

## ICR SUPPORTING STATEMENT

### 1. IDENTIFICATION OF THE INFORMATION COLLECTION

#### 1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION

National Water Quality Inventory Reports (Renewal).

EPA ICR No. 1560.13 / OMB Control No. 2040-0071.

#### 1(b) SHORT CHARACTERIZATION

Section 303(d) of the Clean Water Act requires States to identify and rank waters that cannot meet water quality standards (WQS) following the implementation of technology-based controls. Under Section 303(d), States are also required to establish total maximum daily loads (TMDLs) for those listed waters. In developing the Section 303(d) lists, States are required to consider various sources of water-quality related data and information, including the Section 305(b) State water quality reports. The State Section 305(b) reports contain information on the attainment status of assessed waters, including extent of water quality degradation, the pollutants and sources affecting water quality, and State progress in controlling water pollution.

EPA's Watershed Restoration, Assessment and Protection Division (WRAPD) works with its Regional counterparts to review and approve or disapprove State Section 303(d) lists and TMDLs from 56 respondents (the 50 States, the District of Columbia, and the five Territories). Section 303(d) specifically requires States to develop lists and TMDLs "from time to time" and EPA to review and approve or disapprove the lists and the TMDLs. EPA collects State 305(b) reports from 59 respondents (the 50 States, the District of Columbia, five Territories, and 3 River Basin commissions).

The Office of Management and Budget (OMB) previously approved information collection authority for the submission of State 305(b) reports under 40 CFR 130.10(a) of the EPA Water Quality Management Standards under OMB Number 2040-0071 (ICR Number 1560.1). In 1992, OMB approved an addendum to ICR 1560.1 clarifying the burden associated with preparing State 303(d) lists of waters for inclusion in the 305(b) reports. OMB reapproved the ICR for the period 1993 -1995, 1996 - 1998, 1999 - 2003, 2003-2007, 2007-2011, 2011-2015, 2015-2019, and 2019 - 2022. The agency encourages integration of reporting for 305(b) and 303(d) into one report.

During the period covered by this ICR renewal, ongoing current activities include:

- respondents will complete their 2024 305(b) reports and 2024 303(d) lists;
- respondents will complete their 2026 305(b) reports and 2026 303(d) lists;
- respondents will continue to transmit annual electronic updates of ambient monitoring data collected by the state;
- respondents will continue to develop TMDLs according to their established schedules;
- EPA will update electronic state data on the Web;

- EPA will prepare biennial Reports to Congress, post them on the Web, and transmit them to Congress; and
- EPA will review TMDL submissions from respondents.

In 2014, EPA initiated activities under the Water Quality Framework to engage with states to streamline state reporting and EPA processing of CWA Section 303(d) and 305(b) Integrated Reports. The Framework was a new way of integrating EPA’s data and information systems to more effectively support reporting and tracking water quality protection and restoration actions. The Framework streamlined water quality assessment and reporting by reducing transactions associated with paper copy reviews and increasing electronic data exchange. EPA estimated that there would be a burden reduction as result of these activities, principally through redesign and implementation of the Assessment TMDL Tracking and Implementation System (ATTAINS). In the previous 2019 – 2022 ICR renewal (ICR Number 1560.12), we used an estimated reduction of burden hours on specific tasks starting at 10% year one, 15% year two and 20% by year three for respondent hours for certain activities related to the new electronic reporting process. These reduction estimates were based on adoption rates and discussions with respondents. For agency hours, EPA used a combination of estimated reductions from 20%-50% over the three-year period for the ICR for those activities related to the new electronic reporting process. These estimates were based on observed time savings in the new processes that have been implemented and discussions with Regional staff. In this ICR, we apply the final year three reductions for respondent and agency hours for activities related to the electronic reporting process to all three years covered by the ICR.

## 2. NEED FOR AND USE OF THE COLLECTION

### 2(a) NEED/AUTHORITY FOR THE COLLECTION

Section 303(d) of the CWA establishes the total maximum daily load (TMDL) process to provide for more stringent water-quality based controls when required controls are inadequate to achieve State water quality standards. States must identify waters that do not or are not expected to meet applicable water quality standards solely through the implementation of technology-based controls. These waters are referred to as water-quality limited waters.

- “(d)(1)(A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301(b)(1)(A) and section 301(b)(1)(B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.
- (B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.
- (C) Each State shall establish for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator

identifies under section 304(a)(2) as suitable for calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

- (D) Each State shall estimate for the waters identified in paragraph (1)(B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife...”

Section 303(d)(2) requires States to submit the lists of water-quality limited waters and associated TMDLs to the EPA “from time to time.”

- “(2) Each State shall submit to the Administrator, from time to time, with the first submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection...”

EPA’s Water Quality Planning and Management regulation (40 CFR 130) defines “from time to time” as a biennial reporting requirement for submitting prioritized lists of water-quality limited waters still requiring TMDLs. (Note that the regulatory revisions pertain exclusively to 303(d) lists of waters requiring TMDLs and do not require biennial submittals of TMDLs.) The regulations also specify that the State submittals under Section 303(d) coincide with State submittals under Section 305(b).

TMDLs are required for 303(d)-listed waters when other Federal, State and local controls will not lead to the achievement of water quality standards. TMDLs provide a rational method for weighing competing water quality concerns and developing an integrated strategy for point and nonpoint sources. TMDLs encourage a holistic view of water quality problems considering all contributions to stream water quality and provides a method to allocate those contributions so that water quality standards will be met. EPA is tasked to evaluate not only the actions related to listing impaired waters and developing TMDLs but also how these actions translate to meeting water quality standards.

Section 305(b)(1) requires States to prepare and submit a biennial water quality assessment report:

- “(1) Each State shall prepare and submit to the Administrator by April 1, 1975, and shall bring up to date by April 1, 1976, and biennially thereafter, a report which shall include -
  - (A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

- (B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;
- (C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;
- (D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and
- (E) a description of the nature and extent of nonpoint sources of pollutants and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.”

Under Section 314(a)(2), States must incorporate their Clean Lakes Report into the 305(b) reports. Section 314(a)(1) specifies the contents of the Clean Lakes Reports:

“(1) State program requirements. – Each State on a biennial basis shall prepare and submit to the Administrator for his approval –

- (A) an identification and classification according to eutrophic condition of all publicly owned lakes in such State;
- (B) a description of the procedures, processes, and methods (including land use requirements) to control sources of pollution of such lakes;
- (C) a description of the methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes;
- (D) methods and procedures to mitigate the harmful effects of high acidity, including innovative methods of neutralizing and restoring buffering capacity of lakes and methods of removing from lakes toxic metals and other toxic substances mobilized by acidity;
- (E) a list and description of those publicly owned lakes in such State for which uses are known to be impaired, including those lakes which are known not to meet applicable water quality standards or which require implementation of control programs to maintain compliance with applicable standards and those lakes in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition; and

(F) an assessment of the status and trends of water quality in lakes in such State, including but not limited to, the nature and extent of pollution loading from point and nonpoint sources and the extent to which the use of lakes is impaired as a result of such pollution, particularly with respect to toxic pollution.

(2) Submission as Part 305(b)(1) Report. – The information required under paragraph (1) shall be included in the report required under section 305(b)(1) of this Act, beginning with the report required under such section by April 1, 1988.”

Section 106(e) establishes water quality monitoring as an eligibility requirement for the 106 grant program and requires States to provide annual updates of water quality monitoring data and to use the data in the biennial report required under section 305(b):

“(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program

(1) the establishment and operation of the appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act;”

## **2(b) USE / USERS OF THE DATA**

The water quality monitoring, assessment, and reporting process called for in the CWA is an essential component of the EPA water pollution control program. EPA’s Watershed Restoration, Assessment and Protection Division (WRAPD) uses the State reports in conjunction with National Aquatic Resource Surveys for assessing nationwide water quality, the progress made in maintaining and restoring water quality and the extent of remaining water pollution problems. WRAPD prepares the National Water Quality Inventory Report to Congress and evaluates impacts of EPA’s water pollution control programs with the information and data supplied in the State 305(b) reports, via the Assessment TMDL Tracking and Implementation System (ATTAINS) and presented in the How’s My Waterway application available on the EPA website. The Office of Water uses the Report to Congress to target persistent and emerging water quality problems with new initiatives and to improve or eliminate ineffective programs.

