

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

1. Identification of the Information Collection

1(a) Title of the Information Collection

ICR Supporting Statement Information Collection Request for the Clean Water Act Section 401 Certification Rule, EPA ICR Number 2603.07, OMB Control Number 2040-0295.

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) describes the estimated cost and burden associated with 40 CFR part 121, the regulations that implement Clean Water Act (CWA) section 401. Under section 401, a federal agency may not issue a permit or license that may result in any discharge into waters of the United States unless the certifying authority where the discharge would originate issues a section 401 water quality certification verifying that the discharge will comply with certain water quality requirements or waives the certification requirement. Certifying authorities are states, tribes with treatment as a state (TAS) authorization, and in limited circumstances, EPA. CWA section 401 requires project proponents to submit project-specific information to certifying authorities. Certifying authorities may act on project-specific information by either granting, granting with conditions, denying, or waiving section 401 certification. To demonstrate it has acted on the certification request, the certifying authority must provide a decision document to the relevant federal licensing or permitting agency. If the certifying authority fails or refuses to act on a certification request within a reasonable period of time (which shall not exceed one year) after receipt, the requirement to obtain certification is waived. EPA is also responsible for coordinating input from certain neighboring or downstream states and tribes affected by a discharge from a federally licensed or permitted project under section 401(a)(2). Information collected directly by EPA under section 401 in support of the section 402 permit program is already captured under an existing ICR (OMB Control Number 2040-0004, EPA ICR Number 0229.22) and therefore is not included in this analysis.

On June 9, 2022, EPA proposed a new rule to revise the regulations at 40 CFR part 121. 87 FR 35318 (June 9, 2022). EPA submitted a revised ICR, EPA ICR Number 2603.06, which received conditional approval from OMB. EPA anticipates it will finalize its rulemaking in 2023. Accordingly, EPA is providing this renewal to ensure no lapse in coverage while the new rule is finalized.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

To obtain a CWA section 401 certification, project proponents must submit a certification request, which includes project-specific information, to the appropriate certifying authority.

Certifying authorities are states and tribes with TAS authorization where the discharge originates. EPA also acts as a certifying authority for tribes without TAS and on lands of exclusive federal jurisdiction. Certifying authorities may act on the certification request by either granting, granting with conditions, denying, or waiving section 401 certification. To demonstrate it has acted on the certification request, the certifying authority must provide a decision document (see 40 CFR 121.7, 121.9) to the relevant federal licensing or permitting agency. If the certifying authority fails or refuses to act on a certification request, within a reasonable period of time (which shall not exceed one year) after receipt, the requirement to obtain certification is waived and the federal license or permit may be issued. Under section 401(a)(2), the EPA is responsible for coordinating input from certain neighboring jurisdictions (states or authorized tribes) whose water quality may be affected by a discharge from a federally licensed or permitted project. Information collected directly by the EPA under section 401 in support of the section 402 permit program is already captured under an existing ICR (OMB Control Number 2040-0004) and is therefore not included in this analysis.

2(b) Practical Utility/Users of the Data

The information collected under section 401 is used by the certifying authorities for reviewing potential effects of a discharge to waters of the United States from a proposed project that requires a federal license or permit.

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

3(a) Non-duplication

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

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

In compliance with the Paperwork Reduction Act of 1995 (PRA), EPA issued a public notice in the *Federal Register* on April 5, 2023 (88 FR 20165). The notice indicated that EPA was planning submit for renewal the ICR (OMB Control No. 2040-0295) to the Office of Management and Budget (OMB) for review and approval in accordance with the PRA. The notice also requested comments on the information collection and burden estimates covered in the ICR. The public comment period extended through June 5, 2023. EPA did not receive any substantive public comments in response to this notice.

