

**Supporting Statement
for
Application for Permit to Transport Municipal and Commercial Waste**

OMB No.: 1625-0058
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

In accordance with the legislative mandate of the Shore Protection Act (33 USC 2601 *et seq.*), the Secretary of Transportation is authorized to require applications for permits to transport municipal or commercial waste in the coastal waters of the United States and to prescribe an identification number or other marking that the vessels are to display. The Act specifies that prior to issuing permits the Secretary is to consult with the Administrator of the Environmental Protection Agency (EPA) to determine whether the applicant has a history of serious violations of various environmental laws. The Secretary of Transportation delegated this authority to the Coast Guard on January 12, 1989. Based on the above mandate received from the Secretary of Transportation, the Coast Guard issued an interim regulation on May 24, 1989 (54 FR 22546) requiring owner/operators of vessels to apply for a permit to transport municipal or commercial waste in the coastal waters of the United States and to display an identification number on the vessel.

The date of enactment for the Shore Protection Act was November 1988. Permit applications were to be made publicly available 60 days after the date of enactment (January 17, 1989). The Act requires that permits must be issued or denied by the Coast Guard within 30 days after receiving a completed application. Vessels may not transport municipal or commercial waste without a permit 240 days after the date of enactment, which was July 15, 1989.

The Act also requires the Administrator of EPA to draft regulations establishing operational requirements to prevent wastes from entering coastal waters during vessel loading and unloading operations and during vessel transportation from a waste source to a waste reception facility. The Coast Guard is responsible for enforcing the operational waste-handling regulations developed by EPA.

The information collected on the vessels, under this collection of information request, provides the basis for issuing or denying a conditional permit for the transportation of municipal or commercial waste. The Coast Guard is authorized to suspend or revoke a permit if the vessel owner/operator is found to be in violation of the Act or regulations issued under the authority of the Act. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

Code	Regulation/Action	Date
33 USC 2601	Shore Protection Act (Date of Enactment)	November 18, 1988
	Secretary of Transportation delegates authority of Act to Coast Guard	January 12, 1989
33 USC 2602	Permit applications publicly available	January 17, 1989
54 FR 22546	Coast Guard Interim Regulation	May 24, 1989
33 USC 2601	No transportation without permit (Statutory Deadline)	July 15, 1989
67 FR 6171	Coast Guard Final Regulation (33 CFR 151.1000 <i>et seq.</i>)	February 11, 2002

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention

- Protection
- U.S. Coast Guard
- Protection of the Natural Resources
- Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)
- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.
 - Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical flow of goods and people, while maximizing safe, effective, and efficient waterways for all users.

2) Purposes of the information collection.

The information submitted on an application is essential for the Coast Guard to issue permits to vessels transporting municipal or commercial waste. Without this information, the Coast Guard will have no rational basis for issuing or denying a permit or for issuing an identification number to these vessels. Unless the information is collected and permits and identification numbers are issued, waste haulers will not be in compliance with the Shore Protection Act and the Coast Guard will not be able to carry out its permitting responsibilities under the Act.

3) Consideration of the use of improved information technology.

This collection does not require the use of standard forms. Respondent's submissions may be sent by any of a number of formats, and submissions are amenable to the use of improved information technology. We estimate that 100% of the reporting requirements can be done electronically via e-mail. At this time, we estimate that 50% of them are done in this manner.

4) Efforts to identify duplication.

The Coast Guard maintains the only comprehensive data files on U.S. owned commercial vessels in the United States. Many of the vessels transporting municipal or commercial waste are undocumented and uninspected vessels. The Coast Guard has no information relating to the ownership or operation of these undocumented and uninspected vessels. No State or local regulations exist relating to this issue. No similar information collection is conducted by other Federal agencies. As noted, there is no equivalent or similar information collected that can be used.

5) Methods to minimize the burden to small businesses if involved.

This information collection does not have an impact on small businesses or other small entities.

6) Consequences to the Federal program if collection were not done or conducted less frequently.

The Coast Guard would be unable to determine compliance without this information.

7) Special collection circumstances.

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8) Consultation.

A 60-Day Notice (See [USCG-2014-0091], March 31, 2014, 79 FR 18045) and 30-Day Notice (June 24, 2014, 79 FR 35763) were published in the Federal Register to obtain public comment on this collection. The Coast Guard has not received any comments on this information collection.

9) Provide any payments or gifts to respondents.

There is no offer of monetary or material value for this information collection.

10) Describe any assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection.

11) Additional justification for any questions of a sensitive nature.

There are no questions of sensitive language.

12) Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.

- The estimated number of annual respondents is 3.
- The estimated number of annual responses is 5.
- The estimated hour burden is 13 hours.
- The estimated cost burden is \$1,126.

The burden to respondents is provided in Appendix A. In circumstances when no appeals were received over the last three years, we included one appeal in order to account for the possibility. The burden for reporting and recordkeeping includes the hours it takes Management, Clerical, or Crew to submit for a permit, submit an appeal, and display the ID number. The burden to submit for a permit was estimated to take ½ an hour for Management and ¼ of an hour for Clerical. The burden for appeals was estimated at 8 hours for Management and 1 hour for Clerical. The burden for displaying the ID number was estimated at 1 hour for Crew.

The wage rates for Management, Clerical, and Crew were obtained from the current edition of COMDTINST 7310.1(series). The management wage was calculated as the average of the GS-14 and GS-15 rates. The Clerical wage and Crew wage are equivalent to a GS-5 and a 3rd Class Petty Officer (E-4), respectfully.

13) Estimates of annualized capital and start-up costs.

There are no capital, start-up, or maintenance costs associated with this information collection.

14) Estimates of annualized Federal Government costs.

The estimated annual Federal Government cost is \$1,868 (see Appendix B). The Federal Government burden is the burden from the Coast Guard's application review and permit processing, handling the appeals, and recordkeeping of each application and appeal, as well as EPA's assessment¹ of the applicant's violation of various environmental laws. It was estimated that it would take the Coast Guard 3.5 hours for application review and permit processing, 9 hours for handling of appeals, and ¼ of an hour for recordkeeping. All Coast Guard effort was assumed to be conducted by a Lieutenant (O-3). The wage rates were obtained from the current edition of COMDTINST 7310.1(series).

15) Explain the reasons for the change in burden.

There was no change in burden since the last renewal. The reporting and recordkeeping requirements and the methodology for calculating burden remain unchanged.

16) Plans for tabulation, statistical analysis, and publication.

This information collection will not be published for statistical purposes.

¹ The EPA estimates that each application will require the following effort from EPA personnel: One hour of GS-5 time to conduct a database search to determine whether the owner/operator has a history of violations and to produce a record of the findings. Two hours of GS-10 time to review the record, consult with the offices responsible for administering the various environmental programs and to draft the correspondence advising the Coast Guard of the findings and the recommendation for issuing or denying a conditional permit. One hour of GS-12 time to review the record and correspondence. One hour of GS-15 time for final review and signature.

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17) Approval for not explaining the expiration date for OMB approval.

The Coast Guard will display the expiration date for OMB approval of this information collection.

18) Explain each exception to the certification statement.

The Coast Guard does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.