Appendix A

INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT

FOR

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 POINT SOURCE CATEGORY (RENEWAL) (40 CFR PART 430)

EPA ICR Number 2015.02
OMB Control Number 2040-0242

May 2005

U.S. Environmental Protection Agency
Office of Water
Engineering and Analysis Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

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 Point Source Category (EPA ICR No. 2015.02) (OMB Control Number 2040-0242).

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) presents estimates of the burden and costs to the regulated community for voluntary certification in lieu of chloroform monitoring, reporting, and recordkeeping associated with implementation of the minimum monitoring requirements of the Pulp, Paper and Paperboard Effluent Limitations Guidelines and Standards (Cluster Rules; 40 CFR Part 430), which were published on April 15, 1998 for mills in the Bleached Papergrade Kraft and Soda Subcategory (Subpart B). See 63 FR 18504-18751. Certification in lieu of chloroform minimum monitoring requirements allows direct and indirect discharging Subpart B mills to demonstrate compliance with applicable chloroform limitations and standards under 40 CFR Part 430 in lieu of monitoring at a fiber line required by 40 CFR 430.02 by voluntarily certifying (1) that the fiber line is not using elemental chlorine or hypochlorite as bleaching agents and (2) that it also maintains certain process and operating conditions identified during the initial compliance demonstration period. This is a renewal ICR.

Initial compliance demonstration consists of the time period, not less than two years, during which 104 monitoring data measurements are collected per minimum monitoring required by 40 CFR 430.02 (or more frequently if required by the permitting or pretreatment control authority) for each fiber line the facility wishes to certify. During this time period, the facility will monitor and maintain records of the range of certain process and operating conditions that the fiber lines are operated within. The collected monitoring data will be used to demonstrate compliance with applicable chloroform limitations and standards for each fiber line and provide confirmation that the fiber line, if operated within the range of certain process and operating conditions identified during the initial compliance demonstration period, continues to comply with the chloroform limitations and standards.

Facilities that choose to certify any or all of their fiber lines with their NPDES permit or pretreatment control authority, in lieu of chloroform minimum monitoring required by 40 CFR Part 430, will be required to submit periodic reports certifying that the fiber line(s) are operating within the range of certain process and operating conditions identified during the initial compliance demonstration period. Mills that voluntarily choose to certify will be required to maintain records of certain process and operating conditions, and also will be required to notify their NPDES permit or pretreatment control authority if their certified fiber lines no longer operate within the range of process and operating conditions. At the discretion of the NPDES permit or pretreatment control authority, the facility may then be required to again monitor at their fiber lines as required by 40 CFR 430.02.

Applicable facilities that choose to certify their fiber lines in lieu of chloroform minimum monitoring will experience a total reduction in overall monitoring, reporting, and analytical burden and costs associated with the minimum monitoring required by 40 CFR 430.02. The universe eligible for certification in lieu of chloroform minimum monitoring consists of 84 direct and indirect discharging Subpart B mills.

This is a renewal ICR covering the incurred burden and costs for the estimated 80 out of the universe of 84 direct and indirect discharging Subpart B mills that for EPA ICR No. 2015.01 were anticipated to voluntarily certify their fiber lines in lieu of chloroform minimum monitoring and the subsequent overall reduction in burden and costs incurred by these facilities as a result of reduced monitoring, reporting, and analytical requirements per 40 CFR 430.02. This ICR does not cover the burden and costs for State NPDES permit and pretreatment control authorities or EPA associated with facilities certifying their fiber lines in lieu of chloroform minimum monitoring because it is anticipated that there will be an exact trade-off between the burden and costs incurred from reviewing periodic certification reports for voluntarily participating fiber lines versus reviewing periodic chloroform monitoring data for facilities complying with 40 CFR 430.02. Incurred burden and costs of certification for State NPDES permit authorities or EPA are described in the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB 2040-0243) for direct dischargers. The burden and cost of certification for pretreatment control authorities are generically covered by National Pretreatment Program ICR (OMB 2040-0009) for indirect dischargers. Review functions that may incur burden include actions in response to a mill voluntarily choosing to certify in lieu of monitoring that notifies their NPDES permit or pretreatment control authority that its participating fiber line(s) are operating outside the range of process and operating conditions identified during the initial compliance demonstration period.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

As mentioned above, EPA established minimum monitoring frequencies for chloroform for existing and new direct and indirect discharging mills within Subpart B under authority of Clean Water Act (CWA) Section 308 to demonstrate compliance with existing effluent limitations and standards for chloroform (and other pollutant parameters) promulgated under 40 CFR Part 430. EPA is also allowing applicable facilities to voluntarily demonstrate compliance with chloroform limitations and standards by certifying their fiber lines in lieu of chloroform minimum monitoring required by 40 CFR 430.02. EPA has determined that this voluntary certification option significantly reduces the overall compliance burden and costs associated with meeting and demonstrating compliance with applicable chloroform limitations and standards. EPA has also determined that an initial compliance demonstration is necessary for each participating mill to establish the range of normal variability in process and operating parameters that are consistent with compliance with the chloroform effluent limitations. Once this range is established for each participating fiber line, periodic certification reports are submitted to the NPDES permit or pretreatment control authority to confirm and certify that the fiber line continues to comply with the chloroform effluent limitations and standards. The Agency's

authority to provide for this voluntary certification option in lieu of minimum monitoring is Section 402(a)(2) of the CWA which directs EPA to prescribe permit conditions to assure compliance with requirements "including conditions on data and information collection, reporting and such other requirements as [the Administrator] deems appropriate."

2(b) Practical Utility/Users of the Data

The primary users of the data are the owners and operators of direct and indirect discharging pulp and paper mills in Subparts B and NPDES permitting, pretreatment control and enforcement authorities. Citizen groups also use this data to independently assess facility compliance.

EPA expects that the initial compliance demonstration and periodic certification reports will be used by NPDES and pretreatment control authorities to determine compliance with the Cluster Rules effluent limitations and standards for chloroform, establish permit and pretreatment control agreement conditions to include the voluntary certification option, and revise permit requirements as may be necessary based on data from the initial compliance demonstration, certification reports, and any additional information and data the mill may be required to report. EPA anticipates that State and NPDES permitting and pretreatment control authorities will only need to conduct detailed technical reviews of certification reports in the event the reports indicate noncompliance with the NPDES permit or pretreatment control agreement.

Mills that voluntarily choose to participate may elect to assert claims of confidential business information (CBI), according to the provisions of 40 CFR Part 2, on any portions of the process and operating data submitted to support a certification in lieu of minimum monitoring for chloroform. However, CBI claims will not be appropriate for periodic reports simply certifying that mill operations remain within the ranges of process and operating parameters established during the initial compliance demonstration.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

EPA has examined all other reporting requirements contained in the Clean Water Act and 40 CFR Parts 122, 123, 124, 125, 430, 501, and 503. The Agency also has consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

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

Examination of these databases revealed no duplicate collection requirements. EPA has concluded that there is no other way to obtain the initial compliance demonstration and certification information addressed in this ICR.

3(b) Public Notice Required Prior to ICR Submission

EPA solicited comments on this ICR prior formal submission to OMB. EPA published a formal notice in the **Federal Register** on August 30, 2004 (69 FR 52883-52888). EPA received no comments.

3(c) Consultations

As mentioned above, EPA solicited public comments on the current draft ICR. Additionally, EPA has consulted with the public, industry and States on the certification in lieu of chloroform minimum monitoring requirements.

3(d) Effects of Less Frequent Data Collection

The certification option requires the collection of 104 measurements of chloroform data over a period not less than two years during the initial compliance demonstration period per minimum monitoring required by 40 CFR 430.02 (or more frequently if required by the permitting or pretreatment control authority), documenting of process and operating conditions, and subsequent monthly reporting and recordkeeping via periodic certification reports. Chloroform minimum monitoring required by 40 CFR Part 430 as part of the initial compliance demonstration is described in the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB 2040-0243) for direct dischargers and the National Pretreatment Program ICR (OMB 2040-0009) for indirect dischargers. Mill operators collect such data on process and operating conditions independent of this requirement for purposes of monitoring and optimizing bleach plant, chemical recovery, and wastewater treatment plant operations. EPA determined that the number of chloroform data points collected during the initial compliance demonstration are necessary because there are potentially many sources of variability in effluent discharges of unit operations in each participating fiber line. While available information used by EPA to understand and establish certification requirements capture the most likely sources of variability, all mill specific sources of variability may not be accounted for. Therefore, EPA was concerned that less frequent monitoring would not provide the information necessary to ensure that mills collect adequate data to define ranges of process and operating parameters within which they will subsequently be required to operate to assure compliance with the chloroform effluent limitations guidelines and standards promulgated as part of the Cluster Rules while also successfully producing products of acceptable quality. See 63 FR 18571-72. EPA determined that periodic certification reports are necessary to confirm that facilities with participating fiber lines are operating within the range of process and operating conditions identified during the initial compliance demonstration period.

The frequency of submission of periodic certification reports is the same as discharge monitoring reports (DMRs) required for other pollutant parameters for direct dischargers by their

NPDES permits, Periodic Compliance Reports (PCRs) for other pollutant parameters for indirect dischargers, and provides an efficient means for submitting information to the permit writer and pretreatment control authority.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2).

3(f) Confidentiality

As noted in 2(b) above, mills that voluntarily choose to participate may elect to assert claims of confidential business information (CBI), according to the provisions of 40 CFR Part 2, on any portions of the process and operating data submitted to support a certification in lieu of minimum monitoring for chloroform. However, CBI claims will not be appropriate for periodic reports simply certifying that mill operations remain within the ranges of process and operating parameters established during the initial compliance demonstration.

3(g) Sensitive Questions

The reporting requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC and NAICS Codes

The respondent universe for this ICR will be: 1) approximately 84 direct and indirect discharging chemical pulp mills included in Subpart B (Bleached Papergrade Kraft and Soda) of the Pulp, Paper and Paperboard Manufacturing Category (SIC 2611, 2631) (NAICS 32211, 322121, 322122, 32213).

4(b) Information Requested

The following section outlines the requirements of the voluntary certification option and information requested. During the initial compliance demonstration period, the facility must collect 24-hour composite samples of its representative bleach plant effluent(s) on a weekly (or more frequent) basis and analyze these samples for chloroform. All of the monitoring results during the initial compliance demonstration period must be in compliance with the chloroform effluent limitations and standards. If a mill chooses to sample more frequent than weekly, then it is the mill's responsibility to ensure that such more frequent sampling captures the range of process and operating parameter variability that occurs during normal operations. Once this range is established, if mill operations do not remain within that range during the subsequent period of certification in lieu of minimum monitoring, violation will occur and minimum monitoring to recertify will be required. During each 24-hour sampling period, the facility must maintain records of the following bleach plant process and operating parameters:

(a) The pH of the first chlorine dioxide bleaching stage;
(b) The chlorine (Cl_2) content of chlorine dioxide (ClO_2) used on the bleach line;
(c) The kappa factor of the first chlorine dioxide bleaching stage;
(d) The total bleach line chlorine dioxide application rate; and
(e) The chlorine-containing compounds used for bleaching (i.e., the bleach sequence).

At many mills monitoring of process and operating parameters is accomplished electronically by computerized distributed control systems (DCS).

When the facility has completed its initial compliance demonstration, it may request that its permitting or pretreatment control authority modify its permit or pretreatment control agreement to discontinue weekly chloroform monitoring of bleach plant effluent. At the time that it makes this request, the facility must:

(a) Certify that the fiber line does not use either elemental chlorine or hypochlorite;
(b) Provide records demonstrating that, based on 104 measurements collected over a period not less than two years, that the fiber line complies with applicable chloroform limitations or standards; and
(c) Document the range of process and operating conditions that occurred during the collection of samples used to demonstrate initial compliance. Specifically, the facility must identify the chlorine-containing compounds used for bleaching (i.e., the bleach sequence). The facility must also document the maximum values, observed during sample collection of:
    (i) The pH of the first chlorine dioxide bleaching stage;
    (ii) The chlorine (Cl_2) content of chlorine dioxide (ClO_2) used on the bleach line;
    (iii) The kappa factor of the first chlorine dioxide bleaching stage; and
    (iv) The total bleach line chlorine dioxide application rate.

Thereafter, at the same frequency that the facility submits discharge monitoring reports (DMRs) to its permitting authority or periodic compliance reports (PCRs) to its pretreatment control authority, the facility must certify that:

(a) The pH of the first chlorine dioxide bleaching stage has not exceeded the pH range measured during initial compliance demonstration sample collection;
(b) The chlorine (Cl_2) content of chlorine dioxide (ClO_2) used on the bleach line has not exceeded the maximum Cl_2 content of ClO_2 used during initial compliance demonstration sample collection;
(c) The kappa factor of the first chlorine dioxide bleaching stage has not exceeded the maximum kappa factor employed during initial compliance demonstration sample collection;
(d) The total bleach line chlorine dioxide application rate has not exceeded the maximum chlorine dioxide application rate employed during initial compliance demonstration sample collection; and
(e) The chlorine-containing compounds used for bleaching are unchanged from those used during initial compliance demonstration sample collection.

The facility also must maintain on-site records for the fiber line of these process and operating conditions. If the facility purposely changes or unintentionally fails to maintain process and operating conditions on the fiber line representative of those employed during initial compliance demonstration, the facility must notify the permitting or pretreatment control authority and again monitor for chloroform, and recertify the fiber line to continue the certification option to demonstrate compliance in lieu of minimum monitoring.

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

5(a) Agency Activities

Activities undertaken by EPA under this information collection primarily include oversight of the NPDES and pretreatment control programs, and where EPA is the NPDES permitting or pretreatment control authority, review of data and information collected during the initial compliance demonstration period, review of periodic certification reports, and where necessary, follow-up actions.

The extent to which EPA reviews reports and data in assessing permit and pretreatment control agreement compliance with the certification option may vary. For example, EPA may conduct a more extensive review of permittees that are, or have been, in violation of their certification and permit or pretreatment control agreement requirements, than of permittees who have been in full compliance. EPA may limit its review of data submitted by fully compliant permittees to a simple determination of continuing compliance through certification. In most cases, EPA will forward copies of reports to the States. EPA does not require the unauthorized States to review data, but several States voluntarily conduct the review and use the results in their own programs.

EPA regions may also review data from major permittees in NPDES and pretreatment control authorized States while performing program oversight functions (e.g., during file audits and when compiling statistical compliance summaries).

Reported data is often stored in the Permit Compliance System (PCS) for reference. EPA and States may use this data to evaluate potential compliance problems, focus inspection efforts, conduct spot check reviews and determine appropriate enforcement action. PCS is available for public review at http://www.epa.gov/enviro/html/water.html#pcs.

5(b) Collection Methodology and Management

Respondents typically report collected compliance data for all pollutant parameters on Discharge Monitoring Reports (DMRs) for direct dischargers and periodic compliance reports (PCRs) for indirect dischargers. For those facilities that choose to certify in lieu of chloroform minimum monitoring at a fiber line, periodic certification reports may be submitted with DMRs and PCRs. Allowing combined reporting for both the certification option (for chloroform) and compliance (for all other pollutant parameters) is one method that EPA has used to improve its collection methodology. EPA expects that the Cross-Media Electronic Reporting Rule (CROMERR) will be finalized in the next few months, which will enable EPA to accept electronic submission of data. The electronic submission of certification reports, DMR and PCR data is voluntary and will be an alternative to the paper submissions. EPA makes use of the PCS database to store, track and access this information.

5(c) Small Entity Flexibility

EPA considered less burdensome information collection mechanisms for small entities, but chose not to alter the collection procedure for the following reasons:

- The certification in lieu of minimum monitoring for chloroform required by 40 CFR 430.02 provides an overall reduction in burden and costs from the minimum monitoring requirements included in the Cluster Rules, for which EPA has already certified will not have a significant economic impact on a substantial number of small entities as that term is used in the RFA (see Section X.C. of the Preamble to the final Cluster Rules published in the **Federal Register** on April 15, 1998 (see 63 FR 18611).

- Moreover, mills will be subject to the information collection only if they choose to participate in the chloroform certification program.

5(d) Collection Schedule

The information collection activities included in this ICR are anticipated to coincide with existing reporting schedules. The timeframes for submitting periodic certification reports and associated activities are outlined below:

- Monitoring, reporting, and recordkeeping are performed on a continual basis;

- Reports are to be prepared for submission to NPDES permit or pretreatment control authorities at a frequency to be determined by these authorities, but no less than once per year. EPA expects that such reporting frequencies will be consistent with existing reporting requirements already applicable to mills.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

This section describes the methods EPA used to estimate the burden to respondents associated with the initial compliance demonstration and periodic compliance reports required with the certification in lieu of chloroform minimum monitoring required by 40 CFR Part 430. The number of facilities potentially affected by this ICR is listed in Table 6.1 below.

Table 6.1 Number of Eligible Mills and Lines

Subpart B, Bleached Papergrade Kraft and Soda	Number of Facilities	Number of Bleach Lines
Direct Dischargers	75	120
Indirect Dischargers	9	14
Total	**84**	**134**

For ICR 205.01 EPA estimated that of the 75 existing direct discharging Subpart B mills eligible for certification in lieu of chloroform minimum monitoring requirements, consisting of a total of 120 fiber lines, 74 facilities, for a total of 118 fiber lines, would choose to certify. EPA estimated that of the nine existing indirect discharging Subpart B mills eligible for certification in lieu of chloroform minimum monitoring requirements, consisting of a total of 14 fiber lines, six facilities, for a total of nine fiber lines, would choose to certify. EPA is carrying these assumptions for this renewal ICR.

(i) Initial Compliance Demonstration

EPA does not expect any additional facilities to enroll in the voluntary certification in lieu of chloroform monitoring, reporting, and recordkeeping associated with implementation of the minimum monitoring requirements of the Pulp, Paper and Paperboard Effluent Limitations Guidelines and Standards

(ii) Periodic Certification Reports and Recordkeeping

EPA estimates a recurring reporting burden of 0.5 hours monthly per facility for submitting periodic certification reports to the permitting or pretreatment control authority to confirm that the certified fiber lines are not using elemental chlorine or hypochlorite as bleaching agents and are maintaining the process and operating conditions within the range documented during the initial compliance period. This burden consists of a certification report submitted to the permitting or pretreatment control authority and maintaining records which document and substantiate submitted certification reports. This burden estimate is based upon monthly submissions of DMRs for direct dischargers and PCRs for indirect dischargers, including certification reports.

The total recurring burden incurred by the 80 direct and indirect discharging mills anticipated to certify their 127 fiber lines in lieu of chloroform minimum monitoring for chloroform is summarized below.

Table 6.2 Recurring Burden for Activities Related to Certification in Lieu of Chloroform Minimum Monitoring

Submission of monthly certification reports	Number of Affected Facilities	Monthly Burden (hours)	Total Annual Burden (hours)
Direct	74	0.5	444
Indirect	6	0.5	36
Total	**80**	**0.5**	**480**

(iii) Recurring Burden Reduction from Minimum Monitoring Required by 40 CFR 430.02

Facilities that have certified their fiber lines in lieu of chloroform minimum monitoring required by 40 CFR 430.02 will experience a reduction in recurring burden associated with reduced monitoring and reporting, namely the discontinuance of weekly chloroform monitoring at bleach plant effluent(s). Annual sampling burden associated with chloroform minimum monitoring per fiber line is estimated at 156 hours. Annual reporting burden associated with chloroform minimum monitoring per facility is estimated at two hours. Description of these estimates can be found in Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB 2040-0243) for direct dischargers and the National Pretreatment Program ICR (OMB 2040-0009) for indirect dischargers.

Table 6.3 Recurring Burden Reduction from Minimum Monitoring Required by 40 CFR 430.02			
Activity	**Number of Affected Facilities**	**Annual Burden (hours)**	**Total Annual Burden (hours)**
Sampling for minimum monitoring required by 40 CFR 430.02 (Direct)	118 fiber lines	156	18,408
Sampling for minimum monitoring required by 40 CFR 430.02 (Indirect)	9 fiber lines	156	1,404
Reporting for minimum monitoring required by 40 CFR 430.02 (Direct)	74 mills	2	148
Reporting for minimum monitoring required by 40 CFR 430.02 (Indirect)	6 mills	2	12
ANNUAL BURDEN REDUCTION			**19,972**

EPA does not estimate a reduction in recurring recordkeeping burden associated with minimum monitoring requirements for those facilities that certify their fiber lines in lieu of chloroform minimum monitoring because records are maintained for the monitoring for other pollutant parameters, regardless of the discontinuation of minimum monitoring for chloroform.

(iv) NPDES and Pretreatment Control authorized State Respondent Burden

The burden and associated costs to NPDES and pretreatment control authorized State authorities for reviewing reports for the initial compliance demonstration for facilities wishing to certify their fiber lines in lieu of chloroform minimum monitoring, revising NPDES permits and pretreatment control agreements, reviewing periodic certification reports, and conducting follow-up actions are estimated to exactly offset previous recurring burden for processing and analyzing chloroform monitoring data included in the facility's DMR or PCR and conducting follow-up actions related to compliance. Therefore, the Agency does not estimate any addition or reduction of recurring burden for NPDES and pretreatment control authorities with facilities wishing to certify their fiber lines in lieu of chloroform minimum monitoring.

The additional and reduced burden for facilities wishing to certify their fiber lines in lieu of chloroform minimum monitoring required by 40 CFR 430.02, showing an overall reduction in total recurring burden, is summarized below.

