

U.S. Environmental Protection Agency

Information Collection Request

Title: Combined EPA-Tribal Environmental Plan (ETEP) and Indian Environmental General Assistance Program (GAP) Work Plan Template

OMB Control Number: 2090-NEW

EPA ICR Number: 2790.01

Abstract:

EPA is seeking approval to begin use of a combined EPA-Tribal Environmental Plan (ETEP) and Indian Environmental General Assistance Program (GAP) work plan template. Use of the template would assist grantees and the Agency by providing Tribes with a standardized and streamlined method to report required information outlined at [40 CFR § 35.507](#), in the [1992 Indian Environmental General Assistance Program Act](#), and in the [2022 GAP Guidance](#).

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Information collected through the template is described and authorized by the 2022 GAP Guidance, 40 CFR § 35.507, and the 1992 Indian Environmental General Assistance Program Act.

2. PRACTICAL UTILITY/USERS OF THE DATA

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This ICR covers a new reporting template that Tribes can volunteer to use in order to jointly submit information associated with their EPA-Tribal Environmental Plans (ETEPs) and an Indian Environmental General Assistance Program (GAP) Work Plans. If Tribes choose to combine these reports, use of the combined template is mandatory.

EPA developed and implemented the use of ETEPs to plan and demonstrate capacity built with GAP funding in response to the [2008 Office of Inspector General Audit Report, Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program](#). ETEPs are documents that describe how the EPA and a Tribal government plan to work together to address shared environmental priorities. ETEPs identify pollution sources on or impacting Indian country, describe how the pollution is addressed and by whom, outline the Tribe's environmental program priorities and related goals, and inform the development of GAP work plans. They also provide a basis for understanding changes in capacity development with GAP resources. ETEPs have three sections:

- 1) A list of EPA Regulated Entities,

- 2) A description of Tribal Environmental Priorities, and
- 3) An account of EPA Program Priorities.

The EPA Regulated Entities section inventories EPA-regulated federal entities in a Tribe's lands. The list is drafted by the relevant EPA Regional Office and then passed on to the Tribes, who may then enter other entities of interest if they wish.

In the Tribal Environmental Priorities section, Tribes/recipients:

- Provide a short description of each priority area the recipient plans to address with GAP funds,
- Describe capacity indicators the recipient intends to pursue in association with each priority,
- Outline the anticipated timeline for completing the capacity indicators,
- Define long-term program development goals, and
- Specify requested assistance.

In the EPA Program Priorities section, regional offices identify the Agency's program priorities and, when applicable, any EPA direct implementation responsibilities. The information in this section can help Tribes to identify potential areas of partnership with the EPA and also indicate where they may wish to seek assumption of federal laws.

A GAP work plan, as detailed in 40 CFR § 35.507, lists all the mandatory requirements that need to be included to issue and manage a grant, including, but not limited to:

- estimated years and funding amounts of each work plan component,
- work plan commitments for each work plan component, along with a time frame for accomplishment,
- a performance evaluation process and reporting schedule, and
- roles and responsibilities of the recipient and EPA in carrying out the work plan commitments.

Section 2.3 of the 2022 GAP Guidance states, "AIEO [American Indian Environmental Office] strongly encourages a combined GAP work plan and ETEP to streamline required planning, reporting and information sharing, and will provide templates to assist recipients considering this format." This information collection request represents EPA/AIEO's plan to deliver that template.

3. USE OF TECHNOLOGY

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The template is in a Microsoft Word format which – unlike a webform – can be completed without continual Internet access. This is an important feature, adopted based on feedback from Tribal entities that have only limited or sporadic access to the Web.

4. EFFORTS TO IDENTIFY DUPLICATION

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Use of the combined template will reduce duplication as it centralizes and standardizes the collection of information that Tribes are likely already assembling for use in ETEPs and GAP work plans.

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Indian Environmental General Assistance Program (GAP) financial assistance agreements are available to federally recognized Tribal governments and intertribal consortia which may often meet the definition of small entities. However, EPA believes the reporting requirements discussed in this ICR cannot be further reduced for, and do not place an unreasonable burden on, small entities. While the volume of information included in GAP reporting is likely to be proportional to the extent of grant activities supported, the basic requirements are fixed in policy and statute and remain the same for all respondents. EPA takes active steps to minimize the burden on all entities by providing guidance materials and using, where available, electronic forms. In most cases, the requirements do not impose a large burden on small entities because the information required is simple and straightforward.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Less frequent collection would leave the Agency lacking key information that it needs to comply with OMB and statutory requirements for assistance agreements.

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

EPA solicited public comment on the proposed collection via a 60-day notice December 4, 2023 at [88 FR 84140](#).

