15. Signature

Proposed § 122.21(q)(15) would require that a certifying official sign the form in compliance with 40 CFR 122.22. This would ensure that the person signing the form has the authority to speak for and legally bind the permittee.

IV. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request document has been prepared by EPA (ICR No. 0226.13) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St., S.W. (Mail code 2136); Washington, DC 20460; or by calling (202) 260–2740.

This collection of information has an estimated reporting burden averaging 10.7 hours per response, including annual recordkeeping burden. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch; EPA; 401 M St., S.W. (Mail Code 2136); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

V. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order."

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a "significant regulatory action" because it may adversely affect local governments by incrementally increasing permit application costs. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

VI. Executive Order 12875

Under Executive Order 12875 (58 FR 58093 (October 28, 1993)), no executive agency shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless:

(a) Funds to pay the direct costs associated with the regulation are provided by the Federal Government, or

(b) The agency, prior to promulgation, provides OMB a description of its consultation with representatives of the affected governments, the nature of their concerns, any written communications submitted to the agency by them, and the agency's position supporting the need for the regulation. Each agency is also required to develop an effective process to permit elected officials and other representatives of these governments an opportunity to provide meaningful and timely input on significant unfunded mandates.

As discussed above ("Public Consultation in the Development of Today's Proposal," at I.H.), the Agency consulted with States, local governments, and other parties in the development of this proposed rule. This is further discussed in the discussion below ("Unfunded Mandates Reform Act of 1995 and Consultation with State, Local, and Tribal Governments," at VII).

VII. Unfunded Mandates Reform Act of 1995 and Consultation With State, Local, and Tribal Governments

Title II of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the Unfunded Mandates Act, EPA generally must prepare a written statement, including a cost-benefit analysis, for

rules with Federal mandates that may result in expenditures to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the Unfunded Mandates Act generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Under section 203 of the Unfunded Mandates Act, EPA must develop a small government agency plan before it establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not include a Federal mandate that may result in expenditures of \$100 million or more to either State, local and tribal governments in the aggregate, or to the private sector in any year. To the extent enforceable duties arise as a result of today's proposed rule on State, local and tribal governments, such enforceable duties do not result in a significant regulatory action being imposed upon State, local and tribal governments since the estimated aggregate cost of compliance for them is not expected to exceed \$5.7 million annually. Thus, today's proposed rule is not subject to the written statement requirement in section 202 of the Act.

In compliance with E.O. 12875, which requires the involvement of State, local and tribal governments in the development of certain Federal regulatory actions, EPA conducted a wide outreach effort and actively sought the input of representatives of State, local, and tribal governments in the process of developing the proposed rule. Agency personnel have communicated with State and local representatives in