



# **Draft Information Collection Request for the Public Water System Supervision Program**



## TABLE OF CONTENTS

1	IDENTIFICATION OF THE INFORMATION COLLECTION.....	1
	1(a) Title and Number of the Information Collection.....	1
	1(b) Short Characterization.....	1
2	NEED FOR AND USE OF THE COLLECTION.....	3
	2(a) Need/Authority for the Collection.....	3
	2(b) Use/Users of the Data.....	9
3	NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA.....	10
	3(a) Non-duplication.....	10
	3(b) Public Notice Required Prior to ICR Submission to OMB.....	10
	3(c) Consultations.....	10
	3(d) Effects of Less Frequent Collection.....	12
	3(f) Confidentiality.....	13
	3(g) Sensitive Questions.....	13
4	RESPONDENTS AND INFORMATION REQUESTED.....	14
	4(a) Respondents/NAICS Codes.....	14
	4(b) Information Requested.....	14
	4(b)(i) Data Items.....	14
	4(b)(ii) Respondent Activities.....	24
5	INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.....	30
	5(a) Agency Activities.....	30
	5(b) Collection Methodology and Management.....	32
	5(c) Small Entity Flexibility.....	33
	5(d) Collection Schedule.....	35
6	ESTIMATING BURDEN AND COST OF COLLECTION.....	36
	6(a) Respondent Burden.....	36
	6(a)(i) Burden to Public Water Systems.....	36
	6(a)(ii) Burden to Primacy Agencies.....	41
	6(a)(iii) Burden to Laboratories.....	45
	6(b) Respondent Costs.....	46
	6(b)(i) Cost to Public Water Systems.....	46
	6(b)(ii) Cost to Primacy Agencies.....	47
	6(b)(iii) Cost to Laboratories.....	47
	6(c) Agency Burden and Costs.....	49
	6(d) Estimating Respondent Universe and Total Burden and Costs.....	50
	6(e) Bottom Line Burden Hours and Costs.....	51
	6(f) Reasons for Change in Burden.....	53
	6(f)(i) Restructuring Adjustments.....	54
	6(f)(ii) Additional Program Adjustments.....	55
	6(g) Burden Statement.....	58

## **APPENDICES**

- Appendix A. Federal Register Notice Soliciting Comment on Information Collection Requests
- Appendix B. Consumer Confidence Rule Spreadsheets
- Appendix C. Variances and Exemptions Spreadsheets
- Appendix D. Capacity Development Spreadsheets
- Appendix E. General State Primacy Spreadsheets
- Appendix F. Public Notification Spreadsheets
- Appendix G. Operator Certification Spreadsheets
- Appendix H. Tribal Operator Certification Spreadsheets
- Appendix I. Constructed Conveyance Spreadsheets
- Appendix J. Proficiency Testing Spreadsheets

**LIST OF EXHIBITS**

Exhibit 1: Structure of OGWDW ICRs.....5

Exhibit 2: PWS Recordkeeping and Reporting Requirements.....15

Exhibit 3: Primacy Agency Recordkeeping and Reporting Requirements.....18

Exhibit 5: PWSS Program Requirements for EPA Regions and Headquarters.....30

Exhibit 6: Annual PWS Burden and Cost.....48

Exhibit 7: Annual State Burden and Cost.....48

Exhibit 8: Annual Laboratory Burden and Cost.....49

Exhibit 9: Bottom Line Annual Burden and Cost.....52

Exhibit 10: Summary of Changes in Annual Burden.....53

Exhibit 11: Restructuring Adjustments to the Annual Burden Inventory  
for the PWSS Program ICR.....54

Exhibit 12: Adjustments to PWS Burden from Previous ICR Estimates.....56

Exhibit 13: Adjustments to Primacy Agency Burden from Previous ICR Estimates.....57

Exhibit 14: Adjustments to Laboratory Burden from Previous ICR Estimates.....57

Exhibit 15: Adjustments to Activities Carried Forward from Previous ICRs.....58

**LIST OF FIGURES**

Figure 1: Structure of OGWDW ICRs.....4

## ACRONYMS

AG	Attorney General
AMWA	Association of Metropolitan Water Agencies
ASDWA	Association of State Drinking Water Administrators
AWWA	American Water Works Association
BLS	Bureau of Labor Statistics
CCR	Consumer Confidence Report
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CWS	Community Water System
DBPR	Disinfectants and Disinfection Byproducts Rule
DDBP/Chem/Rads	Disinfectants and Disinfection Byproducts, Chemical, and Radionuclides
DWIG TSA	Drinking Water Infrastructure Grant Tribal Set Aside
DWSRF	Drinking Water State Revolving Fund
ECI	Employment Cost Index
EPA	Environmental Protection Agency
FR	Federal Register
FTE	Full Time Equivalent
GWR	Ground Water Rule
ICR	Information Collection Request
IESWTR	Interim Enhanced Surface Water Treatment Rule
LCR	Lead and Copper Rule
LT1ESWTR	Long Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR	Long Term 2 Enhanced Surface Water Treatment Rule
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MRDL	Maximum Residual Disinfection Level
MRDLG	Maximum Residual Disinfection Level Goal
NAICS	North American Industry Classification System
NAWA	Native American Water Association
NAWC	National Association of Water Companies
NCWS	Noncommunity Water System
NDWAC	National Drinking Water Advisory Council
NPDWR	National Primary Drinking Water Regulation
NRWA	National Rural Water Association
NTEC	National Tribal Environmental Council
NTNCWS	Nontransient Noncommunity Water System
O&M	Operation and Maintenance
OGWDW	Office of Ground Water and Drinking Water
OMB	Office of Management and Budget
PC&B	Personnel Compensation and Benefits
PN	Public Notification
PRA	Paperwork Reduction Act
PT	Proficiency Testing
PWS	Public Water System

PWSS	Public Water System Supervision
SBREFA	Small Business Regulatory Enforcement Fairness Act
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SNC	Significant Noncompliance
SOC	Standard Occupational Classification
SWAP	Source Water Assessment Program
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TNCWS	Transient Noncommunity Water System
UIC	Underground Injection Program
V/E	Variance and Exemption

# 1 IDENTIFICATION OF THE INFORMATION COLLECTION

## 1(a) Title and Number of the Information Collection

Title: Public Water System Supervision Program

OMB Control Number: 2040-0090

EPA Tracking Number: 0270.43

## 1(b) Short Characterization

The Office of Ground Water and Drinking Water (OGWDW) in the Office of Water at the United States Environmental Protection Agency (EPA or the Agency) is responsible for managing the Public Water System Supervision (PWSS) Program, a national program mandated by the Safe Drinking Water Act (SDWA). Section 1412 of the SDWA requires EPA to establish National Primary Drinking Water Regulations (NPDWRs) for contaminants that may adversely impact human health. The Act further requires EPA to monitor and enforce these regulations to ensure that the nation's drinking water dependably complies with the maximum contaminant levels (MCLs) stipulated in the Code of Federal Regulations (CFR), 40 CFR Part 141, Subpart B.

Section 1445 of the SDWA stipulates that every drinking water supplier must conduct monitoring, maintain records, and provide such information as is needed for EPA to implement its monitoring and enforcement responsibilities with respect to the Act. State<sup>1</sup> governments—in those states that have assumed primary enforcement responsibility (primacy) for public water systems (PWSs) under SDWA Section 1413—ensure that PWSs are complying with these monitoring requirements. In addition, under 40 CFR 141.23(k)(3), 141.131(b)(2), 141.28, and 141.24(f)(17), laboratories must successfully participate in Proficiency Testing (PT) studies each year to be certified to conduct analysis of compliance monitoring samples.

As part of the PWSS Program, the OGWDW uses the Safe Drinking Water Information System (SDWIS)<sup>2</sup> to record some of the data collected as a result of NPDWR requirements. SDWIS is a database management system that assists EPA in tracking and interpreting monitoring data and other program-related data. These data assist EPA in fulfilling its SDWA obligations.

This Information Collection Request (ICR) was prepared in accordance with the November 2005 version of EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act (PRA) of 1995 (or "ICR Handbook") prepared by EPA's Office of Environmental Information, Office of Information Collection, Collection Strategies Division. The ICR Handbook provides the most current instructions for ICR preparation to ensure compliance with the 1995 PRA amendments and Office of Management and Budget's (OMB's) implementing guidelines.

<sup>1</sup> Throughout this document, the terms "State" or "States" are used to refer to all types of primacy agencies. There are currently 57 primacy entities, including the 50 states, the District of Columbia, U.S. territories (Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and Northern Marianas), and the Navajo Nation. Though Wyoming and the District of Columbia do not have primacy, the EPA burden for these activities is counted as primacy agency burden.

<sup>2</sup> SDWIS replaced the Federal Reporting Data System as the national drinking water database of record on August 15, 1995.



Many information collection requirements associated with the SDWA and its implementing regulations are associated with rulemakings that address specific contaminants or groups of contaminants. This ICR examines PWS, primacy agency, laboratory, and EPA burden and costs for “cross-cutting” recordkeeping and reporting requirements (i.e., the burden and costs for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings). These activities include the following—

- 1) Consumer Confidence Reports (CCRs)
- 2) Variance and Exemption Rule (V/E Rule)
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification (PN)
- 6) Operator Certification and Expense Reimbursement Grants Program
- 7) Tribal Operator Certification Program
- 8) Constructed Conveyances
- 9) Proficiency Testing

This ICR updates the burden and cost estimates provided in the 2004 PWSS Program ICR, which expires on September 30, 2008. The ICR estimates costs for October 1, 2008 to September 30, 2011.

The total annual respondent burden associated with this ICR is estimated to be approximately 3.9 million hours per year. The total annual respondent cost associated with this ICR is estimated to be approximately \$165.9 million. The distribution of annual burden between PWSs and primacy agencies is approximately 2.2 million hours and 1.7 million hours, respectively. Laboratories conducting Proficiency Testing (PT) incur an annual burden of 17,291 hours. The distribution of annual costs between PWSs and primacy agencies is approximately \$90.6 million and \$73.4 million, respectively. The annual costs for laboratories conducting PT are \$1.9 million.

The approximate annual operation and maintenance (O&M) costs for respondents are \$25.2 million (\$24.3 million for PWSs, \$0.9 million for laboratories, and \$0 for primacy agencies). This represents the “cost burden” as reported in the OMB inventory. Note that these costs are for O&M only; there are no capital costs associated with the activities covered by this ICR.

The annual EPA burden for this ICR totals 0.5 million hours, at a cost of approximately \$24.6 million; 0.09 million hours (approximately \$5.7 million) is for Headquarters activities and 0.45 million hours (approximately \$18.8 million) is for EPA Regional office activities. The Agency also incurs \$0.1 million in O&M costs as part of the Tribal operator certification program.

The total number of respondents for this ICR is 158,113; 57 of these respondents are primacy agencies, 2,363 are laboratories, and the balance (155,693) are PWSs. The total number of annual number of responses for these respondents is 1,234,512 (437,898 for PWSs, 2,363 for laboratories, and 794,251 for primacy agencies).

## **2 NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

This section identifies the regulatory or statutory authority for the information collection activities covered in this ICR and explains EPA’s need for the information. Section 4 of the ICR contains a summary of the PWSS Program recordkeeping and reporting requirements covered by this ICR.

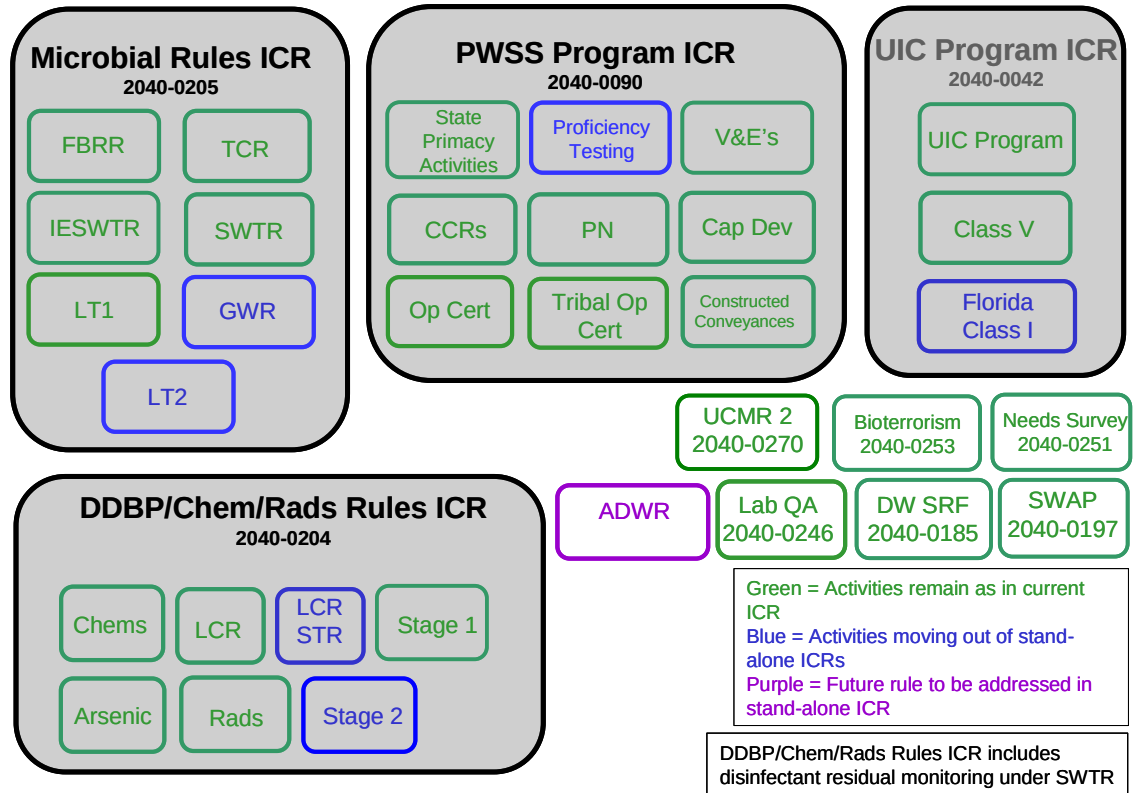
To allow the public to better understand the impact of the recordkeeping and reporting requirements stemming from the SDWA and 40 CFR Parts 141 and 142, OGWDW has organized its ICRs so that related activities are addressed in the same ICR. Specifically, there are three primary ICRs—the Microbial Rules ICR, the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules (DDBP/Chem/Rads Rules) ICR, and the PWSS Program ICR. The Microbial Rules ICR includes rules addressing microbial contaminants, such as the Total Coliform Rule (TCR), Surface Water Treatment Rule (SWTR), and the Ground Water Rule (GWR). The DDBP/Chem/Rads Rules ICR includes rules addressing chemical contaminants such as the Stage 1 Disinfectant/Disinfection Byproduct Rule (Stage 1 DBPR), the Arsenic Rule, and the Lead and Copper Rule (LCR). The PWSS Program ICR includes public notification and rules addressing cross-cutting requirements that are not associated with contaminant-specific rules. The specific regulations and programs addressed in this ICR are—

- 1) Consumer Confidence Reports
- 2) Variance and Exemption Rule
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification
- 6) Operator Certification and Expense Reimbursement Grants Program
- 7) Tribal Operator Certification Program
- 8) Constructed Conveyances
- 9) Proficiency Testing

As EPA publishes new regulations, it will amend the appropriate ICR to include the new rules.