EPA also posted the public comment opportunity and all information necessary to comment at EPA's public website: <https://www.epa.gov/general-assistance-program-gap>. (This information was removed after the public comment period ended.) EPA also held a national informational webinar on January 10,

2024 instructing both EPA employees and the public on how to comment and relaying the message to Tribes could also request one-on-one Tribal Consultation (none did). EPA also forwarded all information necessary to comment to EPA Headquarters Indian Coordinators and EPA Regional Indian Coordinators and asked them to share the information.

At the end of the public comment period, no comments were received.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

EPA received input from three Tribal/public contacts with current Indian Environmental General Assistance Program (GAP) grants, as well as presented on the template at an EPA Region 9 Regional Tribal Operations Committee (RTOC) meeting and a GAP Project Officer (PO) meeting. Note that an RTOC is a working committee of EPA and Tribal personnel, co-chaired by an EPA representative and a Tribal representative.

Jerry Cain, Environmental Manager at the Office of Environmental Protection, Mississippi Band of Choctaw Indians, had positive feedback, stating, "This form is very similar to the programmatic work plans we develop each year. This format has been successful for us. The work plan forms that we use have been around for a while and do not have embedded links etc. in them. I like this document and find it compatible in form and function with work plan formats that we are familiar with using."

Jason Walker, Tribal Councilman, Northwest Band of Shoshone Nation, suggested optional use of the proposed template. EPA has already addressed this, as the template would only be mandatory if a grantee chose to combine their ETEP and stand-alone GAP award.

Victoria Flowers, Senior Environmental Scientist Tribal Program Lead, Oneida Nation, stated that she is currently already trying to align her work plan metrics with ETEP metrics and that ETEPs "are a good idea."

The Region 9 RTOC meeting had positive feedback on the fact that all reporting requirements were placed into one document. There was concern that no Tribal consultation would take place on the proposed template. EPA explained that Tribal consultation is not to be offered on this template, as it is an administrative tool that represents information already being collected and reported by Tribes. Tribes are encouraged to comment on the template during the Public Comment Period. In addition, consistent with EPA's [Policy on Consultation and Coordination with Indian Tribes](#), EPA will consider all requests from Tribes for consultation.

The GAP Project Officer meeting had positive feedback on the template as well, generally expressing support for the streamlined manner in which all data and information is being asked and collected into an easy-to-follow template.

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Neither confidential business information (CBI) nor sensitive personal identifying information (PII) are collected through the template. Information collected is not entered into a system that requires a SORN or PIA. EPA makes no assurances of confidentiality to respondents.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Questions of a sensitive nature are not included in this information collection.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

Provide estimates of the hour burden of the collection of information. The statement should:

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
 - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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12a. Respondents/NAICS Codes

The major category of respondents are federally recognized Tribes and inter-Tribal consortia, classified under the North American Industry Classification System (NAICS) code 92115. These are the grantees eligible for GAP grants, as outlined in the Indian Environmental General Assistance Program Act of 1992. Of the approximately 520 GAP recipients, EPA anticipated that roughly 25 recipients will choose to use the combined template in the period covered by this ICR. Empirical results recorded over the next three years will help EPA to refine this estimate if/when the collection is submitted for renewal.

12b. Information Requested

All information collected through the combined template is already described by the 2022 GAP Guidance, 40 CFR § 35.507, and the 1992 Indian Environmental General Assistance Program Act is likely already being shared through EPA-Tribal Environmental Plans (ETEPs) and Indian Environmental General Assistance Program (GAP) work plans. A complete version of the template document has been submitted as part of this ICR package.

12c. Respondent Activities

To create a work plan and an ETEP, a grantee usually liaisons with their EPA Project Officer, Tribal government, Tribal environmental staff, and local community to understand their needs related to planning, developing, and establishing environmental protection programs, and for potentially developing and implementing solid and hazardous waste programs on Tribal lands.

By statute, a GAP award project period can be up to four years. Multi-year GAP work plans are allowed and encouraged, and need to be reviewed annually, as they are funded annually. Annual check-ins, as part of the joint evaluation process within §35.507/§35.515, occur between the grantee and their project officer, and include accomplishments as measured against work plan commitments, a discussion of the cumulative effectiveness of the work performed under all work plan components, a discussion of existing and potential problem areas, and suggestions for improvement, including, where feasible, schedules for making improvements. EPA staff estimate that an initial four-year work plan takes grantees eight hours to complete, and two hours for Project Officers to review. Annual check-ins, as part of the joint evaluation process, are estimated to last an hour.

Regarding ETEPs, and the hours of burden, these documents cover a period of at least three, but not more than five years. Grantees and project officers should review ETEPs annually and make updates to priorities, indicators, and anticipated timelines. EPA staff estimate that it takes 20 hours of grantee time, and 5 hours of Agency staff time to complete an initial ETEP. Annual reviews are estimated to last an hour.

For the purposes of labor and cost calculations, EPA estimates that, on average, use of the combined GAP award ETEP and work plan schedule will follow a 4-year cycle (i.e. creation costs and burden will occur in year one followed by three annual check-ins).