Table 6.4 Total Burden Reduction Resulting from Certification in Lieu of Chloroform Minimum Monitoring	
Activity	Total Annual Burden (hours)
Annual burden reduction from sampling and reporting for minimum monitoring required by 40 CFR 430.02	19,972
Annual burden for reporting for certification in lieu of chloroform minimum monitoring	480
TOTAL ANNUAL BURDEN REDUCTION	**19,492**

6(b) Estimating Respondent Cost

(i) Estimating Labor Costs (2004 Dollars)

Estimates for respondent labor costs were prepared using industry-specific labor rates identical to those used for the EPA ICR Number 1878.01, included overhead and fringe benefits, and adjusted to January 2004 dollars with the Employment Cost Index: To verify the validity of the adjusted rates EPA obtained national industry-specific wage estimates for the pulp, paper, and paperboard mills from the Labor Department[1]. Noting that the Labor Department wages were lower, EPA decided to apply the more conservative estimates from the previous ICR[2].

Technician : $64.58 /hour
Operator $32.81 /hour

[1]May 2003 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 322100 - Pulp. Paper, and Paperboard Mills. The mean hourly wage for Architecture and Engineering Occupations (SOC Code 17-0000) and Production Occupation (SOC Code 51-0000), including 50 percent for overhead and fringe benefits, are 45.64 and 27.14 respectively.

[2]EPA ICR # 2015.01, 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, November 2001.

Technician labor is applied to reporting and recordkeeping burdens. Operator labor is applied to sampling burden. This ICR covers an increase in recurring reporting burden related to periodic certification reports and a reduction in sampling and reporting burden related to the discontinuance of chloroform minimum monitoring required by 40 CFR 430.02.

(ii) Operations and Maintenance (O&M) Costs

Facilities that choose to certify their fiber lines in lieu of minimum monitoring for chloroform required by 40 CFR 430.02 will experience an overall reduction in O&M costs related to the discontinuance of collecting and shipping chloroform samples to outside laboratories for analysis. The analytical cost for chloroform performed at outside laboratories is estimated at $320 per sample, taken from EPA ICR Number 2015.01 (originally from the BAT cost model in the "BAT Cost Model Support Document" [DCN 13953]) and adjusted with the Consumer Price Index to 2004 dollars. Collection of two chloroform samples per fiber line (i.e., bleach plant) per week is estimated to meet minimum monitoring requirements. This estimate is described in the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB OMB 2040-0243) for direct dischargers and the National Pretreatment Program ICR (OMB 2040-0009) for indirect dischargers.

The reduction in recurring O&M burden for facilities that choose to certify their fiber lines in lieu of minimum monitoring for chloroform required by 40 CFR 430.02 consists of the elimination of sample collection and shipping costs, and chloroform analytical costs.

6(c) Estimating Agency Burden and Cost

EPA burden is based on management and support activities for facilities that choose to certify their fiber lines in lieu of chloroform minimum monitoring required by 40 CFR 430.02 located in:

- **States without NPDES or pretreatment control authority:** EPA activities include reviewing reports for the initial compliance demonstration for facilities wishing to certify their fiber lines in lieu of chloroform minimum monitoring, revising NPDES permits and pretreatment control agreements, reviewing periodic certification reports, and conducting follow-up actions. Burden associated with these activities are estimated to exactly offset previous recurring burden for processing and analyzing chloroform monitoring data included in the facility's DMR or PCR and conducting follow-up actions related to compliance.

- **States with NPDES and pretreatment control authority:** EPA activities include program support, such as review of NPDES permit and pretreatment control agreements renewal applications and draft permits and agreements, and review of information submitted by the facilities, including certification reports. Burden associated with these activities are described in the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB 2040-

0243) for direct dischargers and the National Pretreatment Program ICR (OMB 2040-0009) for indirect dischargers and will not be impacted by the certification option.

The Agency does not estimate any addition or reduction of recurring burden for EPA associated with facilities intending to certify their fiber lines in lieu of chloroform minimum monitoring.

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

Table 6.5 summarizes the total annual burden and costs incurred for facilities that choose to certify their fiber lines in lieu of chloroform minimum monitoring and the associated overall reduction in annual burden and costs for reduced minimum monitoring requirements.

Table 6.5 Summary of Incurred and Reduced Annual Respondent Burden and Costs

Activity	Annual Labor (Hours)	Annual Costs (2004 Dollars)
Incurred Annual Burden and Costs (Certification in Lieu of Chloroform Minimum Monitoring Requirements)		
Submission of monthly certification reports	480	$30,998
Reduced Annual Burden and Costs (Minimum Monitoring Required by 40 CFR 430.02)		
Sampling	19,812	$650,032
Reporting	160	$10,333
Analytical		$4,226,560
Total	19,972	$4,886,925
Total Reduction in Annual Respondent Burden and Costs	**19,492**	**$4,855,927**

6(e) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6 hours per respondent. Certification in lieu of chloroform minimum monitoring eliminates all sampling burden associated with the minimum monitoring requirements for chloroform. A total of 19,492 hours annually would be saved by the 80 direct and indirect discharging Subpart B mills that EPA anticipated would choose to certify their 127 fiber lines. At an hourly operator rate of $32.81 per hour for sampling activities, reduction in sampling costs associated with certifying fiber lines in lieu of minimum monitoring required by 40 CFR 430.02 for the 80 mills would be $650,032 per year ($32.81 x 19,812). In addition, the elimination of chloroform sampling activities results in an associated reduction in analytical costs for the outside lab analysis of chloroform samples. The total reduction in analytical costs associated with certifying fiber lines in lieu of minimum monitoring required by 40 CFR 430.02

for the 80 mills would be $4,226,560 per year (127 fiber lines x 2 samples per fiber line x 52 weeks x $320 per analysis). An increase in reporting burden for the 80 mills would be 320 (480 - 160) hours annually, based on the submission of periodic certification reports in lieu of reporting chloroform compliance data in DMRs and PCRs. At an hourly technician rate of $64.58 for reporting activities, an increase in reporting costs associated with certifying fiber lines in lieu of minimum monitoring required by 40 CFR 430.02 for the 80 mills would be $20,666 per year ($64.58 x 320). Therefore, the overall reduction in the total burden and cost to demonstrate compliance with minimum monitoring requirements by certifying fiber lines in lieu of minimum monitoring required by 40 CFR 430.02 for the 80 mills would be $4,855,927 per year ($650,032 + $4,226,560 - $20,666). This reduction in cost translates to approximately $60,699 annually per mill.

The Agency does not estimate any change in burden for State authorized NPDES and pretreatment control authorities or EPA from the burden associated with minimum monitoring required by 40 CFR 430.02 for facilities (i.e., permitees) wishing to certify their fiber lines in lieu of chloroform minimum monitoring requirements.

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 the Agency'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, EPA has established a public docket for this ICR under Docket ID No. OW-2004-0028, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 EPA Dockets (EDOCKET) at http://www.epa.gov/edocket. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can 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. (OW-2004-0028) and OMB control number (2040-0242) in any correspondence.

INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT

FOR

BEST MANAGEMENT PRACTICES FOR THE BLEACHED PAPERGRADE KRAFT AND SODA SUBCATEGORY AND THE PAPERGRADE SULFITE SUBCATEGORY OF THE PULP, PAPER AND PAPERBOARD POINT SOURCE CATEGORY (40 CFR PART 430)

EPA ICR Number 1829.03
OMB Control Number 2040-0207

June 2005

U.S. Environmental Protection Agency
Office of Water
Engineering and Analysis Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

ICR: Best Management Practices for the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper and Paperboard Point Source Category (Renewal) (EPA ICR No. 1829.03).

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) presents estimates of the burden and costs to the regulated community (approximately 94 bleached papergrade kraft, soda and sulfite mills) and NPDES permit and pretreatment control authorities for data collection and recordkeeping associated with implementation of the Best Management Practices requirements of the Pulp and Paper Effluent Limitations Guidelines and Standards (40 CFR Part 430.03). This is a renewal ICR.

The Clean Water Act (CWA) authorizes the Environmental Protection Agency (EPA) to include Best Management Practices (BMPs) in effluent limitations guidelines and standards regulations. EPA's legal authority to promulgate BMPs is found in Section 304(e), Section 307(b) and (c), Section 308(a), Section 402(a)(1)(B) and Section 501(a) of the Clean Water Act, 33 U.S.C. §1251, et. seq. EPA also relies on 40 CFR 122.44(k). The BMP regulation is consistent with the Pollution Prevention Act of 1990, 42 U.S.C. § 13101, et. seq.

The objectives of the BMPs are to prevent leaks and spills of spent pulping liquors, soap and turpentine for mills in bleached papergrade kraft and soda (Subpart B) and papergrade sulfite (Subpart E) subcategories; and, to contain, collect and recover at the immediate process area, or otherwise control, those leaks, spills and intentional diversions of spent pulping liquor that do occur. EPA has emphasized control of spent pulping liquors, intentional liquor diversions, soap and turpentine for the following reasons: (1) losses of spent pulping liquor contribute significant portions of untreated wastewater loadings and discharge loadings of color, oxygen-demanding substances, and non-chlorinated toxic compounds from chemical pulp mills; (2) spent pulping liquor spills and intentional liquor diversions are a principal cause of upsets and loss of efficiency of biological treatment systems that are used for treatment of Subpart B and E mill wastewaters, thus contributing to increased effluent discharges of toxic, conventional and nonconventional pollutants; (3) soap and turpentine are substances that are highly toxic to biological treatment systems; and (4) control of spent pulping liquors is a form of pollution prevention that can result in cost savings, less demand for make-up pulping chemicals, increased energy efficiency, more effective wastewater treatment and incidental reductions in atmospheric emissions of total reduced sulfur (TRS) compounds from kraft mills and volatile hazardous air pollutants from Subpart B and E mills.

The regulation requires that owners or operators of Subpart B and E mills prepare and implement site-specific BMPs for management of spent pulping liquors and prevent and control losses of soap and turpentine. In addition, the regulation requires mills to monitor the effectiveness of BMP implementation on a continuing basis by tracking the influent-to-treatment wastewater loading. EPA has structured the BMP regulation to provide maximum flexibility to the regulated community and to minimize administrative burdens on NPDES permit and

pretreatment control authorities that regulate Subpart B and E mills. In fact, the final BMP regulation provides flexibility for mill owners or operators to select any reasonable measure of organic loading and/or spent pulping liquor losses to monitor the effectiveness of BMPs. Also, the final regulation is less prescriptive than the proposed rule with regard to inspection, repair and log-keeping requirements. EPA determined that the final rule language allows mills to use existing maintenance and repair tracking systems to fulfill the aforementioned requirements thereby reducing burden to the industry. By promulgating a national regulation for BMPs, EPA has effectively removed substantial administrative and technical burdens on NPDES and pretreatment control authorities to devise and implement these requirements on a case-by-case basis through their permit programs.

In summary, implementation of effective BMPs has been shown to provide a potential significant payback to a mill. In one incident at an indirect-discharging kraft mill in the southeastern U.S. in July 1993, a process upset caused a release of excess spent pulping liquor to the POTW, which then caused a fish kill. The resulting costs for cleanup and mill shutdown were approximately equal to the cost of full implementation of BMPs at the mill.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

In the BMP regulation, EPA is requiring mills with pulp production Subpart B and E Subcategories to develop and implement BMPs to prevent or otherwise contain leaks and spills and to control intentional diversions of spent pulping liquor, soap and turpentine. These BMPs apply to direct and indirect discharging mills within these subcategories and are intended to reduce wastewater loadings of color, oxygen-demanding substances, and non-chlorinated toxic compounds and hazardous substances in mill wastewater, with incidental reductions in conventional water pollutants and certain air pollutants.

EPA's legal authority to promulgate this BMP regulation is found in Section 304(e), Section 307(b) and (c), Section 308(a), Section 402(a)(1)(B), Section 402(a)(2) and Section 501(a) of the Clean Water Act, 33 U.S.C. § 1251, et seq. EPA also relies on 40 CFR § 122.44(k). This BMP regulation is also consistent with the Pollution Prevention Act of 1990, 42 U.S.C. § 13101, et seq. For further discussion of EPA's legal authority to require mills to develop and implement BMPs, including the information collection requirements discussed in this document, see the BMP Technical Support Document (BMP TSD, DCN 14489).

2(b) Practical Utility/Users of the Data

The primary users of the information generated through BMP Plans will be the owners and operators of the Subpart B and E pulp and paper mills. EPA intends that the data collected (in the form of BMP monitoring reports) will be used by mill operators to track the effectiveness and progress of BMP implementation through comparisons with action levels established by the mill. Under the regulation, whenever monitoring results exceed action levels for particular periods, the mill must complete an investigation or corrective action, as appropriate.

EPA also expects that the monitoring reports required by the BMP regulations will be used by NPDES and pretreatment control authorities to determine compliance with the

regulation. EPA anticipates that State and local control authorities will conduct detailed technical reviews of BMP Plans only in the event the monitoring reports indicate noncompliance with BMP conditions contained in the mill's NPDES permit or pretreatment control mechanism.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

EPA has examined all other reporting requirements contained in the Clean Water Act 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:

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

Examination of these databases revealed no duplicative reporting requirements.

EPA has examined a similar reporting requirement for notice of spills under the Resource Conservation and Recovery Act (RCRA) for duplication of the requirements of this regulation. The requirements for reporting of pollutant releases under RCRA is different than reporting of spills or losses of spent pulping liquor, soap or turpentine outside the immediate process areas under this regulation. EPA has concluded that there is no other way to obtain the compliance assessment information addressed in this ICR.

3(b) Public Notice Required Prior to ICR Submission

EPA solicited comments on this ICR prior to formal submission to OMB. EPA published a formal notice in the **Federal Register** on August 30, 2004 (69 FR 52883-52888). EPA received no comments.

3(c) Consultations

EPA had extensive discussions with the regulated community and selected federal and State NPDES permitting authorities regarding development of this regulation and the attendant recordkeeping and reporting requirements.

3(d) Effects of Less Frequent Data Collection

The regulation requires collection of daily influent-to-treatment data. Most mill operators collect such data independent of this requirement for purposes of monitoring and optimizing wastewater treatment plant operations. Because spill, leaks and losses of spent pulping liquors can and do occur frequently and at any time, less frequent monitoring would not provide the timely information to mill operators to identify and respond to a spill, leak or loss event.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.6 and 1320.12.

3(f) Confidentiality

EPA does not expect that confidential business information or trade secrets will be required from mill operators as part of this ICR. In the event that the information submitted in conjunction with this ICR is claimed to be confidential business information (CBI) by the mill owner or operator, the information would then be handled pursuant to 40 CFR Part 2 when EPA is the permitting authority and applicable State and local government rules and regulations governing CBI when States or local governments are the permitting or pretreatment control authorities. Any mills that may consider asserting CBI claims should do so carefully as they may be asked to support any such claims at a later date.

3(g) Sensitive Questions

The reporting requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC Codes

The respondents for this ICR will be approximately 94 direct and indirect discharging Subpart B and E pulp mills in the Pulp, Paper and Paperboard Manufacturing Category (SIC 2611, 2631) (NAICS 32211,322121, 322122, 32213). Government respondents are estimated to be 34 State and local authorities (24 NPDES and pretreatment approval-authorized States and 10 local pretreatment control authorities) for preparation of new NPDES permits and pretreatment conditions for implementing the BMP regulation and conducting detailed technical reviews of BMP Plans in the event the monitoring reports indicate noncompliance with BMP conditions contained in the mill's NPDES permit or pretreatment control mechanism.

4(b) Information Requested

The BMP regulations at 40 CFR 430.03 include the following major components: (1) development, review and certification of a BMP plan; (2) amendment and periodic review of the BMP plan; (3) reporting of spills; (4) additional monitoring and reporting; and (5) additional recordkeeping. See 40 CFR 430.03(c) through (i) and the BMP TSD for more detailed information on the requirements. The development, review, and certification of a BMP plan is an initial one-time component of the BMP regulations, and the associated burden was already accounted for in the original ICR (No. 1829.01). Therefore, that burden is not included in this renewal ICR.

(1) Development, review and certification of a BMP plan [§430.03(d) and (f)]:

Central to the BMP regulation is the development of a BMP plan. This plan is intended to be the initial and ongoing BMP planning and implementation tool for mills. The BMP plan

must, at a minimum, include programs: (a) to identify and repair leaking equipment; (b) to track equipment repairs; (c) to train personnel; (d) to report and evaluate spills; (e) to review planned mill modifications; and (f) to establish wastewater treatment system influent action levels (including an initial six-month monitoring program).

Also, as part of the BMP plan development, each mill must conduct a detailed engineering review of the pulping and chemical recovery areas to determine the magnitude and routing of potential leaks, spills, and intentional diversions of spent pulping liquors, soap and turpentine and to determine the adequacy of containment and collection facilities (see 40 CFR 430.03 (d) (3) for additional details). The BMP plan and any amendments require review by the senior technical manager and certification by the mill manager.

(2) Amendment and periodic review of a BMP Plan [§430.03(e)]:

Owners or operators must amend their BMP Plans whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, soap or turpentine from the immediate process areas. Notwithstanding this requirement, owners or operators must complete a review and evaluation of their BMP Plans at least once every five years and amend the plan within three months of such review, if warranted. As mentioned above, any BMP plan amendments require review by the senior technical manager and certification by the mill manager.

(3) Reporting of spills [§430.03(c)(5)]:

Owners or operators are required to prepare brief reports of spills of spent pulping liquor, soap or turpentine not contained in the immediate process area (e.g., a failure of the management practices and control systems identified by the owner or operator in the BMP Plan). The report must list the equipment items involved, the circumstances leading to the incident, the effectiveness of corrective actions taken and plans to implement future changes. These reports must be maintained by the mill owner or operator for three years and they need only be submitted to the NPDES permit or pretreatment control authority upon request.

(4) Additional monitoring and reporting [§430.03 (c)(3), (g), (h) and (i)]:

Mills are required to operate continuous, automatic monitoring systems that the mill determines are necessary to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine. See 40 CFR 430.03(c)(3). As part of this requirement, all mills (with the exception of new sources) are required to perform two six-month monitoring programs in order to determine the characteristics (or action levels) of their wastewater treatment system influent. See 40 CFR 430.03(h). (New sources are required to perform only one six-month monitoring program for this purpose. See 40 CFR 430.03(h)(5).) All mills are also required to perform additional monitoring to revise those action levels after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills or spent pulping liquor, soap, or turpentine from the immediate process area. See 40 CFR 430.03(h)(6). The regulation also requires all mills to conduct daily monitoring of wastewater treatment system influent for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses. See 40 CFR 430.03(i).

Mill operators are required to provide their NPDES permit or pretreatment control authorities reports of the monitoring required by the BMP regulation. See 40 CFR 430.03(i)(4). The reports must include a summary of the monitoring results, the number and dates of exceedances of the applicable action levels, and brief descriptions of any corrective actions taken to respond to such exceedances. Submission of such reports shall be at the frequency established by the NPDES permit or pretreatment control authority, but in no case less than once per year.

(5) Recordkeeping requirements [§430.03(g)]:

The regulation requires that certain equipment repair records, records of employee training, reports of spills outside the immediate process area, and records of monitoring conducted as part of the BMP program be maintained for three years.

4(c) Respondent Activities

Mill respondent activities include the following:

- **Preparing basic information.** This includes reviewing regulatory and permit requirements; conducting initial and refresher employee training; developing and certifying the BMP Plan; tracking equipment repair; conducting influent-to-treatment monitoring; preparing reports of spill incidents outside the immediate process area; and, making reports to the NPDES permit or pretreatment control authority.

- **Maintaining records.** All mills in Subparts B and E must keep records of monitoring information, equipment repair, employee training, and spill reports as required by the regulation.

State permitting and local pretreatment control authority activities include the following:

- **Preparing NPDES permit and pretreatment conditions.** This includes reviewing the development of each mill's BMP plans in accordance with 40 CFR 430.03. State permitting and local pretreatment control authority respondents are responsible for the incorporation of BMP provisions in NPDES permits and pretreatment conditions.

- **Periodic Review.** State and local respondents are authorized to conduct periodic review of monitoring reports submitted by each mill and perform compliance reviews. Detailed technical reviews of BMP Plans may be performed in the event the monitoring reports indicate noncompliance with BMP conditions contained in the mill's NPDES permit or pretreatment control mechanism.

The initial one-time burden associated with mill respondents conducting initial employee training and developing and certifying the BMP plan and State permitting and local pretreatment control authority activities in preparing NPDES permit and pretreatment conditions was already accounted for in the original ICR (No. 1829.01) and, therefore, is not included in this renewal ICR.

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

5(a) Agency Activities

Upon approval of this renewal ICR, permittees must continue to maintain records as described above in Section 4(c) and at least annually, must submit to the NPDES or pretreatment control authority a report summarizing the results of daily monitoring, the number and dates of any exceedances of action levels and corrective actions taken when action levels are exceeded. The permitting authority can be either an approved NPDES State or one of EPA's regional offices. The permitting authority or pretreatment control authority is authorized to conduct compliance audits of facility records, review the data, and where necessary, conduct follow-up actions. Follow-up activities may include informal contact with the permittee (by telephone or letter) to discuss the cause of any exceedances of action levels and responses taken to correct the exceedences. Because the requirements to implement the BMPs and maintain records will be incorporated in a mill's NPDES permit or pretreatment control mechanism as enforeceable conditions, the permitting authority will be responsible for assessing whether the mill is properly maintaining records (including the BMP Plan) and thus, performing equipment repairs, employee training and responding to any exceedance events in a timely manner. Review of monitoring records may also be helpful to the permit writers in the development of future NPDES permit conditions.

The extent to which EPA reviews data will depend on available resources and the specific reviewing procedures of the permitting authority (State or EPA region). In NPDES States, State environmental agencies generally review permittee data. EPA regions may also review data from major permittees in NPDES States while performing program oversight functions, particularly since the assessment of compliance is subjective.

