

DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Supporting Statement — Information Collection Request

OMB Control Number 1513–0023

**Environmental Information and Supplemental Information on Water Quality
Consideration under 33 U.S.C. 1341(a).**

Information Collection Instruments in this Collection Request:

- TTB F 5000.29 — Environmental Information.
- TTB F 5000.30 — Supplemental Information on Water Quality Considerations under 33 U.S.C. 1341(a).
- Permits Online (PONL) environmental and water quality information data fields.

A. Justification

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection? Also align the information collection to TTB's Line of Business/Sub-function and IT Investment, if one is used.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers chapter 51 (distilled spirits, wine, and beer) and chapter 52 (tobacco products, processed tobacco, and cigarette papers and tubes) of the Internal Revenue Code of 1986, as amended, (IRC, 26 U.S.C.), as well as the Federal Alcohol Administration Act (FAA Act, 27 U.S.C. 201–211), pursuant to section 1111(d) of the Homeland Security Act of 2002, as codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain IRC and FAA Act administrative and enforcement authorities to TTB through Treasury Department Order 120–01.

In addition, to comply with provisions of the National Environmental Policy Act at 42 U.S.C. 4332, the Federal Water Pollution Control Act at Clean Water Act, 33 U.S.C. 1341(a), and the two Act's implementing regulations as found, respectively, in 40 CFR 1500.6 and 40.123.3, TTB has developed two environmental information collection forms, TTB F 5000.29, Environmental Information, and TTB F 5000.30, Supplemental Information on Water Quality Considerations under 33 U.S.C. 1341(a).

Respondents supply the required information as part of their original application for an alcohol industry basic permit or brewer's notice under the FAA Act or for an alcohol or tobacco industry operating permit issued under the IRC. Existing permit holders also respond to this information collection when seeking to amend their permit due to a change in location of the permitted facility. TTB uses the information supplied on TTB F 5000.29 by a manufacturer regarding solid and liquid waste, air and noise pollution, and the like to determine if their activities will have a significant effect on the environment and to determine if a formal environmental impact

statement or an environmental permit is necessary for the proposed activities. TTB uses the information supplied on TTB F 5000.30 by a manufacturer that discharges effluent into navigable waters to determine if a certification or waiver by the applicable State water quality agency is required under the Clean Water Act.

This information collection is aligned with:

- Line of Business/Sub-function: Law Enforcement/Substance Control.
- IT Investment: Tax Major Application Systems.

2. How, by whom and for what purpose is this information used?

Respondents supply the required information as part of their application for an alcohol beverage industry basic permit or brewer's notice under the FAA Act or for an alcohol or tobacco industry operating permit issued under the IRC. TTB personnel who process such permit applications use information supplied on TTB F 5000.29 by an applicant alcohol or tobacco product manufacturer regarding solid and liquid waste, air and noise pollution, and the like to determine if their activities will have a significant effect on the environment and to determine if a formal environmental impact statement or an environmental permit is necessary for the proposed activities. In addition, those TTB personnel use the information supplied on TTB F 5000.30 by such applicants who intend to discharge effluent into navigable waters to determine if a certification or waiver by the applicable State water quality agency is required under the Clean Water Act.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

TTB has approved and will continue to approve, on a case-by-case basis, the use of improved technology for the collection and maintenance of required information.

TTB encourages respondents to use its web-based Permits Online (PONL) system, which allows respondents to electronically complete and submit alcohol and tobacco permit applications, which includes the environmental and water quality information required under this information collection. See TTB's PONL system at <https://ttbonline.gov/permitsonline>.

In addition, TTB F 5000.29 and TTB F 5000.30 are available to respondents on the TTB website as fillable, printable forms. See the TTB forms page at <https://www.ttb.gov/forms/5000.shtml>. (When these forms are opened on the TTB website, a message appears, encouraging the user to file these forms through PONL for faster processing.)

4. What efforts are used to identify duplication? Can similar information already available be used or modified for use for the purposes described in Item 2 above?

TTB F 5000.29 and TTB F 5000.30 and their PONL equivalents collect information that is pertinent to each respondent and applicable to the specific manufacturing and production operations of each alcohol and tobacco industry permit applicant. As far as we can determine, similar environmental and water quality information is not available to TTB elsewhere.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

To ensure compliance with environmental laws all entities, regardless of size, are required to complete these forms, and, specifically, 33 U.S.C. 1341(a) applies to any business. TTB would not be able to ensure compliance with environmental laws if it waived the requirement to submit this information based on the size of the permittee's business.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

Respondents complete this information collection only as needed as part of a new or (in certain cases) an amended alcohol or tobacco industry permit application, and, as such it cannot be collected less frequently. If TTB did not collection environmental information from such applicants, TTB might inadvertently issue a new or amended permit to a manufacturer who could excessively pollute the air because of their solid waste disposal or their heat or power generating equipment, or could perhaps create excessive noise. If TTB did not collection water quality information from these applicants, TTB might inadvertently issue a new or amended permit to a manufacturer who could discharge chemicals or other hazardous pollutants into waterways, creating a situation that could endanger both human and aquatic life.

