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**ICR Supporting Statement  
Information Collection Request for  
National Pollutant Discharge Elimination  
System Program (Renewal)**

OMB Control No. 2040-0004, EPA ICR No. 0229.2X

**Month** 2021

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## A. Justification

### 1. *Explain the circumstances that make the collection necessary and explain the legal or administrative requirements relevant to the collection and attach a copy of the statute or regulation authorizing the collection*

#### 1.1 Short Characterization/Abstract

This consolidated Information Collection Request (ICR) renews the National Pollutant Discharge Elimination System (NPDES) Program ICR. It calculates the burden and costs associated with the NPDES program, identifies the types of activities regulated under the NPDES program, describes the roles and responsibilities of state governments and the Agency, and presents the program areas that address the various types of regulated activities.

This ICR being renewed (Office of Management and Budget [OMB] control no. 2040-0004, EPA ICR no. 0229.24, expiration date 03/31/2022) consolidates the burden and costs associated with activities previously reported in 18 of the NPDES program or NPDES-related ICRs administered by EPA's Water Permits Division. This renewal documents the addition of the burden and costs for four more NPDES programs, raising the total to 22. Those programs were previously addressed by the following separate ICRs. Once this renewal ICR is approved and these programs are formally incorporated into this ICR, the following ICRs will be discontinued.

- Public Notification Requirements for CSOs in the Great Lakes Basin (OMB control no. 2040-0293, EPA ICR 2562.01)
- Information Collection Request for National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates (OMB control no. 2040-0004, EPA ICR no. 0229.24, expiration date 03/31/2022)
- Effluent Limitation Guidelines and Standards for the Dental Category (OMB control no. 2040-0287, EPA ICR no. 2514.01, expiration 11/30/2023)
- 2020 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Industrial Stormwater Discharges (OMB control no. 2040-NEW, EPA ICR no. 2612.01)

[Placeholder] Pesticide Applicator General Permit

[Placeholder] Water Quality Standards ICR [EPA ICR Number 0988.13 / OMB Control Number 2040-0049]

EPA has made additional enhancements to the NPDES application forms to provide clarity and improve usability. These enhancements include updates to the instructions; minor edits to the form questions; and addition of a table of contents, bookmarks, and hyperlinked cross-references. EPA does not expect that the enhancements to the NPDES

application forms to result in a change to the burden for permittees or permitting authorities.

In 2014, a review of the 2003 NPDES permit regulation and ELGs for small entity CAFOs was performed pursuant to section 610 of the Regulatory Flexibility Act (RFA). EPA concluded that revisions or amendments to minimize economic impacts on small entities from the CAFO regulations were not warranted, and thus has no impact on this ICR.

The objective of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters (CWA section 101). The NPDES program, established under CWA section 402, is an important tool for controlling pollutant discharges. The CWA authorizes the Agency to issue permits for the discharge of pollutants to waters of the United States; the Agency uses the NPDES program to regulate point source discharges. CWA section 402(b) allows states (defined to include Indian tribes and U.S. territories) to acquire authority for the NPDES program, enabling them to issue and administer NPDES permits. At present, 47 states and the U.S. Virgin Islands are authorized to administer the NPDES permit program. In states that do not have authority for these programs, the Agency administers the program and issues NPDES permits. Because some permit applications are processed by states and some by EPA, this ICR calculates government burden and cost for both authorized states and EPA. See Appendix F.1 for a copy of the authorizing regulation.

## **1.2 Need/Authority for the Collection**

### ***General Description of the NPDES Program***

CWA section 402(a) establishes the NPDES program to regulate the discharge of any pollutant from point sources<sup>1</sup> into waters of the United States. Section 402(a) of the CWA, as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet:

- All applicable requirements of CWA sections 301, 302, 306, 307, 308, and 403; or
- Any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA.

The initial step in ensuring that the permits are adequately protective of those requirements is the permit application process. In particular, CWA section 402(a)(2) requires EPA to prescribe permit conditions to ensure compliance with requirements "including conditions on data and information collection, reporting and such other

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<sup>1</sup> EPA defines a point source as "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff" (40 CFR 122.2).

requirements as [the Administrator] deemed appropriate.” EPA’s application forms require applicants to submit data that help determine what those permit conditions should be.

The CWA also establishes an administrative framework for the NPDES permitting program. As noted above, CWA section 402(b) authorizes states (which include U.S. territories and Indian tribes that have been authorized in the same manner as a state) to administer the NPDES program once EPA is assured that they meet minimum federal requirements. Authorizations vary by program. Table 1-1 summarizes the number of states authorized for each major program element. Authorized states are considered permitting authorities and are responsible for issuing, administering, and enforcing permits for most point source discharges within their borders. In states without authorized NPDES programs, EPA is the permitting authority and undertakes all permitting activities, although CWA section 401 requires states to certify that EPA-issued NPDES permits establish “effluent limitations...and monitoring requirements necessary to assure that any applicant...will comply with any applicable effluent limitations and other limitations [pursuant to the CWA] and with any other appropriate requirement of state law...” (States, tribes, and U.S. territories may waive their right to certify permits.) CWA section 510 provides that states, tribes, and territories may adopt requirements equal to or more stringent than standards established pursuant to CWA provisions.

**Table 1-1. States with Program Authorization as of December 2020**

Type	Number
NPDES Base Permit Program	48 <sup>a</sup>
General Permits Program	48 <sup>a</sup>
Pretreatment Program	37
Biosolids Program	9
Federal Facilities	44

<sup>a</sup> Includes the U.S Virgin Islands.

CWA section 405 prohibits the discharge of pollutants caused by the disposal of sewage sludge, except in accordance with an NPDES permit (or an authorized state permit issued to control such disposal of sewage sludge). It also establishes a comprehensive sewage sludge permitting program and requires EPA to develop technical criteria for controlling sewage sludge disposal and use. CWA section 405 allows states with sludge management authority to issue and modify permits that regulate the use and disposal of sewage sludge. EPA implements CWA section 405 through its NPDES biosolids program.

The 1987 Water Quality Act added a provision to the CWA—section 402(p)—that gives EPA the authority to permit stormwater discharges and identifies the applicable requirements, which in some instances are different from the requirements applicable to other NPDES permittees. The NPDES program requires permits for stormwater discharges from certain municipal separate storm sewer systems (MS4s), industrial activities, and construction activities disturbing one acre or more.

The NPDES program procedures and requirements are codified in Title 40 of the *Code of Federal Regulations* (CFR) Parts 122, 123, 124, and 125 (and Parts 501 and 503 for

biosolids). EPA has developed its NPDES discharge, intake, and sewage sludge permit application requirements to ensure that the permitting authority obtains adequate information about applicants before it issues permits. Most application requirements are contained in forms developed by EPA. Table 2-1 in the next section provides an overview of the types of respondents required to submit NPDES application forms and identifies the form(s) that they must submit.

The specific monitoring, reporting, and recordkeeping requirements for NPDES and biosolids permits are applicable to both EPA- and state-administered NPDES permit programs, NPDES permittees (including stormwater), and treatment works that treat, use, or dispose of sewage sludge. CWA section 308 gives EPA the authority to request this type of information from permittees. While these provisions establish EPA's authority and requirement to collect pollutant information, EPA has specific needs for collecting the data. These needs include the following:

- To provide information on pollutant discharge trends for performance measures;
- To provide information to permitting authorities to prioritize permit activities;
- To determine whether permittees are in compliance with their permit conditions; and
- To provide information to the permit writer to determine the need for, and develop, permit limits.

Provisions for permit modifications and variances from technology standards are found in CWA sections 301(c), (g), (h), (k), (n); 302(b); and 316(a). Additionally, 40 CFR 122.21, 122.24, 122.41, 122.42, 122.47, 122.62, 122.63, 122.64, 124.5, 125.3, and 501.15 give permitting authorities the flexibility to respond quickly and efficiently to the dynamic nature of facility operation, technology advancements, and regulatory changes.

Effluent limitations guidelines and standards (ELGs) are national wastewater limitations that apply to specific categories of industrial dischargers. The regulations are promulgated by EPA under the authority of CWA sections 301, 304, 306, and 307 and implemented through NPDES permits. In some instances, EPA establishes requirements for permittees to provide certification to the permitting authority or develop pollution prevention plans to demonstrate compliance with certain aspects of the ELGs, often in lieu of monitoring for one or more pollutants. This ICR also integrates those certifications and planning documents.

### ***Specific NPDES Program Areas***

Some NPDES program areas have specific components that require unique data. These are described in greater detail below.

*Stormwater.* The NPDES stormwater program regulates some stormwater discharges from three potential sources (MS4s, construction activities, and industrial activities) and those designated by EPA or the NPDES authority. CWA section 402(p) establishes the authority for EPA to permit stormwater discharges and identifies the applicable requirements, which



in some instances are different from the requirements applicable to other NPDES permittees.

*Combined sewer overflows (CSOs).* CWA section 402(q) requires that permits, orders, and decrees that include discharges from combined sewer systems conform to the 1994 Combined Sewer Overflow Control Policy (59 FR 18688, April 19, 1994). The information collection activities described in this ICR will provide the minimum data necessary for EPA to ensure that (1) all municipalities with combined sewer systems are developing and implementing CSO control programs that are consistent with the CSO Control Policy and (2) these CSO control programs will meet the requirements of the CWA and will achieve compliance with applicable state water quality standards (WQS).

On January 8, 2018, EPA finalized a rule to establish public notification requirements for CSO discharges to the Great Lakes, as required by Section 425 of the Consolidated Appropriations Act of 2016 (Pub. L. 114–113). In response, EPA has established public notification requirements for permittees authorized to discharge from a CSO to the Great Lakes Basin [82 FR 4233]. More information about this rule is discussed in the *Program Components Consolidated in This ICR* section below.

*Great Lakes.* On November 16, 1990, Congress enacted the Great Lakes Critical Programs Act. Section 101 of this act amends section 118 of the CWA and directs EPA to publish water quality guidance for the Great Lakes System. Provisions of the Guidance are codified in 40 CFR Part 132. The Guidance establishes minimum water quality criteria, implementation procedures, and antidegradation provisions for the Great Lakes System.

*Deicing ELG.* In 2012, EPA promulgated an ELG at 40 CFR Part 449 for airports that conduct deicing operations. Aircraft are deiced by the spraying of deicing fluids, which contain pollutants. Airports also apply airfield pavement deicing chemicals to runways, taxiways, and ramps. The rule requires airports to either certify that they are not using deicers containing urea for airfield pavement deicing or monitor their effluent and provide monitoring reports once a year. EPA anticipates that airports will discontinue urea use and prepare certification letters, because capturing and treating airfield runoff is considerably more expensive than discontinuing the use of urea.

*Pretreatment.* EPA and authorized states implement the National Pretreatment Program on the basis of requirements first promulgated in the CWA in June 1978. The CWA requires EPA to develop regulations to establish responsibilities among federal, state, and local government; industry; and the public to implement pretreatment standards to control pollutants that pass through or interfere with the treatment processes of publicly owned treatment works (POTWs) or that might contaminate sewage sludge. The regulations have been revised numerous times since they were first published in 1978. The most recent revision, the Streamlining Rule (70 FR 60134), was published on October 14, 2005, and became effective November 14, 2005.

*Consolidated animals sector.* On July 30, 2012, EPA published revisions to the NPDES concentrated animal feeding operation (CAFO) regulations (77 FR 44494). These revisions

were necessary as a result of a 2011 decision by the United States Court of Appeals for the Fifth Circuit in litigation relating to the NPDES CAFO permitting program (*National Pork Producers Council v. EPA*, 635 F.3d 738, 756 [5th Cir. 2011]). Although the decision narrowed the universe of CAFOs that need to seek NPDES permit coverage, the ELGs for CAFOs and other aspects of the permitting program remain unchanged. Under the terms of the NPDES program, CAFOs are defined as point sources (33 USC Section 1362). Under 33 USC Sections 1311 and 1342, a discharging CAFO must obtain an NPDES permit and comply with the terms of that permit, which may include appropriate conditions on data and information collection.

EPA's NPDES regulations also define when a hatchery, fish farm, or other facility is a concentrated aquatic animal production (CAAP) facility and, therefore, a point source subject to the NPDES permit program (40 CFR 122.24).

*Pesticides.* As a result of the Sixth Circuit Court of Appeal's decision in 2009 (*National Cotton Council, et al., v. EPA*), as of October 31, 2011, NPDES permits were required for discharges to waters of the United States from the application of biological pesticides and chemical pesticides that leave a residue. Given the vast number of operators requiring NPDES permit coverage, EPA and NPDES-authorized states developed general permits for discharges from the application of pesticides. EPA issued the 2021 pesticide general permit (PGP), which contains the same requirements and provisions as the 2016 PGP it replaced. The 2021 PGP included updated versions of the general permit forms with no substantive changes to the currently approved collection.

*Cooling water intake structures.* Section 316(b) of the CWA provides that "[a]ny standard established pursuant to [CWA section 301] or [CWA section 306] and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact."

*Electronic reporting.* On October 22, 2015, EPA published the final NPDES Electronic Reporting Rule (80 FR 64063). The NPDES Electronic Reporting Rule replaces select existing paper-based reports with electronic reporting. On September 23, 2020, the NPDES eRule Phase 2 Extension final rule was signed, which provides states and EPA additional time to implement electronic reporting for certain CWA discharge permitting requirements. In this final rule, EPA extended the compliance deadline for implementation of Phase 2 of the eRule by five years, from December 21, 2020 to December 21, 2025.

### ***Program Components Consolidated in This ICR***

As mentioned above, this renewal incorporates into the consolidated ICR the burden and costs for several NPDES program components which were previously contained in separate ICRs. The remainder of this section describes those program components and their ICRs.

*CSOs in the Great Lakes Basin.* On January 8, 2018, EPA finalized a rule to establish public notification requirements for CSO discharges to the Great Lakes, as required by Section 425 of the Consolidated Appropriations Act of 2016 (Pub. L. 114–113). In response, EPA has

established public notification requirements for permittees authorized to discharge from a CSO to the Great Lakes Basin [82 FR 4233]. These requirements address: 1) signage; 2) notification to local public health department and other potentially affected public entities; 3) notification to the public; and 4) annual notice. The ongoing activities burden and burden reductions component associated with CSO discharges to the Great Lakes, previously contained in a separate ICR (OMB control no. 2040-0293; EPA ICR no. 2562.02), are being incorporated into this ICR.

*Specific Provisions Affecting Applications and Program Updates.* On May 18, 2016, EPA proposed the NPDES Applications and Program Updates Rule, and the Spring 2018 Regulatory Agenda explained that EPA would be finalizing the proposed rule in two separate but related final rules. The NPDES Program Updates Rule addresses a subset of the topics proposed in 2016, which target specific provisions affecting the NPDES program requirements and application forms. These revisions were necessary to clarify outdated or inaccurate application regulations and EPA's associated application forms. The revisions also addressed public notice requirements for permit actions described in 40 CFR 124.10(a)(1), including but not limited to draft permits.<sup>2</sup> The ongoing activities burden and burden reductions component associated with specific provisions affecting the NPDES program, previously contained in a separate ICR (OMB control no. 2040-0004; EPA ICR no. 0229.24), are being incorporated into this ICR.

*Dental Amalgam ELGs.* On June 4, 2017, EPA promulgated a regulation under the CWA to reduce discharges of mercury from dental offices into publicly owned treatment works. The Dental Office Category (40 CFR Part 441) regulation requires affected dental offices to control mercury discharges to POTWs by reducing their discharge of dental amalgam to a level achievable through the use of the best available technology or best available demonstrated control technology. The ongoing activities burden and burden reductions component associated with the Dental Office Category, previously contained in a separate ICR (OMB control no. 2040-0287; EPA ICR no. 2514.03), are being incorporated into this ICR.

*2021 MSGP.* In January 2021, EPA issued an updated NPDES Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activity. EPA reflected the paperwork burden and costs associated with changes from the 2021 MSGP in a separate ICR instead of revising this ICR for the entire program for administrative reasons. However, the ongoing activities burden and burden reductions component associated with the 2021 MSGP, that were contained in a separate ICR (OMB control no. 2040-0300; EPA ICR no. 2612.01), have been incorporated into this ICR.

[Placeholder] WQS regulation ICR [EPA ICR Number 0988.13 /

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<sup>2</sup> Draft permit means a document prepared under 40 CFR 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in 40 CFR 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in 40 CFR 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

OMB Control Number 2040-0049]

## **2. Indicate how, by whom and for what purpose the information is to be used**

This ICR includes information used primarily by permitting authorities, permittees, and EPA. EPA anticipates that other government agencies (both state and federal), as well as public interest groups, private companies, and individuals, will also use the data. Much of these data must be submitted to permitting authorities, while other information must be maintained on-site by the permittee. EPA will either submit separate ICRs for any regulatory or permitting changes requiring ICR approval that occur during this ICR's coverage period or revise this ICR, as appropriate. If EPA creates a separate ICR, it will likely consolidate that ICR into this ICR, as appropriate, upon its renewal. The information collection provisions associated with the NPDES program described in Section 1 include the following:

- Activities directly related to individual permit applications or notices of intent (NOIs) for coverage under general permits;
- Activities associated with plan development or special studies;
- Monitoring;
- Reporting, including certification;
- Recordkeeping;
- Activities resulting from compliance assessments or enforcement actions; and
- Activities resulting from NPDES program authorization, including modifications, transfer, or withdrawal of authorization.

Although different types of permittees submit widely differing information, this information can be categorized into two sets: identification information and information related to the facility's discharges or practices. Identification information is primarily collected through permit application forms, NOIs, certifications, and other application requirements. Information related to the facility's discharges or practices is most often collected through discharge monitoring reports but can also be included with submissions of application information, plans and studies, certification requests, inspection results, and other reports.