5(b) Collection Methodology and Management

As with the minimum effluent monitoring requirements associated with the Cluster Rule, mill owners and operators are required to maintain information for in-mill use to assess BMP effectiveness and for preparation of the summary report of daily monitoring. The regulation provides a framework for compliance, but mill owner and operators can develop the necessary data collection and management protocols to achieve an effective BMP program. EPA expects that mill owners and operators will most likely use existing in-mill and effluent monitoring capabilities to perform the daily monitoring and existing computer capabilities to develop and maintain records.

5(c) Small Entity Flexibility

EPA has already certified that the Cluster Rules, including the BMP requirements will not have a significant economic impact on a substantial number of small entities as that term is used in the RFA (see Section X.C. of the Preamble to the final Cluster Rules published in the **Federal Register** on April 15,1998 (see 63 FR 18611)

5(d) Collection Schedule

The majority of information collection activities included in this ICR are anticipated to coincide with existing monitoring, recordkeeping, and reporting requirements (e.g., Discharge Monitoring Reports), although some recordkeeping may be non-routine, such as spill reporting.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden and Costs

Burden and costs will vary based upon mill complexity, see Table 1. Tables 2 presents estimates of the recurring mill respondent burdens for labor hours and costs associated with this ICR. The assumptions made are listed in each Table. A summary of the mill respondents' burden hours and costs is presented in Table 3. A brief description of the basis for the burden estimates is presented below.

(1) ***Development, review and certification of a BMP plan:***

Development of a site-specific BMP plan is a one-time initial burden. As part of the BMP plan development, mills must also establish a training program for technical personnel. This training program must include both an initial training effort and refresher training, which at a minimum, must be performed annually. The burden associated with the development of the BMP plan and initial training were already accounted for in the original ICR (No. 1829.01) and are, therefore, not included in the burden estimates of this renewal ICR. The refresher training is based on bi-annual effort of four hours each, including nine operators and one consultant acting as trainer. The total burden for refresher training per mill is estimated to be 72 hours of operator effort (at $32.81 per hour) and eight hours of consultant engineering effort (at $64.58 per hour).[1]

(2) Amendment and periodic review of a BMP Plan:

EPA anticipates less than 50 hours of mill labor per amendment and has based the ICR burden on an assumption that each mill would need to amend its BMP plan twice every five years for an annual burden of 20 hours, estimating 18 hours of mill engineer effort (at $64.58 per hour) and two hours of management effort (at $88.49 per hour), which is included in the annual estimates presented in Tables 2 and 3.[2]

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[1]Estimates for operator and engineer labor costs were prepared using industry-specific labor rates identical to those used for the EPA ICR Number 1878.01, included overhead and fringe benefits, and adjusted to January 2004 dollars with the Employment Cost Index. To verify the validity of the adjusted rates EPA obtained national industry-specific wage estimates for the pulp, paper, and paperboard mills from the Labor Department. Noting that the Labor Department wages were lower, EPA decided to apply the more conservative estimates from the previous ICR.

[2]Estimates for management labor rate from the May 2003 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 322100 - Pulp. Paper, and Paperboard Mills. The mean hourly wage for General and Operation Managers (SOC Code 11-1021), including 50 percent for overhead and fringe benefits and adjusted to January 2004 dollars with the Employment Cost Index, is 88.49.

(3) Reporting of spills:

EPA anticipates that the burden of preparing a spill report is approximately four hours and can be conducted by a mill engineer (at $64.58 per hour). ICR burden is calculated on an annual basis using an assumption of one spill per mill per month and is included in the annual estimates presented in Table 2 and 3.

(4) Additional monitoring and reporting:

Mills are required to operate continuous, automatic monitoring systems that the mills determine are necessary to detect and control leaks, spills, and intentional diversions of spent pulping liquor, soap, and turpentine. The burden for designing, testing, and operating the monitoring system, expressed in the form of costs, is included in the compliance cost estimates developed for the regulation (see Table 9.2 of the BMP TSD, DCN 14489).

In addition, all mills with the exception of new sources are required to perform two six-month monitoring programs in order to determine the characteristics (or action levels) of their wastewater treatment system effluent. See 40 CFR 430.03(h). (New sources are required to perform only one six-month monitoring program for this purpose.) All mills are also required to perform additional monitoring to revise those action levels after any change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills or spent pulping liquor, soap, or turpentine from the immediate process area. The effort required to implement the initial monitoring program and perform the associated statistical analysis to establish the action levels is included in the compliance cost estimates developed for the regulation, and the burden to perform monitoring to revise those action levels is included in the incremental monitoring burden discussed below.

The regulation also requires all mills to conduct daily monitoring of wastewater treatment system influent for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses. EPA estimates the burden associated with this monitoring to be an increment of one additional hour per day of operator time over existing burden imposed by minimum monitoring; this increment is included in the annual estimates shown in Tables 2 and 3. Costs for monitoring equipment were included as initial capital costs in the original ICR (No. 1829.01). Therefore, these one-time costs are not included in the burden estimates of this renewal ICR.

Mill operators are required to provide their NPDES permit or pretreatment control authorities reports of the monitoring required by the BMP regulation. Submission of such reports shall be at the frequency established by the NPDES permit or pretreatment control authority, but in no case less than once per year. EPA has based the burden estimates on a semi-annual reporting frequency and estimates that each report will take 16 hours to complete, based on 14 hours of mill engineer effort and two hours of management effort (also included in estimates presented in Tables 2 and 3).

(5) Recordkeeping requirements:

Burden estimates for recordkeeping are based on an incremental level of effort to comply with BMP requirements consisting of two to four hours per month for the operators/shift

supervisors over current shift log recordkeeping (at $32.81per hour), two to four hours per months for mill engineers (at $64.58 per hour), and two hours per month for clerical support (at $18.42 per hour). These burden estimates are also included in the annual estimates presented in Tables 2 and 3 .[3]

(6) NPDES permit provisions, pretreatment conditions and periodic review

The initial burden to State NPDES permitting and pretreatment control authorities for preparation of NPDES permit provisions and pretreatment conditions for implementing the BMP regulation was already accounted for in the new ICR. Therefore, this burden is not included in this renewal ICR. For the 82 facilities located in states with NPDES authority and the 10 facilities located in pretreatment control authorities EPA estimates an incremental ten hours per year per facility for reviewing periodic (e.g., annual or semi-annual) monitoring reports and conducting compliance reviews.

Estimates for Federal and State labor rates were based on the 2003 US Labor department figures adjusted to January 2004 dollars with the Employment Cost Index, whereby the average annual salary for Federal and State employees is $47,112; this is equivalent to the salary of a GS-9, Step 10 Federal employee. At 2,080 available labor hours per year, the hourly rate is $22.65. Overhead costs for Federal and State employees are estimated by EPA to be 60 percent (EPA ICR Handbook), or $13.59 per hour, which results in a total hourly rate of $36.24 ($22.65 + $13.59).

Estimates for local pretreatment control authority employees (i.e., POTW employees) were based on the 2002 US Labor department figures for the wages and salaries value for State and local government workers adjusted to January 2004 dollars with the Employment Cost Index plus a 50 percent overhead burden; this is equivalent to an hourly rate of $33.36 ($22.24 + $11.12).

Table 1. Summary of Mill Status

CATEGORY	Simple	Moderately Complex	Complex	Total
Kraft & Soda	41	30	13	84
Sulfite	10	0	0	10
Total Mills	**51**	**30**	**13**	**94**

[3]Estimates for clerical labor rate from the May 2003 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 322100 - Pulp. Paper, and Paperboard Mills. The mean hourly wage for File Clerks (SOC Code 43-4071), including 50 percent for overhead and fringe benefits and adjusted to January 2004 dollars with the Employment Cost Index, is $18.42.

Table 2. Mill Labor for Amendment and Review of BMP Plan, Reporting, Monitoring, Recordkeeping and Training (hours)

Item	Kraft & Soda				Sulfite		*TOTAL HOURS*
	Simple	***Moderately Complex***	***Complex***	***Total***	***Simple***	***Total***	
Amendment and Review of BMP Plan	820	600	260	**1,680**	200	**200**	**1880**
Reporting of Spills	1,968	1,440	624	**4,032**	480	**480**	**4512**
Additional Monitoring and Reporting	16,277	11,910	5,161	**33,348**	3,970	**3,970**	**37318**
Recordkeeping	2,952	2,880	1,560	**7,392**	720	**720**	**8112**
Refresher Training	3,280	2,400	1,040	**6,720**	800	**800**	**7520**
TOTAL	**25,297**	**19,230**	**8,645**	**53,172**	**6,170**	**6,170**	**59,342**

Table 3. Mill Costs for Amendment and Review of BMP Plan, Reporting, Monitoring, Recordkeeping and Training

Item	Kraft & Soda				Sulfite		TOTAL COSTS
	Simple	***Moderately Complex***	***Complex***	***Total***	***Simple***	***Total***	
Amendment and Review of BMP Plan	$54,916	$40,183	$17,412	$112,511	$13,394	$13,394	**$125,905**
Reporting of Spills	$127,093	$92,995	$40,298	$260,387	$30,998	$30,998	**$291,385**
Additional Monitoring and Reporting	$579,652	$424,136	$183,792	$1,187,579	$141,379	$141,379	**$1,328,958**
Recordkeeping	$113,957	$118,444	$66,518	$298,919	$27,794	$27,794	**$326,713**
Refresher Training	$118,037	$86,369	$37,426	$241,833	$28,790	$28,790	**$270,623**
TOTAL	**$993,655**	**$762,127**	**$345,446**	**$2,101,229**	**$242,355**	**$242,355**	**$2,343,584**

Table 4. Recurring Mill Respondent Burden and Costs

Status	Total Labor Hours	Total Recurring Costs
Kraft & Soda		
Simple	25,297	$993,655
Moderately Complex	19,230	$762,127
Complex	8,645	$345,446
Total Kraft & Soda	**53,172**	**$2,101,229**
Sulfite		
Simple	6,170	$242,355
Total Sulfite	**6,170**	**$242,355**
TOTAL MILLS	**59,342**	**$2,343,584**

6(b) Estimating Agency Burden

The initial burden to EPA from non-authorized State NPDES permitting and pretreatment control authorities for preparation of NPDES permit provisions and pretreatment conditions for implementing the BMP regulation was already accounted for in the new ICR. Therefore, this burden is not included in this renewal ICR. For the 2 facilities located in states without NPDES

authority EPA estimates an incremental ten hours per year per facility for reviewing periodic (e.g., annual or semi-annual) monitoring reports and conducting compliance reviews, for a total of 20 hours annually.

EPA estimates an incremental labor burden of approximately eight hours per facility for a total of 752 hours annually. This burden accounts for anticipated support of State and local authority efforts described in Section 6(a). The estimated incremental labor burden for the BMP regulation is 772 (752 + 20) hours. Using the hourly labor rate of $36.24 (see Section 6(a)(6)), recurring Agency costs are estimated at $27,977. A summary of the Agency burden hours and costs is presented in Table 5.

Table 5. Summary of Burden and Costs to Respondents and EPA

Category	Total Labor Hours	Total Costs
Respondents - Annual Burden		
Kraft & Soda Mills	53,172	$2,101,229
Sulfite Mills	6,170	$242,355
Total	59,342	$2,343,584
States & Local Governments Annual Burden		
States	820	$29,717
Local Governments (pretreatment)	100	$3,336
EPA		
Annual Burden	772	$27,977

6(c) Bottom Line Burden and Costs Tables

The bottom line burden hours and cost tables for respondents are the summaries of all the hours and costs incurred for all activities. There are no Operating and Maintenance costs associated with this Information Collection Request.

(1) Respondent Tally

The bottom line respondent (mills, State permitting and local pretreatment authorities) tally is presented in Table 6.

Table 6. Total Estimated Respondent Burden and Cost Summary (2004 Dollars)

Category	Number of Respondents	Total Hours Per Year	Total Labor Cost Per Year
Respondents - Subpart B and E mills	94	59,342	$2,343,584
Respondents - State Athorities	24	820	$29,717
Respondents -Local authorities	10	100	$3,336
Total Respondents	128	60,262	$2,376,637

(2) Agency Tally

The bottom line Agency tally is presented in Table 7.

Table 7. Total Estimated Agency Burden and Cost Summary (2000 Dollars)

Category	Total Hours Per Year	Total Labor Cost Per Year
Agency	772	$27,977

6(d) Reasons for Changes in Burden

As this is a renewal information collection, the change in burden for this collection includes adjusting from 2000 to 2004 dollars and account for new NPDES authorized states.

6(e) Burden Statement

The recurring burden for a mill to periodically review and amend the BMP plan, prepare spill reports, perform additional monitoring, hold refresher training, and conduct recordkeeping and reporting is estimated to be 617, 641 and 665 hours annually per mill for simple, moderately complex and complex mills, respectively. The total recurring cost for mills associated with the BMP requirements is estimated at $2,343,811

The recurring burden to State NPDES and pretreatment control authorities is estimated at ten hours per year per facility for reviewing periodic (e.g., annual or semi-annual) monitoring reports and conducting compliance reviews. The total recurring costs for State NPDES and pretreatment control authorities is estimated at $29,716 and $3,336 respectively.

The recurring burden to EPA is estimated at ten hours per year per facility in non NPDES authorized states and eight hours per year per facility for support of State and local authority efforts in reviewing periodic (e.g., annual or semi-annual) monitoring reports and conducting compliance reviews. The total recurring costs for EPA is estimated at $27,977.

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 the Agency'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, EPA has established a public docket for this ICR under

Docket ID No. OW-2004-0023, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 EPA Dockets (EDOCKET) at http://www.epa.gov/edocket. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can 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. (OW-2004-0023) and OMB control number (2040-0207) in any correspondence.

MILESTONES PLANS
EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS
BLEACHED PAPERGRADE KRAFT AND SODA SUBCATEGORY
PULP, PAPER, AND PAPERBOARD MANUFACTURING CATEGORY
(40 CFR PART 430) (Renewal)

EPA ICR # 1877.03
OMB Control Number 2040-0202

June 2005

U.S. Environmental Protection Agency
Office of Water
Office of Wastewater Management
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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LIST OF TABLES

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a). Title of the Information Collection

ICR: Milestones Plans of the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Manufacturing Category (40 CFR Part 430) (EPA ICR No. 1877.03)

1(b). Short Characterization/Abstract

This Information Collection Request (ICR) presents estimates of the burden and costs to the eligible community (direct discharging bleached papergrade kraft and soda mills) and NPDES permitting authorities for activities associated with the development of a Milestones Plan, which is required as part of a Voluntary Advanced Technology Incentives Program (VATIP) established under the Pulp, Paper, and Paperboard Effluent Limitations Guidelines and Standards (40 CFR Part 430) portion of the Cluster Rule promulgated on April 15, 1998. The Milestones Plan is required only of those mills that voluntarily choose to enroll in the incentives program. This is a renewal ICR.

The VATIP (40 CFR 430.24(b)) is intended to encourage existing and new direct discharging mills to move beyond today's baseline BAT and NSPS technologies toward the "mill of the future," which EPA believes will have a minimum impact on the environment. In order to facilitate achievement of the ultimate effluent limitations required by this Incentives Program, existing mills that choose to enroll in this voluntary program are required to submit plans (referred to as "Milestones Plans") detailing the strategy the mill will follow to develop and implement the technologies or processes it intends to use to achieve the requirements of the program. See 40 CFR 430.24(c). New sources enrolling in the Incentives Program are not required to develop Milestones Plans because they must achieve the ultimate VATIP standards as soon as they commence discharge.

The purpose of the Milestones Plan is to provide information necessary for the development of interim limitations or permit conditions under 40 CFR 430.24(b)(2) that lead to achievement of the Voluntary Advanced Technology BAT limitations codified at 40 CFR 430.24(b)(3) and (4). Each Milestones Plan must be developed by the participating mill and submitted to the NPDES permitting authority (i.e., EPA or the State, if it is authorized to administer the NPDES permitting program). EPA expects the permitting authority to use the information contained in the Milestones Plan to establish enforceable permit limitations and conditions for the participating mill. These milestones would also provide valuable benchmarks for reasonable inquiries into progress being made by participating mills toward achievement of the interim and ultimate effluent limitations. EPA's legal authority to require such Milestones Plans in effluent limitations guidelines and standards is found in Section 308(a) of the Clean Water Act (CWA). For additional information on the VATIP, see the Technical Support Document for the Voluntary Advanced Incentives Program (EPA-821-R-97-014; DCN 14488).

For the regulated community, the burden and costs of the Milestones Plan are those

associated with its development. For the government, the burden and costs are those sustained by the NPDES permitting authority and EPA in reviewing the Milestones Plan, deriving and enforcing interim permit requirements and generally tracking the mill's implementation of the Milestones Plan.

2. NEED FOR AND USE OF THE COLLECTION

2(a). Need/Authority for the Collection

The Incentives Program requires achievement of ultimate effluent limitations that go beyond the baseline BAT limitations. Mills that choose to enroll in the program are given additional time to achieve those ultimate effluent limitations. During this additional time period during which the mill is preparing to meet the ultimate limitations, the regulation requires participating mills to meet interim limitations or permit conditions. See 40 CFR 430.24(b)(2). In order to determine interim limitations or permit conditions that will take into account the special circumstances at each mill while at the same time promote timely achievement by the mill of the ultimate limitations, the permitting authority needs to know the details of how the mill is planning to develop and implement the technologies and processes to achieve the ultimate limitations. The Milestones Plan, prepared by the mill, will provide this information. Even when not used as the basis for enforceable permit conditions, the Milestones Plan will also provide valuable benchmarks for reasonable inquiries into progress being made toward achievement of the ultimate limitations and will help ensure that mills enrolled in the program are making a good-faith effort to fulfill the requirements of the program.

EPA's legal authority to require Milestones Plans for meeting effluent limitations is found in Section 308(a) of the Clean Water Act. Section 308(a) gives the EPA Administrator the authority to require the owner or operator of any point source (e.g., a pulp and paper mill) to make reports or provide such other information that the Administrator determines is necessary to (1) develop any effluent limitation or other limitation under the Act, (2) determine compliance with effluent limitations, or (3) carry out the NPDES permit program. The Milestones Plan fits all three criteria for the reasons set forth in paragraph 2(b) below.

2(b). Practical Utility/Users of the Data

The Milestones Plan will assist the permitting authority (i.e., the State or EPA) to set appropriate interim limitations and permit conditions for that interim period when the mill is preparing to achieve the ultimate limitations. An individualized Milestones Plan will make it easier for the permitting authority to account for any unique situations at the mill and to provide appropriate flexibility for the mill.

The Milestones Plan will also enable the permitting authority to track the progress being made by the mill to achieve the interim and ultimate effluent limitations and to enable the permitting authority to recognize if and when a mill is not making expected progress toward fulfilling the requirements of the program and take appropriate action. By advancing these

purposes, the Milestones Plan thus helps to carry out the NPDES permit program.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a). Nonduplication

The information in the Milestones Plan is necessarily mill-specific and, to EPA's knowledge has never been collected by another source. Therefore, none of the information to be collected by the Milestones Plan is available elsewhere. Moreover, although EPA expects that many participating mills will already be developing such plans for their own planning purposes, the permitting authority would have no access to this information without this information collection request.

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

EPA solicited comments on this ICR prior to formal submission to OMB. EPA published a formal notice in the **Federal Register** on August 30, 2004 (69 FR 52883-52888). EPA received no comments.

3(c). Consultations

EPA has discussed this information collection with the State NPDES permitting authorities.

3(d). Effects of less Frequent Collection

Since the Milestones Plan is a one-time information collection and not a collection with periodic reporting, consideration of the effects of less frequent collection is not relevant.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.6 and 1320.12.

3(f) Confidentiality

EPA received two comments on the proposed Milestones Plan regulation (63 FR 18796, April 15, 1998) indicating that a mill may wish to claim as CBI the technologies or processes by which it intends to achieve the ultimate VATIP limitations. Therefore, EPA promulgated language in the final rule to provide that, in those situations, a mill may claim that portion of the Milestones Plan as confidential (64 FR 36582, July 7, 1999). Such claims are handled pursuant to 40 CFR Part 2 when EPA is the permitting authority and applicable State rules and regulations governing CBI when States are the permitting authorities. EPA also added language to the final

regulations that requires mills asserting a CBI claim to prepare a public summary of the confidential portion of the plan and to submit that summary to the permitting authority along with the Milestones Plan. This requirement allows the public, on request, to obtain information about the mill's progress in achieving its VATIP limitations.

3(g) Sensitive Questions

No sensitive questions are anticipated in this information collection.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/SIC and NAICS Codes

The respondents will be those existing, direct-discharging bleached papergrade kraft and soda pulp and paper mills that have chosen to enroll in the VATIP. The SIC code associated with these potential respondents is 2611 (pulp mills). The associated NAICS code is 322110.

4(b). Information Requested

An existing mill choosing to enroll in the VATIP must submit a Milestones Plan.

(i) Data items:

- A Milestones Plan required under 40 CFR 430.24(c).

  -- The Milestones Plan must describe each anticipated new technology component or process modification the mill intends to implement in order to achieve the ultimate effluent limitations (i.e., the Voluntary Advanced Technology BAT limits). This information is required under 40 CFR 430.24(c)(1) (see DCN 14488).

  -- In addition, the Milestones Plan must include a master schedule (1) showing the sequence of implementing the new technology components or process modifications and (2) identifying critical path relationships. This information is required under 40 CFR 430.24(c)(2).

