

**Information Collection Request:
National Pollutant Discharge Elimination System
Modification and Variance Requests**

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U.S. Environmental Protection Agency
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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a). Title of the Information Collection

Title: National Pollutant Discharge Elimination System (NPDES) Modification and Variance Requests

EPA ICR Number: 0029.09

OMB Control Number: 2040-0068

1(b). Short Characterization/Abstract

This Information Collection Request (ICR) revises the 2003 ICR for National Pollutant Discharge Elimination System Modification and Variance Requests, OMB No. 2040-0068. This ICR renews burden and costs associated with modifications and variances made to NPDES permits and to National Sewage Sludge management program permit requirements. It was prepared according to the guidance contained in the Office of Environmental Information's (OEI's) 2005 *ICR Handbook*. The handbook is the Agency's most recent guidance document for preparing an ICR, and it follows the provisions of the Paperwork Reduction Act of 1995 and the OMB guidelines. The total respondent burden for the activities covered in this ICR is estimated as 280,224 hours, at a labor cost of \$10,423,930.

The Clean Water Act (CWA) authorizes EPA to issue permits for the discharge of pollutants to waters of the United States. EPA regulates point source discharges of pollutants to waters of the United States under its NPDES program. CWA section 402(b) allows states (defined to include Indian tribes and U.S. territories) to acquire authority for the NPDES program. This authority enables them to issue and administer NPDES permits. Municipal and nonmunicipal facilities that wish to discharge domestic wastewater, industrial wastewater, and other pollutants into waters of the United States must apply for permits under the NPDES program. Such permits contain limits on the amount of pollutants that these facilities may discharge and also impose other conditions on dischargers. The Sewage Sludge Management program regulates public and private treatment works that treat domestic sewage. These regulations are implemented through sludge conditions incorporated into treatment works' NPDES permits. At present, 45 states and the Virgin Islands have NPDES permit program authority, and 7 states have sewage sludge management program authority. As of the date this ICR was issued, no Indian tribes have been authorized to administer the NPDES program. In states that do not have authority for these programs, EPA issues and administers NPDES permits. Because some permit applications are processed by states and some by EPA, this ICR calculates government burden and costs for both states and EPA.

Modifications

Once an NPDES permit is issued, a facility is subject to the permit limits and conditions for the life of the permit (usually 5 years). However, events could occur during this period that would render the permit limits or conditions inappropriate. Some of these events are beyond the permittee's control; others might be directly related to the permittee's actions. For example, state water quality standards may be revised and affect the effluent limitations established in the permit. Alternatively, a permittee could expand its operation procedures or change its raw materials, altering the character of its discharge or the quality of the sewage sludge it generates. Responding to such events might require a modification of the NPDES or sewage sludge management permit conditions.

The causes that can lead to permit modifications are established in 40 CFR 122.62 and 122.63. In addition, the regulations specify information that a facility must report for EPA to determine whether a

permit modification is warranted. Each provision requires similar information; only the triggering requirement(s) are different.

Variations

The CWA provides that, before permit issuance, an NPDES permit applicant may request a variance from the conditions that would normally be imposed on the applicant's discharge. Although any interested party may request a variance, the applicant usually makes such requests. An applicant must submit information so the permitting authority can assess whether the facility is eligible for a variance and what deviation from CWA provisions is necessary. Permit limitations established in response to a variance request may be more or less stringent than those set by the CWA. The variances that an applicant may seek are discussed in section 4.b of this ICR.

The permitting authority collects modification and variance requests submitted by NPDES permittees and uses the information from these requests to determine whether the conditions or requirements exist that would warrant a modification or variance. Other uses of modification and variance request information are discussed further in section 2.b. The information required of NPDES and sewage sludge facilities represents the minimum information necessary to achieve the Agency's goals and satisfy regulatory standards.

Exhibit 1.1 presents a summary of the time and financial resources (burden) for NPDES facilities for submitting modification and variance requests. These resources will be expended by NPDES (and sludge) facilities for preparing modification and variance requests under the terms and conditions of their discharge permits and existing NPDES regulations. Exhibit 1.1 also presents a summary of the time that states will spend in reviewing, analyzing, and processing the data submitted by NPDES permittees requesting modifications or variances.

Exhibit 1.1. Summary of burden and costs, ICR for permittees and state government for NPDES modification and variance requests

Information item	Permittee burden (hours)	State burden (hours)	Permittee cost (\$)	State Cost (\$)
Request for water quality related effluent limitations modification	0	0	\$0	\$0
Permittee report of planned facility changes	5,392	26,097	\$191,872	\$943,930
Permittee report of anticipated noncompliance	8,365	16,195	\$335,910	\$585,773
Facility and permit transfer report	3,081	3,976	\$133,962	\$143,812
Permittee report of inaccurate previous information	2,132	4,127	\$82,166	\$149,273
Excessive discharge report	4,380	4,240	\$190,442	\$153,360
Permittee notice of regulated discharge cessation	1,317	5,099	\$57,263	\$184,431
Request for modification, revocation and reissuance, or termination	21,000	162,624	\$913,080	\$5,882,110
Variance report for fundamentally different factors	0	0	\$0	\$0
Variance request for nonconventional pollutants	1,350	4,530	\$58,698	\$163,850
Variance request for innovative pollution control technology	120	400	\$5,218	\$14,468
Variance request regarding thermal discharges (new)	3,200	2,400	\$139,136	\$86,808
Variance request regarding thermal discharges (renewal)	160	39	\$6,957	\$1,411
Variance request regarding discharge into waters	0	0	\$0	\$0
Total	50,497	229,727	\$2,114,704	\$8,309,226

In summary, this ICR estimates a burden of 50,497 hours annually for NPDES facilities at a cost of \$2,114,704. Burden for state governments is 229,727 hours annually at a cost of \$8,309,226. Burden for the federal government is 9,063 hours annually at a cost of \$327,808. Total respondent burden is

280,224 hours and total cost is \$10,423,930.

2. NEED FOR AND USE OF THE COLLECTION

2(a). Need/Authority of the Collection

Section 301 of the CWA authorizes EPA and states with NPDES authority to establish and modify NPDES permit conditions or to vary the effluent limitations established in NPDES permits. Section 405 of the act allows states with sludge management authority to issue and modify permits that regulate the use and disposal of sewage sludge. This ICR covers the data requirements necessary for a permitting authority to determine (1) whether NPDES or sewage sludge management permit conditions should be modified or (2) whether a request for a variance from certain NPDES permit conditions should be granted.

Modifications change the limits and conditions of existing permits without affecting the permit=s term. Information supporting modification requests is collected during the effective term of the permit. On the other hand, as provided for in the CWA, variances allow the effluent limitation requirements or time deadlines 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.

Exhibit 2.1 displays the citations in the CWA and the *Code of Federal Regulations* (CFR) that correspond to conditions that may warrant a permit modification or variance.

Exhibit 2.1. Authority for information collection items regarding requests for NPDES modifications and variances

Information item	CWA citation	CFR citation
Request for water quality related effluent limitations modification	Section 302(b)	40 CFR 122.21(m)(5), 122.21(n)(3)
Permittee report of planned facility changes		40 CFR 122.41(l)(1), 501.15(b)(12)
Permittee report of anticipated noncompliance		40 CFR 122.24(l)(2)
Facility and permit transfer report		40 CFR 122.41(l)(3)
Permittee report of inaccurate previous information		40 CFR 122.41(l)(8)
Excessive discharge report		40 CFR 122.42
Permittee notice of regulated discharge cessation		40 CFR 122.47(b)(4)
Request for modification, revocation and reissuance, or termination		40 CFR 122.41(h), 122.62, 122.64, 122.63, 124.5, 501.15(b)(8), 501.15(c)(2)
Variance report for fundamentally different factors	Section 301(n)	40 CFR 122.21(m)(1), 125.30
Variance request for nonconventional pollutants	Section 301(c) and (g)	40 CFR 122.21(m)(2)
Variance request for innovative pollution control technology	Section 301(k)	40 CFR 122.21(m)(4)
Variance request regarding thermal discharges (new)	Section 316(a)	40 CFR 122.21(m)(6)
Variance request regarding thermal discharges (renewal)		40 CFR 122.21(m)(6)
Variance request regarding discharge into marine waters	Section 301(h)	40 CFR 122.21(n)(1)

Congress intended the CWA “to restore and maintain the chemical, physical and biological integrity of the nation=s waters.” To reach this goal, Congress established the NPDES program under section 402 of the act. In addition, Congress established the Sewage Sludge Management Program under section 405 of the act.