*Application and identification information.* Permitting authorities collect and use identification information—such as the names, locations, and descriptions of facilities—to uniquely identify each applicant seeking individual or general permit coverage and to establish a point of contact. This information varies in detail and scope according to the type of respondent. Discharges vary in complexity and character, indicating a need to collect a wide variety of information; however, discharges and activities from related industry groups or treatment works are often similar, allowing for common means of information collection. As a result, EPA has developed several different NPDES application forms. Table 2-1 lists the application forms and other application requirements and the respondents to the request. Standardized application forms covered under this ICR include

Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, and 2S and the Uniform Federal Transportation/Utility System Application Form (see Appendix G).

**Table 2-1. Application Forms and Information Requests**

<b>Form/Request</b>	<b>Respondent Type</b>
Form 1 <sup>a</sup>	Nonmunicipal NPDES applicants not covered under Form 2A
Form 2A <sup>a</sup>	All POTWs
Additional NPDES Application Requirements for Municipal Dischargers (Section 308 Request)	Municipal facilities (i.e., POTWs)
Additional NPDES Application Requirements for Nonmunicipal Dischargers (Section 308 Requests)	Nonmunicipal facilities
Form 2B <sup>a</sup>	CAFOs and CAAP facilities
Form 2C <sup>a</sup>	Existing manufacturing, commercial, mining, and silvicultural operations that discharge process wastewater
Form 2D <sup>a</sup>	New manufacturing and commercial facilities that discharge process wastewater
Form 2E <sup>a</sup>	New or existing nonmunicipal facilities that discharge only non-process wastewater
Form 2F <sup>a</sup>	Industrial stormwater dischargers applying for an individual permit
Form 2S <sup>a</sup>	POTWs and other treatment works treating domestic sewage (covers sludge)
NOI—Industrial Activity (NOI—Stormwater)	Industrial stormwater dischargers applying for the Multi-Sector General Permit (MSGP)
Application for Transportation and Utility Systems and Facilities on Federal Lands (Alaskan Lands Application) <sup>a</sup>	Builders and operators of transportation and utility projects on Alaskan public lands (substitutes for Forms 1, 2B, and 2C)
Application for Phase I Municipal Separate Storm Sewer Systems (MS4s)	Phase I MS4s
Petitions for Stormwater Individual Permit Coverage	Small MS4 operators or any person requesting that an industrial facility discharging through an MS4 to obtain coverage under an individual permit
NOI—State General Permits	Facility owners/operators applying under various state- or Regionally-issued general permits (e.g., CAFOs, CAAPs)
NOI—Pesticide General Permit (PGP) <sup>a</sup>	Certain pesticide applicators applying under the PGP
NOI—Construction General Permit (CGP) <sup>a</sup>	Construction site owners/operators applying under the construction general permit
NOI—MSGP <sup>a</sup>	Industrial facility owners/operators applying under the MSGP
Permit Consolidation Request	Facilities with multiple permits
Notification of Construction	Facilities classified as new sources
Ocean Discharge Information	Ocean dischargers
Notice of Termination (NOT)—PGP <sup>a</sup>	Certain pesticide applicators applying under the PGP

Form/Request	Respondent Type
NOT—CGP <sup>a</sup>	Construction permittees covered under the CGP
NOT—MSGP <sup>a</sup>	Industrial permittees covered under the MSGP
No Exposure Certification (NOE)	Industrial stormwater dischargers
Low Erosivity Waiver Certification	Construction stormwater dischargers
Adverse Incident Report	Pesticide applicators applying under the PGP
Nutrient Management Plan	CAFOs covered by an individual permit or general permit
Pesticide Discharge Management Plan	Certain pesticide applicators applying under the PGP
Cooling Water Intake Structures 122.21(r)(2)–4	Facilities with CWISs (Phase I, Phase III, and Existing)
Cooling Water Intake Structures 122.21(r)(5)–(8)	Existing facilities CWISs
Cooling Water Intake Structures 122.21(r)(9)–(13)	Existing facilities with CWISs with average intake flow greater than 125 million gallons per day
Cooling Water Intake Structures 122.21(r)(14)	New units at existing facilities with CWISs
One-Time Compliance Report for Dental Dischargers	Dental offices that place or remove amalgam

<sup>a</sup> These forms are included in Attachment G.

From the applications and requests for supplemental information, permitting authorities gather information about industrial processes, treatment systems, pollutant characteristics, discharge rates and volumes, sewage sludge use and disposal practices, sewage sludge quality, and other data such as pollution prevention practices. At times, permitting authorities require additional information, such as more detailed production information or maintenance and operating data for a treatment system, or additional monitoring data to characterize a discharge or receiving water quality, to inform the permitting process. Additional information collection requirements that might be necessary to implement state-, tribal-, or EPA-promulgated provisions consistent with the CWA, the Great Lakes Guidance, and other EPA regulatory requirements include monitoring (e.g., pollutant-specific and whole effluent toxicity), pollutant minimization programs, bioassays to support the development of water quality criteria, antidegradation policy/demonstrations, and regulatory relief options (e.g., variances from water quality criteria).

The information is used to develop effluent limitations, compliance schedules, and other routine and special conditions in permits. EPA may also use these data to reevaluate testing requirements or to develop or revise effluent standards on a national basis. Permitting authorities may also use data from NOIs, Nutrient Management Plans (NMPs), Pesticide Discharge Management Plans (PDMPs), stormwater pollution prevention plans (SWPPPs), etc., as part of an evaluation to determine whether the permittee adheres to procedures laid out in the documents.

NPDES permits may not be issued for a period more than five years. The reapplication process is the primary mechanism for obtaining up-to-date information on discharges and

sewage sludge quality, particularly for new pollutants. Although existing permittees provide pollutant data from self-monitoring activities in routine reports, these reports are usually limited to pollutants listed in existing permits. Permitting authorities use reapplication data to identify new pollutants or other information that could lead them to specify additional permit limitations, assess compliance with applicable effluent and sewage sludge limits, and develop appropriate special conditions in permits.

*Routine data collection.* Permittees use discharge monitoring data or sewage sludge quality data (in the case of POTWs and privately owned treatment works, or POTWs) to perform routine operations at their facilities and evaluate facility performance. In addition, they might need to collect this information to comply with state-specific program requirements or, in the case of POTWs, to administer pretreatment programs.

As noted above, discharge monitoring data give permitting authorities the information necessary to assess permittee compliance. Self-monitoring data also help the permitting authority modify or develop permit limits. Permitting authorities may also require other types of monitoring data, such as influent monitoring data to evaluate a plant's operational aspects, ambient stream monitoring data to measure a permit's effectiveness in protecting water quality, internal waste stream data when monitoring at the point of discharge is impractical or infeasible, or visual monitoring (including underwater surveys) that might be necessary to determine compliance with permit limits.

A permittee generally informs the permitting authority about its discharge through a discharge monitoring report (DMR). The DMR lists all the results from the permittee's required self-monitoring of pollutants. The permitting authority reviews this information and compares it with permit limits to determine compliance and/or if there is a need to develop additional limits. In addition to DMRs, permittees may be required to submit reports on violations of certain discharge limitations (e.g., maximum daily), as specifically required in their permits. This latter reporting requirement is intended to alert the permitting authority to potential health or environmental risks that could require a timely response. The data collected by this requirement are more incident-specific than the summary information provided on the DMR.

*Data management.* EPA uses the Integrated Compliance Information System (ICIS-NPDES) as its national system for managing data. ICIS-NPDES is used to track permit limits, permit expiration dates, monitoring data, enforcement and compliance data, and other data. It also provides EPA with a nationwide inventory of permit holders. EPA and most states store basic information for stormwater permittees in databases separate from ICIS-NPDES. EPA uses ICIS-NPDES information to develop reports on permit issuance, backlog, and compliance rates. EPA also uses the information to respond to public and congressional inquiries, develop and guide its policies, support enforcement action, formulate its budgets, and manage its programs to ensure national consistency in permitting. For the most part, states and territories are authorized to implement the NPDES permitting program, manage the data, and use them in a similar fashion to EPA. As a result, EPA, states, and territories incur similar types of burdens associated with data collection and management.

*Data use.* For individual permits, EPA and states analyze monitoring data when establishing permit conditions. For example, NPDES permit writers may revise permit requirements based on data from monitoring reports. Furthermore, EPA and states have referred to DMR data on pollutants when developing lists of waters impaired by pollutants and point source dischargers that may cause or contribute to degradation of the quality of those waters.

As public information, monitoring data are used by public groups for a variety of purposes. Citizen groups review monitoring data to independently assess discharger compliance and noncompliance. In some instances, the data form the basis for citizen suits that are authorized under CWA section 505. In addition, environmental groups, academicians, and others use monitoring data to estimate toxic pollutant loading to streams, lakes, oceans, and estuaries.

If noncompliance with permit conditions is detected, the permitting authority will use the data to help determine the appropriate enforcement response based on the nature and severity of the violation, the overall frequency of noncompliance, and the degree of seriousness of the violation.

There are several variations in the general flow of compliance-related data from the permittee to the permitting authority. EPA may require more information in the form of a section 308(a) letter. In the case of the NPDES stormwater permitting program, the regulatory requirement is for records retention rather than reporting. This type of activity is reflected in this ICR as a recordkeeping activity.

A permit may be modified to change its limits and conditions without affecting the permit's term. Information supporting modification requests is collected during the effective term of the permit. Variances, alternatively, allow effluent limitation requirements or time deadlines to be modified or waived. During the permit development process, the permitting authority collects information from facilities to evaluate variance requests. In each case, the information collected is used to update or supplement permit application data.

Use of the data provided in each type of modification or variance request varies greatly because the information requirements of these items are so diverse. In general, EPA and authorized states use the information to determine whether the conditions or requirements that would warrant a modification or variance exist, and the progress toward achieving the goals of the CWA continues if the modification or variance is granted.

Reporting by municipalities under the CSO Control Policy gives NPDES permitting authorities the information they need to determine whether a municipality's CSO control program is adequate to achieve compliance with CWA requirements and applicable state WQS, to establish permit terms and conditions for CSOs, to track performance, to identify and assess violations, and to target inspection and enforcement actions. The information is also used by EPA Regions and states to develop and evaluate the success of their CSO Control Strategies. EPA will also use these data to measure its performance in achieving the goals of the CSO Control Policy.



*Oversight.* Information collected by EPA is used to evaluate the adequacy of a state's NPDES or sludge program, and to enable EPA to fulfill its statutory function of oversight over state program performance and individual permit actions. EPA will also use this information to evaluate states' requests for full or partial program authorization and program modifications. To evaluate the adequacy of a state's proposed program, EPA must have appropriate information to ensure that proper procedures, regulations, and statutes are in place and consistent with CWA requirements. EPA's ongoing monitoring of authorized state programs ensures continued compliance with the goals and requirements of the CWA and state programs. EPA uses information about permittees' noncompliance to do the following:

- Evaluate the effectiveness of state compliance enforcement programs;
- Support its own enforcement actions, if any, against dischargers in authorized states; and
- Generate and publish noncompliance rates to be used in reports to offices within EPA and to OMB and Congress.

In a Memorandum of Agreement, EPA Regions and authorized states define which permits the Region will and will not be provided for review. Generally, the Region must be given the opportunity to review all permits for major facilities, all general permits, and a small percentage of permits for minor facilities. The information submitted by states consists of all appropriate data necessary for permit review--application forms, fact sheets, draft permits, and the like. EPA uses the information submitted by states to review state-issued permits for compliance with federal laws. Sewage sludge noncompliance reports serve the same purposes as NPDES effluent noncompliance reports. However, sewage sludge reports are required only annually.

*Other regulations.* To meet its obligations under the CWA, National Historic Preservation Act (NHPA), and Endangered Species Act (ESA), and to promote those acts' goals, EPA must ensure that discharges covered under EPA-issued NPDES permits are protective of historic properties, endangered and threatened species, and critical habitat. Applicants are required to assess the effects of their discharges on historic properties, federally listed endangered and threatened species, and designated critical habitat. Information from this assessment for stormwater or PGP applicants is provided in the NOI and therefore contained in the NOI database. Authorized states are not required to meet the ESA and NHPA obligations, and therefore no ESA or NHPA burden is associated with state-issued permits.

Recently added NPDES program components are discussed in more detail below.

*Public Notification Requirements for CSOs in the Great Lakes Basin.* The volume of wastewater collected by a combined sewer system (CSS) can sometimes exceed the capacity of the CSS or treatment plant (e.g., during heavy rainfall events and/or snowmelt). When this occurs, untreated stormwater and wastewater discharge directly to nearby streams, rivers, and other water bodies; this event is referred to as a CSO discharge. CSO discharges are managed and operated mostly by municipalities that also operate the

POTWs to which the wastewater flows under normal conditions. The regulation is specific to CSO discharges in the Great Lakes Basin and is intended to alert the public, local public health departments, and other potentially affected public entities to the short- and long-term public health and environmental hazards associated with CSO discharges. Such notification will enable potentially affected parties to take action that may help prevent serious health effects that may otherwise occur if they were to remain unaware of the occurrence of CSO discharges.

*Specific Provisions Affecting Applications and Program Updates.* The use of this information is the same as for other NPDES activities directly related to individual NPDES permit applications, as the specific provisions affect the NPDES program requirements and application forms mentioned above.

*Dental Amalgam ELGs.* Control Authorities are responsible for oversight of the pretreatment standards. Control Authorities (including EPA) review the reports and records of compliance to assess dental facilities' compliance with the pretreatment standards. These reports and records also allow Control Authorities to assess how many dentist offices within their jurisdiction discharge amalgam, what BMPs are used, when inspections occur, as well as what operation and maintenance activities are conducted.

*2021 MSGP.* EPA collects the information required in the MSGP:

- To provide information supporting permittee eligibility to be covered by the permit;
- To provide information on pollutant discharge trends for performance measures;
- To provide information to the EPA and states to prioritize permit activities;
- To determine whether permittees are in compliance with permit conditions; and
- To provide information to the EPA to determine the need for and to help with development of permit limits.

EPA anticipates that other government agencies (both state and federal), as well as public interest groups, private companies, and individuals, will also use the data.

### **3. Describe whether and to what extent the collection involves the use of automated processes or information technology to aid with the collection**

The Electronic Reporting regulation requires electronic reporting of NPDES information rather than paper-based reports. Implementation was phased in over the five years following the regulation's December 21, 2015, effective date. Initially, the regulation required electronic submission for all DMRs and certain reports by December 21, 2016, and for most of the remaining NPDES reports and program data by December 21, 2020. (See section A.1.8.4 for details.) However, on September 23, 2020, EPA signed the final "Phase 2 Extension Rule," which provides states and EPA additional time to implement electronic reporting for certain CWA discharge permitting requirements. In this rule, EPA extended the compliance deadline for implementation of Phase 2 of the eRule by five years to December 21, 2025. This extension has been accounted for in this proposed ICR.

For activities related to general permits, respondents for EPA-issued permits are currently required to submit NOIs electronically via EPA's electronic Notice of Intent (eNOI) system or the NPDES eReporting Tool (NeT). These permits, all other EPA-issued permits, and some state-issued permits will transition to submitting NOIs through NeT over the next several years.

Currently, EPA maintains some general permit data in ICIS-NPDES. The use of this database is expanding as a result of implementation of the Electronic Reporting Rule. This technology reduces the burden to EPA and the states for gathering and analyzing national permit and water quality data.

In collecting and analyzing the information associated with NPDES individual permit applications, EPA will use ICIS-NPDES to ultimately store the relevant facility and permit information. EPA and the states will ensure accuracy and completeness of the information and are responsible for ensuring that applicable data are entered into ICIS-NPDES. Any application form that is considered inaccurate or incomplete will not be accepted and will be returned to the sender with a letter requesting the missing or inaccurate information.

The public may access certain information via Enforcement and Compliance History Online (ECHO). Some of the information is available to the public through Web-based interfaces that pull data from ICIS-NPDES and other EPA data systems.

For activities related to requests for NPDES permit modifications and variances from technology standards, improved information technology does not appear to provide opportunities to minimize respondents' burden because of the unique nature of the information that respondents must submit as needed.

For compliance reports, EPA and states are moving toward greater automation—for example, system-generated noncompliance reports in place of the existing Quarterly Noncompliance Reports. This advancement in information technology allows for states to efficiently provide a consistent and accurate set of data while using fewer resources and time.

#### **4. Describe the efforts to identify duplication**

All information collection is authorized by the CWA and its implementing regulations; in most cases, it is not available from other sources. EPA has examined all other reporting and recordkeeping requirements in the CWA and 40 CFR Parts 122, 123, 124, 125, 403, 501, and 503. In prior versions of this ICR, EPA also consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

- The EPA inventory of ICRs;
- The Government Information Locator Service;
- The Toxics Release Inventory;
- Resource Conservation and Recovery Act (RCRA); and
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Examination of these databases and discussions with other federal Agencies did not identify any application requirements that were duplicative with existing requirements.

For CSO Notifications in the Great Lakes, EPA previously identified several duplicative efforts in the original ICR and already revised the associated sections to remove the duplication. In 40 CFR 122.38(b), EPA revised the due date for the annual notice to avoid duplicative efforts with existing annual reporting requirements by allowing permittees to combine the requirements stated in the rule with existing reporting requirements into one report. In the same section of the rule, several commenters noted that the electronic reporting requirements associated with the annual notice were somewhat redundant of the NPDES Electronic Reporting Rule. EPA revised the language in the final regulatory text to remove this duplication (written in the proposed rule under 40 CFR 122(c)).

#### **5. Explain whether or not the collection impacts small entities**

Of the small businesses that discharge pollutants, many discharge indirectly to POTWs rather than directly to waters of the U.S. Indirect dischargers are not required to have NPDES permits and thus are subject only to the pollution control and reporting requirements associated with the Pretreatment Program. Although small businesses that are direct dischargers are not treated as a separate class under the NPDES program, efforts to minimize the burdens imposed on them by NPDES information collection activities are implicit in the existing monitoring/reporting framework. Most small businesses permitted under NPDES, except those discharging toxic chemicals, are covered either by permits with less rigorous monitoring and reporting requirements or by general permits. In general, monitoring and reporting requirements are based on many factors, the most important of which are the volume and environmental significance of a wastewater discharge. Because small permittees usually discharge small volumes of wastewater, their monitoring and reporting burdens tend to be smaller as well.

