

U.S. Environmental Protection Agency

Information Collection Request

TITLE: Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (Renewal)

OMB CONTROL NUMBER: 2040-0187

EPA ICR NUMBER: 1791.10

ABSTRACT: Clean Water Act section 312(b) requires the U.S. Environmental Protection Agency to develop national standards of performance for marine sanitation devices, the systems installed onboard vessels to treat or store sewage. States are preempted from adopting or enforcing requirements for marine sanitation devices; however, pursuant to CWA section 312(f), a state can apply to the EPA for the designation of a vessel sewage no-discharge zone to completely prohibit the discharge of sewage in some or all of the state's waters. CWA section 312(f) describes three different types of NDZs that a state may pursue, and the EPA's implementing regulations in 40 CFR part 140 identify the information that must be included in a state's application for each type of sewage NDZ.

CWA section 312(n), the Uniform National Discharge Standards, requires the EPA and the Department of War to establish uniform national discharge standards to control discharges incidental to the normal operation of a vessel of the Armed Forces (hereafter, "UNDS discharge(s)"). An NDZ is a designated area in which the specified UNDS discharge is prohibited. A state may apply to the EPA for an NDZ designation for any UNDS discharge for which the EPA and the DoW have promulgated national standards of performance and corresponding implementing regulations, respectively. A state may also petition the EPA and the DoW to either review a determination of whether an UNDS discharge requires control, or review any standard of performance that has been promulgated to control an UNDS discharge (hereafter, "petition(s) for review"). The EPA's implementing regulations in 40 CFR part 1700 identify the information that must be included in a state's UNDS petition.

This ICR addresses the burden to a state respondent to develop applications pursuant to CWA section 312(f) and CWA section 312(n), as well as the burden to the EPA to review the applications. Responses to this collection of information are required to obtain the benefit of a vessel sewage NDZ (CWA section 312(f)), an UNDS NDZ (CWA section 312(n)(7)(A)-(B)) or an UNDS petition for review (CWA section 312(n)(5)(D)); however, it is at the state's discretion to submit an application.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION:

The CWA authorizes states to apply to the EPA to designate no-discharge zones under CWA section 312(f) and CWA section 312(n). There are three separate provisions of CWA section 312(f) and two under CWA section 312(n) through which a state can apply to the EPA for the designation of an NDZ. Under CWA section 312(n), a state may also petition the EPA and the DoW for review of discharge determinations and standards promulgation. The collection of information is necessary for state respondents to develop petitions and for the EPA to review them in accordance with the statute.

Vessel Sewage: There are three different types of vessel sewage NDZs under CWA section 312(f), each with unique application information requirements. The first type of designation (CWA section 312(f)(3))

requires the state to obtain a determination from the EPA that “adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters proposed for designation.” Following an affirmative determination from the EPA, the state may then proceed with establishment of the NDZ. The other two types of sewage NDZs, established for the protection and enhancement of the quality of specified waters (CWA section 312(f)(4)(A)) and drinking water intakes (CWA section 312(f)(4)(B)), respectively, are applied for by a state but designated by the EPA and promulgated through federal regulations.

UNDS: Under CWA section 312(n), the EPA and the DoW are required to establish uniform national discharge standards to control discharges incidental to the normal operation of vessels of the Armed Forces. UNDS authorizes states to apply to the EPA to designate an NDZ, either by state or EPA prohibition (CWA section 312(n)(7)(A)-(B)), as well as to petition the EPA for a review of any discharge determination or standard (CWA section 312(n)(5)(D)).

Because the petition processes for both CWA section 312(f) and CWA section 312(n) are provided for in the statute, the EPA must maintain an approved information collection program that accounts for the burden on state respondents to develop the petitions as well as the burden on the EPA to review them.

2. PRACTICAL UTILITY/USERS OF THE DATA:

The information provided to the EPA for any one of the petition types will be used to make the necessary determination in response to the petition, as required by CWA section 312(f) or 312(n).