The modification and variance requests discussed in this ICR provide some latitude in how permittees meet the CWA goals by taking into account individual financial and technical capabilities. For example, the request for water quality-related, effluent limitation modifications and the variance request for nonconventional pollutants are attempts to balance the economic and social costs of pollution abatement with its social benefits. However, progress toward meeting the CWA goals must be maintained even if such modifications or variances are granted.

Similarly, technically advanced permittees may seek variances that enable them to (1) develop innovative technologies to reduce pollutant concentrations beyond the current Best Available Technology Economically Achievable (BAT) limits or (2) experiment with changes to their physical plant that reduce the cost of attaining BAT limits. These variances promote the goals of the CWA by helping facilities develop more cost-effective pollution abatement techniques that other permittees can adopt in the future.

The modification and variance provisions of the CWA and 40 CFR sections 122.21, 122.62, 122.63, 124.5, and 501.5 also give authorized states with NPDES or sewage sludge management program authority and EPA the flexibility to respond quickly and efficiently to

- Advances in pollution control technology
- Legislative demands for more pollution control
- Changes in the operations of permitted facilities
- Corrections of inaccurate information provided in applications or routine reports

For example, the wastewater permittee report of planned facility changes gives the permitting authority advance notice of scheduled plant alterations so that permit conditions can be rewritten to take into account the effect(s) of those changes. Modification provisions also enable the permitting authority to rewrite permit effluent limitations to incorporate changes in state water quality standards.

Most modification requests pertain to day-to-day changes at a permitted facility. The permitting authority uses the information provided in these requests to determine whether the applicant meets the statutory and regulatory requirements for a permit modification. Decisions on permit modifications are typically made at the EPA Region or authorized state level.

On the other hand, variance requests relate to exceptional or major changes to permit requirements. Therefore, they are scrutinized closely by the permitting authority. Often, they are reviewed at EPA Headquarters, as well as at the EPA Regions. Even if variances are approved by the Regions or states, EPA Headquarters must usually concur before necessary before a variance may be granted.

2(b). Practical Utility/Users of the 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
- The progress toward achieving the goals of the CWA will continue if the modification or

variance is granted

Other uses for the information provided in these reporting items include

- Updating records on permitted facilities
- Supporting enforcement actions
- Overall program management, including policy and budget development and responding to congressional inquiries

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a). Nonduplication

EPA has examined all other reporting requirements contained in the CWA and 40 CFR Parts 122, 123, 124, 125, 403, 501, and 503. During the first cost analysis for modifications and variance requests, the Agency consulted the following sources of information to determine if similar or duplicate information is available elsewhere

- EPA Information Systems Inventory
- EPA Inventory of Information Collection Requests
- Federal Information Locator System

Previous examination of these databases revealed no duplicate requirements. EPA concluded that it has no other way to obtain the information addressed in this ICR.

3(b). Public Notice Required Prior to ICR Submission to OMB

The ICR was published in the *Federal Register* on March 7, 2006. The notice included a request for comments on the content and the impact on the regulated community. EPA received no comments.

3(c). Consultations

EPA finalized the requirements addressed in this ICR after receiving comments from the public and the regulated community. No formal consultations with persons outside EPA have occurred since the original consolidated modifications/variances ICR was written in 1985. However, the Agency does consider, and act on, the comments it receives in its daily dealings with the public and with the regulated community. EPA Headquarters staff responsible for program oversight in the applicable program areas were contacted to provide revised information and data for this ICR.

3(d). Effects of Less Frequent Collection

The information required is specific to the modifications and variances which permittees request and would not be supplied in any other report or application. The information collection and reporting requirements associated with NPDES permit modifications and variances 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 provide the permitting authority and EPA Headquarters with sufficient information to meet their responsibilities under the CWA.

3(e). General Guidelines

This information collection complies with Paperwork Reduction Act guidelines [5 CFR 1320.5(d)(2)]. Requests for supplemental information for the purposes of emergency response or enforcement activities are exempt from the Paperwork Reduction Act requirements.

3(f). Confidentiality

Permit modification and variance requests 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. Any claim of confidentiality must be asserted at the time of submission. However, CWA 308(b) specifically states that effluent data may not be treated as confidential.

3(g). Sensitive Questions

Reporting requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a). Respondents/SIC Codes

NPDES permits are required any time there is a discharge of pollutants from a point source to the waters of the United States, regardless of a discharger's industrial category. Consequently, industries of almost any category may apply for NPDES permits. A relatively large portion of permitted facilities, including municipal dischargers, are classified in the sewerage systems industrial category. (Standard Industrial Code [SIC] 4952). Other industrial categories covered by NPDES permits include facilities in more than 800 industrial classifications. If needed, EPA may request supplemental information from any permittee. The Agency may also request supplemental information from nonmunicipal facilities that discharge wastewater to publicly owned treatment works (POTWs).

Permit conditions related to sewage sludge use or disposal practices are required for any treatment works treating domestic sewage. These include POTWs, privately owned treatment works, and any other facility that treats or disposes of domestic sewage, as defined at 40 CFR Parts 501 and 503. Many treatment works covered by the sewage sludge regulations are classified in the sanitary service (SIC 495) industrial category.

Forty-five states and the Virgin Islands have received authorization from EPA to act as the NPDES permitting authority. Seven states have approved sludge management programs. Because they incur burden in administering the program, permitting authorities are considered respondents for the purposes of this ICR.

Exhibit 4.1 summarizes the number of permittees in the NPDES program. This information was obtained from EPA's Permit Compliance System (PCS) database, the NOI Center, the previous ICR,

and consultations with EPA staff and contractors. These estimates are valid as of August 2006.

Exhibit 4.1. Number of permittees in the NPDES and sludge¹ programs

Facility Type	Number of Permittees
Major dischargers	
Municipal	4,240
Nonmunicipal	2,251
Minor dischargers	
Municipal	10,772
Nonmunicipal	32,734
General permittees	101,007
Sludge facilities	
Municipal ¹	153
Nonmunicipal ¹	10
Permittee reports of inaccurate previous information ²	30

¹The number of sludge facilities does not represent the entire universe of sludge facilities. The numbers of municipal and nonmunicipal facilities represent the number of facilities required under their sewage sludge permit conditions to submit Permittee Reports of Planned Facility Changes and Anticipated Noncompliance.

²This number represents the number of sludge facilities required to submit Permittee Reports of Inaccurate Previous Information under sewage sludge use or disposal conditions.

4(b). Information Requested

The estimated number of respondents and associated burden estimates for each of the modification and variances options available are discussed below. The number of respondents and burden estimates were based on discussions with EPA staff and information from EPA databases.

Request for Water Quality Related Effluent Limitations Modification [40 CFR 122.21(m)(5) and 122.21(n)(3)]

Under CWA section 302(b), POTWs with NPDES permits may seek modification of the effluent limitations required by CWA section 302(a) for pollutants other than toxic pollutants. To do that, a POTW must show that there is no reasonable relationship between the economic and social costs of the limitation and the benefits obtained from achieving it. POTWs may also seek this type of modification by showing that the modified effluent limitations for toxic pollutants represent further progress toward achieving the goals of the CWA section 302(a). However, EPA notes that it has never received a request for this type of modification, and does not anticipate receiving such a request. Consequently, it is noted here only to ensure completeness.

