

**INFORMATION COLLECTION REQUEST FOR THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/  
COMPLIANCE ASSESSMENT/CERTIFICATION INFORMATION (RENEWAL)**

EPA ICR No. 1427.08  
OMB Control No. 2040-0110

September 2007

*Prepared for*  
U.S. Environmental Protection Agency  
Office of Wastewater Management  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

EPA Contract Number EP-C-05-046  
EPA Work Assignment Number 1-24

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## 1 IDENTIFICATION OF THE INFORMATION COLLECTION

### 1.a Title of the Information Collection

ICR: National Pollutant Discharge Elimination System (NPDES) / Compliance Assessment / Certification Information.

OMB Control No.: 2040-0110.  
EPA ICR No. 1427.08

### 1.b Short Characterization/Abstract

This document is entitled Information Collection Request (ICR) for NPDES/Compliance Assessment/Certification Information, and its purpose is to calculate the burden and costs associated with the data requirements necessary for a permitting authority (either an authorized State or the Environmental Protection Agency (EPA)) to determine whether an existing National Pollutant Discharge Elimination System (NPDES) or sewage sludge permittee is in compliance with the conditions of its permit. This ICR updates the 2004 ICR (OMB Control No. 2040-0110, ICR No. 1427.07).

Note that five additional effluent limitations guidelines development ICRs were set to expire in the next three years prior to the next renewal of this Compliance Assessment/Certification ICR. It was EPA's intention to transfer some of the burden and cost from those ICRs into the NPDES/Compliance Assessment/Certification Information ICR during the previous ICR renewal cycle, but final action was not taken until March 23, 2007 (See appendix B). Therefore, the burden associated with direct dischargers from those five ICRs is incorporated into the Compliance Assessment/Certification ICRs. The five ICRs include:<sup>1</sup>

1. Milestone Plans for the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430), EPA ICR No. 1877.03, OMB Control No. 2040-0202;
2. Best Management Practices (BMPs) for Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Kraft Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category (40 CFR part 430), EPA ICR No. 1829.03, OMB Control No. 2040-0207;
3. Baseline Standards and Best Management Practices for the Coal Mining Point Source Category (40 CFR part 434)—Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory, EPA ICR No. 1944.03, OMB Control No. 2040-0239;
4. Voluntary Certification in Lieu of Chloroform Minimum Monitoring Requirements for Direct and Indirect Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper and Paperboard Manufacturing Category (40 CFR part 430), EPA ICR No. 2015.02, OMB Control No. 2040-0242; and
5. Minimum Monitoring Requirements for Direct and Indirect Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper and Paperboard Manufacturing Category (40 CFR part 430), EPA ICR No. 1878.02, OMB Control No. 2040-0243.

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<sup>1</sup> A copy of the approved supporting statements for these ICRs are included as Appendix A. Note that this supporting statement does not go into the details of the specific provisions of each of those programs. Nevertheless, the tables and calculations contain the migrated burden.

This ICR was prepared according to guidance contained in EPA's February 1999 ICR Handbook. This handbook is the most current guidance available to the Agency for preparing an ICR, and it follows the provisions of the Paperwork Reduction Act of 1995 and related Office of Management and Budget (OMB) guidelines.

The Clean Water Act (CWA) (33 U.S.C. 1251-1387) authorizes EPA to issue permits for the discharge of pollutants to "waters of the United States." The CWA also authorizes EPA to issue permits for the use or disposal of sewage sludge. EPA regulates discharges to waters of the United States under its NPDES program. Such discharges include domestic wastewater, industrial wastewater, and stormwater, among others. The Agency regulates sewage sludge use and disposal activities under its Sewage Sludge Management program. EPA issues permits for both types of activities.

CWA Section 402(b) allows States, including Territories, to acquire authority for the NPDES and Sewage Sludge Management programs. In addition, Section 518(e) authorizes Indian Tribes to obtain NPDES authority. This authority enables States and Tribes to issue permits. At this time, 46 entities (45 States and 1 U.S. territory) have obtained NPDES authority, while 11 have not. None of the 556 Federally-recognized American Indian Tribes have obtained NPDES authority. As of June 2007, seven States have obtained authority to operate a sewage sludge management program (AZ, OH, OK, SD, TX, UT and WI). In States or Tribes that have not obtained authority for these programs, EPA issues the 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.

A permitting authority, EPA, State, U.S. territory, or a Federally recognized Tribe, collects information necessary to determine a permittee's compliance with specific permit requirements during the effective term of a given permit. Compliance assessment reporting requirements include routine submittals (e.g., annual certifications and reports submitted when a compliance schedule milestone is reached) and non-routine submittals (e.g., required when certain conditions occur, such as an unanticipated bypass). NPDES staff may use this information to determine if follow-up activities are necessary.

Exhibit 1 provides a summary of the burden and costs to respondents and States associated with the compliance assessment recordkeeping and reporting requirements of this ICR.

This ICR includes burden hours and costs associated with sanitary sewer overflows (SSOs) and unpermitted combined sewer overflows (CSOs) originally estimated and provided to OMB in the 1998 Summary of Revised Burden Estimates for SSO/Unpermitted CSO Reporting. This ICR does not, however, include an estimate of the number of respondents associated with these SSO/unpermitted CSO estimates.

This ICR includes burden hours and costs associated with noncompliance reports for Concentrated Animal Feeding Operations (CAFOs) not accounted for in the NPDES Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations ICR (EPA ICR No. 1989.04; OMB Control No. 2040-0250)

**Exhibit 1. Summary of Burden and Costs to Respondents and State Government**

<b>Recordkeeping</b>		
Number of Recordkeepers	446,429	All permittees except sludge facilities.
Annual Respondent Burden (hrs.)	1,773,388	
Annual Costs (\$)	\$80,762,184	
<b>Reporting (w/o Parts 435 and 434)</b>		
Number of Respondents	25,286	
Annual Respondent Burden (hrs.)	186,689	
Annual Costs (\$)	\$7,680,404	
<b>Part 435 Certification (new requirement)</b>		
Number of Respondents	68	Facilities that pursue certification and BMP plan development pursuant to 40 CFR Part 435 to control nonaqueous joint fluids.
Annual Respondent Burden (hrs.)	53,516	
Annual Costs for Respondents (\$)	\$1,956,010	
<b>Part 434 Baseline Standards and BMP</b>		
Number of Respondents	78	Facilities that pursue Baseline Standards and Best Management Practices for the Coal Mining Point Source Category - Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory in 40 CFR Part 434
Annual Respondent Burden (hrs.)	1,638	
Annual Costs for Respondents (\$)	\$74,922	
<b>State Governments (45 States and 1 Territory)</b>		
Annual Burden (hrs.)	51,446	
Annual Costs (\$)	\$1,880,359	

Notes:

Totals may not match exactly due to individual rounding.

Respondents are not unique respondents. There is some double counting. For unique respondents see Exhibit 4c.

## 2 NEED FOR AND USE OF THE COLLECTION

### 2.a Need and Authority for the Collection

#### 2.a.1 NPDES Program

Section 402(a) of the CWA establishes the NPDES program, which requires issuance of a permit to control the discharge of pollutants, ensuring compliance with provisions of the CWA. Section 402(p) of the CWA requires that these NPDES permits be issued for fixed terms not to exceed 5 years and that they:

- Contain and ensure compliance with discharge limitations based on effluent guidelines or water quality standards;
- Provide for permit termination or modification for cause;
- Require discharge monitoring and reporting to assess compliance with permit conditions or to assist in development of effluent limitations; and
- Require other reports as necessary in order for the permitting authority to ensure compliance with the objectives of the Act.

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

Once the NPDES or sewage sludge permit is issued, a permittee is subject to certain conditions for the permit term. Permit conditions are established in 40 CFR Part 122 for NPDES permits and Part 501 for sewage sludge permits. These include:

- Specific effluent limitations, standards, and/or prohibitions [§122.44];
- Compliance schedules, which may specify milestones for installing wastewater treatment equipment and processes [§122.41(e)(5)];
- Monitoring and reporting requirements [§122.41(j) and (l)];
- Inspection and record keeping requirements [§122.44(i)(4)(i) and (ii)]; and
- Provisions concerning events, including bypass and upset of treatment facilities. Bypass is prohibited in most instances, and upset can only be used as an affirmative defense for the permittee under specified conditions [§122.41(m) and (n)].

The permitting authority must assess whether the permittee is in compliance with the above conditions on a consistent basis. Permittee compliance is assessed through compliance inspections, review of permittee self-monitoring data, keeping of records, and review of other compliance assessment information required by 40 CFR Parts 122 and 501. The burden for compliance inspections is estimated in the NPDES and Sewage Sludge Management State Program Requirements ICR (OMB No. 2040-0057), and the burden for the collection and retention of permittee self-monitoring data is calculated in the NPDES/Sewage Sludge Monitoring Reports ICR (OMB No. 2040-0004). The burden associated with sewage sludge self-monitoring is estimated in the same ICR (OMB No. 2040-0004), as amended. This ICR calculates the burden associated with compliance assessment information (other than discharge monitoring reports [DMRs]) required by Parts 122 and 501, and certification or alternative requirements contained in the effluent limitations guidelines and standards (ELGs) regulations for 12 point source categories and 2 subcategories.<sup>2</sup>

<sup>2</sup> Subpart B, Bleached Papergrade Kraft and Soda from EPA ICR 2015.02, OMB 2040-0242 has been added.  
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The information that is collected can lead the permitting authority to follow through with one or more of the following actions: informal discussions with the permittee by telephone or letter, permit modification, or enforcement actions.

A permittee generally informs the permitting authority about its discharge through the DMR. The DMR lists all of the results from the permittee's self-monitoring of required 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 the DMR, permittees may be required to submit reports on violations of maximum daily discharge limitations, as specifically required in their respective permits. This latter reporting requirement is intended to alert the permitting authority of potential health or environmental risks that may require a timely response. The data collected by this requirement are more incident-specific than the summary information provided on the DMR.

### **2.a.2 Stormwater Program**

In the 1987 amendments to the CWA Congress established a program to control stormwater discharges associated with industrial activity. Phase I of the stormwater program, promulgated on November 16, 1990 (55 FR 47990), applied to stormwater discharges associated with industrial activity (including construction activities disturbing five acres or more) and to discharges from large and medium municipal separate storm sewer systems (MS4s). Phase II of the regulatory development effort, promulgated on December 8, 1999 (64 FR 68722), regulates stormwater discharges from small municipal separate storm sewer systems and construction sites with activities disturbing one to five acres of land. Together, Phase I and Phase II of the NPDES Stormwater Program now regulate all construction activities of one acre or more.

The burden for conducting and retaining records of the *routine site inspections* for construction activities subject to stormwater regulations is estimated in the NPDES Stormwater Program Phase II ICR (EPA ICR No. 1820.04, OMB Control No. 2040-0211) and the ICR for Notice of Intent for Stormwater Discharges Associated with Construction Activity Under a NPDES General Permit (EPA ICR Number: 1842.05, OMB Control Number: 2040-0188). The burden for *comprehensive site inspections* of construction sites is not included in those ICRs and it is included in this ICR. All burden for small MS4s is covered under the NPDES Stormwater Program Phase II ICR. Large and medium MS4 activities are covered under Applications for the National Pollutant Discharge Elimination System (NPDES) Discharge Permits and the Sewage Sludge Management Permits ICR (EPA ICR No. 0226.18, OMB Control No. 2040-0086, June 2006)

Permit compliance for stormwater permittees with industrial discharges is assessed on a case-by-case basis. Under §122.44(i)(4)(i) and (ii), the minimum compliance requirement for a stormwater permittee with discharges associated with industrial activity (including construction) is an annual site inspection performed by the permittee that identifies any incidents of non-compliance and evaluates whether measures to reduce pollutant loadings identified in the stormwater pollution prevention plan (SWPPP) are adequate and are being properly implemented. Although permittees are not required to report the inspection information, they are required to retain records of the inspection for at least 3 years. All stormwater general permittees (industrial and construction) are required to fulfill this minimum requirement. It should be noted that the numbers reflected in this ICR for general permits refer to individual notices of intent

(NOIs). That is, they reflect permittees regulated via general permit, rather than the numbers of different general permits themselves.

In addition, stormwater permittees with discharges associated with industrial activity are required to perform and maintain records of a periodic visual examination of their facilities. Twenty-nine of the 30 industrial facility categories are required to perform this visual examination on a quarterly basis. A portion of all stormwater general permittees may also be required to maintain records of monitoring data. EPA estimates that approximately 49.5 percent of the stormwater general permittees are required to maintain monitoring records in addition to their annual site inspection recordkeeping requirements and their visual examination requirements.

#### **2.a.3 Sewage Sludge Program**

Section 405 of the CWA requires EPA to regulate the use and disposal of sludge produced by publicly owned treatment works (POTWs) and other treatment works treating domestic sewage. The CWA also requires the development of technical criteria for the control of sewage sludge disposal and use. EPA has promulgated sewage sludge use or disposal standards at 40 CFR Part 503. The CWA also requires that any NPDES permit issued to a POTW or other treatment works treating domestic sewage, incorporate appropriate sludge controls in order to protect public health and the environment. As a result of this requirement, permit conditions regarding sewage sludge are included in POTW permits in cases where sewage sludge disposal is of concern. In addition, EPA issued a final rule in 1989 (subsequently amended in 1993 and 1998) under 40 CFR Part 501 concerning State sewage sludge management program requirements (See ICR: NPDES and Sewage Sludge Management State Program Requirements. EPA ICR No. 0168.09; OMB Control No. 2040-0057). Sewage sludge permits include standards for the use or disposal of sewage sludge. These may include pollutant limitations, monitoring requirements, and compliance schedules. The compliance assessment requirements for sewage sludge permits, like those for NPDES permits, allow the permitting authority to assess permit compliance. The burden for the compliance assessment components for sewage sludge requirements have since been incorporated into this NPDES/Compliance Assessment/Certification Information ICR.