  -- For each individual new technology component or process modification, the Milestones Plan must include a schedule that identifies the anticipated dates when associated construction, installation, and operational "shakedown" will be initiated, the anticipated dates those steps will be completed, and the anticipated

date that the full Advanced Technology process or individual component will be fully demonstrated as operational. EPA also intends that the Milestones Plan describe the anticipated improvements in effluent quality and reductions in effluent quantity as measured at the bleach plant and at the end of the pipe.

-- The schedule must also identify the anticipated dates of initiation and completion of associated research, process development and mill trials when applicable, i.e., when the mill intends to employ technologies or process modifications that are not commercially available or demonstrated on a full-scale basis at the time the Milestones Plan is developed. This "R&D Schedule," which should be part of the Master Schedule, should show major milestone dates and the anticipated date the technology or process change will be available for mill implementation. This information is required under 40 CFR 430.24 (c)(3)(i).

-- The Milestones Plan must also include contingency plans in the event that any of the technologies or processes need to be adjusted or alternative approaches developed to ensure that the ultimate effluent limitations are achieved by deadlines specified in 40 CFR 430.24(b)(4)(ii). This information is required under 40 CFR 430.24(c)(3)(iii).

(ii) Respondent Activities:

- Preparation of the Milestones Plan, containing the information described above.

- Signature by the responsible corporate officer as defines by 40 CFR 122.22, and submittal of the Milestones Plan to the permitting authority. These activities are required by 40 CFR 430.24(c) and (c)(4).

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

5(a). AGENCY ACTIVITIES

Agency (i.e., permitting authority) activities associated with the Milestones Plans consist of the following:

- Review Milestones Plans for completeness.

- Consider the information in those plans when establishing enforceable interim

effluent limitations and permit conditions that facilitate the achievement of the ultimate effluent limitations; include reopener clauses to allow the permitting authority to adjust the permits to reflect the results of research, process development, mill trials, and possible contingencies.

- Monitor progress of the participating mills toward achieving the ultimate effluent limitations, using the milestones in the Milestones Plan as benchmarks. Take appropriate action if and when progress falters.

5(b). COLLECTION METHODOLOGY AND MANAGEMENT

After having enrolled in the VATIP, a particular mill is required to submit the Milestones Plan to the permitting authority, which would consider the Plan as described in 5(a). The Milestones Plan is intended to be a dynamic document that will be adjusted to reflect the results of research, process development, mill trials, etc. EPA expects the Plan to be maintained on file by the mill and the permitting authority. Public access will be managed through standard procedures under the codified authorities (see 3(f) above).

5(c). SMALL ENTITY FLEXIBILITY

EPA considered less burdensome information collection mechanisms for small entities, but chose not to alter the collection procedure for the following reasons:

- This information collection will not have a significant economic impact on a substantial number of small entities. EPA has determined that, of all the pulp and paper mills that are eligible for the VATIP only three mills are small businesses, and EPA does not believe this is a substantial number as that term is used in EPA's Regulatory Flexibility Analysis for the Final Pulp and Paper Cluster Rules. (See the Economic Analysis, DCN 14649).

- Moreover, these three mills will be subject to the information collection only if they choose to enroll in the VATIP.

- Finally, the cost of this information collection to any small entity choosing to enroll in the VATIP is not substantial. EPA has calculated the cost to be between $4,000 and $24,000 per mill.

5(d). COLLECTION SCHEDULE

This is a one-time information collection. The participating mill must submit the Milestones Plan by the date the mill applies for its NPDES permit limitations.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a). ESTIMATING RESPONDENT BURDEN

The respondent burden of this information collection has been estimated by calculating the labor requirements (in hours) of preparing typical Milestones Plans for each of the three possible technology tiers in the VATIP. The labor estimates assume that the Milestones Plans will be prepared by mill or corporate process engineering staff, with senior management input. These burden estimates cover the total time and effort expended by persons to generate, maintain, retain, and disclose or provide the information collection. This includes the time needed to review regulations and instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing or providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to the collection of information; and transmit or otherwise disclose the information.

Additionally, for Tiers II and III plan development, a budget is included to perform scoping studies to determine implementation at the mills. The estimates do not reflect the cost of detailed engineering studies or feasibility studies that a company may perform when investigating whether to pursue the development and installation of advanced technology, nor do the estimates include the labor hours related to internal corporate discussions about a decision to enroll in the incentives program. Such activities are considered part of the corporate strategic planning function and are not considered part of the burden associated with the Milestones Plan.

The labor estimates are based on the anticipated level of complexity for each of the tiers. The estimates reflect the greater complexity of higher tiers and were prepared by an EPA contractor with much experience preparing plans and schedules for projects with similar complexities. The estimate for a Tier I Milestones Plan assumes the mill will implement readily available technology (e.g., oxygen delignification and 100 percent chlorine dioxide substitution) and will not perform research and development (R & D) activities. The estimate for a Tier II Milestones Plan assumes the mill will conduct one research and development project related to condensate reuse, but otherwise will implement readily available technology (e.g., a two-stage oxygen delignification system followed by ozone bleaching and 100 percent chlorine dioxide substitution). Additionally, the burden estimate for R & D scheduling only includes the cost of producing a schedule for this project. The estimate for a Tier III Milestones Plan assumes the mill will conduct six research and development projects designed to upgrade condensate quality from evaporators, to improve treatment of condensates, to provide advanced process control, to optimize water balance strategies to achieve nearly closed loop processing, and to remove minerals and/or chloride; the burden estimate for R & D scheduling only includes the cost of producing a schedule for this project. The following tables summarize the estimated industry respondent burden:

Table 1
Summary of Estimated Industry Respondent Burden

Technology Tier	Hours / Mill
Tier I	56
Tier II	154
Tier III	328

Table 2
Breakdown Estimate of Hours / Mill

Milestones Plan Element	Tier I Hours (X + Y)[a]	Tier II Hours (X + Y)[a]	Tier III Hours (X + Y)[a]
Overview of Strategy	12 + 4	20 + 8	24 + 8
Description of New Technology Components or Process Modifications	10 + 2	20 + 4	32 + 8
Master Schedule	20 + 4	46 + 8	64 + 16
R & D Schedule	----	24 + 8	112 + 40
Appendix of Documentation[b]	4 + 0	16 + 0	24 + 0
Subtotal Hours	46 + 10	126 + 28	256 + 72
Total Hours	56	154	328

[a] X = process engineering hours Y = senior management hours

[b] Tier I: Includes vendor documentation or preliminary engineering studies.
Tier II: Includes the above (for Tier I) plus feasibility studies, research proposals and reports, and review of literature on minimum effluent technology.
Tier III: Includes the above (for Tier II) plus review of literature on closed-cycle technology.

6(b). ESTIMATING RESPONDENT COSTS

The respondent costs of this information collection have been estimated by taking the labor hours (in Table 2 above) and multiplying them by the appropriate wage rates applicable to process engineering time and senior management time. EPA estimates an average hourly cost

(labor plus overhead) of $45.64 for process engineering time and $ 88.49 for senior management time[1]. (There are no capital costs or O&M costs associated with this information collection.)

The following Table 3 summarizes the estimated industry respondent costs based on labor effort:

Table 3
Summary of Estimated Industry Respondent Costs

Technology Tier	Engineering Hours / Mill	Management Hours / Mill	Costs / Mill[a]
Tier I	46	10	$3,000
Tier II	126	28	$8,272
Tier III	256	72	$18,141

[a]Assumes $45.64 and $88.49 per hour for process engineering time and senior management time, respectively (labor plus overhead).

Additionally, for Tiers II and III, an allowance for scoping studies was included. For Tier II, EPA estimated approximately $14,000 for each scoping study, which may be performed by a consultant. A scoping study estimate of $26,000 was applied to Tier III. The extended costs, including labor and the scoping study estimate, are reflected in Table 4.

6(c). ESTIMATING AGENCY BURDEN AND COSTS

Estimates for Federal and State labor rates were based on the 2003 US Labor department figures adjusted to January 2004 dollars with the Employment Cost Index, whereby the average annual salary for Federal and State employees is $47,112; this is equivalent to the salary of a GS-9, Step 10 Federal employee. At 2,080 available labor hours per year, the hourly rate is $22.65. Overhead costs for Federal and State employees are estimated by EPA to be 60 percent (EPA ICR Handbook), or $13.59 per hour, which results in a total hourly rate of $36.24 ($22.65 + $13.59).

EPA estimates the initial burden to State and local NPDES permitting authorities for the review of the Milestones Plan to be an average of 16 hours per mill respondent. With 29 mills anticipated to enter the program (see Section 6(d) below), the total initial State NPDES permitting

[1]Estimates for management labor rate from the May 2003 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 322100 - Pulp. Paper, and Paperboard Mills. The mean hourly wage for General and Operation Managers (SOC Code 11-1021), including 50 percent for overhead and fringe benefits and adjusted to January 2004 dollars with the Employment Cost Index, is $ 88.49. The mean hourly wage for engineers, including 50 percent for overhead and fringe benefits and adjusted to January 2004 dollars with the Employment Cost Index, is $45.64.

authority burden is estimated at 464 hours. Based on the Federal and State labor rates, total initial labor costs are estimated at $16,815 for State permitting authorities. It is anticipated that no one State permitting authority will incur the entire burden, because anticipated mill respondents are located in different States. There exists no more than four anticipated mill respondents in any one State. Therefore, the maximum initial burden that any one State permitting authority is 64 hours for a cost of $2,319.

EPA estimates the recurring burden to State permitting authorities to be an average of 6 hours per year per mill for periodic review of the mill's progress in implementation of the Milestones Plan and to take appropriate action if and when progress falters (see section 5(a) above). The total recurring burden for State permitting authorities is estimated at 174 hours per year at a total cost of $6,305. The maximum recurring burden any one State permitting authority could incur is 24 hours per year at a cost of $870. This maximum burden represents no more than 14% of the total estimated recurring burden.

The initial Agency burden is estimated to be an average of 20 hours per mill respondent. With 29 mills anticipated to enter the program (see Section 6(d) below), the total initial Agency burden is estimated at 580 hours. Based on the Federal and State labor rates, total initial labor costs are estimated at $21,019 for the Agency. EPA estimates recurring burden to the Agency to be an average additional 4 hours per year per mill respondent for support of State and local NPDES permitting authorities. The total recurring burden for the Agency is estimated at 116 hours per year at a total cost of $4,204.

6(d). ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COST

As discussed previously, EPA estimates the potential respondent universe (i.e., the mills likely to enroll in the incentives program) to be 29 mills. The estimates of how many mills are likely to enroll in the incentives program for each of the three tiers are based on the following:

- There are 16 mills that already have technology in place that is comparable to that specified as the model technology required for Tier I or have a corporate commitment to install the technology. Two of those 16 mills, however, are projected to go to Tier III (see below). Therefore, the EPA estimate of how many mills are likely to enroll for Tier I is 14.

- EPA's projection on how many mills are likely to enroll for Tier II is based on the assumption that mills with over 400 kkg/day softwood production and with technology using minimal chlorine dioxide substitution are likely candidates to adopt Tier II technology. There are 12 mills that meet these criteria. One existing totally chlorine free kraft mill is also projected to enroll for Tier II, making a total of 13 mills projected to enroll for Tier II.

- There are two mills operated by a company developing technology to recycle bleach plant filtrate. These two mills are projected to enroll for Tier III.

The result is that 29 mills are projected to enroll in the incentives program -- 14 for Tier I, 13 for Tier II, and 2 for Tier III.

Total respondent burden and cost are calculated by multiplying the hours per mill and the costs per mill for each technology tier by the projected number of mills likely to enroll in the incentives program at that tier. The following Table 4 summarizes the total respondent burden and cost:

Table 4
Total Industry Respondent Burden and Cost

Technology Tier	Hours / Mill	Costs / Mill	# of Enrolled Mills	Total Hours	Total Labor Cost[a]
Tier I	56	$3000	14	784	$42,000
Tier II	154	$22,272	13	2,002	$289,536
Tier III	328	$44,141	2	656	$88,282
TOTAL			29	3,442	$419,818
Annualized				1,147	

[a] Includes the cost of a scoping study for each mill.

6(e). BOTTOM LINE BURDEN HOURS AND COST TABLES

The bottom line burden hours and cost tables for respondents are the summaries of all the hours and costs incurred for all activities. There are no associated Operating and Maintenance or capital start up costs associated with this ICR.

(i) Respondent Tally

The bottom line respondent (mills and State governments) is presented in Table 5.

(ii) The Agency Tally

The bottom line Agency tally is also presented in Table 5

Table 5 Bottom Line Burden and Costs Based on 29 Mills in 2004 Dollars				
Category	**Year 1 Labor Hours/Costs**	**Year 2 Labor Hours/ Costs**	**Year 3 Labor Hours/ Costs[a]**	**3-year Total Burden**
Respondents - Subpart B and E mills	3,442 $419,818	n/a	n/a	3,442 hours
Respondents- State governments	464 $16,815	174 $6,305	174 $6,305	812 hours
Total Respondents Hours				4,254 hours
Agency	580 $21,019	116 $4,204	116 $4,204	812 hours

[a] Includes the cost of a scoping study for each mill.

Table 6: Bottom Line Burden Hour and Cost Table

Annual Respondent burden	1,418 hours
Annual Respondent Cost (O&M)	0

6(f). REASONS FOR CHANGE IN BURDEN

There is no change in the total estimated burden hours currently identified in the OMB Inventory of Approved ICR Burdens.

6(g). BURDEN STATEMENT

EPA estimates that 29 mills will voluntarily enroll into VATIP. The burden for a mill (which chooses to participate voluntarily in the incentives program) to prepare and submit a

Milestones Plan is estimated to average approximately 120 hours per respondent. This is a one-time burden. State NPDES permitting authorities burden to review the Milestones Plans is estimated at 16 hours per respondent as an initial burden with a average recurring annual review burden of 6 hours per respondent. Agency burden to review the Milestones Plans is estimated at 20 hours per respondent as an initial burden with a average recurring annual review burden of 4 hours per respondent. The total initial cost for the 29 mills anticipated to enroll in the VATIP and thus be required to develop a Milestones Plan is estimated at $419,818. The total initial burden incurred by State permitting authorities and EPA for review the Milestones Plans is estimated at $16,815 and $21,019, respectively. The total recurring burden incurred by State permitting authorities and EPA for periodic review of the Milestones Plans is estimated at $6,305 and $4,204, respectively. There is no recurring burden for mill respondents associated with this information collection.

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 the Agency'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, EPA has established a public docket for this ICR under Docket ID No. OW-2004-0024, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 EPA Dockets (EDOCKET) at http://www.epa.gov/edocket. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can 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. (OW-2004-0024) and OMB control number (2040-0202) in any correspondence.

INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT

FOR

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 POINT SOURCE CATEGORY (RENEWAL) (40 CFR PART 430)

EPA ICR Number 1878.02
OMB Control Number 2040-0243

May 2005

U.S. Environmental Protection Agency
Office of Water
Engineering and Analysis Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

ICR: 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 Point Source Category (EPA ICR No. 1878.02) (OMB Control Number 2040-0243).

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) presents estimates of the burden and costs to the regulated community and to the National Pollutant Discharge Elimination System (NPDES) permit and pretreatment approval and control authorities for monitoring, reporting, recordkeeping, and follow-up actions associated with implementation of the minimum monitoring requirements of the Pulp, Paper and Paperboard Effluent Limitations Guidelines and Standards (Cluster Rules; 40 CFR Part 430), which were published on April 15, 1998 for mills in the Bleached Papergrade Kraft and Soda Subcategory (Subpart B) and the Papergrade Sulfite Subcategory (Subpart E). See 63 FR 18504-18751. The regulated community consists of approximately 94 direct and indirect discharging papergrade kraft, soda and papergrade sulfite mills. This is a renewal ICR

The Cluster Rules establish minimum monitoring requirements for certain pollutants, namely adsorbable organic halides (AOX), 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), 2,3,7,8-tetrachlorodibenzofuran (TCDF), chloroform and 12 chlorinated phenolics. Pursuant to the Paperwork Reduction Act, EPA intends to add these specific monitoring requirements contained in the Cluster Rules (see 40 CFR § 430.02) to the ICR for NPDES/Sewage Sludge Monitoring Reports ICR (OMB 2040-0004) and the National Pretreatment Program ICR (OMB 2040-0009). The current National Pretreatment Program ICR includes burden for indirect dischargers regulated under the Cluster Rules. This ICR serves to clarify and augment the burden already identified in the National Pretreatment Program ICR incurred by indirect dischargers for compliance with minimum monitoring requirements.

This ICR covers the minimum monitoring requirements for 94 direct and indirect discharging mills as well as the alternative requirements for those Subpart B mills that choose to enroll in the Voluntary Advanced Technology Incentives Program (VATIP), and those Subpart B mills that demonstrate compliance with applicable chloroform limitations and standards at a fiber line in lieu of certain monitoring requirements, until such time that these requirements are subsumed under the NPDES/Sewage Sludge Monitoring Reports ICR (OMB 2040-0004).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

As mentioned above, EPA established minimum monitoring frequencies for AOX, TCDD, TCDF, chloroform, and 12 chlorinated phenolics for existing and new direct and indirect

discharging mills within Subparts B and E under authority of CWA Section 308. Discharge of these pollutants into the freshwater, estuarine and marine ecosystems may alter aquatic habitats, affect aquatic life and adversely impact human health. Chlorinated organic compounds from chlorine bleaching, particularly TCDD and TCDF, are human carcinogens and human system toxicants and are extremely toxic to aquatic life. Additionally, Section 402(a)(2) of the Clean Water Act (CWA) directs EPA to prescribe permit conditions to assure compliance with requirements "including conditions on data and information collection, reporting and such other requirements as [the Administrator] deems appropriate."

2(b) Practical Utility/Users of the Data

The primary users of the data are the owners and operators of direct and indirect discharging pulp and paper mills in Subparts B and E and NPDES permitting, pretreatment control, and enforcement authorities. Citizen groups also use this data to independently assess facility compliance.

EPA expects that the monitoring reports will be used by NPDES and pretreatment control authorities to determine compliance with the Cluster Rules effluent limitations and standards. EPA, States, and local authorities also analyze monitoring data when establishing permit and control agreement conditions and revise permit and pretreatment control agreement requirements based on data from monitoring reports. Furthermore, EPA and States refer to discharge monitoring reports and facility monitoring data on toxic pollutants when developing lists of waters not meeting applicable water quality standards. EPA anticipates that State NPDES permitting and pretreatment control authorities will only need to conduct detailed technical reviews of monitoring reports in the event the monitoring reports indicate noncompliance with the NPDES permit or pretreatment control agreement conditions.

EPA anticipates that permittees will use the monitoring data to track the effectiveness and progress of reducing pollutant discharges. For this reason, most permittees usually collect additional data (e.g., product quality and production efficiency information) that may or may not be included with monitoring reports. Collection and reporting of data to permitting and pretreatment control authorities also provides permittees with an incentive to remain in compliance with their established permit limitations and conditions.

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

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

EPA has examined all other reporting requirements contained in the Clean Water Act and

40 CFR Parts 122, 123, 124, 125, 430, 501, and 503. The Agency also has consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

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

Examination of these databases revealed no duplicate collection requirements. Any monitoring requirements imposed by individual permits for the affected pollutants would be superseded by these requirements, unless they require more frequent monitoring than the Cluster Rules. EPA has concluded that there is no other way to obtain the compliance assessment information addressed in this ICR.

3(b) Public Notice Required Prior to ICR Submission

EPA solicited comments on the renewal of this ICR (No. 1878.02) on August 30, 2004 (69 FR 52883-52888). EPA did not receive any comments.

3(c) Consultations

EPA consulted with the public, industry and States on the minimum monitoring requirements through the rulemaking process for the Cluster Rules. As mentioned above, EPA received no comments on this ICR.

3(d) Effects of Less Frequent Data Collection

EPA has determined the minimum monitoring frequencies established, at 40 CFR §430.02(a) and (b), are necessary to demonstrate compliance with the Cluster Rules' effluent limitations guidelines and standards. The regulation requires collection of daily, weekly, or monthly discharge data, depending on the pollutant. Some mill operators may collect such data independent of this requirement for purposes of monitoring and optimizing bleach plant, chemical recovery, and wastewater treatment plant operations. EPA determined that the minimum required monitoring frequencies were necessary because of the degree of change that is expected to occur to and temporal variability in pulping and bleaching processes and the resulting variations in effluent discharges of each fiber line that can and do occur frequently and at any time. Therefore, EPA was concerned that less frequent monitoring would not provide the information necessary to ensure compliance with the effluent limitations guidelines and standards promulgated as part of the Cluster Rules. See 63 Fed. Reg. at 18571-72.

In establishing the minimum monitoring frequencies for the regulated pollutants, EPA has struck a balance between the cost of the monitoring regimen and the need to ensure that sufficient data is consistently available to permitting and pretreatment control authorities. Permitting and pretreatment control authorities need to have an adequate basis to verify compliance with the effluent limitations and standards given the environmental significance of these pollutants that are highly toxic and bioaccumulative, and the generation of which is

variable as available data clearly demonstrate. This monitoring regimen also ensures sufficient data are available to the mill so that the mill may quickly become aware of and react to releases that may be harmful to the environment.

EPA selected a minimum monitoring frequency of once per month for TCDD, TCDF, and chlorinated phenolic pollutants. These pollutants are the most toxic and bioaccumulative among those regulated yet are also the most costly to analyze. EPA expects the 12 data points for each pollutant per year, together with daily end-of-pipe AOX data and information on process conditions from detailed mill logs, will yield a meaningful basis for establishing compliance with the promulgated effluent limitations and standards.