Permittee Report of Planned Facility Changes [40 CFR 122.41(l)(1)]

Any planned alteration or addition to a permitted facility must be reported to the permitting authority when

- The change may meet one of the criteria at 40 CFR 122.29(b) for determining whether a facility is a new source
- The alteration or addition to the facility may significantly change the nature or quantity of discharged pollutants that are not subject to effluent limitations in the existing permit
- The alteration significantly changes the sewage sludge use or disposal practices

A Permittee Report of Planned Facility Changes applies to a change in the discharge of pollutants that are not already subject to the facility's permit requirements. When reporting planned facility changes, a permittee must provide a description of the planned alterations or additions and a statement outlining the

anticipated effects of the changes on the facility's discharge. The permitting authority may use the information submitted by the discharger to modify the NPDES permit before the planned facility changes are made.

Permittee Report of Anticipated Noncompliance [40 CFR 122.24(l)(2)]

The Permittee Report of Anticipated Noncompliance applies to a change in the discharge of pollutants that may result in noncompliance with existing permit limits. Changes in production or process are examples of activities that permittees must report. Permittees typically make this sort of report by a letter that explains the reasons for the anticipated noncompliance. The advance notice provided by this reporting requirement enables the permitting authority to modify a permit or help a permittee mitigate the effects of anticipated noncompliance on the receiving waters, or on the site or facility on which the sewage sludge is used or disposed.

Facility and Permit Transfer Report [40 CFR 122.41(l)(3)]

When a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. If the new owner agrees to abide by the conditions of the old permit, the notice of transfer must include a written and signed agreement containing a specific date for transferring responsibility, coverage, and liability between the new and former owners. The permitting authority uses this information to update permit records, evaluate the new discharge situation, and determine whether public notification and opportunity for comment are necessary.

Permittee Report of Inaccurate Previous Information [40 CFR 122.41(l)(8)]

Permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). Usually, permittees notify the permitting authority by letter. The permitting authority uses this information to set or modify permit conditions or to execute appropriate enforcement actions. The information is also used to update permit records.

Excessive Discharge Report [40 CFR 122.42 (a)(1) and (2)]

The Excessive Discharge Report requires that all manufacturing, commercial, mining, and silvicultural dischargers must notify EPA when they know or have reason to believe (1) that any activity has occurred or will occur that would result in discharge on a routine or frequent basis of any toxic pollutant that is not limited in the permit, if the discharge exceeds certain defined notification levels for pollutants; or (2) that any activity has occurred or will occur that would result in any discharge on a nonroutine or infrequent basis of a toxic pollutant that is not limited in the permit if that discharge will exceed notification levels. This report provides up-to-date, plant-specific information to the permitting authority, which uses it to decide whether permit modification or revocation and reissuance are necessary. Because NPDES permits are usually in effect for 5 years, reports of new toxic discharges enable the permitting authority to decide whether permit modification or revocation and reissuance is necessary in the interim.

Permittee Notice of Regulated Discharge Cessation [40 CFR 122.47(b)(4)]

A permittee's decision to cease its regulated discharge must be reported in writing to the permitting authority. The notification must be accompanied by evidence of a firm public commitment, such as a resolution passed by a corporation's board of directors. The permitting authority will establish and enforce a compliance schedule to accommodate the discharge termination using information received in the notice.

Permit Modification Revocation, and Reissuance, or Termination [40 CFR 124.5, 122.41(h), 122.62 and 122.64]

Permitting authorities may require permit modification, revocation and reissuance, or termination for several reasons. For example, national effluent standards may change, state water quality standards may change, or a facility may begin discharging significant amounts of a pollutant that is not limited by the permit. When permitting authorities consider making modifications, they request dischargers to submit information.

Variance Request Due to Fundamentally Different Factors [40 CFR 122.21(m)(1) and 125.30]

This item gives dischargers the opportunity to seek a variance from otherwise applicable effluent limits if they can show that their plants contain factors fundamentally different from those EPA considered when establishing national effluent limits. Applicants must request this type of variance in writing on or before the close of the public comment period on the draft permit for Best Practicable Control Technology Currently Available (BPT) standards, or within 180 days of the establishment of the effluent limitation or pretreatment standards for BAT, Best Conventional Pollutant Control Technology (BCT), New Source Performance Standard (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS). This request may take any number of forms, but is usually a letter. EPA has final approval authority for Fundamentally Different Factors (FDF) variances, although FDF variance requests denied at the state level in NPDES states are not forwarded to EPA for review.

Variance Request for Nonconventional Pollutants [40 CFR 122.21(m)(2)]

Dischargers may request variances from effluent limits for nonconventional pollutants (section 301(c) of the CWA). They must prove that discharging nonconventional pollutants at levels less stringent than BAT limits represents the maximum control that the facility owner or operator can afford. A request for such a variance must include documents, such as a financial statement, that show an easing of requirements will represent the best use of technology within the economic capability of the facility owner or operator.

Facility owners or operators may apply for a CWA section 301(g) variance if they can show that discharging nonconventional pollutants at limits less stringent than BAT limits will not interfere with the attainment or maintenance of water quality. This request must include such information as the permit number, the number of outfalls, applicable effluent(s), and water quality data that shows the modification will not impede improvements in, or hinder maintenance of, water quality.

EPA must approve all section 301(c) and (g) variances. However, these variance requests may be denied by the states with authority for the NPDES program.

Variance Request for Innovative Pollution Control Technology [40 CFR 122.21(m)(4)]

Nonmunicipal dischargers apply for this variance, which extends the compliance schedule for BAT up to 2 years. The variance gives dischargers an opportunity (1) to develop innovative technologies that will reduce pollutant concentrations beyond BAT levels, or (2) to experiment with in-plant changes to reduce the costs associated with attaining BAT limits. Requests for this variance must be filed in conjunction with NPDES permit applications. To qualify for this type of variance, the innovative pollution control system to be tested must have the potential for industry-wide application. The

permitting authority, after consultation with EPA, decides whether to grant this variance request.

Variance Request Regarding Thermal Discharges [40 CFR 122.21 (m)(6)]

Dischargers seeking this variance must demonstrate that the existing limitations on the thermal component of their discharges are more stringent than necessary to ensure the protection and propagation of indigenous fish, shellfish, and wildlife in the receiving water. The application of this variance includes a description of the studies performed and the results of biological, hydrological, and physical data gathered in support of the request. The permitting authority uses this information to evaluate alternative limits.

Application for Variance Regarding Discharge into Marine Waters [40 CFR 122.21(n)(1)]

POTWs may request a variance under CWA section 301(h) from the requirements of CWA section 301(b)1(B) for discharges into marine waters. This variance is administered by the Office of Wetlands, Oceans and Watersheds (OWOW), and is the subject of a separate ICR. Therefore, no respondent burden or cost associated with this requirement is reported in this ICR. This information collection and reporting requirement is noted here only in the interest of completeness.

5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a). Agency Activities

When permitting authorities receive modification and variance requests, they must review them for completeness. If a request is incomplete, the authorities must notify the applicant and request the missing information. Completed requests must be assigned to permit writers, who review the information in more detail as they develop permit conditions. Permitting authorities must also enter permit data into the Agency's database—PCS and ICIS.

EPA directly reviews and processes modification and variance requests in nonauthorized states. In addition, the Agency assists authorized states with some requests. In some cases, EPA also reviews state-approved variances. The Agency estimates that federal assistance or approval will be required as follows:

1. NPDES-authorized states will request assistance from EPA on 5 percent of reports submitted to them for each of the following items:
 - Requests for Modification, Revocation and Reissuance, or Termination of Permits
 - Wastewater Permittee Report of Planned Facility Changes
 - Wastewater Permittee Report of Anticipated Noncompliance
 - Facility and Permit Transfer Report
 - Wastewater Permittee Report of Inaccurate Previous Information
 - Excessive Discharge Report
 - Permittee Notice of Regulated Discharge Cessation
2. NPDES states review and recommend denial or approval of variance requests for FDF and

Nonconventional Pollutants. EPA is required to review each of these requests. Where the state is the permitting authority, the state may perform a voluntary initial review and make recommendations to EPA regarding the issuance of a variance. If an NPDES state recommends approval of either type of request, EPA will then review it and issue a final decision.

