



## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OW-2008-0150; FRL-13241-01-OW]**

### **Proposed Information Collection Request; Comment Request; Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (Renewal)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Establishing No-Discharge Zones (NDZs) Under Clean Water Act Section 312 (Renewal) (EPA ICR Number 1937.10, OMB Control Number 2040-0187) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through September 30, 2026. This notice allows for 60 days for public comments.

**DATES:** Comments must be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OW-2008-0150, to EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Catherine Brady, Oceans, Wetlands and

Communities Division, Office of Wetlands, Oceans and Watersheds, 4504T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: 202-566-2424; email address: brady.catherine@epa.gov.

**SUPPLEMENTARY INFORMATION:** This is a proposed extension of the ICR, which is currently approved through September 30, 2026. An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another *Federal Register* notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

*Abstract:* Pursuant to Clean Water Act (CWA) section 312, states are authorized to petition EPA

for more stringent requirements to apply within state waters for sewage discharges from all vessels, as well as certain discharges from vessels of the Armed Forces.

(A) *Sewage No-Discharge Zones*: CWA section 312(f) and the implementing regulations in 40 CFR part 140 identify the information that must be included in a state's application to EPA to establish a no-discharge zone (NDZ) for vessel sewage for some or all of the state's waters. In designated vessel sewage NDZs, the discharge of both treated and untreated sewage from vessels is prohibited.

(B) *Uniform National Discharge Standards NDZs and Review of Discharge Determination or Standards*: CWA section 312(n), the Uniform National Discharge Standards (UNDS), requires 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. CWA section 312(n)(7) and the implementing regulations in 40 CFR part 1700 identify the information that a state must submit to EPA in the state's application to establish an NDZ for one or more UNDS discharges. A state may seek an NDZ designation for any UNDS discharge for which EPA and the Department of War have promulgated national standards of performance and corresponding implementing regulations, respectively. Additionally, CWA section 312(n)(5) provides that the governor of any state may petition EPA and the Department of War to review any discharge determination or standard promulgated under CWA section 312(n) if there is significant new information that could reasonably result in a change to the discharge determination or standard. The proposed collection of information is intended to capture the burden on state respondents to develop petitions that include the required information, as well as the burden on EPA to review the petitions. This ICR is necessary to fulfill EPA's obligations under the statute to receive and respond to state petitions; however, development and submission of a petition by a state is not required. Instead, a state must develop and submit a petition only when the state wishes to designate an NDZ either for sewage or for an UNDS discharge, or to request a review of an UNDS discharge determination or standard. The information collection activities discussed in

this ICR do not require the submission of any confidential information.

*Form Numbers:* None.

*Respondents/affected entities:* States.

*Respondent's obligation to respond:* 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 a review of an UNDS discharge determination or standard (CWA section 312(n)(5)(D)).

*Estimated number of respondents:* 8 (total).

*Frequency of response:* One time.

*Total estimated burden:* 408 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$28,910 (per year), which includes \$400 annualized capital or operation & maintenance costs.

*Changes in the Estimates:* There is a decrease of 169 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to an adjustment to the number of petitions EPA expects to receive pursuant to CWA section 312(f), as EPA overestimated in the last renewal. The current estimate is also informed by information available to EPA regarding the number of states that are considering, or are in the process of, developing petitions.

**Brian Frazer,**  
*Director,*  
*Office of Wetlands, Oceans and Watersheds.*

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