For many reasons, EPA believes the reporting requirements discussed in this ICR do not place an unreasonable burden on small business.

This ICR consolidates information collection activities from several other efforts, each of which sought to reduce impacts to small entities. In these efforts, EPA developed several application forms, and promulgated different application requirements to tailor the information collection demands considering, among other factors, the size and complexity of the facility, its discharge, and (where applicable) its intake structure.

Generally, as the size of a facility increases, the amount of required information increases correspondingly. EPA has regularly looked for ways to reduce reporting burdens on businesses of all sizes; approaches used to minimize the burden to small entities include the following:

- Several of the applications (e.g., Form 1 and NOIs) request minimal information, such as the name and location of the facility, or merely direct the applicant to complete specific sections of the application (e.g., Forms 2A and 2S). Furthermore, facilities submit applications infrequently, typically once every five years. The

burden represented by these applications cannot be further reduced for small businesses. Permitting authorities need certain basic information to make permitting decisions. This basic information is not dependent on a facility's size.

- EPA developed general permit procedures to reduce burdens associated with the application for coverage and administration of large numbers of dischargers, especially the burden associated with stormwater discharges and pesticide discharges. Certain operators subject to the PGP are covered automatically and need not submit applications.
- NOIs for permit coverage for construction sites and pesticide discharge activities contain minimal information required to characterize the site and activity. NOIs are typically submitted once every five years. Construction sites typically submit an NOI once for each construction activity, or twice if the construction activity continues beyond the expiration date of the general permit. Most site-related information is contained in the SWPPP or PDMP if required, which need not be submitted to EPA. Furthermore, the burden represented by these NOIs cannot easily be reduced for small businesses because EPA needs certain basic information—not dependent on an organization's size—to make permitting decisions. The CGP NOI (EPA Form 3510-9) was developed specifically to reduce the burden for construction activities. The preexisting NOI form (EPA Form 3510-6) that was replaced in 1998 required more detailed information because it was also used for industrial activities requesting coverage under a general permit. The current NOI is simplified and requests only relevant information for construction activities.
- With regard to small MS4s regulated under the Phase II Rule, EPA believes that the application requirements provide the minimum information required to adequately assess the current and future effects of the small MS4 discharges on waters of the United States. The NOI requirements for regulated small MS4s are substantially less than those under the Phase I stormwater regulation for medium and large MS4s. The application requirements for the small subset requiring an individual permit are substantially reduced as well.
- In general, the no-exposure provision of the Stormwater Phase II Rule allows regulatory relief for small industrial entities that submit “no exposure” certifications. Small entities that take advantage of this provision to switch from a permitted facility to “no exposure” status experience a substantial reduction in burden.
- Some industrial facilities that do not have toxic pollutants in their effluent are not required to provide as much monitoring information on Form 2C as those with toxic discharges. Under 40 CFR 122.21(g)(8), coal mines with a probable total annual production less than 100,000 tons per year and other applicants with gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars) might qualify as a small business and be exempt from the reporting requirements for toxic pollutants.
- EPA developed Form 2E specifically to reduce the reporting burden for certain small businesses. These businesses are new or existing manufacturing, commercial,

mining, and silviculture NPDES permit applicants that do not discharge process wastewater. This form is easier to complete and requires the submission of existing sampling data (i.e., sampling and analysis is not required to be conducted as part of the application process).

- EPA’s guidance materials—such as manuals, fact sheets, and training courses on development of SWPPPs and Long Term Control Plans (LTCPs)—also help minimize the burden on small entities by giving them easier access to the specific and streamlined requirements applicable to them.
- All permittees, regardless of the size of their facilities, are required to report instances of noncompliance and keep records of monitoring data. In most cases, these requirements do not impose a large burden on small businesses because the information required is simple and straightforward.
- For activities related to NPDES permit modification and variance requests, the NPDES regulations do not specify different modification and variance requirements for small businesses. The burden incurred as a result of variance requests is voluntary. A small business that decides to request a variance from effluent limitations does so on the basis of its assessment that the benefits of receiving such a variance outweigh the burdens associated with preparing the request. The time and effort required to prepare a small facility’s variance request might be less than that required for a larger, more complex facility to prepare a similar request.
- EPA and states also have made extensive use of general permits, which tend to have less burdensome monitoring and reporting requirements than individual permits. In fact, the majority of stormwater permittees, which compose more than 90 percent of all NPDES permittees, are covered under general permits.
- To help communities with combined sewer systems that serve populations of fewer than 75,000, the CSO Control Policy recommends that NPDES permitting authorities use flexibility when requiring these communities to develop an LTCP. In the Policy, EPA recommends that small systems be required to document implementation of the Nine Minimum Controls (NMC), prepare LTCPs that give high priority to controlling overflows to sensitive areas, and involve the public in their decision-making. The intent of this recommendation is to focus the limited resources of smaller communities on controlling CSOs. Compliance monitoring should be less extensive for small entities than large entities because the small systems have fewer CSOs. EPA developed an LTCP Template (LTCP EZ) to help small communities develop LTCPs. LTCP EZ builds on NMC implementation and provides step-by-step instructions for completing the simple forms in hard copy format or electronically.
- EPA believes the burden on small CAFOs is minimal since reporting is only linked with specific conditions or occurrences at the facility.

The reporting requirements for pretreatment program development affect only state governments and municipal governments (i.e., POTWs). Requirements for pretreatment program implementation and program/categorical determinations involve some small business industrial users (IUs). The information requested is not available from other sources and is essential for implementing the pretreatment program.

In 2001, EPA estimated that over the next 20 years 11 new CWIS facilities owned by small entities are projected to be subject to the final 316(b) regulation. The exact number of facilities owned by small entities that would be subject to the rule annually is difficult to quantify. If any small entities would be affected, it is estimated, one to two new respondents that are small entities will be added for this three-year ICR renewal period, resulting in an estimated total of 10 respondents that are small entities.

The 316(b) existing CWIS rule facility applicability requirements in 40 CFR section 125.91 exclude most existing small entities from the rule. As a result, the rule affects only a small absolute number of facilities owned by small entities, representing a very small percentage of all facilities owned by small entities in the electric power and manufacturing industries. EPA estimates that between 37 and 91 small entities in the electric power industry and six primary manufacturing industries own facilities subject to this rule. In addition, EPA estimates that five small entities own complying facilities in other industries.

The 316(b) Phase III Rule applies to new offshore oil and gas facilities, and the minimum design intake flow requirements exclude all but one small entity from the compliance requirements.

The information reported in this ICR related to state NPDES and sewage sludge programs is limited to state efforts, including EPA review of state information; it does not reflect the burden on the permittee. Therefore, these activities do not affect small businesses.

The Dental Office Category (40 CFR Part 441) regulation significantly reduces and streamlines the reporting requirements in EPA's General Pretreatment Regulations that would otherwise apply to dental offices treated as CIUs. Most significantly, it requires dental dischargers to submit a One-Time Compliance Report rather than biannual reporting and wastewater sampling required of Categorical Industrial Users.

The CSO permittees in the Great Lakes Basin potentially impacted by the CSO notification requirements are all municipalities. Of these, around 80 percent have aggregate populations of less than 50,000 and are classified as small governmental jurisdictions and thus are small entities. EPA specifically performed separate calculations of the ICR burden for the subgroup of CSO permittees that would be classified as small entities. EPA then evaluated the impact of this regulation on these small entities in relation to available financial data and concluded that this information collection will not have a significant impact on a substantial number of small entities.

**6. *Describe the consequences to the program if the collection is not conducted or is conducted less frequently***

In most cases, regulations associated with the NPDES program are meant to minimize adverse environmental and public health impacts associated with the discharge of pollutants or the mortality of fish and other aquatic species. Failure to collect the necessary data to implement these regulations would result in significant adverse impacts to the environment and to public health. As well, the data collection is mandatory in most cases; regulated facilities and/or control authorities that do not collect the data would be failing

to comply with the NPDES regulations. Failure to comply could result in enforcement actions including civil or criminal penalties.

EPA recognizes the importance of balancing the need for data collection efforts against respondent burden and costs. From the inception of the NPDES program, cost has been a major factor considered in establishing application requirements, monitoring conditions, report content, and reporting frequencies. In recent years, the executive and legislative branches of the U.S. government have stressed the need to evaluate the costs and benefits of regulation and the financial impact on the regulated community, states, and local governments. EPA regularly seeks new opportunities to reduce burden on the regulated community.

The information needed to meet permitting, monitoring, reporting, and information collection requirements related to the NPDES program is submitted either once, regularly, or as needed. EPA and authorized states need current information about permittees, discharge characteristics, enforcement actions, and program performance to fulfill oversight responsibilities.

EPA must track permits, compliance activities, and enforcement actions to ensure that state programs are carrying out the provisions of the CWA in a timely manner. EPA has determined that the NPDES burden described in this ICR is necessary to provide sufficient data for EPA to effectively provide guidance for state programs, to review or comment on state actions, or to intervene in compliance or enforcement cases.

Permitted facilities must reapply for NPDES and sewage sludge management permits before their existing permits expire, generally once every five years. The CWA prohibits NPDES permits from having terms longer than five years. Less frequent permit applications would not give the permitting authority current enough data to establish effective limitations or conditions when reissuing permits. Less frequent permit issuance would also hinder the ability of EPA and the regulated community to take advantage of technological improvements as they occur. Permits must contain conditions that reflect, for example, the following criteria:

- New industrial processes and waste treatment technologies;
- New kinds of discharges (such as toxic chemicals);
- New detection methods; and
- Changes in the quality of receiving waters.

EPA strives to minimize monitoring-related workloads. For example, in the past EPA developed an automated procedure that preprints relevant permittee information, such as discharger name and address, pollutants to be monitored, and effluent limitations on the DMR form, before sending it to the permittee; the implementation of the Electronic Reporting Rule eliminates the use of many paper forms (other than for permittees with a waiver), further streamlining reporting. Permittees are required to record only their monitoring results and to report any violations. EPA continues its efforts to minimize permittee burden associated with monitoring data collection and reporting requirements.



EPA considers the reporting requirements associated with the pretreatment program (both the one-time and ongoing monitoring and reporting requirements) to be the minimum necessary for effective administration of the pretreatment program as well as to ensure effective control of hazardous wastes and to implement RCRA section 3018(b). Most alternatives would entail an increase in reporting burden. In addition, EPA considers the specific requirements for significant industrial users (SIUs) and for reporting the discharge of RCRA hazardous substances preferable to repealing the domestic sewage exclusion. The domestic sewage exclusion is a RCRA provision that excludes domestic sewage and any mixture of domestic sewage and other wastes that pass through a sewer system to a POTW for treatment from being classified as a RCRA hazardous waste.

Some of the information in this ICR that is required to be submitted is collected only after the permittee violates a permit condition or after a certain condition occurs. For example, noncompliance reports are submitted when the facility experiences a bypass, an upset, or a violation of a permit limit. Responses to section 308(a) letters are submitted only when requested by the Administrator in response to events such as a spill of oil or a hazardous substance, or whenever EPA has reason to believe it needs more information to determine compliance. Compliance schedule reports are submitted only when a permit contains a compliance schedule, and it is necessary to ascertain a permittee's compliance with a milestone in the compliance schedule. Also, alternate level reports are submitted only when there is an expected change in the production level at the facility.

In certain instances, a permittee may choose to submit information when requesting a modification or variance from otherwise applicable requirements. The information collection and reporting requirements associated with NPDES permit modifications and variances are specific, would not be supplied in any other report or application, and are submitted as needed. In most cases, the decision to submit information is made by the NPDES permittee or permit applicant. The exceptions are (1) when outside events trigger the need for a permit modification and (2) when the Administrator decides to invoke a reporting requirement, such as a request for permit revocation and reissuance. Because information is submitted only when needed, less frequent data collection would not give the permitting authority enough information to meet its responsibilities under the CWA.

**7. *Explain any special circumstances associated with “extraordinary burden” placed on respondents***

No special circumstances place “extraordinary burden” on respondents. Information is collected in a manner consistent with the Paperwork Reduction Act (PRA) guidelines at 5 CFR 1320.5(d)(2). Requests for supplemental information for emergency response or enforcement are exempt from the PRA requirements.

**8. *Provide a copy and identify the date and page number of the notice in the Federal Register and describe efforts to consult with persons outside the agency***

A notice requesting comment on this ICR was published in the Federal Register on **Month XX, 2021 (82 FR 29549)**. The notice included a request for comments on the content and impact of these information collection requirements on the regulated community.

[Placeholder for comment summary.] A copy of the Federal Register Notice can be found in Appendix F.2.

Minimum data collection requirements are mandated and specifically defined by the regulations authorizing collection and are generally not subject to change through consultation. These requirements are often incorporated into the NPDES permit along with other requirements that may be tailored to specific circumstances. The permitting authorities are primarily responsible for determining which collection method and information management strategy is most appropriate. During initial NPDES permit development and during permit reissuance (which occurs every five years), a consultation typically occurs between the permitting authority and the permittee. During this consultation, the permittee has the opportunity to request clarification of instructions, recordkeeping, disclosure, or reporting format and to request changes to the data requirements and the frequency of collection and reporting that may be warranted by changing circumstances. Specific changes can then be incorporated in the renewed permit. The five-year frequency for permit renewal is mandated by the regulation. Between renewals, though, the permittee may consult with the permitting authority if its circumstances change significantly and, if warranted, the permitting authority may enact modifications to the permit.

In three states, most U.S. territories, and federal Indian lands, the federal government serves as the permitting authority and thus has direct consultations with permittees within those jurisdictions; these are an opportunity for direct input regarding changes to the forms, burden, or other requirements. The federal government provides general oversight of the NPDES program and the approved state programs, including regular consultation with state agencies in direct contact with individual permittees. EPA Headquarters staff responsible for program oversight were also contacted to provide revised information and data for this ICR.

**9. Explain any decision to provide compensation to respondents**

No payments or gifts are provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents**

Permit applications and other respondent reports may contain confidential business information. If this is the case, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR Part 2, and EPA's *Security Manual* Part III, Chapter 9, dated August 9, 1976. Any claim of confidentiality must be asserted at the time of submission. However, CWA section 308(b) specifically states that effluent data may not be treated as confidential.

**11. Provide additional justification for any questions of a sensitive nature**

Questions of a sensitive nature (including personally identifiable information) are not found in this information collection.

## 12. Provide estimates of the hour burden of the collection of information

The estimate of respondent burden hours covers facilities subject to NPDES program requirements (permittees) and authorized states. Appendix A describes the information collected and the methodology for estimating respondent burden and costs. Appendix B presents a calculated respondent burden estimate grouped by activity type and respondent type. Table 12-1 summarizes the labor burden and associated labor costs for permittees and states with NPDES program authority.

**Table 12-1. Summary of Labor Burden and Costs**

	Average Annual Respondents	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2016\$)
Permittees			
States, tribes, territories, and D.C. <sup>a</sup>			
Totals			

<sup>a</sup> 591 of these 637 are not authorized to administer the NPDES program and respond to only one information item (certification of EPA-issued permits).

## 13. Provide an estimate of the total annual cost burden to respondents

This section presents an estimate of annual operating and maintenance (O&M) and capital and start-up costs. The majority of the burden and cost calculations in this ICR are the result of labor costs only. The ICR does, however, account for O&M costs for certain testing/analysis plus certain capital and start-up costs incurred by respondents that perform activities outside the normal operation practices. All costs presented have been adjusted using the Consumer Price Index to September 2020 dollars. This ICR estimates that there are no O&M or capital and start-up costs for state agencies or the federal government.

*Permittee O&M costs.* The permittee O&M costs are linked to the following activities:

- NPDES permit application and renewal requirements;
- Monitoring and reporting
- Baseline determination and estimate of the incremental monitoring burden and cost for remaining sites;
- Minimum monitoring requirements for direct discharging mills in the “bleached papergrade kraft and soda” and “papergrade sulfite” subcategories of the “pulp, paper, and paperboard” point source category;
- Animal sector testing/analysis and public notice costs;
- SIU discharge monitoring under the Pretreatment Program;
- CWIS Phase I and Existing Facility annual activities such as operation and upkeep of capital equipment, as well as purchase of contracted services such as laboratory analyses and other direct costs (ODCs);
- CWIS Phase III (offshore oil and gas) facility entrainment monitoring sample analysis if performed by an outside laboratory;
- CWIS existing facility equipment O&M, contract services, and ODCs;

- Postage costs for mailing in individual permit applications.

Details on the methodology used to derive these costs are provided in section A.2.2 of Appendix A.

*Permittee capital and start-up costs.* The permittee capital and start-up costs are linked to the activities listed below:

- CSO notification;
- Baseline determination and estimate of the incremental monitoring burden and cost for remining sites;
- Start-up costs for the animal sector;
- CWIS Phase I purchase and installation of pilot study technology;
- CWIS Phase III (offshore oil & gas) cost for installing remote monitoring devices; and

Details on the methodology used to derive these costs are provided in section A.2.3 of Appendix A. Table 13-1 summarizes annual O&M and capital and start-up costs.