3. EPA oversees and provides assistance to authorized states who receive variance requests for Innovative Pollution Controls or Thermal Discharges.

5(b). Collection Methodology and Management

Improved information technology does not appear to provide opportunities to minimize respondent burden because of the unique nature of the information that respondents must submit as needed.

5(c). Small Entity Flexibility

The NPDES regulations do not specify different modification and variance requirements for small entities. All permittees, regardless of the size of their facilities, must submit modifications or variances if they are required for their industrial activity and facility operations.

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. In addition, small businesses interested in submitting variance requests may be less complex than for larger facilities. Consequently, the time and effort required to prepare a small facility's variance request may be less than that required to prepare a similar request for a more complex facility.

5(d). Collection Schedule

The data items covered by this ICR must be provided only when a permittee decides to seek a modification or variance or when an event beyond the permittee's control triggers a need for the information. In any event, the data items are submitted only when needed. Therefore, frequency of information collection is not an issue for the data items covered by this ICR.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a). Estimating Respondent Burden

6(a)(i). Estimating Applicant Respondent Burden

The burden on respondents for the preparation of modification and variance requests is generally the sum of the time required to read and understand the regulation, the time to plan the modification or variance request, and the time to write the modification or variance request. Some types of requests require additional information, such as the compilation of data, documentation, model analysis, legal briefs, and other requirements. Each of these requirements is described in this section. All assumptions of the percentages of permittees responding to each type of modification or variance request and time required to respond to each request are based on the assumptions of the previous ICR. Exhibit 6.1 lists the global information and assumptions used in this analysis including 2006 labor rates, numbers of facilities, and information sources.

Exhibit 6.1. Global information and assumptions

Labor rates		Information sources
Average federal and state employee salary:	\$36.17	2006 labor rates according to OPM (GS 9 Step 10) ¹
Average private sector salary:	\$43.48	Updated rates are derived from U.S. Department of Labor. ²
Average municipal sector salary:	\$25.13	Updated rates are derived from U.S. Department of Labor. ³
Facility numbers		Information Sources:
Major dischargers		
Municipal	4,240	EPA's Permit Compliance System (PCS)
Nonmunicipal	2,251	EPA's PCS
Minor dischargers		
Municipal	10,772	EPA's PCS
Nonmunicipal	32,734	EPA's PCS
General permittees	101,007	EPA's PCS
Municipal sludge facilities	153	2000 ICR estimate
Nonmunicipal sludge facilities	10	2000 ICR estimate
Use or disposal conditions (PRIPI)	30	2000 ICR estimate

¹U.S. Office of Personnel Management, 2006 General Schedule (2006-GS).

²U.S. Department of Labor, Bureau of Labor Statistics. Employer Costs for Employee Compensation, Table 5—Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by occupational and industry group, December 2005.

³U.S. Department of Labor, Bureau of Labor Statistics. May 2005 National Industry-Specific Occupational Employment and Wage Estimates.

Exhibit 6.2 summarizes the annual number of permittees estimated to respond to each type of modification or variance request. A summary of the respondent burden (hours and costs), not including state government burden, for each type of modification or variance request is presented in Exhibit 6.3.

Exhibit 6.2. Annual number of respondents

Item/Type of respondent	Existing number of permittees	Percentage of permittees responding per year	Total number of respondents
Request for Water Quality Related Effluent Limitations Modification		n/a	0
Permittee Report of Planned Facility Changes			
Major municipals	4,240	5.0%	212
Minor municipals	10,772	2.0%	215
Major nonmunicipals	2,251	5.0%	113
Minor nonmunicipals	32,734	2.0%	655
Municipals sludge facilities ¹	153	100.0%	153
Subtotal			1,348
Permittee Report of Anticipated Noncompliance			
Major municipals	4,240	1.0%	42
Minor municipals	10,772	1.0%	108
Major nonmunicipals	2,251	1.0%	23
Minor nonmunicipals	32,734	1.0%	327
Municipals sludge facilities ¹	153	100.0%	153
Nonmunicipals sludge facilities ¹	10	100.0%	10
General permittees	101,007	1.0%	1,010
Subtotal			1,673
Facility and Permit Transfer Report			
Major nonmunicipals	2,251	2.0%	45
Minor nonmunicipals	32,734	3.0%	982
Subtotal			1,027
Permittee Report of Inaccurate Previous Information			
Major municipals	4,240	1.0%	42
Minor municipals	10,772	2.0%	215
Major nonmunicipals	2,251	1.0%	23
Minor nonmunicipals	32,734	2.0%	655
Required by sludge use or disposal permit conditions ²	30	100.0%	30
General permittees	101,007	0.1%	101
Subtotal			1,066
Excessive discharge report			
Major nonmunicipals	2,251	5.0%	113
Minor nonmunicipals	32,734	3.0%	982
Subtotal			1,095
Permittee Notice of Regulated Discharge Cessation			
Major nonmunicipals	2,251	2.0%	45
Minor nonmunicipals	32,734	0.8%	262
General permittees	101,007	1.0%	1,010
Subtotal			1,317
Request for Modification, Revocation and Reissuance, or Termination		n/a	4,200
Variance Request for Fundamentally Different Factors		n/a	0
Variance Request for Nonconventional Pollutants		n/a	9
Variance Request for Innovative Pollution Control Technology			
Requests in Nonauthorized states		n/a	1
Requests in Authorized states		n/a	1
Variance requests regarding thermal discharges (new)			
Requests in Nonauthorized states		n/a	2
Requests in Authorized states		n/a	6
Variance requests regarding thermal discharges (renewal)		n/a	40
Variance Requests Regarding Discharges into Marine Waters		n/a	n/a
Total number of nonstate respondents			11,785
Total number of state respondents			46
Total number of respondents			11,831

¹The number of sludge facilities does not represent the entire universe of sludge facilities. The numbers of municipal and nonmunicipal facilities represent the number of facilities required under their sewage sludge permit conditions to submit Permittee Reports of Planned Facility Changes and Anticipated Noncompliance.

²This number represents the number of sludge facilities required to submit Permittee Reports of Inaccurate Previous Information under sewage sludge use or disposal conditions.

Exhibit 6.3. Annual respondent burden and costs (not including state or federal burden)