EPA selected a minimum monitoring frequency of once per week for chloroform. This monitoring frequency has been selected because data available indicates there can be considerable temporal variability of this pollutant in bleach plant wastewaters. This variability is attributable to a number of process and operational variables. Therefore, more data is required to adequately assess compliance with the limitations and standards on both a long-term and short-term basis. The cost of laboratory analysis of chloroform is much lower than for TCDD, TCDF, and chlorinated phenolics. Weekly data and information on process conditions from detailed mill logs will yield a meaningful basis for establishing long-term compliance trends in chloroform discharge loadings and developing process control strategies to also ensure the short-term compliance with the promulgated effluent limitations and standards.

EPA selected a minimum monitoring frequency of once daily for AOX for non-TCF (totally chlorine free) mills. This monitoring frequency has been selected because there can be considerable daily variability in chlorinated organic discharge loadings to receiving streams. Discharge loadings reflect bleach plant discharge patterns and secondary biological treatment system performance that is readily measured at reasonable cost. AOX analysis costs are anticipated to decrease as the number of mills (in the respondent universe of this ICR) begin compliance monitoring efforts with the Cluster Rules. Daily monitoring for AOX provides a continuous data stream of all chlorinated organic constituents in wastewater, allowing mill operators and permit authorities to assess and control both process technologies and end-of-pipe biological treatment systems.

The minimum monitoring frequencies as described above will provide sufficient information to: (1) evaluate mill compliance with the Cluster Rules limitations and standards over the long term; and (2) allow permitting and pretreatment control authorities to judge whether a different frequency of monitoring is warranted after the initial compulsory period of minimum monitoring has been completed.

Additionally, EPA has offered Subpart B mills several options to reduce monitoring burden over the course of the permit cycle. These options include:

- Enrollment in the VATIP, which was established by the Cluster Rules.
- Certification in lieu of monitoring for chloroform (proposed on April 15, 1998, 63 FR 18796, promulgated September 19, 2002, 67 FR 58990).

Mills participating in the VATIP may be eligible for further reductions in monitoring requirements. See 40 CFR 430.02(c)-(e). Mills enrolling in the VATIP are subject to more stringent BAT limitations and NSPS than EPA could otherwise compel through its minimum BAT and NSPS effluent limitations guidelines and standards. To encourage participation in the incentives program, EPA has provided for reduced monitoring requirements for participating mills. The reduced monitoring incentive applicable to AOX, TCDD, TCDF, chloroform and the 12 chlorinated phenolics is available as soon as participating mills achieve baseline BAT limitations, and for AOX after mills achieve the ultimate VATIP limitations (see Table 4.2). See also 63 FR 18609-18610 and 64 FR 36580-36586.

EPA has promulgated a certification mechanism for Subpart B mills that demonstrate to the NPDES permitting authority that they have achieved the applicable limitations or standards for chloroform for a period of two years and that certain process and operating conditions are maintained. See 67 FR 58990-58998. Each mill voluntarily choosing to certify in lieu of monitoring for a fiber line would be required to maintain records documenting that process and operational conditions are maintained within the range established during the initial compliance demonstration. Following the required two year minimum monitoring period, mills would no longer be subject to minimum monitoring requirements for chloroform as required by 40 CFR§430.02. As a result, the total monitoring burden would be reduced.

EPA acknowledges that both the VATIP and the certification in lieu of monitoring could substantially modify the burden reflected in this ICR. Nevertheless, these modifications are presented as stand alone ICR and are not included in this document. See EPA ICR Numbers 1877.03 and 2015.02.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2).

3(f) Confidentiality

EPA does not expect that confidential business information (CBI) or trade secrets will be required from mill operators as part of this ICR. Where information submitted in conjunction with this ICR contains CBI, the respondent may request that this information be treated as confidential business information. All data so designated will be handled pursuant to 40 CFR Part 2 when EPA is the permitting or pretreatment control authority, and pursuant to applicable state rules and regulations governing CBI when states are the permitting or pretreatment control authorities. Pursuant to Section 308(b) of the Clean Water Act, effluent data may not be treated as confidential.

3(g) Sensitive Questions

The reporting requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC Codes

The respondent universe for this ICR will be: 1) approximately 94 direct and indirect discharging chemical pulp mills included in Subpart B (Bleached Papergrade Kraft and Soda) and Subpart E (Papergrade Sulfite) of the Pulp, Paper and Paperboard Manufacturing Category (SIC 2611, 2631) (NAICS 32211,322121,322122, 32213); and 2) the 34 NPDES and pretreatment approval-authorized States and 10 local pretreatment control authorities responsible for ensuring compliance with NPDES and pretreatment regulations. Pretreatment approval authorities are defined as regulatory agencies, EPA or States, that oversee programs implemented by individual pretreatment control authorities (i.e., publically owned treatment works (POTWs)).

4(b) Information Requested

The following sections outline the monitoring, reporting, and recordkeeping requirements for direct and indirect discharging facilities under 40 CFR 430. Table 4.1 outlines the information requirements for each category of respondents. The data requirements are listed by regulation number.

Table 4.1 Minimum Monitoring: Mill Respondent Requirements

40 CFR Citation	Regulatory Description	Monitoring and/or Reporting Frequency
Monitoring Requirements: Sample Collection and Analysis		
430.02 (a)	For each non-TCF (Totally Chlorine Free) bleaching fiber line, mills must conduct minimum monitoring at the following frequencies:	
	• AOX	Daily
	• chloroform	Weekly
	• TCDD	Monthly
	• TCDF	Monthly
	• each of the 12 chlorinated phenolics	Monthly
430.54 (a), 430.56 (a)	AOX limits are reserved for non-TCF bleaching lines at direct and indirect Subpart E mills, therefore no minimum monitoring requirements for AOX exist for these mills.	
430.02 (a)	There are no specified minimum monitoring frequencies for fiber lines with exclusively TCF bleaching.	None
430.02 (b)	For direct dischargers, minimum monitoring frequencies apply for a duration of five years commencing on the date the applicable limitations or standards are first included in the discharger's NPDES permit.	

Table 4.1 Minimum Monitoring: Mill Respondent Requirements		
430.02(b)	For existing indirect dischargers, minimum monitoring frequencies apply until April 17, 2006. For new indirect dischargers, minimum monitoring frequencies apply for a duration of five years commencing on the date the indirect discharger commences operation.	
Reporting and Recording Requirements		
122.41(l)(4)	Requires direct dischargers to report all monitoring results to the permitting authority using Discharge Monitoring Reports (DMRs).	Permit-specific/At Least Annually
122.44(i)(2) 403.12 (b), (d), (e), (g)	Requires indirect dischargers to report monitoring results to the pretreatment control authority using Periodic Compliance Reports (PCRs).	Agreement-specific/At Least Biannually
122.41(j)(2)	Requires direct dischargers to retain ongoing monitoring records and copies of all reports for at least 3 years from the date of the sample.	
403.12(o)(2)	Requires indirect dischargers to retain ongoing monitoring records and copies of all reports for at least 3 years from the date of the sample.	

Tables 4.2, 4.3 and 4.4 outline the reduced monitoring requirements for those mills enrolled in the VATIP.

Table 4.2 Reduced Effluent Monitoring for TCDD, TCDF, Chloroform, and the 12 Chlorinated Phenolics for Mills Participating in the Voluntary Advanced Technology Incentives Program (VATIP)		
40 CFR Reference	**Regulatory Description**	**Monitoring Frequency**
430.02(c)	Requires non-ECF[1] Subpart B mills enrolled in the VATIP to conduct minimum monitoring for these pollutants at the following frequencies: • chloroform . . . . . . • TCDD . . . . . . • TCDF . . . . . . • each of the 12 chlorinated phenolics	 Weekly Monthly Monthly Monthly
430.02(c)	Requires Advanced ECF[2] Subpart B mills enrolled in the VATIP to conduct minimum monitoring for these pollutants at the following frequencies: • chloroform . . . . . . • TCDD . . . . . . • TCDF . . . . . . • each of the 12 chlorinated phenolics	 Monthly Monthly Monthly Monthly

Table 4.2 Reduced Effluent Monitoring for TCDD, TCDF, Chloroform, and the 12 Chlorinated Phenolics for Mills Participating in the Voluntary Advanced Technology Incentives Program (VATIP)		
430.02 (c)-(e)	Subpart B mills enrolled in the VATIP that use exclusively TCF bleaching have no specified limits or monitoring frequencies for these pollutants.	None

Notes: [1] Non-ECF pertains to any fiber line that does not use exclusively ECF or TCF bleaching processes.
[2] Advanced ECF pertains to any fiber line that uses exclusively Advanced ECF bleaching processes, or exclusively ECF and TCF bleaching processes as disclosed by the discharger in its permit application under 40 CFR 122.21(g)(3) and certified under 40 CFR 122.22.

Table 4.3 Duration of Reduced Effluent Monitoring for TCDD, TCDF, Chloroform, and the 12 Chlorinated Phenolics for Mills Participating in the VATIP		
40 CFR Reference	**Regulatory Description**	**Duration**
430.02(c)	The duration of monitoring is five years, commencing after achievement of the applicable VATIP limitations or standards for those pollutants. Subpart B mills that certify that the fiber line uses Advanced ECF bleaching processes in their NPDES permit application or other communication to the permitting authority may discontinue monitoring at these frequencies after one year. The permitting authority will determine monitoring frequency beyond that time.	5 Years 1 Year

Table 4.4 Reduced Effluent Monitoring for AOX for Mills Participating in the VATIP		
40 CFR Reference	**Regulatory Description**	**Monitoring Frequency**
430.02 (d)	Subpart B mills enrolled in the VATIP may reduce monitoring frequencies for AOX for the first year after achievement of the applicable Stage 2 or ultimate VATIP limitations or standards for AOX, as follows: • Non-ECF - Tiers I, II, & III . . . . . . • Advanced ECF - Tiers I, II, & III . . . . . . • TCF - Tiers I, II, & III	 Daily Weekly None
430.02 (e)	Subpart B mills enrolled in the VATIP may reduce monitoring frequencies for AOX for years two through five after achievement of the applicable Stage 2 or ultimate VATIP limitations or standards for AOX, as follows: • Non-ECF - Tiers I, II, & III . . . . . . • Advanced ECF - Tier I . . . . . . • Advanced ECF - Tier II . . . . . . • Advanced ECF - Tier III . . . . . . • TCF - Tiers I, II, & III	 Daily Monthly Quarterly Annually None

Should a facility choose to collect and analyze more samples than specified in its permit, the permittee must include all monitoring data in the reports. See 40 CFR 122.41(j)(4)(ii). As indicated in Table 4.1, submission of reports shall be at the frequency established by the NPDES permit or pretreatment control authority, but in no case less than once per year for direct dischargers and twice per year for indirect dischargers. Also, the permittee must collect and analyze representative samples and must conduct all monitoring requirements according to permit specific conditions and/or approved test procedures as set forth under 40 CFR Parts 136, 430, and 503. See 40 CFR 122.41(j).

4(c) Recordkeeping requirements

A sample of a pre-printed discharge monitoring form may be obtained from the NPDES/Sewage Sludge Monitoring Reports ICR. Direct and indirect dischargers are required to maintain monitoring records, copies of all reports required by the NPDES permit or pretreatment control agreement and records of all data used to complete the permit application for at least 3 years. See 40 CFR 122.41(j)(2) and 40 CFR 403.12(o)(2).

4(d) Respondent Activities

(i) Mill respondent activities include the following:

- **Preparing basic information.** This includes reviewing regulatory and permit requirements; conducting monitoring; preparing chain of custody forms; coordinating with lab facilities; tracking of shipments; receipt and review of lab reports; preparation of DMRs or PCRs; and submitting reports to the NPDES permit or pretreatment control authority.

- **Maintaining records.** All direct and indirect discharging mills in Subparts B and E must keep records of monitoring information and spill reports as required by the regulation. The burden for preparing spill reports and recordkeeping under 430.03(c)(5) and (g) is included in the Best Management Practices ICR (ICR No. 1829.01; OMB No. 2040-0207), and thus is not accounted for in this ICR.

(ii) NPDES and pretreatment approval-authorized States and pretreatment control authorities respondent activities include:

- Discharge Monitoring Report (DMR) and Periodic Compliance Report (PCR) Review
- Follow-up Activities
- Reporting and Recordkeeping Requirements

Data review varies from State to State. Generally, the permitting and pretreatment control authority routinely screens data to identify permit violations and conducts a more thorough technical review and follow-up when violations are detected. Follow-up activities may include informal contact with the permittee (by telephone or letter) requesting prompt corrective action, technical assistance, field inspections to further substantiate violations, in the case of indirect dischargers request assistance from the pretreatment approval authority, or a formal enforcement

action such as an Administrative Order or referral to the EPA regional office and/or the U.S. Attorney (or State's Attorney General in the case of NPDES and pretreatment control-authorized States). Table 4.5 summarizes NPDES-authorized State requirements.

Table 4.5. NPDES-authorized State Requirements (As Users of Data)

40 CFR Citation	Regulatory Description	Response Frequency
DMR data review		
§123.26(a)	Requires the NPDES permitting authority to have procedures for reviewing DMR submissions, using the reported data to evaluate permittee compliance. The permitting authority must also have procedures for conducting an initial screening of compliance-related information.	Variable/Permit-specific
§123.26(e)	When warranted, requires the permitting authority to have procedures to follow-up the initial screening with a substantive technical evaluation to determine permittee compliance with permit conditions.	As Necessary
Reporting and recordkeeping requirements		
§123.26(e)(4)	Requires the permitting authority to have the procedures and ability for maintaining a management information system that supports the compliance evaluation activities.	Ongoing

Table 4.6 summarizes State and local pretreatment control authorities requirements.

Table 4.6. State and Local Pretreatment Control Authorities Requirements (As Users of Data)

40 CFR Citation	Regulatory Description	Response Frequency
PCR data review		
§403.8(f)	Requires the pretreatment control authority to have procedures for reviewing PCR submissions, using the reported data to evaluate permittee compliance. The permitting authority must also have procedures for conducting an initial screening of compliance-related information.	Variable/Permit-specific
§403.8(f)	When warranted, requires the pretreatment control authority to have procedures to follow-up the initial screening with a substantive technical evaluation to determine permittee compliance with permit conditions.	As Necessary

Table 4.6. State and Local Pretreatment Control Authorities Requirements (As Users of Data)		
Reporting and recordkeeping requirements		
§403.8(f)	Requires the pretreatment control authority to have the procedures and ability for maintaining a management information system that supports the compliance evaluation activities.	Ongoing

EPA anticipates that under 40 CFR §403.8(f), the pretreatment control authority may request assistance from the pretreatment approval authority in its follow-up activities to determine an indirect discharger's compliance with applicable pretreatment standards.

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

5(a) Agency Activities

Activities undertaken by EPA under this information collection primarily include oversight of the NPDES and pretreatment program, and where EPA is the NPDES-permitting, pretreatment approval or control authority, review of monitoring data, and where necessary, follow-up actions. Agency activities as the NPDES permitting or pretreatment control authority are essentially the same for NPDES-authorized States summarized in Table 4.5 and State and local pretreatment control authorities summarized in Table 4.6.

The extent to which EPA reviews data in assessing permit compliance may vary. For example, EPA may conduct a more extensive review of permittees that are, or have been, in violation of their permit requirements, than of permittees who have been in full compliance. In cases of continued non-compliance, EPA may use monitoring report data to identify patterns of non-compliance and/or to support Agency enforcement efforts. EPA and/or the permitting authorities may limit its review of data submitted by fully compliant permittees to a simple determination of continuing compliance. After the initial period of minimum monitoring is complete, monitoring requirements may be reduced by the permitting authorities for permittees that consistently demonstrate an ability to reduce pollutants in their discharge below their permit limitations. EPA also expects, however, permitting authorities to consider whether poor performance, compliance or enforcement history, or other site-specific factors indicate a need to impose more frequent monitoring than that specified in §430.02. EPA may also review data from minor permittees that may cause water quality problems (i.e, significant minors). EPA may review data from other minor permittees less frequently. In most cases, EPA will forward copies of reports to the States. EPA does not require the unauthorized States to review data, but several States voluntarily conduct the review and use the results in their own programs.

EPA regions also may review data from major direct and indirect discharging permittees while performing program oversight functions (e.g., during file audits and when compiling statistical compliance summaries).

Reported data is often stored in the Permit Compliance System (PCS) for reference. EPA and States may use this data to evaluate potential compliance problems, focus inspection efforts, conduct spot check reviews and determine appropriate enforcement action. PCS is available for public review at http://www.epa.gov/enviro/html/water.html#pcs.

5(b) Collection Methodology and Management

Respondents typically report collected compliance data on DMRs for direct dischargers and PCRs for indirect dischargers. Use of pre-printed DMR and PCR forms is one method that EPA has used to improve its collection methodology. EPA expects that the Cross-Media Electronic Reporting Rule (CROMERR) will be finalized in the next few months, which will enable EPA to accept electronic submission of data. The electronic submission of DMR/PCR data will be voluntary and will be an alternative to the paper DMR/PCR submission. EPA makes use of the PCS database to store, track and access this information.

5(c) Small Entity Flexibility

EPA has already certified that the Cluster Rules, including the minimum monitoring requirements will not have a significant economic impact on a substantial number of small entities as that term is used in the RFA (see Section X.C. of the Preamble to the final Cluster Rules published in the **Federal Register** on April 15,1998 (see 63 FR 18611)

5(d) Collection Schedule

The information collection activities included in this ICR are anticipated to coincide with existing reporting schedules. The timeframes for submitting compliance assessment information are outlined below:

- Monitoring and recordkeeping are performed on a continual basis (see Table 4.1);

- Reports are to be prepared for submission to NPDES permit or pretreatment control authorities at a frequency to be determined by these authorities, but no less than once per year for direct dischargers or twice per year (June and December) for indirect dischargers. EPA expects that such reporting frequencies will be consistent with existing reporting requirements already applicable to mills.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

This section describes the methods EPA used to estimate the burden to respondents associated with collecting, reporting and maintaining records of monitoring data. Although Subpart B mills may qualify for reduced monitoring frequencies by enrolling in the VATIP, EPA did not account for these possible reductions in order to estimate the full potential burden to Subpart B mills. The assumptions made and a brief description of the basis for the burden estimates are presented below. Further supporting calculations and assumptions may be found in

Appendix A. The number of affected facilities and the pollutants regulated associated with this ICR are listed in Table 6.1 below.

Table 6.1 Regulated Pollutants and Number of Mills and Lines

Category	Number of Affected Direct Discharging Facilities	Number of Affected Indirect Discharging Facilities	Number of Bleach Lines		Regulated Pollutants
			Direct	Indirect	
Subpart B, Bleached Papergrade Kraft and Soda	75	9	120	14	AOX, TCDD, TCDF, chloroform, chlorinated phenolics
Subpart E, Calcium/Sodium/ Magnesium Sulfite	5	0	5	0	AOX
Subpart E, Ammonium Sulfite	2	1	2	1	TCDD, TCDF, chlorinated phenolics
Subpart E, Specialty Grade	2	0	2	0	TCDD, TCDF, chlorinated phenolics
Total	**84**	**10**	**129**	**15**	

(i) Sampling Activities

All Subpart B and E direct discharging mills will be required to monitor for new BAT and NSPS pollutants at the minimum frequency specified in 40 CFR 430.02 (see Table 4.1). Direct discharging mills typically have one wastewater final effluent outfall with continuous monitoring capabilities. For AOX monitoring, which must be performed daily on the mill's final effluent, EPA anticipates that mill personnel will take an additional 15 minutes (0.25 hour) to prepare the AOX aliquot, labels and paperwork and to ship the sample to the laboratory for analysis.

All Subpart B and E indirect discharging mills will be required to monitor for new PSES and PSNS pollutants at the minimum frequency specified in 40 CFR 430.02(see Table 4.1). For indirect dischargers, AOX monitoring must be performed daily at the point where the wastewater containing that pollutant leaves the bleach plant. See 40 CFR 430.26(c) and 430.26(c). Some mills have a combined sewer containing both acidic and alkaline wastewaters, but most mills have bleach lines with separate acid and alkaline sewers, thus typically, there will be two monitoring stations per bleach line. These samples can be collected either automatically or manually. The samples can be either grab or composite. The bleach plant sampling burden is calculated assuming manual grab composite sampling:

Sampling Burden (hours) = Avg. Number of Samples x Avg. Hours to Collect Sample

When bleach acid and alkaline wastewater samples are collected separately, additional labor for flow-proportioned composite sampling is anticipated (see Appendix A, Section I for supporting assumptions and calculations). The labor required for daily monitoring for AOX for indirect dischargers includes time to collect samples plus shipping of samples to the laboratory for analysis; this burden is estimated to be 30 minutes (0.5 hour) per sample.

For bleach plant monitoring, the Cluster Rules require all Subpart B and E mills to monitor for TCDD, TCDF, chloroform, and the 12 chlorinated phenolics at the point were the water containing these pollutants leaves the bleach plant. See 40 CFR 430.24(e), 430.25(e), 430.54(c) and 430.55(d). Some mills have a combined sewer containing both acidic and alkaline wastewaters, but most mills have bleach lines with separate acid and alkaline sewers, thus typically, there will be two monitoring stations per bleach line. These samples can be collected either automatically or manually. The samples can be either grab or composite. The bleach plant sampling burden is calculated assuming manual grab composite sampling:

Sampling Burden (hours) = Avg. Number of Samples x Avg. Hours to Collect Sample

When bleach acid and alkaline wastewater samples are collected separately, additional labor for flow-proportioned composite sampling is anticipated (see Appendix A, Section I for supporting assumptions and calculations). The labor required for monthly sampling for TCDD, TCDF and the 12 chlorinated phenolics includes time to collect samples plus shipping of samples to the laboratory for analysis; this burden is estimated to be 30 minutes (0.5 hour) per sample. For chloroform, however, separate samples and analyses of all bleach plant filtrates discharged separately are required to prevent the loss of chloroform either through air stripping as the samples are collected, measured, and composited or through chemical reaction when the acid and alkaline samples are combined. The labor required for weekly sampling of chloroform includes time to collect samples plus shipping of samples to the laboratory for analysis and is estimated to be 1.5 hours per sample. For Subpart B bleached papergrade kraft and soda mills, the annual sampling burden is summarized in Table 6.2. For Subpart E papergrade sulfite mills, the annual sampling burden is summarized in Table 6.3 (see Appendix A, Section II for supporting assumptions and calculations).