In addition to WRAPD, other offices within EPA and across the Federal government utilize the state data to help inform decision making on improving water quality conditions nationwide. EPA Regional permitting and enforcement branches have used the data to verify that State NPDES (National Pollutant Discharge Elimination System) permits address causes and sources of pollution in degraded waters. The U.S. Geological Survey uses state monitoring data to examine trends at sites with long term monitoring. Also, the state respondents use ATTAINS and other assessment databases in their water quality management programs to identify problem areas, track progress in pollution control and to set priorities.

WRAPD uses the information submitted under Section 303(d) to track State progress in preparing TMDLs for water-quality limited waters still requiring TMDLs. Consistent with the requirements of Section 303(d), WRAPD and its Regional counterparts review the Section 303(d) lists submitted by the States to review whether they comply with the requirements of the statute and

EPA's regulations and reflect an accurate State-by-State accounting of waters not meeting water quality standards (WQS) after the application of technology-based controls. Also, as required, by Section 303(d), EPA reviews TMDLs developed and submitted by the States to determine their technical sufficiency and whether they otherwise comply with the requirements of Section 303(d) and the EPA regulations. Occasionally, EPA also reports to internal and external parties on the effectiveness of the TMDL program.

### **3. THE RESPONDENTS AND THE INFORMATION REQUESTED**

#### **3(a) RESPONDENTS / NAICS CODES**

The respondent community for 303(d) activities consists of 50 States, the District of Columbia, and 5 Territories (Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).<sup>2</sup> The respondent community for 305(b) reporting consists of 50 States, the District of Columbia, 5 Territories (Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands), and 3 River Basin Commissions. The Ohio River Valley Sanitation Commission, the Delaware River Basin Commission, and the Interstate Sanitation Commission have jurisdiction over basins that lie in multiple States for the purposes of 305(b) reporting only. The NAICS code for respondents is 92411 (Administration of Environmental Quality Programs: Air and Water Resources and Solid Waste Management).

Tribes are not required to submit 305(b) reports. However, to meet the needs of Tribes at all levels of development, EPA has prepared Guidance that presents the basic steps a Tribe should take to collect the water quality information it needs to make effective decisions about its program, its goals, and its future directions. Although Indian Tribes can be authorized to meet 303(d) requirements, none are currently authorized nor have applied for authorization. Tribal water quality monitoring and reporting activities are covered under the Section 106 Tribal Grants Program and not included in the burden estimates for this ICR.

In summary, there are 56 respondents for 303(d) activities (including TMDL development activities) and 59 respondents for 305(b) reporting (56 respondents, plus 3 River Basins with only 305(b) reporting requirements).

#### **3(b) INFORMATION REQUESTED**

##### **(i) Data Items**

The 305(b) reports can serve as an "umbrella" to encompass a broad range of information and data on water quality required by the CWA. The respondents will report on the following items in their 305(b) reports (the CWA section requiring each item is highlighted in brackets):

1. A description of the State's water quality [Section 305(b)(1)(A)]. Respondents will include both narrative descriptions and numerical summary tables for this item, as specified in EPA's *Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act* July 21, 2003. EPA requests that the States describe water quality in

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<sup>2</sup> The combination of the 50 States, the District of Columbia, and 5 Territories (Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) are collectively referred to as "the States" in this document.

terms of the support of beneficial uses (e.g., aquatic life use, swimming use, drinking water supply use).

2. An analysis of the extent of waters that support the CWA fishable and swimmable goals [Section 305(b)(1)(B)]. The fishable goal strives for the protection and propagation of a balanced population of shellfish, fish and wildlife in the nation's navigable waters. The swimmable goal seeks water quality that can support safe recreational use in and on the nation's waters. EPA and States use statistically representative surveys to report on the broad extent of waters meeting the CWA goals. States may also define attainment of the CWA fishable and swimmable goals in terms of support of beneficial uses to satisfy CWA goal reporting requirements while describing beneficial use support.
3. Recommendations of additional actions needed to achieve the fishable and swimmable goals of the CWA, and a list of the waters where additional actions are needed [Section 305(b)(1)(C)]. EPA requests that States define waters needing additional action as those waters partially supporting, not supporting, or unable to attain their beneficial uses. To identify additional actions needed to meet the goals of the CWA, EPA requests that the States identify and list the pollutants causing less than full support of beneficial uses (e.g., dissolved oxygen, pH, temperature, toxic contaminants), and the sources of pollutants causing less than full support (e.g., municipal point sources, combined sewer overflows, agricultural runoff, urban runoff).
4. An estimate of the environmental impact, the benefits and economic and social costs of achieving the CWA goals in the State, and an estimate of the date when the State will achieve the goals [Section 305(b)(1)(D)]. The EPA recognizes that this information may not be readily available due to the complexities of the analyses involved. Therefore, respondents provide information (to the extent possible) on the costs of pollution control activities, capital investment in municipal and industrial facilities (including the costs of operating these facilities), and the costs of administering State and local water pollution control activities. Respondents also provide, if possible, information on the beneficial actions taken to maintain or improve water quality conditions.
5. A description of nonpoint sources of pollutants degrading water quality and recommendations for controlling each nonpoint source category [Section 305(b)(1)(E)]. To minimize burden, EPA suggests that States address this requirement by updating the nonpoint source assessment reports required under Section 319 of the CWA.
6. A list of water-quality limited waters needing TMDLs [Section 303(d)(1)]. States are required to establish a priority ranking for these waters taking into account the severity of the pollution problems and the designated uses of each water. In conformance with the CWA, States apply individual approaches to assign priority to the order in which TMDLs will be established for each identified water and targeted for development during a specific period.
7. A list of publicly-owned lakes ranked by trophic status and a list of significant publicly-owned lakes with impaired water quality, including lakes affected by high acidity [Sections 314(a)(1)(A) and 314(a)(1)(E)]. Summary statistics on

impaired and threatened lakes can be reported separately or in conjunction with information on beneficial use support for navigable waters described under item 1 above.

8. A description of methods implemented to control sources of pollution and restore water quality in publicly-owned lakes [Sections 314(a)(1)(B) and 314(a)(1)(C)].
9. A description of methods to mitigate high acidity in lakes [Section 314(a)(1)(D)].
10. An assessment of the status and trends of lake water quality [Section 314(a)(1)(F)].
11. A description of groundwater quality (in narrative and quantitative form) [Section 106(e)].
12. A description of State monitoring programs designed to evaluate surface water quality and groundwater quality [Section 106(e)].
13. Annual electronic datasets containing monitoring data in WQX format. At least biennially the information for each assessed water used to prepare the summary information in the items 1, 2, 3, 5, and 7 above. The information on the assessed waters is entered and/or submitted to ATTAINS, from where EPA completes the approvals and the information is made publicly available.

In accordance with Section 303(d)(1), States submit to EPA for review and approval/disapproval action a list of waters not attaining standards after the application of technology-based controls. The statute requires States to establish a priority ranking for these waters taking into account the severity of the pollution problems and the designated uses of each water. In conformance with the CWA, States apply individual approaches to assign priority to the order in which TMDLs will be established for each identified water.

In accordance with Section 303(d)(2), States establish TMDLs for waters not meeting water quality standards as a result of pollutant discharges. A TMDL is a written, quantitative assessment of water quality problems and contributing pollutant sources. It specifies the amount that pollutant loadings need to be reduced for the water to attain water quality standards and allocates pollutant load reductions among sources in a watershed. Section 303(d) requires States to submit TMDLs to EPA for review and approval/disapproval action. Occasionally EPA might also seek additional information from States to evaluate how well the TMDL program is working.

## **(ii) Respondent Activities**

During the period covered by this ICR renewal, the three respondents with only 305(b) reporting requirements will complete their 2024 305(b) reports and their 2026 305(b) reports. The remaining 56 respondents will complete their 2024 305(b) reports; their 2024 303(d) lists; their 2026 305(b) reports; and their 2026 303(d) lists, preferably in an integrated report. During this period, all 59 respondents will also transmit annual electronic updates of their monitoring data in 2023 through 2026. The 56 respondents with 303(d) responsibilities will continue to develop TMDLs according to their established schedules.