Item/Type of respondent	Number of respondents per year	Burden hours per respondent	Total hours	Respondent per hour labor cost	Total respondent costs
Request for Water Quality Related Effluent Limitations Modification	0	n/a	0	n/a	\$0
Permittee Report of Planned Facility Changes					
Major municipals	212	4.0	848	\$25.13	\$21,310
Minor municipals	215	4.0	860	\$25.13	\$21,612
Major nonmunicipals	113	4.0	452	\$43.48	\$19,653
Minor nonmunicipals	655	4.0	2,620	\$43.48	\$113,918
Municipal sludge facilities	153	4.0	612	\$25.13	\$15,380
Subtotal	1,348		5,392		\$191,872
Permittee Report of Anticipated Noncompliance					
Major municipals	42	5.0	210	\$25.13	\$5,277
Minor municipals	108	5.0	540	\$25.13	\$13,570
Major nonmunicipals	23	5.0	115	\$43.48	\$5,000
Minor nonmunicipals	327	5.0	1,635	\$43.48	\$71,090
Municipal sludge facilities	153	5.0	765	\$25.13	\$19,224
Nonmunicipal sludge facilities	10	5.0	50	\$43.48	\$2,174
General permittees	1,010	5.0	5,050	\$43.48	\$219,574
Subtotal	1,673		8,365		\$335,910
Facility and Permit Transfer Report					
Major nonmunicipals	45	3.0	135	\$43.48	\$5,870
Minor nonmunicipals	982	3.0	2,946	\$43.48	\$128,092
Subtotal	1,027		3,081		\$133,962
Permittee Report of Inaccurate Previous Information					
Major municipals	42	2.0	84	\$25.13	\$2,111
Minor municipals	215	2.0	430	\$25.13	\$10,806
Major nonmunicipals	23	2.0	46	\$43.48	\$2,000
Minor nonmunicipals	655	2.0	1,310	\$43.48	\$56,959
Required by sludge use or disposal permit conditions	30	2.0	60	\$25.13	\$1,508
General permittee	101	2.0	202	\$43.48	\$8,783
Subtotal	1,066		2,132		\$82,166
Excessive discharge report					
Major nonmunicipals	113	4.0	452	\$43.48	\$19,653
Minor nonmunicipals	982	4.0	3,928	\$43.48	\$170,789
Subtotal	1,095		4,380		\$190,442
Permittee Notice of Regulated Discharge Cessation					
Major nonmunicipals	45	1.0	45	\$43.48	\$1,957
Minor nonmunicipals	262	1.0	262	\$43.48	\$11,392
General permittees	1,010	1.0	1,010	\$43.48	\$43,915
Subtotal	1,317		1,317		\$57,263
Request for Modification, Revocation and Reissuance, or Termination	4,200	5.0	21,000	\$43.48	\$913,080
Variance Request for Fundamentally Different Factors	0	160.0	0	\$43.48	\$0
Variance Requests for nonconventional Pollutants	9	150.0	1,350	\$43.48	\$58,698
Variance Request for Innovative Pollution Control Technology					
Requests in Nonauthorized states	1	60.0	60	\$43.48	\$2,609
Requests in Authorized states	1	60.0	60	\$43.48	\$2,609
Variance Request Regarding Thermal Discharges (new)					
Requests in Nonauthorized states	2	400.0	800	\$43.48	\$34,784
Requests in Authorized states	6	400.0	2,400	\$43.48	\$104,352
Variance Request Regarding Thermal Discharges (renewal)	40	4.0	160	\$43.48	\$6,957
Variance Request Regarding Discharge into Marine Waters	n/a	n/a	n/a	n/a	n/a
Total			50,497		\$2,114,704

Request for Water Quality Related Effluent Limitations Modification [40 CFR 122.21(m)(5) and 122.21(n)(3)]

EPA has never received a request for this type of modification, and these requests are not anticipated in the future. Therefore, there is no burden associated with this type of modification. It is noted only to ensure completeness.

Permittee Report of Planned Facility Changes [40 CFR 122.41(l)(1)]

Respondents will use an estimated average of 4 hours to complete their notification of planned alterations and additions. This burden estimate includes 1 hour to read and understand the regulation, 1 hour to plan the report, and 2 hours to write the report. On the basis of recent discussion with EPA Headquarters and Regional staff, the annual number of respondents includes 5 percent of all major permittees and 2 percent of all minor permittees for a total of 1,195 annual NPDES respondents. An additional 153 treatment works will be required to respond to this information collection item because of their sewage sludge permit requirements. Thus, the total number of respondents to this information item equals 1,348.

Permittee Report of Anticipated Noncompliance [40 CFR 122.41(l)(2)]

Respondents will use an estimated average of 5 hours of labor for each report of anticipated noncompliance. This burden is divided as follows: 1 hour to read and understand the regulation, 1 hour of planning, 1 hour of information collection, and 2 hours for writing and submitting the report. The annual number of NPDES respondents is estimated to include 1 percent of all major permittees, 1 percent of all minor permittees, and 1 percent of all general permittees for a total of 1,510 annual NPDES respondents. An additional 153 municipal treatment works and 10 nonmunicipal permit works would be required to respond to this item because of their sewage sludge permit conditions. Thus, the total number of respondents equals 1,673.

Facility and Permit Transfer Report [40 CFR 122.41(l)(3)]

EPA estimates that the average respondent burden of this requirement would be 3 hours for each report. Necessary reporting activities include writing, typing, and mailing the cover letter and official notice. The annual number of respondents includes approximately 2 percent of all major nonmunicipals and 3 percent of all minor nonmunicipals for a total of 1,027 respondents.

Permittee Report of Inaccurate Previous Information [40 CFR 122.41(l)(8)]

The respondent's burden associated with this reporting requirement includes the time needed to verify the reporting error or omission, to prepare the revised form that details the reporting corrections, and to mail the information to the permitting authority. The time required under this regulation will vary depending on the size of the facility and the extent of the error or omission. EPA estimates a typical report requires 2 hours to prepare. The annual number of respondents is estimated to be 1 percent of all major municipal and nonmunicipals, 2 percent of all minor municipal and nonmunicipals, and 0.1 percent of all general permittees for a total of 1,036 respondents annually. An additional 30 facilities would be required to submit this information because of their sewage sludge use or disposal permit conditions. Thus, the total number of respondents to this information item equals 1,066.

Excessive Discharge Report [40 CFR 122.42 (a)(1) and (2)]

The respondent burden associated with this requirement would be 4 hours, including 1 hour to read and

understand the regulation, 1 hour to plan and gather information for the report, and 2 hours to write and prepare the report. No quantitative sampling and analysis is required to complete the Excessive Discharge Report. The annual number of 1,095 respondents would be composed of 5 percent of all major nonmunicipals plus 3 percent of all minor nonmunicipals.

Permittee Notice of Regulated Discharge Cessation [40 CFR 122.47(b)(4)]

When notifying the permitting authority of a facility's decision to cease regulated discharges, the respondent incurs 1 hour of burden to prepare, type, and mail a letter of intent. The annual number of respondents includes 2 percent of all major nonmunicipals, 0.8 percent of all minor nonmunicipals, and 1 percent of all general permittees for a total of 1,317 respondents.

Permit Modification, Revocation and Reissuance, or Termination [40 CFR 124.5, 122.41(h), 122.62 and 122.64]

The total annual number of permittees expected to request a modification of their effluent limitations is 8,316 or 5.5 percent of NPDES permittees. However, many of these are counted in other sections of this ICR. The total annual number of NPDES permittees expected to request a modification due to planned facility changes (1,348), excessive discharge reports (1,095), and reports of anticipated noncompliance (1,673) is 4,116. The total number of annual respondents reporting under 40 CFR 124.5 (those requesting modifications for permit modification, revocation and reissuance) is estimated as 4,200 (8,316 minus 4,116). The burden associated with permit modification, revocation and reissuance applies only to the 4,200 facilities.

An estimated 5 hours of respondent time would be necessary to provide the information requested by the permitting authority.

Variance Request Due to Fundamentally Different Factors [40 CFR 122.21(m)(1) and 125.30]

The burden for this type of variance request is high because of the level of detail required for this variance. Facilities that submit this request are often very complex, and writing and reviewing of this variance requires a detailed examination of the facility's operations.