For a graphical depiction of the structure of the OGWDW ICRs, see Figure 1. A complete itemization of the activities included in the three primary ICRs, as well as other drinking water program ICRs, is included as Exhibit 1.

**Figure 1. Structure of OGWDW ICRs**



## Exhibit 1 Structure of OGWDW ICRs

Currently covered	To be covered in the future
<b>PWSS Program ICR (2040-0090)</b>	
Consumer Confidence Reports	
Variances & Exemptions	
The Capacity Development Program	
General State Primacy Activities	
Public Notification	
Operator Certification Guidelines and Expense Reimbursement Grants Program	
Tribal Operator Certification	
Constructed Conveyances	
Proficiency Testing	
<b>Microbial Rules ICR (2040-0205)</b>	
Surface Water Treatment Rule, except disinfectant residual monitoring and associated activities <sup>3</sup>	
Total Coliform Rule	
Interim Enhanced Surface Water Treatment Rule (IESWTR)	
Filter Backwash Recycling Rule	
Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)	
Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)	
Ground Water Rule	
<b>Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides Rules ICR (2040-0204)</b>	
Stage 1 Disinfectants and Disinfection Byproducts Rule	Radon
Disinfectant Residual Monitoring and associated activities under the SWTR	
Stage 2 DBPR	
Chemical Phase Rules	
Radionuclides Rule	
Arsenic Rule	
Lead and Copper Rule	
<b>Source Water Assessment Program (SWAP) ICR (2040-0197)</b>	
SWAP	
<b>Underground Injection Control (UIC) Program ICR (2040-0042)</b>	
UIC Base Program Activities	Florida Class I Rule
Class V Rule	
<b>Drinking Water State Revolving Fund (DWSRF) Program ICR (2040-0185)</b>	
Drinking Water State Revolving Fund Program	

<sup>3</sup> Disinfectant residual monitoring and associated activities are included in the DDBP/Chem/Rads Rules ICR.  
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Currently covered	To be covered in the future
<b>Drinking Water Infrastructure Needs Survey ICR (2040-0251)</b>	
2007 Needs Survey	
<b>Title VI of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety ICR (2040-0253)</b>	
Vulnerability Assessments and Emergency Response Plans for community water systems (CWSs).	

### 1) *Consumer Confidence Reports*

Section 114 of the 1996 SDWA amends Section 1414(c) of the Act. The amendments require community water systems (CWSs) to distribute CCRs describing CWS water quality to their customers annually. EPA wrote regulations under Subpart O of 40 CFR Part 141 to implement this provision.

The initial Federal Register (FR) notice containing CCR requirements was published on August 19, 1998 (63 FR 44512). These initial requirements have been modified by three technical amendments or other rule-specific notices.<sup>4</sup> However, these amendments are assumed to have no affect on the underlying burden.

The information on the CCRs submitted to States by CWSs is needed by EPA to ensure compliance with the regulations.

### 2) *Variance & Exemption Rule*

The 1996 SDWA Amendments established criteria under which PWSs, especially those serving 10,000 or fewer people, could apply for a variance or exemption. Variances allow eligible systems to provide drinking water that does not comply with a NPDWR on the condition that the quality of the drinking water is still protective of public health. Exemptions allow PWSs additional time above that specified in rule requirements to come into compliance. There are two types of variances: general variances are intended for systems that are not able to comply with a NPDWR due to the quality of the source water; small system variances are intended for systems serving 3,300 persons or fewer that cannot afford to comply with a NPDWR (but may be allowed for systems serving up to 10,000 persons). Small system variances are only allowed if EPA designates a Small System Variance Technology. The information required of PWSs seeking general variances, small system variances, or exemptions is needed to determine if the system satisfies SDWA conditions for variances or exemptions.

<sup>4</sup> The dates of the technical corrections were December 28, 1998 (63 FR 71375), June 29, 1999 (64 FR 34732), and September 14, 1999 (64 FR 49671). Rule-specific modifications include the following: Radionuclides Rule (65 FR 76707; December 7, 2000); Public Notification Rule (65 FR 25981; May 4, 2000); Stage 1 Disinfectant and Disinfection Byproducts Rule (63 FR 69475; December 16, 1998), and Interim Enhanced Surface Water Treatment Rule (63 FR 69516; December 16, 1998). In addition, as other drinking water rules are promulgated violations of their standards will also be required to be reported in CCRs.

### 3) Capacity Development Program

Through the 1996 SDWA Amendments, Congress conveyed the importance of efforts to ensure that PWSs maintain the technical, managerial, and financial capacity to comply with the requirements of the SDWA. To underscore its importance the capacity development program was linked to the Drinking Water State Revolving Fund (DWSRF); a state is subject to a withholding of 20 percent of the funds to which it is otherwise entitled if its program does not meet EPA's guidelines.

Specifically, Section 1420(a) of the SDWA explains that a state "shall receive only 80 percent of the allotment that the state is otherwise entitled to receive under Section 1452 (relating to state loan funds) unless the state has obtained the legal authority or other means to ensure that all new CWSs and new nontransient noncommunity water systems (NTNCWSs) commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each NPDWR in effect, or likely to be in effect, on the date of commencement of operations." In addition, according to Section 1420(c), states incur a graduated withholding, beginning with 10 percent in fiscal year 2001, 15 percent in fiscal year 2002, and 20 percent in all subsequent fiscal years, if they do not develop and implement a strategy to assist *all* PWSs in acquiring and maintaining capacity.

EPA needs the information states submit on capacity development to ensure that states are implementing appropriate capacity development strategies.

### 4) General State Primacy Activities

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring and related information in SDWIS. Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results). Without comprehensive, up-to-date information on drinking water contamination (as provided by SDWIS), EPA would not be able to ensure "a supply of drinking water which dependably complies with such maximum contaminant levels" (SDWA Section 1401(1)(d)). If these reporting requirements were voluntary, EPA would not receive timely, comprehensive data on contaminant levels and associated acute and long-term public health risks. Specifically, voluntary monitoring would not—

- 1) Reliably occur with sufficient frequency.
- 2) Follow uniform national standards on quality of sampling, collection, and analysis.
- 3) Ensure that monitoring addresses all contaminants listed in the regulations.

Without the information collected in this ICR, EPA would not be able to protect the nation's drinking water.

5) *Public Notification*

Section 114 of the 1996 SDWA Amendments required the EPA Administrator to develop and issue new regulations for public notification of PWS failure to comply with applicable national drinking water standards. Regulations mandating the form, manner, frequency, and content of public notification are codified under 40 CFR Part 141, Subpart Q. Sections 1414(c)(2)(C)(ii) and 1414(c)(2)(D)(ii) of the 1996 Amendments require that notices provide a clear and understandable explanation of the violation, the potential adverse health effects, steps that the system is taking to correct the violation, and necessity of seeking alternative water supplies until the violation is corrected.

Without the ability to collect information on public notification, EPA could not ensure that PWSs were notifying the public of violations that could affect their health.

6) *Operator Certification and Expense Reimbursement Grants Program*

Through the 1996 SDWA Amendments, Congress conveyed the importance of properly trained operators in providing safe drinking water to the public. To underscore the importance of operator certification, the program was linked to the DWSRF program through a withholding of 20 percent of the funds that a state is otherwise entitled to if its program does not meet EPA's guidelines.

7) *Tribal Operator Certification Program*

The purpose of the Tribal Drinking Water Operator Certification Program is to increase public health protection by increasing the training and certification opportunities for personnel at drinking water systems in Indian Country. The program guidelines establish seven baseline standards. The guidelines also list requirements for organizations that wish to obtain EPA approval for their certification programs.

The statutory requirement to develop an operator certification program does not apply to Tribes. While there are certain EPA regulations under SDWA that require qualified operators for public water systems, whether located in Indian Country or not (see 40 CFR 141.70(c) and 40 CFR 141.130(c)), this Tribal Drinking Water Operator Certification Program for systems in Indian Country is voluntary. However, this information collection is driven by the grant eligibility requirements originally outlined in the Drinking Water Infrastructure Grant Tribal Set-Aside Program Final Guidelines (published in October 1998) and the Draft Final Tribal Operator Certification Program Guidelines (published in April 2004; 69 CFR 20874).

8) *Constructed Conveyances*

In the 1996 Amendments to the SDWA, Section 1401(4) broadened the definition of "public water system" to include systems that provide water for human consumption and deliver the water via constructed conveyances. Prior to this change, PWSs included only piped water systems. This new definition affects the reporting and recordkeeping burdens for both PWSs and states.

## 9) Proficiency Testing

Title XIV of the Public Health Service Act of SDWA requires EPA to specify contaminants that may adversely affect public health when present in PWSs, specify maximum contaminant levels for these contaminants, and publish “criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels.” Participation in the PT studies that relate to drinking water analyses is mandated in 40 CFR 141.23(k)(3), 141.24(f)(17), 141.28, and 141.131(b)(2) for those laboratories that report data to support PWS compliance with the NPDWRs. Under 40 CFR 142.10(b)(3), authority for certifying drinking water laboratories is provided to States.

In the PT program, private sector companies (i.e., PT vendors) manufacture and distribute samples of regulated contaminants, also called standards, to the participating laboratories. The vendors know the concentrations of the standards but the laboratories do not. The laboratories determine the concentrations of each analyte for which they wish to be certified and then submit their results to the vendors. Assuming the laboratories’ results are accurate, PT vendors certify to the State that the laboratories have successfully completed their PT studies. This certification of PT study completion is then used by the States to support the certification of the laboratories to conduct drinking water compliance analyses. EPA, States, and laboratory personnel will use the results of these studies to identify laboratory problems for resolution, and thereby improve the quality of data used to determine regulatory compliance.

## 2(b) Use/Users of the Data

The information described in the previous sections will be collected by EPA and made available to the public upon request, as required by the Freedom of Information Act (40 CFR, Chapter 1, Part 2). In some cases, the SDWA requires that the information be provided to the public or the primacy agency. Primary users of the data collected under this ICR are OGWDW, PWS managers, and primacy agencies, which include state regulators, Indian Tribes, and, in some instances, EPA Regional Administrators. Other users include—

- Laboratory personnel
- Staff from other EPA programs (such as Superfund, the Resource Conservation and Recovery Act, and the Office of Enforcement and Compliance Assurance)
- Federal Emergency Management Administration
- Centers for Disease Control and Prevention (CDC)
- Military bases
- Farmers Home Administration
- Department of Interior
- Department of Housing and Urban Development
- U.S. Army Corps of Engineers
- White House Task Forces
- American Water Works Association (AWWA)
- Association of Metropolitan Water Agencies (AMWA)
- National Rural Water Association (NRWA)
- National Association of Water Companies (NAWC)
- Association of State Drinking Water Administrators (ASDWA)



- Natural Resources Defense Council
- Consumers Federation of America
- News organizations
- Native American Water Association
- Association of American Indian Affairs
- Inter-tribal Environmental Council
- National Tribal Environmental Council
- Other intertribal groups

### **3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-duplication**

EPA has made an effort to ensure that the data collection efforts associated with this ICR are not duplicated. EPA has consulted State environmental programs, other Federal agencies (such as the CDC), and regulated entities (such as PWSs and their representative trade associations). To the best of EPA's knowledge, data currently required by the SDWA (and its implementing regulations codified at 40 CFR Parts 141 and 142) are not available from any other source.

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

To comply with the 1995 Amendments to the PRA, EPA solicited public comment on this ICR for a 60-day period before it was submitted to OMB. Specifically, EPA published a notice in the Federal Register requesting comment on the estimated respondent burden and other aspects of this ICR (73 FR 32325, see Appendix A). EPA did not receive any comments during the 60-day comment period.

#### **3(c) Consultations**

As part of the revision of the PWSS ICR, in early 2008 EPA consulted with representatives of PWSs and States regarding the accuracy of EPA's burden estimates. The groups consulted were NAWC, NRWA, AWWA, AMWA, and ASDWA. Only ASDWA submitted comments on the programs covered by the PWSS ICR; its comments were primarily on the burden to States associated with general primacy activities. In general, ASDWA felt that the burden estimated for general primacy activities was insufficient; the effort necessary to oversee compliance with the new regulations implemented since the development of the State Workload Model is greater than that included in the model. EPA incorporated ASDWA's comments to the extent possible. Each individual model for the PWSS ICR, shown in the appendices to this document, contains a table showing how burden estimates have been revised.

The paragraphs below describe how affected groups were consulted during the development of the rules and programs addressed in this ICR.

Throughout the development and implementation of the PWSS Program, OGWDW has held numerous meetings with interested stakeholders, including State and EPA Regional personnel and PWS representatives, to identify the value and ease of collecting information needed to fulfill SDWA obligations. As a standard regulatory development practice to promote public involvement, EPA formally solicits public comment on proposed drinking water rules. Before any rule is finalized, EPA logs and evaluates all written comments on proposed rules. Additionally, EPA usually holds public meetings during which any interested party may provide oral testimony for Agency consideration. Such meetings are typically announced in the Federal Register notice accompanying the proposed rule.

In the initial phases of program development, or to confirm assumptions on which rules or guidelines are based, EPA often augments formal meetings with other workshops or meetings to gather information. For example, a National Drinking Water Advisory Council (NDWAC)

working group advised EPA on the development of the Guidance on Implementing the Capacity Development Provisions of the SDWA. The NDWAC Small Systems Working Group consists of 22 members representing small PWSs, environmental and public health advocacy groups, state drinking water programs, public utility commissions, and other interest groups. The group convened on four occasions between February and July 1997 to develop recommendations on how EPA should implement the capacity development provisions. The Small Systems Working Group presented its recommendations to the full NDWAC, which in turn presented these recommendations to EPA. The working group's recommendations on the content and format of the resulting guidance were considered and incorporated by EPA.

As part of the CCR Rule regulatory development process, EPA consulted with NDWAC, which itself received comments from a working group on CCRs. In addition, EPA solicited input regarding the preparation and distribution of CCRs from a variety of sources, including postal offices and mailing list providers.

Burden for General State Primacy activities was estimated using the State Workload Model, which is documented in the Resource Analysis Computer Program for State Drinking Water Agencies, January 1993 (as updated in 2001). This model was designed to estimate the resources needed to fund State drinking water programs. It contains a comprehensive list of activities required to operate a drinking water program, including estimates of the number of systems impacted.