The specific activities that respondents undertake as part of their 305(b) and 303(d) programs were derived from the State Water Quality Management Workload Model (SWQMWM), which estimates and sums the workload involved in more than one hundred activities or tasks comprising a State water quality management program. For the purposes of 305(b) and 303(d) activities, EPA assumes that all respondents (including territories and river basins) are adequately represented by the level of needs reported by States in the SWQMWM. According to the SWQMWM, the States will carry out the following activities or tasks to meet the 305(b) and 303(d) reporting requirements. In general, respondents have conducted each of these reporting and record keeping activities for past 305(b) and 303(d) reporting cycles and thus have staff and procedures in place to continue their 305(b) and 303(d) reporting programs.

**Activities for 56 Respondents with Both 305(b) and 303(d) Responsibility:**

1. Review Regulations and Guidance for CWA 305(b) and CWA 303(d), and respond to questions on program implementation.
2. Plan and Coordinate Data Acquisition and Compile and Screen Data for Assessments. Specific activities include: planning data acquisition strategy; issuing solicitation for data from other agencies, universities, the public, etc.; developing data screening programs; gathering and compiling appropriate data; and determining the availability of sufficient data.
3. Develop, Review, and Update State 303(d)/305(b) Consolidated Assessment and Listing Methodology.
4. Develop and Submit Complete 305(b) Report and Respond to EPA Comments. Specific activities include: internal circulation, review, and revision of all aspects of the report prior to submission to EPA and information regarding the ability of assessed waters (including rivers and streams, lakes, estuaries, wetlands, and coastal waters and groundwater to the extent practicable) to meet its designated use.
5. Prepare 303(d) List. Specific activities include: identifying waters (including wetlands and coastal and marine waters), establishing priorities, and determining schedules and targets.
6. Conduct Public Participation Required for the 303(d) list. Specific activities include: issuing public notice(s) and developing responses to public comments on the list, priorities, and schedules.
7. Submit 303(d) List to EPA electronically via ATTAINS and Respond to EPA Comments.
8. Prepare Annual Electronic Updates. This activity includes inputting geo-referenced assessment findings into ATTAINS, engaging in update discussions and submitting monitoring data to EPA via WQX on at least an annual basis.
9. Occasionally assist EPA with evaluating program management and its effectiveness in monitoring, assessing, electronic reporting, and attaining water quality standards.

### **Activities for 3 Respondents with 305(b) Responsibility Only:**

1. Review Regulations and Guidance for CWA 305(b) and CWA 303(d), and respond to questions on program implementation.
2. Plan and Coordinate Data Acquisition and Compile and Screen Data for Assessments. Specific activities include: planning data acquisition strategy; issuing solicitation for data from other agencies, universities, the public, etc.; developing data screening programs; gathering and compiling appropriate data; and determining the availability of sufficient data.
3. Develop and Submit Complete 305(b) Report and Respond to EPA Comments. Specific activities include: internal circulation, review, and revision of all aspects of the report prior to submission to EPA and information regarding the ability of assessed waters (including rivers and streams, lakes, estuaries, wetlands, and coastal waters and groundwater to the extent practicable) to meet its designated use.
4. Prepare Annual Updates. This activity includes inputting geo-referenced assessment findings into ATTAINS, engaging in update discussions and submitting monitoring data to EPA via WQX on at least an annual basis.

An additional activity not included in the SWQMWM involves an enhanced assessment of the benefits and costs of achieving water quality goals. The program requires that the 305(b) biennial water quality reports include an estimate of the environmental impact, the benefits and economic and social costs of achieving the CWA goals in the State, and an estimate of the date when the State will achieve the goals. In previous ICRs, EPA has recognized that this information may not be readily available due to the complexities of the analysis involved. Therefore, respondents provide information (to the extent possible) on the costs of pollution control activities, capital investment in municipal and industrial facilities (including the cost of operating these facilities), and the costs of administering State and local water pollution control activities. Respondents also provide, if possible, information on the beneficial actions taken to maintain or improve water quality conditions. As a Term of Clearance for a previous ICR (1560.05), OMB required that an estimate be made of the burden that would be associated with all States estimating costs and benefits for achieving WQS. These activities have not yet been implemented pending revisions to the program; they are included in this ICR. Thus, this ICR estimates the burden to the Agency of providing respondents with data, methods, templates and workshops for use in estimating costs and benefits (consistent with Section 305(b)(1)(D)), and the burden to all 59 respondents of applying this guidance to improve their estimates.

In addition, 56 respondents with 303(d) responsibilities will conduct activities associated with TMDL development. The activities associated with TMDL development have been analyzed in detail as part of the EPA draft report, *The National Costs to Develop TMDLs (Draft Report): Support Document #1* (July 31, 2001). Respondents will engage in the following activities to develop a TMDL under the current 303(d) program.

1. Watershed characterization. Compile available information, create database or electronic files, review available information, and select the technical approach.

2. Modeling and analysis. Select final model, model setup and calibration. Evaluate existing conditions.
3. Allocation analysis. Evaluate allocation scenarios and select final allocation.
4. Development of TMDL document for public review. Prepare technical report documenting analysis and assumptions. Document the TMDL (i.e., Waste Load Allocation (WLA), Load Allocation (LA), loading capacity, margin of safety, seasonality). Prepare administrative record.
5. Public outreach. Public meetings and dissemination of information prior to TMDL submittal.
6. Formal public participation. Announcement of TMDL and formal public meeting.
7. Tracking, planning, legal support, etc. Miscellaneous tasks needed to support TMDL development.

The burden associated with these tasks under the program is estimated in this ICR for the total number of TMDLs that may be submitted during the period covered by this ICR.

#### **4. THE INFORMATION COLLECTED – AGENCY ACTIVITIES COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

##### **4(a) AGENCY ACTIVITIES**

1. Revise the Integrated Reporting guidance document for distribution to the respondents. The guidance document provides essential instructions to the respondents on the organization, format, and content of the integrated 305(b)/303(d) reports. The guidance encourages the States to submit information in a consistent format which enables EPA to extract and summarize State information for the Report to Congress. EPA’s most recent integrated report memo covers Integrated Reports due in 2018.
2. Prepare the National Water Quality Inventory Report to Congress. WRAPD will biennially consolidate the water quality assessment information contained in the state Integrated Reports and electronic updates into the Report to Congress.
3. Review the draft 305(b) reports. EPA Headquarters staff and Regional 305(b) Coordinators will review the draft submittals biennially. The 303(d) lists of waters needing TMDLs will be forwarded to the Regional 303(d) Coordinators for review.
4. Review the final 305(b) reports. Headquarters and Regional personnel review the final 305(b) reports and electronic updates biennially.
5. Review the annual electronic updates. Headquarters and Regional personnel review the electronic updates of State submitted data for data quality and

completeness and provide feedback to the States. These data are incorporated into the national ATTAINS database and WQX. The information in the national ATTAINS database will be used in preparation of the Reports to Congress.

6. Provide assistance to the States in submitting data to ATTAINS. EPA has provided technical support to States and other respondents for implementing 305(b) assessment databases for over 16 years. EPA will continue to provide support to states in submitting data to ATTAINS and support states in using ATTAINS to track their assessment conclusions.

EPA also has provided technical support to States for linking their 305(b) databases to the National Hydrography Dataset Plus (NHDPlus). States are still encouraged to develop geospatial data and to provide that data to EPA as part of their IR. EPA has transitioned to a new approach for georeferencing state data that uses the NHDPlus catchments to geo-reference the state data to the NHDPlus. EPA began using the new approach with the 2014 cycle and made the full transition to this approach for the 2016 cycle. EPA will continue to use this approach throughout the duration of this continuation ICR.

7. Maintain ATTAINS. Maintenance activities include preparation of user manuals; running quality control checks on respondent datasets, and programming improvements to ATTAINS. Information in ATTAINS will be used in preparation of the Reports to Congress to document types and locations of water quality impairment and will be available to the public via the Web. EPA replaced the Assessment Database (ADB) with ATTAINS in 2018 and has transitioned states to this new system.
8. Prepare 303(d) guidance.
9. Provide technical assistance to States for 303(d) listing.
10. Review draft 303(d) lists.
11. Review final 303(d) lists and resolve disapprovals.