Each variance request requires a total of 160 hours—20 hours to prepare a letter requesting a variance, 60 hours to develop a legal brief, and 80 hours to prepare attachments describing the processes, technologies, and equipment of the plant. There have been cases where many more FDF variance requests were submitted (e.g., in response to a recently promulgated effluent guideline), however, the burden associated with such a multitude of similar requests is much lower than 160 hours. An association or other organized group of respondents usually prepares a boilerplate document for member facilities to use in such cases. EPA does not anticipate any requests in the 3 years covered by this ICR.¹

¹Two effluent guidelines are under development: Airport Deicing and Drinking Water Treatment. For the Drinking Water Treatment Effluent Guidelines EPA is collecting and analyzing data on drinking water treatment technologies, direct and indirect discharges of residuals, and environmental impacts from the discharge of residuals. Based on such information, EPA will decide whether the promulgation of effluent guidelines is necessary by September 2007. A rule is not expected to be final before the expiration of the proposed ICR. For the Airport Deicing Effluent Guidelines EPA planned to publish a proposed rule in December 2007 and take final action by September 2009. Nevertheless, the any final decision has been postponed until December 2009 (Personal communication: Eric Strassler, Engineering and Analysis Division, EPA, October 2006) and any variance requests resulting from the rule are not within the period covered by this ICR

Variance Request for Nonconventional Pollutants [40 CFR 122.21(m)(2)]

Permittees seeking this type of variance incur a burden of 150 hours for each variance request. For a CWA section 301(c) request, the permittee must submit economic data that will demonstrate that the variance represents the best use of technology available to the permittee. A typical breakdown of the burden was determined for both the 301(c) and (g) variance requests. The 150-hour burden includes 30 hours to prepare a letter stating the request and providing the appropriate documentation, 40 hours addressing a response to each of the statutory factors, 40 hours analyzing a computer dilution model, and 40 hours analyzing the requested variance's impact on water quality criteria. The annual number of 9 respondents is based on numbers of previously received requests.

Variance Request for Innovative Pollution Control Technology [40 CFR 122.21(m)(4)]

Nonmunicipal dischargers seeking an extension under CWA section 301(k) would have an estimated burden of 60 hours. Of the 60 hours, 15 hours are required to write a letter of request, and 45 hours are necessary to document the permittee's claim. The annual number of respondents is based on the number of previously received 301(k) requests. It is estimated that 2 respondents will make this request per year, one in a delegated state and one in a non-delegated state.

Variance Request Regarding Thermal Discharges [40 CFR 122.21 (m)(6)]

The respondent's burden associated with the 316(a) request for variance includes 20 hours planning the request, 160 hours collecting biological data, 80 hours collecting hydrological data, 120 hours collecting physical data, and 20 hours preparing the request for submission to EPA. This burden estimate of 400 hours represents a typical request; however, EPA recognizes that the burden will vary depending on the complexity of the request. It is estimated that 8 thermal variance requests will be received each year, 6 in delegated states and 2 in non-delegated states. In addition, approximately 40 previously issued thermal discharge variances are renewed each year. The respondent burden for a reissued variance is estimated to be 4 hours.

Application for Variance Regarding Discharge into Marine Waters [40 CFR 122.21(n)(1)]

This variance is administered by the Office of Wetlands, Oceans, and Watersheds and is the subject of a separate ICR. Therefore, no respondent burden or cost associated with this requirement is reported in this ICR. This information collection and reporting requirement is noted here only in the interest of completeness.

6(a)(ii). Estimating State Respondent Burden

State government burden is also included under respondent burden for this ICR. Exhibit 6.4 below shows the burden for respondents, including state government, for each type of modification or variance request. EPA estimates the total state respondent burden for the activities covered in this ICR as 229,727 hours at a cost of \$8,309,226. The state and federal government burden for each type of modification or variance request is shown in Exhibit 6.5.

6(a)(iii). Total Respondent Burden

As detailed in Exhibits 6.3 and 6.4, EPA estimates the total respondent burden to be 271,188 hours.

6(b). Estimating Respondent Costs

The total cost for each respondent activity consists of the labor rate required for each modification and variance multiplied by the average hours necessary to prepare the modification or variance. Because EPA has determined that there are no capital or operation and maintenance costs associated with any of

the respondent activities, this ICR includes only labor costs in its estimates. Respondent costs for each type of modification and variance request are presented in Exhibit 6.3.

Exhibit 6.4. Annual respondent burden and costs (including state burden)

Item/Type of respondent	Respondent burden	State burden	Respondent costs	State costs	Total burden hours	Total costs
Request for water quality related effluent limitations modifications	0	0	\$0	\$0	0	\$0
Permittee report of planned facility changes	5,392	24,264	\$191,872	\$877,629	29,656	\$1,069,501
Permittee report of anticipated noncompliance	8,365	15,057	\$335,910	\$544,610	23,422	\$880,520
Facility and permit transfer report	3,081	3,697	\$133,962	\$133,721	6,778	\$267,683
Permittee report of inaccurate previous	2,132	3,838	\$82,166	\$138,821	5,970	\$220,987
Excessive discharge report	4,380	3,942	\$190,442	\$142,582	8,322	\$333,024
Permittee notice of regulated discharge cessation	1,317	4,741	\$57,263	\$171,482	6,058	\$228,745
Request for modification, revocation and reissuance, or termination	21,000	151,200	\$913,080	\$5,468,904	172,200	\$6,381,984
Variance request for fundamentally different factors	0	0	\$0	\$0	0	\$0
Variance request for nonconventional pollutants	1,350	4,212	\$58,698	\$152,348	5,562	\$211,046
Variance request for innovative pollution control technology	120	400	\$5,218	\$14,468	520	\$19,686
Variance request regarding thermal discharges (new)	3,200	2,400	\$139,136	\$86,808	5,600	\$225,944
Variance request regarding thermal discharges (renewal)	160	36	\$6,957	\$1,302	196	\$8,259
Variance request regarding discharge into marine waters	n/a	n/a	n/a	n/a	n/a	n/a
Total burden and costs	50,497	229,727	\$2,114,704	\$8,309,226	280,224	\$10,423,930

When estimating the labor costs to respondents and the Agency, the following labor rates were used:

- The hourly employment cost of federal employees was determined using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2006 General Schedule (2006-GS), the average annual salary of a government employee at the GS-9, Step 10 level is \$49,632. At 2,080 hours per year, the hourly wage would be \$23.86. Assuming overhead costs of 50 percent, or \$11.93 per hour, the fully loaded cost of employment for a federal employee would be \$35.79.
- State respondent costs are a function of labor costs. When calculating state respondent costs, EPA assumed the average hourly rate for state employees as determined by the U.S. Department of Labor, Bureau of Labor Statistics as \$36.55 (including benefits) in 2006 dollars.²
- The average of the federal employee and the state employee rates is \$36.17, which was used to estimate state and federal government costs.

² Employer Costs for Employee Compensation, Table 4—Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by occupational and industry group, December 2005.

- EPA assumed the average hourly rate in the private sector is \$43.48 as determined by the U.S. Department of Labor, Bureau of Labor Statistics, total compensation for management, professional, and related in 2006 dollars.³
- The average hourly rate for municipal employees as determined by the U.S. Department of Labor, Bureau of Labor Statistics is \$25.13 (including overhead). Updated rates are derived from U.S. Department of Labor, Bureau of Labor Statistics in a table titled *May 2005 National Industry-Specific Occupational Employment and Wage Estimates* and adjusted to 2006 dollars using the March 2006 ECI.⁴

6(c). Estimating Agency Burden and Cost

The government burden and cost was calculated by multiplying the estimated burden hours required for each modification and variance request by the estimated average federal and state hourly labor rate (\$36.17). The state burden was assumed to be 96.8 percent of the total government burden, and the federal burden was assumed to be 3.2 percent of the total government burden, based on the number of permits in authorized states. The time required for the handling and review of each request was also based on the assumptions from the previous ICR. State burden was included with Respondent burden and cost (see Exhibit 6.4). A summary of the government cost and burden for each type of modification and variance request is presented in Exhibit 6.5.

Request for Water Quality Related Effluent Limitations Modification [40 CFR 122.21(m)(5) and 122.21(n)(3)]

EPA has never received, and does not expect to receive, a request for this type of modification. Therefore, there is no burden associated with this type of modification. It is noted only to ensure completeness.

Permittee Report of Planned Facility Changes [40 CFR 122.41(l)(1)]

An estimated 20 hours are necessary for handling and reviewing each Permittee Report of Planned Facility Changes.