**Table 13-1. Summary of Annual O&M and Capital and Start-up Costs**

	Permittees	States/Tribes/Territories
Costs (capital and start-up)		
Costs (O&M)		
Total annual costs		

#### **14. Provide an estimate of the annualized cost to the federal government**

The federal government burden includes activities related to administration of NPDES permits in non-authorized states, territories, and federal Indian lands as well as oversight of NPDES programs. In states without approved NPDES programs, the federal government (through its EPA Regional Offices) issues and administers NPDES permits. These burdens are similar to those incurred by the states and are calculated using the same methodology and assumptions. Appendix A provides program administration burden estimates for authorized states; in many cases, these also apply to the federal government in non-authorized states. Appendix C, Table C-1, presents calculated respondent burden estimates grouped by activity type. Details of the federal government burden and costs associated with general oversight of the NPDES program and the approved state programs are presented in Appendix C, Table C-2. Table 14-1 summarizes the average annual Agency burden hours and costs.

**Table 14-1. Summary of Agency Annualized Burden and Costs**

	NPDES Program Administration in Non-authorized States (Appendix C, Table C-1)	NPDES Program Oversight (Appendix C, Table C-2)	Total
Responses (number)			
Burden (hours)			

	NPDES Program Administration in Non-authorized States (Appendix C, Table C-1)	NPDES Program Oversight (Appendix C, Table C-2)	Total
Costs (labor)			
Costs (capital)			
Costs (O&M)			
Total costs			

**15. Explain the reasons for adjustments reported in items 13 or 14 of OMB Form 83-1**

The current OMB-approved burden for the existing NPDES ICR (OMB control no. 2040-0004, EPA ICR no. 0229.24) is 28,221,350 hours. The current combined OMB-approved burden for the XXXX ICRs being consolidated into today's ICR plus the current NPDES ICR is XX,XXX,XXX hours. The combined burden requested in this consolidated ICR is XX,XXX,XXX hours. Overall, the burden request in this ICR is XXX,XXX hours (X.X percent) more than the combined previously approved burdens of the component ICRs.

Adjustments to the burden estimates reflect the following adjustments to each component ICR:

- A burden increase of X percent within the Great Lakes CSO ICR component;
- A burden increase of X percent within the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates ICR component;
- A burden increase of X percent within the Dental Amalgam ELG ICR component;
- A burden increase of X percent within the MSGP Permit Renewal component; and
- A burden increase of X percent within the previous Consolidated NPDES ICR component.

[Placeholder] The requirements in the 2021 Pesticides General Permit (PGP) are the same as the 2016 PGP. EPA is not expecting any changes the PGP or the burden, so no changes to this ICR is warranted at this time.

[Placeholder] WQS regulation ICR [EPA ICR Number 0988.13 / OMB Control Number 2040-0049]

The state of Idaho became an NPDES authorized state, therefore burden shifted from the Agency to the states.

This ICR eliminates the initial permit application and compliance activities for existing CWIS facilities. [Placeholder for additional text if approved.]

On December 4, 2018 the Vessel Incidental Discharge Act (VIDA) was signed, altering how EPA and the U.S. Coast Guard regulate incidental discharges from vessels. The VIDA required EPA to develop national standards of performance for incidental discharges by

December 2020. Two years after EPA publication of the final Vessel Incidental Discharge National Standards of Performance, the U.S. Coast Guard (USCG) is required to develop corresponding implementation, compliance, and enforcement regulations for those standards. Thus, permittee burden for vessels that was covered under NPDES is now covered under the U.S. Coast Guard program.

One minor part of the adjustments to the burden results from changes in the estimated number of respondents in many of the categories shown in Appendix D. Many of these changes reflect updates to permit entries within the ICIS-NPDES database plus revised EPA estimates. Also, changes to the capital and O&M cost burden shown in Table 15-3 include adjustments for inflation to September 2021 dollars, which ranged from **X.X to X.X** percent depending on the basis year for the source ICR.

Table 15-1, Table 15-2, and Table 15-3 summarize adjustments in the number of respondents, burden hours, and cost burden. For greater clarity, burden estimates and the adjustments relative to the source ICR for each contributing ICR listed above are presented separately.

**Table 15-1. Summary of Adjustment in Number of Responses**

Source ICR	Previously Approved	Total Responses Requested	Change Due to:			Total Change (Percent)
			New Statute	Agency Actions (New Rules, Etc.)	Revised Estimates	
Consolidated NPDES (2018 Component)	10,297,857		0	0		3.3
CSOs in the Great Lake Basin						
Specific Provisions Affecting Applications and Program Updates	10,297,857					
Dental Amalgam ELG	124,378					
2020 MSGP						
Total						

**Table 15-2. Summary of Adjustment in Number of Burden Hours**

Source ICR	Previously Approved	Total Responses Requested	Change Due to:			Total Change (Percent)
			New Statute	Agency Actions (New Rules, Etc.)	Revised Estimates	
Consolidated NPDES (2018 Component)	28,239,262		0	0		3.0
CSOs in the Great Lake Basin						
Specific Provisions Affecting Applications and Program Updates	28,221,350					

Source ICR	Previously Approved	Total Responses Requested	Change Due to:			Total Change (Percent)
			New Statute	Agency Actions (New Rules, Etc.)	Revised Estimates	
Dental Amalgam ELG	392,646					
2020 MSGP						
Total						

**Table 15-3. Summary of Adjustment in the Capital/Startup and O&M Cost Burden**

Source ICR	Previously Approved	Total Cost Burden Requested	Change due to:			Total Change (Percent)	Previous ICR Cost Basis
			New Statute	Agency Actions (New Rules, Etc.)	Revised Estimates		
Consolidated NPDES (2018 Component)	\$43,659,009		\$0	\$0		4.3	August 2016
CSOs in the Great Lake Basin							
Specific Provisions Affecting Applications and Program Updates	\$43,158,437						June 2018
Dental Amalgam ELG	\$9,489						May 2018
2020 MSGP							
Total	\$	\$	\$	\$	\$		NA

## 16. Outline any plans for tabulation and publication of the information

EPA maintains some application data in databases such as ICIS-NPDES and the eNOI database. These systems provide EPA with a nationwide inventory of all permit holders. EPA Headquarters uses this information to assess permit compliance. This technology also reduces the burden to EPA and the states for gathering and analyzing national permit and water quality data. ICIS is the national computerized management information system that automates entry of, updates, and facilitates retrieval of NPDES data and tracks permit issuance, permit limits and monitoring data, and other data on facilities regulated under NPDES. The public can access permit data in three ways:

- Using EPA's Envirofacts Data Warehouse and Applications website at <https://www3.epa.gov/enviro/>. Envirofacts lets users combine ICIS-NPDES data with other EPA databases and mapping tools.
- Using EPA's Enforcement and Compliance History Online (ECHO) website at <https://echo.epa.gov/>. ECHO gives the public access to compliance-history-related data for permittees by geographic area.
- Via the Freedom of Information Act by submitting a request to EPA or the state.

**17. Explain any requests to not display the expiration date of OMB approval**

EPA has not made a request regarding display of the expiration date.

**18. Explain any exceptions to the certification statement 5 CFR 1320.9, "Agency Certifications for Proposed Collections of Information."**

EPA is able to certify compliance with all provisions under item 19 of OMB Form 83-I.B.

**B. Statistical Methods (Used for Collection of Information Employing Statistical Methods)**

Statistical methods are not used with this collection.



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## **Appendix A — Description of the Information Collected and Methodology for Estimating Respondent Burden and Cost of Collection**

This appendix provides detailed information regarding the methodology for estimating respondent burden and costs. Section A.1 provides the methodology for deriving respondent burden and breakdown of capital/start-up cost, while the derivation of costs is provided in section A.2.

### **A.1 Estimating Respondent Burden**

This section describes the methodology for estimating respondent burden for the information requests. Facilities subject to NPDES program requirements (also referred to as permit holders or permittees) and authorized states are included as respondents in this section. Methodologies that apply to NPDES-authorized states also apply to federal burden associated with EPA Regions acting as permitting authority in non-NPDES-authorized states. However, the EPA permitting authority burden and costs are not included in the respondent burden and cost estimates.

This ICR calculates annual burden and costs to respondents. These calculations are complicated because there are two types of permittee respondents discussed in this section: permittees renewing existing permits and applicants for new permits. Applications for NPDES permit renewal must be submitted every five years. For these respondents, the ICR assumes that the number of applicants renewing per year equals one-fifth of the total number of existing permitted facilities. For new permits, respondents will apply for each type of new permit only once and the annual number is estimated based on the expected average number of new permit applications that will be submitted over the three-year period covered by this ICR. In subsequent ICRs, new permits will transition to renewal permits.

This section summarizes the input data and assumptions for each category of respondent activity shown in Appendix B. In some cases, the “total number of respondents” and “annual number of respondents” shown in Appendix B may reflect double-counting of individual respondents because the respondent values are summed values within the category which may include multiple activities for the same respondent. For example, a permittee may be required to submit different types of notices to the permitting authority. This is particularly true for recordkeeping, which can involve multiple types of recordkeeping activities.

To simplify the burden estimation process, Appendix A identifies respondent categories that can be used as input values to adjust the burden estimates during each ICR cycle. For each respondent input category, estimates for number of responses, labor hours, O&M costs, and capital/start-up costs are derived from previous ICR estimates. These previous ICR estimates are then adjusted based on revisions to the number of respondents in each respondent input category and wherever underlying assumptions change. The revised number of respondents in each input category are listed in Appendix D and represent various subsets of the unique respondents listed in Appendix E. The basic assumptions used to derive the ICR estimates are described below.

### **A.1.1 Recordkeeping**

*Permittees.* Recordkeeping activities include those associated with data collected, DMRs, permit documents, notices, and correspondence. NPDES regulations require permittees to maintain records and periodically report on monitoring activities. NPDES permits, in accordance with 40 CFR 122.41(j), require permittees to retain permit records for at least three years. Recordkeeping requirements for sewage sludge and CAFOs require records must be kept for five years. NPDES regulations at 40 CFR 122.41(l)(4)(i) require that monitoring results must be reported on a DMR. In addition, regulations at 40 CFR 122.44(i)(2) require permittees to submit reports (on discharges and sludge use or disposal) at least annually; however, because NPDES regulations state that monitoring and reporting frequencies should be dependent on the nature of the discharge, reporting may be more frequent than annually. NPDES permits may require the submittal of other required information, e.g., notices and permit documents (aside from reports on discharge and sludge use/disposal), on other frequencies. Frequency may range from ongoing to once every five years. The estimated time required per response ranges from 10 minutes (0.17 hours) for sludge permits to 6-7 hours for general stormwater and major industrial NPDES permits.

*States.* The estimated time required for state respondents for permit oversight recordkeeping ranges from a per-state aggregate of 0.33 hours for the CSO program to 50 hours for sludge programs to 300 hours for the NPDES program.

### **A.1.2 Individual Permits**

#### **A.1.2.3 Application Forms**

Below are NPDES application forms that are submitted initially for new permits and resubmitted upon permit renewal every five years. NPDES regulations at 40 CFR 122.21(a) require that any person, except those covered by general permits, who discharges pollutants or proposes to discharge pollutants to waters of the United States must apply for a permit. Further, 40 CFR 122.21(e) prohibits the permitting authority from issuing an individual permit until and unless a prospective discharger provided a complete application. These forms and the facilities that submit them are included in Table 2-1 in Item 2 of Section A (Justification) above. 40 CFR 122, Subpart B establishes NPDES permit application requirements. Application requirements are specific to the type of facility and discharge.

Due to the Specific Provisions Affecting Applications and Program Updates regulation, application Forms 1 through 2S and the accompanying instructions for each form have been updated to reflect revised regulations and enhanced for improved readability and clarity. Due to the wide variety in response times, the revised burdens for different types of application forms are discussed separately below.

**Form 1**

*Permittees.* Form 1 requirements apply to all nonmunicipal individual permits and individual stormwater permits. The estimated time required per permittee respondent for Form 1 ranges from 0.9 to 2.9 hours.

*States/federal.* The estimated burden hours for state/federal respondents to review Form 1 is 0.25 hours per form.

**Form 2B**

*Permittees.* Form 2B requirements apply to CAFOs and CAAP facilities covered under individual permits. The estimated time required per permittee respondent for Form 2B is 9.2 hours for CAFOs (8.7 hours to complete and submit the application and 0.5 hours to submit a nutrient management plan) and 5.5 hours for CAAP facilities.

*States/federal.* The estimated burden hours for state/federal respondents to review Form 2B is 0.5 hours per form.

**Forms 2C-2F**

*Permittees.* The estimated time required per permittee respondent for Forms 2C-2F ranges from 13.5 hours for Form 2E to 45.5 hours for Form 2D.

*States/federal.* Estimated burden hours for state/federal respondents to review Forms 2C-2F ranges from 0.5 hours to 2 hours per form.

**Form 2A**

*Permittees.* The estimated time required per permittee respondent for Forms for POTWs and PrOTWs (Form 2A - Basic, Form 2A - Part D, Form 2A - Part E, Form 2A - Part F, Form 2A - Part G) ranges from 4.7 to 24.7 hours. There are non-labor operating costs associated with Forms for POTWs and PrOTWs due to requirements for testing and analysis. See section A.2 for details.

*States.* Estimated burden hours for a state respondent to review Forms for POTWs and PrOTWs ranges from 0.67 hours to 4 hours per application.

**Form 2S**

*Permittees.* Form 2S requirements apply to POTWs and other treatment works treating domestic sewage. The estimated time required per permittee respondent for Form 2S is 9.1 hours.

*States/federal.* The estimated burden hours for state/federal respondents to review Form 2S ranges from 0.42 to 1.17 hours per form.

### ***Ocean Discharge Application***

*Permittees.* The estimated total hours per permittee respondent for applications for ocean discharges is 778 hours but no applications are anticipated for the three year-period for this ICR renewal.

*States/federal.* Estimated burden hours for state/federal respondents to review applications for ocean discharges is 88 hours per application. As stated above, no applications are anticipated for the three years covered by this ICR renewal.

#### **A.1.2.2 DMRs**

*Permittees.* NPDES regulations at 40 CFR 122.41(l)(4)(i) require that monitoring results must be reported on a DMR. In addition, regulations at 40 CFR 122.44(i)(2) require permittees to submit reports (on discharges and sludge use or disposal) at least annually; however, because NPDES regulations state that monitoring and reporting frequencies should be dependent on the nature of the discharge, reporting may be more frequent than annually. DMR preparation is expected to require about 2 hours per outfall. Some permittees, especially industrial facilities, have multiple outfalls. The required frequency of DMR reporting (monthly, bimonthly, quarterly, semi-annually, or yearly) depends on facility type and permit type. The implementation of the Electronic Reporting Rule did not change the time necessary to prepare the DMR..

*States/federal.* The estimated time required for state/federal respondents to review and process DMRs non-electronically is 10 minutes per DMR per outfall; additionally, 20 percent of the submitted DMRs are expected to require 30 minutes for follow-up.

#### **A.1.2.3 Reports**

- NPDES permits may require the submittal of other reports or required information, e.g., notices and permit documents (aside from reports on discharge and sludge use/disposal). Report activities in this category can include submission of notices to the permitting authority concerning the following:
  - Facility and Permit Transfer Report;
  - Permittee Report of Inaccurate Previous Information;
  - Alternate Level Reports;
  - Permittee Report of Planned Facility Changes;
  - Request for Water Quality-Based Effluent Limitations Modification;
  - Non-compliance Reports;
  - Compliance Schedule Reports; and
  - Unanticipated Bypass/Upset Reports.

*Permittees.* In general, the estimated time required per response for these activities ranges from 1 to 5 hours. There is no set frequency because these activities are often triggered by unplanned events. The frequencies used to derive the burden estimates are based on experience and assumptions regarding expected occurrence of each. The estimated time

required per respondent for preparing and submitting compliance schedule reports is 0.75 hours and occurs on an annual basis.

*States/federal.* The estimated time required for state/federal respondents to review and process notifications is typically 4 hours per notification but can take up to 20 hours for Permittee Report of Planned Facility Changes. The estimated time required for state/federal respondents to review and process compliance schedule reports is 0.25 hours for municipal and 4 hours for nonmunicipal permits.

#### **A.1.2.4 Permittee Monitoring**

##### ***Sampling***

*Permittees.* NPDES regulations at 40 CFR 122.44(i) and 122.48 require facilities discharging pollutants to waters of the United States to periodically evaluate compliance with the effluent limitations established in their permits and provide the results to the permitting authority. Estimates of the hours per response for DMR sampling are generally based on number of outfalls, reporting frequency, and duration and number of sampling episodes per reporting period. Typical sampling episodes are estimated to require about 2 to 2.75 hours each.

*States.* Any state activities related to monitoring data are covered under the analyses section below.

##### ***Analyses***

*Permittees.* This category refers to chemical analyses that are conducted in-house. Estimates of the hours per response for DMR analyses are generally based on 0.5 hours per parameter analyzed multiplied by the estimated number of outfalls, number of samples per response and number of parameters per sample.

*States/federal.* The estimated time required for state/federal respondents to review and process monitoring reports is 10 minutes and 0.5 hours for follow-up. The estimate of 10 hours for state respondents applies only to review of post-baseline monitoring data for coal remaining permits.

##### ***CSO Permittee Monitoring***

*Permittees.* EPA's CSO Policy requires monitoring to characterize the combined sewer system, support development of a long-term control plan, and demonstrate compliance with permit requirements. The estimated time required per respondent for CSO monitoring is 27 hours, 18 hours, 20 hours, and 2 hours for sampling, analysis, estimating flow parameters, and reporting, respectively. The frequency is semi-annually.

*States.* Any state activities related to CSO monitoring data are covered under section A.1.2.2 (DMRs).

### **A.1.2.5 CSO Notification**

*Permittees.* The estimated time required per respondent for CSO notification is 0.5 hours per sign for inspection and maintenance of notification signs and 5 hours for public advisories with a frequency of 10 times per year for public advisories. There are capital costs for replacement of signs (see section A.2 for details).

*States.* The estimated time for state oversight of CSO notification is 4 hours per permit every 5 years.