12d. Respondent Burden Hours and Labor Costs

Burden hours were estimated by surveying EPA staff, such as project officers, senior advisors, and EPA staff who were previous Tribal environmental staff.

The mean hourly wage for a Tribal Environmental Director is estimated at \$51.62¹. An additional 110% was then added to fully load the basic wages with the additional costs of benefits and overhead incurred by employers as part of their overall labor costs. The resulting respondent hourly labor rate is \$108.40.

Total average annual costs and burden levels for respondents associated with the use of the combined ETEP/GAP work plan template are expected to be 212.5 hours and \$23,035. Additional details are

¹ \$51.62 was derived from the median hourly wage for Bureau of Labor Statistics "Occupational Employment and Wages: Management Occupations" available at <https://www.bls.gov/oes/current/oes110000.htm> (accessed 5/9/2024)

included in the Respondent Burden and Cost Table attached as part of the submitted ICR documentation.

All hours are estimates, as each Tribe is unique. Estimates may be higher or lower for several reasons, including the varied nature of the internal development, review, and approval processes of each Tribe as well as the time in position for Tribal environmental staff, since new tribal or EPA staff may spend more time than average in developing the ETEP priorities and work plan, and more experienced staff may use less.

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

EPA does not anticipate that these collection activities will cause respondents to incur non-labor costs.

14. AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

14a. Agency Activities

By statute, a GAP award project period can be up to four years. Multi-year GAP work plans are allowed and encouraged, and need to be reviewed annually, as they are funded annually. Annual check-ins, as part of the joint evaluation process within §35.507/§35.515, occur between the grantee and their project officer, and include accomplishments as measured against work plan commitments, a discussion of the cumulative effectiveness of the work performed under all work plan components, a discussion of existing and potential problem areas, and suggestions for improvement, including, where feasible, schedules for making improvements. EPA staff estimate that an initial four-year work plan takes

grantees eight hours to complete, and two hours for Project Officers to review. Annual check-ins, as part of the joint evaluation process, are estimated to last an hour.

Regarding ETEPs, and the hours of burden, these documents cover a period of at least three, but not more than five years. Grantees and project officers should review ETEPs annually and make updates to priorities, indicators, and anticipated timelines. EPA staff estimate that it takes 20 hours of grantee time, and 5 hours of Agency staff time to complete an initial ETEP. Annual reviews are estimated to last an hour.

For the purposes of labor and cost calculations, EPA estimates that, on average, use of the combined GAP award ETEP and work plan schedule will follow a 4-year cycle (i.e. creation costs and burden will occur in year one followed by three annual check-ins).

14b. Agency Labor Cost

The burden hours were estimated by surveying EPA staff, such as project officers, senior advisors, and EPA staff who were previous Tribal environmental staff. The average loaded hourly labor rate of an EPA Project Officer is estimated at \$95.46 (which is calculated as the average of loaded GS-13 step 5 from Seattle, WA [\$100.61], St. Louis, MO [\$92.02] and Richmond, VA [\$93.76]). These rates include the customary addition of 60% to base wages to reflect the additional costs of benefits incurred by the Agency as part of its overall labor costs.

14c. Agency Non-Labor Costs

EPA does not anticipate that these collection activities will require Agency expenditures on capital or operations and maintenance.

14d. Total Agency Costs

Total average annual costs and burden levels for the Agency associated with the use of the combined ETEP/GAP work plan template are expected to be 81.25 hours and \$12,529.30. The Burden and Cost Table for EPA staff is attached as part of the submitted ICR documentation.

All hours are estimates, as each Tribe is unique. Estimates may be higher or lower for several reasons, including the varied nature of the internal development, review, and approval processes of each Tribe as well as the time in position for Tribal environmental staff, since new tribal or EPA staff may spend more time than average in developing the ETEP priorities and work plan, and more experienced staff may use less.

15. REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

This a request for a new information collection.

16. PUBLICATION OF DATA

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Some data from the ETEP and/or work plan will be entered into the GAP Hub, which is an EPA internal performance management application for GAP. EPA is responsible for efficient program administration and oversight of GAP, and a pillar of this responsibility is analyzing performance data. GAP Hub will make existing data accessible to help EPA evaluate GAP funding's impact in building Tribal environmental program capacity and implementing solid and hazardous waste programs.

Using the reported information provided by EPA Regional Offices, EPA will prepare national GAP performance reports and use this information to inform reports to Congress, the Office of Management and Budget (OMB), Tribal governments, and others. This information can provide key insights into unmet needs, better anticipate where programmatic support is needed, assist with establishing national priorities, and bolster appropriation requests to Congress. Information shared in this manner will be in aggregate form. Specific, but basic and non-financial information maybe shared externally in the form of anecdotal success stories.

17. DISPLAY OF EXPIRATION DATE

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.