When drafting the 2000 PN Rule, EPA solicited input from a variety of sources regarding the preparation and distribution of public notices. States were involved early in the regulatory development process, through attendance at meetings held in June 1997. Representatives of primacy agencies were included in the PN Rule Working Group that developed the regulatory requirements. Consultations were held with stakeholders, drinking water primacy agencies, ASDWA, and private firms providing information dissemination services.

The Operator Certification Guidelines are the result of a thorough stakeholder consultation process. The State-EPA Workgroup, composed of seven State and ten EPA representatives, was appointed to fulfill EPA's responsibility under Section 1419(a) to publish guidelines on operator certification "in cooperation with States." A second workgroup, the Operator Certification Workgroup of the NDWAC, also called the Partnership, was formed to provide EPA with views in addition to those of states. These two groups met several times and provided their input to the full NDWAC, which in turn provided recommendations to EPA. EPA held public stakeholder meetings in San Francisco, California; Dallas, Texas; and Washington, DC, to brief interested parties on the draft Guidelines and to accept public comments. Ninety-eight parties responded to EPA's request for public comment.

In 1998, EPA Headquarters and Regional Offices formed a workgroup to discuss possible approaches for developing an operator certification program for Indian Country. The State operator certification baseline standards were presented and changes were made to reflect special considerations for a program in Indian Country. These modified baseline standards were presented at the 1998 Annual Native American Water Association (NAWA) Conference, and comments were solicited. Most of the comments received at the meeting were positive. The consensus was that such a program would be useful in Indian Country.

EPA continued with several additional internal reviews and presented the draft program guidelines at the OGWDW Tribal Consultation meeting in February 1999. To solicit additional comments, EPA presented the draft program guidelines at other Tribal meetings such as the 1999 Annual National Tribal Environmental Council (NTEC) Conference. In addition, EPA sought the recommendations of other federal agencies. Copies of the draft guidelines were sent for comment to stakeholders and federally recognized Tribes whose drinking water programs are regulated by EPA. All comments received were considered as the final guidelines were being developed.

During the development of the stand-alone PT ICR, EPA contacted all nine of the PT providers concerning the cost per analyte for laboratories participating in their PT studies. Of the three vendors that responded, the costs ranged from \$10.00 to \$22.38, with an average of \$15.46. EPA used an estimate of \$15.00 for the cost estimates. While EPA did not specifically request information from laboratories concerning the costs per analysis used in this burden effort, EPA is involved in a sufficient number of contracts and other interactions with laboratories to have reliable estimates for these routine analysis costs.

Since the regulations and programs covered by this ICR are not new, the typical consultations, workshops, and meetings held for proposed rules were not held immediately prior to the development of this document.

### **3(d) Effects of Less Frequent Collection**

EPA has considered a wide range of alternatives for frequency of data collection. The CCR Rule and Capacity Development Program require annual reporting. Distributing CCRs less frequently than annually is not allowed under the SDWA. Annual reporting of capacity development information is essential to enable EPA to make withholding determinations on each fiscal year's funds.

Laboratories producing drinking water compliance monitoring data are expected to demonstrate adequate analytical proficiency once each year for each analyte they test. Any decrease in frequency would not adequately support the State's laboratory certification/evaluation programs.

For other information collection activities, EPA has chosen to require the least frequent collection that remains consistent with overall public health preservation objectives. If data are collected less frequently, the primacy agencies may not identify in a timely fashion violations that might threaten the health and safety of drinking water consumers.

### **3(e) General Guidelines**

This ICR was prepared in accordance with the November 2005 version of ICR Handbook prepared by EPA's Office of Environmental Information, Office of Information Collection, Collection Strategies Division. The ICR Handbook provides the most current instructions for ICR preparation to ensure compliance with the 1995 PRA amendments and OMB's implementing guidelines.

**3(f) Confidentiality**

No confidential information will be collected as a result of this ICR.

**3(g) Sensitive Questions**

No information of a sensitive nature will be collected as a result of this ICR.

## **4 RESPONDENTS AND INFORMATION REQUESTED**

### **4(a) Respondents/NAICS Codes**

Data associated with this ICR are collected and maintained at the PWS, State, and Federal levels. Respondents include—

- Owners/operators of PWSs, who must report to the primacy agency.
- Primacy agencies, which include States, Tribes (if they have been authorized to act as primacy agencies), and EPA Regions that act as primacy agencies in Indian lands and States that do not have primacy.
- Laboratories conducting PT to achieve state certification, which permits them to analyze samples for compliance with NPDWRs. (PT vendors are not considered respondents because they are paid for their incurred burden and costs via the prices that laboratories pay for the PT standards).

The North American Industry Classification System (NAICS) code for PWSs is 22131. The NAICS code for state agencies that include drinking water programs is 92411 (Administration of Air and Water Resources and Solid Waste Management Programs) or 923312 (Administration of Public Health Programs). Ancillary systems (i.e., those that supplement the function of other establishments like factories, power plants, mobile home parks, etc.) cannot be categorized in a single NAICS code. For ancillary systems, the NAICS code is that of the primary establishment or industry. The code for laboratories that include environmental testing is 541380 (Testing Laboratories).

Data associated with this ICR are collected and maintained by laboratories seeking Primacy Agency certification for the analysis of drinking water samples.

### **4(b) Information Requested**

#### **4(b)(i) Data Items**

Respondent information collection requirements covered by the PWSS Program ICR are summarized in Exhibits 2-4 below. These reflect cross-cutting recordkeeping and reporting requirements under the PWSS Program (i.e., requirements that are not associated with contaminant-specific rules). The requirements are discussed following Exhibits 2-4.

## Exhibit 2 PWS Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Frequency/Retention
<b>CCRs</b>		
Mail copies of CCR to customers.	40 CFR 141.155(a)	Annually, unless waived per §141.155(g)
Announce availability of CCR.	40 CFR 141.155(b)	Annually
Submit copy of CCR to primacy agency.	40 CFR 141.155(c)	Annually
Submit copy of CCR to agencies or clearinghouses identified by the primacy agency.	40 CFR 141.155(d)	Annually, as required
Make current year's CCR available to public.	40 CFR 141.155(e)	As requested
Post current year's CCR on the Internet (for systems serving $\geq 100,000$ people).	40 CFR 141.155(f)	Annually
Publish CCR in local newspaper, if the mailing requirement has been waived.	40 CFR 141.155(g)(1)	Annually, except that systems serving $\leq 500$ can forego per §141.155(g)(2)
Retain copy of CCR.	40 CFR 141.155(h)	For at least 3 years
<b>VARIANCES AND EXEMPTIONS</b>		
Retain records concerning variance or exemption grants.	40 CFR 141.33	Not less than 5 years after variance/exemption expiration
Submit information supporting request for variance.	40 CFR 142.41	One-time, PWS discretion
Submit information supporting request for exemption.	40 CFR 142.51	One-time, PWS discretion
Submit information supporting request for small system variance.	40 CFR 142.306	One-time, PWS discretion
Report on compliance with terms and conditions of the small system variance.	40 CFR 142.307	Quarterly after granting
<b>CAPACITY DEVELOPMENT</b>		
Demonstrate capacity (new CWSs & NTNCWSs).	N/A	One-time
Cooperate with state to demonstrate continued capacity.	N/A	As needed
<b>GENERAL STATE PRIMACY ACTIVITIES</b>		
PWSs are not involved in general state primacy activities.		
<b>PUBLIC NOTIFICATION RULE</b>		
Notify persons served within 24 hours of learning of a violation which requires Tier 1 public notification.	40 CFR 141.202(b)(1)	As necessary, within 24 hours
Consult with the primacy agency within 24 hours of learning of a violation or other situation that requires Tier 1 public notification.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Comply with any additional notification requirements for Tier 1.	40 CFR 141.202(b)(3)	As necessary

<b>Requirement</b>	<b>Regulatory Citation</b>	<b>Frequency/Retention</b>
Notify persons served within 30 days of a violation that requires Tier 2 public notification.	40 CFR 141.203(b)(1)	As necessary, within 30 days
Provide repeat notices for unresolved violations every three months, unless the primacy agency determines a different frequency.	40 CFR 141.203(b)(2)	As necessary, every 3 months
Consult with the primacy agency if a violation of the turbidity MCL or SWTR/IESWTR treatment technique requirements for single exceedances of turbidity limits occurs.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
Notify persons served within one year of learning of a violation or situation that requires Tier 3 notification.	40 CFR 141.204(b)(1)	As necessary, within 1 year
Provide repeat notices annually for unresolved Tier 3 violations/situations.	40 CFR 141.204(b)(1)	As necessary, annually
Notify new customers of ongoing violations/situations prior to or at the time service begins.	40 CFR 141.206	As necessary
Notify persons served of the availability of the results of unregulated contaminant monitoring.	40 CFR 141.207	As necessary, within 12 months of receiving results
Provide special notice to persons served for an exceedance of the fluoride secondary MCL (SMCL).	40 CFR 141.208	As necessary, within 12 months of exceedance
Provide repeat notice of a fluoride SMCL exceedance, if unresolved.	40 CFR 141.208	As necessary, annually
Notify persons served by noncommunity water systems (NCWSs) if the primacy agency grants permission to exceed the nitrate MCL.	40 CFR 141.209	As necessary, within 24 hours
Submit to the state a copy of each notice provided (Tiers 1, 2, and 3 and any repeat notices) and a certification that all PN requirements were met.	40 CFR 141.31(d) and 141.201(c)(3)	As necessary, within 10 days after completing notification requirements
Retain copies of all notices and certifications.	40 CFR 141.33(e)	3 years
<b>OPERATOR CERTIFICATION &amp; EXPENSE REIMBURSEMENT GRANTS PROGRAM</b>		
Acquire certified operator(s) per state requirements.	N/A	As necessary
Maintain and renew operator certification(s).	N/A	As necessary
<b>TRIBAL OPERATOR CERTIFICATION PROGRAM</b>		
Acquire certified tribal water system operator(s) per EPA guidelines.	N/A	As necessary
Apply for "grandparent" certificate.	N/A	One time, if eligible



<b>Requirement</b>	<b>Regulatory Citation</b>	<b>Frequency/Retention</b>
<b>CONSTRUCTED CONVEYANCES</b>		
Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.	SDWA 1401(4)(B)(i)	On-going
Apply for Other Residential Uses Exclusion.		One time, if eligible
Apply for Alternative Water Exclusion.		One time, if eligible
Apply for Treatment Exclusion.		One time, if eligible
Apply for Certain Piped Irrigation Districts Exclusion	SDWA 1401(4)(B)(ii)	One time, if eligible
<b>PROFICIENCY TESTING</b>		
PWSs are not involved in proficiency testing		

Note: Content requirements for public notices are described in 40 CFR 141.205, 141.207, and 141.208.

### Exhibit 3 Primacy Agency Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<b>CCRs</b>		
Make CCRs available to public.	40 CFR 142.16(f)(2)	As requested
Retain copies of CCRs and certifications that CCRs were distributed.	40 CFR 142.16(f)(3)	CCRs: 5 years Certifications: 1 year
Report violations of CCR provisions.	40 CFR 142.16(f)(4)	Quarterly
<b>VARIANCES AND EXEMPTIONS</b>		
Issue variances and exemptions (for other than small system variances).	40 CFR 142.20	At primacy agency discretion
Consider system variance and exemption requests (for other than small system variances).	40 CFR 142.21	Within 90 days of request
Review variance and exemption requests previously granted.	40 CFR 142.22	Within 18 months of new standards
Notify EPA of new variances or exemptions granted.	40 CFR 142.15(a)(3)	Quarterly
Summarize the status of variances or exemptions currently in effect.	40 CFR 142.15(b)(2)	Annually
Propose small system variances and provide supporting information and responses to comments.	40 CFR 142.311 & 142.312	When State proposes to grant a small system variance
Following notification of EPA's objections and proposed modifications to proposed small system variances, respond to EPA.	40 CFR 142.311	Before State grants a small community variance to a PWS serving 3,300 or fewer people
Re-propose small system variances.	40 CFR 142.312	Before State grants a small community variance to a PWS serving more than 3,300 and fewer than 10,000 people
Review each small system variance to determine if the PWS continues to meet eligibility criteria.	40 CFR 142.307	Not less than 5 years
Notice of public meeting on proposed small system variances, with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
<b>CAPACITY DEVELOPMENT</b>		
Submit evidence to EPA that State has established and continues to implement a Capacity Development Program.	N/A	Annually
Submit report to Governor on the status of the Capacity Development Program.	N/A	Every three years

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
Submit list of systems that are historical significant non-compliers and, to the extent practicable, the reason(s) for noncompliance.	N/A	Every three years
<b>GENERAL STATE PRIMACY ACTIVITIES</b>		
Retain State records for public inspection.	40 CFR 142.14	Varies
Retain quarterly SDWIS reports to EPA, make them available for public inspection.	40 CFR 142.15(d)	Upon completion and submittal by state
Report any new violation data or enforcement actions.	40 CFR 142.15(a)(1)-(2)	Quarterly
Report any new data related to SDWIS elements or any revisions to existing data.	40 CFR 142.15(b)(1)	Annually
Submit information required for review of State programs, including review of monitoring determinations.	40 CFR 142.17-142.18	Annually, as requested
Request primacy treatment for a state or tribal primacy (for Indian tribes).	40 CFR 142.76	One-time
Submit initial application for primacy.	40 CFR 142.11	One-time
Submit statutory and regulatory provisions authorizing administrative penalties or demonstrate that authority does not exist.	40 CFR 142.11(a)(6)	One-time
Submit revised primacy application.	40 CFR 142.12	As needed
<b>PUBLIC NOTIFICATION</b>		
Primacy agencies may exercise flexibility in the following areas as long as they establish enforceable procedures:		
Requiring PWSs to notify persons served for violations or situations other than those requiring notice under the PN rule.	40 CFR 142.16(a)	If necessary
Allowing PWSs to limit distribution of a notice to the portion of the distribution system that is out of compliance.	40 CFR 142.16(a)	If necessary
Elevating violations/situations from Tiers 2 or 3 to Tier 1.	40 CFR 142.16(a)	If necessary
Requiring additional notification for Tier 1 as a result of the 24-hour consultation.	40 CFR 142.16(a)	If necessary
Requiring or permitting a different form of delivery than is required in the PN rule for Tiers 1, 2, or 3.	40 CFR 142.16(a)	If necessary
Elevating monitoring/testing procedure violations from Tier 3 to Tier 2.	40 CFR 142.16(a)	If necessary

<b>Requirement</b>	<b>Regulatory Citation</b>	<b>Report Frequency/Minimum Retention</b>
Granting extensions for distribution of Tier 2 notices.	40 CFR 0142.16(a)	If necessary
Allowing less frequent repeat notification for Tier 2.	40 CFR 0142.16(a)	If necessary
Consulting with PWS within 24 hours for exceedance of turbidity limits.	40 CFR 0142.16(a)	If necessary
Determining the need for multilingual content in a notice.	40 CFR 0142.16(a)	If necessary
Consult with PWSs within 24 hours for Tier 1 violations/situations.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Consult with PWSs within 24 hours for exceedances of turbidity MCL or violations of turbidity single exceedance limits.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
May give the required public notice on behalf of the PWS.	40 CFR 141.210	If necessary
Report violations of the PN Rule to EPA.	40 CFR 142.15(a)(1)	Quarterly
Retain copies of certification and notices submitted by PWSs. Also keep records of determinations of alternative requirements made under 40 CFR 142.16.	40 CFR 142.14(f)	3 years
<b>OPERATOR CERTIFICATION &amp; EXPENSE REIMBURSEMENT GRANTS PROGRAM</b>		
Submit a report to EPA describing ongoing implementation activities of the state's operator certification program.	N/A	Annually
Submit to EPA a new Attorney General (AG) certification and a copy of the state's regulations (if the state makes changes to its operator certification program)	N/A	As necessary
Submit to EPA a report describing ongoing implementation activities of the state's Expense Reimbursement Grant	N/A	Annually, as necessary
<b>TRIBAL OPERATOR CERTIFICATION PROGRAM</b>		
Primacy agencies are not affected by the Tribal Operator Certification Program		
<b>CONSTRUCTED CONVEYANCES</b>		
Review data to determine if a constructed conveyance should be considered a PWS.	SDWA 1401(4)	As necessary
Review applications and make determinations about Other Residential Uses Exclusions.	SDWA 1401(4)(B)(i)	As necessary
Review applications and make determinations about Alternative Water Exclusions.		

