Information Collection Request: Cooling Water Intake Structures Existing Facility (Proposed Rule)

OMB Control No. 2040-0257, EPA ICR No. 2060.05

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1. Identification of the Information Collection

1a. Title of the Information Collection

TITLE: Information Collection Request for Cooling Water Intake Structure Existing Facilities (Proposed Rule)
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1b. Short Characterization/Abstract

The Section 316(b) Existing Facility proposed rule requires the collection of information from all existing power generating facilities and existing manufacturing and industrial facilities that 1) use one or more cooling water intake structures (CWIS) to withdraw a design intake flow of greater than 2 million gallons per day (MGD) of water from waters of the U.S. and 2) use at least twenty-five (25) percent of the water they withdraw exclusively for cooling purposes. The proposed rule also applies to any new unit constructed at an existing facility. Section 316(b) of the CWA requires that any standard established under Section 301 or 306 of the CWA and applicable to a point source must require that the location, design, construction and capacity of CWISs at that facility reflect the best technology available (BTA) for minimizing adverse environmental impact. Such impact occurs as a result of impingement (where fish and other aquatic life are trapped on technologies at the entrance to cooling water intake structures) and entrainment (where aquatic organisms, eggs, and larvae are taken into the cooling system, passed through the heat exchanger, and then pumped back out with the discharge from the facility). The proposed rule establishes requirements applicable to the location, design, construction, and capacity of cooling water intake structures at existing facilities. These requirements seek to establish the best technology available for minimizing adverse environmental impact associated with the use of CWISs.

Use of a cooling water intake structure includes obtaining cooling water by any sort of contract or arrangement with an independent supplier (or multiple suppliers) of cooling water if the supplier or suppliers withdraw(s) water from waters of the United States. Use of cooling water does not include obtaining cooling water from a public water system or use of treated effluent that otherwise would be discharged to a water of the United States.

An owner or operator of an existing facility may choose one of two options for meeting best technology available requirements for impingement mortality under this proposed rule. The owner or operator may monitor to show the specified performance standards for impingement mortality of fish and shellfish have been met or they may demonstrate to the Director that the intake velocity meets the specified design criteria. For entrainment mortality, the proposed rule establishes requirements for studies and information as part of the permit application, and then establishes a process by which the best technology available for entrainment mortality would be implemented at each facility.

In addition to the information requirements of the NPDES permit application, NPDES permits normally specify monitoring and reporting requirements to be conducted by the permitted entity.

Existing facilities would be required to conduct impingement monitoring (if they do not demonstrate that they have met the intake velocity requirement) and submit monthly reports of compliance. Entrainment monitoring may also be required, subject to the Director's judgment. The results of each existing facility's monitoring efforts are to be reported yearly to the Director in an annual status report.

Finally, existing facilities are required to maintain records of all submitted documents, supporting materials, and monitoring results for at least three years (or as required by the Director).

New units at existing facilities must demonstrate that they have reduced the cooling water intake flow to that commensurate with a closed-cycle cooling system and that the design intake velocity is 0.5 ft/sec or less. Monthly reports of compliance must be submitted and records must be kept for at least three years.

Authorized States would be required to update programs to be consistent with the proposed rule requirements once they are published as final regulations. State Directors would be required to also review all materials submitted to them by the facilities within the scope of the proposed regulation, confirm their compliance with the proposed rule, and issue NPDES permits with appropriate conditions or establish more stringent requirements applicable with State or Federal law in order to minimize adverse environmental impact associated with the use of the facilities' CWISs.

The primary users of the data collected would be States authorized to administer the NPDES permitting program and the EPA. It is anticipated that other government agencies, both at the State and Federal level, as well as public interest groups, private companies, and many individuals would also use the data.

During the 3 years covered by this ICR, the information collection required by the proposed rule would involve responses from an estimated total of 1,272 facilities and 46 States and Territories and an annual average cost of approximately $113.2 million (including operation and maintenance costs), with an annual average of 1,079 respondents and 1,521,257 burden hours (for additional detail, see Section 6).

The annual average reporting and record keeping burden for the collection of information by facilities responding to the proposed rule is estimated to be 1,425 hours per facility respondent (i.e., an annual average of 1,471,672 hours of burden divided among an anticipated annual average of 1,033 facilities). The state Director reporting and record keeping burden for the review, oversight, and administration of the rule is estimated to average 1,078 hours per state respondent per year (i.e., an annual average of 49,586 hours of burden divided among an anticipated 46 States on average per year).

2. Need for and Use of the Collection

2a. Need/Authority for the Collection

The following sections describe the need for this information collection and the legal authority under which this information will be collected.

2a(i). Need for the Collection

The information requirements of the proposed rule are necessary to ensure that existing facilities are complying with the rule's provisions, and thereby minimizing adverse environmental impact resulting from impingement and entrainment losses due to the withdrawal of cooling water.

2a(ii). Authority for the Collection

Section 316 was included in the Federal Water Pollution Control Act of 1972 for the express purpose of regulating thermal discharges and to address the environmental impact of CWISs. Moreover, Section 316(b) is the only provision in the CWA that focuses exclusively on water intake. Section 316(b) provides that, "[a]ny standard established pursuant to [CWA Section 301] or [CWA Section 306] and applicable to a point source shall require that the location, design, construction, and capacity of CWISs reflect the BTA for minimizing adverse environmental impact." The requirements of Section 316(b) are closely linked to several of the core elements (e.g., Sections 301, 304, 306 and 402) of the NPDES permit program established under the CWA. Conditions implementing Section 316(b) are and will continue under this rule to be included in NPDES permits issued under Section 402 of the CWA.

The proposed rule implements section 316(b) of the CWA as it applies to "existing facilities" as defined in this proposed rule. The proposed rule establishes requirements, reflecting the best technology available for minimizing adverse environmental impact, applicable to the location, design, construction, and capacity of cooling water intake structures at all existing power generating facilities and existing manufacturing and industrial facilities that withdraw a design intake flow of greater than two (2) MGD of water from waters of the U.S. and use at least twenty-five (25) percent of the water they withdraw exclusively for cooling purposes. The proposed rule establishes requirements for new units constructed at existing facilities, regardless of the design intake flow. The proposed rule does not apply to new facilities or to existing facilities that withdraw less than two (2) MGD of cooling water.