3(c) Consultations

Section 1(b) discusses that EPA anticipates finalizing a new rule in 2023. However, EPA is extending the existing collection to ensure no lapse in coverage prior to the finalization of the rulemaking. As a result, the contents of this ICR are informed by outreach conducted during the prior rulemaking effort, including state and tribal meetings, meetings with federal agencies, and public comments received on a notice of proposed rulemaking (Docket ID No. EPA-HQ-OW-2019-0405). The contents of this ICR are also informed by consultations conducted during the

renewal of the information collection request for the 1971 water quality certification regulations.¹ EPA communicated with nine (9) certifying authorities² directly to collect more information on their respective water quality certification programs operated under the 1971 certification regulations, including the types and content of certification requests received. Eight (8) certifying authorities responded.³ The estimates in this supporting statement were also reformulated to incorporate additional information made available to EPA through pre-proposal input to Docket ID No. EPA-HQ-OW-2021-0302.

EPA recently conducted outreach as part of the process to update the certification regulations at 40 CFR part 121. During this proposal outreach process, EPA received input from various sources, including from stakeholder webinars and submissions to a docket (Docket ID No. EPA-HQ-OW-2022-0128). EPA will use this information to inform the contents of the ICR associated with the final rulemaking.

3(d) Effects of Less-Frequent Collection

To satisfy the requirements of the statute, certifying authorities must collect information necessary to determine whether a potential discharge into waters of the United States from a federally licensed or permitted activity will comply with water quality requirements. A federal agency may only issue a license or permit after a certifying authority acts on a request for certification. If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the requirement to obtain certification is waived.

3(e) General Guidelines

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

3(f) Confidentiality

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

3(g) Sensitive Questions

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

4. The Respondents and the Information Requested

¹ EPA ICR Number 2603.03.

² States: Florida, Louisiana, Ohio, Kansas, Massachusetts, Nevada, and New York. Tribe: Ute Mountain Ute. Territory: Puerto Rico.

³ The State of Ohio did not respond to the information request.

4(a) Respondents/NAICS Codes

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

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

Most certifying authorities will fall into the following NAICS codes.

<u>Code</u>	<u>Industry Title</u>
921110	Executive Offices
921190	Other General Government Support

4(b) Information Requested

(i) Data Items & Respondent Activities

40 CFR 121.4 requires project proponents to request pre-filing meetings from certifying authorities. This burden is mandatory for project proponents. Accepting the meeting request is voluntary for certifying authorities.

40 CFR 121.5(b) and (c) list the information a project proponent must submit when requesting a certification for individual licenses and permits and the issuance of general licenses and permits. The regulation does not identify what further information, if any, may be needed for a certifying authority to act on a request for certification.

40 CFR 121.7 and 40 CFR 121.9 specify the supporting information certifying authorities must include in a decision document on a certification request. The regulations specify that all actions to explicitly waive, grant, grant with conditions, or deny certification must be in writing and within the scope of certification, as provided in the final rule. The regulations explicitly discuss information requirements when a certification is granted with conditions or denied in

sections 121.7(d) and (e), respectively. The scope of certification is limited to evaluating whether the discharge from the proposed project will comply with water quality requirements.

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

5(a) Agency Activities

Under 40 CFR 121.13-121.15, EPA acts as a certifying authority on behalf of federally recognized tribes without TAS authority and for lands of exclusive federal jurisdiction. On average, the EPA estimates it issues 117 CWA section 401 water quality certification decisions per year for projects on tribal lands where the tribe does not have TAS. EPA rarely performs section 401 water quality decisions on lands of exclusive federal jurisdiction.

Occasionally, a Regional EPA office notifies a neighboring jurisdiction that the discharge from a certified project originating in one jurisdiction may affect the water quality of a neighboring jurisdiction, in accordance with the final regulations at 40 CFR 121.12.

5(b) Collection Methodology and Management

Through the water quality certification process, project proponents must submit a certification request, including project-specific information, to certifying authorities. Certifying authorities may then act on this information by either granting, granting with conditions, denying, or waiving the requirement to obtain certification.