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
Review applications and make determinations about Treatment Exclusions.	SDWA 1401(4)(B)(i)	As necessary
Review applications and make determinations about Certain Piped Irrigation Districts Exclusions.	SDWA 1401(B)(ii)	As necessary
<b>PROFICIENCY TESTING</b>		
States are not involved in the proficiency testing program (they are involved in certification, which is addressed under general state primacy activities)		

#### Exhibit 4 Laboratories Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<b>PROFICIENCY TESTING</b>		
Analyze standards	40 CFR 141.23(k), 141.24(f)(17), 141.132(b)(2)	Annually
Report results to PT vendor	N/A	Annually
Maintain records	N/A	Not specified

##### 1) *Consumer Confidence Reports*

CCRs must identify the source of the water delivered by the CWS, describe whether it is ground water or surface water, and provide the common name and location of bodies of water used as sources. Reports also must define the terms “Maximum Contaminant Level (MCL),” “Maximum Contaminant Level Goal (MCLG),” “Maximum Residual Disinfectant Level (MRDL),” “Maximum Residual Disinfectant Level Goal (MRDLG),” “variance,” and “exemption.” Reports must contain a table providing data on contaminant levels detected as well as the MCLG and MCL for these contaminants. If contaminants are detected above the MCL or MRDL, health effects information must also be provided. Reports must indicate any violations of the NPDWRs, including monitoring and reporting, treatment techniques, public notification, recordkeeping, special monitoring requirements, and the terms of a variance, exemption, or administrative or judicial order. Reports must explain any granted variance or exemption. Reports must contain a brief explanation regarding contaminants that may be found in drinking water. Reports must also display relevant health information concerning drinking water and potential risks from possible contaminants.

##### 2) *Variance & Exemption Rule*

To obtain a variance or exemption, systems must submit a request for the variance or exemption that contains supporting information. Systems that are granted a variance or exemption must also provide public notice within one year after operating under the variance or exemption. They must also maintain records associated with the granting of the variance or exemption. States must review the information contained in variance/exemption applications.

3) *Capacity Development Program*

Under SDWA §1420, states are required to submit the following information to EPA—

- An annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c)). A triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report). A triennial list of systems that are historical significant non-compliers and, to the extent practicable, the reason(s) for noncompliance.

Systems must document their financial, technical, and managerial capacity, as required by the state.

4) *General State Primacy Activities*

Section 142.14(a) stipulates, "Each state which has primary enforcement responsibility shall maintain records of tests, measurements, analyses, decisions, and determinations performed on each public water system to determine compliance with applicable provisions of state primary drinking water regulations." Further, Section 141.14(g) states, "Records required to be kept under this section shall be made available to the Regional Administrator upon request." Under 142.17, EPA may request information from a State in order to determine compliance of the State with requirements of 40 CFR 142 Subpart B. Information requested may include State determinations made under Section 142.19 and records kept by States in accordance with Section 142.14.

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring information in SDWIS. Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results).

Systems are not required to submit any data under this program.

5) *Public Notification*

Under the public notification regulations, systems must notify all system users of any violation of drinking water regulations. The methods and deadlines for notification are based on a three-tier system. Tier 1 violations, which require 24-hour notice, are those that risk serious health effects from short term exposure. Tier 2 violations, which require 30-day notice, are any violations that pose a health risk that are not Tier 1 violations. Tier 3 violations and situations are any not covered under the first two tiers; they include monitoring violations, exceeding the fluoride secondary standard, operating under a variance or exemption, and announcing the availability of unregulated contaminant monitoring results. Tier 3 public notification must take place within a year of the violation and may be included in the system's CCR. Systems must consult with primacy agencies within 24 hours of a turbidity violation to determine if the violation is Tier 1 or Tier 2. Primacy agencies must consult with any systems with Tier 1 violations within 24 hours of the violation. They may also decide to elevate certain Tier 2 or Tier 3 violations. Primacy agencies must report all violations to EPA and keep records for three years after the violation.

6) *Operator Certification and Expense Reimbursement Grants Program*

To satisfy §1419 of SDWA (regarding EPA’s Operator Certification Guidelines), states are required to submit the following information to EPA—

- An annual report that describes ongoing implementation activities of a state’s operator certification program. A new Attorney General certification and a copy of the state’s regulations if a state makes changes to its operator certification program. An annual report that describes ongoing implementation activities of a state’s Expense Reimbursement Grant.

Systems must document that they have certified operators, and their operators must maintain certification as required by the state program.

7) *Tribal Operator Certification Program*

Although this program is voluntary, previously established Drinking Water Infrastructure Grant Tribal Set Aside (DWIG TSA) Final Guidelines (October 1998) state that after EPA has developed a Tribal Drinking Water Operator Certification Program for operators of systems in Indian Country, “any system to be assisted with TSA funds must be operated by an adequately trained and certified operator” in order for a tribe to receive a grant for that system.

The program guidelines establish seven baseline standards for the program and list the certification program requirements that must be met for organizations that certify operators of drinking water systems in Indian Country to receive approval from EPA.

Any current certification provider or organization interested in establishing an operator certification program in Indian Country may submit programs to EPA for review and approval. EPA will be responsible for implementing this voluntary Tribal Drinking Water Operator Certification Program in Indian Country and for tracking the number of water systems with certified operators. Certification providers will be responsible for tracking training taken and operator status and for reporting this information to EPA.

Systems must obtain and renew certifications as required by the EPA guidelines.

8) *Constructed Conveyances*

In order to comply with the 1996 SDWA Amendments, systems and states must work together to determine if the system meets the new definition of “public water system.” In addition, Section 1401(4)(B) of the 1996 SDWA Amendments provides several exemption options. If a system is eligible for one of these exemptions, the system must submit an application to the state. The state must then review the exemption applications and make determinations.

9) *Proficiency Testing*

In all laboratory PT studies, laboratories submit the results of analyses for all contaminants for which they wish to be certified to conduct drinking water analyses.

**4(b)(ii) Respondent Activities**

PWSs and primacy agencies must complete the activities described in the sections below.

**Public Water Systems**

1) *Consumer Confidence Reports*

For CCRs, CWSs must conduct the following activities—

- Compile the report.
- Mail one report to each customer.
- For consumers who do not receive water bills, publish a notice in the newspaper indicating how a consumer may obtain a copy of a CCR.
- Submit one copy of the completed report to the primacy agency annually and retain one copy of the report.
- Submit copy of CCR to agencies or clearinghouses identified by the primacy agency.
- Certify to the primacy agency that the report has been distributed to customers and that the information is correct.
- Publish the report in a local newspaper rather than mail it, if the State Governor allows CWSs serving 10,000 or fewer people to do so.
- Post an annual notice for customers rather than publishing or mailing a report, if the State Governor allows CWSs serving fewer than 500 people to do so.
- Post the report to a publicly accessible Internet site, for CWSs serving 100,000 or more people.

2) *Variance & Exemption Rule*

A PWS that elects to apply for a variance or exemption must either perform the following activities or assist the state in performing these activities—

- Apply for the variance or exemption and submit any information that the state requires. For small system variances, a system must demonstrate that it cannot afford to comply with the NPDWR for which the small system variance is sought, that its source water meets the quality standards for installation of the small system variance technology, that it is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology, and that the terms and conditions of the small system variance would ensure adequate protection of human health.
- Work with the state to hold a public hearing on the proposed variance or exemption and provide public notice within one year after operating under the variance or exemption.
- Write and submit a quarterly report on compliance with the terms and conditions of the small system variance.
- Retain records associated with the variance or exemption.



3) *Capacity Development Program*

Under the Capacity Development Program for new systems, all CWSs and NTNCWSs must demonstrate adequate capacity and comply with all state capacity development requirements. All PWS are asked to cooperate with the state's strategy for existing systems. This includes achieving, maintaining, and improving capacity.

4) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

5) *Public Notification*

To comply with the PN regulations, PWSs must complete the following activities—

- Prepare the notice (§§141.201, 141.205, 141.206, 141.207, and 141.208).
- Distribute the notice to all persons served within the applicable time frame (§§141.202,141.203, and 141.204).
- If the violation or situation requires public notification within 24 hours, consult with primacy agency within the 24-hour period to determine subsequent actions (§141.202(b)(2)). Consultation is also required for exceedances of the maximum allowable turbidity level (§141.203(b)(3)).
- If a violation is unresolved, prepare an updated notice for repeat distribution (§§141.205, 141.206, 141.207, and 141.208).
- Distribute the updated notice (§§141.202,141.203, and 141.204).
- Take any additional actions required by the primacy agency (§§141.201 and 141.202).
- Submit certification to the primacy agency along with copies of all public notifications that were distributed.
- Retain records of all notices and certifications.

6) *Operator Certification and Expense Reimbursement Grants Program*

Systems are required to comply with the state requirements for operator certification. Systems must—

- Acquire certified operator(s) holding a valid certification equal to or greater than the classification of the system.
- Maintain/renew certification(s) as needed.

7) *Tribal Operator Certification Program*

For the voluntary Tribal Operator Certification Program, tribal water systems are expected to have a certified operator available. To become certified, a tribal water system operator must pass an exam and have the appropriate education and/or experience. EPA subsidizes the training and certification of operators in Indian Country.

A tribal water system whose existing operator cannot meet all of the certification requirements but has demonstrated the ability to operate that system may apply to the appropriate

EPA Regional office to receive a “grandparent” certificate. Such a certificate allows the existing operator to continue operating the current system only.

8) *Constructed Conveyances*

In order to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments, PWSs may complete the following activities—

- Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.
- Apply for an Other Residential Uses Exclusion.
- Apply for an Alternative Water Exclusion.
- Apply for a Treatment Exclusion.
- Apply for a Certain Piped Irrigation Districts Exclusion

**Primacy Agencies**

1) *Consumer Confidence Reports*

As part of the CCR Rule, primacy agencies must—

- Review and retain reports and certifications from CWSs.
- Assist in preparation of reports.
- Report compliance to EPA.

2) *Variance & Exemption Rule*

In addition to helping PWSs meet application requirements, states must—

- Provide EPA with the proposed small system variance, supporting information, and responses to public comments.
- Respond to EPA’s objections to a proposed small system variance for a PWS serving 3,300 or fewer persons, if the state chooses to pursue the variance.
- Revise a proposed small systems variance as necessary to reflect EPA’s comments on variance requests for systems that serve more than 3,300 people and fewer than 10,000 people, if the state chooses to pursue the variance.
- Submit a quarterly report on violations of increments of progress or any other violated term or condition of a small system variance.
- Conduct a public meeting on a small system variance request, provide notice of the public meeting, and provide supporting information to the public.
- Respond to significant public comments on the proposed variance request.
- Retain records associated with a granted variance or exemption not less than five years after its expiration.

3) *Capacity Development Program*

States must—

- Submit an annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c)).
- Submit a triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report).
- Submit a triennial list of systems that are historical significant non-compliers. To the extent possible, include the reason(s) for noncompliance.

4) *General State Primacy Activities*

As part of their general primacy activities, primacy agencies must—

- Prepare grant packages requesting funding to operate the program in a state.
- Maintain state drinking water data systems.
- Review monthly violations reports to monitor compliance.
- Maintain records submitted by PWSs regarding results of analytical tests and other milestones, such as treatment decisions.
- Take timely and appropriate enforcement actions.
- Review PWS projects regarding design, construction, and treatment modifications.
- Conduct routine inspections to supplement information collected during sanitary surveys.
- Certify laboratories to analyze drinking water samples for compliance with drinking water regulations.

This ICR assumes that no applications for primacy will be submitted during the next three years. However, since a new primacy application is a possibility, the following discussion of possible implications is provided. To obtain primacy, the applicant must—

- Adopt drinking water regulations that are no less stringent than the NPDWRs currently in effect. An agency may also be granted primacy for new or revised EPA regulations if they demonstrate that their approved program has been updated to include regulations no less stringent than those new or revised EPA regulations.
- Adopt adequate procedures for enforcement of these regulations.
- Report these procedures according to EPA's requirements.
- Permit variances and exemptions under conditions no less stringent than those specified by the regulations.
- Adopt and implement an adequate plan for providing safe drinking water under emergency circumstances.

The regulations allow Indian tribes to be granted primacy, although no primacy applications are expected from tribes during the next three years. In order for an Indian tribe to receive primacy, they must first apply for and receive designation as a "state." The tribe may

then apply for a developmental grant to assist it in preparing the necessary infrastructure (e.g., regulations). Once the regulations are in place, the tribe may apply for primacy.

Under the Indian Primacy Rule promulgated September 26, 1988, an Indian tribe that wishes to apply for and be designated as a “state” must—

- Submit evidence that the tribe is recognized by the Secretary of the Interior.
- Certify that it is currently “carrying out substantial governmental duties and powers” over a defined area. The statement must describe the governmental functions currently performed by the tribal governing body, including, but not limited to, the exercise of police power, taxation, and the exercise of the power of eminent domain. Copies of applicable tribal documents must also be provided.
- Prepare and submit a map or legal description of the area over which the Indian tribe asserts jurisdiction for the purposes of the proposed program.
- Provide copies of applicable tribal codes, ordinances, etc.
- Describe the Indian tribe’s capability to administer such a program.