Table 6.2 Annual Sampling Burden for Subpart B Bleached Papergrade Kraft and Soda Mills

Pollutant	Facilities	Sampling	Labor per sample (hours)	Sample frequency	Total Annual Burden (hours)
AOX *(Direct)*	75 mills	1 final effluent	0.25	daily	6,844
AOX *(Indirect)*	14 bleach lines	2 bleach plant	0.5	daily	5,110
AOX (Indirect)	*50 percent of 14 bleach lines*	*flow- proportioned composite*	*0.25*	*daily*	*639*
chloroform *(Direct and Indirect)*	134 bleach lines (*120 direct, 14 indirect*)	2 bleach plant	1.5	weekly	20,904

Table 6.2 Annual Sampling Burden for Subpart B Bleached Papergrade Kraft and Soda Mills					
TCDD, TCDF, 12 chlorinated phenolics *(Direct)*	120 bleach lines	2 bleach plant	0.5	monthly	1,440
TCDD, TCDF, 12 chlorinated phenolics *(Indirect)*	14 bleach lines	2 bleach plant	0.5	monthly	168
TCDD, TCDF, 12 chlorinated phenolics(direct)	*50 percent of 120 bleach lines*	*flow- proportioned composite*	*0.25*	*monthly*	*180*
TCDD, TCDF, 12 chlorinated phenolics(indirect)	*50 percent of 14 bleach lines*	*flow- proportioned composite*	*0.25*	*monthly*	*21*
Total Sampling Burden for Subpart B mills (hours)					**35,306**

Table 6.3 Annual Sampling Burden for Subpart E Papergrade Sulfite Mills					
Pollutant	**Facilities**	**Sampling**	**Labor per sample (hours)**	**Sample frequency**	**Total Annual Burden (hours)**
AOX (Direct)	5 calcium, magnesium, and sodium sulfite mills	1 final effluent	0.25	daily	456
TCDD, TCDF, 12 chlorinated phenolics *(Direct)*	2 ammonium sulfite bleach lines	2 bleach plant	0.5	monthly	24
TCDD, TCDF, 12 chlorinated phenolics *(Indirect)*	1 ammonium sulfite bleach line	2 bleach plant	0.5	monthly	12
TCDD, TCDF, 12 chlorinated phenolics *(Direct)*	2 specialty grade bleach lines	2 bleach plant	0.5	monthly	24
TCDD, TCDF, 12 chlorinated phenolics (Direct)	*50 percent of 4 bleach lines (ammonium sulfite and specialty grade)*	*flow-proportioned composite*	*0.25*	*monthly*	*6*
TCDD, TCDF, 12 chlorinated phenolics (Indirect)	*50 percent of 1 bleach line (ammonium sulfite and specialty grade)*	*flow-proportioned composite*	*0.25*	*monthly*	*2*
Total Sampling Burden for Subpart E mills (hours)					**524**

(ii) Analysis of Samples

Collected samples are either analyzed on-site using the facility's own laboratory or the samples are sent to an outside laboratory for analysis. For the purposes of this ICR, analysis burden is assumed to be contracted to outside laboratories for the purpose of estimating the full potential burden of minimum monitoring on Subpart B and E mills. This respondent burden is expressed as an "operation and maintenance" cost (see Section 6(b), particularly Table 6.9).

(iii) Reporting and Recordkeeping Requirements

Reporting of monitoring data involves compilation of data from various pollutant analyses and calculation of average pollutant concentrations and/or loadings. The respondent records this information on the DMR or PCR and submits this information to the NPDES permitting or pretreatment control authority. For the purposes of this ICR, EPA assumed that DMRs and PCRs are submitted monthly to the NPDES permit or pretreatment control authority in order to express the full potential reporting and recordkeeping costs associated with the minimum monitoring requirements for Subpart B and E mills. EPA estimates of the reporting burden per pollutant for the Cluster Rule effluent minimum monitoring are summarized in Table 6.4. Total annual reporting burden for Subpart B and E mills, using annual burden estimated per regulated pollutant as described in Table 6.4, is summarized in Table 6.5 (see Appendix A, Section III for supporting assumptions and calculations).

Table 6.4 Annual Reporting Burden for Each Pollutant per Mill

Pollutant	Burden Assumptions	Reporting Burden (hours/month)	Annual Burden (hours)
AOX	daily results are averaged for monthly report	0.1	1.2
chloroform	weekly reports averaged for monthly report	0.17	2.0
TCDD, TCDF, 12 chlorinated phenolics	monthly reports at 2 minutes for each of 14 pollutants	0.47	5.6
Total		**0.74**	**8.8**

Table 6.5 Annual Reporting Burden for Subpart B and E Mills				
Category	**Regulated Pollutants**	**Number of Affected Mills**	**Annual Reporting Burden per mill (hours)**	**Total Annual Burden (hours)**
Subpart B, Bleached Papergrade Kraft and Soda	AOX, TCDD, TCDF, chloroform, chlorinated phenolics	84	8.8	739
Subpart E, Calcium/Sodium/Magnesium Sulfite	AOX	5	1.2	6
Subpart E, Ammonium Sulfite	TCDD, TCDF, 12 chlorinated phenolics	3	5.6	17
Subpart E, Specialty Grade	TCDD, TCDF, 12 chlorinated phenolics	2	5.6	11
Total Annual Reporting Burden for Subpart B and E mills (hours)				**773**

Notes: 667 hours for direct dischargers; 96 hours for indirect dischargers for a total of 773

Facilities that are required to submit monitoring data are also required to maintain records of that information. EPA assumes the time devoted to recordkeeping at these facilities generally involves copying and filing DMRs or PCRs. EPA estimates this burden to be 10 minutes (0.17 hour) per DMR or PCR submitted with an extended amount of 40 minutes or 0.67 hour annually for quarterly reports for a total annual recordkeeping burden of 2.71 hours per mill. Total annual recordkeeping burden for Subpart B and E mills is summarized in Table 6.6.

Table 6.6 Annual Recordkeeping Burden for Subpart B and E Mills			
Category	**Number of Affected Facilities**	**Annual Recordkeeping Burden per mill (hours)**	**Total Annual Burden (hours)**
Subpart B, Bleached Papergrade Kraft and Soda	84	2.71	228
Subpart E, Calcium/Sodium/Magnesium Sulfite	5	2.71	14
Subpart E, Ammonium Sulfite	3	2.71	8
Subpart E, Specialty Grade	2	2.71	5
Total Annual Recordkeeping Burden for Subpart B and E mill (hours)			**255**

Notes: 228 hours for direct dischargers; 27 hours for indirect dischargers for a total of 255

(iv) NPDES-authorized State Respondent Burden

The burden and associated costs to NPDES-authorized State permitting for processing and analyzing monitoring data are a function of: 1) the number of DMRs received by the permitting authority; 2) the time it takes to process and analyze monitoring data (including entry into the PCS database); and, 3) the salary and associated overhead costs of the State employees who process DMRs. In addition to entering monitoring data into PCS, staff may need to conduct follow-up actions in instances of non-compliance. This follow-up could be a phone conversation or a letter to verify, clarify or substantiate the information reported.

Of the 84 direct discharging mills in Subparts B and E, the States are authorized NPDES permit authorities for 82 mills. Compliance monitoring for the remaining 2 mills is overseen by EPA. Recurring incremental State burden for those that are authorized NPDES permit authorities for processing and analyzing monitoring data, including entry into the PCS database is estimated to be an average of 30 minutes (0.5 hour) per facility per DMR (82 mills x 12 DMRs per year) for an annual incremental burden of 492 hours. In addition, staff may need to conduct follow-up actions in instances of non-compliance. This follow-up could be a phone conversation or a letter to verify, clarify or substantiate the information reported. EPA estimates that 20 percent of the DMRs submitted will require follow-up action by the delegated States, particularly due to the unique nature of the new monitoring requirements imposed by the recently-promulgated effluent limitations guidelines. EPA estimates that recurring incremental State burden for this follow-up action requires an average of 30 minutes (0.5 hour) per facility per DMR or approximately 98 additional incremental hours per year for a total annual incremental burden of 590 hours.

(iv) State and Local Pretreatment Control Authority and State Pretreatment Approval Authority Respondent Burden

EPA estimates that the 10 indirect discharging mills in Subparts B and E are all regulated by local pretreatment control authorities, with States acting as pretreatment approval authorities for all ten mills. Recurring incremental burden for pretreatment control authorities for processing and analyzing monitoring data, including entry into the PCS database is estimated to be an average of 30 minutes (0.5 hour) per facility per PCR (10 mills x 12 PCRs per year) for an annual incremental burden of 60 hours. In addition, staff may need to conduct follow-up actions in instances of non-compliance. This follow-up could be a phone conversation or a letter to verify, clarify or substantiate the information reported. EPA estimates that 20 percent of the PCRs submitted will require follow-up action by the pretreatment control authorities with assistance by the pretreatment approval authority, particularly due to the unique nature of the new monitoring requirements imposed by the recently-promulgated effluent limitations guidelines. EPA estimates that recurring incremental burden for this follow-up action requires an average of 30 minutes (0.5 hour) per facility per PCR or approximately 12 additional incremental hours per year for a total annual incremental burden of 72 hours.

State pretreatment approval activities include program support, such as review of pretreatment control agreement renewal applications, and review of monitoring data (10 total mills). To estimate State pretreatment approval authority burden support activities, EPA assumes that approximately 20 percent of all PCRs submitted will require follow-up assistance

from State pretreatment approval authorities with an estimated burden of one hour per PCR for a total annual incremental burden of 24 hours.

A summary of annual respondent burden for Subpart B and Subpart E mills and States is presented in Table 6.7.

Table 6.7 Summary of Annual Respondent Burden

Category	Sampling Burden (hours)	Reporting Burden (hours)	Recordkeeping Burden (hours)	Total Annual Respondent Burden (hours)
Subpart B, Bleached Papergrade Kraft and Soda	35,306	739	228	36,273
Subpart E, Calcium/Sodium/Magnesium Sulfite	456	6	14	476
Subpart E, Ammonium Sulfite	40	17	8	65
Subpart E, Specialty Grade	28	11	5	44
Totals for Subpart B and E mills	**35,830**	**773**	**255**	**36,858**
NPDES-authorized States				
• Processing and analyzing monitoring data.	0	0	0	492
• Follow-up actions for 20 percent of DMRs	0	0	0	98
Totals for State NPDES Authorities	**0**	**0**	**0**	**590**
Local Pretreatment Control Authorities				
• Processing and analyzing monitoring data	0	0	0	60
• Follow-up actions for 20 percent of PCRs.	0	0	0	12
Totals for Local Pretreatment Control Authorities	**0**	**0**	**0**	**72**
State Pretreatment Approval Authorities				
• Follow-up actions for 20 percent of PCRs	0	0	0	24
Totals for State Pretreatment Approval Authorities	**0**	**0**	**0**	**24**
Totals for all Respondents				**37,544**

6(b) Estimating Respondent Cost

EPA evaluated the total cost for each respondent activity based on the following two cost items:

- Labor Costs
- Operations and Maintenance (O&M) Costs

Cost for monitoring equipment were included as initial capital costs in the original ICR (No. 1878.01). Therefore, these one-time costs are not included in the burden estimates of this renewal ICR.

(i) Estimating Labor Costs (2004 Dollars)

Estimates for respondent labor costs were prepared using industry-specific labor rates identical to those used for the EPA ICR Number 1878.01, included overhead and fringe benefits, and adjusted to January 2004 dollars with the Employment Cost Index: To verify the validity of the adjusted rates EPA obtained national industry-specific wage estimates for the pulp, paper, and paperboard mills from the Labor Department[1]. Noting that the Labor Department wages were lower, EPA decided to apply the more conservative estimates from the previous ICR.

Technician	$64.58 /hour
Operator	$32.81 /hour

Technician labor is applied to reporting and recordkeeping burdens. Operator labor is applied to sampling burden.

Estimates for Federal and State labor rates were based on the 2003 US Labor department figures adjusted to January 2004 dollars with the Employment Cost Index, whereby the average annual salary for Federal and State employees is $47,112; this is equivalent to the salary of a GS-9, Step 10 Federal employee. At 2,080 available labor hours per year, the hourly rate is $22.65. Overhead costs for Federal and State employees are estimated by EPA to be 60 percent (EPA ICR Handbook), or $13.59 per hour, which results in a total hourly rate of $36.24 ($22.65 + $13.59).

Estimates for local pretreatment control authority employees (i.e., POTW employees) were based on the 2002 US Labor department figures for the wages and salaries value for State and local government workers adjusted to January 2004 dollars with the Employment Cost Index plus a 50 percent overhead burden; this is equivalent to an hourly rate of $33.36 ($22.24 + $11.12).

Table 6.9 shows the labor rates (see Appendix A for supporting assumptions and calculations).

Table 6.8 Labor Rates

Technician	$64.58
Operator	$32.81
Federal and State	$36.24
Local Pretreatment Control Authority	$33.36

[1]May 2003 National Industry-Specific Occupational Employment and Wage Estimates for NAICS 322100 - Pulp. Paper, and Paperboard Mills. The mean hourly wage for Architecture and Engineering Occupations (SOC Code 17-0000) and Production Occupation (SOC Code 51-0000), including 50 percent for overhead and fringe benefits, are 46.00 and 27.14 respectively.

(ii) Operations and Maintenance (O&M) Costs

To estimate O&M costs associated with this ICR, EPA assumes that mills would send their collected samples to outside laboratories for analysis. Some facilities may perform in-house analysis for some pollutants (e.g., AOX and/or chloroform). However, for the purposes of this ICR, EPA assumed that all analyses will be contracted to outside laboratories in order to express the full potential analytical costs of minimum monitoring on Subpart B and E mills. In the future, facilities may elect to conduct analysis in house, particularly AOX analyses, since the monitoring requirement is daily.

Analytical costs performed at outside laboratories were taken from EPA ICR Number 1878.01 (originally from the BAT cost model in the "BAT Cost Model Support Document" [DCN 13953]) and adjusted with the Consumer Price Index to 2004 dollars. These costs are as follows:

Table 6.9 Analytical Sample Costs

Analyte	Cost/sample (2004 dollars)
AOX	143
TCDD / TCDF	1040
chlorinated phenolics	594
chloroform	320

Table 6.10 shows the cost of sampling analysis for contracted lab work (see Appendix A for supporting assumptions and calculations).

Table 6.10 Annual (O&M) Estimate of Analytical Costs[1]

Affected Category	Sampling Parameter	Analyses/year	Cost (2004 dollars)
Subpart B: bleached papergrade kraft and soda mills	AOX[2]	35,040	$5,010,720
	TCDD/TCDF[2]	2,412	$2,508,480
	chlorinated phenolics[2]	2,412	$1,432,728
	chloroform	13936	$4,459,520
Total Analytical Costs for Subpart B mills			$13,411,448
Subpart E: papergrade sulfite	AOX (calcium only)[2]	1825	$260,975
	TCDD/TCDF[2]	90	$93,600
	chlorinated phenolics[2]	90	$53,460
Total Analytical Costs for Subpart E mills			$408,035
Total Analytical Costs for Subpart B and E mills			**$13,819,483**

Notes: [1] Costs presented assume that all analytical work is contracted to outside laboratories.
[2]Analyses/year reflect that 50 percent of bleach lines will use one flow-proportioned composite for analysis in lieu of two separate bleach plant samples (see Appendix A)

6(c) Estimating Agency Burden and Cost

The estimates of EPA burden for direct dischargers are based on management and support activities for mills located in:

- **States without NPDES authority:** EPA activities include analysis of monitoring data and review of DMRs (2 total mills); this would translate to an incremental burden in addition to current activities. Recurring incremental EPA burden for processing and analyzing monitoring data, including entry into the PCS database (reporting and recordkeeping), is estimated to be 30 minutes (0.5 hour) per facility per DMR. In addition, EPA assumes that approximately 20 percent of all DMRs submitted will require follow-up action (as was assumed in Section 6(a)(iv)), with an estimated burden of one hour per DMR.

- **States with NPDES authority:** EPA activities include program support, such as review of NPDES permit renewal applications and draft permits, and review of monitoring data (82 total mills). To estimate Agency burden support activities, EPA assumes that approximately 20 percent of all DMRs submitted will require follow-up assistance from EPA with an estimated burden of one hour per DMR.

The estimates of EPA burden for indirect dischargers are based on management and support activities for mills located in States acting as the pretreatment approval authority. EPA activities include program support, such as review of pretreatment agreement renewal applications and draft permits, and review of monitoring data (10 total mills). To estimate Agency burden support activities, EPA assumes that approximately 20 percent of all PCRs submitted will require follow-up assistance from EPA with an estimated burden of one hour per PCR.

Table 6.11 Summary of Annual Agency Burden and Costs

Category	Affected Subpart B and E Mills	Activity	Annual Labor Hours	Annual Costs (2004 Dollars)
Agency Burden Associated with Direct Dischargers				
States without NPDES Permit Authority	2	Processing and analyzing monitoring data	12	$435
		Follow-up actions for 20 percent of DMRs	5	$181
States with NPDES Permit Authority	82	Follow-up actions for 20 percent of DMRs	197	$7,139
Agency Burden Associated with Indirect Dischargers				
States with Pretreatment Approval Authority	10	Follow-up actions for 20 percent of PCRs	24	$870
Total Annual Agency Burden and Costs	**94**	**-**	**238**	**$8,625**

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

Table 6.12 summarizes the total annual industry burden and costs inclusive of the sampling, analysis, reporting and recordkeeping burden and annual burden and costs to State NPDES permitting authorities.

Table 6.12 Summary of Annual Respondent Burden and Costs

Category	Annual Labor Hours	Annual Costs (2004 Dollars)
Respondents - Sampling Burden		
Subpart B, Kraft & Soda Mills	35306	$1,158,390
Subpart E, Sulfite Mills	524	$17,192
Total	35830	$1,175,582
Respondents - Analytical Costs		
Subpart B, Kraft & Soda Mills .		$13,411,448
Subpart E, Sulfite Mills .		$408,035
Total		$13,819,483
Respondents - Reporting Burden		
Subpart B, Kraft & Soda Mills	739	$47,725
Subpart E, Sulfite Mills	34	$2,196
Total	773	$49,921
Respondents - Recordkeeping Burden		
Subpart B, Kraft & Soda Mills	228	$14,724
Subpart E, Sulfite Mills	27	$1,744
Total	255	$16,468
Respondents - Subpart B and E mills	**36,858**	**$15,061,454**
Respondents - State NPDES Authorities	**590**	**$21,382**
Respondents - State Pretreatment Approval Authorities	**24**	**$870**
Respondents - Local Pretreatment Control Authorities	**72**	**$2,402**
Total Annual Respondent Burden and Cost	**37,544**	**$15,086,107**

6(e) Bottom Line Burden Hours and Cost Tables

The bottom line burden hours and cost tables for respondents are the summaries of all the hours and costs incurred for all activities.

(i) Respondent Tally

The bottom line respondent burden (affected facilities and local and State authorities) is presented in Table 6.13.

Table 6.13 Total Estimated Annual Respondent Burden and Cost Summary (2004 Dollars)					
Category	**Number of Respondents**	**Total Hours Per Year**	**Total Labor Cost Per Year**	**Total Annualized Capital Costs**	**Total Annual O&M Costs (analytical costs)**
Respondents - Subpart B and E mills	94	36,858	$1,241,971	$0	$13,819,483
Respondents - State authorities	34	614	$22,251	$0	$0
Respondents - Local authorities (pretreatment)	10	72	$2,402	$0	$0
Total Respondents	**138**	**37,544**	**$1,266,624**	**$0**	**$13,819,483**

(ii) The Agency Tally

The bottom line Agency tally is presented in Table 6.14 (see supporting assumptions in Section 6(c)).

Table 6.14 Total Estimated Annual Agency Burden and Cost Summary (2004 Dollars)				
Category	**Total Hours Per Year**	**Total Labor Cost Per Year**	**Total Annualized Capital Costs**	**Total Annual O & M Costs**
Agency	238	$8,625	$0	$0

6(f) Reasons for Changes in Burden

As this is a renewal information collection, the change in burden for this collection includes adjusting from 2000 to 2004 dollars, to eliminate the initial burden and costs incurred by respondents that were already accounted for in the original ICR (No. 1878.01)., and to account for new NPDES authorized states

6(g) Burden Statement

EPA estimates that there are 94 affected mills (direct and indirect dischargers) in Subpart B and Subpart E of the Pulp, Paper and Paperboard Point Source Category with a total of 144 bleach lines. These mills will perform the additional sample collection and pollutant analyses; reporting and recordkeeping to permit and pretreatment authorities, as part of NPDES permit and pretreatment control requirements, will not change significantly from existing conditions. EPA estimates affected mills to incur a burden of 35,830 hours per year for sample collection, corresponding to a cost of $1,175,582. Contracted laboratories are anticipated to perform all required analyses of collected samples for minimum monitoring with an estimated O&M cost for all mill respondents of $13,819,483. Annual reporting burden incurred by affected facilities is

estimated to be 773 hours for a cost of $49,921, and annual recordkeeping burden is estimated to be 255 hours for a cost of $16,468 per year. Total mill respondent burden for the minimum monitoring requirements is estimated to be 36,858 labor hours at a cost of $15,061,454 ($1,175,582 + $13,819,483 + $49,921 + $16,468). On a per-facility basis, mills are anticipated to incur an average of 392 hours per year for sampling, reporting and recordkeeping for monthly DMRs or PCRs for an average annual cost of $160,228, including O&M costs.