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

The information collected under CWA section 401 may be published if it is not proprietary or confidential business information. The determination as to whether to publish is made by the certifying authority or federal licensing or permitting agency collecting the information. The certifying authority may choose to collect information using a fillable form or by other correspondence. A certifying authority's applicable submission procedures may typically be found on its website.

5(c) Small Entity Flexibility

Although information collected under 40 CFR part 121 could be furnished by small entities, small entities are more likely to qualify for general permit authorizations for which section 401 certification may already be granted (e.g., CWA section 404 nationwide general permits). EPA cannot further minimize the burden on small entities because section 401 requires all project proponents to submit a certification request.

5(d) Collection Schedule

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

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

(i) Administrative Burden for Certifying Authorities and Project Proponents

Detailed data on all certification request submittals by project proponents are not currently available. The estimates presented in the supporting statement from the existing collection included a questionnaire that was presented to nine certifying authorities. Eight certifying authorities responded to the questionnaire and provided data. The existing collection also accounts for information received from one state in public comments after the proposed rule stage for the 2020 Rule. These estimates have been augmented to include additional data provided in pre-proposal input on the ongoing rulemaking and state websites. Collectively, the data reviewed provided more specific information on the potential number of responses submitted by project proponents and the time that certifying authorities spend reviewing information. This new information has been included, where appropriate, in the ranges used when calculating estimated hour and cost burdens.

(1) Certifying Authorities

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

Table 1: Federal License/Permit Summary

License/Permit Type	Annual Average # Licenses/Permits Issued
CWA Section 404	45,725 general; ⁴ 1,898 ^a individual
Rivers and Harbors Act Section 10	7,600 general; 1,391 ^b individual
Rivers and Harbors Act Section 9	40
Federal Energy Regulatory Commission license	44 ^d
Nuclear Regulatory Commission license	2 ^e
Estimated Total Annual Average # Licenses/Permits Issued	56,700

a) Estimate based on the annual average number of 404 permits from 01/01/2010 – 09/01/2020 based on counts provided by the Corps.

b) Estimate based on the annual average number of section 10 permits from 01/01/2010 – 09/01/2020 based on counts provided by the Corps.

c) Estimate based on personal communication with Bridge Permits and Policy Division, Coast Guard Bridge Program

d) Estimate based on annual average license issuance for hydropower facilities/major natural gas pipelines from 01/01/2010 – 09/01/2020

e) Estimate based on annual average license issuance for operating nuclear power reactors (full-power operating licenses and combined operating licenses) from 01/01/2010 – 09/01/2020

EPA estimates that 140 certifying authorities⁵ serve as respondents for this information

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

5 The 50 states, Washington, DC, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana

collection. The estimates from the existing collection included information made available to EPA through eight questionnaire responses (six states, one tribe, one territory). The estimates in this supporting statement were reformulated to incorporate additional information made available to EPA through pre-proposal input to Docket ID No. EPA-HQ-OW-2021-0302. To estimate the high number of certifying authority responses per year, EPA averaged the number of annual requests provided by six states in the questionnaire,⁶ six additional states in pre-proposal input letters,⁷ and one state (Maryland) in public comments received after the proposed rule stage for the 2020 Rule. The average number of annual requests across 13 states, based on numbers reported via the questionnaire, pre-proposal input letters, and public comments, was 1,940 requests per state. Multiplying the resulting average by all 50 states gives a revised high estimate of 97,000 certifying authority responses per year. The low estimate is based on the 57,000 annual issued licenses and permits presented in Table 1; EPA assumes that, at a minimum, there is one certification request and one response required by a certifying authority per license/permit issued. The midpoint of the two values is 77,000.

The low estimate in Table 1 captures only those federal licenses and permits that are issued, which may not accurately reflect the full number of certification requests reviewed by certifying authorities or submitted by project proponents per year. The high estimate is based on an average of data collected from a limited number of states and is not expected to be representative of the whole population of certifying authorities. Use of the midpoint is justified to address the incomplete nature of both estimates.