#### **2.a.4 Effluent Limitations Guidelines and Standards Certifications**

Effluent limitations guidelines and standards are national wastewater limitations that apply to specific categories of industrial dischargers. The regulations are promulgated by EPA under the authority of sections 301, 304, 306, and 307 of the CWA. The limitations are implemented in direct discharge permits under the NPDES program by States and EPA. This NPDES/Compliance Assessment/Certification Information ICR also fully integrates certifications for exemptions of monitoring requirements for 12 industrial categories and 2 subcategories: electroplating (40 CFR 413); metal finishing (40 CFR 433); electrical and electronic components (40 CFR 469); pesticides formulating, packaging, and repackaging (40 CFR 455); aluminum forming (40 CFR Part 467); coil coating (40 CFR 465); can making (a subpart of the coil coating category) (40 CFR 465); pharmaceutical manufacturing (40 CFR 439); pulp and paper (40 CFR 430)<sup>3</sup>; builders' paper and board mills (40 CFR 431); porcelain enameling (40 CFR 466); steam electric (40 CFR 423); and oil and gas extraction (40 CFR Part 435).

The effluent limitations guidelines and standards for these industrial categories allow permittees to provide certifications that reduce or eliminate monitoring requirements for one or more pollutants. When the permittee chooses to certify, the effluent limitations guidelines and

<sup>3</sup> Subpart B, Bleached Papergrade Kraft and Soda from EPA ICR 2015.02, OMB 2040-0242 has been added.

standards may require semi-annual, annual, or once-per-permit cycle reports. For one industrial category, the pesticides formulating, packaging, and repackaging category, no pollutant-specific monitoring requirements exist, but the facility may certify that it is using pollution prevention measures stipulated by EPA and must maintain a pollution prevention plan on-site.

For the Oil and Gas Extraction Point Source Category (40 CFR 435), a facility can elect to use the Best Management Practices (BMPs), including BMP plan development and certification for controlling the discharge of non-aqueous drilling fluid (NAF) cuttings (pursuant to Addendum B, Appendix 7 to Subpart A of Part 435), in lieu of the retort test specified (see Section 4.c.9 of Appendix 7 to Subpart A of Part 435).

## **2.b Practical Utility of the Data and Users of the Data**

Most compliance assessment data is generated by permittees and submitted to the appropriate permitting authority. The permitting authority then uses this information to determine compliance with permit conditions.

If noncompliance is detected, the permitting authority will determine the appropriate enforcement action response based on the nature and severity of the violation and the overall degree of noncompliance frequency and degree of seriousness of the violation.

For some violations, the appropriate response may be no response at all. For other violations the appropriate response may range from a phone call to technical assistance to a judicial referral to the State Attorney General or to the Department of Justice. For example, the permitting authority may take one or more of the following actions:

- **Permit modification.** If a permit violation occurs consistently, the permitting authority may modify the permit, although the permittee still must comply with all appropriate provisions of the CWA. For example, a permit may be modified to include a compliance schedule for installation of a new technology. Such a modification might enable the permittee to meet effluent limits or sewage sludge quality standards it was previously unable to attain.
- **Technical assistance to permittees.** Under certain circumstances, the permitting authority may provide technical assistance to assist the facility in attaining compliance.
- **CWA Section 308(a) Information Collection Request Letter.** Section 308(a) of the Clean Water Act authorizes the Administrator of EPA to require persons subject to the Act to provide information, conduct monitoring, provide entry and make reports to EPA as may be necessary to carry out the objectives of the Act. EPA may issue a Section 308 letter to request relevant information that is essential to determining compliance.
- **Informal enforcement action.** For certain violations, the permitting authority may initially respond with an informal enforcement response which includes telephone calls, inspections, warning letters, notices of violation (NOVs) or administrative penalty orders (APOs) and other such methods to bring the permittee into compliance.
- **Administrative enforcement action.** For more serious violations, the permitting authority may pursue a formal enforcement action. Formal enforcement requires actions to achieve compliance, specifies a timetable, contains consequences for noncompliance that are independently enforceable without having to prove the

underlying violation, and subjects the person to adverse legal consequences for noncompliance. Formal enforcement actions include administrative orders (AOs) or a judicial referral to the State Attorney General or to the Department of Justice; or more severe actions including NOVs, AOs, or APOs.

- **Case referral.** Ultimately, the permitting authority may refer a permit violation to the Department of Justice for further legal enforcement action.

There are several exceptions to the general flow of compliance assessment data from the permittee to the permitting authority. EPA may require additional information in the form of a Section 308(a) letter (see Section 4.b.6 of this ICR for further explanation).

Another exception to the compliance data information flow from permittee to permitting authority occurs in the case of the NPDES stormwater permitting program where the regulatory requirement is for records retention rather than reporting. As discussed earlier, permit compliance for stormwater permittees is assessed on a permit-by-permit basis. The minimum compliance requirement for a stormwater permittee is an annual site inspection that identifies any incidents of non-compliance and evaluates whether measures to reduce pollutant loadings identified in the SWPPP are adequate and are being properly implemented. Although the permittees are not required to report the inspection information, they are required to retain records of these inspections for at least 3 years. This activity is reflected in this ICR as a recordkeeping activity. As stated previously, EPA estimates that all stormwater permittees will be subject to this minimum requirement.

### **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, 501, and 503. The Agency also has consulted the following sources of information to determine if similar or duplicative information is available elsewhere:

- EPA Information Systems Inventory,
- Government Information Locator System (GILS), and
- Toxic Chemical Release Inventory (TRI).

Examination of these databases revealed no duplicative reporting requirements. In addition, EPA prepared an ICR for the Part 503 sewage sludge technical standards. EPA has reviewed this ICR to ensure there is no duplication.

EPA has examined a similar reporting requirement for notice of spills under the Resource Conservation and Recovery Act (RCRA) for duplication of the CWA requirement. EPA believes that any duplication between NPDES and RCRA reporting of pollutant releases is negligible because they focus on different areas of a facility (RCRA focuses on on-site activities and NPDES focuses on discharge outfalls). EPA has concluded that there is no other way to obtain the compliance assessment information addressed in this ICR.

With regard to use of BMPs under Part 435 to control NAFs, EPA has examined all other reporting requirements contained in the CWA and 40 CFR Parts 122, 123, 124, 125, 501, and 503.<sup>4</sup> The Agency has also consulted other sources of information to determine if similar or duplicative information is available elsewhere. There are no additional duplicative reporting requirements as the BMPs are an alternative to numeric limitations and standards and the BMP Plan format allows for cross-referencing (not duplication) of similar efforts.

#### **3.b Public Notice Required Prior to ICR Submission to OMB**

In compliance with the 1995 Paperwork Reduction Act (PRA), any agency developing a non-rule-related ICR must solicit public comments before submitting the ICR to OMB. These comments, which are used partly to determine realistic burden estimates for respondents, must be considered when completing the Supporting Statement that is submitted to OMB.

This ICR was published in the Federal Register on June 27, 2007 (72 FR 35227-35230). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA received no comments on this ICR.

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<sup>4</sup> Many of the same environmental controls promoted as part of a BMP Plan currently may be used by industry in stormwater pollution prevention plans; spill prevention and response plans (30 CFR 254); Occupational Safety and Health Administration (OSHA) safety plans; fire protection programs; insurance requirements; Federal, State, or local requirements; or standard operating procedures. Additionally, permittees may have already developed pollution prevention programs or controls such as source reduction, recycling, and reuse which may be similar to those promoted as part of a BMP Plan. When a BMP issue is already addressed via a separate regulatory program, the BMP Plan is expected to reference those efforts, not duplicate them. Where operating manuals, standard operating plans, or other documents have been developed to address other regulatory requirements (e.g., OSHA, RCRA, etc.) these may be cross-referenced in the BMP Plan.

### **3.c Consultations**

EPA has solicited public comments on the NPDES Compliance Assessment/Certification Information ICR numerous times. In addition, consistent with PRA requirements, EPA has public noticed this ICR prior to each renewal. Most recently, EPA has public noticed this ICR on April 9, 1996, March 23, 2000, December 9, 2003, and June 27, 2007

### **3.d Effects of Less Frequent Data Collection**

The information collected for the NPDES/Compliance Assessment/Certification ICR is generally required episodically. Some of the information included in this ICR is collected only when certain conditions occur. For example, compliance schedule reports are submitted only when a permit contains a compliance schedule and when a milestone identified in the permit is reached, to determine the permittee's compliance with that milestone. Also, alternate level reports are submitted only when there is an expected change in the production level at the facility.

Some of the information in this ICR that is required to be submitted is collected only after the permittee violates a permit condition. For example, noncompliance reports are submitted when the facility experiences a bypass, an upset, or a violation of a daily maximum 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 the agency has reason to believe it needs additional information to determine compliance. Therefore, frequency of information collection is not an issue for the reporting requirements in this category.

With regard to use of BMPs under 40 CFR 435 to control NAFs, the Permittee must maintain a copy of the BMP Plan and related documentation (e.g., training certifications, summary of the monitoring results, records of synthetic-based fluids (SBF)-equipment spills, repairs, and maintenance) at the facility and must make the BMP Plan and related documentation available to the State NPDES Permitting Authority and/or EPA, upon request. Submission of the BMP Plan and related documentation shall be at the frequency established by the NPDES permitting authority (i.e., Permit monitoring reports), but in no case less than once per 5 years. As NPDES permits are required to be revised every five years, any less frequent submission of the BMP Plan and related documentation would lead to outdated and ineffective BMP Plans.

The BMP alternative requires refresher training to ensure the proper implementation of the BMP Plan. EPA estimates that refresher training will take place twice a year with each training course lasting 4 hours. Less frequent training will lead to inadequate implementation of the associated beneficial BMPs.

### **3.e General Guidelines**

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2).<sup>5</sup> The 24-hour reporting requirements for notice of unanticipated upset or bypass and notice of violation are required by the NPDES regulations at 40 CFR 122.41(l)(6) because of the potential for severe environmental damage or grave threats to public health resulting from these circumstances. The pollutant discharge limits in a NPDES permit are designed to be protective of the environment and the public. Violation of those limits whether by upset, bypass, or other

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<sup>5</sup> 5 CFR 1320.5(d)(2) Unless the agency is able to demonstrate, in its submission for OMB clearance, that such characteristic of the collection of information is necessary to satisfy statutory requirements or other substantial need, OMB will not approve a collection of information (i) Requiring respondents to report information to the agency more often than quarterly; (ii) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

violation is, therefore, a threat to the receiving stream. The permitting authority must be informed of such violations quickly so that necessary remedial action can be taken as soon as possible.

**3.f      Confidentiality**

Where information submitted in conjunction with this ICR contains trade secrets or similar confidential business information, the respondent has the authority to request that this information be treated as confidential business information. 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 and NAICS/SIC Codes

An NPDES permit is 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, any industrial category may be subject to compliance assessment requirements for their NPDES permits. A relatively large portion of permitted facilities, including municipal dischargers, are classified in the sanitary service industrial category (North American Industry Classification System (NAICS) code 221320, Standard Industrial Classification (SIC) code 495). Other industrial categories covered by NPDES permits include facilities in more than 800 industrial classifications. Other common permittee classifications include, but are not limited to, electric services (NAICS 2211, SIC 491), bituminous coal (NAICS 212111 and 212112, SIC 122), chemical manufacturing (NAICS 325, SIC 28), petroleum refining (NAICS 324110, SIC 2911), mineral ores (NAICS 2122, SIC 10), and ready-mixed concrete (NAICS 32732 SCI 3273). EPA may request supplemental information from any permittee.

Applicants requesting coverage under the Sewage Sludge Management program include POTWs and privately owned treatment works (PrOTWs) (NAICS 221320, SIC 495). In most cases, these facilities will have NPDES permits and will submit information about sewage sludge use and disposal practices as part of their NPDES applications. In some cases, respondents are facilities treating domestic sewage that do not have a NPDES permit but must have a permit for sewage sludge use and disposal activities. These respondents are called "sludge-only" applicants.

CAFO facilities are classified based on the primary type of animal confined at the operation. NAICS code: 112111, 112112, 112120, 112210, 112310, 112320, 112330, 112390, 112410, and 112920; SIC codes: 0211, 0212, 0213, 0214, 0241, 0251, 0252, 0253, 259, and 272.

The respondents using BMPs under 40 CFR 435 to control NAFs will be approximately 67 offshore synthetic-based fluid (SBF) well drilling facilities. These operations fall under NAICS codes 211111 and 213111, SIC code 13. Government respondents are expected to include representatives from EPA Regions 4, 6, 9, and 10, who will revise NPDES permits for implementation of the BMP alternative. The EPA Region 10 respondent will revise the general NPDES permit for the coastal State waters of Cook Inlet, Alaska, as EPA has not yet approved authorization of the NPDES program in the State of Alaska.

### 4.b Information Requested

EPA requires permittees to maintain and/or submit certain information. The following recordkeeping and reporting requirements are covered by this ICR and are used by the permitting authority to determine a permittee's compliance with its permit requirements:

1. ***Recordkeeping of Monitoring Data [§122.41(j)(2)]***: In association with monitoring requirements, NPDES permittees including non-stormwater general permittees and a portion of the stormwater general permittees must keep records of all monitoring data and reports, including copies of all original monitoring information, for 3 years after the date of sample, measurement, report, or application. Data that must be retained include: date and time of sampling and monitoring, names of individuals who performed sampling and monitoring, analytical techniques or methods used, and

results of such analyses. These data must be readily available to the permitting authority during site inspections or at any other time they are needed. This recordkeeping requirement is intended to ensure that permittees keep files on the raw data used to generate DMR summary information. This information would otherwise not be available to the permitting authority. The recordkeeping burden associated with sewage sludge monitoring is included in the Part 503 burden estimated under the NPDES and Sewage Sludge Monitoring Reports ICR (EPA ICR No. 0229.16, OMB Control No. 2040-0004, April 2005) and is not covered in this ICR.