Vessel Sewage:

1. For petitions submitted pursuant to **CWA section 312(f)(3)**: The EPA must determine whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply. The state must provide the EPA with sufficient information to make such a determination, as identified in the EPA’s implementing regulations at 40 CFR 140.4(a).
2. For petitions submitted pursuant to **CWA section 312(f)(4)(A)**: The EPA must determine whether the protection and enhancement of the quality of the specified waters require a complete prohibition. The state must provide the EPA with sufficient information to make such a determination, as identified in the EPA’s implementing regulations at 40 CFR 140.4(b).
3. For petitions submitted pursuant to **CWA section 312(f)(4)(B)**: The EPA must establish a drinking water intake zone where the discharge of sewage should be prohibited. The state must provide the EPA with sufficient information to support the designation, as identified in the EPA’s implementing regulations at 40 CFR 140.4(c)

UNDS: To date, the EPA has not received any UNDS petitions from state respondents; however, an approved information collection is required if a state determines to develop and submit such a petition.

1. For petitions submitted pursuant to **CWA section 312(n)(7)(A)**: The EPA must first determine that: (1) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and (2) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the

ownership or operation by the Federal Government, or the military function, of the vessel (33 U.S.C. 1322(n)(7)(A)). The state must provide the EPA with sufficient information to make such a determination, as identified in the EPA's implementing regulations at 40 CFR 1700.9(a).

2. For petitions submitted pursuant to **CWA section 312(n)(7)(B)**: Upon application by a state, in order for the EPA to prohibit one or more UNDS discharges, the EPA must determine that: (1) the protection and enhancement of the quality of the specified waters require a prohibition of the discharge; (2) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and (3) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel (33 U.S.C. 1322(n)(7)(B)). The state must provide the EPA with sufficient information to make such a determination, as identified in the EPA's implementing regulations 40 CFR 1700.10(a).
3. For applications submitted pursuant to **CWA section 312(n)(5)(D)**: A state may petition the EPA and the DoW to review a determination of whether an UNDS discharge requires control. States may also petition for review of any standard of performance that has been promulgated to control an UNDS discharge. The petition must identify significant new scientific and technical information that could reasonably result in a change to the determination or standard (33 U.S.C. 1322(n)(5)(D)) and discuss how the information is relevant to one or more of the seven factors which the EPA and the DoW are required to consider (33 U.S.C. 1322(n)(2)(B)). These requirements are identified in 40 CFR 1700.11-1700.13.

3. USE OF TECHNOLOGY:

The petitions developed by state respondents in accordance with this information collection may be submitted to the EPA via electronic means (i.e., e-mail). The EPA does not otherwise prescribe how the state respondent gathers the necessary information to support a petition.

4. EFFORTS TO IDENTIFY DUPLICATION:

Information collected for petition preparation and review is site- and/or discharge-specific. The information needed to support a petition is generally not available in an aggregated form or compiled in a manner that would facilitate the EPA making the necessary determinations as outlined in the statute.

5. MINIMIZING BURDEN ON SMALL ENTITIES:

Small businesses or other small entities are not impacted by this information collection, as the only possible respondents are states.

6. EFFECTS OF LESS FREQUENT COLLECTION:

Because these state petition processes are provided for by the statute, the EPA must maintain an approved information collection program for the information discussed in this statement. However, the development and submission of a petition by a state respondent is voluntary. Responses to this collection of information are only required if a state respondent is seeking to obtain the benefit of a vessel sewage NDZ or an UNDS NDZ, or a review of an UNDS discharge determination or standard. Information is submitted on a one-time basis to fulfill the regulatory requirements. Reductions below this level are not feasible.

7. GENERAL GUIDELINES:

The proposed collection does not create special circumstances requiring justification under 5 CFR 1320.5(d)(2).

8. PUBLIC COMMENT AND CONSULTATIONS:

8a. Public Comment

Prior to submission to OMB, on April 6, 2026, the EPA published a notice in the Federal Register to solicit public input on this ICR ("Proposed Information Collection Request; Comment Request; [Establishing No-Discharge Zones \(NDZs\) Under Clean Water Act Section 312 \(Renewal\)](#);" 91 FR 17272). The EPA received three comments; however, the commenters did not provide feedback on the burden estimates at issue in this ICR renewal, and therefore these comments are out-of-scope.

