

U.S. Environmental Protection Agency

Information Collection Request

TITLE: Updates to the National Pollutant Discharge Elimination System (NPDES) Definitions and Exclusions

OMB CONTROL NUMBER: 2040-NEW

EPA ICR NUMBER: 7830.01

ABSTRACT:

This Information Collection Request covers the burden associated with EPA's proposed rule to update the National Pollutant Discharge Elimination System (NPDES) definitions and exclusions. The proposal would revise the regulatory definition of "discharge of a pollutant" to align with the Clean Water Act's (CWA) definition of "discharge of a pollutant" or "discharge." The regulatory definition would be updated to reflect the statutory exclusion of vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. The proposed rule would also make conforming and clarifying changes to the NPDES regulatory exclusion for vessels and other floating craft. The result of the proposed rule, if finalized, would be that the addition of pollutants by a vessel or other floating craft in the contiguous zone or the ocean that is not secured to the seabed would not be a discharge and would not require NPDES permit authorization.

The universe of permitted vessels and other floating craft operating in the contiguous zone or ocean includes offshore oil and gas exploration and production, aquaculture, and seafood harvesting and processing. EPA anticipates that the primary affected entities would be offshore seafood processors, which would no longer be required to comply with NPDES permitting requirements when operating in waters beyond three miles. Currently, EPA permits approximately 80 offshore seafood processors through two NPDES general permits issued by EPA Region 10. These permits cover discharges of seafood processing wastes, wash-down water, and sanitary wastes in federal waters off Alaska, Washington, and Oregon. If this rule is finalized, these permittees would no longer be subject to NPDES permitting requirements, including submission of a Notice of Intent, monitoring and reporting, recordkeeping, and submission of a Notice of Termination.

The information collection burden for offshore entities currently covered by NPDES permits is accounted for under EPA's NPDES Program Information Collection Request (OMB control no. 2040-0004, EPA ICR no. 0229.25). EPA is requesting a new control number (EPA ICR no. 7830.01) to cover the information collection activities required under this proposed rule, because of the concurrent timing of this proposed rule and the renewal of the NPDES Program ICR (OMB control no. 2040-0004). EPA will submit a request to merge the ICR for this proposed rule (EPA ICR no. 7830.01) into the base ICR (EPA ICR no. 0229.25) at a later date.

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the

contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

5. MINIMIZING BURDEN ON SMALL ENTITIES:

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

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

6. EFFECTS 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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

7. GENERAL GUIDELINES:

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

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 will solicit public comment on the ICR as part of the notice and comment process for this proposal. A copy of this supporting statement will be included in the docket for the proposal at EPA-HQ-OW-2026-6965.

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 will solicit public comment on the ICR as part of the notice and comment process for this proposal. A copy of this supporting statement will be included in the docket for the proposal at EPA-HQ-OW-2026-6965.

9. PAYMENTS OR GIFTS TO RESPONDENTS:

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

There are no payments or gifts to respondents associated with this proposed rule or ICR.

10. PROVISIONS FOR PROTECTION OF INFORMATION:

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

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.

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

12. RESPONDENT BURDEN HOURS AND 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.*
- 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.*

Table 2 summarizes the estimated labor and cost burden associated with the proposed rule. It includes original burden under the existing regulatory framework, estimated burden removed under the proposed rule, and the remaining burden after the permit requirements for the affected entities are eliminated.

The proposed rule, if finalized, will result in a revised information collection of \$0 for EPA ICR(EPA ICR no. 7830.01)

12a. RESPONDENTS/NAICS CODES

There are 79 respondents under the proposed rule.

12b. INFORMATION REQUESTED

No information collection activities are requested.

12c. RESPONDENT ACTIVITIES AND FREQUENCY

There are no respondent activities proposed under this rule.

12d. RESPONDENT BURDEN HOURS AND LABOR COSTS

There are no estimated burden hours or labor costs for the proposed rule.

TABLE 1. INFORMATION COLLECTION BURDEN ESTIMATES

Type of burden	Permit requirement	Respondents	Labor Cost (\$/hour) ¹	Hours/ response	Total hours	Total annual cost to comply ²
Estimated burden under the existing regulatory framework	Notice of Intent	79	38.86	1	16	\$600
	Analytical sampling	79	46.21	23	9,400	\$437,000
	Analysis of analytical sampling results	79	23.63	25	10,000	\$240,000
	Discharge monitoring report	79	38.86	2	820	\$32,000
	Noncompliance reports	39 ³	38.86	5	200	\$7,600
	Annual report	79	38.86	30	2,400	\$92,000
	BMP plan	79	38.86	50	4,000	\$153,000
	Recordkeeping	79	38.86	1.2	110	\$4,400
	Notice of Termination	10 ⁴	38.86	5	50	\$2,000
	Total	-	-	-	27,000	\$970,000
Estimated burden eliminated under the proposed rule	Notice of Intent	79	38.86	1	16	\$600
	Analytical sampling	79	46.21	23	9,400	\$437,000
	Analysis of analytical sampling results	79	23.63	25	10,000	\$240,000
	Discharge monitoring report	79	38.86	2	820	\$32,000
	Noncompliance reports	39 ³	38.86	5	200	\$7,600
	Annual report	79	38.86	30	2,400	\$92,000
	BMP plan	79	38.86	50	4,000	\$153,000
	Recordkeeping	79	38.86	1.2	110	\$4,400
	Notice of Termination	10 ⁴	38.86	5	50	\$2,000
	Total	-	-	-	27,000	\$970,000
New estimated burden if the rule is finalized	Notice of Intent	79	0	0	0	\$0
	Analytical sampling	79	0	0	0	\$0

