activities associated with the State Review Framework consist of the following:

- (1) Review elements and metrics
- (2) Train/brief state staff & managers on review substance and process
- (3) Collect files, policies, data sets, reports, and review and correct the national data.
- (4) Participate in kick-off meeting.
- (5) Assist/facilitate EPA review of files and data sets
- (6) Participate in discussion of program with EPA
- (7) Review and comment on draft report
- (8) Coordination of review with the state agency
- (9) Coordination of the review within EPA

### 5(b) Collection Methodology and Management

The Agency will provide respondents with guidelines and training for conducting the review that will ensure a consistent approach to the reviews. Over the course of the review process the Agency will work with the states and provide assistance as necessary. All of the state reports will be submitted electronically. National data used to assess state performance already resides in various EPA databases. These data are covered by other Information Collection Requests or regulatory language. Additional data will come from the review of state inspection and enforcement files, which is the data that are to be collected based on this request.

### 5(c) Small Entity Flexibility

Small entities will not be affected as the collection will only be completed by EPA regions, states and territories.

### 5(d) Collection Schedule

Each respondent will complete the four-step protocol for managing the process one time every five years: (1) pre-review and offsite review, including a review and correction of the data of the national data; (2) onsite review; (3) drafting of the report; and (4) composing the final report and follow-up. Ten (10) states are scheduled to complete the review process each year over the five-year term.

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

### 6(a) Estimating Respondent Burden



As shown below, it is important to note that the burden per respondent is on a five-year frequency, meaning that the hourly burden per respondent is on average 218 hours once every five years.

Table 1. Respondents' Burden and Costs

Information Collection Activity	Legal \$44.36/ hour	Man. \$44.63/ hour	Tech. \$32.04/ hour	Clerical \$20.33/ hour	Total	O&M cost
<b>1. Pre-Review and Offsite Review</b>						
Prepare for upcoming review (collect files, policies, data sets, past reports, etc.)	2	23	34	9	68	\$0.0
Review and correct state data metrics (not including annual data verification time)	3	7	19	0	29	\$0.0
Train/brief personnel on SRF review process	1	3	7	0	11	\$0.0
<b>2. Onsite Review</b>						
Participate in kick-off meeting.	1	3	2	0	6	\$0.0
Assist/facilitate EPA review of files and data sets	1	8	10	3	22	\$0.0
Participate in discussion of program with EPA	2	6	4	0	12	\$0.0
<b>3. Report Drafting</b>						
Review and comment on draft report	3	14	15	0	32	\$0.0
<b>4. Coordination of Parts 1, 2 &amp; 3</b>						
Coordination of review with the state agency	1	10	8	2	21	\$0.0
Coordination of the review within EPA	2	8	7	0	17	\$0.0
TOTAL HOURS/Respondent	16	82	106	15	218	\$0.0
LABOR COST/Respondent	\$710	\$3,660	\$3,396	\$285	\$8,050	
No. of Respondents: 54	Total hours: <b>218 per respondent</b> once every five years. 218 x 54 respondents = 11,772 hours over 5-year period, or 2354 annually.		Total Cost: \$8,050 per respondent x 1.6 benefits multiplier = \$12,880 x 54 respondents = \$695,520 over 5 years, or \$139,104 annually			

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

The labor costs in Table 1 above are based on the following mean hourly labor rates:

Legal:	\$44.36	(State Government Lawyer, 23-1011)
Managerial:	\$44.63	(State Managers, 11-0000)
Technical:	\$32.04	(Environmental Scientists and Specialists, 19-2041)
Clerical:	\$20.33	(Office and Administrative Support, 43-0000)

These rates are from the United States Department of Labor's, Bureau of Labor Statistics, "May 2018 National Occupational Employment and Wage Estimates,"

[https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm).

(ii) Estimating Capital and Operations and Maintenance Costs

There are no capital or operations and maintenance costs.

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

There are no capital/start-up operations and maintenance costs.

(iv) Annualizing Capital Costs

There are no capital costs.

6(c) Estimating Agency Burden and Cost

EPA Regions 1 through 10 will participate in the State Review Framework process and the following table details the hour and cost burden per region. These rates are from the Office of Personnel Management (OPM) "2019 General Schedule".