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

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	54,000	72,500	91,000
Individual Permits	3,000	4,500	6,000
Total	57,000	77,000	97,000

In the currently approved ICR, EPA used a range of hours to estimate the burden for certifying authorities to review certification requests with a midpoint of 5.5 hours for general permits and 7 hours for individual permits based on the assumption that then-new rule provisions would provide a decrease in burden hours. As explained below, EPA no longer believes this assumption is accurate and instead will rely on a conservative estimate based on currently available data (Table 3). The low estimate was based on data from the section 402 permit program’s currently approved ICR (OMB Control Number 2040-0004). The high estimate was based on data from six states that provided direct information to the EPA and the section 402 permit program’s currently approved ICR. EPA believes this information accurately estimates the burden hours associated with certifying authority review of requests. With the new information from the pre-proposal input letters and public comments discussed above, EPA has updated the high estimate, and consequently the midpoint.

Islands, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and 83 tribes with treatment as a state for CWA section 401.

⁶ EPA did not include questionnaire response estimates provided by the tribe and territory in this state average because the smaller values were not representative of state averages.

⁷ Pre-proposal input letters reported the average annual number of certification requests received for Colorado, New Mexico, North Carolina, Pennsylvania, Tennessee, and Washington.

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

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

Using the midpoint estimates of seven and 10 hours per review for general and individual requests, respectively, multiplied by the midpoint number of requests in Table 2, the midpoint estimated annual burden associated with certification request review for certifying entities is 552,500 hours per year. Based on the low and high permit estimates in Table 2 and the low and high hourly burden estimates in Table 3, the low and high burden estimates are 228,000 and 1,006,000 hours per year, respectively.

Table 4: Estimated Certifying Authority Annual Hour Burden

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	216,000	507,500	910,000
Individual Permits	12,000	45,000	96,000
Total	228,000	552,500	1,006,000

Certifying authorities may also choose to waive certification for a project. Waivers may or may not involve review by the certifying authority and are often issued without incurring any measurable associated burden.

The current regulations include no specific recordkeeping requirements for certifying authorities.

(2) Project Proponents

The annual average licenses and permits issued (Table 1) may not capture the totality of information submissions made by project proponents. For example, if burden estimates only relied on issued licenses and permits, they would not account for certification requests that may be denied by certifying authorities or withdrawn by project proponents. EPA reformulated the estimates in this supporting statement to incorporate additional information made available to EPA through pre-proposal input to Docket ID No. EPA-HQ-OW-2021-0302. The average number of reviewed requests across 13 states, based on numbers reported via the questionnaire, pre-proposal input letters, and public comments, was 1,940 requests per state. Multiplying the resulting average by all 50 states gives a revised high estimate of 97,000 project proponent responses per year. While this number could underestimate project proponent requests that are submitted but not reviewed, the number could also overestimate the number of unique proponent requests that are resubmitted by project proponents without substantial changes. The low estimate is based on the 57,000 annual issued licenses and permits presented in Table 1; EPA assumes that, at a minimum, there is one certification request and one response required by a project proponent per license/permit issued. The midpoint of the two values is 77,000.

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

Low Estimate	Midpoint	High Estimate
57,000	77,000	97,000

The current rule requires that project proponents request a pre-filing meeting with the appropriate certifying authority at least 30 days in advance of submitting a certification request. Acceptance of this meeting is not mandatory for certifying authorities. The certifying authority collecting the information determines the information collection technique and may require either physical or electronic submission of the meeting request. EPA considers the level of burden associated with this response to be low, since little or no technical information would be required for merely requesting a meeting. As discussed in the supporting statement for the existing collection, EPA estimates that an average burden on project proponents related to submission of information to the EPA is four (4) hours per certification request.

EPA multiplied the certification request estimates from Table 5 by the per-request project proponent burden of four (4) hours to estimate that the average burden associated with certification requests for project proponents ranges from 228,000 to 388,000 hours per year, with a midpoint of 308,000 hours per year. This estimate is unchanged from that of the currently approved ICR.