In conformance with OMB's Terms of Clearance for the current approved ICR, this ICR includes the additional burden to the Agency associated with developing guidance for States to use in estimating, for their 305(b) biennial water quality reports, the benefits and economic and social costs of achieving the CWA goals in the State.

With regard to TMDL submitted to EPA for approval: EPA must review and act on the TMDL submissions within 30 days of the State submission and, if it disapproves a State TMDL, EPA must issue a TMDL for the State within 30 days of its disapproval.

#### **4(b) COLLECTION METHODOLOGY AND MANAGEMENT**

The respondents will submit their 305(b) and 303(d) reports to ATTAINS either through direct data entry or via batch upload. The respondents also have an option of utilizing the ATTAINS Exchange Network flow for streamlining data submission into ATTAINS. EPA developed ATTAINS to reduce the respondent burden associated with summarizing use support information, and for this ICR renewal we have included estimates of reduction for the next three-

year period. The prior ADB and OWIR data flow were replaced with the new ATTAINS data flow in 2018, and those prior methods for submitting data are no longer supported.

The States submit the Section 303(d) lists and priority rankings to the EPA Regions. The Regions review the State submissions and then issue a decision document approving or disapproving the State list. If EPA disapproves a State list, it must issue a public notice identifying the waters it is proposing to add to the State list. In addition, States must submit each completed TMDL to the EPA Regions for review and action. If EPA disapproves the State submission, it must establish the TMDL for the State.

EPA will make updates of the Water Quality Inventory Report to Congress available on the web at <https://www.epa.gov/waterdata/national-water-quality-inventory-report-congress>. The public can obtain a copy of the state 305(b) reports from the state websites, state contacts or from the EPA Regional 305(b) Coordinators.

#### **4(c) SMALL ENTITY FLEXIBILITY**

This section is not applicable because the respondents are States and Territories which are not small businesses or organizations as defined by the Regulatory Flexibility Act, 5 U.S.C. Sections 601 (3) and (4).

#### **4(d) COLLECTION SCHEDULE**

April 2023	Respondents transmit interim annual electronic updates, as available.
April 2024	States, Territories, and Commissions submit 2024 Integrated 305(b) and 303(d) reports to EPA and transmit annual electronic updates.
December 2024	EPA submits the updated Water Quality Inventory Report to Congress to OMB for approval
April 2025	Respondents transmit interim annual electronic updates, as available.
April 2026	States, Territories, and Commissions submit 2026 Integrated 305(b) and 303(d) reports to EPA and transmit annual electronic updates.
December 2026	EPA submits the updated Water Quality Inventory Report to Congress to OMB for approval
Ongoing	TMDL development and review; occasional assistance to EPA in TMDL program evaluation.

States are required to develop TMDLs consistent with the State schedule and submit the TMDLs to EPA for review and approval/disapproval action.

## **5. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **5(a) NONDUPLICATION**

The Section 303(d) lists are the only State-by-State public accounting and ranking of waters not meeting water quality standards after the application of technology-based controls. Under Section 303(d), States must submit the Section 303(d) lists to EPA for review and approval/disapproval action. TMDLs are a unique and valuable tool that quantifies the maximum amount of a pollutant that a water can absorb and still meet water quality standards. They specify the amount that pollutant loadings need to be reduced for the water to attain water quality standards and allocate pollutant load reductions among sources in a watershed. Section 303(d) also requires EPA to review and approve or disapprove State-submitted TMDLs.

The State 305(b) reports are the only required mechanism for transmitting water quality assessment decisions and information between the States and EPA. Although other programs generate raw water quality data, the 305(b) reports are the only information collection mechanism for obtaining beneficial use support assessments. Without the State 305(b) reports, EPA could not report to Congress a national summary of assessed waters and their attainment of beneficial uses, as required in the CWA.

### **5(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB**

On July 19, 2022, a Federal Register notice (87 FR 43029) required under 5 CFR 1320.8(d), solicited comments on this collection of information. No comments relevant to this ICR were received on the docket.

### **5(c) CONSULTATIONS**

EPA annually conducts several workshops with technical and managerial state and territorial representatives around the country on the use of ATTAINS and the development of refinements and updates based on the latest Integrated Reporting (IR) guidance. Input from states and territories is solicited at these workshops and on regularly scheduled conference calls. EPA is also in frequent contact with state IR coordinators regarding approval/disapproval of 303(d) lists and uploading/review/approval of IR data to ATTAINS.

EPA distributes the draft IR guidance to all respondents for comment before issuing final guidance. EPA may solicit comments on the draft guidance from other Federal agencies. EPA may reach out to States occasionally to solicit their input on the effectiveness of the TMDL program in meeting the water quality standards. This information would facilitate the evaluation of the TMDL program to identify gaps and potential efficiencies that can be gained.

### **5(d) EFFECTS OF LESS FREQUENT COLLECTION**

The biennial frequency of the collection is mandated by Section 305(b)(1) of the CWA. Section 305(b) originally required respondents to submit water quality reports on an annual basis. In 1977, the annual requirement was amended to a biennial requirement in the CWA. The biennial period ensures that information needed for analysis and water program decisions is reasonably current, yet abbreviated reporting requirements provides respondents with sufficient time to prepare the reports. Less frequent collection would result in a declining level of State and EPA water quality analyses because they would be based on outdated information.

## **5(e) GENERAL GUIDELINES**

The proposed activities (i.e., collection of the State 305(b) reports and 303(d) lists, preparation of the summary Report to Congress, development and review of TMDLs, and preparation of the 305(b) guidance document) do not include any information collection activities that exceed the Paperwork Reduction Act, OMB's General Guidelines and regulations under 5 CFR 1320.5(d) (2).

- Information is not collected more often than quarterly.
- Responses are not required in less than 30 days.
- Respondents are not required to submit more than one original and two copies of any document.
- The collection does not provide for remuneration of respondents.
- The collection does not require records to be kept for more than three years.
- The collection is not in conjunction with a statistical survey.
- Provisions for small businesses and other small entities are appropriate.
- Confidentiality is protected.

The collection does not require submission of information in a format other than that in which it is customarily maintained.

Regarding recordkeeping, EPA considers it appropriate that respondents keep copies of their 305(b) reports and annual electronic updates for a period of three years from the date they are transmitted to EPA.

## **5(f) CONFIDENTIALITY AND SENSITIVE QUESTIONS**

### **(i) Confidentiality**

Information collected through the proposed activities is not confidential because all respondents are State agencies, Territorial agencies, Tribes, and public commissions working entirely in a public forum.

### **(ii) Sensitive Questions**

No information of a sensitive nature concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private are asked from the State respondents in any of the proposed information collection activities.

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

### **6(a) ESTIMATING RESPONDENT BURDEN**

For current 305(b) and 303(d) reporting activities, the primary source used in estimating burden is the State Water Quality Management Workload Model (SWQMWM), which estimates and sums the workload involved in more than one hundred activities or tasks comprising a State water quality management program. The SWQMWM was developed in 2002; the workload burden estimates it generated remain applicable today. However, with the implementation of the new ATTAINS system, for the previous 2019 – 2022 ICR (ICR Number 1560.12), we estimated an initial reduction of 10% in respondents' activities; the development and submittal of the 305(b) reports and the response to comments; the preparation of the 303(d) list; and the submission of the 303(d) list and response to EPA comments. For year two and three, we estimated a 15% and 20% reduction (see Worksheet 1). For this ICR, we apply the final 20% reduction to all three years.

The SWQMWM was designed to allow a State to enter its own values for workload to be accomplished, FTE hours required to perform tasks, and the average State salary per FTE hour. Roughly half of the States used the model to develop their own estimate of their program "needs." Twenty States used the model comprehensively, estimating their task-by-task needs for performing all activities. According to the report on the model, "Though only one-third of States have submitted data, these States provide a representative cross-section of State water quality programs. Participating States include large, medium, and small States; have a great deal of geographic diversity; and face a wide spectrum of water quality issues."<sup>3</sup> For this analysis, we use the average "need" for a given task, estimated across these 20 States, as our estimate for the burden required for a typical respondent to perform this task.

Based on estimates derived from SWQMWM inputs, the average annual burden per respondent for the 3 respondents that only have 305(b) responsibility is 2,688 hours. The current burden for the 56 respondents with both 305(b) and 303(d) responsibilities is 5,724 hours. Worksheet 1 displays a summary of the burden estimates and Appendix B provides details of the calculations.