5) *Public Notification*

The PN Rule requires primacy agencies to consult with the violating PWS to determine appropriate follow up actions. Additionally, the primacy agencies must receive and review PN certifications submitted by PWSs. Primacy agencies must submit quarterly reports of PN Rule violations to EPA.

Primacy agencies may give notice on behalf of a PWS (40 CFR141.210). However, no data is available for estimating how often this occurs. For the purposes of this ICR, the burden for preparing and distributing public notification is assumed to be incurred by the PWS.

6) *Operator Certification and Expense Reimbursement Grants Program*

A state complying with the program must—

- Submit an annual report that describes ongoing implementation activities of a state’s operator certification program.
- Submit a new attorney general certification and a copy of the state’s regulations if a state makes changes to its operator certification program.
- Submit an annual report that describes ongoing implementation activities associated with the state’s expense reimbursement grant.

7) *Tribal Operator Certification Program*

States are not affected by the Tribal Operator Certification Program.

8) *Constructed Conveyances*

To comply with the broadened definition of “public water system” introduced by the 1996 SDWA Amendments, states may complete the following activities—

- Review data to determine if a constructed conveyance should be considered a PWS.
- Review applications for Other Residential Uses Exclusions and make determinations about the exemption applications.
- Review applications for Alternative Water Exclusions and make determinations about the exemption applications.
- Review applications for Treatment Exclusions and make determinations about the exemption applications.
- Review applications for Certain Piped Irrigation Districts Exclusions and make determinations about the exemption applications.

**Laboratories**

*Proficiency Testing*

The primary burden involves analyzing and reporting results for relevant study samples according to instructions. Samples may be analyzed for inorganics, disinfection byproducts and/or organic chemicals. Respondents will participate in the following activities—

- Read instructions
- Plan activities
- Analyze inorganic chemicals
- Analyze DBPs
- Analyze organic chemicals
- Report results to the proficiency testing vendor
- Maintain records

Laboratories are not subject to any of the other collections covered in this ICR.

## **5 INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

As part of its supervisory responsibility for the PWSS Program, EPA maintains SDWIS and evaluates the data in SDWIS to determine system compliance. Agency personnel also reformat, distribute, and store these data for a number of uses, including responding to Congressional and public inquiries. EPA also oversees the state and EPA Regional programs, provides technical assistance, and develops policies designed to ensure consistent program implementation. EPA officials serve as respondents when testifying to Congress on the PWSS Program or in the courts for enforcement actions. EPA's recordkeeping requirements are outlined in Exhibit 5 below.

### **Exhibit 5 PWSS Program Requirements for EPA Regions and Headquarters**

<b>Requirement</b>	<b>CFR Citation</b>	<b>Report Frequency/Minimum Retention</b>
Review initial and revised applications for primacy.	40 CFR 142.11-142.12	As needed
Inform primacy agency of PWS noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under SDWA Sections 1415 and 1416.	40 CFR 142.30, 142.15	Quarterly
Review existing State primacy programs.	40 CFR 142.17	Annually
Review State monitoring determinations.	40 CFR 142.18	As needed
Review State implementation of Lead and Copper Rule.	40 CFR 142.19	As needed
Inform primacy agency of substantial abuse of discretion in granting variances and exemptions.	40 CFR 142.23	As needed
Provide notice of public hearing for states abusing right to grant variances and exemptions.	40 CFR 142.23	As needed
Notify primacy agencies of failure to prescribe schedules in accordance with SDWA.	40 CFR 142.23	As needed
Notify primacy agencies of repeal of notice or promulgation of any revisions to schedules or revocation of schedules proposed in notice.	40 CFR 142.23	Within 180 days of first notice given to the state; revised schedule or revocation takes effect 90 days after state is notified.
Notify primacy agencies of objection and proposed modifications to small system variances proposed by states for PWSs serving 3,300 or fewer people.	40 CFR 142.311	Within 90 days of receiving proposal
Notify primacy agencies of deficiencies in state program for granting small system variances.	40 CFR 142.313	As needed
Notify PWSs of noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under SDWA Sections 1415 and 1416.	40 CFR 142.30, 142.15	Quarterly
Provide PWSs with copies of Federal Register notice about PWS failure to comply.	40 CFR 142.23	Within 30 days of notice
Notify PWSs of denial or grant of variance (for PWSs in non-primacy states).	40 CFR 142.42	Within 90 days of request
Notify PWSs of denial or grant of exemption (for PWSs in non-primacy states).	40 CFR 142.52	Within 90 days of request
Notify PWSs of denial or grant of small system variance (for PWSs in non-primacy states).	40 CFR 142.311, 142.312	Within 90 days of request
Provide notice to PWSs in non-primacy states that are no longer	40 CFR 142.307	As needed

Requirement	CFR Citation	Report Frequency/Minimum Retention
eligible for small system variances.		
Provide public notice of public meeting on proposed small system variances (in non-primacy states), with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
Respond to significant public comments.	40 CFR 142.308	Before proposal
Notify public of proposed small system variance (in non-primacy states), with supporting information.	40 CFR 142.309	No later than 15 days after receiving small system variance proposal.
Make DWSRF grant withholding decisions with regard to States' Capacity Development Programs.	SDWA Section 1420(a), (c) 35 CFR 35.3515(b)ii	Annually
Make DWSRF grant withholding decisions with regards to States' Operator Certification Programs.	SDWA Section 1419(b)	Annually
Provide state and PWS assistance and training with regard to recordkeeping and reporting requirements covered in this ICR	N/A	As needed
Maintain SDWIS.	N/A	As needed
Review data in SDWIS.	N/A	Quarterly

### 5(b) Collection Methodology and Management

Primacy agencies must report data quarterly to EPA. These data include any new data and revisions or corrections to existing data. This information is maintained in SDWIS, which contains the following—

- Inventory data for each PWS
- Violations
- Enforcement actions and some follow-up activity
- Variances and exemptions

Primacy agencies transmit SDWIS data to EPA both manually and electronically. In Wyoming and Indian Lands (except for the Navajo Nation, which has primacy), results of system samples are sent directly to the EPA Region. Virtually all SDWIS data are reported electronically by the primacy agency.

Each quarter, EPA Regions must provide Headquarters with information on the status of systems in significant noncompliance (SNC). Headquarters then generates a list of SNCs and transmits it to the EPA Regions, which in turn send it to the states. Using this report, states report the current status of the SNCs to the EPA Regions, which in turn report back to Headquarters. This information is provided to the Office of Enforcement and Compliance Assurance, as part of the Reporting for Enforcement and Compliance Assurance Priorities.



These data provide senior management with information on trends in drinking water enforcement.

EPA Regions also undertake extensive data verification of SDWIS inventory, violation, and enforcement data. The methodology for data verification includes review of a statistically valid random sample of PWS inventory, violation, enforcement, milestone, and sample data. EPA Regional staff conduct an on-site verification of each sample system's data at the offices of the primacy agency. Then the EPA Regions compare the recorded compliance determined by the data verification process with the information reported to SDWIS and prepare reports summarizing the differences. The report summarizes the state's compliance determination procedures, data verification process, observations, and any recommendations for improving program management.

The primary purposes of the data verification program are to assess the accuracy and quality of data collected and reported by the states and to recommend any necessary changes in collection or reporting. In addition, the process of verification provides insights into the primacy agency's program implementation. During data verification, the EPA Regional Office is able to gain greater understanding of how the primacy agencies interpret and implement regulations. For example, EPA Regional Offices can perform the following activities—

- Evaluate procedures used to manage the program.
- Critique implementation methods used for follow-up activity, in cases of violation.
- Verify the flow of information through the state to ensure that the data reflect actual state experience.
- Observe how the program is implemented in various primacy agencies.

The data verification process also enables EPA Regional Offices to educate states about the SDWA regulations and to standardize interpretations and implementation procedures. For example, a state's definition of compliance with the Federal regulations may differ from the official definition. These discrepancies become evident during the data verification process and can be corrected by EPA Regional and state staff. Thus, the data verification process plays a crucial role in standardizing state implementation and enforcement of the SDWA.

### 5(c) Small Entity Flexibility

In developing this ICR, EPA considered the requirement of the Small Business Regulatory Enforcement Fairness Act (SBREFA) to minimize the burden of information collections on small entities. Small entities include “small businesses,” “small organizations” and “small government jurisdictions.” These terms are defined below.<sup>5</sup>

- A **small business** is any business that is independently owned and operated and not dominant in its field as defined by the Small Business Administration regulations under Section 3 of the Small Business Act.
- A **small organization** is any non-profit enterprise that is independently owned and operated and not dominant in its field.

<sup>5</sup> These definitions were taken from Section 601 of the Regulatory Flexibility Act.  
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- A **small governmental** jurisdiction is the government of a city, county, town, township, village, school district or special district that has a population of fewer than 50,000. This definition may also include Indian Tribes.

The major requirement under SBREFA is a regulatory flexibility analysis of all rules that have a “significant economic impact on a substantial number of small entities.” This ICR is not associated with new rules. Therefore, this ICR is not subject to the SBREFA.

However, EPA has made significant efforts to minimize the burden for all respondents, particularly for small entities. In setting both maximum contaminant levels and monitoring requirements, EPA has been able to minimize burden for small entities as detailed below.

#### 1) *Consumer Confidence Reports*

EPA’s regulations allow systems serving fewer than 10,000 people to publish a newspaper notice in lieu of sending reports to customers. Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request. In addition, only very large systems (those serving more than 100,000 people) must provide CCR information on the Internet.

#### 2) *Variance & Exemption Rule*

The V/E Rule includes procedures and conditions under which the primacy agency (or the EPA Administrator in non-primacy states) may issue variances or exemptions to public water systems. The V/E Rule is intended to provide regulatory relief, while still protecting public health. Specifically, it permits primacy agencies to issue variances to PWSs that cannot comply with the national primary drinking water standards due to source water quality or affordability. These variances generally allow a system to provide drinking water that may be above the MCL if the drinking water quality is still protective of public health. Duration of small system variances generally coincides with the life of the technology. Exemptions are intended to allow a small system with compelling circumstances additional time to comply with applicable SDWA requirements. An exemption is generally limited to three years after the initial compliance date stated in the regulations.

#### 3) *Capacity Development Program*

EPA’s guidelines provide states with maximum flexibility in developing and implementing the capacity development program. As mentioned above, EPA published a document entitled, Small System Regulatory Requirements Under the Safe Drinking Water Act Amendments of 1996, which, among other things, explains the requirements of the Capacity Development Program. In addition, EPA published a Handbook for Capacity Development: Developing Water System Capacity Under the Safe Drinking Water Act Amendments of 1996 and is working on several other tools to help small systems comply.

#### 4) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

5) *Public Notification*

EPA allows systems serving fewer than 10,000 persons several options for delivering public notices, such as hand delivery and posting in a prominent location.

6) *Operator Certification and Expense Reimbursement Grants Program*

EPA's Guidelines provide states with maximum flexibility in developing and implementing their operator certification programs. Furthermore, funding is available for training and certification expenses of small system operators through the Expense Reimbursement Grants program, and EPA's Guidelines permit the use of circuit riders (certified operators who are responsible for multiple systems) as determined to be appropriate by the state.

7) *Tribal Operator Certification Program*

Since the Tribal Operator Certification Program is voluntary, the program provides tribes with maximum flexibility in seeking operator certification. Water system operators in Indian Country can decide if they would like to be certified by an EPA-approved tribal certification provider or by a state program. Furthermore, EPA subsidizes the training and certification of tribal water system operators in Indian Country.

Additionally, certification providers have flexibility in developing and implementing their tribal operator certification programs. EPA will provide one-time, start-up grants to selected tribal operator certification providers.

8) *Constructed Conveyances*

The broadened definition of "public water system" could financially affect small constructed conveyance systems that would now be considered PWSs. Consequently, the 1996 SDWA Amendments provided several exemption options. Examples of these exclusions include

- If water provided by a supplier is used exclusively for purposes other than residential uses (drinking, bathing, cooking, and similar uses), then a system may apply for an "Other Than Residential Uses" exclusion.
- If a water supplier provides adequate health protection through means specified in 1401(4)(B)(i)(II) and (III), then the system may apply for an "Alternative Water Treatment" Exclusion.
- If the water supply will be used for drinking, cooking, or bathing, then the water must be treated either centrally or at the point-of-entry at each connection. To receive a "Treatment" Exclusion, a system must demonstrate that this treatment is occurring.
- If an irrigation district existed prior to May 18, 1994, and if the district provides primarily agricultural service through piped water systems (with incidental residential use), the system may be eligible for a "Certain Piped Irrigation Districts" Exclusion.

9) *Proficiency Testing*

The proficiency testing program is not part of a rule, so it is not subject to the requirements of SBREFA. The PT program applies only to those laboratories that wish to be certified to conduct drinking water analyses.

**5(d) Collection Schedule**

Exhibits 2, 3, and 4 of this document contain summaries of the collection schedules for each rule. Additional information may be obtained by consulting the individual rules for specific collection schedules.

## 6 ESTIMATING BURDEN AND COST OF COLLECTION

This section estimates the burden and cost to PWSs, primacy agencies, and EPA for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings. These activities include the following—

- 1) Consumer Confidence Reports
- 2) Variance and Exemption Rule
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification
- 6) Operator Certification and Expense Reimbursement Grants Program
- 7) Tribal Operator Certification Program
- 8) Constructed Conveyances
- 9) Proficiency Testing

This section also discusses the assumptions used to estimate costs and burden and describes the change in burden, as compared with the 2004 PWSS Program ICR.

### 6(a) Respondent Burden

#### 6(a)(i) Burden to Public Water Systems

The annual PWS burden for October 1, 2008 to September 30, 2011 is estimated to be approximately 2.2 million hours. Exhibit 6 shows the breakdown of the annual burden hours on an activity-specific basis. The bases for the burden estimates are detailed below.

##### 1) *Consumer Confidence Reports*

CCR regulations require, at a minimum, that each CWS mail to each of its customers an annual report on the level of contaminants in the drinking water purveyed by that system. EPA estimates that CCR requirements will affect approximately 52,110 PWSs, all of which are CWSs, during the course of this ICR period. Activities associated with the preparation and delivery of CCRs account for 527,168 burden hours per year, which includes burden for both CCR development and distribution.

Appendix B summarizes the assumptions used to calculate the CCR burden and provides detailed burden and cost calculations. The assumptions used to calculate the CCR burden are based largely on assumptions from the 2004 PWSS Program ICR. For the PWSS Program ICR renewal, these assumptions have been augmented or supplanted where updated data were available. Section 6(f) describes the reasons for changes in burden and shows the effects of any new assumptions on the CCR burden estimates.