#### **A.1.2.5.1 CSO Notification for Overflows to the Great Lakes Basin**

*Permittees.* The estimated time required per respondent is 2 hours for the initial and supplemental notifications through public alerts per event. Maintenance of the alert system is estimated at 24 hours a year per permittee. Preparation and release of the annual notices is estimated to be 8, 16, and 24 hours for very small, small, and large facilities, respectively.

*States.* The estimated time for state review of the annual notice is 1 hours per notice.

### **A.1.2.6 Other**

Activities in this category include:

- Request for Modification, Revocation and Reissuance, or Termination;
- Section 308(a) Letters;
- New Introduction of Pollutants to POTWs;
- Notification of New or Increased Discharge;
- Permittee Notice of Regulated Discharge Cessation;
- Variance Request;
- Certifications;
- Documenting Nine Minimum Control Measures;
- Writing Long-term Control Plans;
- Part 435 Certification Oil and Gas Extraction; and
- BMP Development.

#### ***Request for Modification, Revocation and Reissuance, or Termination***

*Permittees.* Permittees may make a request for modification, revocation and reissuance, or termination of the NPDES permit. The estimated time required per respondent for preparing and submitting a request for modification, revocation and reissuance, or termination is 5 hours and occurs on an as-needed basis.

*States/federal.* The estimated time required for state/federal respondents to review and process request for modification, revocation and reissuance, or termination is 40 hours for each request.



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**Section 308 Requests**

*Permittees.* Section 308 of the CWA authorizes EPA to require the owner or operator of any point source to make reports and provide information as may be reasonably required to carry out the objectives of the CWA, including but not limited to developing effluent limitations, determining compliance with any such effluent limitation or standard. The time required per respondent for preparing responses to Section 308 requests can vary considerably and is estimated to be 5-8 hours, 50 hours, and 1,000 hours for routine requests and letters, medium complexity requests, and complex municipal facility requests, respectively. The frequency is on an as-needed basis.

*States/federal.* The estimated time required for state/federal respondents to review and process submitted information ranges from 1 to 20 hours depending on permit type.

**New Introduction of Pollutants to POTWs**

*Permittees.* NPDES regulations at 40 CFR 122.42(b)(1) require notification of any new introduction of pollutants into the POTW. The time required per respondent to prepare and submit to the permitting authority a notice of substantial change in the volume or character of pollutants being introduced into that POTW is estimated to be 3 hours and occurs at an approximate frequency of 200 per year.

*States/federal.* The time required to review and process each notice is 4 hours.

**Notification of New or Increased Discharge**

*Permittees.* NPDES regulations at 40 CFR 122.41(l) require permittees to provide notification of a new or increased discharge. The time required per respondent to prepare and submit to the permitting authority a notice of new or increased discharge is estimated to be 4 hours and occurs for 5 percent of all major and 3 percent of all minor nonmunicipal permits.

*States/federal.* The time required to review and process each notice is 4 hours.

**Permittee Notice of Regulated Discharge Cessation**

*Permittees.* Permittees are required to notify the permitting authority when a discharge has ceased. The time required per respondent to prepare and submit to the permitting authority a notice of cessation of a regulated discharge is estimated to be 4 hours and occurs annually for 2 percent of all major and 0.8 percent of all minor nonmunicipal permits.

*States/federal.* The time required to review and process each notice is 4 hours.

**Variance Request**

*Permittees.* NPDES regulations allow permittees to request variances from technology or water quality standards. Variance requests for individual permits include the following:

- Great Lakes Modification and Variance Request. The estimated burden is 418 hours.

- Variance Request for Fundamentally Different Factors. The estimated burden is 160 hours.
- Variance Request for Nonconventional Pollutants. The estimated burden is 150 hours.
- Variance Request for Innovative Pollution Control Technology. The estimated burden is 60 hours.
- Variance Request Regarding Thermal Discharges (New). The estimated burden is 400 hours.
- Variance Request Regarding Thermal Discharges (Renewal). The estimated burden is 4 hours.

The number of respondents for each type is based on assumed percentages of different types of permits. The frequency of occurrence is on an as-needed basis.

*States/federal.* The estimated time required for state/federal respondents to review and process variance requests ranges from 44 to 520 hours for each type of variance request. Time for review and processing of thermal discharge variance renewals is 1 hour.

#### ***Long-term Control Plans (LTCPs)***

*Permittees.* Consistent with EPA's CSO Policy, permittees are responsible for developing and implementing LTCPs that will ultimately result in compliance with the requirements of the CWA. The estimated time required per respondent to write an LTCP varies considerably depending on system size and on whether the system has already conducted studies. Respondent time can range from 300 hours for a small system that has existing studies to 6,000 hours for a large system without existing studies.

*States/federal.* The estimated time required for state/federal respondents to review and process LTCPs is 20, 33, and 53 hours for small, medium, and large combined sewer systems, respectively.

#### ***Documenting Nine Minimum Control (NMC) Measures***

*Permittees.* Consistent with EPA's CSO Policy, permittees should submit appropriate documentation demonstrating implementation of the NMC measures. The estimated time required per respondent for collecting necessary information for small, medium and large systems is 29 hours, 43 hours and 200 hours, respectively. EPA estimates that no municipalities will submit NMC documentation in the next 3 years.

*States.* No state respondent burden is anticipated for this activity.

#### ***Certification for Exemption from Monitoring and Notification of Process Changes***

The effluent limitations guidelines and standards regulations for 14 industrial categories (12 categories and 2 subcategories) allow dischargers to submit a certification to exempt them from monitoring one or more pollutants.

*Permittees.* The estimated time required per respondent for preparing certification for exemption documents will typically be one hour and with a frequency of once per year.

*States/federal.* The estimated time required for state/federal respondents to review and process certification documents is 1 hour for each certification.

#### ***Part 435 Certification Oil and Gas Extraction (Synthetic Based Drilling Fluid)***

*Permittees.* Under 40 CFR Part 435, operators may elect to use BMPs for control of discharges of synthetic-based drilling fluids cuttings. Permittees are required to certify that its BMP plan is complete, on-site, and available upon request to EPA or the NPDES permitting authority. The estimated time required per respondent for activities associated with certification of preparation and implementation of BMP plans for control of discharges of synthetic-based drilling fluids cuttings under 40 CFR Part 435 for oil and gas extraction permits is 787 hours and occurs at a frequency of once per year.

*Federal.* The estimated time required for federal respondents to review and process certification documents is 5.7 hour for each certification.

#### ***Pollution Prevention Alternative Certification (Pesticides Packaging and Repackaging)***

*Permittees.* The ELGs for the PFPR industry includes an option for a pollution prevention alternative discharge allowance. In accordance with 40 CFR 455.41, permittees are required to provide certifications that the pollution prevention alternative is being implemented in the manner set forth in the permit. The estimated time required per respondent for preparing pollution prevention alternative certifications for pesticides formulating, packaging, and repackaging category facilities is 20 hours and occurs annually.

*States/federal.* The estimated time required for state/federal respondents to review and process certification documents is 1 hour for each certification.

#### ***BMP Development***

*Permittees.* NPDES permits for certain industrial facilities may require the development and implementation of BMP Plans, which may include review and amendment of the BMP Plan as well as refresher training. The estimated time required per respondent is 50 hours for amendment and review of BMP Plans for certain industrial permits and 40 hours for associated refresher training. Recurrence is on an as-needed basis for the BMP plan and semi-annually for the training.

*States.* The estimated time required for state respondents for BMP plan review is 5 hours.

#### ***A.1.2.7 Great Lakes***

The activities in this category apply to NPDES permittees that discharge within the Great Lakes watershed and are subject to EPA's Great Lakes Water Quality Guidance. [Placeholder for explanation of updates to WQS ICR once approved.]

*Permittees.* Activities include:

- Great Lakes Antidegradation Demonstration with bioaccumulative chemicals of concern (BCCs).<sup>3</sup> The estimated burden is 22.2 hours and 11.1 hours for municipal and nonmunicipal permits, respectively.
- Great Lakes Antidegradation Demonstration without BCCs. The estimated burden is 14.8 hours and 7.4 hours for municipal and nonmunicipal permits, respectively.
- Great Lakes pollutant minimization plan (PMP) Implementation. The estimated burden is 1.2 hours and 1.4 hours for municipal and nonmunicipal permits, respectively.
- Great Lakes Approvable Strategy. The estimated burden is 104 hours and 142 hours for municipal and nonmunicipal permits, respectively.
- Great Lakes Annual Report. The estimated burden is 20.9 hours and 32.4 hours for municipal and nonmunicipal permits, respectively.
- Great Lakes Bioconcentration Studies. The estimated burden is 73 hours.
- Great Lakes Collecting Data and Monitoring for WET Limits. The estimated burden is 10,877 hours total and 6,841 hours total for all municipal and nonmunicipal permits, respectively.
- Great Lakes WQBEL Compliance Monitoring. The estimated burden is 0.5 hours.

Frequency ranges from ongoing for PMP implementation to annually for monitoring and strategies/studies/reports to once every 5 years for antidegradation demonstrations.

*States.* The burden applies only to the 7 Great Lake states and the estimated time required per state respondent ranges from 4 to 8 hours for each item.

### **A.1.3 National Pretreatment Program**

The activities in this category are related to the administration of the pretreatment program and all activities were grouped and allocated on the basis of the type of respondent. Below is a list of the possible types of input variables:

- Total number of SIUs;
- Total number of CIUs;
- Total number of dental offices;
- Total number of approved pretreatment programs;
- Number of approved states; and
- Estimated number of new pretreatment programs over the next three years.

Burden estimates for each respondent type in the Pretreatment ICR were updated using the current estimate of the number of each respondent type listed above (see Appendix D). Historically, ICIS-NPDES has been a poor source of information regarding respondent numbers related to the pretreatment program. There are no capital or start-up costs.

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<sup>3</sup> The criteria for when an antidegradation demonstration must be performed are different for bioaccumulative chemicals of concern (BCCs) and non-BCCs.

Burden estimates for POTWs, IUs, state, and federal government are associated with the following types of activities related to the Pretreatment Program:

- Program development (POTWs and state/federal);
- Program implementation (POTWs, IUs and state/federal);
- Limits modification requests and removal credits (POTWs and IUs);
- POTWs as users of the data (POTWs);
- Recordkeeping (POTWs, IUs and states);
- States as users of the data; and
- Reporting (POTWs and IUs).

*Industrial Users.* The underlying assumptions regarding burden estimates for IUs are summarized in Table A-1. Certain IU activities are presented as percentages to reflect that they are projections, based on the IU universe.

**Table A-1. Summary of Burden Assumptions Related to IUs**

Industrial User Activity	Frequency	Burden (hours)
Baseline monitoring and report	New sources equivalent to 2 percent of CIUs per year	42.3
IU compliance schedule progress report	25 percent of new sources per year	4
IU compliance attainment analysis and report	New sources equivalent to 2 percent of CIUs per year	34.3
IU resampling compliance report	10 percent of all IUs per year excluding 1,500 Pesticides Formulating Packaging & Repackaging (PFPR) facilities	17
IU self-monitoring compliance sampling and report <sup>a</sup>	Once every 5 years excluding PFPR facilities	14.5–16.6
Pollution prevention plans	10 percent of PFPR facilities per year	20
Minimum monitoring requirements for Paper Mills in specific categories	10 mills per year	826
Pollution prevention compliance alternative; transportation equipment cleaning	84 facilities per year	209 - 235
Best management practices for Paper Mills in specific categories	10 facilities per year	617
Request for coverage under a general control mechanism	Once every 5 years for two percent of all IUs	0.5
Periodic certifications	7,770 IUs per year in 12 categories <sup>b</sup>	1
IU slug load notification	100 SIUs per year	2
Notification of changed discharge	1,000 SIUs per year	4
Bypass notification	1,427 SIUs per year	5 - 7
Notification of changed monitoring location	50 SIUs per year	1
Slug control plan	10 percent of all new CIUs and 5 percent of new non-categorical SIUs per year	2
Alternative limits modification request	10 percent of all new CIUs	2
Net/gross adjustment request	2 per year	50
Dental office one-time compliance report	Once per new office and office transferring ownership	1.27

- <sup>a</sup> These assumptions are carried forward from the Pretreatment Streamlining ICR.
- <sup>b</sup> Industrial categories include but are not limited to, Electroplating and Metal Finishing; Electrical and Electrical Components; Steam Electric Power Generating; Pulp, Paper, and Paperboard; Centralized Waste Treatment; Pharmaceutical Manufacturing; Pesticide Chemicals; Aluminum Forming.

*POTWs.* The underlying assumptions regarding burden estimates for POTWs are summarized in Table A-2.

**Table A-2. Summary of Burden Assumptions Related to POTWs**

POTW Activity	Frequency	Burden (hours)
POTW pretreatment program approval request	Once per request. See Appendix D.	250
POTW pretreatment compliance schedule progress report	46 per year	5
Annual POTW report	One per year for each POTW	40
Issuance of discharge permits or other control mechanisms for SIUs	Once every 5 years for each POTW-regulated IU	20
Inspection and sampling of CIU and SIUs	One per year for SIUs; one per 2 years for CIUs	8
CIU and SIU effluent analysis	One per year for SIUs; one per 2 years for CIUs	15.2
Establish mass limits	One percent of estimated 12,000 facilities in 14 industrial categories with pretreatment standards	8
Establish equivalent concentration limits	4 percent of estimated 420 CIUs in categories eligible for concentration-based limits	8
Public notification of significant noncompliance	One third of POTWs per year	3
Evaluation of the need to revise local limits	Once every 5 years for each POTW	50
Removal credit applications	1.3 per year	125
Removal credit self-monitoring reports	1.3 per year	40
Recordkeeping	One per year for each POTW	100
Review dental office one-time compliance reports	Once per new office and office transferring ownership	0.75

*States/federal.* Some activities performed by authorized states are performed by EPA Regions where EPA is the Control Authority. Table A-3 includes assumptions for both.

**Table A-3. Summary of Burden Assumption Related to States**

State Activity	State Frequency	EPA Frequency	Burden (hours)
Issuance of SIU discharge permits	Once every 5 years for each IU with a permit	Same	20
Inspection and sampling of CIU and SIUs	One per year for 8.5 percent of SIUs; one per 2 year for CIUs	NA	8
CIU and SIU effluent analysis	One per year for 8.5 percent of SIUs; one per 2 year for CIUs	NA	15.2

State Activity	State Frequency	EPA Frequency	Burden (hours)
Public notification of significant noncompliance	One third of 85 POTWs in 5 states per year	NA	3
Evaluation of the need to revise local limits	Once per 5 years for 85 POTWs in 5 states	NA	50
POTW pretreatment compliance schedule progress report	34 per year	NA	2
POTW pretreatment program approval request	2.3 per year	NA	40
POTW pretreatment program modification approval request	234 per year	NA	20
Baseline monitoring report-new sources	17 per year	5 per year	24
IU compliance schedule progress report-new sources	4 per year	1 per year	1
CIU compliance attainment report-new sources	17 per year	5 per year	2
IU resampling compliance report	176 per year	56 per year	4
IU/SIU self-monitoring compliance report categorical SIUs	882 twice per year	280 twice per year	2
IU/SIU self-monitoring compliance report non-categorical SIUs	1,074 twice per year	341 twice per year	1
PFPR P2 Plan-modifications	13 per year	4 per year	3
Periodic certifications	1,269 per year	406 per year	1
IU slug load notification	47 per year	15 per year	0.25
Notification of changed discharge	85 per year	27 per year	2
Annual POTW reports	1,171 per year	NA	20
Review of Inspection and sampling of IU and SIU effluent data	16,449 per year	599 per year	0.5
Pretreatment Compliance Inspection (PCI)	937 per year	NA	24
Evaluation of the need to revise local limits	234 per year	NA	1
Net/Gross adjustment request	2 per year	NA	10
Removal credit approval	2 per year	NA	80
Removal credit self-monitoring report review	19 per year	NA	1
Maintenance of records by Approval Authority	36 approved states per year	1 per year	50
Maintenance of monitoring records by Approval Authority	Once per year for each SIU in non-approved states <sup>1</sup>	1 per year	5
Dental office one-time compliance reports	Once per new office and office transferring ownership	Once per new office and office transferring ownership	0.75

"NA" indicates there is no burden to EPA for the activity.

<sup>1</sup> There is additional burden due to States that act as Control Authorities.

*Federal.* Table A-4 below presents the assumptions related to EPA pretreatment program oversight activities.

**Table A-4. Summary of Burden Assumption Related to EPA Program Oversight**

Federal Activity	Frequency	Burden (hours)
State pretreatment program approval request	Once per request. See Appendix D.	325

Federal Activity	Frequency	Burden (hours)
POTW pretreatment compliance schedule progress report <sup>a</sup>	12 per year	2
POTW pretreatment program approval request <sup>a</sup>	2 per year	40
POTW pretreatment program modification approval request <sup>a</sup>	2 per year	20
Annual POTW reports <sup>a</sup>	405 per year	20
Pretreatment compliance inspection (PCI)	324 per year	24
Review of Inspection and sampling of IU and SIU effluent data <sup>a</sup>	5,690 per year	0.5
Evaluation of the need to revise local limits <sup>a</sup>	81 per year	1
Categorical determination request	0 per year	20
Fundamentally different factors variance request	0 per year	400
Removal credit approval request <sup>a</sup>	1 per year	80
Removal credit self-monitoring report <sup>a</sup>	6 per year	1

<sup>a</sup> For these activities, burden is apportioned to the Federal Government only where the Federal Government is the Approval Authority.

#### **A.1.4 Stormwater**

##### **A.1.4.1 Phase I MS4s**

NPDES regulations at 40 CFR 122.26 require Phase I MS4s to file applications, submit reports, conduct monitoring, and develop and update stormwater management plans. Specific activities related to Phase I MS4s include:

- Applications;
- Reports;
- Monitoring; and
- Other activities.

Underlying assumptions regarding burden estimates are described below.