The SWQMWM does not include need estimates for one activity, an enhanced assessment of the benefits and costs of achieving water quality goals. The additional burden for respondents to assess the costs and benefits of achieving water quality standards depends on the level of detail and sophistication that the respondents choose to provide as well as factors such as the number of impaired waters, the diversity of water resources, and the intensity of use of those resources. Appendix B details the estimate of the burden associated with the enhanced benefit cost analysis, resulting in an average increase in respondent burden of 690 hours annually.

Thus, the total annual reporting burden for the 3 respondents with 305(b) responsibilities only is estimated at 3,378 hours (2,688 + 690). The total annual reporting burden for the 56 respondents with both 305(b) and 303(d) responsibilities is 6,414 hours (5,724+ 690). The total annual burden for 305(b) and 303(d) reporting activities for all respondents is 369,339 hours (3 @ 3378 hours + 56 @ 6,414 hours).

We use a separate analysis to estimate the burden associated with current TMDL development because the number and pace of TMDL development varies greatly from State to State so that average responses in the SWQMWM were thought to be inappropriate. Instead, information from *The National Costs to Develop TMDLs (Draft Report): Support Document #1* is updated to reflect current TMDL schedules. Based on estimates of the number of TMDLs per year (4,000), the total average current burden associated with developing TMDLs under the current 303(d) program is

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3 <sup>3</sup> The Cadmus Group, Inc., *State Water Quality Management Resource Analysis: Interim Report on Results*, prepared for the State Water Quality Management Resource Analysis Task Force, December 2001.



estimated to be 59,409 hours per respondent for the 56 respondents with 303(d) responsibility, and the total annual burden for all 56 respondents is estimated to be 3,326,904 hours. Occasional assistance to EPA to evaluate the TMDL programs is not expected to create any additional burden on States because States do not have to generate any new information or create new infrastructure.

Therefore, the total annual reporting burden for the 3 respondents with 305(b) responsibilities only is estimated at 10,136 hours (3 @ 3,378.6). The total annual reporting burden for the other 56 respondents with both 305(b) and 303(d) including TMDL development responsibilities is 3,686,110 (56 @ 6,414 + 56 @ 59,409). Finally, the total annual burden for 305(b) and 303(d) reporting activities for all respondents is 3,696,243 hours (10,136 + 3,686,110).

EPA continues to implement the modernized ATAINS database to streamline State reporting and EPA processing of CWA Section 303(d) and 305(b) Integrated Reports. The modernized database streamlines water quality assessment and reporting by reducing transactions associated with paper copy reviews and thereby increasing electronic data exchange. EPA estimated a burden reduction as result of these activities, principally through redesign and implementation of ATAINS. For the previous 2019 – 2022 ICR (ICR Number 1560.12), EPA estimated an initial 10% reduction on the development and submittal of the 305(b) reports and the response to comments; the preparation of the 303(d) list; and the submission of the 303(d) list and response to EPA comments. For year two and three of the previous ICR, EPA estimated a 15% and 20% reduction. The 20% reduction is estimated to continue through all three years covered by this ICR renewal.

*Table 1: 2019 - 2022 Estimated reductions in Respondent Burden due to ATAINS database modernization*

<b>Activity</b>	<b>Year</b>	<b>Original Hours</b>	<b>Reduction</b>	<b>Estimated Hours</b>
Develop/submit 305(b) report and respond to comments	1	83,013	10%	74,712
	2	83,013	15%	70,561
	3	83,013	20%	66,410
Prepare 303(d) list	1	123,648	10%	111,283
	2	123,648	15%	105,101
	3	123,648	20%	98,918
Submission of 303(d) list and response to EPA comments	1	12,208	10%	10,987
	2	12,208	15%	10,377
	3	12,208	20%	9,766

**6(b) ESTIMATING RESPONDENT COSTS**

To estimate respondent costs, we applied an updated, average fully loaded cost per hour to the burden estimates in Worksheet 1. As part of the SWQMWM development, States indicated the default value for a fully loaded labor rate for a “typical” or “average” State. This fully loaded hourly labor rate represents the total cost for obtaining an hour’s worth of work, and includes: direct salary paid, paid or accrued vacation, paid or accrued sick leave, cost of other fringe benefits (e.g., health, pension, etc.), general training, indirect expenses such as professional support (e.g., clerical, accounting, supervisory, etc.), office space, utilities, telephone service, equipment (e.g., fax machines, basic computing needs such as hardware and software, etc.), etc.

This rate does not include the costs associated with computer maintenance, support or periodic upgrades of hardware or software. Updating the original SWQMWM calculations, the “typical” loaded labor rate identified as of April 2018 as \$57.30 per hour. For 2022, we updated the default labor rate to reflect the current period by a factor of 1.154<sup>4</sup> to derive a typical fully loaded labor rate of \$66.12 per hour. This value is used to estimate respondent costs in Worksheet 2.

The average annual cost to each respondent for current 305(b) and 303(d) reporting (including the enhanced benefit cost activities) is estimated to be \$424,184 for the 56 respondents with 305(b) and 303(d) responsibilities. The average annual cost to the 3 respondents with 305(b) responsibility only is \$223,360. The total annual cost imposed on all 59 respondents is estimated to be \$24,424,359.

Average annual respondent costs for current TMDL development is estimated at \$3,913,801 per respondent for the 56 respondents with 303(d) responsibilities, and \$219,172,833 for all 56 respondents (Worksheet 2).

Therefore, the total annual cost for all respondents is \$243,597,191.

### **6(c) ESTIMATING AGENCY BURDEN AND COST**

Agency burden estimates are presented in Worksheet 3 and Agency cost estimates are presented in Worksheet 4. The derivation of these estimates is explained in detail in Appendix B. The burden estimates are based on WRAPD’s prior experience in developing 305(b) and 303(d) guidance, preparing the Report to Congress, providing technical support to respondents, maintaining ATTAINS, and reviewing and approving/disapproving 303(d) lists and TMDL submissions. The hourly cost estimates were calculated for a technical federal position, Grade 10 Step 7 effective as of January 2022 (\$29.82 per hour). The total costs are based upon an overhead rate of 110 percent including benefits (\$66.12 per hour). The total annual average Agency burden for 305(b) and 303(d) reporting activities is 7,422 hours and \$480,255.

The cost of the Agency’s additional burden to develop new guidance to improve State estimates of the benefits and costs of achieving WQS is estimated at approximately \$397,665 which would be incurred during 2023 through 2026. The annual average Agency burden and costs for TMDL review is 11,200 hours and \$701,184.

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<sup>4</sup> Consumer Price Index, April 2018: 250.55, Consumer Price Index, May 2022:289.109.  $289.109/250.55=1.154$

Table 2: 2019 - 2022 Estimated reductions in Agency Burden due to ATTAINS database modernization

Activity	Year	Original Hours	Reduction	Estimated Hours
Prepare Report to Congress	1	2,080	30%	1,456
	2	2,080	40%	1,248
	3	2,080	50%	1,040
Review annual electronic updates of State databases	1	800	30%	560
	2	800	40%	480
	3	800	50%	400
Assist States with ATTAINS submittals	1	3,328	50%	1664
	2	3,328	50%	1664
	3	3,328	50%	1664
Maintain national ATTAINS database	1	1,040	20%	832
	2	1,040	30%	728
	3	1,040	30%	728
Review draft 303(d) lists	1	236	30%	165
	2	236	40%	142
	3	236	50%	118
Review final 303(d) lists and resolve disapprovals	1	500	30%	350
	2	500	40%	300
	3	500	50%	250

#### 6(d) BOTTOM LINE BURDEN HOURS AND COSTS / MASTER TABLE

##### (i) Respondent Tally

Annual Burden **3,696,243 hours per year**

Annual Costs **\$243,597,191 per year**

##### (ii) Agency Tally

Annual Burden **18,622 hours per year**

Annual Costs **\$1,181,439 per year**

#### 6(e) REASONS FOR CHANGE IN BURDEN

- Changes in Burden for 305(b) and 303(d) reporting:** The total annual respondent hour burden for 303(d) and 305(b) reporting is estimated to decrease from the previous ICR. In general, using the SWQMWM responses may result in an overestimate of respondent burden because the responses represent estimates of State *need* to fulfill program activities, rather than actual spending. There is a decrease of 10,944 hours in the total estimated respondent burden compared to the ICR previously approved by OMB. This decrease is due to efficiencies gained from the use of EPA's modernized ATTAINS database and the integration of EPA's data and information systems to better support reporting, tracking water quality protection, and restoration actions. These efficiencies streamlined water quality assessment and reporting by reducing paper copy transactions and improving electronic data exchange. For agency burden hours, taking into account decrease in workload, we estimated a range of 20%-50% reduction in specific program activities.