2. ***Recordkeeping of Inspection Data [§122.44(i)(4)(ii)]***: A stormwater general permittee must keep records of annual on-site inspection data for 3 years after the date of inspection. The inspection data must summarize the results of the inspection, and identify any incidents of noncompliance and evaluate measures that reduce pollutant loadings identified in the SWPPP. This data must be readily available to the permitting authority on request. This information is the minimum compliance requirement and applies to all stormwater general permittees. In addition, stormwater permittees with discharges associated with industrial activity are required to perform periodic visual examinations of their facilities and maintain records of these visual examinations.
3. ***Compliance Schedule Reports [§§122.41(l)(5) and 501.15(a)(6)]***: Adherence to an NPDES or sewage sludge permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee. This information is used to assess the permittee's progress in installing the treatment facilities (or "milestones") necessary to meet discharge limitations or sewage sludge quality standards. Compliance schedule reports must be submitted within 14 days following the schedule date of each of the scheduled milestones. A schedule violation could result in an enforcement action.
4. ***Noncompliance Reports [§§122.41(l)(6), 122.41(l)(7), and 501.15(b)(12)]***: A permittee must provide 24-hour oral reporting of any noncompliance which may endanger human health or the environment (with a written follow-up submission within 5 days). The following must be reported within 24 hours to the permitting authority: 1) any unanticipated bypass which exceeds any effluent limitation in the permit; 2) any upset which exceeds any effluent limitation in the permit; and 3) violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit. These reports may include SSO events and unpermitted CSO reporting; however, in this ICR, SSO reporting and unpermitted CSO reporting burdens appear as separate line items in exhibits that follow. In addition, §§122.41 and 501.15 require permittees to report instances of non-compliance with sewage sludge regulations such as noncompliance with sewage sludge pollution standards. Timely reporting is essential in these cases, and thus, separate reporting requirements have been established for reporting bypass, upset, or violation of a maximum daily discharge. If required, the written report of the occurrence shall describe the event, its cause, its duration, and remedial actions taken. In addition, respondents must report other noncompliance situations even if they are not covered under these reporting requirements as soon as they occur.
5. ***Alternate Level Reports [§122.45(b)(2)(B)(1)]***: The permitting authority may, at its discretion, apply tiered production-based effluent limits in an NPDES permit. Tiered permit limits allow facilities to operate under different sets of limits for pollutants

based on varying production levels. In the case of automotive factories, however, a reasonable demonstration by the permittee of the requirement for tiered limits obligates the EPA (not States) to grant tiered limits to the industry. Nevertheless, every facility operating under tiered limits is required to submit a notification to the permitting authority if it intends to operate at a production level higher than the lowest production level identified in the permit.

6. ***Section 308(a) Letters:*** Section 308(a) of the CWA gives broad discretion to permitting authorities to request information from a permittee. The burden on respondents from 308(a) letters requesting information is included under several ICRs. For example, a 308(a) letter may be sent out in response to inadequate information contained in an NPDES permit application. Accordingly, this burden is reflected in the Applications ICR. Section 308(a) letters may also request additional information on other monitoring activities under the CWA, including spills of oil and hazardous substances from owners or operators of facilities or vessels. They are, therefore, a compliance-related activity and the burden associated with responding to this is reflected in this NPDES/Compliance Assessment/Certification Information ICR.
7. ***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. Of these industrial categories, two categories (aluminum forming and coil coating) may choose to submit an annual certification requesting exemption from cyanide monitoring; one category (pharmaceutical manufacturing) may choose to submit a certification requesting exemption from monitoring once every permit cycle (5 years); one category (porcelain enameling) may choose to submit an annual certification requesting exemption from chromium monitoring; certain facilities in the pulp and paper categories, which use a totally chlorine free process, may choose an alternative monitoring program by certification once every permit cycle; one category (steam electric) may choose to provide a demonstration and certification requesting exemption for monitoring requirements. For one of the subparts to the coil coating category (can making), the discharger is required to submit a notification if the alloy used in making cans contains less than 1 percent manganese. For certain facilities in the electroplating, metal finishing, and electrical and electronic components categories, permittees may choose to submit a Total Toxic Organics (TTO) certification semi-annually in lieu of TTO monitoring, but must also develop and submit a toxic organic management plan. In addition, for the pesticide formulating and packaging category, the discharger may choose to submit an annual certification to use pollution prevention alternatives. Dischargers submitting a certification for pollution prevention alternative must also develop a pollution prevention plan.
8. ***Synthetic-Based Fluids (SBF) well drilling operations that elect to control their SBF-cuttings discharges through the use of BMPs are required to prepare the following information:*** (1) certification of BMP completion and a copy of the most current BMP Plan; (2) records demonstrating periodic review of the BMP Plan (at a minimum once every five years); (3) monitoring reports (including the operation of monitoring systems) to establish equivalence with a numeric cuttings retention limitation and to detect leaks, spills, and intentional diversion; and (4) training

reports to document re-fresher training necessary to ensure the effectiveness of the BMP Plan.

#### 4.c Respondent Activities

Respondent activities can vary substantially, depending on the type of permittee and its ability to comply with its NPDES or sewage sludge permit. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4.b above. However, to submit the required information, any particular respondent may engage in the following types of activities:

- **Preparing basic information.** This includes reviewing regulatory and permit requirements, responding to information requests, reporting production levels to the permitting authority, gathering general information for reports, preparing documents for submission, making telephone calls to the permitting authority, drafting letters, reviewing materials for submission, preparing certifications, and mailing completed submissions.
- **Maintaining records.** All NPDES permittees must keep records of all monitoring information and all reports required by the permit. Stormwater general permittees must retain records of facility inspections and visual examinations. New permittees need to develop a recordkeeping system, enter data, train personnel, and file information.
- SBF well drilling operations that elect to use BMPs to control their SBF discharges will be involved in the following tasks:
  - *BMP Plan Development, Review, and Certification:* The BMP Plan must be documented in narrative form, and must include any necessary plot plans, drawings, or maps, and must be developed in accordance with good engineering practices. At a minimum, the BMP Plan must contain the planning, development and implementation, and evaluation/reevaluation components.
  - *Periodic Review and Revision of BMP Plan:* For those SBF-cuttings discharges controlled through the BMP alternative, the permittee must amend the BMP Plan whenever there is a change in the facility or in the operation of the facility which materially increases the generation of SBF-cuttings or their release or potential release to the receiving waters. At a minimum the BMP Plan must be reviewed once every five years and amended within three months if warranted.
  - *Additional Monitoring Reports:* Respondents that elect to use the BMP alternative to control SBF-cuttings discharges will be required to document additional monitoring activities. These additional monitoring activities and the related documentation activities are required to demonstrate a well-ordered and working BMP program. Additional monitoring activities include establishing equivalence with a numeric cuttings retention limitation and detecting SBF-cuttings leaks, spills, and intentional diversions.
  - *Re-fresher Training:* This activity may be performed by the establishment of a program of documented initial and annual refresher training of drilling equipment operators, maintenance personnel, and other technical and supervisory personnel who have responsibility for operating, maintaining, or supervising the operation and maintenance of drilling equipment.

## 5 THE INFORMATION COLLECTED: AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

### 5.a Agency Activities

The permitting authority retains all information generated by the permittee as part of the permittee's official file. The information is reviewed to determine if the permittee is in compliance with its permit, and to determine if any noncompliance poses a threat to human health or the environment. In some cases, follow-up actions, including enforcement actions, may be necessary. In collecting and analyzing the information associated with this ICR, EPA and authorized States enter all applicable data into a national database: the Permit Compliance System (PCS) or the new modernized system called the Integrated Compliance Information System (ICIS). The Agency uses PCS/ICIS data to manage the NPDES program, for example, to develop statistical summaries on such things as permit compliance rates. The permitting authority analyzes and processes this information as well. The permitting authority's burden for compiling these reports on compliance rates is estimated in the *ICR for NPDES and Sewage Sludge Management State Program Requirements* (OMB No. 2040-0057, ICR No. 0168.09).

With regard to use of BMPs under 40 CFR 435 to control NAFs, permittees must maintain records (e.g., a copy of the BMP Plan and related documentation, such as training certifications, summary of the monitoring results, records of SBF-cuttings spills, repairs, and maintenance) as described in 40 CFR 435 at the facility and must make the BMP Plan and related documentation available to EPA and/or the State NPDES permitting authority, upon request. Submission of the BMP Plan and related documentation shall be at the frequency established by the NPDES permitting authority (i.e., permit monitoring reports), but in no case less than once per five years. Review of monitoring records by EPA or the State permitting authority may also be helpful to permit writers in the development of future NPDES permit conditions.

### 5.b Collection Methodology and Management

The permitting authority will ensure the accuracy and completeness of information collected by reviewing each submittal upon receipt and is responsible for ensuring that applicable data are entered into PCS or ICIS.

Upon request to EPA, the public may access certain information via PCS, ICIS, Online Tracking Information System (OTIS), or Enforcement and Compliance History Online (ECHO). Some of the information is available to the public through web-based interfaces of these databases or other EPA web-based tools such as Envirofacts.

With regard to use of BMPs under 40 CFR 435 to control NAFs, the data collection and management methodology for SBF well drilling operations that elect to use BMPs will include the submission of the BMP Plan to the NPDES permitting authority at the frequency established by the NPDES permitting authority (i.e., permit monitoring reports), but in no case less than once per 5 years. The NPDES permitting authority may also request BMP implementation documentation (e.g., training certifications, maintenance records). The NPDES permitting authority will also review cases where operators are unable to demonstrate compliance with numeric cuttings retention limitations.

## 5.c Small Entity Flexibility

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 business because the information required is simple and straightforward.

Many small businesses do not discharge any pollutants, or they discharge pollutants to a POTW. These businesses are not required to have NPDES permits and thus are not subject to the reporting requirements of this ICR.

With regard to use of BMPs under 40 CFR 435 to control NAFs, pursuant to section 605(b) of the Regulatory Flexibility Act, the EPA Administrator certified that this final regulation will not have a significant economic impact on a substantial number of small entities.

## 5.d Collection Schedule

### 5.d.1 *Information Collection Activities*

With the exception of the certifications allowed by the effluent limitations guidelines and standards and the stormwater related inspections and visual examinations, the information collection activities included in this ICR do not follow routine schedules; they are submitted on an as-needed basis. The time frames for collecting and submitting compliance assessment information are outlined below:

- Recordkeeping is performed on a continual basis;
- General permittee facility self-inspections must occur annually
- Stormwater permittees with discharges associated with industrial activity must perform quarterly visual examinations;
- Compliance assessment reports are submitted within 14 days of a scheduled milestone;
- Noncompliance reports are submitted only in cases where the permittee has violated a permit condition;
- Notices of alternate levels of production are submitted at least 2 days prior to a month in which a change in production is anticipated; and
- Response time to Section 308(a) information requests varies. These letters are sent by EPA (and States under applicable State Law) when there is reason to believe that there may be noncompliance and where enforcement may be an appropriate response.

### 5.d.2 *Information Collection Schedule*

The information collection schedules for the 14 industrial categories (12 categories and 2 subcategories) seeking exemptions or alternative compliance reporting are as follows:

- Facilities in the porcelain enameling, aluminum forming, coil coating, and pesticides formulating and packaging industrial categories may submit certifications annually in lieu of routine monitoring.
- Facilities in the electroplating, metal finishing, and electrical and electronic components industrial categories may submit semiannual certifications in lieu of certain monitoring.
- Facilities in the can making category, a subcategory of the coil coating industrial category, must submit a notification only when a process change is anticipated.

- Facilities in the pharmaceutical manufacturing, steam electric, and pulp and paper industrial categories must submit certifications once every permit cycle.
- Facilities subject to 40 CFR Part 435 and that will use BMPs to control NAFs are anticipated to occur under the following schedule:
  - The operator shall certify that its BMP Plan is complete, on-site, and available upon request to EPA or the State NPDES permitting authority. This certification shall identify the NPDES permit number and be signed by an authorized representative of the operator. This certification shall be kept with the BMP Plan. For new or modified NPDES permits, the certification shall be made no later than the effective date of the new or modified permit. For existing NPDES permits, the certification shall be made within one year of permit issuance.
  - Submission of records to the permitting authority demonstrating periodic review of the BMP Plan are due at a minimum once every 5 years.
  - Monitoring reports demonstrating compliance with the BMP Plan are due to the permitting authority at the frequency set by the permitting authority (e.g., monthly or annually) and may be requested by the permitting authority on demand.
  - Re-fresher training certifications demonstrating compliance with the BMP Plan are due to the permitting authority at the frequency set by the permitting authority (e.g., semi-annually) and may be requested by the permitting authority on demand.

## 6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

### 6.a Estimating Respondent Burden

Exhibit 2 presents a summary of the number of State-issued and EPA-issued permits. The major and minor and sludge-only permit data were compiled from PCS data (July 2006).<sup>6</sup> Estimates of general permittees with discharges of industrial stormwater were pulled from the *Applications for NPDES Discharge Permits and the Sewage Sludge Management Permits ICR* (ICR #2040-0086, OMB #0226.18, June 2006). The breakdown of State versus EPA permittees with discharges of industrial stormwater is based on 2000 Census Bureau data, indicating that 94.4 percent of the U.S. population resides in NPDES authorized States while 5.6 percent resides in non-NPDES States. Storm water general permittee estimates (discharges associated with construction activities) were based on estimates from *NPDES Stormwater Program Phase II ICR* (EPA ICR No. 1820.04, OMB Control No. 2040-0211, June 2006) and the *Notice of Intent for Stormwater Discharges Associated with Construction Activity Under a NPDES General Permit ICR* (EPA ICR No. 1842.05, OMB Control No. 2040-0188, June 2006). Finally, the number of “other non stormwater general permittees” were obtained from PCS (July 2006).