The proposed rule is being issued under the authority of sections 101, 301, 304, 306, 308, 316, 401, 402, 501, and 510 of the Clean Water Act (CWA), 33 U.S.C. 1251, 1311, 1314, 1316, 1318, 1326, 1341, 1342, 1361, and 1370. For background information, rulings and court decisions affecting this proposed rule see Section I of the Preamble to the proposed rule.

2b. Practical Utility/Users of the Data

The proposed rule includes both information that must be submitted to permitting authorities and data that must be collected and maintained on-site by the facility. Each existing facility would maintain facility-level records of the characterization data, plans, measurements, diagrams, and calculations submitted to the Directors, as well as the analytical results of monitoring actions. Facilities could use the data to:

- Characterize environmental conditions and monitor existing CWIS performance;

- Determine appropriate design and construction technologies or operational measures; and/or
- Monitor the performance of design and construction technologies or operational measures.

Permit writers would also use these data to verify that the appropriate compliance actions are selected and implemented. Under the proposed rule, EPA and State Directors are to maintain records compiled from the regulated facilities. Much of the basic information obtained from the NPDES permit application is stored in EPA's Permit Compliance System (PCS) database, which is in the process of being replaced by the Integrated Compliance Information System (ICIS-NPDES). PCS and ICIS-NPDES are used to track permit limits, permit expiration dates, monitoring data, and other data, and provide EPA with a nationwide inventory of permit holders.

EPA Headquarters uses the information contained in PCS and ICIS-NPDES databases to develop reports on permit issuance, backlog, and compliance rates. The Agency also uses the information to respond to public and congressional inquiries, develop and guide its policies, formulate its budgets, assist States in acquiring authority for permitting programs, and manage the NPDES program to ensure national consistency in permitting. States can use this initial permit information along with the additional documentation to track facility monitoring, compliance violations, and enforcement activities.

Permittees must reapply for NPDES permits every 5 years. The re-application process is the primary mechanism for obtaining up-to-date and new information concerning on-site conditions. Although under the proposed rule, existing facilities provide data from self-monitoring activities in reports to the permitting authority, these reports are a less comprehensive information-gathering process than the permit application process. EPA and States will use re-application data to identify new species at risk or other potential concerns that could lead the permit writers to take the following actions:

- Specify additional permit limitations;
- Assess compliance with applicable standard requirements; or
- Place appropriate special conditions in permits.

Environmental and citizen groups are expected to use the data collected under the proposed rule to independently assess impingement and entrainment rates for affected waterbodies in their location. In addition, the data will be useful for the scientific community for assessing the impact of CWISs on recreational and commercial fisheries productivity and aquatic ecosystem health.

3. Nonduplication, Consultations, and Other Collection Criteria

The following sections verify and affirm that this ICR satisfies the Office of Management and Budget's (OMB) data-collection guidelines, has public support, and does not duplicate another collection.

3a. Nonduplication

Given that the proposed rule applies to existing facilities, current data sources may already exist for the information required under the rule. Therefore, it was important that EPA review existing data sources to identify currently available information on entities subject to Section 316(b) regulation and to ensure that the data requested by the rule are not otherwise accessible. Data sources reviewed included data collected by offices within EPA; data, reports, and analyses published by other Federal agencies; reports and analyses published by industry; and publicly available financial information compiled by government and private organizations. From this effort, EPA has determined that the information collection and reporting requirements considered in this ICR are not contained or duplicated in other routinely collected documents or reports.

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

This ICR will be publishing concurrently with the publications and request for comments for the proposed rule.

3c. Consultations

EPA has undertaken a wide-reaching outreach effort to collect information applicable to all rulemaking phases of Section 316(b), including data relevant to existing facilities. EPA considered a sizable volume of material submitted during previous public comment periods, as well as additional data from stakeholders, industry groups, technology vendors, and environmental organizations since those comment periods. Since 2007, EPA has conducted over 50 site visits to power plants and manufacturing sites. The purpose of these additional visits was to: gather information on the intake technologies and cooling water systems in place at a wide variety of existing facilities; better understand how the site-specific characteristics of each facility affect the selection and performance of these systems; gather performance data for technologies and affected biological resources; and to solicit perspectives from industry representatives. EPA used a number of criteria in selecting the sites to visit, including those sites representing a variety of geographical locations, different types of intakes, and sites that already had an impingement or entrainment technology in place for which the facility had collected performance data. EPA also asked trade associations to recommend sites posing unique circumstances that may affect the adoption of certain control technologies. EPA also collected information on a number of additional facilities that staff did not physically visit; usually, these were other facilities owned by the parent company of a site visited by EPA. EPA also held conference calls or met with representatives of other sites at EPA's Washington DC location.

EPA has continued to exchange information with various stakeholders in the development of today's proposed rule. EPA met several times with Electric Power Research Institute (EPRI), Edison Electric Institute, Nuclear Energy Institute, and Utility Water Act Group, along with other representatives from facilities and affected industries on topics ranging from the latest advancements in fish protection technologies, permit experience, and the feasibility and cost of installing technologies at certain types of facilities.

EPA consulted the North American Electric Reliability Corporation (NERC) 2010 reliability study and The Edison Electric Institute's recently published study of the combined impact of EPA's upcoming air, water [316(b)], and solid waste rulemakings on the coal fired fleet of power plants. EPA met with Riverkeeper and other environmental groups to discuss the progress of the

revisions to the rule, advances in fish protection technologies, state programs, environmental issues associated with cooling water withdrawals, and the feasibility of closed-cycle cooling. Through these interactions, EPA has received additional data and information including, but not limited to: efficacy data, operating information, cost information, feasibility studies, environmental impacts, and non-water quality related impact information for various candidate BTA technologies.