Type of burden	Permit requirement	Respondents	Labor Cost (\$/hour) ¹	Hours/ response	Total hours	Total annual cost to comply ²
	Analysis of analytical sampling results	79	0	0	0	\$0
	Discharge monitoring report	79	0	0	0	\$0
	Noncompliance reports	39 ³	0	0	0	\$0
	Annual report	79	0	0	0	\$0
	BMP plan	79	0	0	0	\$0
	Recordkeeping	79	0	0	0	\$0
	Notice of Termination	10 ⁴	0	0	0	\$0
	Total	-	-	-	0	\$0

¹U.S. BLS, ECEC Table 4. Total Employer Costs for Employee Compensation for private industry workers by occupational and industry group [Mar. 2026], for construction, extraction, farming, fishing and forestry occupations under natural resources, construction, and maintenance occupations; for service occupations in all industries; and for office and administrative support occupations in the manufacturing industry. respectively.

² Calculations displayed to two significant figures in this table and throughout.

³ Assumes that half of the permittees currently covered under EPA Region 10 permits for offshore seafood processing submit compliance reports during the permit term.

⁴ Based on U.S. Census Bureau Business Dynamics Statistics (BDS) Explorer for establishment data which estimates approximately 57 annual establishment exit/deaths of 477 total establishments. This provides a 12% rate of establishment exit/death applied to 79 permittees is approximately 10 permittees that would be expected to submit an NOT.

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.

Estimates for total annual cost burden to respondents is provided in Table 1 above. Capital and O&M costs were accounted for in the estimated burden under the existing regulatory framework (EPA ICR no. 0229.25).

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.

Table 2 summarizes EPA's burden estimates associated with the proposed rule. It includes original burden under the existing regulatory framework, estimated burden removed under the proposed rule, and the remaining burden after the permit requirements for the affected entities are eliminated.

The proposed rule, if finalized, will result in a revised agency information collection burden of \$0 for EPA ICR (EPA ICR no. 7830.01).

14a. AGENCY ACTIVITIES AND FREQUENCY

No information collection activities are requested.

14b. AGENCY BURDEN AND LABOR COST

There are no estimated burden hours or labor costs for the proposed rule.

14c. AGENCY NON-LABOR COSTS

There are no estimated non-labor costs for the proposed rule.

14d. AGENCY TOTAL COSTS

TABLE 2. INFORMATION COLLECTION BURDEN ESTIMATES FOR EPA

Type of burden	Permit requirement	Respondents	Labor Cost (\$/hour) ¹	Hours/response	Total hours	Total annual cost to comply
Estimated burden under the existing regulatory framework	Notice of Intent	1	52.56	0.25	4	\$200
	Permittee discharge monitoring reports and annual reports	1	52.56	8	630	\$33,000
	Permittee noncompliance reports	1	52.56	8	300	\$17,000
	Notice of Termination	1	52.56	0.25	3	\$130
	Total	-	-	-	950	\$50,000

Type of burden	Permit requirement	Respondents	Labor Cost (\$/hour) ¹	Hours/response	Total hours	Total annual cost to comply
Estimated burden eliminated under the proposed rule	Notice of Intent	1	52.56	0.25	4	\$200
	Permittee discharge monitoring reports and annual reports	1	52.56	8	630	\$33,000
	Permittee noncompliance reports	1	52.56	8	300	\$17,000
	Notice of Termination	1	52.56	0.25	3	\$130
	Total	-	-	-	950	\$50,000
New estimated burden if the rule is finalized	Notice of Intent	1	0	0	0	\$0
	Permittee discharge monitoring reports and annual reports	1	0	0	0	\$0
	Permittee noncompliance reports	1	0	0	0	\$0
	Notice of Termination	1	0	0	0	\$0
	Total	-	-		0	\$0

¹ EPA costs were estimated by applying full time equivalent (FTE) hours to each activity and multiplying by an average yearly full-time compensation of an EPA employee, determined using the 2026 GS salary rate schedule for a GS-9, step 10 (\$68,549, \$32.85 hourly) and adding 60 percent to account for overhead costs (\$52.56 hourly).

15. CHANGE IN BURDEN:

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

This is a revised ICR for a proposed rule to revise the regulatory definition of “discharge of a pollutant” to align with the statutory exclusion found in the CWA’s definition of the same term. The CWA’s definition of “discharge of a pollutant” or “discharge” excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. There are no program changes or adjustments reported on the burden worksheet.

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.

EPA’s proposed rule would revise the regulatory definition of “discharge of a pollutant” to align with the statutory exclusion found in the CWA’s definition of the same term. The CWA’s definition of “discharge of a pollutant” or “discharge” excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:

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

EPA's proposed rule would revise the regulatory definition of "discharge of a pollutant" to align with the statutory exclusion found in the CWA's definition of the same term. The CWA's definition of "discharge of a pollutant" or "discharge" excludes vessels and other floating craft that add pollutants in the contiguous zone or the ocean from NPDES program requirements. If finalized, the addition of pollutants into the contiguous zone or the ocean from a vessel that is not secured to the seabed would not be considered a discharge and would not be subject to NPDES permitting requirements. Accordingly, this action would eliminate information collection requirements for affected entities.

18. CERTIFICATION STATEMENT:

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

EPA does not request an exception to the certification of this information.