#### **Applications**

*Permittees.* The estimated time per permittee required to prepare and submit an MS4 permit application is 60 hours and 80 hours for small and large MS4 systems, respectively. The frequency is once every 5 years.

*States/federal.* The estimated time required for state/federal respondents to review and process MS4 permit applications is 20 hours for both small and large MS4 systems.

#### **Reports**

*Permittees.* Reports under this category include compliance schedule reports at 0.75 hours per response, facility and permit transfer reports at 3 hours per response, permittee report of inaccurate previous information at 2 hours per response, and permittee report of planned facility changes at 4 hours per response. The estimated time required per respondent for preparing and submitting annual reports is 250 hours.



*States/federal.* The estimated time required for state/federal respondents to review and process permit reports is 8 hours, 1.6 hours, and 40 hours for petitions, small MS4 reports and Phase I MS4 reports, respectively.

### ***Permittee Monitoring***

*Permittees.* The estimated time per permittee required for each sampling response is 73 hours. The estimated time per required sampling analysis is 41 hours. Both are estimated to occur 20 times per year.

*States.* State activities related to permittee monitoring data are covered under section A.1.2.3.

### ***Other Activities***

*Permittees.* Activities and time required in this category include updating stormwater management plans (SWMPs) at 200 hours per response and Section 308(a) Letters at 8 hours per response. SWMPs are updated once every 5 years and EPA estimates that the Agency will receive 24 petitions for EPA to require industrial facilities discharging through the MS4 to obtain individual NPDES permits and 31 Section 308(a) Letters per year.

*States/federal.* The estimated time required for state/federal respondents to review and process SWMPs is 20 hours.

#### ***A.1.4.2. Non-municipal Stormwater Permits***

Activities in this category include only individual permit applications submitted by industrial stormwater dischargers.

*Permittees.* The estimated time per permittee to complete a Form 1 application is 2.9 hours for a new permit and 0.9 hour for a renewal. The estimated time to complete a Form 2F application is 28.1 hours.

*States/federal.* The estimated time required for state/federal respondents to review and process a Form 1 application is 0.5 hours.

### ***A.1.5 General Permits***

#### ***A.1.5.1. Phase II MS4s***

NPDES regulations at 40 CFR 122.30 through 122.37 establishes requirements for Phase II MS4s. Permittee activities related to Phase II MS4s include:

- NOIs; and
- Reports.

### ***NOIs***

*Permittees.* The estimated time per permittee to prepare and submit an NOI is 60 hours and occurs once every 5 years.

*States/federal.* The estimated time required for state/federal respondents to review and process each NOI is 4 hours.

### **Reports**

*Permittees.* Reports under this category include compliance schedule reports at 0.75 hours per response, facility and permit transfer reports at 3 hours per response, permittee report of inaccurate previous information at 2 hours per response, permittee report of planned facility changes at 4 hours per response, and annual reports at 100 hours per response. EPA estimates that 5 percent of MS4 permittees will submit compliance schedule reports and all permittees will submit an annual report. Other reports are submitted infrequently.

*States/federal.* The estimated time required for state/federal respondents to review and process permit reports ranges from 1 to 20 hours per report.

#### **A.1.5.2. Stormwater Industrial Permits**

NPDES regulations at 40 CFR 122.44 and 122.48 establish certain requirements related to stormwater industrial permits. Activities related to Stormwater Industrial General Permits (i.e. MSGP and all state-issued stormwater industrial general permits) include:

- NOIs;
- DMRs;
- Monitoring/Inspections;
- Reports; and
- Other activities.

It is assumed that the changes made to the MSGP in 2021 will be applied to all state-issued stormwater industrial general permits during the period of this proposed ICR. Therefore, the burden updates described in the [insert MSGP ICR title number] have been applied to all underlying assumptions regarding burden estimates described below.

### **NOIs**

*Permittees.* The estimated average time per permittee to prepare and submit an NOI is a weighted average of 1.6 hours based on 1.5 hours for state-administered permits and 4.1 hours for EPA-administered permits which includes additional time for the one third that report endangered species. Frequency is once every 5 years.

*States/Federal.* The estimated time required for state/federal respondents to process NOIs is 0.25 hours.

### **DMRs**

*Permittees* The estimated average time to prepare and submit a DMR ranges between approximately 0.25 hours to 2.25 hours per respondent. The response burden and annual response frequency for each type of monitoring is summarized below.

#### **DMR Submittal Burden by Monitoring Activity**

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Activity	Hours Per Response	Frequency Per Year
DMR submittal - PAH indicator monitoring	1.92	0.8
DMR submittal - pH, TSS, COD Indicator Monitoring	0.36	4
DMR submittal - Impaired Waters	0.12	0.46
DMR submittal - Sector Specific Benchmarks	0.36	Varies by sector
DMR submittal - ELGs	0.26	Varies by sector

*States/federal.* The estimated time required for state/federal respondents to process DMRs is 0.16 hours per DMR plus 0.5 hours for follow-up of 20 percent of submissions.

### ***Permittee Monitoring and Inspections***

*Permittees.* The estimated average time per permittee to conduct sampling is 2.25 hours. The frequency is the same as for DMRs.

The estimated average time to conduct a site inspection and complete the inspection report is 1 hour. The estimated average time to conduct a visual assessment and complete the associated documentation is 1 hour. The MSGP requires these activities to be performed quarterly (four times per year).

The estimated average time to complete and submit an annual report is 1 hour.

*States/federal.* State/federal activities related to monitoring and inspection data are covered under the DMRs and Reports sections.

### ***Reports***

*Permittees:* Reports under this category include permittee report of inaccurate previous information at 2 hours per response, permittee report of planned facility changes at 4 hours per response, permittee report of anticipated noncompliance at 5 hours per response, and permittee report of numeric effluent limit exceedance at 1 hour per response.

*States/federal.* The estimated time required for state/federal respondents to review and process permit reports ranges from 4 to 20 hours. The estimated time required for state/federal respondents to assist permittees that are required to submit numeric effluent limit exceedance report is 2 hours. Approximately 5 percent of annual reports will require 1 hour of EPA follow-up.

### ***Other Activities***

Activities in this category include NOT submission, developing new SWPPPs, updating existing SWPPPs, corrective action/AIM documentation, ESA criterion C eligibility form and worksheet submission, historic properties preservation eligibility information submission, new discharges and new sources to water quality-impaired waters related information submission, new discharges to federal CERCLA sites eligibility documentation, and Section 308 requests.

*Permittees.* The estimated average time per permittee to prepare and submit an NOT is 0.5 hours and 8 hours each to update an existing SWPPP or prepare a Section 308 requests. The average time to develop a new SWPPP is estimated at 80 hours. The estimated average time per permittee to document their corrective actions/AIM responses is 1 hour. The estimated average time per permittee to prepare and submit an ESA criteria C eligibility form and selection worksheet are 2.5 and 0.5 hours, respectively.

The estimated average time per permittee to contact the relevant State or Tribal Historic Preservation Office (SHPO/THPO) in writing is 4.5 hours. The estimated average time per permittee to meet the information collection and submittal requirements applicable to new discharges and new sources to water quality-impaired waters once each permit term is 1.5 hours.

The estimated average time per permittee to meet the notification requirements applicable to new discharges to federal CERCLA sites once each permit term is 1.5 hours.

*States/federal.* The estimated time required for state/federal respondents to review and process NOTs is 0.25 hours. The estimated average time required for state/federal respondents to review a SWPPP is 1 hour.

The estimated time required for state/federal respondents to review and follow up on a Criterion C form is 0.25 hours. Additionally, the estimated time to resolve an ESA issue is estimated at 0.5 hours.

The estimated average time required for state/federal respondents to assist the permittees that have to contact the SHPO/THPO with regard to historic properties eligibility is 1 hour. The estimated average time required for state/federal respondents to assist the permittees that are subject to the new discharges and new sources to water quality-impaired waters is 1 hour.

The estimated average time required for state/federal respondents to assist permittees that may be subject to federal CERCLA site discharge eligibility requirements is 2 hours.

#### **A.1.5.3. Stormwater Construction**

Activities related to Stormwater Construction General Permits include:

- NOIs/NOTs;
- Inspections;
- Reports; and
- Other activities.

NPDES regulations at 40 CFR 122.28(b)(2) require submission of an NOI for permit coverage. Preparation and submission of NOTs are required by general permits. Stormwater site inspections and other activities are required by the general permit. Specific reports are required by NPDES regulations at 40 CFR 122.41.

Underlying assumptions regarding burden estimates are described below.

***NOIs/NOTs***

*Permittees.* The estimated average time per permittee to prepare and submit an NOI is 1.5 hours for large sites and 3.7 hours for small sites and occurs once. Those requiring an ESA evaluation will require 6 and 20 hours for informal and formal evaluations, respectively. The estimated average time to prepare and submit a NOT is 0.5 hours.

*States/federal.* The estimated average time to process and review is 1 hour for NOIs and 0.25 hours for NOTs.

***Permittee Inspections***

*Permittees.* The estimated average time per permittee to conduct stormwater site inspections is 0.25 hours for small and 0.5 hours for large construction sites.

*States/federal.* Site inspection data is normally stored at the construction site. Any related state/federal activities are covered under the Reports section below.

***Reports***

*Permittees.* Reports in this category include permittee report of planned facility changes, facility and permit transfer report, permittee report of inaccurate previous information, permittee report of anticipated noncompliance, unanticipated bypass/upset reports, maximum daily violation reports, and other noncompliance reports. The estimated average time per permittee to prepare these reports ranges from 2 to 5 hours.

*States/federal.* The estimated time required for state/federal respondents to review and process permit reports ranges from 4 to 20 hours.

***Other Activities***

Activities in this category include requesting waiver certification, development of SWPPPs, monitoring, and Section 308(a) letters.

*Permittees.* The estimated average time per permittee to prepare a waiver certification request is 1 hour. The estimated average time to prepare an SWPPP is 22.7 and 36.4 hours for small and large construction sites, respectively.

*States/federal.* The estimated average time to process and review waiver certification requests and SWPPPs is 1 hour each.

***A.1.5.4. Non-Stormwater***

The activities in this category apply to general permits issued to cover classes of facilities with similar type discharges with different permits tailored to the class of facility. Activities related to non-stormwater general permits include:

- NOI;
- DMR;

- Monitoring and Inspection;
- Reports; and
- Other activities.

NPDES regulations at 40 CFR 122.28(b)(2) require submission of an NOI for permit coverage. Preparation and submission of NOTs, DMRs, conducting stormwater site inspections and other activities are required by general permits. Specific reports and DMRs are required by NPDES regulations at 40 CFR 122.41.

Underlying assumptions regarding burden estimates are described below.

### ***NOI***

*Permittees.* The estimated average time per permittee to prepare and submit an NOI is 1 hour.

*States/federal.* The estimated average time to process and review an NOI is 0.25 hours.

### ***DMR***

*Permittees.* The estimated average time per permittee to prepare and submit a DMR is 2 hours with frequency ranging from monthly to annually.

*States/federal.* The estimated average time to process and review DMRs is 0.27 hours (10 minutes plus 30 minutes for follow-up of 20 percent of DMRs)

### ***Permittee Monitoring and Inspection***

*Permittees.* The estimated average time per permittee to conduct sampling and inspection is 2.25 hours and analysis is 1.5 hours. Frequency is the same as for DMRs.

*States/federal.* State/federal activities related to permittee monitoring and inspection data are covered under the DMR section above.

### ***Reports***

Reports in this category include: permittee report of planned facility changes, facility and permit transfer report, permittee report of inaccurate previous information, permittee report of anticipated noncompliance, unanticipated bypass/upset reports, maximum daily violation reports, and other noncompliance reports.

*Permittees.* The estimated average time per permittee to prepare these reports ranges from 2 to 5 hours.

*States/federal.* The estimated average time to process and review these reports ranges from 1 to 20 hours.

### ***Other Activities***

The only activity in this category is Permittee Notice of Regulated Discharge Cessation.

*Permittees.* The time required per permittee to prepare and submit to the permitting authority a notice of cessation is estimated to be 1 hour and occurs annually for 1 percent of all non-stormwater general permits.

*States/federal.* The estimated average time to process each notice 4 hours.

#### **A.1.5.5. Pesticides Applicators**

The activities in this category are related to general permits for discharges from the application of pesticides included in the Pesticide Applicators ICR (OMB control no. 2040-0284; EPA ICR no. 2397.02). All activities are related to either the estimated 365,000 pesticide applicators or the NPDES authorized states. Burden estimates were derived for the total responses and total burden hours for each respondent type. There were no O&M, capital, or start-up costs. These estimates were then updated based on a current estimate of the number of pesticide applicators and number of authorized states shown in Appendix D. Burden estimates are associated with the following four types of activities related to the NPDES program:

- Activities directly related to obtaining coverage under a general permit (e.g., NOI);
- Activities associated with development of a plan (or worksheet);
- Monitoring; and
- Reporting.

Underlying assumptions regarding burden estimates are described below.

#### ***Pesticide Applicator General Permit NOI filing***

*Permittees.* NPDES regulations at 40 CFR 122.28(b)(2) require submission of an NOI for coverage under a general permit. Pesticide applicators will take 2 hours to complete each NOI. EPA estimates 0.05 percent will require formal ESA-related evaluation by the Services (20 hours) and 0.1 percent requires an informal evaluation by the Services (6 hours). An estimated 2.5 percent of the regulated universe will need to file an NOI. The PGP designates specific applicators required to submit an NOI.

*States/federal.* Permitting authorities will spend 0.5 hours processing each NOI.

#### ***Pesticide Applicator General Permit NOT filing***

*Permittees.* The PGP requires submission of a Notice of Termination (NOT) form within 30 days of the occurrence of one of several different triggering events identified in the permit. Pesticide applicators will spend 0.5 hours filling out an NOT. As stated above, only certain applicators are required to file an NOI and thus an NOT; representing an estimated 2.5 percent of the regulated universe.

*States/federal.* Permitting authorities will spend 0.25 hours processing each NOT.

### **Plan Development**

*Permittees.* The PGP requires certain NOI filers to develop a Pesticide Discharge Management Plan. Fifty three percent of NOI filers will be required to develop a Pesticide Discharge Management Plan (40 hours). Twenty five percent of the plans will be updated annually with the average time of 2 hours.

*States/federal.* State/federal activities related to Pesticide Discharge Management Plans are covered under the NOI section.

### **Permittee Monitoring**

*Permittees.* Monitoring is required in any NPDES permit to demonstrate compliance with the permit conditions. Monitoring requirements apply from the time any authorized Operator begins discharging under the PGP. Estimated time to perform monitoring ranges from 1 to 16 times per year depending on size of operation. Each monitoring activity is estimated to take 0.25 hours.

*States/federal.* State/federal activities related to monitoring data are covered under the reports section below.

### **Reports**

*Permittees/states/federal.* The PGP requires the submission of various reports, among them, an annual report, adverse incident report, reports of planned changes, and reports of noncompliance. Table A-5 below presents a summary of assumptions regarding report submissions.

**Table A-5. Assumptions for Pesticide Applicator Reports**

<b>Report</b>	<b>Permittees (Percent)</b>	<b>Permittee Hours</b>	<b>Permit Authority Hours<sup>a</sup></b>
Annual report	1.4	8	1
Adverse incident	0.01	4	2
Corrective action	0.1	5	0
Planned facility changes	0.1	4	0.5
Anticipated noncompliance	0.1	5	2
Inaccurate previous information	0.05	2	1
Noncompliance	0.05	5	2

<sup>a</sup> States and federal

#### **A.1.6 Animal Sector**

The activities in this category apply to activities related to NPDES permits for CAFO and CAAP facilities and all activities were divided and allocated on the basis of the type of respondent. Below is a list of the possible types of respondents.

- Authorized states for CAFOs;
- CAFO facilities;
- New CAFOs per year;



- Authorized states for CAAP; and
- CAAP facilities.

Burden estimates were derived for each respondent type. These estimates were then updated using the current estimate of the number of each respondent type (see Appendix D). Burden estimates are associated with six types of activities related to the NPDES program:

- Activities directly related to individual permit applications or permit coverage under a general permit (NOIs);
- Activities associated with plan development or special studies;
- Reporting, including certification;
- Recordkeeping; and
- Activities resulting from compliance assessments.

EPA has revised the burden estimates based on developments in the industry. Over time, many of the activities required as a result of the 2003 NPDES Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs) have become part of standard business practice and USDA standards and guidelines. USDA standards are specifically designed to guide farmers as they implement improved waste management practices to keep pace with the changing demands of the industry. USDA has issued extensive guidelines on these practices, including the requirements for Comprehensive Nutrient Management Plans, the practice standards developed by the USDA Natural Resources Conservation Service (NRCS), the Field Office Technical Guides, and the Agricultural Waste Management Field Handbook. Farmers are motivated to adhere to the USDA guidelines in part because of their own environmental stewardship goals, but also because operations that want to receive USDA financial or technical support are required to follow USDA guidelines to ensure continued eligibility for USDA programs. The combined effect of these external forces is that over time a number of activities required in EPA's original CAFO regulations have become standard industry practice, including regular visual inspections and manure and soil sampling. Thus, EPA concluded that these activities are no longer directly attributable to the NPDES regulations and should not be included in the ICR burden estimates. As a result, the substantial reductions in CAFO burden estimates carried over in this ICR reflect the changes that have occurred since the implementation of the CAFO rule. In addition, there continues to be significant consolidation in the industry, so far fewer facilities exist that might be subject to regulation; this is reflected in the CAFO permit numbers in Appendix D.

*Permittees.* Table A-6 presents the underlying assumptions used to derive the source ICR burden estimates. Table A-7 presents burden assumptions for CAFO and CAAP facilities.