³ Employer Costs for Employee Compensation, Table 5—Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government workers, by occupational and industry group, December 2005.

⁴ U.S. Department of Labor, Bureau of Labor Statistics. Employment Cost Index—March 2006.

Exhibit 6.5. Annual government burden and costs

Item/Type of respondent	(A) Number of respondents per year	(B) Burden hours per response	C=(A*B) Gov=t burden	D=(C*96.8%) State Burden	E=(C*3.2%) Federal Burden	(F) Gov't per hour labor cost	G=(D*F) State Cost	H=(E*F) Federal cost	I=(G+H) Total costs
Request for Water Quality Related Effluent Limitations Modification									
	0	n/a	0	0	0	\$36.17	\$0	\$0	\$0
Permittee Report of Planned Facility Changes									
Major municipals	212	20.0	4,240	3,816	424	\$36.17	\$138,025	\$15,336	\$153,361
Minor municipals	215	20.0	4,300	3,870	430	\$36.17	\$139,978	\$15,553	\$155,531
Major nonmunicipals	113	20.0	2,260	2,034	226	\$36.17	\$73,570	\$8,174	\$81,744
Minor nonmunicipals	655	20.0	13,100	11,790	1,310	\$36.17	\$426,444	\$47,383	\$473,827
Municipal sludge facilities	153	20.0	3,060	2,754	306	\$36.17	\$99,612	\$11,068	\$110,680
Subtotal	1348		26,960	24,264	2,696		\$877,629	\$97,514	\$975,143
Permittee Report of Anticipated Noncompliance									
Major municipals	42	10.0	420	378	42	\$36.17	\$13,672	\$1,519	\$15,191
Minor municipals	108	10.0	1,080	972	108	\$36.17	\$35,157	\$3,906	\$39,063
Major nonmunicipals	23	10.0	230	207	23	\$36.17	\$7,487	\$832	\$8,319
Minor nonmunicipals	327	10.0	3,270	2,943	327	\$36.17	\$106,448	\$11,828	\$118,276
Municipal sludge facilities	153	10.0	1,530	1,377	153	\$36.17	\$49,806	\$5,534	\$55,340
Nonmunicipal sludge facilities	10	10.0	100	90	10	\$36.17	\$3,255	\$362	\$3,617
General permittees	1,010	10.0	10,100	9,090	1,010	\$36.17	\$328,785	\$36,532	\$365,317
Subtotal	1,673		16,730	15,057	1,673		\$544,610	\$60,513	\$605,123
Facility and Permit Transfer Report									
Major nonmunicipals	45	4.0	180	162	18	\$36.17	\$5,860	\$651	\$6,511
Minor nonmunicipals	982	4.0	3,928	3,535	393	\$36.17	\$127,861	\$14,215	\$142,076
Subtotal	1,027		4,108	3,697	411		\$133,721	\$14,866	\$148,587
Permittee Report of Inaccurate Previous Information									
Major municipals	42	4.0	168	151	17	\$36.17	\$5,462	\$615	\$6,077
Minor municipals	215	4.0	860	774	86	\$36.17	\$27,996	\$3,111	\$31,107
Major nonmunicipals	23	4.0	92	83	9	\$36.17	\$3,002	\$326	\$3,328
Minor nonmunicipals	655	4.0	2,620	2,358	262	\$36.17	\$85,289	\$9,477	\$94,766
Required by sludge use or disposal conditions	30	4.0	120	108	12	\$36.17	\$3,906	\$434	\$4,340
General permittees	101	4.0	404	364	40	\$36.17	\$13,166	\$1,447	\$14,613
Subtotal	1,066		4,264	3,838	426		\$138,821	\$15,410	\$154,231
Excessive discharge report									
Major nonmunicipals	113	4.0	452	407	45	\$36.17	\$14,721	\$1,628	\$16,349
Minor nonmunicipals	982	4.0	3,928	3,535	393	\$36.17	\$127,861	\$14,215	\$142,076
Subtotal	1,095		4,380	3,942	438		\$142,582	\$15,843	\$158,425
Permittee Notice of Regulated Discharge Cessation									
Major nonmunicipals	45	4.0	180	162	18	\$36.17	\$5,860	\$651	\$6,511
Minor nonmunicipals	262	4.0	1,048	943	105	\$36.17	\$34,108	\$3,798	\$37,906
General permittees	1010	4.0	4,040	3,636	404	\$36.17	\$131,514	\$14,613	\$146,127
Subtotal	1317		5,268	4,741	527		\$171,482	\$19,062	\$190,544

Item/Type of respondent	(A) Number of respondents per year	(B) Burden hours per response	C=(A*B) Gov=t burden	D=(C*96.8%) State Burden	E=(C*3.2%) Federal Burden	(F) Gov't per hour labor cost	G=(D*F) State Cost	H=(E*F) Federal cost	I=(G+H) Total costs
Request for Modification, Revocation and Reissuance, or Termination									
	4,200	40.0	168,000	151,200	16,800	\$36.17	\$5,468,904	\$607,656	\$6,076,560
Variance Request for Fundamentally Different Factors									
	0	520.0	0	0	0	\$36.17	\$0	\$0	\$0
Variance Request for nonconventional Pollutants									
	9	520.0	4,680	4,212	468	\$36.17	\$152,348	\$16,928	\$169,276
Variance Request for Innovative Pollution Control									
Technology requests in nonauthorized states	1	520.0	520	0	520	\$36.17	\$0	\$18,808	\$18,808
Requests in authorized states	1	400.0	400	400	0	\$36.17	\$14,468	\$0	\$14,468
Variance Request Regarding Thermal Discharges (new)									
Requests in nonauthorized states	2	520.0	1,040	0	1,040	\$36.17	\$0	\$37,617	\$37,617
Request in authorized states	6	400.0	2,400	2,400	0	\$36.17	\$86,808	\$0	\$86,808
Variance Request Regarding Thermal Discharges (renewal)									
	40	1.0	40	36	4	\$36.17	\$1,302	\$145	\$1,447
Variance Request Regarding Discharge into Marine Waters									
	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total government burden and cost			238,790	229,727	9,063		\$8,309,226	\$327,808	\$8,637,034

Permittee Report of Anticipated Noncompliance [40 CFR 122.41(l)(2)]

An estimated 10 hours are necessary for handling and reviewing each Permittee Report of Anticipated Noncompliance.

Facility and Permit Transfer Report [40 CFR 122.41(l)(3)]

An estimated 4 hours are necessary for handling and reviewing each Facility and Permit Transfer Report.

Permittee Report of Inaccurate Previous Information [40 CFR 122.41(l)(8)]

An estimated 4 hours are necessary for handling and reviewing each Permittee Report of Inaccurate Previous Information.

Excessive Discharge Report [40 CFR 122.42 (a)(1) and (2)]

An estimated 4 hours are necessary for handling and reviewing each Excessive Discharge Report.

Permittee Notice of Regulated Discharge Cessation [40 CFR 122.47(b)(4)]

An estimated 4 hours are necessary for handling and reviewing each Permittee Notice of Regulated Discharge Cessation.

Permit Modification, Revocation and Reissuance, or Termination “Miscellaneous” [40 CFR 124.5, 122.41(h), 122.62 and 122.64]

An estimated 40 hours are necessary for handling and reviewing each Permit Modification, Revocation and Reissuance, or Termination “Miscellaneous.”

Variance Request Due to Fundamentally Different Factors [40 CFR 122.21(m)(1) and 125.30]

An estimated 520 hours are necessary for handling and reviewing each Variance Request for Fundamentally Different Factors.

Variance Request for Nonconventional Pollutants [40 CFR 122.21(m)(2)]

An estimated 520 hours are necessary for handling and reviewing each Variance Request for Nonconventional Pollutants.