**Exhibit 2. Number of Individual NPDES Permits Issued by EPA and the States and Permittees covered by General Permits**

Type of Permit	States	EPA	Total
<b>Major Permits</b>			
Municipal	3,991	249	4,240
Non-Municipal	2,198	148	2,346
Subtotal	6,189	397	6,586
<b>Minor Permits</b>			
Municipal	10,543	229	10,772
Non-Municipal	32,685	685	33,370
Subtotal	43,228	914	44,142
<b>General Permittees</b>			
Stormwater Industrial	91,146	5,404	96,550
Stormwater Construction	231,636	10,211	241,847
Other – non stormwater	54,017	3,203	57,220
Subtotal	376,799	18,818	395,617
<b>Sludge-only Permits</b>			
POTWs	1,467	2,936	4,403
PrOTWs	139	257	396
Subtotal	1,606	3,193	4,799

The permits shown in Exhibit 2 constitute major and minor municipal individual permittees, stormwater and non-stormwater general permittees, and sludge-only permittees. The facilities holding these permits are potential respondents in this NPDES/Compliance Assessment/Certification Information ICR. Although this ICR includes Federal facility counts, their burden is believed to be insignificant because of the manner in which the data were retrieved from PCS. EPA is not required to include burden estimates imposed on other Federal agencies. State and EPA-issued permits have been disaggregated to allow separate reporting of burden and costs to State and Federal governments.

<sup>6</sup> The facility type indicator field was used in PCS to categorize whether a facility was municipal or non-municipal. All facilities coded as “M” for “Municipal” were selected as Municipal facilities. All facilities coded as “I” for “Industrial,” “F” for “Federal,” or “O” for “Other” were selected as Non-Municipal facilities.

With regard to use of BMPs under 40 CFR 435 to control NAFs, EPA estimates that 68 facilities annually will be affected by this ICR.<sup>7</sup>

Based on the 2006 CAFO ICR (EPA ICR No. 1989.04; OMB No. 2040-0250), EPA estimates that there are 24,036 CAFO permittees. Of those 23,216 are in States with NPDES authority and 820 are directly regulated by EPA.<sup>8</sup>

EPA estimates that there are 84 Subpart B, Bleached Papergrade Kraft and Soda facilities, 82 regulated by States and 2 by EPA. These numbers come from EPA ICR No. 1878.02 OMB ICR No. 2040-0243 and EPA ICR No. 1829.03, OMB ICR No. 2040-0207.

As shown in Exhibit 3, EPA estimates the total annual burden to respondents to be approximately 2,015,231 hours. Of this total, 1,773,388 hours are for recordkeeping, while 241,843 hours are for reporting. Exhibit 3 provides a detailed breakdown of hours by specific record or report. The information requirements in this ICR potentially affect 450,425 permittee respondents. Of this population, 446,429 respondents will incur a recordkeeping burden. This number includes all State and EPA major, minor, and general permittees but excludes sludge permittees because the recordkeeping burden for sludge permittees has been estimated in another ICR (NPDES and Sewage Sludge Monitoring Reports, EPA ICR No. 0229.16, OMB Control No 2040-0004, April 2005) (see Section 4.b).

In accordance with OMB's instructions, this ICR calculates burden and costs to respondents on an annual basis. To calculate the total annual respondent burden, the ICR first calculates the annual burden for each compliance assessment requirement. The ICR then adds these together. Thus, the total annual burden is the sum of the annual burdens for each individual compliance assessment requirement. This section explains the respondent burden estimates for each compliance assessment requirement.

*Note:* Numbers presented in the text may not add exactly due to rounding (the data were developed using spreadsheets). For example, section 6.a.3 shows: "EPA estimates that...5 percent (2,206) of the 44,142 minor facilities...". Five percent of 44,142 is 2,207, not 2,206, but in the spreadsheets the calculation is done by individually calculating 5 percent of each category of minor facilities and the adding them up:

Five percent of Minor Municipal Permittees regulated by States (10,543)	527
Five percent of Minor Municipal Permittees regulated by EPA (229)	11
Five percent of Minor Non-Municipal Permittees regulated by State (32,685)	1,634
Five percent of Minor Non-Municipal Permittees regulated by EPA (685)	34

In general, the larger the facility, the greater the number of outfalls, and the greater the discharge of pollutants (particularly toxics). Larger facilities are also likely to produce larger volumes of sewage sludge. Because of these factors, larger facilities tend to incur greater burdens for completing mandatory reports and the burden will be calculated separately for major and minor facilities as described in the sections below. The more often a facility violates its permit

<sup>7</sup> See EPA ICR No. 1427.07 for detailed explanation of the assumptions regarding Part 435

<sup>8</sup> These numbers are expected to decrease when the 2003 CAFO rule is revised to incorporate the February 28, 2005 decision of the U.S. Second Circuit Court of Appeals that reduced the number of CAFOs required to have NPDES permits.

conditions, the larger the burden associated with reporting noncompliance (i.e., explaining reasons and proposing solutions).

**Exhibit 3. Annual Respondent Reporting and Recordkeeping Burden**

Item/Type of Respondent	Respondents per Year (State permits)	Respondents per Year (EPA permits)	Respondents per Year (A)	Burden (Hrs.) per Respondent (B)	Total Annual Burden (Hrs.) (A) x (B)	Type of Permittee (Private or Municipal)
<b>Recordkeeping</b>						
Major Municipal Permittees	3,991	249	4,240	6	25,440	Municipal
Major Non-Municipal Permittees	2,198	148	2,346	6	14,076	Private
Minor Municipal Permittees	10,543	229	10,772	1.2	12,926	Municipal
Minor Non-Municipal Permittees	32,685	685	33,370	1.2	40,044	Private
Storm Water General Permittees – Industrial <sup>a</sup>	91,146	5,404	96,550	6.6	637,230	Private
Storm Water General Permittees - Construction	231,636	10,211	241,847	4	967,388	Private
Other General Permittees	54,017	3,203	57,220	1.2	68,664	Private
Subpart B, Bleached Papergrade Kraft and Soda	82	2	84	90.71	7,620	Private
<b>Burden Subtotal: Recordkeeping Private</b>	<b>411,764</b>	<b>19,653</b>	<b>431,417</b>		<b>1,735,022</b>	
<b>Burden Subtotal: Recordkeeping Municipal</b>	<b>14,534</b>	<b>478</b>	<b>15,012</b>		<b>38,366</b>	
<b>BURDEN TOTAL RECORDKEEPING</b>	<b>426,298</b>	<b>20,131</b>	<b>446,429</b>		<b>1,773,388</b>	
<b>Compliance Schedule Reports</b>						
Major Municipal Permittees	1,996	125	2,121	1.125	2,386	Municipal
Major Non-Municipal Permittees	1,099	74	1,173	1.125	1,320	Private
Minor Municipal Permittees	527	11	538	1.125	605	Municipal
Minor Non-Municipal Permittees	1,634	34	1,669	1.125	1,878	Private
<b>Sludge Permit Conditions Compliance Schedule Reports</b>						
POTWs	100	0	100	1.5	150	Municipal
PrOTWs	32	0	32	1.5	48	Private
<b>SUBTOTAL</b>	<b>5,388</b>	<b>244</b>	<b>5,633</b>		<b>6,387</b>	
<b>Noncompliance Reports</b>						
<b>Unanticipated Bypass/Upset Report</b>						
<b>Verbal Reports</b>						
Major Municipal Permittees	599	37	636	5	3,180	Municipal
Major Non-Municipal Permittees	330	22	352	5	1,760	Private
Minor Municipal Permittees	527	11	538	5	2,690	Municipal
Minor Non-Municipal Permittees	1,634	34	1,668	5	8,340	Private
<b>Written Reports</b>						
Major Municipal Permittees	449	28	477	2	954	Municipal

Item/Type of Respondent	Respondents per Year (State permits)	Respondents per Year (EPA permits)	Respondents per Year (A)	Burden (Hrs.) per Respondent (B)	Total Annual Burden (Hrs.) (A) x (B)	Type of Permittee (Private or Municipal)
Major Non-Municipal Permittees	248	17	265	2	530	Private
Minor Municipal Permittees	395	8	403	2	806	Municipal
Minor Non-Municipal Permittees	1226	26	1,252	2	2,504	Private
<b>SUBTOTAL</b>	<b>5,408</b>	<b>183</b>	<b>5,591</b>		<b>20,764</b>	
<b>Maximum Daily Violation Report</b>						
Verbal Reports						
Major Municipal Permittees	599	37	636	6	3,816	Municipal
Major Non-Municipal Permittees	330	22	352	6	2,112	Private
Minor Municipal Permittees	527	11	538	3	1,614	Municipal
Minor Non-Municipal Permittees	1634	34	1,668	3	5,004	Private
Storm Water Permittees	2,256	134	2,390	3	7,170	Private
Written Reports						
Major Municipal Permittees	300	19	319	4	1,276	Municipal
Major Non-Municipal Permittees	165	11	176	4	704	Private
Minor Municipal Permittees	264	6	270	2	540	Municipal
Minor Non-Municipal Permittees	817	17	834	2	1,668	Private
Storm Water Permittees	1128	67	1,195	2	2,390	Private
<b>SUBTOTAL</b>	<b>8,020</b>	<b>358</b>	<b>8,378</b>		<b>26,294</b>	
<b>Other Noncompliance Reports</b>						
Major Municipal Permittees	80	5	85	5	425	Municipal
Major Non-Municipal Permittees	44	3	47	5	235	Private
Minor Municipal Permittees	105	2	107	5	535	Municipal
Minor Non-Municipal Permittees	327	7	334	5	1,670	Private
Sludge Permit Conditions - Noncompliance Reports						
POTWs	31	0	31	5.2	161	Municipal
PrOTWs	10	0	10	5.2	52	Private
CAFO Permittees	232	8	240	5	1,200	Private
<b>SUBTOTAL</b>	<b>829</b>	<b>25</b>	<b>854</b>		<b>4,278</b>	
<b>Notice of Alternate Level of Production</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	Private
<b>Section 308(a) Letters</b>	<b>0</b>	<b>1,200</b>	<b>1,200</b>	<b>8</b>	<b>9,600</b>	Private
<b>Pollution Prevention Alternative</b>						
Pesticides Packaging and Repackaging	54	1	55	20	1,100	Private
<b>Certifications</b>						

Item/Type of Respondent	Respondents per Year (State permits)	Respondents per Year (EPA permits)	Respondents per Year (A)	Burden (Hrs.) per Respondent (B)	Total Annual Burden (Hrs.) (A) x (B)	Type of Permittee (Private or Municipal)
Pesticides Packaging and Repackaging	161	2	163	1	163	Private
Aluminum Forming	52	5	57	1	57	Private
Coil Coating	71	5	76	1	76	Private
Can Making (subcategory of coil coating)	11	2	13	1	13	Private
Porcelain Enameling	21	6	27	1	27	Private
Pharmaceutical Manufacturing	35	4	39	1	39	Private
Pulp, Paper, and Paperboard	196	21	217	0.2	43	Private
Subpart B, Bleached Papergrade Kraft and Soda	74	0	74	6	444	Private
Building Paper and Board Mills	108	23	131	1	131	Private
Steam Electric	916	113	1,029	1	1,029	Private
Electroplating	0	0	0	2	0	Private
Metal Finishing	1454	70	1,524	2	3,048	Private
Electrical and Electronic Components	40	4	44	2	88	Private
<b>SUBTOTAL</b>	<b>3,139</b>	<b>255</b>	<b>3,394</b>		<b>5,158</b>	
SSO Reporting	N/A	N/A	N/A	N/A	62,144	Municipal
Unpermitted CSO Reporting <sup>b</sup>	N/A	N/A	N/A	N/A	5,184	Municipal
Part 435 Certification Oil and Gas Extraction <sup>c</sup>		68	68	N/A	53,516	Private
Part 434 Coal Remining and Western Alkaline	78	N/A	78	N/A	1,638	Private
Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans	N/A	N/A	29	N/A	N/A	Private
BMP, Bleached Papergrade Kraft and Soda Milestone Plans	82	2	84	545	45,780	Private
<b>Burden Subtotal: Reporting Private</b>				<b>155,377</b>		
<b>Burden Subtotal: Reporting Municipal</b>					<b>86,466</b>	
<b>BURDEN TOTAL REPORTING</b>					<b>241,843</b>	
<b>Subtotal Burden Private</b>					<b>1,890,399</b>	
<b>Subtotal Burden Municipal</b>					<b>124,832</b>	
<b>TOTAL BURDEN</b>					<b>2,015,231</b>	

a. Only 49.5 percent of the 46,550 industrial storm water permittees are estimated to be required to maintain monitoring data.

b. These burden hours were taken directly from the 1998 Summary of Revised Burden Estimates and are based on an estimated number of events per year, rather than the number of respondents. For further explanation of these estimates see the 1998 Summary of Revised Burden Estimates for SSO/Unpermitted CSO Reporting.

c. Part 435 burden from previous ICR (EPA ICR 1427.07)

Note: Respondents are not unique respondents. There is some double counting. For unique respondents see Exhibit 4c.



### ***6.a.1 Recordkeeping of Monitoring and Inspection Data***

The following discussion is presented in table format in Exhibits 2 and 3. EPA estimates that all NPDES permittees (except for certain stormwater permittees as discussed below) will incur an annual burden for recordkeeping of discharge monitoring and other monitoring data. The burden associated with this recordkeeping requirement depends on the size of the facility. In the previous NPDES/Compliance Assessment/Certification Information ICR, EPA estimated that 6.0 hours per year (0.5 hours per month) for major permittees and 1.2 hours per year (0.1 hours per month) for minor permittees are necessary to organize and file the appropriate existing monitoring data. These estimates are consistent with current recordkeeping requirements and are retained in this ICR. Therefore, 6,586 major permittees (4,240 municipal plus 2,346 non-municipal) will spend 6.0 hours per year on recordkeeping activities, resulting in a total annual burden of 39,516 hours. All 44,142 minor municipal and non-municipal permittees (10,772 and 33,370, respectively) will incur a total annual burden of 52,970 hours for recordkeeping.

All 96,550 stormwater general permittees with industrial discharges are required to conduct and maintain records of their annual site inspections and all 241,847 construction stormwater general permittees are required to conduct and maintain records of their comprehensive site inspection. These activities are expected to result in an annual burden of 4 hours per respondent for an annual burden of 1,553,588 hours. All of the 96,550 storm water general permittees with industrial discharges are required to conduct quarterly visual examinations. EPA estimates these permittees will spend 0.5 hours for each visual examination, for a total of 2.0 hours per year and a total annual burden of 193,100 hours.