8b. Consultations

Two representatives of state environmental offices were contacted by the EPA in April 2026 and asked to provide comments on the burden estimates. One representative, Donna Morrow (Maryland Department of Natural Resources), provided feedback, which was based on recent experience with preparing an application for a vessel sewage NDZ for 13 waterbodies in Anne Arundel County, MD. That feedback included recommended increases to the estimated hours for various steps of information gathering for the CWA section 312(f)(3) NDZ application, including the burden to generate a pumpout facility map and obtain pumpout facility information (description of pumpout facilities; schedule of operating hours; draft requirements; waste disposal methods). These recommended increases were in large part driven by the size and complexity of Maryland's recent NDZ, which necessitated spending a more significant amount of time contacting the many available pumpout facility operators for information. Because this may not be representative of a typical NDZ, the EPA increased the estimates by a moderate amount, guided by the feedback received. For the other two NDZ types, Donna Morrow agreed that the estimates seemed accurate.

Regarding UNDS NDZs, Donna Morrow suggested that a few additional hours be included for purposes of defining the waters that would be subject to the NDZ. Donna Morrow also advised that the burden hours for scientific and technical information, as well as the process of creating and analyzing information, might be a bit low. In each of these cases, the EPA revised the burden estimate.

9. PAYMENTS OR GIFTS TO RESPONDENTS:

The Agency does not provide payments or gifts to respondents as part of this collection.

10. PROVISIONS FOR PROTECTION OF INFORMATION:

For CWA section 312(f)(4)(B) petitions, the exact location of drinking water intakes is sensitive information not for public dissemination. This information (including detailed narrative description and geographic coordinates) will need to be provided by the state to the EPA; however, the information will need to be redacted from any publicly available version of the application. If a map was prepared for the description of the proposed area, the state should not add the location of drinking water intakes. Instead, a standalone map showing the location of intakes should be provided solely to EPA.

For all other types of petitions, the submission of confidential information is not required.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS:

This information collection does not require the submission of any sensitive information.

12. RESPONDENT BURDEN HOURS AND LABOR COSTS:

12a. RESPONDENTS/NAICS CODES

State governments (SIC code 9511, NAICS code 924110) are the only respondents for this information collection.

12b. INFORMATION REQUESTED

Information Requested for Vessel Sewage NDZ (CWA Section 312(f))

1. NDZ Designation under CWA section 312(f)(3)

Pursuant to the EPA's implementing regulations at 40 CFR 140.4(a), the following information must be provided by the state in the application:

- A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;
- A map showing the location of commercial and recreational pumpout facilities;
- A description of the location of pumpout facilities within waters designated for no-discharge;
- The general schedule of operating hours of the pumpout facilities;
- The draft requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;
- Information indicating that treatment of wastes from such pumpout facilities is in conformance with Federal law; and
- Information on vessel population and vessel usage of the subject waters.

2. NDZ Designation under CWA section 312(f)(4)(A)

Pursuant to the EPA's implementing regulations at 40 CFR 140.4(b), the following information must be provided by the state in the application:

- Specification of the waters or portions thereof for which a complete prohibition is desired;
- Identification of water recreational areas, and/or;
- Identification of aquatic sanctuaries, and/or;
- Identification of identifiable fish-spawning and nursery areas, and/or;
- Identification of areas of intensive boating activities; and
- A map of the waters to be designated as an NDZ.

3. NDZ Designation under CWA section 312(f)(4)(B)

Pursuant to the EPA's implementing regulations at 40 CFR 140.4(c), the following information must be provided by the state in the application:

- Specification and description of the location of the drinking water supply intake(s) and the community served by the intakes;
- Specification and description of the waters for which a complete prohibition is desired;
- A map of the waters to be designated as a drinking water intake zone; and

- A statement justifying the size of the requested drinking water intake zone.