- **Changes in Burden for TMDL development:** The total annual respondent hour burden associated with TMDL development has not changed from the previous ICR.

#### **6(f) BURDEN STATEMENT**

Respondent reporting burden for this collection of information is estimated to average 65,823 hours per year per respondent for the 56 respondents with both 305(b) and 303(d) responsibilities for existing 305(b) and 303(d) reporting activities and TMDL development activities. The average burden for the 3 respondents with 305(b) responsibilities only is estimated at 3,378 hours per year for 305(b) reporting activities. 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 which have subsequently changed; 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-2003-0026, which is available for public 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 through <http://www.regulations.gov>. Use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OW-2003-0026 and OMB Control Number 2040-0071 in any correspondence.

#### **PART B: COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This section is not applicable because no statistical procedures are employed for the information collection.

**Worksheet 1: Estimates for Individual Respondents Burden Hours**

Respondent Activities	Burden by Year (Hours)			3-Year Total	Annual Average		
	Year 1 (10/23-9/24)	Year 2 (10/24-9/25)	Year 3 (10/25-9/26)		Total	Per Respondent	
<b>305(b) and 303(d) Reporting Activities</b>							
<b>Existing Program Activities</b>							
1. Review regs, guidance and respond to questions on program implementation	7,434	7,434	7,434	22,302	7,434	126	
2. Plan and coordinate data acquisition	65,490	65,490	65,490	196,470	65,490	1110	
3. Develop/submit 305(b) report and respond to comments	66,410	66,410	66,410	199,231	66,410	1126	
4. Develop, review and update 303(d) listing methodology	46,536	46,536	46,536	139,608	46,536	831	
5. Prepare 303(d) list	98,918	98,918	98,918	296,755	98,918	1766	
6. Required public outreach for 303(d) list	14,840	14,840	14,840	44,520	14,840	265	
7. Submission of 303(d) list and response to EPA comments	9,766	9,766	9,766	29,299	9,766	174	
8. Prepare annual electronic updates	19,234	19,234	19,234	57,702	19,234	326	
9. Implement enhanced benefit cost of WQS	40,710	40,710	40,710	122,130	40,710	690	
<b>Total for 305(b) and 303(d) Reporting Activities</b>	<b>369,339</b>	<b>369,399</b>	<b>369,339</b>	<b>1,108,018</b>	<b>369,339</b>	<b>6,414</b>	
<b>TMDL Activities</b>							
<b>Existing Program Activities</b>							
TMDL Development Activities	3,326,904	3,326,904	3,326,904	9,980,712	3,326,904	59,409	
<b>Total for TMDL Activities</b>	<b>3,326,904</b>	<b>3,326,904</b>	<b>3,326,904</b>	<b>9,980,712</b>	<b>3,326,904</b>	<b>59,409</b>	
<b>Total Burden for Existing Program Activities</b>	<b>3,696,243</b>	<b>3,696,243</b>	<b>3,696,243</b>	<b>11,088,730</b>	<b>3,696,243</b>	<b>65,823</b>	

*Note: The 3 respondents with 305(b) responsibilities only engage in reporting activities numbered 1, 2, 3, 8, and 9.*

**Worksheet 2: Cost Estimates for Individual Respondents**

Respondent Activities	Burden by Year			Total	Annual Average	
	Year 1	Year 2	Year 3		Total	Per

	(10/23-9/24)	(10/24-9/25)	(10/25-9/26)	(10/23-9/26)		Respondent
<b>305(b) and 303(d) Reporting Activities</b>						
<b>Existing Program</b>						
1. Review regs, guidance and respond to questions on program implementation	\$491,610.18	\$491,610.18	\$491,610.18	\$1,474,831	\$491,610	\$8,332
2. Plan and coordinate data acquisition	\$4,330,845.89	\$4,330,845.89	\$4,330,845.89	\$12,992,538	\$4,330,846	\$73,404
3. Develop/submit 305(b) report and respond to comments	\$4,391,711.95	\$4,391,711.95	\$4,391,711.95	\$13,175,136	\$4,391,712	\$74,436
4. Develop, review and update 303(d) listing methodology	\$3,077,420.21	\$3,077,420.21	\$3,077,420.21	\$9,232,261	\$3,077,420	\$54,954
5. Prepare 303(d) list	\$6,541,461.93	\$6,541,461.93	\$6,541,461.93	\$19,624,386	\$6,541,462	\$116,812
6.A. Required public outreach for 303(d) list	\$981,367.23	\$981,367.23	\$981,367.23	\$2,944,102	\$981,367	\$17,524
7. Submission of 303(d) list and response to EPA comments	\$645,850.66	\$645,850.66	\$645,850.66	\$1,937,552	\$645,851	\$11,533
8. Prepare annual electronic updates	\$1,271,942.81	\$1,271,942.81	\$1,271,942.81	\$3,815,828	\$1,271,943	\$21,558
9. Implement improved benefit cost analysis	\$2,692,147.86	\$2,692,147.86	\$2,692,147.86	\$8,076,444	\$2,692,148	\$45,630
<b>Subtotal</b>	<b>\$24,424,359</b>	<b>\$24,424,359</b>	<b>\$24,424,359</b>	<b>\$73,273,076</b>	<b>\$24,424,359</b>	<b>\$424,184</b>
<b>Total for 305(b) and 303(d) Reporting Activities</b>	<b>\$24,424,359</b>	<b>\$24,424,359</b>	<b>\$24,424,359</b>	<b>\$73,273,076</b>	<b>\$24,424,359</b>	<b>\$424,184</b>
<b>TMDL Activities</b>						
<b>Existing Program</b>						
TMDL Development Activities	\$219,172,833	\$219,172,833	\$219,172,833	\$657,518,498	\$219,172,833	\$3,913,801
<b>Total for TMDL Activities</b>	<b>\$219,172,833</b>	<b>\$219,172,833</b>	<b>\$219,172,833</b>	<b>\$657,518,498</b>	<b>\$219,172,833</b>	<b>\$3,913,801</b>
<b>Total Burden for Existing Program Activities</b>	<b>\$243,597,191</b>	<b>\$243,597,191</b>	<b>\$243,597,191</b>	<b>\$730,791,574</b>	<b>\$243,597,191</b>	<b>\$4,337,984</b>

Note: The 3 respondents with 305(b) responsibilities only engage in reporting activities numbered 1, 2, 3, 8, and 9.

### Worksheet 3: Estimates of Agency Burden Hours

Agency Activities	Burden by Year (Hours)			3-Year	Annual Average	
	Year 1 (10/19-9/20)	Year 2 (10/20-9/21)	Year 3 (10/21-9/22)	Total (10/19-9/22)	Total	Per Respondent
<b>305(b) and 303(d) Reporting Activities</b>						
1. Write 305(b) guidance	40	40	40	120	40	N/A
2. Prepare Report to Congress	1040	1040	1040	3120	1040	N/A
3. Review draft 305(b) reports	590	590	590	1770	590	N/A
4. Review final 305(b) reports	177	177	177	531	177	N/A
5. Review annual electronic updates of State databases	400	400	400	1200	400	N/A
6. Assist States with ATTAINS submittals	1664	1664	1664	4992	1664	N/A
7. Maintain national ATTAINS database	728	728	728	2184	728	N/A
8. Prepare 303(d) guidance	62	62	62	186	62	N/A
9. Provide technical assistance to States for 303(d)	236	236	236	708	236	N/A
10. Review draft 303(d) lists	118	118	118	354	118	N/A
11. Review final 303(d) lists and resolve disapprovals	250	250	250	750	250	N/A
<b>Sub-Total for 305(b) and 303(d) Reporting</b>	<b>5305</b>	<b>5305</b>	<b>5305</b>	<b>15915</b>	<b>5305</b>	<b>N/A</b>
12. Guidance on enhanced benefit cost analysis	2117	2117	2117	6351	2117	N/A
<b>Total for 305(b) and 303(d) Reporting Activities</b>	<b>7422</b>	<b>7422</b>	<b>7422</b>	<b>22266</b>	<b>7422</b>	<b>N/A</b>
<b>TMDL Activities</b>						
Review TMDLs and send notices to States	11,200	11,200	11,200	33,600	11,200	N/A
<b>Total for TMDL Activities</b>	<b>11,200</b>	<b>11,200</b>	<b>11,200</b>	<b>33,600</b>	<b>11,200</b>	<b>N/A</b>
<b>Total Burden for Existing Program Activities</b>	<b>18,622</b>	<b>18,622</b>	<b>18,622</b>	<b>55,866</b>	<b>18,622</b>	<b>N/A</b>