A portion of the stormwater general permittees with industrial discharges are required to keep monitoring records. Based on information submitted by these permittees to EPA's NOI Data Processing Center, this number is estimated to be 49.5 percent or 47,792 permittees. EPA estimates that 1.2 hours will be spent by these stormwater permittees in keeping monitoring records, resulting in a total annual burden of 57,351 hours. Note: Because only a portion of the 96,550 storm water permittees with industrial discharges are required to maintain monitoring data, the average burden hours for storm water permittees with industrial discharges is 6.6 hours (4 hours to maintain records of their annual site inspections + 2 hours for visual examinations + [1.2 hours for keeping monitoring records \*49.5% of the stormwater general permittees with industrial discharges required to keep monitoring records]).

EPA estimates that all 57,220 non-stormwater general permittees will incur a recordkeeping burden of 1.2 hours annually for maintaining monitoring data. This results in a total annual burden of 68,664 hours.

The facilities submitting certifications are a very small subset of the major and minor permittees and the recordkeeping burden for these certifications is believed to be adequately reflected in the recordkeeping burden discussed above.

The total recordkeeping burden for all respondents is therefore estimated to be 806,000 hours. This includes burden to Subpart B, Bleached Papergrade Kraft and Soda from OMB ICR 2040-0207 and OMB ICR 2040-0243. Note that recordkeeping requirements for sewage sludge permittees are accounted for in the sewage sludge use or disposal standards burden estimated under the NPDES and Sewage Sludge Monitoring Reports ICR (EPA ICR No. 0229.16, OMB Control No. 2040-0004, April 2005) and, thus, are not included in this ICR.

### **6.a.2 Compliance Schedule Reports**

Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. EPA assumes that most NPDES permittees will engage a contractor to undertake the construction necessary to meet these milestones. The Agency further assumes that the permittees will receive periodic detailed progress reports from their contractors on the status of construction. Therefore, EPA expects this requirement to place very little additional burden upon permittees. According to the previous NPDES/Compliance Assessment/Certification Information ICR, it is estimated that permittees will submit an average of 1.5 reports per year, and the burden to complete each report will be 0.75 hours. This is equivalent to 1.125 hours per year for each respondent. This burden represents the time required to both prepare and send the compliance schedule report.

It is expected that 50 percent of the major facilities and 5 percent of the minor facilities will submit compliance schedule reports per year.<sup>9</sup> General permittees will not incur a burden as they are not required to submit compliance schedule reports. At 1.125 hours per year, the total annual burden to major facilities is 3,706 hours, while the total annual burden to minor facilities is 2,483 hours.

The Agency anticipates that each year, 100 POTWs and 32 PrOTWs are required to submit compliance schedule reports regarding sewage sludge permit conditions and, further, that these facilities are required to submit an average of 2 reports per year. The Agency estimates that the burden to complete each report is 0.75 hours, for a total annual burden of 198 hours.

The total annual burden to respondents to prepare and file compliance schedule reports is therefore 6,387 hours.

### **6.a.3 Noncompliance Reports**

When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. The following subsections discuss the burden estimates associated with these noncompliance reports, except for those reports associated with SSOs and unpermitted CSOs. The burden estimates associated with these noncompliance reports are discussed in Section 6.a.7.

#### *24-Hour Report of Unanticipated Bypass or Upset*

Where noncompliance at a permittee's facility may endanger human health or the environment, the permittee is required to verbally notify the permitting authority within 24 hours of the noncompliance. The verbal report must be followed by a written report, unless it is waived by the permitting authority. EPA assumes that permittees closely monitor the operation of their facilities so that the occurrence of a bypass or upset of the treatment works is readily apparent to operators. Because of the potential for serious environmental damage, grave threats to public health, and injury to facility employees, permittees should act quickly in the event of such an occurrence. Permittees must make these reports if they wish to use unanticipated bypass or upset as an affirmative defense for violating their permit limits [§122.41(n)(3)]. Thus, if proper

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<sup>9</sup> In the previous 2004 ICR (EPA ICR No. 1427.07) EPA estimated that 75 percent of the major facilities would submit compliance schedule reports per year. The percentage was revised based on input from EPA's Water Permits Division, 2007.

procedures for reporting bypass or upset are followed, the permittee may use the 24-hour report as a defense for violating its permit conditions, because it is a timely report of the occurrence.

EPA estimates that 15 percent (988) of the 6,586 major facilities and 5 percent (2,206) of the 44,142 minor facilities upset or bypass annually, thereby requiring a verbal notification. EPA estimates that these respondents will submit one report per year at 5 hours of burden. In addition, EPA estimates that 75 percent (2,397) of the 3,194 facilities submitting a verbal notification will also be required to submit a written report. The written report is expected to require an additional 2 hours of burden. The burden represents the time required to investigate the bypass or cause of upset; determine the duration or expected duration of the incident; determine the corrective actions to be taken; prepare the written report (if the requirement is not waived); and to send the report to the permitting authority. As illustrated in Exhibit 3, the total annual respondent burden for submitting the verbal and written notification is 20,764 hours.

#### *24-Hour Report of Violation of Maximum Daily Discharge*

When a permittee exceeds its maximum daily discharge limitation for pollutants specified in its permit, the permittee is required to verbally notify the permitting authority within 24 hours of the violation. The verbal report must be followed by a written report, unless it is waived by the permitting authority. Permittees that have daily maximum discharge limits are already required to monitor for limited pollutants and report sampling results to the permitting authority on a Discharge Monitoring Report (DMR). Because the permittee's requirements are already accounted for in the DMR ICR (as discussed above), the verbal and written notice requirements under this ICR add only an incremental burden to the permittee's regular reporting requirements.

EPA assumes that the permittees required to submit verbal notices will incur a burden of 3 hours per notice. In addition, EPA assumes that 50 percent of those permittees giving notice will be required to submit written notices (the remaining 50 percent will have this requirement waived), with an estimated burden of 2 hours per written report. The burden represents the time required to gather information and prepare the verbal notice, prepare the written report if the requirement is not waived, and submit the report to the permitting authority.

EPA estimates that 15 percent (988) of the 6,586 major facilities and 5 percent (2,206) of the 44,142 minor facilities will violate their maximum daily discharge limitations for which a 24-hour report is required. Of these permittees, EPA expects the written report submittal requirement to be waived in 50 percent of the cases. Thus, 319 major municipals, 176 major non-municipals, 270 minor municipals, and 834 minor non-municipals are expected to submit written reports of violations of the maximum daily discharge limit. EPA estimates that the major facilities will submit an average of 2 reports per year, while the minors will submit an average of 1 report annually. In addition to the major and minor permittees, EPA expects 5 percent of the 47,792 stormwater general permittees with industrial discharges to violate their maximum daily discharge limits. This 5 percent is expected to be inclusive of the 10 percent of stormwater general permittees with coal pile runoff effluent limits that are expected, as estimated in the previous ICR, to violate their maximum daily discharge limits. As a result, 2,390 such permittees will be required to provide verbal notice of the violation, of which 50 percent, or 1,195, will be required to submit written reports. In summary, for all categories of respondents who must submit reports for maximum daily violations, the associated total annual burden is 26,294 hours.

### *Other Noncompliance*

When any type of noncompliance occurs that is not covered by standard compliance assessment reports (i.e., DMRs, compliance schedule reports, 24-hour reports, or planned changes), the permittee is still required to report it. Usually, a permittee makes these types of reports when conditions other than those described above cause it to violate the conditions of its permit. EPA estimates the average burden to be 5 hours per response. This burden represents the time required to gather information, prepare and present/conduct the verbal notice, and prepare and submit a written report.

Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR and by the NPDES/Sewage Sludge Monitoring Reports ICR, EPA expects very few respondents to be affected annually. Approximately 2 percent (132) of the 6,586 major facilities and 1 percent (441) of the 44,142 minor facilities are expected to submit 1 report per year. Therefore, at 5 hours per response, the total annual burden associated with these reports is 660 hours for major facilities and 2,205 hours for minor facilities.

In addition, EPA anticipates that each year 31 POTWs and 10 PrOTWs will be required to submit an average of one noncompliance report per year regarding sewage sludge permit conditions (generally noncompliance with pollutant limitations). The Agency assumes that the burden to complete these reports equals 5 hours for a total annual burden of 213 hours. The total annual burden associated with other noncompliance reports is 3,078 hours.

Due to the unique characteristics of the CAFO permits (e.g., nutrient management plans, no potential for discharge, etc), all noncompliance reports have been combined under 'other noncompliance' and EPA expects very few CAFO respondents to be affected annually. Approximately 1 percent (240) of the 24,036 CAFO facilities<sup>10</sup> are expected to submit 1 report per year. At 5 hours per response, the total annual burden associated with these reports is 1,200 hours.

Exhibit 4a and 4b shows the annual average number of responses per permittee and State respondent respectively. Exhibit 4c shows the number of unique respondents covered by this ICR. The total annual burden for all three types of noncompliance reports, as discussed above, is 51,336 hours. This is summarized in Exhibit 5. This exhibit does not include the respondent burden associated with SSO and CSO reporting. This latter information can be found in Exhibit 8.

#### **Exhibit 4a. Annual Average Responses per Permittee Respondent**

Item/Type of Respondent	Respondents per Year (A)	Responses per Year (B)	Total Annual Responses (A)x(B)	Type of Permittee (Private or Municipal)
<b>Recordkeeping</b>				
Major Municipal Permittees	4,240	1	4,240	Municipal
Major Non-Municipal Permittees	2,346	1	2,346	Private

<sup>10</sup> This number is expected to decrease when the 2003 CAFO rule is revised to incorporate the February 28, 2005 decision of the U.S. Second Circuit Court of Appeals that reduced the number of CAFOs required to have NPDES permits.

Item/Type of Respondent	Respondents per Year (A)	Responses per Year (B)	Total Annual Responses (A)x(B)	Type of Permittee (Private or Municipal)
Minor Municipal Permittees	10,772	1	10,772	Municipal
Minor Non-Municipal Permittees	33,370	1	33,370	Private
Storm Water General Permittees - Industrial*	96,550	1	96,550	Private
Storm Water General Permittees - Construction	241,847	1	241,847	Private
Other General Permittees	57,220	1	57,220	Private
Subpart B, Bleached Papergrade Kraft and Soda	84	1	84	Private
<b>Responses Subtotal: Recordkeeping Private</b>			<b>431,417</b>	
<b>Responses Subtotal: Recordkeeping Municipal</b>			<b>15,012</b>	
<b>RESPONSES TOTAL RECORDKEEPING</b>			<b>446,429</b>	
<b>Compliance Schedule Reports</b>				
Major Municipal Permittees	2,121	1.5	3,182	Municipal
Major Non-Municipal Permittees	1,173	1.5	1,760	Private
Minor Municipal Permittees	538	1.5	807	Municipal
Minor Non-Municipal Permittees	1,669	1.5	2,504	Private
<b>Sludge Permit Conditions Compliance Schedule Reports</b>				
POTWs	100	2	200	Municipal
PrOTWs	32	2	64	Private
<b>SUBTOTAL</b>	<b>5,633</b>		<b>8,517</b>	
<b>Noncompliance Reports</b>				
<b>Unanticipated Bypass/Upset Report</b>				
Verbal Reports				
Major Municipal Permittees	636	1	636	Municipal
Major Non-Municipal Permittees	352	1	352	Private
Minor Municipal Permittees	538	1	538	Municipal
Minor Non-Municipal Permittees	1,668	1	1,668	Private
Written Reports				
Major Municipal Permittees	477	1	477	Municipal
Major Non-Municipal Permittees	265	1	265	Private
Minor Municipal Permittees	403	1	403	Municipal
Minor Non-Municipal Permittees	1,252	1	1,252	Private
<b>SUBTOTAL</b>	<b>5,591</b>		<b>5,591</b>	
<b>Maximum Daily Violation Report</b>				
Verbal Reports				
Major Municipal Permittees	636	2	1,272	Municipal
Major Non-Municipal Permittees	352	2	704	Private
Minor Municipal Permittees	538	1	538	Municipal
Minor Non-Municipal Permittees	1,668	1	1,668	Private
Storm Water Permittees	2,390	1	2,390	Private
Written Reports				
Major Municipal Permittees	319	2	638	Municipal
Major Non-Municipal Permittees	176	2	352	Private
Minor Municipal Permittees	270	1	270	Municipal
Minor Non-Municipal Permittees	834	1	834	Private
Storm Water Permittees	1,195	1	1,195	Private
<b>SUBTOTAL</b>	<b>8,378</b>		<b>9,861</b>	

Item/Type of Respondent	Respondents per Year (A)	Responses per Year (B)	Total Annual Responses (A)x(B)	Type of Permittee (Private or Municipal)
<b>Other Noncompliance Reports</b>				
Major Municipal Permittees	85	1	85	Municipal
Major Non-Municipal Permittees	47	1	47	Private
Minor Municipal Permittees	107	1	107	Municipal
Minor Non-Municipal Permittees	334	1	334	Private
<b>Sludge Permit Conditions - Noncompliance Reports</b>				
POTWs	31	1	31	Municipal
PrOTWs	10	1	10	Private
CAFO Permittees	240	1	240	Private
SUBTOTAL	854		854	
<b>Notice of Alternate Level of Production</b>				
	0	0	0	Private
<b>Section 308(a) Letters</b>				
	1,200	1	1,200	Private
<b>Pollution Prevention Alternative</b>				
Pesticides Packaging and Repackaging	55	1	55	Private
<b>Certifications<sup>1</sup></b>				
Pesticides Packaging and Repackaging	163	1	163	Private
Aluminum Forming	57	1	57	Private
Coil Coating	76	1	76	Private
Can Making (subcategory of coil coating)	13	1	13	Private
Porcelain Enameling	27	1	27	Private
Pharmaceutical Manufacturing	39	1	39	Private
Pulp, Paper, and Paperboard	217	0.2	43	Private
Subpart B, Bleached Papergrade Kraft and Soda	74	12	888	Private
Building Paper and Board Mills	131	1	131	Private
Steam Electric	1,029	1	1,029	Private
Electroplating	0	2	0	Private
Metal Finishing	1,524	2	3,048	Private
Electrical and Electronic Components	44	2	88	Private
SUBTOTAL	3,394		5,602	
SSO Reporting	N/A	41,087	N/A	Municipal
Unpermitted CSO Reporting	N/A	3,840	N/A	Municipal
Part 435 Certification Oil and Gas Extraction <sup>2</sup>	68	N/A	N/A	Private
Part 434 Coal Remining and Western Alkaline <sup>3</sup>	78	N/A	N/A	Private
Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans	29	N/A	N/A	Private
BMP, Bleached Papergrade Kraft and Soda Milestone Plans	84	2	168	Private
<b>Responses Subtotal: Reporting Private</b>			<b>22,664</b>	
<b>Responses Subtotal: Reporting Municipal</b>			<b>9,184</b>	
<b>RESPONSES TOTAL REPORTING</b>			<b>62,273</b>	
<b>Subtotal Responses: Private</b>			<b>454,081</b>	
<b>Subtotal Responses: Municipal</b>			<b>24,196</b>	
<b>TOTAL RESPONSES</b>			<b>478,277</b>	

1. Estimated number of respondents in each category is described in Section 6.a.6.

Item/Type of Respondent	Respondents per Year (A)	Responses per Year (B)	Total Annual Responses (A)x(B)	Type of Permittee (Private or Municipal)
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2. Part 435 burden from previous ICR (EPA ICR 1427.07)

3. For detail information see Appendix A

Note: Respondents are not unique respondents. There is some double counting. For unique respondents see Exhibit 4c.