Variance Request for Innovative Pollution Control Technology [40 CFR 122.21(m)(4)]

EPA oversees and provides assistance to authorized states who receive Variance Requests for Innovative Pollution Controls. EPA estimates that the government effort incurred in this capacity would be 400 hours (50 work days) as compared to 520 hours (65 work days) for evaluating a request submitted directly to EPA in nonauthorized states.

Variance Request Regarding Thermal Discharges [40 CFR 122.21 (m)(6)]

EPA oversees and provides assistance to authorized states who receive Variance Requests for Thermal Discharges. EPA estimates that the government effort incurred in this capacity would be 400 hours (50 work days) as compared to 520 hours (65 work days) for evaluating of a request submitted directly to EPA in nonauthorized states. In addition, an estimated 1 hour would be necessary for handling and review each variance reissue.

Application for Variance Regarding Discharge into Marine Waters [40 CFR 122.21(n)(1)]

This variance is administered by the Office of Wetlands, Oceans and Watersheds (OWOW) and is the subject of a separate ICR. Therefore, no respondent burden or cost associated with this requirement is reported in this ICR. This information collection and reporting requirement is noted here only in the interest of completeness.

6(d). Estimating the Respondent Universe and Total Burden and Costs

The respondent universe for NPDES permittees was updated from the current ICR by using EPA=s PCS database, the existing ICR, EPA=s NOI Processing Center, and consultations with EPA staff and contractors. Exhibit 6.2 represents the universe of NPDES and sludge facilities. Total respondent burden and costs for each type of modification and variance request are summarized in Exhibit 6.3 and combined with state burden and cost in Exhibit 6.4.

6(e). Bottom Line Burden Hours and Cost Tables

The bottom line burden hours and cost tables for respondents are the summaries of all the hours and costs incurred for all activities. These are shown in Exhibit 6.6. The burden and cost estimates are not expected to vary from year to year over the collection period for this ICR. That is, the bottom line tallies presented in Exhibit 6.6 are not expected to change over the course of the next 3 years.

Exhibit 6.6. Bottom line tallies

Respondent Burden and Cost (not including state Burden and Cost)	
Total Annual Number of Respondents:	11,785
Total respondent burden hours:	50,497
Average Burden Hours per Respondent:	4.28
Total respondent costs:	\$2,114,704
State Government Burden and Cost	
Total state Burden Hours	229,727
Total state Costs	\$8,309,226
Respondent Burden and Cost (including state Burden and Cost)	
Total burden hours	280,224
Total costs	\$10,423,930
Federal Government Burden and Cost	
Total federal Government Burden Hours	9,063
Total federal Government Costs	\$327,808
Total burden and cost	
Total burden hours	289,287
Total costs	\$10,751,738

6(f). Reasons for Change in Burden

The currently approved ICR for Modification and Variance Requests was developed in 2003 and contains line-by-line estimates of burden hours similar to the estimates presented in this document. Exhibit 6.7 presents the change in the respondent burden for each information item covered by this ICR. (Note - Previous burden estimates are drawn from the previous Modification and Variance Requests ICR OMB Control No. 2040-0086, ICR No. 0029.08, dated March 2003). As shown in Exhibit 6.7, the 2003 ICR estimated a total respondent burden of 303,997 hours and a total cost of \$10,952,021. This ICR estimates a total respondent burden of 280,224 hours and a total cost of \$10,423,930, which represents a 7.8 percent decrease in respondent burden and a 4.8 percent decrease in respondent cost.

Exhibit 6.7 gives a line-by-line comparison of burden between the 2003 and 2006 ICRs for NPDES Modification and Variance Requests. This change may be explained by:

- Changes and adjustments in the number and types of permits administered by the states and EPA under the NPDES program. Non-NPDES authorized states continue to apply for NPDES program authorization.
- EPA's continuous effort to improve the quality of data in its PCS database. This change may reflect more accurate data rather than a significant change in the number of permits actually administered.
- EPA does not anticipate Variance Request for Fundamentally Different Factors. See section 6(a)(i).

Labor rates have changed since the previous ICR. The 2003 ICR estimated the average federal and state employee salary to be \$31.80 per hour, the average private sector salary to be \$56.76 per hour, and the average municipal sector salary to be \$24.76 per hour. This ICR estimates the average federal and state employee salary to be \$36.17 per hour, the average private sector salary to be \$43.48 per hour, and the average municipal sector salary to be \$25.13 per hour. Section 6.b of this ICR describes the method by which average salaries were estimated for this ICR.

Exhibit 6.7. Burden comparison: 2003 vs. 2006 ICR for modification and variance requests

Item	2003 burden (hours)	2003 cost(s)	2006 burden (hours)	2006 cost(s)	Burden change ^a	% burden change ^a	Cost change	% cost change
Request for water quality related effluent limitations modification	0	\$0	0	\$0		n/a		n/a
Permittee report of planned facility changes	30,800	\$1,046,255	31,489	\$1,135,802	689	2%	\$89,547	9%
Permittee report of anticipated noncompliance	25,900	\$1,006,499	24,560	\$921,683	(1,340)	-5%	(\$84,816)	-8%
Facility and permit transfer report	7,333	\$316,381	7,057	\$277,774	(276)	-4%	(\$38,607)	-12%
Permittee report of inaccurate previous information	6,334	\$239,768	6,259	\$231,439	(75)	-1%	(\$8,329)	-3%
Excessive discharge report	8,998	\$404,347	8,620	\$343,802	(378)	-4%	(\$60,545)	-15%
Permittee notice of regulated discharge cessation	6,877	\$256,004	6,416	\$241,694	(461)	-7%	(\$14,310)	-6%
Request for modification, revocation and reissuance, or termination	198,973	\$6,932,995	183,624	\$6,795,190	(15,349)	-8%	(\$137,805)	-2%
Variance request for fundamentally different factors	5,024	\$191,711	0	\$0	(5,024)	-100%	(\$191,711)	-100%
Variance request for nonconventional pollutants	5,562	\$210,568	5,880	\$222,548	318	6%	\$11,980	6%
Variance request for innovative pollution control technology	1,056	\$36,576	520	\$19,686	(536)	-51%	(\$16,890)	-46%
Variance request regarding thermal discharges (new)	6,944	\$300,691	5,600	\$225,944	(1,344)	-19%	(\$74,747)	-25%
Variance request regarding thermal discharges (renewal)	196	\$10,227	199	\$8,368	3	2%	(\$1,859)	-18%
Variance request regarding discharge into marine waters	0	\$0	0	\$0	0	0%	\$0	0%
Totals	303,997	\$10,952,021	280,224	\$10,423,930	(23,773)	-8%	(\$528,091)	-5%

^a This change may reflect more accurate data rather than a significant change in the number of permits actually administered

6(g). Burden Statement

EPA estimates that a total of 11,785 NPDES permittees will submit Modification and Variance Requests each year. A breakdown of the number of permittees for each type of request is shown in Exhibit 6.2.

Nationally, NPDES permittees will spend 50,497 hours collecting information for and preparing these requests. Each permittee submitting a request will spend an average of 4.28 hours preparing a request (50,497 burden hours divided by 11,785 permittees). However, there is a wide range in the actual time spent on preparing modification and variance requests. Preparing these requests will cost permittees \$2,114,704 per year. There is no record-keeping burden associated with modification and variance requests.

State government burden is included in respondent burden for this ICR. Total state government burden hours are estimated to be 229,727 and total state government costs are estimated to be \$8,309,226. The total respondent burden hours are 280,224 and total respondent costs are \$10,423,930. The federal government will spend a total of 9,063 hours and \$327,808 reviewing these requests.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and use technology and systems for collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed at 40 CFR Part 9 and 48 CFR Part 15.

To comment on EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2002-0064, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at <http://www.regulations.gov/>. Use FDMS to submit or view public comments, to access the index listing of the contents of the public docket, and to access documents in the public docket that are available electronically. Once in the system, key in the docket ID number identified above. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OW-2002-0064 and OMB control number 2040-0068 in any correspondence.