Information Requested for UNDS NDZ and Petition (CWA Section 312(n))

1. NDZ by State Prohibition under CWA section 312(n)(7)(A)

Pursuant to the EPA's implementing regulations at 40 CFR 1700.9, the following information must be provided by the state in the application:

- Identification of discharge;
- Definition of waters in the proposed NDZ;
- Determination of necessity for greater environmental protection;
- Description of discharge removal facilities; and,
- Information on whether vessels other than those of the Armed Forces are subject to the same type of prohibition.

2. NDZ by EPA Prohibition under CWA section 312(n)(7)(B)

Pursuant to the EPA's implementing regulations at 40 CFR 1700.10, the following information must be provided by the state in the application:

- Identification of discharge;
- Definition of waters in the proposed NDZ;
- Technical analysis showing why protection requires a prohibition of the discharge;
- Description of discharge removal facilities; and,
- Information on whether vessels other than those of the Armed Forces are subject to the same type of prohibition.

3. Petition for Review under CWA section 312(n)(5)(D)

Pursuant to the EPA's implementing regulations at 40 CFR 1700.11-13, the following information must be provided by the state in the petition:

- Identification of discharge or standard;
- Scientific and technical information on which the petition is based; and,
- An explanation of why the state believes that consideration of the information provided should result in a change to the determination or standard on a nationwide basis, and an explanation of how the technical information provided is relevant to one or more of the seven factors considered in making the original determination or standard as required by the statute (33 U.S.C. 1322(n)(2)(B)).

12c. RESPONDENT ACTIVITIES AND FREQUENCY

State respondents are responsible for gathering the specific information discussed in Section 12b of this statement and submitting it to the EPA (and the DoW, when appropriate). States are only required to submit this information when electing to submit an application for an NDZ or a petition for review.

Respondent Activities for Vessel Sewage NDZs (CWA Section 312(f))

1) NDZ Designation under 40 CFR 140.4(a) (CWA section 312(f)(3))

Expected information collection activities for the respondent include reviewing the relevant regulations; working with the EPA on any clarifying questions; gathering and analyzing the necessary information (including contacting pumpout facility operators to obtain or verify pertinent facility characteristics); compiling it into a written application; and submitting it electronically to the EPA.

Historically, this NDZ designation type has been pursued most frequently by states compared to the two other NDZ designation types. EPA is estimating three applications of this type in the three years covered by this ICR.

2) **NDZ Designation under 40 CFR 140.4(b) (CWA section 312(f)(4)(A))**

Expected information collection activities for the respondent include reviewing the relevant regulations; working with the agency on any clarifying questions; gathering and analyzing the necessary information (including identifying water body uses, fish habitat, and areas with boating activities); compiling it into a written application; and submitting it electronically to the EPA.

There are only three NDZs designated under this provision and EPA is not aware of any states currently developing applications for this NDZ designation type. While EPA is not expecting an application of this type during this three-year renewal cycle, EPA is estimating one application to be conservative.

3) **NDZ Designation under 40 CFR 140.4(c) (CWA section 312(f)(4)(B))**

Expected information collection activities for the respondent include reviewing the relevant regulations; working with the EPA on any clarifying questions; gathering and analyzing the necessary information (including identifying the location of drinking water supply intakes, the community served by intakes, and the appropriate size of the NDZ); compiling it into a written application; and submitting it electronically to the EPA.

There is only one NDZ designated under this provision and the EPA is not aware of any states currently developing applications for this NDZ designation type. While the EPA is not expecting an application of this type during this three-year renewal cycle, the EPA is estimating one application to be conservative.

Respondent Activities for UNDS NDZs and Petition for Review (CWA Section 312(n))

Expected information collection activities for the respondent include reviewing the relevant regulations; working with the EPA on any clarifying questions; gathering and analyzing the necessary information; compiling it into a written application/petition; and submitting it electronically to the EPA.

The EPA does not expect to receive any petitions pursuant to UNDS in the upcoming renewal cycle. This is because, to date, the EPA has not received any petitions and is not aware of any states with petitions that are under development. Submitting a petition is only required if a state determines that it wishes to pursue an NDZ designation or a petition for review of a discharge determination or standard. As such, there are no reporting requirements or deadlines associated with this information collection. To be conservative, however, the EPA is estimating one petition for each petition type (CWA section 312(n)(7)(A), CWA section 312 (n)(7)(D) and CWA section(n)(5)(D)) in this three-year renewal cycle.