#### Worksheet 4: Cost Estimates for Agency

Agency Reporting Activities	Year 1 (10/19-9/20)	Year 2 (10/20-9/21)	Year 3 (10/21-9/22)	Total (10/19-9/22)	Annual Average	
					Total	Per Respondent
<b>305(b) and 303(d) Reporting Activities</b>						
<b>Existing Program</b>						
1. Write 305(b) guidance	\$2,504	\$2,504	\$2,504	\$7,513	\$2,504	N/A
2. Prepare Report to Congress	\$80,685	\$80,685	\$80,685	\$242,056	\$80,685	N/A
3. Review draft 305(b) reports	\$36,937	\$36,937	\$36,937	\$110,811	\$36,937	N/A
4. Review final 305(b) reports	\$11,081	\$11,081	\$11,081	\$33,244	\$11,081	N/A
5. Review annual electronic updates of State databases	\$25,042	\$25,042	\$25,042	\$75,127	\$25,042	N/A
6. Assist States with ATTAINS submittals	\$104,176	\$104,176	\$104,176	\$312,529	\$104,176	N/A
7. Maintain national ATTAINS database	\$45,577	\$45,577	\$45,577	\$136,732	\$45,577	N/A
8. Prepare 303(d) guidance	\$3,882	\$3,882	\$3,882	\$11,646	\$3,882	N/A
9. Provide technical assistance to States for 303(d)	\$14,775	\$14,775	\$14,775	\$44,326	\$14,775	N/A
10. Review draft 303(d) lists	\$7,388	\$7,388	\$7,388	\$22,163	\$7,388	N/A
11. Review final 303(d) lists and resolve disapprovals	\$15,651	\$15,651	\$15,651	\$46,954	\$15,651	N/A
12. Enhanced benefit cost analysis	\$132,555	\$132,555	\$132,555	\$397,665	\$132,555	N/A
<b>Subtotal</b>	\$480,255	\$480,255	\$480,255	\$1,440,766	\$480,255	N/A
<b>Total for 305(b) and 303(d) Reporting Activities</b>	\$480,255	\$480,255	\$480,255	\$1,440,766	\$480,255	N/A
<b>TMDL Activities</b>						
<b>Existing Program</b>						
Review TMDLs and send notices to States	\$701,184	\$701,184	\$701,184	\$2,103,553	\$701,184	N/A
<b>Total for TMDL Activities</b>	\$701,184	\$701,184	\$701,184	\$2,103,553	\$701,184	N/A
<b>Total Agency Burden for All Activities</b>	\$1,181,439	\$1,181,439	\$1,181,439	\$3,544,318	\$1,181,439	N/A



## APPENDIX A: LANGUAGE OF THE CLEAN WATER ACT

### Section 303(d):

- (1)(A) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301(b)(1)(A) and section 301(b)(1)(B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.
- (B) Each State shall identify those waters or parts thereof within its boundaries for which controls on thermal discharges under section 301 are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife.
- (C) Each State shall establish for the waters identified in paragraph (1)(A) of this subsection, and in accordance with the priority ranking, the total maximum daily load, for those pollutants which the Administrator identifies under section 304(a)(2) as suitable for calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.
- (D) Each State shall estimate for the waters identified in paragraph (1)(B) of this subsection the total maximum daily thermal load required to assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife...
- (2) Each State shall submit to the Administrator, from time to time, with the first submission not later than one hundred and eighty days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), for his approval the waters identified and the loads established under paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) of this subsection..

### Section 305(b):

- (1) Each State shall prepare and submit to the Administrator by April 1, 1975, and shall bring up to date by April 1, 1976, and biennially thereafter, a report which shall include -
- (A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;
- (B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

- (C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;
- (D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this Act in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and
- (E) a description of the nature and extent of nonpoint sources of pollutants and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.”

Section 314(a):

- (1) State program requirements. – Each State on a biennial basis shall prepare and submit to the Administrator for his approval –
  - (A) an identification and classification according to eutrophic condition of all publicly owned lakes in such State;
  - (B) a description of the procedures, processes, and methods (including land use requirements) to control sources of pollution of such lakes;
  - (C) a description of the methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes;
  - (D) methods and procedures to mitigate the harmful effects of high acidity, including innovative methods of neutralizing and restoring buffering capacity of lakes and methods of removing from lakes toxic metals and other toxic substances mobilized by acidity;
  - (E) a list and description of those publicly owned lakes in such State for which uses are known to be impaired, including those lakes which are known not to meet applicable water quality standards or which require implementation of control programs to maintain compliance with applicable standards and those lakes in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition; and
  - (F) an assessment of the status and trends of water quality in lakes in such State, including but not limited to, the nature and extent of pollution loading from point and nonpoint sources and the extent to which the use of lakes is impaired as a result of such pollution, particularly with respect to toxic pollution.
- (2) Submission as Part 305(b)(1) Report. – The information required under paragraph (1) shall be included in the report required under section 305(b)(1) of this Act, beginning with the report required under such section by April 1, 1988.

Section 106:

(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program –

(1) the establishment and operation of the appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act.”

## APPENDIX B: DERIVATION OF REPORTING BURDEN ESTIMATES

### B.1 Respondent Burden Estimates for 305(b) and 303(d) Reporting Activities

For current 305(b) and 303(d) reporting activities, the primary source we use in estimating burden for tasks to be performed by States is the State Water Quality Management Workload Model (SWQMWM), which estimates and sums the workload involved in more than one hundred activities or tasks comprising a State water quality management program. EPA bases its estimates of reductions in the next three years of this ICR from conversations we had early on with early adoption states and based on our trajectory for state adoption in future years. We will adjust the burden hours for all activities in the next ICR after a new benefit cost analysis is performed to determine the extent of reductions from the implementation of the Water Quality Framework.

The SWQMWM is designed to allow a State to enter its own values for workload to be accomplished, FTE hours required to perform tasks, and the average State salary per FTE hour. Roughly half of the States entered their own data and used the model to develop their own estimate of their program “needs”. Twenty States used the model comprehensively, estimating their task-by-task needs for performing all activities. These 20 States appear to comprise a representative cross-section of all States in terms of geography and size of their water programs. For this analysis, we use the average “need” for a given task, estimated across these 20 States, as our estimate for the burden required for a typical State to perform this task

The following table summarizes the average of the annual need reported by the 20 States in the SWQMWM. This table represents the original burden hour estimates and does not include reductions.

#### Exhibit B-1 Average of Annual Need from SWQMWM for 305(b) and 303(d) Reporting Activities

Activity	FTE-hrs/ Year/respondent	# of Respondents	Total Annual Burden
1. Review regs and guidance for 305(b) & 303(d)	126	59	7,434
2. Plan and coordinate data acquisition and compile and screen data for assessments	1,110	59	65,490
3. Development and submission of complete 305(b) report and response to EPA comments	1,407	59	83,013
4. Develop, review and update 303(d) listing and de-listing methodology	831	56	46,536
5. Prepare 303(d) list (includes identifying waters, setting priorities, and schedules)	2,208	56	123,648
6. Required public outreach for 303(d) list	265	56	14,840
7. Submission of 303(d) list to EPA and response to EPA comments	218	56	12,208
8. Prepare annual electronic updates	326	59	19,234

*Note: The 3 respondents with 305(b) reporting responsibilities only engage in activities numbered 1, 2, 3, and 8.*

## **B.2 Respondent Burden Estimates for Implementing Enhanced Benefit Cost Analysis of Meeting Water Quality Standards**

Section 305(b)(1)(D) of the CWA requires States in their biennial water quality assessment to estimate the benefits and costs of achieving water quality standards by estimating:

- “i. the environmental impact,
- ii. the economic and social costs necessary to achieve the objective of this Act in such State,
- iii. the economic and social benefits of such achievement and
- iv. an estimate of the date of such achievement.”