EPA also collected information on cooling water intake structure-related topics from a variety of other sources, such as state and international policies, as well as some recent individual NPDES permits that have incorporated requirements for significant reductions in cooling water flow. For example, the California Office of Administrative Law approved the "Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling" on September 27, 2010, which requires that all coastal power plants reduce their intake flow to a level commensurate with closed-cycle cooling, and EPA Region I (which develops NPDES permits for several non-delegated New England states) issued a final NPDES permit in October 2003 that required Brayton Point in Somerset, Massachusetts to reduce cooling water intake flow and thermal discharges by approximately 95 percent. EPA also sought information on how other nations address the impacts from cooling water withdrawals. Finally, EPA also coordinated the proposed rule and the related analyses with recently promulgated and proposed utility-related air pollution and solid waste rules for the power sector from EPA's Office of Air and Radiation (OAR) and Office of Resource Conservation and Recovery (ORCR).

3d. Effects of Less Frequent Collection

EPA has concluded that less frequent data collection may fail to identify in a timely manner adverse environmental impact resulting from the operation of existing CWISs. In addition, less frequent collection would also hinder the ability of EPA, States, and facility operators to take advantage of technological improvements in impingement and entrainment technologies as they become available, or to track long-term trends.

3e. General Guidelines

The information collection requirements of the proposed rule are in accordance with the PRA guidelines at Title 5 of the *Code of Federal Regulations* (CFR) 1320.5(d)(2). Requests for supplemental information for the purposes of emergency response or enforcement activities are exempt from the PRA requirements.

3f. Confidentiality

Applications for an NPDES permit may contain confidential business information. However, EPA does not consider the specific information being requested by the proposed rule to be typical of confidential business or personal information. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as such. All confidential data will be handled in accordance with 40 CFR § 122.7, 40 CFR Part 2, and EPA's Security Manual Part III, Chapter 9, dated August 9, 1976.

3g. Sensitive Questions

The proposed rule does not require respondents to divulge information pertaining to private or personal information, such as sexual behavior or religious beliefs. Therefore, this section is not applicable.

4. The Respondents and the Information Requested

4a. Respondents/SIC/NAICS

EPA is making significant changes to the scope and applicability of the proposed rule as compared to the 2004 Phase II rule. The proposed rule includes all existing facilities that were previously subject to the 2004 rule, but also expands the scope of the rule to include other groups of facilities that were previously addressed under the Phase III rule, including existing small power producers and existing manufacturers of all sizes. The proposed rule also clarifies the applicability of the proposed rule to include new units at existing facilities.

The proposed rule would apply to owners and operators of existing facilities that meet all of the following criteria:

- The facility is a point source that uses or proposes to use one or more cooling water intake structures, including a cooling water intake structure operated by an independent supplier that withdraws water from waters of the United States and provides cooling water to the facility by any sort of contract or other arrangement;
- The total design intake flow of the cooling water intake structure(s) is more than 2 MGD; and
- The cooling water intake structure(s) withdraw(s) cooling water from waters of the United States and at least twenty-five (25) percent of the water withdrawn is used exclusively for cooling purposes measured on an average annual basis for each calendar year.

As a result, the proposed rule would apply to all existing power plants and all existing manufacturing facilities that meet the above criteria.

The proposed rule also applies to any new unit constructed at an existing facility, regardless of the design intake flow or percentage of water withdrawn for cooling.

Respondents include existing electric power generating facilities. Facilities in the traditional steam electric utility category are classified under Standard Industrial Classification (SIC) codes 4911 and 493, while nonutility power producers are classified under the major code that corresponds to the primary purpose of the facility (e.g., the primary code may be SIC 49 if the primary purpose of the facility is to generate electricity). Nonutility power producers affected by the Existing Facility proposed rule are anticipated to be classified under SIC 49 (i.e., their primary purpose is to generate electricity).

The proposed rule would also apply national categorical requirements to existing manufacturing and industrial facilities. EPA's anticipates that the regulated manufacturing facilities will be largely concentrated in five industrial sectors: chemicals and allied products (SIC Major Group 28); primary metals industries (SIC Major Group 33); paper and allied products (SIC Major Group 26); petroleum and coal products (SIC Major Group 29); and food and kindred products

(SIC Major Group 20). The first four sectors use a significant portion of the cooling water withdrawn among all manufacturing industries, but EPA also anticipates respondents in the following industries: food processing; aircraft engines and engine parts; cutlery; sawmills and planing mills; finishers of broad woven fabrics of cotton; potash, soda and borate minerals; iron ores; and sugarcane and sugar beets.

Table 1. Industry Categories and SIC Codes for the Proposed Rule

Respondent Industry Categories	SIC Codes	NAICS Codes
Traditional Steam Electric Utilities	SIC codes 4911 and 493	221112, 221113, 221119, 221121, 221122
Steam Electric Nonutility Power Producers: Nonindustrial	SIC Major Group 49	
Chemicals and allied products	SIC Major Group 28	324110, 324121, 324122, 324191, 324199
Primary metals industries	SIC Major Group 33	324199, 331111, 331111, 331112, 331210, 331221, 331221, 331221, 331222, 331312, 331314, 331314, 331315, 331316, 331319, 331319, 331411, 331419, 331421, 331422, 331423, 331423, 331491, 331491, 331492, 331492, 331511, 331511, 331512, 331513, 331521, 331522, 331524, 331525, 331528, 332618, 332618, 332811, 332813, 335921, 335929
Paper and allied products	SIC Major Group 26	322110, 322121, 322121, 322122, 322122, 322130, 322130, 322211, 322211, 322212, 322213, 322214, 322215, 322221, 322222, 322222, 322223, 322224, 322226, 322231, 322231, 322232, 322233, 322291, 322299, 322299, 326111, 326112
Petroleum and coal products	SIC Major Group 29	324110, 324121, 324122, 324191, 324199
Food and kindred products	SIC Major Group 20	111998, 311111, 311119, 311211, 311211, 311212, 311212, 311213, 311221, 311222, 311222, 311223, 311223, 311223, 311225, 311225, 311225, 311225, 311225, 311230, 311311, 311312, 311313, 311320, 311330, 311330, 311340, 311340, 311340, 311411, 311412, 311421, 311421, 311422, 311423, 311423, 311511, 311511, 311512, 311513, 311514, 311514, 311520, 311611, 311611, 311612, 311613, 311613, 311615, 311711, 311711, 311712, 311712, 311812, 311812, 311813, 311821, 311822, 311823, 311823, 311830, 311911, 311911, 311919, 311919, 311920, 311920, 311920, 311920, 311930, 311941, 311941, 311942, 311942, 311942, 311991, 311999, 311999, 311999, 311999, 311999, 312111, 312112, 312113, 312120, 312130, 312130, 312140