12d. RESPONDENT BURDEN HOURS AND LABOR COSTS

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; to 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; to adjust the existing ways to comply with any previously applicable

instructions and requirements; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information to the EPA.

All labor cost-rate data used to estimate respondent burden were obtained from the U.S. Bureau of Labor Statistics (BLS) Compensation Cost Trends webpage published for March 2026 (<https://www.bls.gov/news.release/pdf/ecec.pdf>). The BLS report contains employee compensation data for state and local government employers (Table 3, Employer Costs for Employee Compensation for state and local government workers by occupation and industry group). The labor rates for respondent management, technical, and clerical personnel were obtained from the state and local government occupation series identified in the aforementioned table. The EPA only used fully burdened BLS labor cost data in the analysis for respondent burden. Labor rates that are fully burdened include wages or salaries and benefits. The BLS report provides a breakdown of benefit costs, which include paid leave, supplemental pay, insurance, retirement, and legally required benefits. Fully burdened labor rates used in the analysis by the EPA are provided below.

Base Table. State and Local Government Labor Compensation

BLS Report - State and Local Government Workers Job Classification Titles	ICR Respondent Job Classification Titles	Corresponding Labor Compensation (hourly rate) from BLS Report
Management, professional, and related	Management	\$ 78.62
Professional and related	Technical	\$ 76.30
Office and administrative support	Administrative	\$ 46.76

Burden and cost estimates for both respondents and the EPA are provided in Tables 9 through 16 in the attached workbook for vessel sewage NDZs (CWA section 312(f)). Cost estimates are based on EPA's experience with over 90 vessel sewage NDZs since the first was established in 1975. Respondent labor burden hours listed in Tables 9 through 11 reflect state respondent burden. Level-of-effort determinations correspond to the specific information collection requirements of 40 CFR 140.4(a)-(c). These estimates have been reviewed for accuracy and reasonableness by the EPA. Total estimated burdens associated with 40 CFR 140.4(a)-(c) to the state respondents for vessel sewage NDZs are summarized in Tables 15 of the workbook.

Burden and cost estimates for both respondents and the EPA are provided in Tables 1 through 8 in the attached workbook for UNDS petitions (CWA Section 312(n)). Tables 1 to 3 reflect state respondent burden. Level-of-effort determinations correspond to the specific information collection requirements of 40 CFR 1700.7 – 1700.13, which have not changed since the last renewal cycle. The estimates have been reviewed for accuracy and reasonableness by the EPA. Total estimated burdens associated with the requirements of 40 CFR 1700.7 – 1700.13 to the state respondents for UNDS NDZs are summarized in Table 7.

Table 15. Total Estimated Respondent (State Agency) Burden and Cost Summary for Establishing

NDZs for Vessel Sewage (CWA Section 312(f))

	Number of Respondents (3-Year Total)	Number of Activities Per Year	Total Number of Hours Per Year	Total Labor Cost Per Year (\$)	Total Annual Capital Costs (\$)	Total Annual O&M Costs (\$)	Total Cost Per Year (\$)
No-discharge Zone under 40 CFR 140.4(a); Table 9	3	1.00	215.50	15,843.19	0.00	150.00	15,993.19
No-discharge Zone under 40 CFR 140.4(b); Table 10	1	0.33	52.14	3,773.76	0.00	50.00	3,823.76
No-discharge Zone under 40 CFR 140.4(c); Table 11	1	0.33	47.69	3,433.08	0.00	50.00	3,483.08
TOTAL	5	1.67	315.33	23,050.03	0.00	250.00	23,300.03

Table 7. Total Estimated Respondent (State Agency) Burden and Cost Summary for Establishing NDZs for UNDS (CWA Section 312(n))