The cost for the regional table (Table 2) is based on the base average hourly labor rate as follows:

Legal	\$49.21	(GS-14, Step 5)
Managerial	\$41.64	(GS-13, Step 5)
Technical	\$30.90	(GS-12, Step 1)

The cost for the Headquarters table (Table 3) is based on the average hourly labor rate, including locality payment, as follows:

Legal	\$63.64	(GS-14, Step 5)
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Managerial \$53.85 (GS-13, Step 5)  
 Technical \$39.96 (GS-12, Step 1)

Table 2. Agency Burden and Cost (per region)

<b>Information Collection Activity</b>	<b>Legal \$49.21/ hour</b>	<b>Man. \$41.64/ hour</b>	<b>Tech. \$30.96 /hour</b>	<b>Capital/ Start-up cost</b>	<b>O&amp;M cost</b>
<b>1. Pre-Review and Offsite Review</b>					
Review data metrics	0	5	26	0	0
Train/brief state staff & managers on review substance and process.	0	8	15	0	0
Collect files, policies, data sets, reports etc.	0	3	14	0	0
<b>2. Onsite Review</b>					
Participate in kick-off meeting.	1	2	7	0	0
Assist/facilitate on-site review of files and data sets	0	22	96	0	0
Participate in discussion of program with state	0	2	10	0	0
<b>3. Report Drafting</b>					
Review and comment on draft report	0	16	61	0	0
<b>4. Coordination of Parts 1, 2 &amp; 3</b>					
Coordination of review with the state agency	0	2	8	0	0
Coordination of the review within EPA	0	2	13	0	0
<b>Total Agency hours</b>	<b>1</b>	<b>62</b>	<b>250</b>	<b>0.0</b>	<b>0.0</b>
<b>Total Agency costs</b>	<b>\$49</b>	<b>\$2581</b>	<b>\$7740</b>	<b>0.0</b>	<b>0.0</b>

Table 3. Agency Burden and Cost (Headquarters)

Information Collection Activity	Legal \$63.64/ hour	Man. \$53.85/ hour	Tech. \$39.96 /hour	Capital/ Start-up cost	O&M cost
<b>1. Pre-Review and Offsite Review</b>					
Train/brief state and region staff & managers on review substance and process.	0	2	10	0	0
Collect files, policies, data sets, reports etc.	0	0	5	0	0
<b>2. Onsite Review</b>					
Participate in kick-off meeting.	1	1	1	0	0
Participate in discussion of the program with the regions	4	4	8	0	0
<b>3. Report Drafting</b>					
Review and comment on draft report	4	4	11	0	0
<b>4. Coordination of Parts 1, 2 &amp; 3</b>					
Coordination of the review within EPA	0	2	5	0	0
TOTAL	9	13	40	0	0
TOTAL COST	\$572	\$700	\$1,598	0.0	0.0

6(d) Estimating the Respondent Universe and Total Burden and Costs

EPA anticipates that 54 states will be reviewed through the State Review Framework over a five-year period, when calculated annually comes to roughly 11 states, 2354 hours and \$139,104.

No. of Respondents: 54	Total hours: 218 hours per respondent once every five years. 218 x 54 respondents = 11,772 hours over 5 years, or 2354 annually.	Total Cost: \$8,050 per respondent x 1.6 benefits multiplier = \$12,880 once every five years \$12,880 x 54 respondents = \$695,520 over 5 years, or \$139,104 annually
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6(e) Bottom Line Burden Hours and Cost Tables

Table 4. Total Estimated Respondent Burden and Cost Summary

	No. of Respondents	No. of Activities	Total hours	Total Labor Costs	Total Capital and Start-up costs	Total Annual O&M costs
Respondents (over a 5-year cycle)	54	9	11,772	\$695,520	\$0.0	\$0.0
Respondents (average annual)			2,354	\$139,104	\$0.0	\$0.0

Table 5. Total Estimated Agency Burden and Cost Summary

	No. of Activities	Total hours	Total Labor Costs	Total Capital and Start-up costs	Total Annual O&M costs
Regions	9	3130 (for all ten regions)	\$165,936 (for all ten regions)	\$0.0	\$0.0
Headquarters	6	62	\$4,593	\$0.0	\$0.0
Agency Total (average annual)		3,192	4170,529	\$0.0	\$0.0

6(f) Reasons for Changes in Burden

There has been a reduction of hours in the annual estimated response burden from 2,765 to 2,354 hours. Estimated burden figures have been slightly decreased in response to information gathered through consultations. Respondents reported increases in efficiency brought about through continued experience with the program and steady reductions in the amount of non-digital materials involved in reviews.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection is estimated to average 43.6 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements;

train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. 1An agency may not conduct or 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's regulations are listed at 40 CFR part 9 and 48 CFR chapter 15.

1To 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 Number EPA-HQ-OECA-2010-0291 which is available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA WJC West, Room 3334, 1301 Constitution Avenue, N.W., Washington, D.C. 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 OECA Docket is (202) 566-1752. An electronic version of the public docket is available at <http://www.regulations.gov>. Use <http://www.regulations.gov> to submit or view public comments, to 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. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2010-0291 in any correspondence.

### **Part B of the Supporting Statement**

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