#### Report Development

Preparation of a CCR includes assembling data, writing the report, ensuring that the notice meets regulatory requirements, and printing the document. Burden estimates range from 4 hours for CWSs serving 500 or fewer people to 23 hours for CWSs serving at least 10,000 people. After completion of CCR preparation activities, all CWSs, regardless of size, are

assumed to have the same burden (0.12 hours) for submitting to the state a copy of the CCR distributed to customers. Certification that the reports were, in fact, distributed is also required along with the report. Finally, all CWSs, regardless of size, are assumed to have the same burden (0.25 hours) for maintaining a copy of the CCR and making it publicly available, if requested.

### Report Delivery

The burden estimate for CCR delivery includes the following activities and assumptions

- Except for CWSs serving 500 or fewer people, all CWSs incur a burden for publishing a notice about obtaining a CCR. The burden per system for this activity is 0.25 hours. For systems serving at least 10,000 people, publication is in addition to report delivery to customers. For systems serving fewer than 10,000 people, this ICR assumes that 50 percent of systems will publish a notice in lieu of sending reports to customers.
- Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request. This ICR assumes that 50 percent of these CWSs post the report and 50 percent deliver the report to their customers as part of their standard water bill. Those that post the CCR are estimated to incur a burden of 0.12 hours for this activity.
- Regardless of CWS size category, this ICR assumes a burden of 1 hour per system for coordinating delivery of the CCR as a bill stuffer. CWSs serving 10,000 or more people must deliver the CCR to all service connections. However, CWSs serving fewer than 10,000 people may apply to the State Governor (or Tribal Leader) for a waiver of the requirement to deliver a CCR to each customer. This ICR assumes that half of such CWSs will receive a waiver. For CWSs serving 500 or fewer people, the 50 percent without a waiver are assumed to include the CCR along with the normal water bill (instead of sending the CCR in a separate mailing). For CWSs serving between 501 and 10,000 people, half of the systems without a waiver (or 25 percent of the total number of CWSs in this size category) are assumed to include the CCR as a bill stuffer, and the remaining systems will mail the CCR separately.
- Under §141.155(f), CWSs serving at least 100,000 people must post a copy of the current CCR on a publicly accessible Internet site. This burden is estimated at 0.5 hours per system.

### 2) *Variance and Exemption Rule*

An exact burden could not be estimated in the 1998 V/E ICR and the 2001 and 2004 PWSS Program ICRs because the number of requested variances and exemptions was impossible to estimate, given that EPA had not yet identified cases in which small system variances would be available. However, in the 2008 PWSS Program ICR, data for exemptions is derived from April 2008 EPA data on the total number of actual exemptions applied for under the Arsenic

Rule (286 systems). The number of systems applying for variances, however, is carried forward from the 1998 V/E ICR, and the number of systems completing each task is based on the percentages of systems completing each task in the 1998 V/E ICR (assuming a total of 411 systems in 1998).

Based on the above estimates, it is estimated that the average annual burden to PWSs will be approximately 9,066 hours. Appendix C summarizes the assumptions used to calculate the Variances and Exemptions Rule burden and provides detailed burden and cost calculations.

### 3) *Capacity Development*

EPA estimates that capacity development will affect approximately 41,578 PWSs, including CWSs, NTNCWSs, and transient noncommunity water systems (TNCWSs), during the course of this ICR period. The Capacity Development Program consists of two major components—

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.
- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup, and consultations with drinking water industry representatives. Specifically, the burden estimate includes the following activities and assumptions—

- New systems must demonstrate capacity in order to obtain approval. Each new system applying for approval will require 40 hours to prepare and submit new system approval materials to the state. This burden estimate does not include compliance with state technical requirements since these were generally unaffected by the capacity development provisions. EPA estimates that there will be an average of 8 new systems per state per year.
- Some new systems must improve capacity in order to obtain approval. An estimated 20 percent of new systems applying for approval will be required to submit supplemental materials before approval is granted by the state. To develop and submit these materials, it is estimated that each system denied initial approval will require an additional 20 hours. As with the approval application, it is estimated that there will be 8 new systems per state per year (20 percent of which will be required to submit supplemental materials) and that the burden estimate does not include the time needed to comply with technical requirements.
- Some existing systems will incur burden for complying with state capacity development strategies. Each year, EPA estimates that 20 percent of CWSs, 7 percent of NTNCWSs, and 2.5 percent of TNCWSs will incur a burden to comply with state capacity development strategy efforts. EPA estimates that these systems will spend, on average, 8 hours per year participating in capacity development strategy activities (primarily consultations with states).

Based on these assumptions, EPA estimates that the average annual burden to PWSs will be approximately 130,939 hours for capacity development activities. Appendix D summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

Appendix D summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

4) *General State Primacy*

There is no PWS burden associated with general state primacy activities.

5) *Public Notification*

Only PWSs with one or more violation during the year incur a burden. (PWSs with no violations have no requirements under this rule.) The information collection burden for systems that do experience a violation is estimated to average 7.5 hours per violation per year (1,422,405 hours divided by 189,144 violations). This estimate includes time for preparing, copying, mailing, submitting, or posting public notices, as well as time for maintaining records of PN activities.

In preparing this ICR, EPA assumed that each PWS will deliver a public notice to persons served. A “person served” is defined as an individual who normally receives water provided by the PWS. Under the statute, PWSs are required to reach persons served, including those who ordinarily do not receive water bills (e.g., residents of apartment buildings, students and staff at schools, etc.).

Under the PN Rule, CWSs providing a Tier 1 notice are expected either to hand deliver the notice to all residences or to contact all media outlets serving the affected community, including television and radio stations, and submit a press release to them. Burden for distribution of Tier 1 notices is estimated at 12 hours for posting and hand delivery and/or use of mass media. NCWSs providing a Tier 1 notice are likely to post the notice or hand deliver the notice to customers. All water systems are required to take other reasonably calculated steps to ensure all the persons served by the system receive the notice. Although the rule does not specify such actions, PWSs are assumed to place telephone calls to centers of sensitive populations, such as hospitals, nursing homes, and schools. Finally, water systems are expected to prepare a notice suitable for posting in rest areas, government-owned buildings, libraries, and other facilities served by the water system.

Systems providing a Tier 2 or Tier 3 notice must mail or otherwise directly deliver one notice to each customer. The PN Rule also permits NCWSs to post the notice in lieu of direct delivery or mailing. All water systems must also take other reasonably calculated steps to reach other persons not reached by mail, direct delivery, or routine posting. Estimated burden hours for delivering Tier 2 notices are 9 hours for CWSs under 500 in size, and 30 hours for larger CWSs. NTNCWS and TNCWS are estimated to incur 9 burden hours per system.

The burden estimate for mailing assumes that half the CWSs bill their customers less frequently than every month or use postcards rather than envelopes to send bills. Therefore, if a



system experiences a violation requiring a Tier 2 notice more than 30 days prior to a regular billing date, these CWSs are required to send a separate mailing specifically for the public notice. Water systems that bill on a monthly basis and do not use postcards, or those sending out other mailings to the customers, including annual CCRs, will be able to incorporate the notice as a stuffer in one of the system's other mailings. Because the mailing alone will not reach all persons served, the burden estimate includes other methods of information dissemination to ensure all persons served receive the notice.

The burden for preparation of these notices was calculated separately from the burden for delivering the notices. For Tier 1 systems serving up to 10,000 customers, the burden estimate per system is 8.5 hours. Systems over 10,000 customers can expect a burden of 10 hours per system. Systems with Tier 2 notices have an estimated burden of 3.5 hours, regardless of size, while CWSs with Tier 3 notices have an estimated burden of 1 hour and NTNCWSs and TNCWSs have an estimated 3.5 burden hours.

If repeated notices are necessary, the estimated PWS respondent burden for developing and distributing repeat public notification is 0.33 hours per system.

Based on the above estimates, it is estimated that the average annual burden to PWSs will be approximately 1,422,405 hours.

Appendix F summarizes the assumptions used to calculate the PN Rule burden and provides detailed burden and cost calculations.

6) *Operator Certification Guidelines and Expense Reimbursement Grant Program*

EPA estimates that 70,949 public CWSs and NTNCWSs will be affected annually by the Operator Certification Program. The burden for PWSs involves operators renewing their certifications. The burden is estimated to be 79,682 hours annually for PWSs. Specifically, it is estimated that for systems serving fewer than 3,300 customers, the burden hours per operator will be 4 hours. For systems serving greater than 3,300 customers, the estimated burden is 4 hours per system.

Appendix G summarizes the assumptions used to calculate the Operator Certification Program burden and provides detailed burden and cost calculations.

7) *Tribal Operator Certification Program*

Burden for Tribal PWSs involves obtaining and renewing certification of their operators. This burden is estimated to be 14,136 hours. Annually that is an average burden of 4,712 hours. It is estimated that Tribal systems will require 40 hours for new Level 1 certifications, 26 hours for new Level 2 certifications and 26 hours for new Level 3 certifications. Other activities include 40 hours for certification renewals, and 0.5 hours to complete paperwork for reimbursement of certification costs. Appendix H summarizes the assumptions used to calculate the Tribal Operator Certification burden and provides detailed burden and cost calculations.

### 8) *Constructed Conveyances*

Certain PWSs may incur burden to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments. It is estimated that, on average, up to 371 PWSs may complete one or more of the following activities annually—

- Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.
- Apply for exclusions.
- Communicate with the primacy agency.

#### Recordkeeping.

The total annual burden to carry out these activities is estimated to be 7,496 hours. It is estimated that surveys and data collection will require 20 hours per PWS. Each of four exclusion applications available (other residential uses, alternative water, treatment, and certain piped irrigation districts) will take 10 hours each per system. Communication with the primacy agency is estimated to take 10 hours and recordkeeping is estimated at 1 hour per system. Appendix I summarizes the assumptions used to calculate the burden for adherence to the constructed conveyance requirements under the revised PWS definition and provides detailed burden and cost calculations.

### **6(a)(ii) Burden to Primacy Agencies**

The annual burden for state primacy agencies for October 1, 2008 to September 30, 2011 is estimated to be approximately 1.7 million hours. Exhibit 7 shows the annual burden hours on an activity-specific basis. The following briefly describes the bases for the burden estimates –

#### 1) *Consumer Confidence Reports*

Primacy agencies are expected to incur a burden for information collection activities associated with preparation assistance, review, and filing of CCRs. The total annual state burden is estimated at 106,831 hours. Assisting in the preparation of reports for small CWSs is estimated at 4 hours per system. State recordkeeping activities, including receiving and reviewing CWS reports and filing reports, are estimated at 0.20 hours and 0.10 hours, respectively. Appendix B contains detailed burden and cost assumptions and calculations for primacy agencies.

#### 2) *Variance and Exemption Rule*

The burden for States is based on the number of systems applying for variances and exemptions. As discussed in Section 6(a)(i), an exact burden for the number of systems affected could not be estimated in the 1998 V/E ICR and the 2001 PWSS Program ICR. However, in the 2008 PWSS Program ICR, data for exemptions is derived from April 2008 EPA data on the total number of actual exemptions applied for under the Arsenic Rule. The number of systems applying for variances, however, is carried forward from 1998 V/E ICR, and the number of systems completing each task is based on percentages of systems completing each task in the 1998 V/E ICR.

Based on the above estimates, it is estimated that the average annual burden to Primacy Agencies will be approximately 89,231 hours. Appendix C summarizes the assumptions used to calculate the Variances and Exemptions Rule burden and provides detailed burden and cost calculations.

3) *Capacity Development Program*

As discussed in Section 6(a)(i), the Capacity Development Program, which was added pursuant to the 1996 SDWA Amendments, is a state effort to help drinking water systems improve their finances, management, infrastructure, and operations so they can provide safe drinking water consistently, reliably, and cost-effectively. The program consists of two major components—

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.
- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup, and consultations with drinking water industry representatives. Specifically, the burden estimate assumes that—

- States must review and approve applications for new systems. This ICR assumes that, on average, there will be 8 new systems per state per year. It will take state personnel an estimated 100 hours per system to review new system documentation and information.
- Some applications for new systems will require state follow up. Upon initial review, all new systems likely will not meet states' capacity criteria. An estimated 20 percent of new systems applying for approval each year will be required to submit supplemental materials. It is estimated that a state will need 8 hours per system to review these materials.
- States must provide capacity development assistance to some existing systems. One element that states must consider in their capacity development strategies is how to identify and prioritize the PWSs most in need of improving capacity. In estimating this burden, EPA assumed that states will assist 20 percent of CWSs, 7 percent of NTNCWSs, and 2.5 percent of TNCWSs each year. EPA estimates that, on average, a state will dedicate 4 hours of assistance to each of these existing systems.
- Every 3 years, States must submit a list of systems that are historical significant non-compliers, describing the reasons for their noncompliance. It will take an estimated 24 hours per state to prepare this list, for an average annual burden of 8 hours per state.

- Each state must write and submit to the Governor a report on the progress and success of its strategy. Every three years, the primacy agency must submit a report to the State's Governor on the progress and success of its strategy. It will take an estimated 40 hours to coordinate and prepare this report, for an average annual burden of 13.3 hours per state.

In total, the average annual state burden for capacity development efforts is 104,503 hours per year. Appendix D summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

#### *4) General State Primacy Activities*

As illustrated in Exhibit 7, approximately 70 percent of the state burden—or 1,204,022 hours—is for activities that cannot be associated with specific drinking water rules or programs. These “general primacy activities” include—

- Submission of grant applications. Primacy agencies are eligible to receive program grants from EPA to implement their PWSS programs. To receive the grants they must prepare program plans describing their planned activities and use of the grant funds. Primacy agencies must apply for the grants on an annual basis. This activity is estimated to require 1,040 hours annually per State.
- File management (recordkeeping). Each primacy agency is required to maintain records of tests, measurements, analyses, decisions, and determinations performed on each PWS to assess compliance with the provisions of the state’s primary drinking water regulations. File management is estimated to take 1,040 hours annually per State.
- Maintenance of data systems is estimated to require 1,040 hours annually per State. Each primacy agency must develop a method of storing all PWS inventory, compliance, and enforcement information that it uses to operate its PWSS oversight program. While EPA does not prescribe a storage method, states generally store this information electronically because of the volume of data involved. States must routinely enter new inventory, compliance, and enforcement data into their data systems. States must also modify their data systems as necessary.
- Submission of ongoing violation reports is estimated to require 1,040 hours annually per State. Each primacy agency must provide EPA with information regarding all violations of the state drinking water regulations and with other selected water system information that is necessary to determine compliance with the drinking water requirements. States must also provide new and updated water system inventory information on an annual basis.
- Laboratory certifications are estimated to require 728 hours annually per State. The state PWSS programs require that water systems conduct routine monitoring of water quality to ensure that the water produced meets all regulatory standards. States must have some method of ensuring that the laboratories conducting these analyses are qualified and capable of performing the tests. As a result, states must establish and

maintain a program for certifying laboratories that may conduct the required compliance monitoring for PWSs.