**Exhibit 4b.****Annual Average Responses for State Respondent**

Item/Type of Respondent	Respondents per Year (State permits) from Exhibit 3 (A)	Responses per Year (B)	Total Annual Responses (A)x(B)
<b>Compliance Schedule Reports</b>			
Major Municipal Permittees	1,996	1.5	2,994
Major Non-Municipal Permittees	1,099	1.5	1,649
Minor Municipal Permittees	527	1.5	791
Minor Non-Municipal Permittees	1,634	1.5	2,451
<b>Sludge Permit Conditions Compliance Schedule Reports</b>			
POTWs	100	2	200
PrOTWs	32	2	64
SUBTOTAL	5,388		8,149
<b>Noncompliance Reports</b>			
<b>Unanticipated Bypass/Upset Report</b>			
Verbal Reports			
Major Municipal Permittees	599	1	599
Major Non-Municipal Permittees	330	1	330
Minor Municipal Permittees	527	1	527
Minor Non-Municipal Permittees	1,634	1	1,634
Written Reports			
Major Municipal Permittees	449	1	449
Major Non-Municipal Permittees	248	1	248
Minor Municipal Permittees	395	1	395
Minor Non-Municipal Permittees	1,226	1	1,226
SUBTOTAL	5,408		5,408
<b>Maximum Daily Violation Report</b>			
Verbal Reports			
Major Municipal Permittees	599	2	1,198
Major Non-Municipal Permittees	330	2	660
Minor Municipal Permittees	527	1	527
Minor Non-Municipal Permittees	1,634	1	1,634
Storm Water Permittees	2,256	1	2,256
Written Reports			
Major Municipal Permittees	300	2	600
Major Non-Municipal Permittees	165	2	330
Minor Municipal Permittees	264	1	264
Minor Non-Municipal Permittees	817	1	817
Storm Water Permittees	1,128	1	1,128
SUBTOTAL	8,020		9,414
<b>Other Noncompliance Reports</b>			
Major Municipal Permittees	80	1	80
Major Non-Municipal Permittees	44	1	44

Item/Type of Respondent	Respondents per Year (State permits) from Exhibit 3 (A)	Responses per Year (B)	Total Annual Responses (A)x(B)
Minor Municipal Permittees	105	1	105
Minor Non-Municipal Permittees	327	1	327
Sludge Permit Conditions - Noncompliance Reports			
POTWs	31	1	31
PrOTWs	10	1	10
CAFO Permittees	232	1	232
SUBTOTAL	829		829
<b>Notice of Alternate Level of Production</b>	0	0	0
<b>Section 308(a) Letters</b>	0	1	0
<b>Pollution Prevention Alternative</b>			
Pesticides Packaging and Repackaging	54	1	54
<b>Certifications</b>			
Pesticides Packaging and Repackaging	161	1	161
Aluminum Forming	52	1	52
Coil Coating	71	1	71
Can Making (subcategory of coil coating)	11	1	11
Porcelain Enameling	21	1	21
Pharmaceutical Manufacturing	35	1	35
Pulp, Paper, and Paperboard	196	0.2	39
Subpart B, Bleached Papergrade Kraft and Soda	74	12	888
Building Paper and Board Mills	108	1	108
Steam Electric	916	1	916
Electroplating	0	2	0
Metal Finishing	1,454	2	2,908
Electrical and Electronic Components	40	2	80
SUBTOTAL	3,139		5,290
<b>SSO Reporting</b>	N/A	41,087	N/A
<b>Unpermitted CSO Reporting</b>	N/A	3,840	N/A
<b>Part 435 Certification Oil and Gas Extraction</b>	0	N/A	N/A
<b>Part 434 Coal Remining and Western Alkaline</b>	78	N/A	N/A
<b>Subpart B, Bleached Papergrade Kraft and Soda</b>	N/A	N/A	N/A
<b>Milestone Plans</b>			
<b>BMP, Bleached Papergrade Kraft and Soda</b>	82	2	164
<b>Milestone Plans</b>			
<b>Total State Responses</b>			<b>29,308</b>

**Exhibit 4b.****Unique Respondents**

Item/Type of Respondent	Respondents per Year	Type of Permittee (Private or Municipal)
Major Municipal Permittees	4,240	Municipal
Major Non-Municipal Permittees	2,346	Private
Minor Municipal Permittees	10,772	Municipal
Minor Non-Municipal Permittees	33,370	Private
Storm Water General Permittees - Industrial*	96,550	Private
Storm Water General Permittees - Construction	241,847	Private
Other General Permittees	57,220	Private
Subpart B, Bleached Papergrade Kraft and Soda	84	Private

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Sludge Permit Conditions Compliance Schedule Reports		
POTWs	100	Municipal
PrOTWs	32	Private
CAFO Permittees	240	Private
Pesticides Packaging and Repackaging (Under Pollution Prevention Alternative only)	55	Private
Pesticides Packaging and Repackaging (Under Certification Only)	163	Private
Aluminum Forming	57	Private
Coil Coating	76	Private
Can Making (subcategory of coil coating)	13	Private
Porcelain Enameling	27	Private
Pharmaceutical Manufacturing	39	Private
Pulp, Paper, and Paperboard	217	Private
Subpart B, Bleached Papergrade Kraft and Soda	74	Private
Building Paper and Board Mills	131	Private
Steam Electric	1,029	Private
Electroplating	0	Private
Metal Finishing	1,524	Private
Electrical and Electronic Components	44	Private
Part 435 Certification Oil and Gas Extraction	68	Private
Part 434 Coal Remining and Western Alkaline	78	Private
Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans	29	Private
<b>Permittees Private</b>	<b>435,313</b>	
<b>Permittees Municipal</b>	<b>15112</b>	
<b>State Respondents</b>	<b>46</b>	
<b>Total State and Municipal</b>	<b>15,158</b>	

#### Exhibit 5. Respondent Reporting Burden for Noncompliance Reports

Activity/Facility Type	Total Annual Burden (Hrs.)
Unanticipated Bypass/Upset Report	
Major Facilities	6,424
Minor Facilities	14,340
Maximum Daily Violation Report	
Major Facilities	7,908
Minor Facilities	8,826
Stormwater Permittees	9,560
Other Noncompliance Reports	
Major Facilities	660
Minor Facilities	2,205
Sludge-only POTWs	161
Sludge-only PrOTWs	52
CAFO Permittees	1,200
<b>Total Annual Respondent Burden</b>	<b>51,336</b>

#### 6.a.4 Notice of Alternate Level of Actual Production

The permitting authority may, at its discretion, apply tiered production-based effluent limits in an NPDES permit. Tiered permit limits allow facilities to operate under different sets of limits for pollutants based on varying production levels. In the case of automotive factories, however, a reasonable demonstration by the permittee for the requirement for tiered limits obligates EPA (not States) to grant tiered limits to the industry. Nevertheless, every facility operating under tiered limits is required to submit a notification to the permitting authority if it intends to operate at a production level higher than the lowest production level identified in the permit.

No burden is estimated for this requirement at this time since it is believed that there are very few applicable facilities that change production levels within a given permit cycle.

#### **6.a.5 Section 308(a) Letters**

As discussed in Section 4.b, Section 308(a) of the CWA gives broad discretion to permitting authorities to request information from a permittee above and beyond routine requirements. This burden on respondents is included under several ICRs. For example, a Section 308(a) letter may be sent out in response to inadequate information contained in an NPDES permit application. Such burden is reflected in the Applications ICR (EPA ICR No. 0226.18, OMB Control No. 2040-0086, June 2006). Section 308(a) letters requesting additional information pertaining to spills of oil and hazardous substances, however, are a compliance-related activity. The burden associated with responding to this type of Section 308(a) letter is reflected in this NPDES/Compliance Assessment/Certification Information ICR.

EPA estimates the burden associated with this latter type of collection to be 8 hours per response. This estimate represents the time required for the permittee to gather existing information, consult specialists, such as engineers and lawyers, and prepare a short, direct report.

EPA estimates that 1,200 permittees will be required to respond to a Section 308(a) letter each year. In the past, virtually all respondents have been non-municipal permittees, with EPA as the permitting authority. At 8 hours per response, this is equivalent to a total annual respondent burden of 9,600 hours.

#### **6.a.6 Certification for Exemption From Monitoring and Notification of Process Changes**

As discussed in Section 4.b, the effluent limitations guidelines contain provisions that allow facilities in certain industrial categories to request exemptions from monitoring requirements. Also, the effluent limitations guidelines contain provisions for one category (pesticides formulating, packaging, and repackaging) to develop a pollution prevention plan. Exhibit 6 provides an estimate of the number of facilities in each of these industrial categories. These estimates were generated using data from PCS and cross-referencing it with facility SIC code data by *CFR* category. Each certification is estimated to require 1 hour to prepare.

In the pesticide formulating and packaging category, EPA estimates that 50 percent of the facilities will choose to submit an annual certification to use pollution prevention alternatives. As part of this certification, each facility must develop a pollution prevention plan. As in the previous ICR, this ICR estimates that one third of these facilities will develop a pollution prevention plan on an annual basis and that each plan will take 20 hours to develop. This is equivalent to a total annual respondent burden of 1,100 hours.

EPA estimates that approximately 75 percent of the aluminum forming facilities and coil coating facilities will choose to submit an annual certification requesting an exemption from cyanide monitoring.

EPA estimates that 50 percent of the porcelain enameling facilities will choose to submit an annual certification requesting an exemption from chromium monitoring.

**Exhibit 6. Facilities with Certification Potential**

Type of Respondent	State	EPA	Total
Pesticides Packaging and Repackaging	322	4	326
Aluminum Forming	69	7	76
Coil Coating	94	7	101
Can Making (subcategory of coil coating)	15	3	18
Porcelain Enameling <sup>a</sup>	42	12	54
Pharmaceutical Manufacturing	117	13	130
Pulp, Paper, and Paperboard	326	35	361
Subpart B, Bleached Papergrade Kraft and Soda*	74	0	74
Building Paper and Board Mills	144	30	174
Steam Electric	1,221	151	1372
Electroplating <sup>b</sup>	0	0	0
Metal Finishing	1,939	93	2032
Electrical and Electronic Components	79	7	86
<b>TOTAL</b>	<b>4,442</b>	<b>362</b>	<b>4,804</b>

a. Categorical data taken from the previous ICR and apportioned between State and EPA based on the ratio of authorized to nonauthorized States.

b. All electroplaters believed to be indirect dischargers.

\* For detail information see Appendix A

Additionally, of the eligible pharmaceutical facilities, EPA estimates from effluent guideline development documents that approximately 40 percent of the pharmaceutical facilities are in a subcategory that potentially use cyanide. Of these, EPA estimates that 75 percent will choose to submit a certification once every permit cycle requesting an exemption from monitoring.

In the pulp, paper, and paperboard category, EPA estimates from effluent guideline development documents that approximately 80 percent of the facilities use a chlorine free process and are eligible to choose an alternative monitoring program. These facilities may certify once every permit cycle that their process does not use chlorophenolic biocides. EPA estimates that of these 80 percent eligible, that 75 percent will choose to certify that their process is eligible for alternative monitoring requirements. Similarly, for the builders' paper and board mills category, EPA estimates that 75 percent of the facilities will certify their process.

EPA estimates that approximately 75 percent of the facilities in the steam electric category will choose to provide a demonstration and certification requesting an exemption from monitoring requirements.

EPA estimates that approximately 50 percent of the eligible electrical and electronic components facilities will choose to submit a TTO Certification (semi-annually) in lieu of TTO monitoring, and 75 percent of the metal finishing facilities will choose to submit this (semi-annual) TTO certification. Note: At this time there are no known electroplating direct discharging facilities.

For these certification and pollution prevention activities, EPA estimates a total annual burden of 6,258 hours (see Exhibit 3). This burden includes Subpart B, Bleached Papergrade Kraft and Soda from ICR OMB 2040-0242

#### **6.a.7 SSO and Unpermitted CSO Reporting**

In 1998, EPA conducted an evaluation of SSOs and gathered information on the number and frequency of SSOs and unpermitted CSOs. At that time, EPA developed a *Summary of Revised Burden Estimate for SSO/Unpermitted CSO Reporting* that was approved by OMB in March 1998. This revised burden summary estimates the SSO and CSO respondent burdens to be 62,144 hours and 5,184 hours, respectively. The SSO burden is based on an estimated 41,087 SSO events per year and the associated DMR, 24-hour and 5-day reports. The CSO burden is based on an estimated 3,840 events per year and the associated DMR, 24-hour and 5-day reports. For further explanation of the assumptions used to arrive at these burden estimates, see the 1998 *Summary of Revised Burden Estimate for SSO/Unpermitted CSO Reporting*.