Table 6: Estimated Certification Request Annual Hour Burden for Project Proponents

Low Estimate	Midpoint	High Estimate
228,000	308,000	388,000

a) The estimates in this table are rounded.

The regulations include no specific recordkeeping requirements for project proponents.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

(1) Certifying Authorities

EPA estimates that \$33.11 (starting point of a GS-11 “Rest of U.S.” locality⁸) is an appropriate average hourly wage for a certifying authority employee.⁹ Adding a 1.6 overhead factor¹⁰ results in an estimated hourly wage for a certifying authority employee of \$53. EPA multiplied the hourly wage of \$53 by the annual estimated hourly burden range presented in Table 4 to arrive at an estimated annual dollar burden range of \$12.0 million to \$53.0 million per year, with a midpoint of approximately \$29.0 million per year. This estimate is unchanged from that of the currently approved ICR.

⁸ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/RUS_h.aspx, accessed March 2023.

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

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

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

Burden Estimate	Low Estimate	Midpoint	High Estimate
Total Dollar Burden	\$12.0	\$29.0	\$53.0

a) The estimates in this table are rounded.

(2) Project Proponents

Certification request document preparation and pre-filing meeting request preparation are likely performed by one or more employees with a range of skills. For the purposes of this burden estimate, EPA consulted the Bureau of Labor Statistics website for wage information related to engineering services.¹¹ The median hourly wage for all occupations under engineering services for May 2021, the most recent available, is \$38. Adding a 1.6 overhead factor results in a median hourly wage of \$61. The EPA multiplied this hourly wage by the hourly burden for project proponents in Table 6 to arrive at the estimated cost burden. The average estimated total cost burden associated with certification requests for project proponents ranges from \$14.0 million to \$24.0 million per year, with a midpoint of approximately \$19.0 million per year. This estimate is unchanged from that of the currently approved ICR.

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

Low Estimate	Midpoint	High Estimate
\$14.0	\$19.0	\$24.0

a) The estimates in this table are rounded.

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

In some cases, project proponents pay fees for certification requests. The prior notice included an estimate of the CWA section 401 fees that project proponents pay to certifying authorities when submitting certification requests. Upon further consideration, the Agency determined that CWA section 401 fees represent a transfer from project proponents to certifying authorities and do not need to be included in the burden estimate for this ICR.

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

6(c) Estimating EPA’s Burden and Cost

EPA estimates that \$47.20 (starting point of a GS-13 “Rest of U.S.” locality¹²) is an average hourly federal government employee wage for an EPA regional employee tasked with acting on certification requests on behalf of tribes. Adding a 1.6 overhead factor results in an estimated average hourly employee wage of \$76.

In the supporting statement from the existing collection, EPA estimated an average hourly burden per certification request of three hours, based on information provided by EPA

¹¹ https://www.bls.gov/oes/current/naics5_541330.htm, accessed March 2023.

¹² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/RUS_h.aspx, accessed March 2023.

employees. For this notice, EPA contacted regional offices to update the annual number of certification requests reviewed by EPA and the hourly burden per certification request. Responses from the regional offices suggest that some regional offices spend more than the estimated three hours per request used in the existing collection, and a range for the per-request burden would be more appropriate. EPA has estimated a low of three hours, a midpoint of eight hours, and a high estimate of 16 hours for regional offices to review certification requests.

Multiplying the 117 estimated annual decisions per year by the estimated hourly burden estimates per request results in a total annual burden for certification request review by the federal government ranging from 351 hours to 1,872 hours, with a midpoint of 936 hours. Multiplying the total annual burden for certification request review by an estimated hourly wage of \$76 provides an estimated annual cost burden ranging from approximately \$27,000 to \$142,000, with a midpoint of \$71,000.