**Table A-6. Underlying Assumptions for Animal Sector Permittees**

Assumption	Value (Percent)
Percent CAFOs in non-CAFO authorized states (MA, NH, and NM)	0.62

Percent CAFOs covered by general permits	70.0
Annual CAFO inspection rate	20.0
Flow through and recirculating commercial facilities	166
Flow through and recirculating non-commercial facilities	178
Net pen facilities	15
Total number of CAAP permittees in non-authorized states	17
Percent of CAAP permittees seeking general permit coverage	52
Burden to develop/update NMP (hours)	170

**Table A-7. Summary of Burden Assumption for CAFO and CAAP Facilities**

Activity Description	Frequency	Hours per Response
<b>CAFOs</b>		
Read rule, determine requirements and plan	Once	3
Complete notice of intent for general permit	Once every 5 years	9.2
Develop/update NMP	Once every 5 years	170
Prepare and submit annual report	Yearly	2
Recordkeeping	Yearly	80
Inspection	Once every 5 years	4
<b>CAAPs</b>		
Complete notice of intent for general permit	Once every 5 years	2
BMP plan development	Once every 5 years	40
BMP training	Yearly	6
BMP plan	Once every 5 years	1.25
Investigational new animal drugs (INAD) program sign-up report	Occasionally/As Needed	1
INAD or extra-label use report	Occasionally/As Needed	1.5
Structural failure report	Occasionally/As Needed	5
Spill report	Occasionally/As Needed	2
Inspection, cleaning, maintenance & repair records	Ongoing	103 to 118

*States/federal.* Table A-8 presents a summary of the burden assumptions for state/federal respondents.

**Table A-8. Summary of State/Federal Burden Assumption for Animal Sector**

Activity Description	Frequency	Hours per Response
Program modification	Occasionally/As Needed	80
Review/process permits and NMPs	Every 5 years	50
Public hearings/notice	Every 5 years	20
Other noncompliance reports (CAFO permittees)	Occasionally/As Needed	2
Report receipt (INAD program sign-up, spill, structural failure)	Occasionally/As Needed	0.5
CAFO facility inspection	Once every 5 years	16
Annual report review, all permitted CAFOs	Annual	4
Research on environmental effects of INAD	Occasionally/As Needed	3

Activity Description	Frequency	Hours per Response
Determination of site-specific limits for INAD	Occasionally/As Needed	3
Notify state fish & wildlife department	Occasionally/As Needed	0.5
Review cause of failure and past reports to evaluate effectiveness of practices	Occasionally/As Needed	1

### A.1.7 Cooling Water Intake Structures

#### A.1.7.1. Cooling Water Intake Structures Phase I - New Facilities

The activities in this category are related to application and recordkeeping regulation established by the section 316(b) New Facility Rule (66 FR 65256; December 18, 2001). The regulation applies to industrial facilities constructed after January 2002 that withdraw significant quantities of cooling water from waters of the U.S. The rule requires new facilities to submit several distinct types of information as part of their NPDES permit application. In addition, the rule requires new facilities to maintain monitoring and reporting data as outlined by the permitting authority in their NPDES permits.

Below is a list of the types of respondents for which updated estimated respondent numbers were used to develop burden estimates:

- Average annual number of new CWIS facilities;
- Average annual number of new CWIS permits; and
- Average annual CWIS permit renewals.

Burden estimates were derived for each respondent type from the previous ICR and were updated using the current estimate of the number of each respondent (see Appendix D).

*Permittees.* Table A-9 presents the estimated burden hours and frequency per facility for first-time permit renewal applications and initial compliance activities. Table A-10 presents the estimated burden hours and frequency per facility for recurring activities that apply to all new CWIS facilities.

**Table A-9. Estimated Facility Burden Hours for Initial Application and Compliance Activities for New CWIS Facilities**

Permittee Application and Initial Compliance Activity	Frequency	Burden (hours)
Start-up activities	Once per new permit	43
Permit application activities	Once per new permit	146
Source waterbody flow information	Once per new permit	104
Source water baseline biological characterization data	Once per new permit	265
CWIS flow reduction requirements (Track I)	Once per new permit with closed cycle recirculating system (CCRS)	108
CWIS velocity requirements (Track I)	Once per new permit with CCRS	138
Design and construction technology plan (Track I)	Once per new permit with CCRS	108
Comprehensive demonstration study plan (Track II)	Once per new permit without CCRS	271
Source water baseline biological characterization study	Once per new permit without CCRS	5,196

Permittee Application and Initial Compliance Activity	Frequency	Burden (hours)
(Track II)		
Evaluation of potential CWIS effects (Track II)	Once per new permit without CCRS	1,626
Verification monitoring plan (Track II)	Once per new permit without CCRS	128
Freshwater verification study (Track II)	Once per new permit without CCRS with freshwater	92
Estuary verification study (Track II)	Once per new permit without CCRS with estuarine water	122
Initial biological monitoring for impingement (freshwater)	Two years per new permit with freshwater	379
Initial biological monitoring for impingement (estuary)	Two years per new permit with estuary	482
Initial biological monitoring for entrainment (freshwater)	Two years per new permit with freshwater	614
Initial biological monitoring for entrainment (estuary)	Two years per new permit with estuary	776

**Table A-10. Estimated Facility Burden for Recurring Activities for New CWIS Facilities**

Permittee Recurring Activity	Frequency	Burden (hours)
Permit renewal activities	Once every 5 years	72
Source waterbody flow information	Once every 5 years	31
Source water baseline biological characterization data	Once every 5 years	79
CWIS flow reduction requirements (Track I)	Once every 5 years	108
CWIS velocity requirements (Track I)	Once every 5 years	75
Design and construction technology plan (Track I)	Once every 5 years	43
Comprehensive demonstration study plan (Track II)	Once every 5 years	80
Source water baseline biological characterization study—freshwater (Track 2)	Once every 5 years	2,808
Source water baseline biological characterization study—marine (Track 2)	Once every 5 years	5,268
Reduced biological monitoring for impingement (freshwater)	Annual per permit with freshwater	191
Reduced biological monitoring for impingement (estuary)	Annual per permit with estuary	244
Reduced biological monitoring for entrainment (freshwater)	Annual per permit with freshwater	308
Reduced biological monitoring for entrainment (estuary)	Annual per permit with estuary	392
Velocity monitoring	Annual per permit	163
Inspection of installed technologies	Annual per permit with once-through cooling	253
Yearly status report activities	Annual per permit	348

*States/federal.* Table A-11 presents the estimated burden hour and frequency for state agencies and EPA acting as the permit authority.

**Table A-11. Estimated State Agency and EPA Activity Burden Associated with New CWIS Facilities**

State/Federal Activities	Frequency	Burden (hours)
Permitting authority permit issuance activities	Once per new permit with CCRS	188

(Track I)		
Permitting authority permit issuance activities (Track II)	Once per new permit with once-through cooling	646
Verification study review	Once per new permit	21
Annual permitting authority activities	Annual per permit	50

#### **A.1.7.2. Cooling Water Intake Structures Phase III - New Offshore Oil and Gas Facilities**

The activities in this category are related to NPDES application, monitoring, and recordkeeping requirements established by the 316(b) Phase III Rule (71 FR 35006; June 16, 2006). This regulation applies to offshore oil and gas facilities that commence construction after July 17, 2006. The permitting authority for all offshore oil and gas facilities is the Federal Government and thus there is no burden for state or local governments.

Below is a list of the types of respondents for which updated estimated respondent numbers were used to develop burden estimates:

- Average annual new offshore oil & gas facilities applying for an NPDES permit;
- Average annual new offshore oil & gas re-applying for an NPDES permit; and
- Average annual new offshore oil & gas facilities performing annual activities.

Burden estimates were derived from the previous ICR for each respondent type and were updated using the current estimate of the number of each respondent type (see Appendix D).

*Permittees.* Table A-12 presents the estimated burden hours and frequency per facility for permit renewal applications. Table A-13 presents the estimated burden hours and frequency per facility for recurring activities that apply to all new Phase III CWIS facilities.

**Table A-12. Estimated Facility Burden for Initial Permit Renewal Applications and Compliance Activities**

Permittee Initial Application Activity	Frequency	Burden (hours)
Start-up activities	Once per new permit	43
Permit application activities	Once per new permit	51
Source water body flow information	Once per new permit	38
CWIS velocity information	Once per new permit	150
Design and construction technology plan	Once per new permit	36
Source water baseline biological characterization study	Once per new permit	166

**Table A-13. Estimated Facility Burden for Recurring Activities**

Permittee Recurring Activity	Frequency	Burden (hours)
Start-up activities	Once every 5 years	13
Permit application activities	Once every 5 years	13
Source water body flow information	Once every 5 years	11

Permittee Recurring Activity	Frequency	Burden (hours)
CWIS velocity information	Once every 5 years	45
Design and construction technology plan	Once every 5 years	20
Source water baseline biological characterization study	Once every 5 years	49
Biological monitoring for impingement	Annual per permit	530
Biological monitoring for entrainment	Annual per permit with entrainment requirements	370
Biological monitoring for entrainment (Alaska)	Annual per permit in AK with entrainment requirements	516
Velocity monitoring	Annual per permit	163
Visual inspections	Annual per permit	253
Yearly status report activities	Annual per permit	223

*States.* Offshore oil and gas facilities operate in federal waters, there is no state burden.

*Federal.* Table A-14 presents the estimated burden hours and frequency for federal oversight activities.

**Table A-14. Estimated Facility Burden for Federal Oversight**

Federal Permit Oversight	Frequency	Burden (hours)
Permitting authority permit issuance activities (per facility)	Once per new permit	229
Permitting authority permit renewal activities (per facility)	Once every 5 years	104
Annual Permitting authority activities (per facility)	Annual per permit	50

#### **A.1.7.3. Cooling Water Intake Structures Existing Facilities**

The activities in this category are related to NPDES application and recordkeeping requirements defined under the 316(b) Existing Facility regulation). This regulation applies to industrial facilities constructed prior to January 2002 that withdraw significant quantities of cooling water from waters of the U.S. The regulation became effective October 14, 2014. A major component of the burden is associated with the preparation of permit application materials required under 122.21(r)(2)-(13) which must be submitted during the first permit renewal that occurs during the five year period after October 2014. Once a permit has been renewed, the burden will be associated with annual monitoring and reporting activities and the subsequent permit renewal applications for which the burden is significantly reduced compared to the initial renewal. The initial CWIS Existing Facility Rule ICR covered the burden associated with the three-year period from October 2014 through October 2017. Because the initial permit renewal was spread out over a five-year period and the initial ICR assumed minimal application burden in the first year, the burden included in the previous ICR included the final three of the initial permit renewal years which corresponded to the period with the highest burdens. This ICR reflects permit renewal applications and ongoing annual monitoring and reporting activities and the subsequent permit renewal applications.

Below is a list of the types of respondents for which updated estimated respondent numbers were used to develop burden estimates:

- Total power plants;
- Total power plants with a design intake flow (DIF) greater than 50 MGD;
- Total power plants with an actual intake flow (AIF) greater than 125 MGD;
- Total manufacturers with cooling water;
- Total manufacturers with an AIF greater than 125 MGD;
- Annual new power plant units; and
- Annual new manufacturer units.

Burden estimates were derived from the previous ICR for each respondent type and were updated using the current estimate of the number of each respondent type (see Appendix D).

*Permittees.* Table A-15 presents the estimated burden hours and frequency per facility for recurring activities that apply to all new CWIS facilities.

**Table A-15. Estimated per facility burden hours and frequency for recurring activities that apply to all existing CWIS facilities**

Annual activities	Frequency	Burden (hours)
Permit renewal activities	Once every 5 years	72
Compliance monitoring - all existing facilities (power plants and manufacturing)	Annual	357
Recurring reporting and recordkeeping - existing facilities (power plants and manufacturing)	Annual	11
Compliance monitoring - new units	Annual	90
Recurring reporting and recordkeeping - new units	Annual	20

*States/federal.* Table A-16 presents the estimated annual number of responses and burden hours per response for state agencies and EPA.

**Table A-16. Estimated annual number of responses and burden by facility type for state agencies and EPA**

Facility type	Average responses/ year		Burden hours/ response
<b>Permit application activities</b>			
	States	EPA	States and EPA
All existing CWIS facilities	2,753	73.3	72.7
New units	16	2	11
<b>Annual activities</b>			
All facilities	2,078	1,065	3

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### **A.1.8 Other**

#### **A.1.8.1. Industrial Facility "No Stormwater Exposure" Certification**

The no exposure provision of the stormwater regulations provides industrial facilities with industrial materials and activities that are sheltered from stormwater a simplified way of complying by certifying that there is no exposure to stormwater.

*Permittees.* The time to complete and submit an industrial facility "no exposure certification" is 0.75 hours.

*States/federal.* Permitting authorities will spend 1 hour reviewing and processing each certification.

#### **A.1.8.2. Airports**

The Airport Deicing regulation allows airports to certify that they are not using deicers containing urea for airfield pavement deicing operations to become exempt from permitting requirements.

*Permittees.* The time to complete and submit the certification is 1 hour.

#### **A.1.8.3. Alaska Lands**

*Permittees.* The application for Transportation and Utility Systems and Facilities on Federal Lands will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments. The estimated total hours per permittee respondent for submission of an application for Transportation and Utility Systems and Facilities on Federal Lands (Alaskan Lands Application) is 30 hours per application.

#### **A.1.8.4. NPDES eRule Phase 2 Extension**

The Electronic Reporting Rule includes both the initial one-time activities associated with the transition to electronic reporting (primarily in the first three years after promulgation) and ongoing activities, which reflect considerable burden reductions associated with data entry and document mailing. The Electronic Reporting Rule became effective December 21, 2015 and on September 23, 2020, the NPDES eRule Phase 2 Extension final rule was signed, which provides states and EPA additional time to implement electronic reporting for certain Clean Water Act discharge permitting requirements. In this final rule, EPA extended the compliance deadline for implementation of Phase 2 of the eRule by five years, from December 21, 2020 to December 21, 2025.

Phase 1 of the Electronic Reporting Rule required authorized state NPDES programs to electronically transmit basic facility and permit information to EPA within the first year.



After one year (by December 21, 2016) authorized programs began electronically transmitting their state data, including information generated from compliance assessment (e.g., inspections), violation determinations, and enforcement actions. Also, starting on December 21, 2016 permittees began submitting DMRs electronically. In addition, by this deadline, facilities permitted under the NPDES biosolids program where EPA is the control authority, began submitting annual reports electronically. The one-time implementation activities associated with Phase 1 have been completed. For the purposes of this ICR, the implementation activities are assumed to be mostly completed and only ongoing activities related to the Phase 1 and Phase 2 requirements will be included.

Under Phase 2, authorized programs have until December 21, 2025 to begin electronically collecting, managing, and sharing the Phase 2 NPDES program data. This information includes:

- General permit reports (NOI, NOT, No Exposure Certification (NOE), and Low Erosivity Waiver and Other Waivers from Stormwater Controls (LEW));
- Sewage Sludge/Biosolids Annual Program Report (where the state is the authorized NPDES biosolids program); and
- Other NPDES program reports (CAFO Annual Report, MS4 Program Reports, Pretreatment Program Reports, SIU Compliance Reports in Municipalities without approved Pretreatment Programs, Sewer Overflow Event Reports, CWA Section 316(b) Annual Reports).

Thus, the change in burden associated with conversion from paper to electronic reporting will occur within the three-year period covered by this ICR. As Phase 2 requirements for many other reports are phased in, EPA expects more reports will switch to electronic transmission.

*Permittees.* The ongoing burden for permittees includes 0.4 hours per respondent per year to periodically reset the passcode.

*States.* State agency activities include:

- Transfer of data from current state system to EPA system;
- Training and technical support;
- Required programmatic data entry;
- Data entry reduction—DMRs;
- Data entry reduction—reports; and
- DMR printing/ mailing (O&M savings see section A.2.2.9).

Underlying assumptions regarding burden estimates are described below.

### ***Transfer of Data***

The analysis assumes states currently operating their own systems will bear an ongoing annual cost to manage transfer of data between their system and EPA's. The annual burden

estimate per state is 2,080 hours and is based on an estimate of 1 full-time equivalent (FTE), or 2,080 hours, of programmer/technical labor per state per year.

### ***Training and Technical Support***

The analysis also assumes that each authorized NPDES program, whether it operates its own system or uses EPA's tools, will bear an ongoing annual cost to provide training and technical support to regulated entities. The estimated annual training and technical support burden per authorized state is 2 FTEs of programmer/technical labor per state per year or 4,160 hours of programmer/technical labor. This is a conservative estimate based on the upper end of the range reported in comments submitted by states.

### ***Required Programmatic Data Entry***

Ongoing data entry associated with states submitting required programmatic data to EPA is estimated to have a total annual labor burden of 85,445 hours.

### ***Operate and Maintain Changes in the ICIS-NPDES System***

The estimated annual EPA burden for ongoing activities to operate and maintain the necessary changes in the ICIS-NPDES system required by the rule is estimated at 16,389 hours per year.

#### ***A.1.8.5. Dental Offices***

*Permittees.* In the event a new dental office opens or a regulated dental discharger transfers ownership, the new owner must submit a One-Time Compliance Report (estimated to take 76 minutes or 1.27 hours per dental office).

Dental offices that use or remove amalgam would need to keep on-site records of inspections, cleaning, maintenance, repair, and recycling. EPA estimates that one percent of dental offices will need a repair for their amalgam separator and will need to keep a record of it. EPA estimates that recordkeeping will require 200 minutes (or 3.34 hours) of burden per dental office.

*States and POTWs.* EPA estimates a one-time burden of 45 minutes associated for Control Authorities (States and POTWs) to review and file each One-Time Compliance Report for ownership transfers and for newly opened dental offices.

#### ***A.1.9 General State Activities***

This category applies to permitting authority activities that are not directly attributable to the individual categories described above.

##### ***A.1.9.1. Certification of EPA-issued Permits***

When EPA issues NPDES permits, it must ensure that the permits are in compliance with state laws, including WQS. Under CWA Section 401, EPA may not issue a permit until the state certifies that the permit is in compliance with state laws. The respondents to this item are the estimated 637 entities including states, tribes, and U.S. territories that must certify EPA-issued permits. The average respondent burden is estimated to be 4 hours.