#### **6.a.8 Certification and BMP Plan Development Pursuant to 40 CFR Part 435**

With regard to use of BMPs under 40 CFR 435 to control NAFs, EPA estimated a total burden of 53,516 hours for the previous ICR (EPA ICR No. 1427.07). This assumption is assumed to be valid for this ICR. For details on the calculation of this burden, see the previous ICR.

### **6.b Estimating Respondent Costs**

The cost imposed on permittees for the requirements discussed in this ICR is a function of the burden placed on them for recordkeeping and reporting the information described above and the wages of a typical worker performing these activities. Exhibit 7 shows the labor rates used in this ICR.

#### **Exhibit 7. Labor Rates**

<b>Respondent</b>	<b>Labor rate (\$/hour)</b>
State and local governments	\$36.55
Private industry	\$45.74

EPA assumes the average hourly rate in the private sector is \$45.74 as determined by the U.S. Department of Labor, Bureau of Labor Statistics, Total Compensation for Management, professional, and in 2006 dollars. Employer Costs for Employee Compensation, 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, September 2006.

This ICR estimates the municipal POTW employee hourly rate in September 2006 dollars to be \$36.55. Updated rates are derived from 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, September 2006. The same rate was used for State employees. See Section 6.c for federal government costs.

The estimated burden and costs to respondents (facilities) for the activities covered by this ICR are presented in Exhibit 8.

**Exhibit 8. Annual Respondent Recordkeeping and Reporting Cost**

Item/Type of Respondent	Total Annual Respondent Burden (Hrs.) (A)	Respondent Labor Cost Per Hour (B)	Total Annual Respondent Cost (A)x(B)	Type of Permittee (Private or Municipal)
<b>Recordkeeping</b>				
Major Municipal Permittees	25,440	\$36.55	\$929,832	Municipal
Major Non-Municipal Permittees	14,076	\$45.74	\$643,836	Private
Minor Municipal Permittees	12,926	\$36.55	\$472,445	Municipal
Minor Non-Municipal Permittees	40,044	\$45.74	\$1,831,613	Private
Stormwater General Permittees - Industrial	637,230	\$45.74	\$29,146,900	Private
Stormwater General Permittees - Construction	967,388	\$45.74	\$44,248,327	Private
Other General Permittees	68,664	\$45.74	\$3,140,691	Private
Subpart B, Bleached Papergrade Kraft and Soda *	7,620	\$45.74	\$348,539	Private
<b>SUBTOTAL</b>	<b>1,773,388</b>		<b>\$80,762,184</b>	
<b>Compliance Schedule Reports</b>				
Major Municipal Permittees	2,386	\$36.55	\$87,208	Municipal
Major Non-Municipal Permittees	1,320	\$45.74	\$60,377	Private
Minor Municipal Permittees	605	\$36.55	\$22,113	Municipal
Minor Non-Municipal Permittees	1,878	\$45.74	\$85,900	Private
Sludge Permit Conditions Compliance Schedule Reports				
POTWs	150	\$36.55	\$5,483	Municipal
PrOTWs	48	\$45.74	\$2,196	Private
<b>SUBTOTAL</b>	<b>6,387</b>		<b>\$263,276</b>	
<b>Noncompliance Reports</b>				
<b>Unanticipated Bypass/Upset Report</b>				
Verbal Reports				
Major Municipal Permittees	3,180	\$36.55	\$116,229	Municipal
Major Non-Municipal Permittees	1,760	\$45.74	\$80,502	Private
Minor Municipal Permittees	2,690	\$36.55	\$98,320	Municipal
Minor Non-Municipal Permittees	8,340	\$45.74	\$381,472	Private
Written Reports				
Major Municipal Permittees	954	\$36.55	\$34,869	Municipal
Major Non-Municipal Permittees	530	\$45.74	\$24,242	Private
Minor Municipal Permittees	806	\$36.55	\$29,459	Municipal
Minor Non-Municipal Permittees	2,504	\$45.74	\$114,533	Private
<b>SUBTOTAL</b>	<b>20,764</b>		<b>\$879,626</b>	
<b>Maximum Daily Violation Report</b>				
Verbal Reports				
Major Municipal Permittees	3,816	\$36.55	\$139,475	Municipal
Major Non-Municipal Permittees	2,112	\$45.74	\$96,603	Private
Minor Municipal Permittees	1,614	\$36.55	\$58,992	Municipal
Minor Non-Municipal Permittees	5,004	\$45.74	\$228,883	Private
Stormwater Permittees	7,170	\$45.74	\$327,956	Private
Written Reports				
Major Municipal Permittees	1,276	\$36.55	\$46,638	Municipal
Major Non-Municipal Permittees	704	\$45.74	\$32,201	Private
Minor Municipal Permittees	540	\$36.55	\$19,737	Municipal
Minor Non-Municipal Permittees	1,668	\$45.74	\$76,294	Private

Item/Type of Respondent	Total Annual Respondent Burden (Hrs.) (A)	Respondent Labor Cost Per Hour (B)	Total Annual Respondent Cost (A)x(B)	Type of Permittee (Private or Municipal)
Stormwater Permittees	2,390	\$45.74	\$109,319	Private
<b>SUBTOTAL</b>	<b>26,294</b>		<b>\$1,136,097</b>	
<b>Other Noncompliance Reports</b>				
Major Municipal Permittees	425	\$36.55	\$15,534	Municipal
Major Non-Municipal Permittees	235	\$45.74	\$10,749	Private
Minor Municipal Permittees	535	\$36.55	\$19,554	Municipal
Minor Non-Municipal Permittees	1,670	\$45.74	\$76,386	Private
<b>Sludge Permit Conditions - Noncompliance Reports</b>				
POTWs	161	\$36.55	\$5,885	Municipal
PrOTWs	52	\$45.74	\$2,378	Private
CAFO Permittees	1,200	\$45.74	\$54,888	Private
<b>SUBTOTAL</b>	<b>4,278</b>		<b>\$185,374</b>	
<b>Notice of Alternate Level of Production</b>	0	\$45.74	\$0	Private
<b>Section 308(a) Letters</b>	9,600	\$39.06	\$374,976	Private
<b>Pollution Prevention Alternative</b>				
Pesticides Packaging and Repackaging	1,100	\$45.74	\$50,314	Private
<b>Certifications</b>				
Pesticides Packaging and Repackaging	163	\$45.74	\$7,456	Private
Aluminum Forming	57	\$45.74	\$2,607	Private
Coil Coating	76	\$45.74	\$3,476	Private
Can Making (subcategory of coil coating)	13	\$45.74	\$595	Private
Porcelain Enameling	27	\$45.74	\$1,235	Private
Pharmaceutical Manufacturing	39	\$45.74	\$1,784	Private
Pulp, Paper, and Paperboard	43	\$45.74	\$1,967	Private
Subpart B, Bleached Papergrade Kraft and Soda	444	\$45.74	\$20,309	Private
Building Paper and Board Mills	131	\$45.74	\$5,992	Private
Steam Electric	1,029	\$45.74	\$47,066	Private
Electroplating	0	\$45.74	\$0	Private
Metal Finishing	3,048	\$45.74	\$139,416	Private
Electrical and Electronic Components	88	\$45.74	\$4,025	Private
<b>SUBTOTAL</b>	<b>5,158</b>		<b>\$235,927</b>	
<b>SSO Reporting</b>	62,144	\$36.55	\$2,271,363	Municipal
<b>Unpermitted CSO Reporting</b>	5,184	\$36.55	\$189,475	Municipal
<b>Part 435 Certification Oil and Gas Extraction <sup>a</sup></b>	53,516	\$36.55	\$1,956,010	Private
<b>Part 434 Coal Remining and Western Alkaline <sup>b</sup></b>	1,638	\$45.74	\$74,922	Private
<b>Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans <sup>b</sup></b>	N/A	\$45.74	N/A	Private
<b>BMP, Bleached Papergrade Kraft and Soda Milestone Plans <sup>b</sup></b>	45,780	\$45.74	\$2,093,977	Private
<b>Subtotal Private</b>	<b>1,890,399</b>		<b>\$85,910,910</b>	
<b>Subtotal Municipal</b>	<b>124,832</b>		<b>\$4,562,610</b>	
<b>TOTAL</b>	<b>2,015,231</b>		<b>\$90,473,520</b>	

a. Part 435 burden from previous ICR (EPA ICR 1427.07)

b. For detail information see Appendix A

Item/Type of Respondent	Total Annual Respondent Burden (Hrs.) (A)	Respondent Labor Cost Per Hour (B)	Total Annual Respondent Cost (A)x(B)	Type of Permittee (Private or Municipal)
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Note: Totals may not match exactly due to individual rounding.

### 6.c Estimating Agency Burden and Cost

Government workers must enter the compliance assessment data into PCS or ICIS-NPDES and file the data in the permittee's official file. In some cases, the government must also perform substantive follow-up. The compliance assessment requirements accounted for in this ICR affect the Federal government and the State government, depending on which entity is the permitting authority. Forty-five States and one Territory are authorized currently to administer the NPDES program. Seven States are currently authorized to administer State sewage sludge management programs. In addition, EPA expects additional States to obtain full or partial State sewage sludge programs during the life of this ICR or an annual average of eight States with sludge program approval. As this happens, the burden should remain the same, but some of it will shift from the Federal to State government. The costs to State and Federal governments associated with processing and analyzing compliance assessment information are a function of three factors: 1) the number of compliance reports received by State and Federal governments, 2) the time it takes to process and analyze those reports and, 3) the salary and overhead costs associated with the time the State and Federal workers spend processing and analyzing the reports.

Estimates of Federal government costs associated with this ICR have been prepared using Federal Salary Table 2003-GS. The 2007 annual salary for a Federal GS-9, Step 10 employee is \$54,155. At 2,080 labor hours per year, the hourly rate is \$26.04. Assuming overhead costs of 50 percent, or \$13.02 per hour, the fully loaded cost of employment for a Federal employee would be \$39.06.

The estimated burden and costs to the government (State and Federal) for handling and reviewing compliance assessment information, as discussed in this ICR, are presented in Exhibits 9 and 10. EPA estimates that the government will spend approximately 68,283 hours reviewing compliance assessment information each year. Of the total government burden, 51,446 hours will be spent by State governments and 16,837 hours will be spent by the Federal government.

As presented in Exhibit 10, the total annual government cost is estimated to be \$2,537,992. Of this total government cost, \$1,880,359 will be borne by State governments, while \$657,634 will be borne by the Federal government.

#### Exhibit 9. Annual Burden to State and Federal Governments as Users of Data

Item/Type of Response	Responses per Year		Hrs. per Response	Total Annual Burden (Hrs.)		
	State	Federal		State	Federal	Total
<b>Recordkeeping</b>	0	0	0	0	0	0
<b>Compliance Schedule Reports</b>						
Total Permittees	5,256	244	0.4	2,102	98	2,200
Noncomplying Permittees	1,051	49	6	6,306	294	6,600
Sludge Permittees	132	0	0.5	66	-	66
<b>SUBTOTAL</b>	<b>6,439</b>	<b>293</b>		<b>8,474</b>	<b>392</b>	<b>8,866</b>

Item/Type of Response	Responses per Year		Hrs. per Response	Total Annual Burden (Hrs.)			
	State	Federal		State	Federal	Total	
<b>Noncompliance Reports</b>							
<b>Unanticipated Bypass/Upset Report</b>							
Verbal Notification	3,090	104	1	3090	104	3,194	
Written Report	2,318	79	2	4636	158	4,794	
Federal Assistance to States	N/A	116	2	N/A	232	232	
Immediate Action	773	26	2	1546	52	1,598	
Additional Federal Review	N/A	270	2	N/A	540	540	
<b>SUBTOTAL</b>	<b>6,181</b>	<b>595</b>		<b>9,272</b>	<b>1086</b>	<b>10,358</b>	
<b>Maximum Daily Violation Report</b>							
Verbal Notification	3,090	104	1	3090	104	3,194	
Written Report	1,546	53	2	3092	106	3,198	
Federal Assistance to States	N/A	77	2	N/A	154	154	
Immediate Action	773	26	2	1546	52	1,598	
Additional Federal Review	N/A	232	2	N/A	464	464	
<b>SUBTOTAL</b>	<b>5,409</b>	<b>492</b>		<b>7,728</b>	<b>880</b>	<b>8,608</b>	
<b>Other Noncompliance Reports</b>							
NPDES Permittee Reports	556	17	2	1112	34	1,146	
Additional Federal Review	N/A	28	1	N/A	28	28	
Sludge Permittee Reports	2	39	0.3	0.6	11.7	12	
CAFO Permittees	232	8	2	464	16	480	
<b>SUBTOTAL</b>	<b>790</b>	<b>92</b>		<b>1,577</b>	<b>90</b>	<b>1,666</b>	
<b>Notice of Alternate Level of Production</b>							
<b>Section 308(a) Letters</b>	<b>N/A</b>	<b>1,200</b>	<b>8</b>	<b>0</b>	<b>9600</b>	<b>9,600</b>	
<b>Pollution Prevention Alternative</b>							
Pesticides Packaging and Repackaging	N/A	N/A	N/A	N/A	N/A	N/A	
<b>Certifications</b>							
Pesticides Packaging and Repackaging	161	2	1	161	2	163	
Aluminum Forming	52	5	1	52	5	57	
Coil Coating	71	5	1	71	5	76	
Can Making (subcategory of coil coating)	11	2	1	11	2	13	
Porcelain Enameling	21	6	1	21	6	27	
Pharmaceutical Manufacturing	35	4	1	35	4	39	
Pulp, Paper, and Paperboard	196	21	0.2	39.2	4.2	43	
Subpart B, Bleached Papergrade Kraft and Soda *	74	0	0	0	0	0	
Building Paper and Board Mills	108	23	1	108	23	131	
Steam Electric	916	113	1	916	113	1,029	
Electroplating	0	0	2	0	0	0	
Metal Finishing	1454	70	2	2908	140	3,048	
Electrical and Electronic Components	40	4	2	80	8	88	
<b>SUBTOTAL</b>	<b>3,139</b>	<b>255</b>		<b>4,402</b>	<b>312</b>	<b>4,714</b>	
<b>SSO Reporting</b>							
<b>Unpermitted CSO Reporting</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>9,316</b>	<b>2,752</b>	<b>12,068</b>	
<b>Part 435 Certification Oil and Gas Extraction<sup>a</sup></b>							
Part 434 Coal Remining and Western Alkaline *	78	N/A	N/A	5,607	0	5,607	
Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans *	29	29	6 States/ 4 fed	174	116	290	
<b>BMP, Bleached Papergrade Kraft and Soda</b>	<b>82</b>	<b>2</b>	<b>10</b>	<b>820</b>	<b>20</b>	<b>840</b>	

Item/Type of Response	Responses per Year		Hrs. per Response	Total Annual Burden (Hrs.)		
	State	Federal		State	Federal	Total
<b>Milestone Plans *</b>						
<b>TOTALS</b>	22,147	3,026		51,446	16,837	68,283

Annual burden hours reflect updated burden estimates for SSOs and unpermitted CSOs from the 1998 Summary of Revised Burden Estimates. Total number of respondents do not include SSO/unpermitted CSO estimates.

a. Part 435 burden from previous ICR (EPA ICR 1427.07)

\* For detail information see Appendix A

Note: Totals may not match exactly due to individual rounding.