- Plan and project reviews. Primacy agencies must establish and maintain a program that assures the design and construction of new or modified water system facilities that are capable of complying with the State primary drinking water regulations. Most States achieve this assurance by requiring state review and approval of plans and specifications for drinking water facility construction. Reviewing plans for major projects for systems with more than 10,000 customers, between 3,301 and 10,000, and less than 3,300 customers is estimated to require 312, 416, and 5,200 hours annually per State, respectively. Reviewing plans for minor projects for systems greater than 500 customers and fewer than 500 customers is estimated to require 1,040 and 2,600 hours annually per State, respectively. Routine inspections are estimated to require 832 burden hours annually per State.
- Oversight of compliance monitoring (including issuing notices of violation and ensuring appropriate follow-up activities). States must ensure that water systems monitor in accordance with the regulations. Where monitoring does not occur, states must take action to ensure that systems monitor so that the quality of water is known and so that any appropriate actions can be taken. Where violations occur and are not expeditiously corrected, states must take appropriate enforcement follow-up actions. States must maintain administrative penalty authority and the right to sue to ensure the effectiveness of their enforcement programs. These programs require an estimated average of 2,309 hours annually per State.
- Training activities. Primacy agencies conduct training for both state staff and for PWS owners and operators. Training is ongoing for all program components (for new staff and owners/operators). Training accounts for 7.1 hours annually per State.

Appendix E summarizes the assumptions used to calculate the General State Primacy Activities burden and provides detailed burden and cost calculations.

#### 5) *Public Notification*

The burden to primacy agencies for the Public Notification Rule results from consulting with PWSs, reviewing the PWS compliance certification and notice copies, preparing quarterly reports to EPA, and filing and maintaining the PN records. The burden for primacy agencies for these activities is estimated to be 143,790 hours annually. This amounts to approximately 1,000 hours per primacy agency. Tier 1 consultation activities require an estimated 3.0 hours annually per system in violation, Tier 2 consultation requires an average of 1.1 hours and Tier 3 requires 0.1 hours. The burden for receiving/renewing PN certification is 0.2 hours and filing reports is 0.1 hours. Appendix F summarizes the assumptions used to calculate the Public Notification burden and provides detailed burden and cost calculations.

#### 6) *Operator Certification Guidelines and Expense Reimbursement Grants Program*

The burden to primacy agencies for implementing an EPA-approved Operator Certification Program includes the ongoing certification of operators and tracking fulfillment of operator certification requirements. Under the Expense Reimbursement Grants Program, it is

assumed that 95 percent of states will opt to contract with third parties to provide group training to small system operators and that 5 percent will opt to reimburse individual operators for training. The burden to primacy agencies also includes annual reporting to EPA on program implementation for operator certification and expense reimbursement grants. The total annual burden estimated for primacy agencies is 22,233 hours. It is estimated that submitting a yearly report on the status of implementation will require 16 hours per state, and the submittal to EPA (progress report) will require 560 hours, amending the workplan will require 32 hours, documenting the actual uses of previous fiscal year's allotment will require 8 hours, and administering grants will require 520 hours annually per state. A subset of states will complete these tasks during this ICR period, since some states have already received all their grant money. Appendix G summarizes the assumptions used to calculate the Operator Certification Program burden and provides detailed burden and cost calculations.

7) *Tribal Operator Certification Program*

There is no burden to primacy agencies for the Tribal Operator Certification Program.

8) *Constructed Conveyances*

Primacy agencies incur burden to adhere to the broadened definition of "public water system" introduced by the 1996 SDWA Amendments for oversight of PWS activities. These activities include—

- Review of survey results: estimated at 150 hours per PWS.
- Reviewing applications for exclusions: estimated at 10 hours for each of four types of exclusions (other residential uses, alternative water, treatment, and certain piped irrigation districts exclusions).
- Communications with PWSs: estimated at 10 hours per PWS.
- Recordkeeping: estimated at 60 hours per PWS.

The total annual burden associated with these activities is estimated to be 44,175 hours. Appendix H summarizes the assumptions used to calculate the burden for primacy agencies and provides detailed burden and cost calculations.

**6(a)(iii) Burden to Laboratories**

The annual laboratory burden for October 1, 2008 to September 30, 2011 is estimated to be approximately 17,291 hours. Exhibit 8 shows the annual burden to laboratories associated with Proficiency Testing. The bases for the burden estimate are detailed below.

1) *Proficiency Testing*

This section describes the estimated average annual burden and costs for the information collection activities for Proficiency Testing (PT) studies that will be conducted by drinking water laboratories. There is no burden for PT vendors or primacy agencies. The burden for laboratories for these activities is estimated to be 17,291 hours annually. This estimate includes burden for participating laboratories to read instructions, plan activities, analyze samples, submit data to the PT vendors, and maintain records.

EPA assumes that the respondent burden will be divided among three labor categories: manager, chemist, and records clerk. The labor associated with each of the ICR activities is discussed in more detail below.

- Read instructions: EPA assumes that each of the 2,363 respondents will require 1.0 hour to read the instructions provided by the vendor. The burden will be evenly divided between a manager and chemist.
- Plan activities: EPA assumes that the manager of each laboratory will require 0.2 hours to plan activities associated with the PT studies.
- Analyze inorganic chemicals: EPA assumes that 1,082 laboratories will require approximately 3.3 hours to analyze PT standards for 29 inorganic chemicals. All hours will be incurred by a chemist.
- Analyze DBPs: Chemists in 871 laboratories are assumed to require 2.0 hours to analyze PT standards for 9 DBPs.
- Analyze organic chemicals: Chemists in 410 laboratories are assumed to require 16.0 hours to analyze PT standards for 52 organic chemicals.
- Report results: EPA assumes that each of the 2,363 respondents will require 1.0 hour to report the results of the study to the PT vendor. The burden will be divided between a manager and records clerk.
- Maintain records: EPA assumes that a records clerk in each of the 2,363 laboratories will require 0.1 hours to maintain the files from the PT study.

## **6(b) Respondent Costs**

### **6(b)(i) Cost to Public Water Systems**

Exhibit 6 shows the total costs for PWSs over the 3-year ICR period. Annual costs are estimated at approximately \$90.6 million, which consists of \$24.3 million in O&M costs and \$66.3 million in labor costs.

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. The average hourly wage rate is the rate quoted by the Bureau of Labor Statistics (BLS) for Standard Occupational Classification (SOC) Code 51-8031, “Local Government—Water and Liquid Waste Treatment Plant and System Operators.” The quoted rate was \$17.87 in 2006 dollars (see <http://stats.bls.gov>). For consistency, this rate has been inflated to 2007 dollars using the Employment Cost Index (ECI). In addition, 60 percent overhead was assumed, bringing the loaded rate to \$30.72 in 2007 dollars.

In addition to the labor costs, there are O&M costs associated with the CCR, the Public Notification Rule, and Operator Certification Programs and the Tribal Operator Certification Program. For the CCR, these costs reflect non-labor costs associated with printing, delivery, posting, and publishing CCRs. These costs were carried forward from the previous ICRs, updated with current cost information (e.g., postage rates), and adjusted for inflation. CCR

O&M costs and associated calculations are presented in greater detail in Appendix B. For the Public Notification Rule these costs reflect non-labor costs to print and distribute notices of violation. These costs were carried forward from the 2004 PWSS Program ICR. Appendix F shows the costs for the Public Notification Rule in more detail. For the Operator Certification Program and Tribal Operator Certification, O&M costs reflect renewal fees paid by operators to renew their certifications. These costs were carried forward from the 2004 ICR and are shown in more detail in Appendices G and H, respectively.

There are no capital costs associated with this ICR.

### **6(b)(ii) Cost to Primacy Agencies**

Exhibit 7 shows that the annual costs to primacy agencies are estimated at approximately \$73.4 million. All costs incurred by primacy agencies are labor costs. Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. The average hourly wage rate is the rate quoted by the BLS for SOC Code 19-2041, "State Government - Environmental Scientists and Specialists, Including Health." The quoted rate was \$24.92 in 2006 dollars (see <http://stats.bls.gov>). For consistency, this rate has been inflated to 2007 dollars using the ECI. In addition, 60 percent overhead was assumed, bringing the loaded rate to \$42.80 in 2007 dollars.

### **6(b)(iii) Cost to Laboratories**

Exhibit 8 shows the total costs for laboratories over the three-year ICR period. Annual costs are estimated at approximately \$1.9 million, which consists of \$0.9 million in O&M costs (fees for PT standards) and \$1.0 million in labor costs.

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. For consistency, the original 2005 rates have been inflated to 2007 dollars using the ECI. In addition, 60 percent overhead was assumed. Loaded hourly labor rates in 2007 dollars for the three labor categories include a manager at an hourly rate of \$88.30, a data entry clerical person at an hourly rate of \$26.21, and a skilled technician or chemist to conduct the measurements at an hourly rate of \$53.46.

O&M costs for laboratories are all costs related to providing personnel with the space, equipment, and materials necessary to perform the tasks required for PT studies. Since laboratories are driven by their compliance monitoring requirements to purchase the analytical instrumentation and computers and not by PT requirements, no capital costs can be considered associated with PT studies. Only the cost associated with purchasing the PT standards is appropriate for consideration in this category.

Laboratories may participate in the PT studies for some or all of the regulated contaminants. Because EPA does not have sufficient information to estimate how many analytes are contained in the PT samples sent to each laboratory, EPA has estimated a "worst case" scenario by assuming that a single PT set contains standards for each possible regulated analyte. Therefore, laboratories participating in the inorganic PT study are assumed to receive and run analyses for 29 analytes. Similarly, those participating in the PT study for DBPs and/or organic chemicals will receive samples for each of 9 analytes and/or each of 52 analytes, respectively. EPA estimates the costs of each PT standard to be \$15.15 (i.e., \$15.15 per analyte).



**Exhibit 6**  
**Annual PWS Burden and Cost**  
**October 1, 2008 to September 30, 2011**

Activity	Annual Burden Hours	Cost			Annual Responses
		Annual Labor Cost (\$K)	Annual O&M Cost (\$K)	Total Annual Cost (\$K)	
Consumer Confidence Reports	527,168	\$16,193	\$16,912	\$33,105	212,939
Variance and Exemptions	9,066	\$277	\$0	\$277	286
Capacity Development	130,939	\$4,022	\$0	\$4,022	14,407
General State Primacy	N/A	N/A	N/A	N/A	N/A
Public Notification	1,422,405	\$43,692	\$6,430	\$50,123	189,144
Operator Certification	79,682	\$1,736	\$951	\$2,687	19,921
Tribal Operator Certification	4,712	\$145	\$0	\$145	233
Constructed Conveyances	7,496	\$230	\$0	\$230	969
<b>TOTAL</b>	<b>2,181,468</b>	<b>\$66,295</b>	<b>\$24,294</b>	<b>\$90,589</b>	<b>437,898</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 7**  
**Annual State Burden and Cost**  
**October 1, 2008 to September 30, 2011**

Activity	Annual Burden Hours	Annual Cost			Annual Responses
		Labor Cost (\$K)	O&M Cost (\$K)	Total Cost (\$K)	
Consumer Confidence Reports	106,831	\$4,572	\$0	\$4,572	127,020
Variance and Exemptions	89,231	\$3,819	\$0	\$3,819	2,399
Capacity Development	104,503	\$4,473	\$0	\$4,473	14,407
General State Primacy	1,204,022	\$51,531	\$0	\$51,531	155,693
Public Notification	143,790	\$6,154	\$0	\$6,154	473,844
Operator Certification	22,233	\$952	\$0	\$952	19,921
Tribal Operator Certification	N/A	N/A	N/A	N/A	0
Constructed Conveyances	44,175	\$1,891	\$0	\$1,891	969
<b>TOTAL</b>	<b>1,714,785</b>	<b>\$73,391</b>	<b>\$0</b>	<b>\$73,391</b>	<b>794,251</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 8**  
**Annual Laboratory Burden and Cost**  
**October 1, 2008 to September 30, 2011**

Activity	Annual Burden Hours	Annual Cost			Annual Responses
		Labor Cost (\$K)	O&M Cost (\$K)	Total Cost (\$K)	
Proficiency Testing	17,291	\$984	\$917	\$1,902	2,363

**6(c) Agency Burden and Costs**

EPA’s drinking water program incurs burden both at Headquarters and regional offices to assist States in implementing drinking water regulations. In previous ICRs for the PWSS Program, burden associated with EPA’s enforcement and compliance activities at Headquarters and the Regions was also included in the Agency’s burden and cost estimates. With the implementation of the Government Performance and Results Act in Federal Fiscal Year 1999, it has become difficult to isolate the resources (full time equivalents (FTEs) and dollars) for drinking water enforcement and compliance activities from the overall Office of Enforcement and Compliance Assistance operating plan. Thus, this section presents only the burden and costs incurred by EPA’s water program, especially drinking water protection, at Headquarters and in Regions. It is important to note that the burden and costs presented below cover ongoing activities for all EPA drinking water programs (not just those listed in this ICR), including rule development activities.

**EPA Headquarters**

There are 45.5 Headquarters FTEs dedicated to drinking water protection implementation activities. The following assumptions were used to develop a cost estimate for Headquarters—

- The average salary and benefits (i.e., personnel compensation and benefits (PC&B)) of the 45.5 FTEs is at the GS 13, Step 5 level of \$124,443Error: Reference source not found.
- An FTE is 2,080 hours/year.

Given these assumptions, the following calculations yield the annual labor cost for Headquarters—

- The 45.5 FTEs equal 94,640 hours (45.5\*2,080).
- The labor cost of 45.5 FTEs is \$5,662,157 (45.5\*\$124,443).

For most of the programs and regulations covered in the PWSS ICR, there are no O&M costs. However, EPA incurs O&M costs for the Tribal operator certification program; these costs are associated with reimbursing providers for training courses and reimbursing PWS operators for travel costs associated with training. Regions are assumed to incur 93 percent of these costs and Headquarters incurs 7 percent. The annual Tribal operator certification O&M cost for Headquarters is \$10,092 (see Appendix H).

Note that because the EPA burden and labor costs calculated above address burden for all drinking water programs, including Tribal operator certification, the EPA burden and labor costs calculated for Tribal operator certification in Appendix H were not added to the labor burden discussed in this section.

### **EPA Regional Offices**

There are 214.8 Regional FTEs dedicated to drinking water protection implementation activities.<sup>6</sup> The following assumptions are used to develop a cost estimate for the Regions—

- The average salary and benefits (i.e., PC&B) of the 214.8 FTEs is at the GS 11, Step 5 level of \$87,309<sup>7</sup>.
- An FTE is 2,080 hours/year.