4b. Information Requested

The following sections provide details on data items requested and associated activities that the proposed rule requires respondents to provide in their application. The two principal respondent

categories are existing facilities subject to the rule and NPDES program Directors (i.e., States and Territories authorized under CWA Section 402(b) to administer the NPDES permit program, and EPA Regional offices). There are currently 46 States and the Virgin Islands authorized under CWA Section 402(b) to implement the NPDES permit program.

Information requirements for some facilities would differ depending on criteria established by the proposed rule. Certain information requirements are applicable to all existing permitted facilities to which the proposed rule would apply; other information requirements apply only to facilities withdrawing more than 125 MGD and existing facilities with new units to enable the site-specific determination of best technology available for minimizing adverse environmental impact.

Since section 316(b) standards are implemented through NPDES permits, the proposed rule affects Directors in a manner similar to other changes to NPDES program requirements. There are currently 46 States and one Territory authorized under CWA Section 402(b) to implement the NPDES permit program, these new cooling water intake structure requirements potentially affect authorized State NPDES programs. To be consistent with the proposed rule, States would need to revise their current regulations. States will need to begin implementing cooling water intake standard requirements once they are published as final regulations.

EPA recognizes that facilities previously subject to the 2004 Phase II rule (existing electric generating facilities with a DIF equal to or greater than 50 MGD) should have already compiled much of the application information to be collected in today's proposal and expects that these data would be used to meet many of the requirements under today's proposed rule. In some cases, the information may have been collected, but reports may not have been generated or finalized. EPA also understands that many other facilities may not have collected this information, e.g., smaller power plants and manufacturers, and would have to initiate new data collection efforts. For this reason, EPA is proposing two different timelines for application submittal.

4b(i). Data Items, Including Record Keeping Requirements

Data items required by the proposed rule are gathered for either record keeping or reporting purposes. There are several data items that are collected before permit application, others that are required during the permit application process and others that are required to be collected on an annual basis. This ICR covers the activities in the first 3 years after promulgation.

Reporting Requirements

The proposed rule does not require Directors to prepare or submit any reports beyond what is currently required of them under the NPDES program. However, Directors need to review, maintain records of, and make permitting determinations on the basis of all documents and reports submitted to them by existing facilities.

All existing facilities subject to the proposed rule would submit to the Director for review and comment the data, studies, and plans outlined at § 122.21(r), which describe the approach and information that a facility plans to use to meet the rule requirements. Some data, studies, and plans would be submitted within three years after the effective date of the rule; others are

required to be submitted according to the timelines specified at § 125.95(b). Each facility would be able to initiate activities proposed in the required studies and plans prior to receiving comments from the Director. The materials that are required to be submitted within the first 3 years after promulgation of today's proposed rule (and the period covered by this ICR) include:

For power plants with DIF of 50 MGD or more:

- Data characterizing the facility and evaluating the type of waterbody and species potentially affected by the cooling water intake structure, including: a narrative description and scaled drawings showing the physical configuration of all source water bodies used by the facility, including areal dimensions, depths, salinity and temperature regimes, and other documentation that supports the determination of the water body type where each cooling water intake structure is located; identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to determine the intake's area of influence within the waterbody and the results of such studies; and locational maps (§ 122.21(r)(2) Source water physical data)
- Data characterizing the cooling water intake structure and evaluating the potential for impingement and entrainment of aquatic organisms, including : a narrative description of the configuration of each of cooling water intake structure and where it is located in the water body and in the water column; latitude and longitude in degrees, minutes, and seconds for each cooling water intake structure; a narrative description of the operation of each of cooling water intake structure, including design intake flows, daily hours of operation, number of days of the year in operation and seasonal changes, if applicable; a flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and engineering drawings of the cooling water intake structure (§ 122.21(r)(3) Cooling water intake structure data)
- Data characterizing the biological community in the vicinity of the cooling water intake structure and to characterize the operation of the cooling water intake structures, including identification of data that are not available and efforts made to identify sources of the data; a list of species (or relevant taxa) for all life stages and their relative abundance in the vicinity of the cooling water intake structure; identification of the species and life stages that would be most susceptible to impingement and entrainment. Species evaluated should include the forage base as well as those most important in terms of significance to commercial and recreational fisheries. In addition, the applicant must provide identification and evaluation of the primary period of reproduction, larval recruitment, and period of peak abundance for relevant taxa; data representative of the seasonal and daily activities (e.g., feeding and water column migration) of biological organisms in the vicinity of the cooling water intake structure; identification of all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at the cooling water intake structures; and documentation of any public participation or consultation with Federal or State agencies undertaken in development of the plan (§ 122.21(r)(4) Source water baseline biological characterization data)
- Data characterizing each cooling water intake structure in use, including a narrative description of the operation of the cooling water system and its relationship to cooling water intake structures; the proportion of the design intake flow that is used in the system

including a distribution of water used for contact cooling, non-contact cooling, and process uses; a distribution of water reuse (to include cooling water reused as process water, process water reused for cooling, and the use of grey water for cooling); description of reductions in total water withdrawals including cooling water intake flow reductions already achieved through minimized process water withdrawals; description of any cooling water that is used in a manufacturing process either before or after it is used for cooling, including other recycled process water flows; the proportion of the source waterbody withdrawn (on a monthly basis); the number of days of the year the cooling water system is in operation and seasonal changes in the operation of the system, if applicable. (§ 122.21(r)(5) Cooling water system data)