**Exhibit 10. Annual Costs to State and Federal Governments as Users of Data**

Item/Type of Respondent	Annual Burden (Hrs.)		Agency Labor Cost/Hour		Annual Cost		
	State	Federal	State	Federal	State	Federal	Total
<b>Recordkeeping</b>	0	0	\$36.55	\$39.06	\$0	\$0	\$0
<b>Compliance Schedule Reports</b>							
Total Permittees	2102.4	97.6	\$36.55	\$39.06	\$76,843	\$3,812	\$80,655
Non-complying Permittees	6306	294	\$36.55	\$39.06	\$230,484	\$11,484	\$241,968
Sludge Permittees	66	0	\$36.55	\$39.06	\$2,412	\$-	\$2,412
<b>SUBTOTAL</b>	8474.4	391.6	\$36.55	\$39.06	\$309,739	\$15,296	\$325,035
<b>Noncompliance Reports</b>							
<b>Unanticipated Bypass/Upset Report</b>							
Verbal Notification	3090	104	\$36.55	\$39.06	\$112,940	\$4,062	\$117,002
Written Report	4636	158	\$36.55	\$39.06	\$169,446	\$6,171	\$175,617
Federal Assistance to States	N/A	232	\$36.55	\$39.06	N/A	\$9,062	\$9,062
Immediate Action	1546	52	\$36.55	\$39.06	\$56,506	\$2,031	\$58,537
Additional Federal Review	N/A	540	\$36.55	\$39.06	N/A	\$21,092	\$21,092
<b>SUBTOTAL</b>	9272	1086	\$36.55	\$39.06	\$338,892	\$42,419	\$381,311
<b>Maximum Daily Violation Report</b>							
Verbal Notification	3090	104	\$36.55	\$39.06	\$112,940	\$4,062	\$117,002
Written Report	3092	106	\$36.55	\$39.06	\$113,013	\$4,140	\$117,153
Federal Assistance to States	N/A	154	\$36.55	\$39.06	N/A	\$6,015	\$6,015
Immediate Action	1546	52	\$36.55	\$39.06	\$56,506	\$2,031	\$58,537
Additional Federal Review	N/A	464	\$36.55	\$39.06	N/A	\$18,124	\$18,124
<b>SUBTOTAL</b>	7728	880	\$36.55	\$39.06	\$282,458	\$34,373	\$316,831
<b>Other Noncompliance Reports</b>							
NPDES Permittee Reports	1112.12	34.16	\$36.55	\$39.06	\$40,648	\$1,334	\$41,982
Additional Federal Review	N/A	28	\$36.55	\$39.06	N/A	\$1,094	\$1,094
Sludge Permittee Reports	0.6	11.7	\$36.55	\$39.06	\$22	\$457	\$479
CAFO Permittees	464	16	\$36.55	\$39.06	\$16,959	\$625	\$17,584
<b>SUBTOTAL</b>	1576.6	89.7	\$36.55	\$39.06	\$57,625	\$3,504	\$61,128
<b>Notice of Alternate Level of Production</b>	0	0	\$36.55	\$39.06	\$0	\$0	\$0
<b>Section 308(a) Letters</b>	0	9600	\$36.55	\$39.06	\$0	\$374,976	\$374,976
<b>Pollution Prevention Alternative</b>							
Pesticides Packaging and Repackaging	N/A	N/A	\$36.55	\$39.06	N/A	N/A	\$0
<b>Certifications</b>							
Pesticides Packaging and Repackaging	161	2	\$36.55	\$39.06	\$5,885	\$78	\$5,963
Aluminum Forming	52	5	\$36.55	\$39.06	\$1,901	\$195	\$2,096
Coil Coating	71	5	\$36.55	\$39.06	\$2,595	\$195	\$2,790

Item/Type of Respondent	Annual Burden (Hrs.)		Agency Labor Cost/Hour		Annual Cost		
	State	Federal	State	Federal	State	Federal	Total
Can Making (subcategory of coil coating)	11	2	\$36.55	\$39.06	\$402	\$78	\$480
Porcelain Enameling	21	6	\$36.55	\$39.06	\$768	\$234	\$1,002
Pharmaceutical Manufacturing	35	4	\$36.55	\$39.06	\$1,279	\$156	\$1,435
Pulp, Paper, and Paperboard	39.2	4.2	\$36.55	\$39.06	\$1,433	\$164	\$1,597
Subpart B, Bleached Papergrade Kraft and Soda *	0	0	\$36.55	\$39.06	\$0	\$0	\$0
Building Paper and Board Mills	108	23	\$36.55	\$39.06	\$3,947	\$898	\$4,846
Steam Electric	916	113	\$36.55	\$39.06	\$33,480	\$4,414	\$37,894
Electroplating	0	0	\$36.55	\$39.06	\$0	\$0	\$0
Metal Finishing	2908	140	\$36.55	\$39.06	\$106,287	\$5,468	\$111,756
Electrical and Electronic Components	80	8	\$36.55	\$39.06	\$2,924	\$312	\$3,236
<b>SUBTOTAL</b>	<b>4402.2</b>	<b>312.2</b>			<b>\$160,900</b>	<b>\$12,195</b>	<b>\$173,095</b>
<b>SSO Reporting</b>	<b>9316</b>	<b>2752</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$340,500</b>	<b>\$107,493</b>	<b>\$447,993</b>
<b>Unpermitted CSO Reporting</b>	<b>4076</b>	<b>1204</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$148,978</b>	<b>\$47,028</b>	<b>\$196,006</b>
<b>Part 435 Certification Oil and Gas Extraction <sup>a</sup></b>	<b>0</b>	<b>385</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$0</b>	<b>\$15,038</b>	<b>\$15,038</b>
<b>Part 434 Coal Remining and Western Alkaline <sup>b</sup></b>	<b>5607</b>	<b>0</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$204,936</b>	<b>\$0</b>	<b>\$204,936</b>
<b>Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans *</b>	<b>174</b>	<b>116</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$6,360</b>	<b>\$4,531</b>	<b>\$10,891</b>
<b>BMP, Bleached Papergrade Kraft and Soda Milestone Plans *</b>	<b>820</b>	<b>20</b>	<b>\$36.55</b>	<b>\$39.06</b>	<b>\$29,971</b>	<b>\$781</b>	<b>\$30,752</b>
<b>TOTALS</b>	<b>51,446</b>	<b>16,837</b>			<b>\$1,880,359</b>	<b>\$657,634</b>	<b>\$2,537,992</b>

a. Part 435 burden from previous ICR (EPA ICR 1427.07)

b. For detail information see Appendix A

Note: Totals may not match exactly due to individual rounding.

**6.c.1 Recordkeeping**































































































### **6.c.5 Section 308(a) Letters**

The Federal government is the sole recipient of each of these responses. It is estimated that 8 hours are required for the Federal government to issue the letter, review the response, and evaluate the need for additional enforcement action for each response. As shown in Table 9, it is expected that 1,200 letters will be processed annually. This will result in an annual burden of 9,600 hours and \$374,976 in costs to the Federal government (see Table 10).

#### **6.c.6 Certification for Exemption From Monitoring and Notification of Process Changes**

Review of certifications is estimated to take 1 hour per certification and occur annually, except those for pulp, paper, and paperboard facilities. These facilities are required to submit certifications once per permit cycle. The electroplating, metal finishing, and electric and electronic components facilities must submit semi-annual certifications. The certification, pollution prevention alternative and process change activities are estimated, as shown in Table 9, to involve 3,139 annual responses to States and 255 annual responses to the Federal government, resulting in a total annual burden of 4,402 hours for the States and 312 hours for the Federal government (see Exhibit 9). The annual costs to the States and the Federal government for these activities are \$160,900 and \$12,195, respectively (see Exhibit 10).

### **6.c.7 SSO and Unpermitted CSO Reporting**

The Summary of Revised Burden Estimate for SSO/Unpermitted CSO Reporting estimates the government burden associated with SSOs and CSOs to be 12,068 hours and 5,280 hours, respectively. The SSO burden is based on an estimated 41,087 SSO events per year where 95 percent of the reports are included as part of DMR reporting and 5 percent require 24-hour verbal reports. In addition, a portion of these events require written 5-day reports, immediate action, and additional review. The CSO burden is based on an estimated 3,840 events per year potentially requiring DMR reporting, verbal and written reports, immediate actions, and additional review. Government burden hours have been apportioned in Exhibit 10 between the State and Federal governments based on the number of authorized (45) to non-authorized (5) States.

### **6.c.8 Certification of BMPs Under part 435**

With regard to the use of BMPs under 40 CFR 435 to control NAFs, EPA estimates the public reporting (i.e., all information collection) burden for the selected BMP option as 787 hours per respondent per year [i.e., (17,000 initial hours/3 years + 47,872 annual hours/year) / 68 SBF well operators]. EPA also estimated the annual burden for EPA Regions, the NPDES permit controlling authorities, to review BMPs and ensure compliance. EPA estimates that essentially all of the SBF discharges will occur in Federal offshore waters or in Cook Inlet, Alaska, where

EPA Region 10 is the NPDES permit authority. The EPA Regional burden for reviewing BMP Plans is estimated at 385 hours per year [i.e., (544 initial hours/3 years + 204 annual hours/year)]<sup>12</sup>

#### 6.d Estimating the Respondent Universe Burden Hours and Costs

Exhibit 12 presents the total annual burden hours and labor costs to permittee respondents, and State and Federal governments. It summarizes the burden and cost calculations previously presented in Exhibits 2, 4a, 7, 8, 9, and 10. The annual burden for respondents is 2,015,231 hours and the annual burden to State governments is 51,446 hours.

#### Exhibit 12. Respondent Universe and Burden and Costs

	Annual Burden (Hrs.)	Annual Costs
Recordkeeping	1,773,388	\$80,762,184
Reporting	186,689	\$7,680,404
Part 435 Certification	53,516	\$1,956,010
Part 434 Coal Remining and Western Alkaline	1,638	\$74,922
Total for Permittees	2,015,231	\$90,473,520
State Governments	51,446	\$1,880,359
TOTAL Respondents	2,066,677	\$92,353,878
Federal Governments	16,837	\$657,634

Note: Totals may not match exactly due to individual rounding.

#### 6.e Bottom Line Burden Hours and Costs

The total annual bottom line burden hours and costs for respondents (Permittees and States) are 2,066,677 burden hours and \$92,353,878, which is all labor cost. This is summarized in Exhibit 13 below.

#### Exhibit 13. Bottom Line Annual Burden, Responses, Respondents and Costs

	Annual Burden (Hrs.)	Responses	Respondents	Labor Cost	Capital and O&M Cost
Permittees (Private)	1,890,399	454,081	435,313	\$85,910,910	\$-
Permittees (Municipal)	124,832	24,196	15,112	\$4,562,610	\$-
State	51446.2	29,308	46	\$1,880,359	\$-
Total State and Municipal	176,278	53,504	15,158	\$6,442,968	\$-
Total Respondents	2,066,677	507,585	450,471	\$92,353,878	\$-
Sources	Exhibit 3 Exhibit 9	Exhibit 4a Exhibit 4b	Exhibit 4c	Exhibit 8 Exhibit 10	

#### 6.f Reasons for Change in Burden

The current burden approved by OMB for this ICR is 1,871,520. That is 195,157 (10.4%) more hours that are being requested. The primary reasons for the increase are:

- The increase in the number of expected stormwater construction and other non- stormwater general permittees.
- Noncompliance for CAFO Permittees is now included in this ICR.

<sup>12</sup> See EPA ICR No. 1427.07 for detailed explanation of the assumptions regarding Part 435.

## 6.g Burden Statement

The annual average reporting and recordkeeping burden for this collection of information by facilities responding is estimated to be 4.47 hours per respondent (i.e., an annual average of 2,015,231 hours of burden divided among an anticipated annual average of 450,425 unique facilities). The State reporting and recordkeeping burden is estimated to average 1,118 hours per State respondent (i.e., an annual average of 51,446 hours of burden divided among 46 States). 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 utilize technology and systems for the purposes of 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 in 40 CFR part 9 and 48 CFR chapter 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-2007-0142, 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-2007-0142 and OMB control number 2040-0258 in any correspondence.