	Number of Respondents (3-Year Total)	Number of Activities Per Year	Total Number of Hours Per Year	Total Labor Cost Per Year (\$)	Total Annual Capital Costs (\$)	Total Annual O&M Costs (\$)	Total Cost Per Year (\$)
No-discharge Zone under 40 CFR 1700.9; Table 1	1	0.33	60.14	4,372.22	0.00	50.00	4,422.22
No-discharge Zone under 40 CFR 1700.10; Table 2	1	0.33	65.09	4,749.90	0.00	50.00	4,799.90
Petition for Review under 40 CFR 1700.12; Table 3	1	0.33	17.74	1,251.38	0.00	50.00	1,301.38
TOTAL	3	1.00	142.97	10,373.50	0.00	150.00	10,523.50

The annual public reporting and recordkeeping burden for this collection of information associated with CWA section 312(f) is estimated to average 189 hours per respondent activities (315.33 hours /1.67 response) (From Table 15, rounded to the nearest whole number). The annual public reporting and recordkeeping burden for this collection of information associated with CWA section 312(n) is estimated to average 143 hours per response (142.97 hours/1 response) (From Table 7, rounded to the nearest whole number). The combined annual public reporting and recordkeeping burden for this entire Information Collection Request (including both CWA sections 312(f) and 312(n)) is estimated to average 172 hours per response (458.30/2.67) (From Table 17, rounded to the nearest whole number).

13. RESPONDENT CAPITAL AND O&M COSTS:

There are no expected respondent capital or start-up costs associated with this information collection. Non-labor O&M costs include costs for photocopying, postage, telephone charges, paperwork distribution expenses, and similar expenses, as needed. Estimated annual O&M costs can be found in Tables 7 and 15 of the attached workbook. Costs are estimated to be \$250 per year for CWA section 312(f) petitions and \$150 per year for CWA section 312(n) petitions.

14. AGENCY COSTS:

14a. AGENCY ACTIVITIES AND FREQUENCY

Agency Activities under CWA Section 312(f)

Agency activities associated with the review of a state's application for a sewage NDZ for each of the NDZ types are as follows.

- 1) **NDZ Designation under CWA Section 312(f)(3)**
 - Clarify any questions from state applicant
 - Review the information in the application and determine whether adequate facilities for the safe and sanitary removal of the discharges are reasonably available for the waters to which the prohibition would apply
 - Publish a tentative determination in the Federal Register for public comment
 - Notify the state in writing of the above determinations and publish the final determination in the Federal Register
 - Copy, store, file, and maintain the state's request and EPA's response letter
- 2) **NDZ Designation under CWA Section 312(f)(4)(A)**
 - Clarify any questions from state applicant
 - Review the information in the application and determine whether the specified waters require greater protection
 - Notify the state in writing of the above determination
 - If the Administrator makes an affirmative determination, undertake the necessary procedures to establish the NDZ by federal regulation
 - Copy, store, file, and maintain the state's request and EPA's response letter
- 3) **NDZ Designation under CWA Section 312(f)(4)(B)**
 - Clarify any questions from state applicant
 - Review the information in the application and verify that a drinking water intake zone is appropriate
 - Notify the state in writing of the above determination
 - If the Administrator makes an affirmative determination, undertake the necessary procedures to establish the NDZ by federal regulation
 - Copy, store, file, and maintain the state's request and EPA's response letter

Agency Activities Under CWA Section 312(n)

Agency activities associated with the review of a state's application for an UNDS NDZ or petition are as follows.

1) No-discharge Zone (NDZ) by State Prohibition (CWA section 312(7)(A))

Agency activities associated with a request by a state to establish an NDZ by state prohibition consist of the following:

- Clarify any questions from state respondents
- Review the information in the request to determine whether:
 - (1) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and
 - (2) the prohibition will have the effect of discriminating against vessels of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel
- Notify the state in writing of the above determinations and publish a *Federal Register* Notice
- Copy, store, file, and maintain the state's request and the EPA's response to the state

2) No-discharge Zone (NDZ) by EPA Prohibition (CWA section 312(n)(7)(B))

Agency activities associated with an application from a state to establish an NDZ by EPA prohibition consist of the following:

- Clarify any questions from state respondents
- Review the information in the application to determine whether:
 - (1) the protection and enhancement of the quality of the proposed waters require a prohibition of the discharge;
 - (2) adequate facilities for the safe and sanitary removal of the discharge are reasonably available for the waters to which the prohibition would apply; and
 - (3) the prohibition will have the effect of discriminating against Armed Forces vessels by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.
- Notify the state in writing whether the application for the NDZ was approved
- If the application is approved, publish a notice of proposed rulemaking in the *Federal Register*, receive and review public comments, then issue a final determination taking into account any comments submitted
- Copy, store, file, and maintain the state's request and the EPA's response to the state

3) Petition for Review (CWA section 312(n)(5)(D))

Agency activities (in coordination with the DoW) associated with a state's petition for review consist of the following:

- Clarify any questions from state respondents
- Review the petition to determine whether a rule revision is required
- If the change requested in the petition is determined to be required, publish a notice of proposed rulemaking in the *Federal Register*, receive and review public comments, then issue a final determination taking into account any comments submitted
- If the change requested in the petition is determined not to be required, notify the state of the reasons in writing
- Copy, store, file, and maintain the state's request and the EPA's response to the state

The petitions developed by state respondents will be submitted to the EPA electronically. The EPA will ensure the accuracy and completeness of this information by reviewing each submittal. This information will be made available to the public when necessary for rulemaking through the Federal Register. During the 3-year ICR cycle, the EPA is estimating 5 petitions under CWA section 312(f) and one petition under CWA section 312(n).

14b. AGENCY BURDEN AND LABOR COST

Agency labor cost information was obtained from the 2026 General Schedule Locality Pay Tables found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2026/general-schedule/>. The EPA used the annual salary information for GS-9, GS-12, and GS-14 employees at the Step 1 level that were effective as of January 2026.

The annual GS salary rates were converted to hourly rates according to instructions in Section 6(c) of the *EPA ICR Handbook* (10/2009 version). Total salaries were divided by 2,080, which represent the average number of hours of work in a calendar year, and then multiplied by a factor of 1.6 to account for benefits. The result is the true hourly cost to the federal government to employ a federal worker for one hour (see Agency Labor Costs table below). These calculated hourly rates are used in Tables 4 through 6 and Tables 12 through 14.

Base Table Agency Labor Costs

ICR Agency Job Classification Title	2026 Annual GS Salary (Step 1)	Work Hours Per Year Factor	Benefits Factor	Calculated Hourly Rate
Management (GS-14)	\$143,913	÷ 2,080	× 1.6	\$110.70
Technical (GS-12)	\$102,415	÷ 2,080	× 1.6	\$78.78
Administrative (GS-9)	\$70,623	÷ 2,080	× 1.6	\$54.33

The agency burdens associated with this information collection for CWA section 312(f) are estimated in Tables 12 through 14 and are based on EPA's experience with over 90 vessel sewage NDZs since the first was established in 1975. Level-of-effort determinations correspond to the specific information collection requirements of 40 CFR 140.4(a)-(c), which have not changed since the last renewal cycle. The estimates presented in Tables 12, 13, and 14 have been reviewed for accuracy and reasonableness by the EPA. Total estimated burdens associated with 40 CFR 140.4(a)-(c) (sewage NDZ) to the agency are summarized in Tables 16 of the workbook.

The agency burden associated with this information collection for CWA Section 312(n) are estimated in Tables 4 to 6. Level-of-effort determinations correspond to the specific information collection requirements of 40 CFR 1700.7 – 1700.13, which have not changed since the last renewal cycle. The estimates presented in Tables 4, 5, and 6 have been reviewed for accuracy and reasonableness by the EPA. Total estimated burdens associated with the requirements under 40 CFR 1700.7 – 1700.13 (UNDS NDZ) to the agency are summarized in Table 8.