### **A.1.9.2. Inspection and Investigation**

Authorized states are required to maintain a “program for periodic inspections of the facilities and activities subject to regulation.” 40 CFR 123.26(b)(2). Under EPA’s *Clean Water Act National Pollutant Discharge Elimination System Compliance Monitoring Strategy* (available at <http://www2.epa.gov/compliance/clean-water-act-national-pollutant-discharge-elimination-system-compliance-monitoring>), authorized states prepare annual Compliance Monitoring Strategy (CMS) plans that articulate commitments for compliance assessment activities (e.g., inspections) and end-of-year reports that summarize CMS plan implementation over the prior year. EPA has developed a template for states to use when preparing CMS plans and end-of-year reports.

The various types of compliance monitoring activities conducted by permitting authorities include:

- Compliance Sampling Inspection (CSI). The estimated burden for this inspection is 120 hours.
- Compliance Evaluation Inspection (CEI). The estimated burden for this inspection is 24 hours.
- Performance Audit Inspection (PAI). The estimated burden for this inspection is 96 hours.
- Diagnostic Inspection (DI). The estimated burden for this inspection is 128 hours.
- Compliance Biomonitoring Inspection (CBI). The estimated burden for this inspection is 240 hours.
- Toxic Sampling Inspection (XSI). The estimated burden for this inspection is 280 hours.
- Reconnaissance Inspection (RI). The RI is the briefest of all NPDES inspections; the estimated burden for this inspection is 8 hours.

The list of compliance monitoring activities described above is not the complete set of activities that EPA and states conduct pursuant to the CMS. EPA estimates that on an annual basis for major facilities 9 percent receive CSIs, 68 percent receive CEIs, 6 percent receive PAIs, 1 percent receive CBIs, 0.4 percent receive XSIs, 18 percent receive RIs, and an additional 0.3 percent of municipal major facilities receive DIs. Of the minor facilities, 3 percent receive CSIs and 17 percent receive CEIs. In addition, 10 percent of industrial stormwater general permittees, 5 percent of large (> 5 acres) construction stormwater general permittees, 2.5 percent of small (1-5 acres) construction stormwater general permittees, 20 percent of Phase I MS4s, and one-seventh of Phase II MS4s receive RIs.

### **A.1.9.3. Submittal of Permit Information to EPA**

This item applies to requirements for authorized states to make available to EPA for review any information obtained or used in the administration of a state program. The burden estimate assumes that states must submit all major permits, about 5 percent of minor permits, and all general permits, as well as general program information collected as part of the application process. Time required is estimated to be 10 minutes each and applies to 70 percent of the major permits, 5 percent of the minor permits, and 100 percent of the

general permits transmitted to EPA. The remaining 30 percent of major permits require 2 hours of transmittal time.

#### **A.1.9.4. NPDES Program Authorization**

This category includes: state requests that an authorized program be transferred back to EPA, with a burden estimate of 480 hours; state requests for NPDES program modifications, with a burden estimate of 250 hours; and state requests for sewage sludge program approval under Part 501, with a burden estimate of 750 hours. EPA estimates that one state will request program authorization, one authorized state over the three-year period will request that an authorized program or program component be transferred, 12 over the three-year period will request program modification to update their legal authorities in response to the regulatory changes (e.g., rulemakings, state water quality standards revisions, etc.) anticipated in the NPDES program, and one over the 3-year period will request a sewage sludge program approval.

### **A.2 Estimating Respondent Costs**

Once burden hours are estimated, the next step is to estimate the labor cost for respondents and the capital costs required to complete each activity. The total cost for each respondent activity is composed of the following:

- Labor cost;
- O&M cost; and
- Capital/start-up cost.

The results of the respondents' costs analysis are presented in the Detailed Respondent Burden Results by Category table in Appendix B.

#### **A.2.1 Estimating Labor Costs**

When calculating respondent labor costs, EPA makes the following assumptions:

- EPA used a labor rate of \$52.36 per hour for all authorized state and territory respondent activities defined in this ICR. This hourly rate was based on the average hourly wage for state and municipal employees as determined by the U.S. Department of Labor<sup>4</sup>.
- The average hourly rate for municipal employees, which account for all POTW and MS4 costs, as determined by the U.S. Department of Labor, Bureau of Labor Statistics, is \$43.77 (including overhead costs of 50 percent)<sup>5</sup>.

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<sup>4</sup> Based on U.S. Department of Labor, Bureau of Labor Statistics, Table 3. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, by major occupational and industry group, June 2020.

<sup>5</sup> Updated rates are derived from the U.S. Department of Labor, Bureau of Labor Statistics, in a table titled May 2015 National Industry-Specific Occupational Employment and Wage Estimates NAICS 999300 - Local Government, excluding schools and hospitals (OES Designation), and adjusted to June 2020 dollars using the not seasonally adjusted Employment Cost Index (ECI) for state and local government employees.

- EPA assumes the average hourly rate in the private sector is \$62.05<sup>6</sup>.
- EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2020 General Schedule (2020-GS), the average annual salary of a government employee at the GS-9, Step 10 level is \$59,316. At 2,080 hours per year, the hourly wage is \$28.52. Assuming overhead costs of 60 percent, or \$17.11 per hour, the fully loaded cost of employment for a federal employee is \$45.63.

## A.2.2 O&M Costs

Most calculations in this ICR account for labor costs only. A facility incurs O&M costs when it uses services, materials, or supplies needed to comply with the rule's reporting and recordkeeping requirements that the facility will not use otherwise. Another type of O&M cost is for the purchase of contracted services such as laboratory analyses. The purchase of supplies such as filing cabinets and services such as photocopying or boat rental, is also considered O&M costs, and may also be referred to as ODCs. All costs presented in this section have been adjusted with the Consumer Price Index to September 2020 dollars. These costs are linked to the distinctive activities described below.

### A.2.2.1. Application Requirements for NPDES Permits

#### A.2.2.1.1. Testing and Contractors Costs for POTWs and PrOTWs

Assumptions and estimates for these O&M costs (i.e., testing/contractor costs) are detailed in Tables A-17 to A-19.

**Table A-17. Estimated Percent of POTWs that Perform Form 2A Pollutant Testing In-House**

Facility type	Basic conventional and nonconventional	Additional conventional and nonconventional	Priority pollutants and state WQS	Multiple species biomonitoring
< 0.1 mgd, no priority pollutants.	60	-	-	-
0.1–1.0 mgd, no priority pollutants.	80	80	-	-
Minors, with priority pollutants.	85	85	50	85
Majors, no priority pollutants.	85	85	10	75
Majors, with priority pollutants.	90	90	70	85

<sup>6</sup> Determined by the U.S. Department of Labor, Bureau of Labor Statistics, Total Compensation for Management, professional, and related; *Table 5. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by major occupational group and bargaining unit status, June 2020.*

**Table A-18. Estimated Percent of POTWs that Perform Form 2S pollutant Testing In-House**

Facility type	Basic conventional and nonconventional
NPDES POTWs	95
NPDES PrOTWs	95
Sludge Only POTWs	50
Sludge Only PrOTWs	50

**Table A-19. Testing/Contractor Costs (O&M costs)**

	Tests/year	Cost per test (\$)	Total \$
<b>Form 2A</b>			
Basic conventional and non-conventional	3	\$128	\$226,176
Additional conventional and non-conventional	3	\$257	\$287,583
Priority pollutants/state WQS	3	\$1,475	\$3,752,400
Multiple species biomonitoring	1	\$10,262	\$2,421,832
<b>Form 2S</b>			
NPDES and sludge-only facilities	1	\$257	\$80,184
<b>Section 308 Requests</b>			
Municipal (complex)	1	\$1,475	\$5,900
Nonmunicipal (medium)	1	\$1,283	\$5,774

**A.2.2.1.2. Postage for all Application Forms Submittal**

[Placeholder]

**A.2.2.2. Baseline Determination and Estimate of the Incremental Monitoring Burden and Cost for Remining Sites (DMR Sampling Analysis)**

EPA assumes that baseline determination monitoring and annual monitoring costs will be required for all the reporting requirements for mining sites in Indiana (5), Kentucky (7), and Tennessee (9). EPA assumes a sample analysis and mileage cost of \$37/sample adjusted to September 2020 using the CPI (Source: Baseline Standards and BMPs for the Coal Mining Point Source Category-Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory ICR; OMB control no. 2040-0239; EPA ICR no. 1944.03).

**A.2.2.3. Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category (DMR Sampling Analysis)**

To estimate O&M costs associated with these activities, EPA assumes that mills will send their collected samples to outside laboratories for analysis. Some facilities could perform in-house analysis for some pollutants (i.e., adsorbable organic halides (AOX) and/or chloroform). However, for the purposes of this ICR, EPA assumed that all analyses will be contracted to outside laboratories to express the full potential analytical costs of minimum

monitoring on Subparts B and E mills. In the future, facilities might elect to conduct analysis in house, particularly AOX analyses, because the monitoring requirement is daily.

Analytical costs performed at outside laboratories were taken from the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB control no. 2040-0243; EPA ICR no. 1878.02). These costs are \$197 for AOX, \$1,432 for TCDD/TCDF, \$818 for chlorinated phenolics, and \$441 for chloroform.

Seventy-five Subpart B Bleached Papergrade Kraft & Soda mills perform daily sampling for AOX, weekly sampling for chloroform, and monthly grab sampling for TCDD, TCDF, and chlorinated phenolics. Thirty-eight Subpart B Bleached Papergrade Kraft & Soda mills perform monthly composite sampling for TCDD, TCDF, and chlorinated phenolics. Five of the Subpart E Ca / Sodium / Mg Sulfite mills perform daily AOX sampling. Two each for the Subpart E Ammonium Sulfite and Specialty Grade perform monthly sampling for TCDD, TCDF, and chlorinated phenolics.

#### **A.2.2.4. Animal Sector Testing/Analysis and Public Notice Costs**

The Animal Sector includes O&M costs that account for state agencies issuing public notices and certain testing and analysis costs incurred by respondents that perform activities outside the normal operation practices. O&M costs are based on costs from the Consolidated Animal Sectors ICR (OMB control no. 2040-0250; EPA ICR no. 1989.10). The average cost for state agencies to issue a public notice was \$1,524 per notice and the average testing and analysis cost was \$82 per event. O&M for recordkeeping was assumed to be 10 percent of recordkeeping labor costs.

#### **A.2.2.5. Pretreatment**

There are O&M costs incurred by IUs for discharge monitoring. The total annual respondent O&M costs associated with this ICR are estimated to be \$2,772,491.

#### **A.2.2.6. CWIS O&M and ODC Costs**

##### **A.2.2.6.1 CWIS Phase I O&M and ODC Costs**

O&M and ODC costs are associated with multiple activities including flow, velocity and biological monitoring. EPA assumes that samples taken for the Source Water Baseline Biological Characterization Study to be included with the application will be analyzed by a contracted laboratory. For annual O&M costs, EPA assumes that entrainment monitoring sampling analysis will be performed by an outside laboratory. Table A-20 presents a summary of average O&M and ODC costs per permit for each activity category.

**Table A-20. Summary of CWIS Phase I O&M and ODC Average Annual Costs per Permit**

<b>Activity category</b>	<b>O&amp;M/ODC Cost</b>
Costs for NPDES permit application activities	\$37,278
Costs for NPDES permit renewal activities	\$32,225
Costs for NPDES permit annual activities	\$11,729

### **A.2.2.6.2. CWIS Phase III - New Offshore Oil and Gas Facilities O&M Costs**

Estimated O&M costs for permit application and permit renewal activities include \$1,073 for various ODCs. For annual O&M costs, EPA assumed that the analysis of impingement monitoring samples will be done on-site, while entrainment monitoring samples is performed by an outside laboratory. Laboratory analysis for entrainment samples is estimated to cost \$4,283 per year per facility. The ODCs associated with biological monitoring are estimated to be approximately \$939 per facility. Table A-21 presents a summary of the estimated annual O&M costs across all CWIS Phase III Facilities

**Table A-21. Summary of Estimated Annual Total O&M Costs for All CWIS Phase III Facilities**

<b>Activity Category</b>	<b>O&amp;M/ODC Cost</b>
Total facility cost estimates for NPDES permit application activities	\$6,441
Total facility cost estimates for NPDES permit application activities (renewals)	\$6,441
Total facility cost estimates for annual monitoring and inspection activities	\$916,327

### **A.2.2.6.3. CWIS Existing Facility O&M Costs**

O&M costs include costs for the operation and upkeep of capital equipment, cost for the purchase of contracted services, such as laboratory analyses, and the purchase of supplies such as filing cabinets and services such as photocopying or boat rental which are referred to as other direct costs (ODCs). Table A-22 presents a summary of the estimated annual O&M costs across all CWIS Existing Facilities.

**Table A-22. Estimated Annual O&M Costs for Existing Facility**

<b>Activity Category</b>	<b>O&amp;M/ODC cost</b>
Total facility cost estimates for NPDES permit application activities	
Total facility cost estimates for annual activities	

## **A.2.3 Capital/Start-up Costs**

Most calculations in the ICR account for labor costs only. The ICR does, however, account for certain capital and start-up costs incurred by respondents that perform activities outside the normal operating practices. All costs presented in this section have been adjusted with the Consumer Price Index to September 2020 dollars. These costs are linked to several distinctive activities.

### **A.2.3.1. CSO Control Policy (CSO Notification)**

The capital costs associated with public notification of CSO locations, events, and public health and environmental effects are included in this ICR. The costs are for municipalities to replace notification signs. From estimates presented in the previous CSO Control Policy ICR (OMB control no. 2040-0170; EPA ICR no. 1680.04) each sign will be replaced every 10 years which is equal to an average annual cost of \$13.



**A.2.3.2. Baseline Determination and Estimate of the Incremental Monitoring Burden and Cost for Remining Sites (DMR Sampling Analysis)**

EPA assumes that flow metering from an installed weir is required for mining sites in Indiana and Tennessee. For all other states, EPA assumes that flow metering is already required and installed as part of the state Rahall remining permit program.

For Indiana and Tennessee, EPA assumes installed weir costs of \$1,695 on the basis of an escalation of 2004 cost estimates from previous the Baseline Standards and BMPs for the Coal Mining Point Source Category-Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory ICR (OMB control no. 2040-0239; EPA ICR no. 1944.03) (originally from Weir & Flume Sales Company and Tarco Tech Industries). Indiana will have 5 sites/year × 4 preexisting discharge points/site. Tennessee will have 9 sites/year × 4 preexisting discharge points/site. These costs are annualized using a 7 percent discount rate and an estimated 10-year life for the weir.

**A.2.3.3. Start-up Costs for the Animal Sector**

Start-up capital costs for Animal Sector facilities include the \$39 purchase of a soil auger to collect soil samples and the \$47 purchase of a manure sampler. CAFOs will also need pay \$47 to install depth markers in their lagoons. All operations will need to expend an estimated \$1,510 to develop the NMP elements that pertain to the production area, including performing an engineering analysis of the waste storage volume requirements needed to comply with the CAFO rule.

**A.2.3.4. CWIS Phase I Purchase and Installation of Pilot Study Technology**

EPA anticipates that Track II facilities that operate once-through cooling intakes will perform pilot studies to determine the effectiveness of their chosen technology. For costing purposes, EPA is assuming that a pilot study will be performed using a Gunderboom system. EPA estimated the pilot study would cost \$331,000.

**A.2.3.5. CWIS Phase III New Offshore Oil and Gas**

EPA estimated that the initial permit application capital costs for installing a remote monitoring device for impingement monitoring at each facility was \$27,440.

## **Appendix B — Detailed Respondent Burden Results by Category**

Table B-1 presents the calculated respondent burden and cost estimates grouped by activity type and respondent type. This table includes a section for respondents that are permit holders (which can include both private and municipal entities) and a section for respondents which are states acting as the NPDES permitting authority.

(See attached PDF document)

## **Appendix C — Detailed Agency Burden Estimates**

Table C-1 presents a summary of the Agency burden associated with administration of individual permits similar to the state activities in Appendix B. Table C-2 presents a summary of the Agency burden that is associated with NPDES program oversight.

(See attached PDF document)

## **Appendix D — Number of Respondents in Each Input Category**

Table D-1 presents the number of respondents in each respondent input category. These values were used to derive the adjusted burden estimates to account for changes in the number of respondents from the previous ICR. Estimates for the number of respondents for each type of permit are based on data from either queries to the ICIS-NPDES database conducted in November 2020, EPA estimates, or values from previous ICRs.

(See attached PDF document)

## **Appendix E — Number of Unique Respondents**

Table E-1 presents a summary of the number of respondents in each permit category. Based on 2019 U.S. Census data, an estimated 96.34 percent of the U.S. population resides in the 48 states and 1 territory authorized to issue individual and general permits. This population percentage has been applied to the respondent values to estimate the distribution of those individual and general permittees that report directly to authorized states. As with the number of respondents in Appendix D, estimates for the number of unique respondents for each type of permit are based on data from either queries of the ICIS-NPDES-database conducted in November 2020, EPA estimates, or values from previous ICRs.

(See attached PDF document)

## **Appendix F — Copy of Regulation Authorizing Data Collection and Federal Register Notice**

### **F.1 Clean Water Act Section 402**

(See attached PDF document)

### **F.2 ICR Federal Register Notice**

(See attached PDF document)

## **Appendix G — Application Forms**

Forms included:

- Application Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, 2S;
- Construction General Permit NOI, NOT;
- Pesticide General Permit NOI, NOT, Annual Report;
- Multi Sector General Permit NOI, NOT, DMR, Annual Report, No Exposure Certification Form;
- Uniform Federal Transportation/Utility System Application Form
- One-Time Compliance Reporting Form for Dental Dischargers

(See attached PDF document)