- Plan identifying the approach the facility would use to meet proposed rule IM requirements, i.e., direct measure of impingement mortality through sampling, or demonstration that the maximum intake velocity is equal to or less than 0.5 fps. For the former, the Plan would include the duration and frequency of monitoring (which would generally be conducted on a biweekly basis), the monitoring location, the organisms to be monitored, and the method in which naturally moribund organisms would be identified and taken into account. The Plan would also address the impingement mortality of shellfish, as appropriate, for intakes that withdraw from oceans and tidal waters, e.g., seasonal deployment of barrier nets, passive screens, or an appropriate handling and return system. For facilities that plan to meet IM requirements by demonstrating that the maximum intake velocity is equal to or less than 0.5 fps, the Plan would provide for each intake either, 1) documentation that the design intake velocity is equal to or less than 0.5 feet per second, as described at § 125.94(b)(2)(i-ii), or, 2) documentation of the facility's proposed method for demonstrating the required maximum intake velocity (equal to or less than 0.5 feet per second) in accordance with § 125.94(b)(2)(i-ii). (§ 122.21(r) (6) Proposed IM reduction plan)
- Description of biological survival studies conducted at the facility and a summary of any conclusions or results, including site-specific studies addressing technology efficacy, through-plant entrainment survival, and other impingement and entrainment mortality studies; studies conducted at other locations including a justification as to why the data is relevant and representative of conditions at the facility (§ 122.21(r)(7) Performance studies)
- Description of the operational status of each unit, including descriptions of each individual unit's operating status including age of the unit, capacity utilization for the previous 5 years, and any major upgrades completed within the last 15 years (e.g., boiler or condenser replacement, changes to fuel type); a description of completed, approved, or scheduled uprates and NRC relicensing status for nuclear facilities; a description of plans or schedules for decommissioning or replacement of units; and a description of current and future production schedules for manufacturing facilities. (§ 122.21(r)(8) Operational status)
- For facilities with AIF>125 MGD:
    - Plan for collecting entrainment mortality data that identifies peer reviewers. The Plan must include the duration and frequency of monitoring; the monitoring location, including a description of the study area and the area of influence of the cooling water intake structure(s); a taxonomic identification of the sampled or evaluated biological assemblages (including all life stages of fish and shellfish);

the organisms to be monitored, including species of concern and threatened or endangered species; any other organisms identified by the Director; the method in which latent mortality would be identified; and documentation of all methods and quality assurance/quality control procedures for sampling and data analysis. (§ 122.21(r)(9) Entrainment characterization study:(i) EM plan with peer reviewers identified)

- Plan for collecting entrainment mortality data that has gone through the peer review process and requires the owner or operator of the facility to carry out the data collection (§ 122.21(r)(9) Entrainment characterization study:(ii) peer reviewed EM plan and (iii) implement EM plan)

For other existing facilities with DIF > 2 MGD:

- Data characterizing the facility and evaluating the type of waterbody and species potentially affected by the cooling water intake structure (§ 122.21(r)(2) Source water physical data)
- Data characterizing the cooling water intake structure and evaluate the potential for impingement and entrainment of aquatic organisms (§ 122.21(r)(3) Cooling water intake structure data)
- Data characterizing the biological community in the vicinity of the cooling water intake structure and to characterize the operation of the cooling water intake structures (§ 122.21(r)(4) Source water baseline biological characterization data)
- Data characterizing each cooling water intake structure in use (§ 122.21(r)(5) Cooling water system data)
- Plan identifying the approach the facility would use to meet proposed rule IM requirements, i.e., direct measure of impingement mortality through sampling, or demonstration that the maximum intake velocity is equal to or less than 0.5 fps (§ 122.21(r) (6) Proposed IM reduction plan)
- Description of biological survival studies conducted at the facility and a summary of any conclusions or results (§ 122.21(r)(7) Performance studies)
- Description of the operational status of each unit (§ 122.21(r)(8) Operational status)
- For facilities with AIF>125 MGD:
    - Plan for collecting entrainment mortality data that identifies peer reviewers (§ 122.21(r)(9) Entrainment characterization study:(i) EM plan with peer reviewers identified)

For new units at existing facilities:

- Data characterizing the cooling water intake structure and evaluating the potential for impingement and entrainment of aquatic organisms (§ 122.21(r)(3) Cooling water intake structure data)
- Data characterizing each cooling water intake structure in use (§ 122.21(r)(5) Cooling water system data)
- Plan to implement a monitoring program as specified in §125.96(a)
- Velocity information including: (1) A narrative description of the design, structure, equipment, and operation used to meet the velocity requirement; and (2) Design calculations showing that the velocity requirement will be met at minimum ambient

source water surface elevations and maximum head loss across the screens or other device

- For facilities choosing to comply with the entrainment mortality requirements in § 125.94(d)(2), a Comprehensive Demonstration Study (Study) that characterizes the source water baseline in the vicinity of the cooling water intake structure(s), characterizes operation of the cooling water intake(s), and confirms that the technology(ies) proposed and/or implemented at the cooling water intake structure reduce the impacts to fish and shellfish to levels comparable to those that would be achieved if the facility implemented the requirements in § 125.94(d)(1). The Study requires demonstration that:
    - The facility has reduced entrainment mortality of all life stages of fish and shellfish to 90 percent or greater of the reduction that would be achieved through § 125.94(d)(1); or
    - If the demonstration includes consideration of impacts other than entrainment, that the measures taken will maintain the fish and shellfish in the waterbody at a substantially similar level to that which would be achieved through § 125.94(d)(1); and
    - A plan containing a proposal for how information will be collected to support the study that includes:
        - A description of the proposed and/or implemented technology(ies) to be evaluated in the Study;
        - A list and description of any historical studies characterizing the physical and biological conditions in the vicinity of the proposed or actual intake(s) and their relevancy to the proposed Study.
        - Any public participation or consultation with Federal or State agencies undertaken in developing the plan; and
        - A sampling plan for data that will be collected using actual field studies in the source water body.
    - Source Water Biological Study.
    - Evaluation of potential cooling water intake structure effects.
    - Verification monitoring plan, including plans for conducting, at a minimum, two years of monitoring to verify the full-scale performance of the proposed or implemented technologies, operational measures.