NPDES-authorized States are estimated to incur 590 burden hours for processing and analyzing monitoring data captured in submitted DMRs and for follow-up activities associated with 20 percent of all DMRs submitted. This hourly burden translates to an estimated $21,382 annually for these activities.

Local pretreatment control authorities are estimated to incur 72 burden hours for processing and analyzing monitoring data captured in submitted PCRs and for follow-up activities associated with 20 percent of all PCRs submitted. This hourly burden translates to an estimated $2,402 annually for these activities. State pretreatment approval authorities are estimated to incur 24 burden hours per year for support of local follow-up activities at a cost of $870.

EPA burden is estimated to be 238 hours per year for support of State follow-up activities as well as acting as the NPDES permit authority for 2 mills where the States are not authorized NPDES authorities at a cost of $8,625.

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 the Agency'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, EPA has established a public docket for this ICR under Docket ID No. OW-2004-0025, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 EPA Dockets (EDOCKET) at http://www.epa.gov/edocket. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the

docket ID number identified above. Also, you can 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. (OW-2004-0025) and OMB control number (2040-0243) in any correspondence.

Appendix A: Supporting Assumptions and Calculations

I. Flow-Proportioned Composite Sampling

The Preamble to the Cluster Rules specifies "For dioxin, furan, and chlorinated phenolic compounds, compliance with the effluent limitations and standards can be demonstrated by collecting separate samples of the acid and alkaline discharges and preparing a flow-proportioned composite of these samples, resulting in one sample of bleach plant effluent for analysis". See 63 FR 18569.

To prepare a flow-proportioned composite, the operator: 1) must know the flow in each sampled sewer; 2) add them together to estimate total flow; and 3) calculate the proportion of the flow attributable to each sewer. Knowing the total volume of sample required for analysis, the operator must then: 1) calculate the volume of sample from each sewer that should make up the total sample volume; 2) measure out each volume; and 3) combine and mix them together. This mixture is then dispensed into the sample containers and sent to the laboratories for analysis.

It is assumed that for 50 percent of the bleach lines, flow-proportioned composites will be prepared, requiring 15 minutes of operator labor. For these bleach lines there will be one instead of two samples to be analyzed for AOX, TCDD, TCDF, and the 12 chlorinated phenolic compounds.

II. Example of Total Sampling Burden calculation:

Refer to Tables 6.2 and 6.3

Assuming a manual grab composite methodology is used for TCDD, TCDF and the 12 chlorinated phenolics, the labor requirement may be estimated as follows:

5 minutes/point/grab x 6 grabs/sample = 30 minutes/point/sample

Assuming a manual grab composite methodology is used for chloroform, the labor requirement may be estimated as follows:

15 minutes/ point /grab x 6 grabs/sample = 90 minutes/sample

For Subpart B mills, the annual sampling burden is:

Daily AOX sampling of final effluent (direct dischargers):
75 mills x 1 final effluent discharge/mill x 0.25 hours/day x 365 day/year = 6,844 hours

Daily AOX sampling of bleach plants (indirect dischargers):
14 bleach lines x 2 sample/bleach line x 0.5 hours/day x 365 day/year = 5,110 hours

Monthly flow-proportioned composites for AOX (indirect dischargers):
50 percent of 14 bleach lines x 0.25 hours/day x 365 days/year = 639 hours

Weekly chloroform sampling at bleach plant:
134 bleach lines x 2 sample/bleach line x 1.5 hours/week x 52 weeks/year = 20,904 hours

Monthly TCDD, TCDF and the 12 chlorinated phenolics sampling at the bleach plant:
134 bleach lines x 2 sample/bleach line x 0.5 hours/month x 12 months/year = 1,608 hours

Monthly flow-proportioned composites for TCDD, TCDF and the 12 chlorinated phenolics:
50 percent of 134 bleach lines x 0.25 hours/month x 12 months/year = 201 hours

TOTAL ANNUAL SAMPLING BURDEN FOR SUBPART B MILLS 35,306

For Subpart E mills, the annual sampling burden is:

Daily AOX sampling of final effluent (direct dischargers):
5 mills x 1 final effluent discharge/mill x 0.25 hours/day x 365 day/year = 456 hours

Monthly TCDD, TCDF and the 12 chlorinated phenolics sampling at the bleach plant (Ammonium sulfite bleach lines):
3bleach lines x 2 sample/bleach line x 0.5 hours/month x 12 months/year = 36 hours

Monthly TCDD, TCDF and the 12 chlorinated phenolics sampling at the bleach plant (Specialty grade bleach lines):
2 bleach lines x 2 sample/bleach line x 0.5 hours/month x 12 months/year = 24 hours

Monthly flow-proportioned composites for TCDD, TCDF and the 12 chlorinated phenolics (Ammonium sulfite and Specialty grade lines)
50 percent of 5 bleach lines x 0.25 hours/month x 12 months/year = 8 hours

TOTAL ANNUAL SAMPLING BURDEN FOR SUBPART E MILLS 524 hours

III. Example of Total Reporting and Recordkeeping Burden calculation:

Refer to Tables 6.5 and 6.6

For Subpart B mills, the annual reporting and recordkeeping burden is:

Annual Reporting burden:
84 mills x 8.8 hours = 739 hours

Annual Recordkeeping burden:
84 mills x 0.17 hours/DMR x 12 DMRs +
84 mills x 0.67 hours/quarterly reports = 228 hours

TOTAL ANNUAL REPORTING AND RECORDKEEPING BURDEN FOR SUBPART B MILLS **967 hours**

For Subpart E mills, the annual reporting and recordkeeping burden is:

Annual Reporting burden:

5 Calcium/Sodium/Magnesium Sulfite mills x 1.2 hours = 6 hours
3 Ammonium Sulfite mills x 5.6 hours = 17 hours
2 Specialty Grade mills x 5.6 hours = 11 hours

Annual Recordkeeping burden:

5 Calcium/Sodium/Magnesium Sulfite mills x 0.17 hours/DMR x 12 DMRs +
5 Calcium/Sodium/Magnesium Sulfite mills x 0.67 hours/quarterly reports =
14 hours

3 Ammonium Sulfite mills x 0.17 hours/DMR x 12 DMRs +
3 Ammonium Sulfite mills x 0.67 hours/quarterly reports =
8 hours

2 Specialty Grade mills x 0.17 hours/DMR x 12 DMRs +
2 Specialty Grade mills x 0.67 hours/quarterly reports =
5 hours

TOTAL ANNUAL REPORTING AND RECORDKEEPING BURDEN FOR SUBPART E MILLS **61 hours**

IV. Example of TCDD, TCDF and 12 Chlorinated Phenolics Analyses per Year calculation:

Refer to Table 6.10

For Subpart B mills, the analyses per year for TCDD, TCDF and 12 Chlorinated Phenolics is:

Flow-proportional composite (derived from 2 bleach plant samples per month per bleach line) analysis:

50 percent of 134 bleach lines x 12 composites/year = 804 analyses

Bleach plant sampling (portion of Subpart B mills not conducting flow-proportioned composites) analysis:

50 percent of 134 bleach lines x 2 samples/month x 12 months/year = 1,608 analyses

TOTAL TCDD, TCDF AND 12 CHLORINATED PHENOLICS ANALYSES PER YEAR FOR SUBPART B MILLS **2,412 analyses**

For Subpart E mills, the analyses per year for TCDD, TCDF and 12 Chlorinated Phenolics is:

Flow-proportional composite (derived from 2 bleach plant samples per month per bleach line) analysis:

50 percent of 5 bleach lines (Ammonium Sulfite and Specialty Grade) x 12 composites/year =

30 analyses

Bleach plant sampling (portion of Subpart E mills not conducting flow-proportioned composites) analysis:

50 percent of 5 bleach lines (Ammonium Sulfite and Specialty Grade) x 2 samples/month x 12 months/year =

60 analyses

TOTAL TCDD, TCDF AND 12 CHLORINATED PHENOLICS ANALYSES PER YEAR FOR SUBPART E MILLS 90 analyses

V. Example of Labor Rate Adjustment Using the Employment Index Cost (EIC).

Technician wage in 2000 dollars (including overhead and fringe benefits): $56.91

December 1999 EIC value for the Goods-Producing Industries:	139.7
March 2000 EIC value for the Goods-Producing Industries:	141.3
January 2000 EIC estimate for the Goods-Producing Industries:	
139.7+1 month*(141.3-139.7) / 3months =	140.2
December 2003 EIC value for the Goods-Producing Industries:	158.7
March 2004 EIC value for the Goods-Producing Industries:	159.9
January 2004 EIC estimate for the Goods-Producing Industries:	
158.7+1 month*(159.9-158.7) / 3months =	159.1
Technician wage in 2004 dollars (including overhead and fringe benefits):	
$ 56.91 * 159.1 / 140.2 =	$64.58

INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT

FOR

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 (RENEWAL)

EPA ICR No. 1944.03
OMB No. 2040-0239

May 11, 2005

U.S. Environmental Protection Agency
Office of Water
Office of Wastewater Management
Engineering and Analysis Division
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-0001

CONTENTS

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

ICR: Baseline Standards and Best Management Practices for the Coal Mining Point Source Category - Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory (Renewal) (EPA ICR No. 1944.03; OMB Control Number 2040-0239).

1(b) Short Characterization/Abstract

The U.S. Environmental Protection Agency (EPA) amended wastewater regulations for the Coal Mining Point Source Category (40 CFR Part 434) on January 23, 2002. The final rule established two new subcategories: one that addresses pre-existing discharges at coal remining operations and a second that addresses drainage from coal mining reclamation and other non-process areas in the arid and semi-arid western United States. The new subcategories created a set of standards and requirements for the specific waste streams defined in the final regulation. The new subcategories did not otherwise change the existing regulations.

This Information Collection Request (ICR) presents estimates of the burden and costs to the regulated community over a 3-year period (approximately 234 coal remining sites and 46 western alkaline surface coal mining sites) and 10 National Pollutant Discharge Elimination System (NPDES) permit authorities for data collection and record keeping associated with modeling, implementation of best management practices, baseline monitoring, and performance monitoring requirements. An initial ICR was published on August 23, 2001 (EPA ICR No. 1944.02 and OMB Control Number 2040-0239). This document is a renewal ICR.

Coal Remining Subcategory

EPA established the new Coal Remining Subcategory to reduce severe and extensive damage resulting from abandoned mine lands. Acid mine drainage from abandoned coal mines is the number one water quality problem in Appalachian states. There are approximately 1.1 million acres of abandoned coal mine lands, over 9,000 miles of streams polluted by acid mine drainage, and many miles of dangerous embankments, highwalls, and surface impoundments in the Appalachian and mid-continent coal regions of the U.S. Prior to 1977, reclamation of mine lands was not a federal requirement. Consequently, many coal mines have been abandoned, and they continue to degrade the environment and pose health and safety risks.

In addition to posing severe environmental and safety problems, abandoned mine lands may contain significant quantities of coal. Modern surface mining techniques now provide operators with a more economical means of "remining," thus enabling them to extract remaining coal reserves. During remining operations, many of the problems associated with abandoned mine lands are mitigated, because the operator becomes responsible for reclaiming the abandoned land. Remining has the multiple benefits of improving water quality, removing hazardous conditions, and utilizing remaining coal as a resource instead of mining virgin land.

Prior to EPA's rule, 40 *CFR* Part 434 did not distinguish between pre-existing discharges and new discharges from active mining areas. Requiring the treatment of pre-existing discharges to meet existing standards was cost prohibitive, and, thus, a disincentive to remining activities. EPA established the Coal Remining Subcategory to address these regulatory disincentives and to encourage remining activities to reduce acid mine drainage and improve water quality.

The Coal Remining Subcategory only covers discharges resulting from previous mining activities on lands that have been abandoned (termed a "pre-existing discharge). A coal remining operator must determine baseline conditions by conducting monitoring and developing a site-specific Pollution Abatement Plan designed to reduce the pollution load from pre-existing discharges. The plan must incorporate the design and implementation of Best Management Practices (BMPs). EPA published the *Coal Remining Best Management Practices Guidance Manual* (EPA 821-B-01-010), which describes effective BMPs based on mine land conditions. Operators must ensure that the levels of iron, manganese, and net acidity in pre-existing discharges do not worsen as a result of mining activities. They must follow a statistical procedure outlined by EPA to routinely monitor their pollutant loadings.

When the rule was promulgated, EPA projected the annual compliance cost for the Coal Remining Subcategory to be $0.33 to $0.76 million. The Agency projected total monetized annual benefits to be $0.70 to $1.2 million. EPA expects the regulation to significantly increase the rate at which abandoned mine lands are reclaimed, which will result in many non-water quality benefits. These benefits, however, cannot be quantified.

Western Alkaline Coal Mining Subcategory

Prior to the establishment of this Subcategory, all reclamation areas throughout the U.S., regardless of climate, topography, or type of mine drainage (i.e., acid or alkaline), were required to meet the same discharge limits. EPA concluded, however, that there are unique environmental conditions in the arid west that are much different than those in other coal mining areas; thus, a need for this Subcategory was established.

In arid regions, the natural vegetative cover is sparse and rainfall is commonly received during localized, high-intensity, short-duration storms. These conditions contribute to flash-floods and turbulent flows that transport large amounts of sediment. Prior to establishment of this Subcategory, regulations basically required the construction of large sediment ponds to control sediment. The construction of these ponds to contain all runoff from areas that naturally contain large amounts of sediment can be difficult and can result in non-water quality impacts that harm the environment, including disturbing the natural hydrologic balance, reducing groundwater recharge, reducing water availability, and impacting large areas of land for pond construction. The Subcategory was established to address these impacts.

The Western Alkaline Coal Mining Subcategory does not affect limitations for active mine wastewater. A coal mining operator must design and implement BMPs to maintain the average annual sediment yield equal to or below pre-mined, undisturbed conditions. This

ensures that natural conditions are maintained and does not allow a coal mining operator to increase the discharge of sediment over natural conditions. To achieve these results, the operator must conduct sediment yield monitoring, then develop a site-specific Sediment Control Plan (BMPs) using established watershed modeling techniques.

EPA estimated that the rule would result in a net cost savings to all affected surface mine operators and, at worst, would be cost-neutral to affected underground operators. EPA projected that the Subcategory would result in annualized monetary benefits of $40,000 to $750,000.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

In January 2002, EPA amended wastewater regulations for the Coal Mining Point Source Category (40 CFR Part 434) by adding two new subcategories, the purpose of which was to address environmental issues not covered adequately by existing regulations. The addition of these subcategories is expected to (1) reduce severe and extensive damage resulting from abandoned mine lands in the Appalachian and mid-continent coal regions and (2) reduce adverse environmental impacts resulting from the predominant use of sedimentation ponds for sediment control in the arid and semi-arid western coal regions.

These regulations were promulgated under the authority of sections 301, 304, 306, 308, 402, 501, and 502 of the Clean Water Act (CWA), 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, 1361, and 1362.

The CWA authorizes EPA to include Best Management Practices in effluent limitations guidelines and standards regulations. EPA's legal authority for regulations based on BMPs is found in section 402(a)(1), section 402(a)(2), and section 501(a) of the Clean Water Act, 33 U.S.C. 1251 *et seq*. EPA also relies on 40 *CFR* 122.44(d). The BMP regulation is consistent with the Pollution Prevention Act of 1990, 42 U.S.C. 13101 *et seq*., Public Law 101-508.

2(b) Practical Utility/Users of the Data

The primary users of the information generated under this ICR will be the coal mining companies that perform remining operations at abandoned mine lands and those companies that perform coal mining reclamation activities in the arid and semi-arid coal regions of the western U.S. The data will also be used by NPDES control authorities in establishing baseline standards and in making compliance determinations.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

EPA's regulations for the two Subcategories build on, but do not duplicate, related regulations pertinent to the Coal Mining Point Source Category. These other regulations include those at 40 *CFR* Part 434, the Surface Mining Control and Reclamation Act, and the Rahall Amendment. Prior to the establishment of the two additional Subcategories, existing EPA regulations applied to four Subcategories only, including Coal Preparation Plants and Coal Preparation Plant Associated Areas; Acid or Ferruginous Mine Drainage; Alkaline Mine Drainage; and Post-Mining Areas.

In 1977, Congress enacted the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 *et seq*. To address the environmental problems associated with coal mining on a nationwide basis. The Act created the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the Department of Interior. Furthermore, it gave the office broad authority to regulate specific management practices before, during, and after mining operations. OSMRE has promulgated comprehensive regulations to control both surface coal mining and the surface effects of underground coal mining (30 *CFR* parts 700 *et seq*). Title IV of SMCRA addresses the problem of presently abandoned coal mines by authorizing and funding abandoned mine reclamation projects. EPA worked extensively with OSMRE in the preparation of the regulations for the Subcategories to ensure that the requirements were consistent with and not duplicative of OSMRE requirements.

As part of the 1987 amendments to the CWA, Congress added section 301(p), often called the Rahall Amendment, to provide incentives for remining abandoned mine lands that pre-date passage of SMCRA in 1977. The Rahall Amendment was intended to encourage remining by no longer requiring operators to treat degraded pre-existing discharges to the Best Available Technology (BAT) levels established in Subpart C of 40 *CFR* part 434. Despite the statutory authority provided, coal mining companies remained hesitant to pursue remining without formal EPA approval and guidelines. The Subcategories thus are EPA's response to industry's concern. The regulations are consistent with, but not identical to, the Rahall Amendment.

Coal Remining Subcategory

As in the first ICR (EPA ICR No. 1944.02 and OMB Control No. 2040-0239), EPA estimates that the baseline determination and annual monitoring required under the Coal Remining Subcategory impacts sites in 10 states. The monitoring requirements of the regulation are already required in whole or part by seven of the 10 states issuing Rahall permits for pre-existing discharges at remining sites on abandoned mine lands. Three of the 10 states do not issue Rahall permits. EPA believes monitoring burden needs to be assessed for these states. Monitoring burden further needs to be assessed for some portion of the 10 states whose requirements are less than those required under the Subcategory regulations. This incremental data collection and reporting burden for the baseline determination and annual monitoring is not provided elsewhere.

The SMCRA permit application process requires a coal mining operator to submit an extensive operation and reclamation plan, documentation, and analysis to OSMRE or the primacy permitting authority for approval. The requirements for the operation and reclamation plan are specified in 30 *CFR* part 780 for surface mining permit applications and part 784 for underground mining permit applications. Coal mining operators are required to provide a description of coal mining operations; a plan for reclaiming mined lands; a plan for revegetating mined lands; geologic information; hydrologic information including a description of baseline ground water and surface water characteristics under seasonal conditions; and an analysis of the hydrologic impacts caused by the mining activity. The plan must include a probable hydrologic consequences determination to determine the impacts of the mining on existing hydrologic conditions and a hydrologic reclamation plan to show measures for reducing impacts and to meet water quality laws and regulations. Furthermore, the coal mining regulatory authority is required to conduct a cumulative hydrologic impact analysis of the proposed operation and all anticipated mining on surface water and ground water systems.

EPA, therefore, believes that many requirements for the Pollution Abatement Plan will be contained in the operations and reclamation sections of an approved SMCRA permit. However, EPA or the state NPDES permitting authority retains the authority to require additional or expanded BMPs as necessary to ensure that implementation of the identified BMPs is consistent with CWA requirements.

Western Alkaline Coal Mining Subcategory

For discharges at western alkaline coal mining sites, EPA incorporated BMP standards into the regulation by requiring that a site-specific Sediment Control Plan be developed and implemented. The requirements of the plan are consistent with SMCRA requirements for mining operations as discussed above. Therefore, in most cases, the BMP requirements for the Sediment Control Plan will be satisfied by an approved SMCRA plan and will not result in duplication in reporting burden. However, EPA or the state NPDES permitting authority retain the authority to recommend additional or incremental BMPs, as necessary, to ensure that implementation of the identified BMPs is the best available technology economically achievable.

EPA has examined all other reporting requirements contained in the Clean Water Act and 40 CFR Parts 122, 123, 124, 125, 501, and 503. The Agency has also consulted other sources of information, such as the SMCRA and Rahall requirements discussed above, to determine if similar or duplicative information is available elsewhere. These examinations have revealed no additional duplicative reporting requirements.

3(b) Public Notice Required Prior to ICR Submission

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*), EPA solicited comments on the proposed information collection in the *Federal Register* prior to submitting this renewal ICR to the Office of Management and Budget (69 FR 52883, August 30, 2004). EPA received no comments.

3(c) Consultations

EPA discussed development of the Subcategory regulations and the attendant record keeping and reporting requirements with the following organizations:

- The Interstate Mining Compact Commission (IMCC)
- The National Mining Association (NMA)
- Western Interstate Energy Board (WIEB)
- The Office of Surface Mining Reclamation and Enforcement (OSMRE)
- Pennsylvania Department of Environmental Protection (PADEP)
- Other states
- Tribes
- Industry representatives
- Other interested stakeholders

3(d) Effects of Less Frequent Data Collection

The remining regulations require operators to collect data at a minimum frequency of once per month per pre-existing discharge point for a 12-month period to enable a baseline standard to be established and at a frequency of once per month per pre-existing discharge point thereafter to demonstrate compliance. The annual array of monthly monitoring data is necessary to determine an average discharge value and the variability associated with that value. Moreover, the frequency of collection allows for data representative of seasonal conditions. Without an adequate duration and frequency of sampling, the statistical procedures would often fail to detect genuine exceedance of baseline conditions or could establish baseline levels that are either too low or too high.