In previous ICRs, EPA recognized that this information may not be readily available due to the complexities of the analyses involved. Therefore, respondents provide information (to the extent possible) on the costs of pollution control activities, capital investment in municipal and industrial facilities (including the cost of operating these facilities), and the costs of administering State and local water pollution control activities. Respondents also provide, if possible, information on the beneficial actions taken to maintain or improve water quality conditions. States have provided varying degrees of information in their biennial reports regarding the costs and benefits of achieving WQS.

As a Term of Clearance for the ICR covering the period March, 1999 through April 2003 (ICR Number 1560.05), OMB required that an estimate be made of the burden associated with estimating benefits and costs assuming that the Agency would provide additional guidance to States to assist them in preparing the analyses. ICR Number 1560.07 included the burden associated with the enhanced benefit cost analysis. Uncertainties surrounding the 305(b) and 303(d) programs have made it impractical to implement the enhanced benefit cost analysis for the 2004 or 2006 reports. These activities may take place within future reporting cycles as program uncertainties are resolved.

The effort for benefits analysis for specific States depends on several factors, including the number of impaired waters, differences in the physical characteristics of these waters, differences in aquatic habitat types, designated uses, and recreational importance as well the quality of existing information about these waters. For a small state with a small number of the 303(d) listed waters, low intensity of water-based recreation, and nonexistent or negligible commercial fishing/shell fishing, the cost of benefits assessment at the state and watershed levels may not be very different. States with diverse water resources and intensive uses of these resources (i.e., intensive water-based recreation) such as coastal states are likely to incur larger costs due to complexity of the benefits analysis. The level of effort associated with developing estimates at the State level of the benefits of attaining WQS are detailed in Exhibit B-1. As shown in the exhibit, the Agency estimates that the range the burden associated with estimating benefits at the State level ranges from 432 to 1,224 hours. Whether States undertake Level 1, 2 or 3 analyses depends on the State policy and on the complexity of the State’s watershed situations. Most coastal watersheds and those Great Lakes watersheds would be more likely to involve Level 3 analyses, while inland watersheds would be more likely to be adequately addressed by Level 1 and 2 analyses.

**Exhibit B-2 Hours of Effort to Estimate at the State Level the Benefits of Attaining WQS  
at 3 Levels of Difficulty**

Task	Level 1		Level 2		Level 3	
	Low	High	Low	High	Low	High
1. Characterize affected watersheds	96	120	128	144	160	192
2. Water quality modeling and analysis	64	80	96	112	128	144
3. Assess ecological improvements	32	48	56	64	64	72
Assess recreational improvements	32	40	56	64	72	88
Assess changes in nearby property values	16	24	32	40	48	56
Assess avoided cost of water treatment	24	32	48	64	64	80
Assess other economic productivity benefits	24	32	40	48	40	48
Assess human health benefits	16	24	32	40	40	48
4. Calibrate to local conditions*	---	---	---	---	160	192
5. Report writing	72	80	88	96	120	144
6. Contingency @ 15% **	56	72	88	104	136	160
Subtotal for Range	432	552	664	776	1,032	1,224

\*interviews or pilot studies \*\*Provision for additional data collection, analysis, review, etc.

We assume for this ICR that States will undertake efforts to estimate costs that are similar to the efforts that they apply to estimate benefits, amounting to an additional 432 to 1,224 hours..

The total burden per State is estimated to range from 864 to 2,448 hours for the first report that will contain the enhanced benefit cost analysis. The effort associated with the enhanced benefit cost analysis will be considerably less for subsequent reports, estimated to be only 25% of the effort associated with the initial analysis (from 216 to 612 hours). For the period of this ICR, we assume that the full effort is incurred.

**B.3 Agency Burden Estimates for 305(b) and 303(d) Reporting Activities**

The Agency burden estimates associated with 303(d) and 305(b) reporting activities are based on WRAPD’s prior experience in developing 305(b) and 303(d) guidance, preparing the Report to Congress, providing technical support to respondents, maintaining ATTAINS, and reviewing and approving/disapproving 303(d) lists and TMDL submissions. Exhibit B-3 provides the basis for the estimates of Agency burden by subtask prior to the application of burden reductions resulting from ATTAINS modernization.

**Exhibit B-3. Agency Burden for 305(b) and 303(d) Reporting Activities**

Activity	Total Annual Burden	Derivation
1. Write 305(b) guidance	40	Reduction in hours because guidance is complete and only minor revisions are anticipated
2. Prepare Report to Congress	2,080	Plus \$27,500 for printing & mailing Report to Congress
3. Review draft 305(b) reports	590	10 hours per submittal for 59 submittals
4. Review final 305(b) reports	177	3 hours per submittal for 59 submittals
5. Review annual electronic updates of State databases	800	Based on recent experience
6. Assist States with ATTAINS Submissions	3,328	4160 hours reduced by 20% to take into account decreasing workload as more States complete indexing
7. Maintain ATTAINS database	1,040	Based on recent experience
8. Prepare 303(d) guidance	62	Based on recent experience
9. Provide technical assistance to States for 303(d)	236	4 hours per respondent per year for 59 respondents
10. Review draft 303(d) lists	236	8 hours per respondent every 2 years for 59 respondents
11. Review final 303(d) lists and resolve disapprovals	500	Based on recent experience

**B.4 Agency Burden Estimates for Enhanced Benefit Cost Analysis of Water Quality Standards**

The Agency will develop guidance for the States that will assist them in improving their benefit cost analyses, while minimizing the additional burden of doing so. The Agency plans to target the guidance so that can be applied by a mid-level analyst.

The guidance for performing benefits analysis will likely:

- include a list of data elements required to conduct a benefits analysis, and include suggested sources and techniques for each;
- present the results of a meta-analysis of existing valuation studies, with recommended values for different water body types, expected changes in water quality, and categories of benefits;
- discuss how and when to apply different values, will provide default values where there is no basis or need to tailor the estimates to location-specific characteristics, and will describe circumstances in which it is important to develop location-specific estimates; and

- include a user-friendly spreadsheet model that implements the proffered analysis, and makes it easy to substitute use-selected values to tailor the model to specific States and to conduct sensitivity analyses to address key uncertainties.

The guidance for preparing benefit cost analysis will provide information regarding cost, including data sources, default values and worksheets.

The Agency anticipates that States will have the opportunity to participate in the review of draft guidance materials to help ensure that the guidance and the tools it provides are useful and practical from the States' perspective. If appropriate, the Agency may provide additional training materials and/or workshops to further assist States in using the guidance.

The Agency estimates that the cost of providing this additional guidance would be \$397,665. Over the three-year period of the ICR, the annual cost would be \$132,555 which translates into a burden of 2,117 hours annually (at the fully loaded hourly rate of \$66.12 as discussed in 6(c)).

### **B.5 Agency Burden Estimates for Reviewing TMDLs**

To estimate the Agency burden associated with reviewing TMDLs, we assume that on average about 4,000 TMDLs per year will be submitted to EPA over the three-year period of the ICR as a result of consent decrees and state submitted schedules. We also assume that about half of these TMDLs (2000) will be submitted in packages of about 10 or more substantially similar TMDLs. Clusters of similar TMDLs can be reviewed in an average of 1 hour, amounting to a total of 2,000 hours annually. For non-clustered TMDLs, it is anticipated that a disapproval (perhaps occurring 15% of the time for the remaining 2,000 TMDLs – i.e., 300 TMDLs) will require about 1 day (8 hours) of effort amounting to 2400 hours annually; and an approval (perhaps occurring 85% of the time for the remaining 2000 TMDLs – i.e., 1,700 TMDLs) will require about ½ day (4 hours) of effort amounting to 6,800 hours annually. Altogether, the annual burden is estimated to be 11,200 hours. These estimates have not been affected by the reduction we applied in this ICR.