Note that, for new facilities, data characterizing the facility and evaluating the type of waterbody and species potentially affected by the cooling water intake structure (§ 122.21(r)(2) Source water physical data) and data characterizing the biological community in the vicinity of the cooling water intake structure and to characterize the operation of the cooling water intake structures (§ 122.21(r)(4) Source water baseline biological characterization data) should have already been submitted for the existing facility units and therefore creates no additional burden.

Annual Reporting Requirements

Facilities must submit annual reports that document compliance with applicable impingement mortality requirements for each month. Facilities may have reporting requirements for entrainment mortality, based on the Director's discretion. All facilities and new units must submit an annual certification statement that verifies that the facility is operating as described in their permit application.

Record Keeping Requirements

All operators of existing facilities are required to keep records of the information and data submitted to the Director. Records are required to be maintained for a period of at least 3 years unless extended at the request of the Director.

4b(ii). Respondent Activities

As mentioned above, respondents include both existing facilities and NPDES permit program Directors. Their information collection activities are described below.

Start-Up Activities

All facilities will need to perform start-up activities such as reading the rule, planning for the implementation of the rule, option selection and facility classification analysis, and preparation and submission of the required data, studies, and plans as described in section 4(b)(i).

Permit Application Activities

Existing facilities would be required to perform several data gathering activities as part of the permit application process. Under the proposed rule, all existing facilities would be required to gather application information as specified by § 122.21(r) so that the Director can evaluate the potential impact to the waterbody in which the intake structure is located. The information collected under § 122.21(r) is described above in section 4(b)(i).

Director Activities

NPDES program Directors would act to ensure the implementation of the proposed rule. To successfully meet their responsibilities, EPA anticipates that Directors would be involved in the following activities:

- Reading and understanding the rule;
- Mobilization and planning; and
- Training facility and consultant staff.

Directors would also review all submittals from facilities, including permit application materials, monitoring reports, status reports (if applicable), and annual reports and certification statements.

5. The Information Collected-Agency Activities, Collection, Methodology and Information Management

The following sections describe EPA activities related to analyzing, maintaining, and distributing the information collected.

5a. Agency Activities

EPA is responsible for overseeing the implementation of the proposed rule. Implementation of reporting and monitoring requirements would rely extensively on State governments in those States that have authorization under CWA Section 402(b) to implement the NPDES permit program. In States that do not have NPDES permitting authority, EPA is responsible for

administering the program. Under these circumstances, EPA performs the same activities as those outlined for Directors in Section 4.

EPA typically reviews NPDES permits in the early stages of implementation of new regulations. As such, EPA assumed that it would perform a detailed review, make comments, and follow up on comments for the 316(b) portions of State-issued NPDES permits, during the first years after promulgation when permits are issued. This ICR covers the first 3 years after promulgation.

5b. Collection Methodology and Information Management

The proposed rule provides minimum requirements regarding the type of information collected. Directors of NPDES programs are primarily responsible for determining which collection method and information management strategy is most appropriate. EPA will maintain some of the compliance data in its PCS database, which is in the process of being replaced by the ICIS-NPDES. PCS and ICIS-NPDES are national computerized management information systems that provide for entry, updating, and retrieval of NPDES data and tracking permit issuance, permit limits and monitoring data, and other data pertaining to facilities regulated under NPDES. This technology reduces the burden to the permitting authority of gathering, analyzing, and reporting national permit and water quality data.

Permitting authorities are responsible for reviewing permit applications, permits, monitoring reports, and so on to verify the accuracy of the data. Permitting authorities are also responsible for entering that data into PCS/ICIS. Authorities have differing approaches for entering the data into PCS/ICIS and for checking data quality. This includes the use of coding forms, direct entry, batch uploads, and so on. Many States have developed State databases that are tailored to their needs; interfaces are being developed for uploads directly to ICIS-NPDES from State systems. Permit data can be accessed by the public in one of three ways:

- Via the Freedom of Information Act (FOIA) by submitting a request to EPA or the State.
- Via an online query using EPA's Envirofacts Data Warehouse and Applications Web site at http://www.epa.gov/enviro/index.html. Accessing data via Envirofacts provides a method to combine PCS/ICIS-NPDES data with other EPA databases and mapping tools.
- Via some State Web sites.

5c. Small Entity Flexibility

The proposed rule's minimum design intake flow thresholds would exclude most existing small entities from the proposed rule requirements. As a result, the proposed rule is expected to affect only a small absolute number of facilities owned by small entities, representing a very small percentage of all facilities owned by small entities in the electric power industry. EPA estimates that 33 in-scope electric generators owned by small entities (out of the total of 143 entities that own electric generators) would be regulated by this proposed rule. Of the 33 generators, 17 are projected to be owned by a municipality, 8 by a rural electric cooperative, and 5 by nonutilities. In total, EPA estimates that only a small percentage of all small entities in the electric power industry, approximately 1.6 percent, would be subject to the proposed rule. EPA estimates that 15 to 47 small entities (out of 27,834 Primary Manufacturing Industries) own manufacturing facilities that would be regulated by this proposed rule, representing 0.2 to 0.1 percent of total estimated small entities in the Primary Manufacturing Industries. Of the six Primary Manufacturing Industries, Paper has the largest number of small entities (7 to 23), and these small entities also account for the largest percentage of total small entities in any of the six industries – 3.2 to 10.6 percent of estimated total small entities in the Paper industry. The percentage of estimated total small entities subject to regulation reaches 2 percent for only one (Aluminum) of the remaining Primary Manufacturing Industries.

EPA considers the proposed information collection and reporting requirements to be the minimum necessary to ensure that the section 316(b) goal of "minimizing adverse environmental impact" is met. Because small entities constitute a very small share of the potentially affected facilities and because only a small percentage of all small entities in the electric power industry are subject to the proposed rule, providing them greater flexibility such as less frequent data collection and reporting requirements would not have a large effect on their overall burden, but could have an adverse impact on the effectiveness of the proposed rule. Furthermore, because the reporting requirements differ by source waterbody type and permitting track selected, entities of all sizes have the flexibility to minimize their total compliance costs including the costs and burden of information collection requirements.