Given these assumptions, the following calculations yield the annual labor cost for the 10 EPA Regional offices—

- The 214.8 FTEs equal 446,784 hours (214.8\*2,080).
- The labor cost of 214.8 FTEs is \$18,753,973 (214.8\*\$87,309).

The annual Agency O&M cost associated with Tribal operator certification is \$144,315.

The total cost to the Federal government is the sum of the labor cost to Headquarters (\$5,662,157), the labor cost to EPA Regional offices (\$18,753,973), O&M cost to Headquarters (\$10,092), and the O&M cost to EPA Regional offices (\$143,315) for a total of \$24,569,537. Similarly, the total burden to the Federal government (HQ and Regions) is 541,424 hours for 260.3 FTEs.

### **6(d) Estimating Respondent Universe and Total Burden and Costs**

Respondents for this ICR include PWSs, laboratories, and States or other primacy agencies. This ICR estimates the number of PWS respondents at 155,693. Not every PWS is necessarily subject to each of the information collection requirements contained in this ICR. The regulations associated with each ICR will identify the types of PWSs that are subject to each particular drinking water regulation.

In addition to the PWS respondents, this ICR assumes 57 primacy agencies (50 states plus the District of Columbia, U.S. territories, and the Navajo Nation)<sup>8</sup>, and 2,363 laboratories. Therefore, the total number of respondents is 158,113.

The total costs and burden for these respondents are summarized in Exhibits 6 - 8. Agency costs and burden are detailed in Section 6(c).

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<sup>6</sup> FTE figures based on e-mail correspondence from EPA COR, Rick Naylor (6/19/2008).

<sup>7</sup> Base salary, United States Office of Personnel Management website, <http://www.opm.gov> 2008 pay schedule. Loaded with a 60% loading factor.

<sup>8</sup> This is a simplifying assumption. Primacy activities for Wyoming and the District of Columbia are actually carried out by the respective EPA Regional offices.

**6(e) Bottom Line Burden Hours and Costs**

The bottom line burden hours and costs are presented in Exhibit 9. The total annual respondent burden associated with this ICR is estimated to be approximately 3.9 million burden hours. The corresponding total annual respondent costs are estimated to be \$165.9 million. The total national burden, including respondent burden and EPA burden, is estimated to be 4.5 million hours annually. The total national cost, for respondents and EPA, is estimated to be \$190.5 million annually.

**Exhibit 9**  
**Bottom Line Annual Burden and Cost**  
**October 1, 2008 to September 30, 2011**

<b>Number of Respondents</b>	158,113 (=) 155,693 (+) 57 (+) 2,363	Existing PWSs Primacy agencies Laboratories
<b>Total Annual Responses</b>	1,234,512 (=) 437,898 (+) 794,251 (+) 2,363	PWS responses (see Exhibit 6) Primacy agency responses (see Exhibit 7) Laboratory responses (see Exhibit 8)
<b>Number of Responses per Respondent</b>	7.8 (=) 1,234,512 (/) 158,113	Total annual responses from above Total number of respondents from above
<b>Total Respondent Hours</b>	3,913,544 (=) 2,181,468 (+) 1,714,785 (+) 17,291	PWS hours (see Exhibit 6) Primacy agency hours (see Exhibit 7) Laboratory hours (see Exhibit 8)
<b>Hours per Response</b>	3.17 (=) 3,913,544 (/) 1,234,512	Total annual respondent hours from above Total annual responses from above
<b>Annual Respondent O&amp;M and Capital Cost (\$K)<sup>1</sup></b>	\$25,211 (=) \$24,294 (+) \$0 (+) \$917	Total PWS O&M costs (see Exhibit 6) Total primacy agency O&M costs (see Exhibit 7) Total laboratory O&M costs (see Exhibit 8)
<b>Total Respondent Cost (\$K)</b>	\$165,882 (=) \$90,589 (+) \$73,391 (+) \$1,902	For PWSs (see Exhibit 6) For primacy agencies (see Exhibit 7) For laboratories (see Exhibit 8)
<b>Total Hours (resp. plus Agency)</b>	4,454,968 (=) 3,913,544 (+) 541,424 (+)	Total respondent hours Total EPA hours
<b>Total Cost (resp. plus Agency) (\$K)</b>	\$190,451 (=) \$165,882 (+) \$24,570	Total respondent cost Total EPA Cost

Note: Detail may not add exactly to totals due to rounding.

Total EPA hours and cost reflect the combined burden and cost for Headquarters and regional staff. Costs also include O&M costs incurred for Tribal Operator Certification.

Total EPA hours are based on the assumption that 45.5 FTEs for HQ and 214.8 FTEs for regions are needed at 2080 hours/FTE.

<sup>1</sup>No capital costs are associated with the PWSS ICR in this evaluation period.

**6(f) Reasons for Change in Burden**

This section presents the change in burden and explains the reasons for the change in burden. The discussion is divided into two parts—

- Section 6(f)(i) summarizes the differences between the burden estimated in the 2004 PWSS Program ICR and the current OMB inventory for the PWSS Program ICR. See Exhibit 11.
- Section 6(f)(ii) summarizes other adjustments to the annual burden estimates associated with each rule in the PWSS Program ICR. See Exhibits 12-14.

Exhibit 10 summarizes how each of these changes has affected the overall burden inventory for the PWSS Program ICR.

**Exhibit 10**  
**Summary of Changes in Annual Burden**  
**(Includes PWS, Primacy Agency, and Laboratory Burden)**

Type of Change	Burden (hours)	Running Total	Comment
Burden Estimated in the 2004 PWSS Rules ICR*	3,223,430	3,223,430	This burden serves as the baseline for the 2008 PWSS Rules ICR.
Restructuring Adjustments—see Section 6(f)(i)	17,291	3,240,721	Burden for Proficiency Testing is now included in this ICR, and burden for Primacy Regulations is no longer included.
Other Adjustments to Burden—see Section 6(f)(ii)	672,823	3,913,544	Burden for which EPA seeks approval in this ICR.

Note: Detail may not add exactly to totals due to rounding.

\*The official inventory on file with the Office of Management and Budget is currently 3,226,027 hours. However, that number includes excess PWS burden (2,597 hours) for tribal operator certification. The 2,597 hours, the annual burden from the standalone tribal operator certification ICR (expiration date 7/31/06) were added to the PWSS ICR inventory in early 2006. However, the 2004 PWSS ICR already included the updated tribal operator certification burden for 2007, the relevant part of the clearance period for the PWSS ICR. Thus, some of the tribal operator certification was double counted. Therefore, for these exhibits, EPA used the burden as calculated in the 2004 ICR (3,223,430 hours).

**6(f)(i) Restructuring Adjustments**

Restructuring adjustments are being made to consolidate the burden for each of the regulations and programs being newly incorporated into the PWSS ICR. These adjustments are discussed below and summarized in Exhibit 11.

- The burden associated with PT. The total annual respondent burden estimated in the PT program (for August 2007 – September 2008) was approximately 17,291 hours, or 7.32 hours per respondent per year. The total annual respondent cost (for August 2007 – September 2008) estimated in the PT ICR was approximately \$2.11 million. There were no primacy agency costs or burden associated specifically with the PT program. In order to consolidate PWSSs, EPA is requesting that these hours be moved to the PWSS ICR (OMB No. 2040-0090).
- The burden associated with primacy regulations. All activities for these requirements were completed before this ICR period; therefore, EPA requests the removal of burden associated with primacy regulations.

**Exhibit 11**  
**Restructuring Adjustments to the**  
**Annual Burden Inventory for the PWSS Program ICR**  
**(Includes PWS, Primacy Agency, and Laboratory Burden)**

Action	Annual Burden Hours	Brief Explanation
N/A	3,223,430	Inventory for the 2004 PWSS Rules ICR carried forward as the baseline for 2008 PWSS Rules ICR *
Add	17,291	This represents the addition of Proficiency Testing burden.
Subtract	0	This represents the Primacy Regulation burden that has been moved out of the 2008 PWSS Rules ICR.
<b>Total</b>	<b>3,240,721</b>	<b>PWSS Rules ICR inventory based on current burden inventories.</b>

\*The official inventory on file with the Office of Management and Budget is currently 3,226,027 hours. However, that number includes excess PWS burden (2,597 hours) for tribal operator certification. The 2,597 hours, the annual burden from the standalone tribal operator certification ICR (expiration date 7/31/06) were added to the PWSS ICR inventory in early 2006. However, the 2004 PWSS ICR already included the updated tribal operator certification burden for 2007, the relevant part of the clearance period for the PWSS ICR. Thus, some of the tribal operator certification was double counted. Therefore, for these exhibits, EPA used the burden as calculated in the 2004 ICR (3,223,430 hours).

## **6(f)(ii) Additional Program Adjustments**

The remaining changes in burden consist of program adjustments for activities that were carried forward from existing ICRs to this PWSS Program ICR renewal. Changes in calculated burden are a result of updating relevant baseline information for each rule with the most current and accurate information on activity compliance. Exhibits 12-14 summarize reasons for these changes and quantify the changes by activity. Burden adjustments associated with PWS activities resulted in a burden increase of 186,055 hours and are shown in Exhibit 12. Burden adjustments for primacy agencies resulted in an increase of 486,768 hours per year, as shown in Exhibit 13. Burden adjustments for laboratories resulted in no change in annual burden, as shown in Exhibit 14.



## Exhibit 12 Adjustments to PWS Burden from Previous ICR Estimates

Activity	Previous Estimate (Hours)	2008 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
Consumer Confidence Reports	534,484	527,168	(7,316)	The change in burden results from a decrease in the number of systems.
Primacy Regulations	N/A	N/A	N/A	N/A
Variance and Exemptions	13,050	9,066	(3,984)	The change in burden results from a change in how the number of systems that applied for exemptions was determined. The number of systems is now based on data from the Arsenic Rule.
Capacity Development	132,328	130,939	(1,389)	The change in burden results from a decrease in the number of systems.
General State Primacy	N/A	N/A	N/A	N/A
Public Notification	1,226,699	1,422,405	195,706	The change in burden results from the difference in burden estimates for the 2004 and 2008 ICRs. The 2004 ICR included general burden estimates for certain violations since no data was available at the time, while the 2008 ICR bases the estimates on available violation data for a more accurate estimate of burden.
Operator Certification Guidelines and Expense Reimbursement Grants Program	79,616	79,682	66	Change in burden is due to an increase in the number of systems serving over 3,300 people. These larger systems require more operators per system.
Tribal Operator Certification Program	1,740	4,712	2,972	The change in burden reflects that the 2004 ICR included burden for only one year (2007), averaged across the three years that the ICR covered. The remaining burden was addressed in a standalone ICR that expired in 2006. The 2008 burden estimate includes the burden for all three years of the ICR.
Constructed Conveyances	7,496	7,496	0	N/A
<b>TOTAL</b>	<b>1,995,413</b>	<b>2,181,468</b>	<b>186,055</b>	<b>PWS change in burden after adjustments.</b>

Note: Detail may not add exactly to totals due to rounding.

### Exhibit 13 Adjustments to Primacy Agency Burden from Previous ICR Estimates

Activity	Previous Estimate (Hours)	2008 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
Consumer Confidence Reports	110,317	106,831	(3,486)	The change in burden results from a decrease in the number of systems.
Primacy Regulations	N/A	N/A	N/A	All activities for these regulations were completed before this ICR period.
Variance and Exemptions	109,080	89,231	(19,849)	Primacy agency burden is based on the number of PWSs. The change in burden results from a change in how the number of systems that applied for exemptions was determined. The number of systems is now based on data from the Arsenic Rule.
Capacity Development	66,894	104,503	37,609	The change in burden results from the incorporation of burden consultation results.
General State Primacy	837,358	1,204,022	366,664	The change in burden results from incorporation of burden consultation results.
Public Notification	57,001	143,790	86,789	Primacy agency burden is based on the number of violations requiring Public Notification. The change in burden results from the difference in burden estimates for the 2004 and 2008 ICRs. The 2004 ICR included general burden estimates for certain violations since no data was available at the time, while the 2008 ICR bases the estimates on available violation data for a more accurate estimate of burden.
Operator Certification	3,192	22,233	19,041	The change in burden results from the incorporation of the results of consultations with water industry representatives and from a decrease in the number of states conducting operator certification grant reimbursement activities.
Tribal Operator Certification	N/A	N/A	N/A	N/A
Constructed Conveyances	44,175	44,175	0	N/A
<b>TOTAL</b>	<b>1,228,017</b>	<b>1,714,785</b>	<b>486,768</b>	<b>Adjusted Primacy Agency Burden</b>

Note: Detail may not add exactly to totals due to rounding.

### Exhibit 14 Adjustments to Laboratory Burden from Previous ICR Estimates

Activity	Previous Estimate (Hours)	2008 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
Proficiency Testing	17,291	17,291	0	This represents the current Proficiency Testing annual Laboratory burden estimate. This burden is being moved from the Proficiency Testing ICR (OMB 2040-0276) into the 2008 PWSS ICR.

Note: Detail may not add exactly to totals due to rounding.

Exhibit 15 shows the effect of these adjustments on the bottom line burden. Adding 186,055 hours to account for the adjustment for the PWS burden and 486,768 hours to account for the upwards adjustment for the primacy agency burden yields 3,913,544 hours.

**Exhibit 15**  
**Adjustments to Activities Carried Forward from Previous ICRs**  
**(Includes PWS, Primacy Agency, and Laboratory Burden)**

Action	Annual Burden Hours	Brief Explanation
None	3,240,721	Inventory after restructuring adjustments, and other adjustments to burden.
Add	186,055	Adjustments for PWS activities carried forward from previous ICRs (see Exhibit 12)
Add	486,768	Adjustment for primacy agency activities carried forward from previous ICRs (see Exhibit 13)
<b>Total</b>	<b>3,913,544</b>	<b>Equals hours requested in 2008 PWSS Program ICR. (See Exhibit 9)</b>

Note: Detail may not add exactly to totals due to rounding.

### 6(g) Burden Statement

The public reporting burden for collections included in this ICR is detailed in Exhibit 13 above. The annual respondent burden is estimated to average approximately 3.9 million hours, of which 2.2 million hours are attributable to PWSs, 1.7 million hours to primacy agencies, and 0.02 million hours to laboratories. These estimates include time for gathering information as well as developing and maintaining records.

Burden means the total time, effort, or financial resources expended by people to generate, maintain, retain, 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 request for information collection 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 Number EPA-HQ-OW-2008-0437, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, to access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When 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 Officer for EPA. Please include the EPA Docket ID Number (EPA-HQ-OW-2008-0437) and the OMB Control Number 2040-0090 in any correspondence.