Table 9: Estimated Federal Government Annual Hour and Cost Burden

Estimate Category	Hourly Burden Per Certification	Total Estimated Annual Hour Burden	Total Estimated Annual Dollar Burden
Low	3	351	\$26,676
Midpoint	8	936	\$71,136
High	16	1,872	\$142,272

6(d) Estimating the Respondent Universe

Participants in the information collection activities described by this ICR are generally project proponents or certifying authorities. EPA estimates that there are 77,000 project proponents that serve as a respondent for this information collection. This estimate reflects the midpoint of estimated certification requests received annually (see Table 5 above). The EPA estimates that the 140 certifying authorities¹³ serve as respondents for this information collection.

The total respondent universe is estimated at 77,140.

6(e) Bottom Line Burden Hours and Costs

The detailed burden hour and cost calculations for the respondents and EPA are shown above in Table 4 through Table 11 and summarized below.

(i) Respondent Tally

This ICR estimates 154,000¹⁴ annual responses from 77,140¹⁵ respondents. Total annual burden for respondents (project proponents and certifying authorities) are anticipated to be 860,500 hours with the associated annual labor costs being approximately \$48 million.

¹³ The 50 states, Washington, DC, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and 83 tribes with TAS for section 401.

¹⁴ 77,000 estimated annual responses for project proponents + 77,000 estimated annual responses for certifying authorities.

¹⁵ 77,000 estimated annual project proponent respondents + 140 certifying authorities.

(ii) The Agency Tally

Using the midpoint estimates, the total annual burden for EPA is anticipated to be 936 hours. Activities related to maintaining this collection are expected to cost EPA approximately \$71,136 each year.

6(f) Reasons for Change in Burden

For certifying authorities and project proponents, there is an overall decrease in the estimated burden, number of respondents, and number of responses when compared to the estimates presented in the existing collection. These changes are due to refinements in how the estimates are calculated in addition to: (1) a decrease in the average number of annual licenses and permits issued that are used in the low estimate (56,700 as reported in Table 1 vs. 63,000 in the existing collection) and (2) a decrease in the high estimate of annual certification requests (97,000 as reported in Table 2 and Table 5 vs. 131,000 in the existing collection) from incorporating values provided in pre-proposal input letters. EPA reviewed pre-proposal input letters to compile suitable data for the number of responses and burden per response, where appropriate. EPA removed consideration of CWA section 401 fees since they represent a transfer from project proponents to certifying authorities.

Number of Requests: In this notice, similar to the existing collection, the Agency retained the number of federally issued permits and licenses as the low estimate for the number of certification requests and included as the high estimate the mean number of certification requests that certifying authorities reported reviewing. These values were used as the number of responses for both certifying authorities and project proponents. For the low estimate, the Agency updated the annual number of licenses and permits issued to include more recent years and a larger range of years (2010-2020 vs. 2013-2018 in the prior notice). For the high estimate, the Agency calculated a value based on data from more states by incorporating reported numbers of annual certification reviews reported in pre-proposal input letters in addition to numbers provided in questionnaire responses.

Hours per Request: In this notice, the Agency refined the estimates reported in the existing collection. The high estimate is based on a limited number of states and is not expected to be representative of the whole population of certifying authorities. The use of the midpoint is justified to address the incomplete nature of both estimates.

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

Overall Changes: The hour burden for project proponents decreased because the annual number of licenses and permits used for the low estimate decreased when accounting for more recent years and a larger range of years. Additionally, the high estimate decreased after incorporating annual number of certification reviews reported in pre-proposal input letters in addition to questionnaire responses. The hourly burden per response for certifying authorities increased from the existing collection.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12.5 hours per response (8.5 hours for certifying authorities and 4 hours for project proponents). “Burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information either to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for EPA regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the EPA’s need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2023-0095. An electronic version of the public docket is available at <http://www.regulations.gov/>, which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the docket ID number identified in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1752. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OW-2023-0095 and OMB Control Number 2040-0295 in correspondence.

Part B of the Supporting Statement

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