5d. Collection Schedule

EPA anticipates that 1,272 existing facilities will fall within the scope of the proposed rule during the 3 years covered by this ICR. Table 2 provides the estimated implementation schedule for the facilities during the ICR approval period.

Table 2. Number of Facilities Assumed to Comply with Information Collection: Requirements During the ICR Period by Year

Type of Activity	ICR Period		
	6/2012–5/2013	6/2013–5/2014	6/2014–5/2015
Start-up Activities	1266	3	3
Permit Application Activities for power plants with DIF≥50 MG	554	0	0
Permit Application Activities for power plants with DIF≥50 MGD w/ AIF>125 MGD	354	354	354
Permit Application Activities for other Existing Facilities with DIF > 2 MGD	0	0	709
Permit Application Activities for Existing Facilities with DIF > 2 MGD w/ AIF>125 MGD	0	0	26

Permit Application Activities for new units	3	3	3
Compliance Monitoring	554	554	554
Recurring Reporting and Recordkeeping	557	560	563

6. Estimating Respondent Burden and Cost of Collection

The following sections present the proposed rationale and assumptions made and results of EPA's estimation of burden and costs for the implementation of the rule. Specific respondent activities were detailed in section 4b(ii). It is important to note that this ICR covers the first 3 years after promulgation of the rule. Therefore, all activities are related to start-up and preliminary activities necessary before permits are required (first permits will be required five years after promulgation).

6a. Estimating Respondent Burden

This section describes the burden estimates for facilities and Directors, as well as the methods used and assumptions made to derive them.

Facility Burdens

Information collection would require in-scope facilities to devote time (i.e., as measured by staff hours) and resources (e.g., copies of documents and report mailings) to produce the necessary information. EPA expects that facility employees, including managers, engineers, engineering technicians, statisticians, biologists, biological technicians, draftsmen, and clerical staff, will devote time toward gathering, preparing, and submitting the various documents. To develop representative profiles of each employee's relative contribution, EPA assumed burden estimates that reflect the staffing and expertise typically found in manufacturing facilities and power generating plants. In doing this, EPA considered the time and qualifications necessary to complete a variety of tasks: reviewing instructions, planning responses, researching data sources, gathering and analyzing data, typing or writing the information requested, reviewing results, conferring with permitting authorities and expert consultants, and sending documents.

For each activity burden assumption, EPA selected time estimates to reflect the expected effort necessary to carry out these activities under normal conditions and reasonable labor efficiency rates. EPA assumed that the majority of the actual work performed by facility staff, such as researching, collecting, and analyzing data, as well as writing the documents, will be carried out by junior technical staff. Burdens associated with managerial and senior engineering staff include time for actions such as occasional or seasonal visits to supervise sampling efforts, as well as periodic review of lab results and documentation. EPA assumed that the facilities will employ a drafter to perform computer aided drafting (CAD) operations. For contracted employees, EPA assumed that the majority of the work would be carried out by the biologists and the biological technicians.

Table 3 provides a summary of the hourly burden estimates for facilities performing activities (initial and recurring) associated with the proposed rule. For a more detailed presentation of hourly burdens for facilities, see Exhibits A.1 and A.2 in Appendix A.

The activities listed in the first column of Table 3 correspond to the facility respondent activities outlined earlier in Section 4b(ii). All facilities will be subject to the start-up activities listed in Table 3. For a detailed presentation of the number of facilities performing each activity, see Exhibits A.5 and A.6 in Appendix A.

One time and Recurring Facility Activities

In Table 3, the start-up burdens account for reading the published regulations, and any guidance materials associated with the rule; determining the required staff and resources necessary to successfully complete the requirements, and choosing an option selection/facility classification. These start-up activities, applicable to all facilities, are assumed to be mostly performed by facility management and junior technical staff.

Facilities will also have recurring activities, such as monitoring and reporting. Impingement monitoring must be conducted on a weekly basis, with monthly reports submitted to the Director (unless the facility opts to comply via the intake velocity threshold). Entrainment monitoring may be required by the Director. New units at existing facilities must document flow reductions commensurate with closed-cycle cooling on a monthly basis. Quarterly status reports (if required) must document progress towards long-term goals, such as testing or construction of a technology. Annual reports must document the results of the year's monitoring and certify that the facility continues to operate in the manner stated in the permit application.

Table 3. Average per Facility Burden for each NPDES Permit Application Activity

Activities	Burden (hrs)
One-time	
Start-up Activities	33
Permit Application Activities for power plants with DIF≥50 MG	298
Permit Application Activities for power plants with DIF≥50 MGD w/ AIF>125 MGD	331
Permit Application Activities for other Existing Facilities with DIF > 2 MGD	614
Permit Application Activities for Existing Facilities with DIF > 2 MGD w/ AIF>125 MGD	251
Permit Application Activities for new units	401
Recurring	
Compliance Monitoring	1952
Recurring Reporting and Recordkeeping	99

Director Burdens

The proposed rule will require Directors to devote time and resources to set-up the new scheme and review and respond to the information submitted.

Table 4. Average State Director Burden for Activities

Activities	Burden (hrs)
One-time	
Director Start-up Activities (per Director)	100
Director Permit Application Activities for power plants with DIF≥50 MG	6
Director Permit Application Activities for power plants with DIF≥50 MGD w/ AIF>125 MGD	24
Director Permit Application Activities for other Existing Facilities with DIF > 2 MGD	6
Director Permit Application Activities for other Existing Facilities w/ AIF>125 MGD	15
Director Permit Application Activities for new units	8

Recurring	
Director Annual Activities	3

6b. Estimating Respondent Costs

This section describes cost estimates for facilities and Directors, as well as the methods used to derive them.

6b(i). Estimating Labor Costs

The costs to the respondent facilities associated with the ICR activities can be estimated by multiplying the time spent in each labor category by an appropriately loaded hourly wage rate. All base wage rates used for facility labor categories were derived from the Bureau of Labor Statistics (BLS) *Occupational Outlook Handbook 2010–2011*. These reported labor rates were based on data from the year 2009 and are adjusted for inflation. The inflation factor was derived from the BLS Employment Cost Index and was used to adjust the *Occupational Outlook Handbook* labor rates to reflect labor rates for September of 2009.