7. Are there any special circumstances associated with this information collection that would require it to be conducted in a manner inconsistent with OMB guidelines? (See 5 CFR 1320.5(d)(2).)

There are no special circumstances associated with this information collection that would require it to be inconsistent with OMB guidelines.

8. What effort was made to notify the general public about this collection of information? Summarize the public comments that were received and describe the action taken by the agency in response to those comments.

To solicit comments from the general public, TTB published a "60-day" comment request notice for this information collection in the Federal Register on Wednesday, May 30, 2018, at 83 FR 24842. TTB received no comments on this information collection in response.

9. Was any payment or gift given to respondents, other than remuneration of contractors or grantees? If so, why?

No payment or gift is associated with this collection.

10. What assurance of confidentiality was provided to respondents, and what was the basis for the assurance in statute, regulations, or agency policy?

No specific assurance of confidentiality is provided for this information collection. However, Federal law at 5 U.S.C. 552 protects the confidentiality of proprietary information obtained by the Government from regulated businesses and individuals, and 26 U.S.C. 6103 prohibits disclosure of tax returns and related information unless disclosure is specifically authorized by that section. TTB permit applications, including the provided environmental and water quality information, are maintained by TTB in secure computer systems and file rooms with controlled public access.

11. What is the justification for questions of a sensitive nature? If personally identifiable information (PII) is being collected in an electronic system, identify the Privacy Impact Assessment (PIA) that has been conducted for the information collected under this request and/or the Privacy Act System of Records notice (SORN) issued for the electronic system in which the PII is being stored.

This environmental and water quality information collection contains no questions of a sensitive nature. In addition, this information collection does not collect personally identifiable information (PII) in an electronic system. Therefore, no Privacy Impact Assessment (PIA) or System of Records Notice (SORN) is required for this collection.

12. What is the estimated hour burden of this collection of information?

Based on recent data, TTB estimates that 3,800 new and amended alcohol and tobacco permit applicants will respond once annually to this information collection. Of these applicants, TTB estimates that 2,970 will use the electronic PONL system to provide the required environmental and water quality information, while 830 applicants will provide paper forms TTB F 5000.29 and TTB F 5000.30 to TTB.

TTB further estimates that respondents using PONL will require 30 minutes to respond to this information collection, while respondents using forms TTB F 5000.29 and TTB F 5000.30 will require 1 hour (30 minutes for each form) to respond.

As a result, TTB estimates the total burden for this information collection as follows:

Filing Method	Annual Responses	No. of Responses (1 per respondent)	Time per Response	Total Burden Hours
Paper Forms (5000.29 & .30)	830	830	1 Hour (30 minutes for each form)	830
PONL	2,970	2,970	0.5 hours	1,485
TOTALS	3,800	3,800	(ave. 0.6092)	2,315

13. What is the estimated annual cost burden to respondents or record keepers resulting from this information collection request (excluding the value of the hour burden in Question 12 above)?

TTB estimates the average cost to respondents resulting from this information collection as follows: \$2.00 per response in overhead and material costs, for a total of \$7,600 in such costs for this information collection. In addition, TTB estimates respondents have an average of \$22.20 in salary costs per response, for a total of \$51,393 in such costs for this information collection. Therefore, the total estimated total cost to respondents resulting from this collection is \$24.20 per response, for a total estimated cost of \$56,023 for this information collection request.

14. What is the annualized cost to the Federal Government?

Estimates of annual cost to the Federal Government are:

Clerical costs	760
Other Salary costs (review, supervisory, etc.)	1,750
TOTAL COSTS	\$ 2,510

Printing and distribution costs to the Federal government have decreased to \$0.00 in TTB's cost estimate due to the availability of this information collection, electronically in PONL and as fillable, printable paper forms, on the TTB website (<https://www.ttb.gov/index.shtml>).

15. What is the reason for any program changes or adjustments reported?

There are no program changes associated with this information collection. As for adjustments, due to a change in agency estimates, TTB is increasing the estimated number of annual responses, respondents, and burden hours associated with this information collection. These increases result from continued growth in the number of new TTB alcohol industry permit applicants. The amount of this increase is mitigated somewhat by the increasing use of PONL by applicants, which has decreased the average per-response time burden associated with this information collection by a few minutes.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

TTB will not publish the results of this information collection request.

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

As a cost-saving measure for both TTB and the general public, TTB requests approval to not display the expiration date for OMB approval of this information collection on forms TTB F 5000.29 and TTB F 5000.30 or in PONL. By not displaying the expiration date of this collection on the forms or in PONL, TTB will not have to update the expiration date on the PONL website pages or on the paper forms each time the information collection is approved. More importantly, this avoids confusion among respondents to this information collection when the

OMB approval date may have passed but the approval for this collection continues on a month-to-month basis while the collection is under OMB review. In addition, TTB-regulated businesses will not have to update their stocks of paper forms or alter electronic copies of the forms, including any versions of the forms produced by some businesses, at their own expense, for use with their electronic systems or for sale.

18. What are the exceptions to the certification statement?

- (c) See item 5 above.
- (f) This is not a recordkeeping requirement.
- (i) No statistics are involved.

B. Collections of Information Employing Statistical Methods.

This collection does not employ statistical methods.