With regard to routine monitoring, EPA considers the frequency of data collection to be the smallest that would allow a significant probability of revealing a substantial increase above baseline levels within one year. If a facility fails to demonstrate compliance with the baseline standards, the monitoring frequency may be increased so that the permitting authority may monitor the pre-existing discharge more closely and affect corrective action to re-establish compliance. The duration, frequency, and seasonal distribution of sampling are important aspects of a sampling plan, and may effect the precision and accuracy of statistical estimates as much as the number of samples. To avoid systematic bias, sampling, during and after baseline determination, should systematically cover all periods of the year during which substantially high or low discharge flows may be expected.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2).

3(f) Confidentiality

EPA does not expect that any confidential business information or trade secrets will be required from coal mining operators as part of this ICR. If information submitted in conjunction with this ICR were to contain confidential business information, the respondent may request that the information be treated as such. All data so designated will be handled by EPA pursuant to 40 CFR part 2. This information will be maintained according to procedures outlined in EPA's Security Manual Part III, Chapter 9, dated August 9, 1976. Pursuant to Section 308(b) of the CWA, effluent data may *not* be treated as confidential.

3(g) Sensitive Questions

The reporting requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC Codes

The respondents for this ICR will be approximately 234 coal remining sites on abandoned mine lands with pre-existing discharges located in the Appalachian and mid-continent coal regions and approximately 46 surface coal mining reclamation sites in the arid and semi-arid western coal regions of the United States. These sites fall under Standard Industrial Classification or SIC codes 1221 (Bituminous Coal and Lignite Surface Mining), 1222 (Bituminous Coal Underground Mining), and 1231 (Anthracite Mining). The corresponding North American Industrial Classification System or NAICS codes for these industries are 212111, 212112, and 212113, respectively. Government respondents are expected to be the 10 states that issue remining permits. These authorities will prepare new NPDES permits in the implementation of the regulation and will technically review a site's SMCRA reclamation plan to assess the adequacy of the BMPs incorporated.

4(b) Information Requested

The regulations at 40 CFR 434.72 to 434.75 and 434.82 to 434.85 include the following major components:

Coal Remining Subcategory

- Coal remining operators are required to perform and report baseline determinations for each pre-existing discharge for net acidity, total suspended solids, iron (total), and manganese (total) at a frequency of once per month for 12 months. Thereafter, monitoring shall occur monthly. Monitoring may be increased if baseline standards are not met.

- Coal remining operators are required to employ appropriate, site-specific best management practices to result in the potential for improved water quality. This requirement is satisfied by implementation of a site-specific Pollution Abatement Plan, subject to the review and approval of the NPDES permit authority.

Western Alkaline Coal Mining Subcategory

- Western coal mining operators are required to apply appropriate, site-specific best management practices that will result in average annual sediment yields that will not be greater than background levels from pre-mined, undisturbed conditions. This requirement is satisfied by implementation of a site-specific Sediment Control Plan developed using a watershed model and that describes best management practices. The Sediment Control Plan and model results are subject to the review and approval of the NPDES permit authority.

4(c) Respondent Activities

Coal Remining Subcategory

- **Prepare basic information.** Operators must collect baseline determination and monitoring data, develop the Pollution Abatement Plan (which includes applicable BMPs) that will be described in the SMCRA Permit Reclamation Plan, and make reports to the NPDES permit authority.

- **Maintain records.** All coal mining and remining operators must keep records of the monitoring information required by the regulation.

Western Alkaline Coal Mining Subcategory

- **Prepare basic information.** Applicable operators must conduct modeling of sediment yield, develop a Sediment Control Plan (which includes applicable BMPs) that will be

described in the SMCRA Permit Reclamation Plan, and make reports to the NPDES permit authority.

State NPDES Permitting Authorities

- **Prepare NPDES permits.** State NPDES permitting authorities must review and approve baseline determinations, monitoring data and Pollution Abatement Plans or Sediment Control Plans, and incorporate baseline standards and BMP provisions into NPDES permits.

- **Conduct periodic reviews.** State respondents are authorized to conduct periodic reviews of monitoring reports and SMCRA reclamation plans to assess compliance with baseline standards and BMP conditions contained in the site's NPDES permit.

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

5(a) Agency Activities

Upon approval of this ICR, permittees must maintain records as described above under Section 4(c). At least annually, they must submit a report to the NPDES authority summarizing the results of monitoring, the number and dates of any exceedances of baseline standards and corrective actions taken when standards have been exceeded. The NPDES permitting authority is authorized to review best management practices described in a site's SMCRA Permit Reclamation Plan, conduct compliance audits of facility records, review the data, and where necessary, conduct follow-up activities. Follow-up activities may include informal contact with the permittee (by telephone or letter) to discuss the causes of any exceedances of baseline standards and the actions taken to correct the exceedences. The NPDES permit authority may also find it helpful to review monitoring records when developing future NPDES permit conditions.

5(b) Collection Methodology and Management

Coal Remining Subcategory

The data collection and management methodology for this Subcategory includes collection and reporting of baseline determination and monitoring data and reporting of the site-specific Pollution Abatement Plan. This information is to be reported to the NPDES permit authority. Components of the site-specific Pollution Abatement Plan are reported as part of the site's SMCRA permit application to the OSMRE permit authority. EPA believes that the BMP requirements for the Pollution Abatement Plan will generally be satisfied by an approved SMCRA plan and will therefore not duplicate reporting burden. However, EPA or the state NPDES permitting authority retains the authority to recommend additional or incremental

BMPs, as necessary, to ensure that implementation of the identified BMPs are the best available technology economically achievable.

Western Alkaline Coal Mining Subcategory

EPA expects that the components required under the Sediment Control Plan will largely be satisfied by the SMCRA permit application to the OSMRE permit authority for this Subcategory. EPA assumes that the requirements for the Sediment Control Plan will largely be satisfied by materials generated as part of SMCRA permit application. However, the Sediment Control Plan and model results will remain subject to review and approval by the NPDES permit authority.

5(c) Small Entity Flexibility

Pursuant to section 605(b) of the Regulatory Flexibility Act, the EPA Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

5(d) Collection Schedule

The information collection activities included in this ICR are anticipated to occur according to the following schedule for each Subcategory:

Coal Remining Subcategory

- Collect and report baseline determination data for pre-existing discharges: *Due at the time of permit application.*
- Submit Pollution Abatement Plan as part of a site's SMCRA permit application: *Due at the time of permit application.*
- Collect and report subsequent monitoring data for pre-existing discharges: *Due with Monthly Discharge Monitoring Reports (DMRs).*

Western Alkaline Coal Mining Subcategory

- Report sediment yield modeling results for a reclamation site: *Due at the time of permit application.*
- Submit a Sediment Control Plan: *Due at the time of permit application.*

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden and Costs

Tables 1 and 2 present estimates of the initial and recurring respondent burden (respectively) for labor hours and costs associated with this ICR. The assumptions used in determining the respondent burden and costs are summarized below and footnoted in each table. The numbers presented in this ICR are based on assumptions consistent with those used in EPA's Economic and Environmental Impact Assessment but are presented in a different format. Dollar estimates in this ICR are not directly comparable because they differ in their use and presentation, including the use of midpoint values versus estimate ranges, the time period of analysis, and annualization of dollar values.

Table 3 presents estimates of the initial and recurring Agency burden and costs associated with this ICR. A summary of the respondent's burden hours and costs is presented in Table 4.

6(a)(1) Estimate of the Number of Respondents

Coal Remining Subcategory

The potential number of coal remining respondents is documented in an EPA memorandum dated September 27, 1999 from John Tinger, EPA to Kristen Strellec, EPA, Subject: Final Estimation of Facilities Affected by Proposed Remining Subcategory. This memorandum estimates that approximately 78 permits per year may be issued. The duration of this ICR is three years and therefore the potential respondents over this time frame is (78 x 3) 234. EPA estimates the same number of respondents for this renewal ICR.

Western Alkaline Coal Mining Subcategory

The potential number of respondents in this Subcategory is documented in the 1998 Keystone Coal Industry Manual. Using information from this reference, EPA estimates that there are approximately 46 potential respondents.

The Agency also compiled profile information on 24 existing underground coal mines in the arid and semi-arid western states. Information provided by EPA's Office of Surface Mines indicates that underground mines will incur zero incremental modeling costs due to the small acreage and lack of complexity associated with these reclamation areas.

Although there are a total of 46 authorized NPDES states (45 states and 1 U.S. territory), the number of state NPDES authorities estimated to be impacted by the rule is 10. On September 3, 1998, the Interstate Mining Compact Commission (IMCC) distributed a Solicitation Sheet to member states in support of continuing efforts to collect data and information required for proposal of a remining subcategory under 40 *CFR* 434. The solicitation sheet was intended to

gather information necessary to assess current industry remining activity and potential. IMCC member states estimated that there were 150 mining companies in 10 states actively involved in remining activities. Of these 10 states, seven issued Rahall-type permits, while three did not (see Table A). EPA believes the 1998 estimate by IMCC members is still representative of the industry.

6(a)(2) Baseline Determination and Estimate of the Incremental Monitoring Burden and Cost

The extent to which EPA will require additional monitoring for remining sites depends on the requirements the states incorporate in their Rahall remining permits. Table A below summarizes the number of samples or sites per year each state requires in their Rahall remining permits in terms of baseline determination and routine monitoring and then incremental monitoring for each of these categories. This table also shows the number of sites expected to be permitted under the regulations annually by state.

Table A. Baseline Determination and Incremental Monitoring Required

State	State Required Baseline Determination Monitoring (Samples/Site/Yr)	Incremental Baseline Determination Monitoring (Samples/Site/Yr)	State Required Annual Monitoring (Samples/Site/ Yr)	Incremental Annual Monitoring (Samples/Site/Yr)	Estimated Annual Number of Sites to be Permitted
AL	6	6	12	0	0
IL	NA	12	NA	12	0
IN	NA	12	NA	12	5
KY	6	6	12	0	7
MD	12	0	12	0	1
OH	12	0	4	8	21
PA	12	0	12	0	26
TN	NA	12	NA	12	9
VA	12	0	12	0	9
WV	12	0	12	0	0
Total					78

NA = Rahall permits are not issued in these states.
Source: *Economic and Environmental Impact Assessment of Effluent Limitations Guidelines and Standards for the Coal Mining Industry: Remining and Western Alkaline Subcategories* (EPA-821-B-01-013).

EPA assumes for mine sites in Indiana and Tennessee that baseline determination monitoring and annual monitoring costs will be required for all of the reporting requirements. In addition, EPA assumes that flow metering from an installed weir will also be required for mine sites in these two states. For all other states, EPA assumes that flow metering will already be required and installed as part of the state Rahall remining permit program. Tables B and C below present the respondent burden and monitoring costs associated with incremental monitoring required by the Subcategory regulations for baseline determination monitoring and annual monitoring, respectively. Assumptions made for determining the respondent burden and costs are footnoted at the end of the tables.

Table B. Respondent Burden and Costs for Baseline Determination Monitoring

State	Incremental Baseline Determination Monitoring (Total Samples) (a)	Labor Burden (Hrs) (b)	Labor Cost ($) (c)	Monitoring Cost ($) (d)
AL	0	0	0	0
IL	0	0	0	0
IN	720	540	16,497	92,909
KY	504	378	11,548	13,376
MD	0	0	0	0
OH	0	0	0	0
PA	0	0	0	0
TN	1,296	972	29,695	167,236
VA	0	0	0	0
WV	0	0	0	0
Total	2,520	1,890	57,740	273,521

(a) Assumes 4 pre-existing discharge points per site. The average number of pre-existing discharges per site is based on a review of the number of pre-existing discharge points per site from the 119 Study, the 104 Study and the Pennsylvania Coal Remining Database. Total samples = Incremental annual monitoring (samples/site/yr) x Estimated annual number of sites to be permitted/year x 3 years x 4 pre-existing discharge points/site.

(b) Assumes 0.75 hours/sample of labor burden based on PADEP estimates.

(c) Assumes a labor cost of $30.55/hour. This estimate is up by $1.55 from the initial ICR. The initial ICR used an estimated labor cost provided by the PADEP. This ICR escalates that cost to 2004 dollars using the Consumer Price Index.

(d) Assumes a sample analysis cost of $23.17/sample and mileage costs of $3.37/sample for a total of $26.54/sample (up by $1.32/sample from the previous ICR). The current ICR escalated the costs in the previous ICR to 2004 dollars using the Consumer Price Index, thereby resulting in these increases. Indiana sample analysis costs = 720 x $26.54 = $19,109 (an increase of $965 from initial ICR). Kentucky sample analysis costs = 504 x $26.54 = $13,376 (an increase of $675 from initial ICR). Tennessee sample analysis costs = 1,296 x $26.54 = $34,396 (an increase of $1,737 from initial ICR). For Indiana and Tennessee assumes installed weir costs of $1,230 based on escalation of 2002 cost estimates from Weir & Flume Sales Company and Tarco Tech. Industries to 2004 dollars (resulting in an increase of $62 from initial ICR). Indiana will have 5 sites/yr x 3 years x 4 pre-existing discharge points/site x $1,230/weir = $73,800 (an increase of $3,720 from initial ICR). Tennessee will have 9 sites/yr x 3 years x 4 pre-existing discharge points/site x $1,230/weir = $132,840 (an increase of $6,696 from initial ICR).

Table C. Respondent Burden and Costs for Annual Monitoring

State	Incremental Annual Monitoring (Total Samples) (a)	Labor Burden (Hrs) (b)	Labor Cost ($) (c)	Monitoring Cost ($) (d)
AL	0	0	0	0
IL	0	0	0	0
IN	720	540	16,497	19,109
KY	0	0	0	0
MD	0	0	0	0
OH	2,016	1,512	46,192	53,505
PA	0	0	0	0
TN	1,296	972	29,695	34,396
VA	0	0	0	0
WV	0	0	0	0
Total	4,032	3,024	92,384	107,010

(a) Assumes 4 pre-existing discharge points per site. The average number of pre-existing discharges per site is based on a review of the number of pre-existing discharge points per site from the 119 Study, the 104 Study and the Pennsylvania Coal Remining Database. Total samples = Incremental annual monitoring (samples/site/yr) x Estimated annual number of sites to be permitted/year x 3 years x 4 pre-existing discharge points/site.

(b) Assumes 0.75 hours/sample of labor burden based on PADEP estimates.

(c) Assumes a labor cost of $30.55/hour. This estimate is up by $1.55 from the initial ICR. The initial ICR used an estimated labor cost provided by the PADEP. This ICR escalates that cost to 2004 dollars using the Consumer Price Index.

(d) Assumes a sample analysis cost of $23.17/sample and mileage costs of $3.37/sample for a total of $26.54/sample (up by $1.32/sample from the previous ICR). The current ICR escalated the costs in the previous ICR to 2004 dollars using the Consumer Price Index, thereby resulting in this increase.

Table 1. Initial Respondent Burden and Costs

Subcategory	Activity	Labor Hours	Labor Costs ($)	Monitoring Costs ($)	Total Initial Costs ($)
Coal Remining at AML with pre-existing discharges	Baseline Determination Monitoring	1,890	57,740	273,521	331,261
	Development of site-specific remining BMP plan	(a)	(a)	(a)	0
	NPDES Control Authority - review of BMP plan and permit preparation	8,190 (b)	329,566	0	329,566
Western Alkaline Coal Mining with Sediment Control	Sediment Yield Modeling	(a)	(a)	0	0
	Development of site-specific sediment control BMPs	(a)	(a)	(a)	0
	NPDES Control Authority - review of modeling and BMP plan and permit preparation	1,610 (b)	(c) 64,786	0	64,786

(a) The hour and cost burden associated with these activities is already covered by the "Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operation Plan - 30 *CFR* part 780" ICR, OMB Control Number 1029-0036.

(b) Assumes 25 hrs/plan for review (based on the SMCRA ICR burden for review of the reclamation plan) and 10 hrs/site for NPDES permit preparation for a total of 35 hours/site. For coal remining sites: 35 hrs/permit x 234 potential permits = 8,190 hours. For western alkaline sites: 35 hrs/permit x 46 potential reclamation sites in the arid and semi-arid western states = 1,610 hours.

(c) The median salary for state and local white collar workers, excluding sales, is $25.15 or $52,312 per year based on 2,080 labor hours per year (see Supplementary Table 3.1, State and local government, selected occupations: mean hourly earnings and percentiles, all workers, National Compensation Survey, July 2003, U.S. Bureau of Labor Statistics at http://stats.bls.gov/ncs/ocs/sp/ncbl0636.pdf). This hourly rate is $5.35 higher than the rate included in the initial ICR, reflecting changes in compensation for state and local employees over time. Overhead costs for state and local employees are estimated to be 60 percent (EPA ICR Handbook), or $15.09 per hour, which results in a total hourly rate of $40.24/hour. 8,190 hours x $40.24 = $329,566, an increase of $70,107 from the initial ICR. 1,610 hours x $40.24 = $64,786, an increase of $13,781 from initial ICR.

Table 2. Recurring Respondent Burden and Costs*

Subcategory	Activity	Labor Hours/Yr.	Labor Costs ($/Yr.)	Monitoring Costs ($/Yr.)	Total Recurring Costs ($/Yr.)
Coal Remining at AML with pre-existing discharge	Annual Monitoring	3,024	92,384	107,010	199,394
	NPDES Control Authority review of post- baseline monitoring data	2,340 (a)	94,162 (b)	0	94,162

* There is no recurring respondent burden for the Western Alkaline Coal Mining Subcategory.

(a) Assumes 10 hrs/site/year for review x 234 potential remining sites = 2,340 hours/yr.

(b) Using $40.24/hour x 2,340 hrs/yr. = $94,162.

6(b) Estimating Agency Burden

EPA estimates its initial burden to be one hour per site and an annual labor burden of eight hours per site. Table 3 below summarizes the initial and recurring Agency burden.

Table 3. Initial and Recurring Agency Burden

Subcategory	Activity	Hours/Site	No. of Sites	Total Cost (a)
Coal Remining at Abandoned Mine Lands	Initial Burden	1	234	$9,416
	Recurring Burden	8	234	$75,329/year
Western Alkaline Coal Mining with Sediment Control	Initial Burden	1	46	$1,851
	Recurring Burden	8	46	$14,808/year

(a) = Assuming $40.24/hour. Total cost is equal to the hours/site x no. of sites x $/hr.

6(c) Bottom Line Burden and Cost Table

Table 4 presents the bottom line burden hours and costs for respondents and EPA.

Table 4. Summary of Burden and Costs to Respondents and EPA

Category	Total Labor Hours	Total Costs
Respondents (Coal Remining) - Initial Burden	1,890 (3-yr total)	$331,261
Respondents (Western Alkaline Coal Mining) - Initial Burden	0	0
Subtotal	1,890 (3-yr total)	$331,261
Respondents (Coal Remining) - Annual Burden	3,024 (3-yr total)	$199,394
Respondents (Western Alkaline Coal Mining) - Annual Burden	0	$0
Subtotal	3,024 (3-yr total)	$199,394
Respondents - NPDES Control Authority - Initial Burden	9,800 (3-yr total)	$394,352
Respondents - NPDES Control Authority - Annual Burden	2,340 (annual) 7,020 (3-yr total)	$94,162 (annual) $282,482 (3-yr total)
Subtotal	16,820 (3-yr total)	$676,838
Total (3-year ICR lifetime)	**21,734 (3-yr total)**	**$1,207,493**
Total Annual Labor Hours & Costs	**7,245 (annual)**	**$402,498**
EPA - Initial Burden	280	$11,267
EPA - Annual Burden	2,240/year	$90,138/year

The initial burden for coal mining and remining sites under the rule is estimated at 1,890 hours and $331,261 for baseline determination monitoring at coal remining sites. The initial burden associated with preparation of a site's Pollution Abatement Plan or Sediment Control Plan is already covered by an applicable SMCRA ICR. The annual burden for coal mining and remining sites under the rule is estimated at 3,024 hours and $199,394 for annual monitoring at coal remining sites.

The initial burden for NPDES control authorities is estimated at 9,800 hours and $394,352 for review of SMCRA remining and reclamation plans (which include BMPs) and preparation of the NPDES permit. The annual burden for NPDES control authorities is estimated at 2,340 hours and $94,162 for review of annual monitoring data at coal remining

sites.

The annual burden is 7,245 hours and $402,498.

6(d) Reasons for Changes in Burden

The previous ICR had mistakenly used 3-year burden hours to calculate associated costs. This renewal ICR has corrected that error, resulting in decreased burden hours and costs presented as annual averages.

6(e) Burden Statement

For the Coal Remining Subcategory, the public reporting burden is estimated to average 21 hours per respondent per year. This estimate includes time for collecting and submitting baseline and annual monitoring results. For the Western Alkaline Coal Mining Subcategory, there is projected to be no additional public reporting burden. For the NPDES permitting authorities, the public reporting burden is estimated to average 405 hours per respondent per year.

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 the Agency'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, EPA has established a public docket for this ICR under Docket ID No. OW-2004-0026, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 EPA Dockets (EDOCKET) at http://www.epa.gov/edocket. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can 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. (OW-2004-0026) and OMB control number (2040-0239) in any correspondence.