Table 16. Total Estimated Agency Burden and Cost for Establishing Vessel Sewage NDZs (CWA Section 312(f))

	Number of Activities Per Year	Total Number of Hours Per Year	Total Labor Cost Pet Year (\$)	Total Annual O&M Costs (\$)	Total Cost Per Year (\$)
No-discharge Zone under 40 CFR 140.4(a); Table 12	1.00	69.50	5,688.18	60.00	5,748.16
No-discharge Zone under 40 CFR 140.4(b); Table 13	0.33	15.02	1,233.11	20.00	1,253.11
No-discharge Zone under 40 CFR 140.4(c); Table 14	0.33	15.18	1,252.61	20.00	1,272.61
TOTAL	1.67	99.70	8,173.89	100.00	8,273.89

Table 8. Total Estimated Agency Burden and Cost for Establishing Vessel UNDS NDZs (CWA Section 312(n))

	Number of Activities Per Year	Total Number of Hours Per Year	Total Labor Cost Pet Year (\$)	Total Annual O&M Costs (\$)	Total Cost Per Year (\$)
No-discharge Zone under 40 CFR 1700.9; Table 4	.33	8.75	722.46	20.00	742.46
No-discharge Zone under 40 CFR 1700.10; Table 5	0.33	11.06	898.84	20.00	918.84
Petition for Review under 40 CFR 1700.12; Table 6	0.33	11.06	898.84	20.00	918.84
TOTAL	1.00	30.86	2,520.15	60.00	2,580.15

14c. AGENCY NON-LABOR COSTS

Non-labor O&M costs include costs for photocopying, postage, telephone charges, paperwork distribution expenses, and similar expenses, as needed. Estimated annual O&M costs can be found in Tables 8 and 16 of the attached workbook. Costs are estimated to be \$100 per year for CWA section 312(f) petitions and \$60 per year for CWA section 312(n) petitions.

14d. AGENCY TOTAL COSTS

The annual agency burden for this collection of information for CWA section 312(f) is estimated to average 60 hours per response (99.7 hours/1.67 total activities) (From Table 16, rounded to the nearest whole number), the total agency cost per year is \$8,273.89. The annual agency burden for this collection of information for CWA section 312(n) is estimated 31 hours per response (30.86 hours/1 total activities) (From Table 8, rounded to the nearest whole number). The total estimated cost per year is \$2,580.15. The combined annual agency burden for this entire Information Collection Request is estimated to average 49 hours per response (130.55 total hours/2.67 total activities) (From Table 18, rounded to the nearest whole number). The total cost per year for the agency is estimated to be \$10,854.04.

Table 18. Total CWA Section 312 Estimated Agency Burden and Cost Summary

	Number of Activities Per Year	Total Number of Hours Per Year	Total Labor Cost Per Year (\$)	Total Cost Per Year (\$)
Vessel Sewage NDZ; Table 16	1.67	99.70	8,173.89	8,273.89
UNDS NDZs; Table 8	1.00	30.86	2,520.15	2580.15
TOTAL	2.67	130.55	10,694.04	10,854.04

15. CHANGE IN BURDEN:

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

Overall, the total burden for state respondents has decreased. In this renewal cycle, the EPA is estimating fewer applications will be submitted pursuant to CWA section 312(f)(3) due to an overestimate in the last cycle, as well as the EPA's knowledge of states that are considering, or are in the process of developing, applications. Other adjustments to the burden are the result of increases in the BLS labor rates, for both state and federal employees, since the last renewal for both CWA section 312(f) and CWA section 312(n). Additionally, the EPA received input from a state environmental representative that the EPA should increase the number of hours for some aspects of petition development. Based on this input, the EPA increased specific activity hours by a moderate amount, contributing to an increase in the per petition cost.

16. PUBLICATION OF DATA:

Information submitted under this collection will be made available to the public through notices in the *Federal Register* only when petitions have been submitted. There is no regular schedule because submission of a petition by a state respondent is only required if the state respondent is seeking to obtain the benefit of a vessel sewage NDZ or an UNDS NDZ, or a review of an UNDS discharge determination or standard. As such, there are no associated deadlines.

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

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

18. CERTIFICATION STATEMENT:

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

ATTACHMENTS

An Excel workbook titled 1791t10 is included in this ICR submission to supplement the information provided in this supporting statement. The workbook includes the referenced tables that provide the estimates and calculations for both state respondents and EPA burdens.