Compensatory loading factors ranging from 35 percent to 53 percent, depending on the labor category, were used to account for any paid leave, supplemental pay, insurance, retirement and savings, and required and non-required benefits received by employees (EPA ICR 2060.02 citing *BLS Employment Cost Trends*, March 2001). EPA assumed an additional loading factor of 15 percent to account for general overhead costs directly attributable to facility employees performing work in support of the permit process. Expenses for contracted employees typically include higher overhead costs, as well as a fee to ensure profit for the contracting company. EPA assumes that the overhead for the contracted employees will be 50 percent, and the fee will be 8 percent.

To represent the base labor rate for facility management, EPA used the average national salary for an engineering manager of $115,270 per year. This figure was divided by 2,080 hours to derive the hourly managerial wage rate of approximately $55 per hour. After adjusting this rate for inflation, compensation, and overhead, the rate is approximately $98 per hour. The median annual salary of $48,130 for a mechanical engineering technician was used to represent the base labor rate for junior technical staff. After determining the hourly wage rate and adjusting for inflation and other factors, this labor rate was approximately $41 per hour. The median annual salary for a drafter performing CAD work was reported to be $22 per hour, and, after adjusting and loading the rate, it is approximately $40. The reported average annual salary for clerical workers was $25,320, and the fully adjusted and loaded hourly rate is approximately $19 per hour.

To represent the base labor rate for a contracted manager of monitoring work done on-site, EPA used the average national salary for a natural sciences manager of $112,800 per year with a fully loaded rate of $122 per hour. The median annual salary for a statistician was $72,610 per year with an adjusted hourly rate of approximately $77 per hour. Biologists and biological technicians had an average hourly pay of $31 and $18 and a fully loaded rate of $70 and $42, respectively.

Director Labor Costs

For Director costs, all the base labor rates and compensation factors were derived from published employment cost trends for State and local government workers for the first quarter of 2001 (EPA ICR 2060.02 citing *BLS Employment Cost Trends*, March 2001). These labor rates were adjusted to reflect labor rates for September of 2009 (*BLS Employment Cost Index*). EPA chose the BLS labor category of white-collar professional specialist to represent the senior administrative and technical staff that will oversee and manage the NPDES permit program. The base hourly rate for this category was approximately $29 per hour, and, after adjusting for compensation and inflation, it is approximately $62 per hour.

Similarly, EPA chose the BLS labor category of white-collar professional technical to represent the junior technical staff that EPA expects to perform the majority of the actual NPDES permitting work. The reported base pay for this category was approximately $18 per hour, which becomes approximately $37 per hour after being adjusted for compensation, overhead, and inflation. The hourly wage for State government clerical workers was $13 per hour before adjustment and approximately $29 afterward.

6b(ii). Estimating Capital and Operation and Maintenance Costs

A facility incurs capital/start-up costs when it purchases equipment or builds structures that are needed for compliance with the rule's reporting and record keeping requirements and that the facility would not use otherwise. A facility incurs operation and maintenance (O&M) costs when it uses services, materials, or supplies that are needed to comply with the rule's reporting and record keeping requirements and that the facility would not use otherwise. Any costs for the operation and upkeep of capital equipment are considered O&M costs. Another type of O&M cost is for the purchase of contracted services, such as laboratory analyses. The purchase of supplies such as filing cabinets and services such as photocopying or boat rental are also considered O&M costs and are referred to as other direct costs (ODCs).

In general, the labor costs and O&M costs reported in this analysis are assumed to represent typical average national cost estimates that are likely to be incurred by existing facilities and by permitting authorities. EPA attempted to take into account various factors such as decreases in labor efficiency that occur during extreme climate conditions, equipment down time, and the occasional sample that might need to be replaced because it was lost or spoiled during transport. Table 5 provides a summary of facility-level average labor costs, capital costs, and O&M costs over the 3-year ICR period. For a more detailed presentation of all compliance costs for facilities, see Exhibits A.1 and A.2 in Appendix A.

Table 5. Average per Facility Burden and Costs for each NPDES Permit Renewal Activity

Activities	Burden (hrs)	Labor Cost (2009)	Capital (2009)	O&M (2009)
Start-up Activities	33	$2,470	$0	$100
Permit Application Activities for power plants with DIF≥50 MG	298	$17,746	$0	$500
Permit Application Activities for power plants with DIF≥50 MGD w/ AIF>125 MGD	331	$21,170	$0	$500
Permit Application Activities for other Existing Facilities with DIF > 2 MGD	614	$34,461	$0	$500

Activities	Burden (hrs)	Labor Cost (2009)	Capital (2009)	O&M (2009)
Permit Application Activities for Existing Facilities with DIF > 2 MGD w/ AIF>125 MGD	251	$16,008	$0	$500
Permit Application Activities for new units	401	$25,188	$0	$500
Compliance Monitoring	1952	$124,308	$0	$30,000
Recurring Reporting and Recordkeeping	99	$6,786	$0	$1,000

Director O&M Costs

EPA does not anticipate any O&M costs other than ODCs for state Directors as a result of the proposed rule. Table 6 provides estimates of average state Director labor costs and ODCs. For a more detailed explanation of State Director costs, see Exhibit A.3 in Appendix A.

Table 6. Average State Director Burden and Costs for Activities

Activities	Burden (hrs)	Labor Cost (2009$)	O&M (2009$)
Director Start-up Activities	100	$4,700	$200
Director Permit Application Activities for power plants with DIF≥50 MG	6	$268	$500
Director Permit Application Activities for power plants with DIF≥50 MGD w/ AIF>125 MGD	24	$1,000	$500
Director Permit Application Activities for other Existing Facilities with DIF > 2 MGD	6	$268	$500
Director Permit Application Activities for other Existing Facilities w/ AIF>125 MGD	15	$614	$500
Director Permit Application Activities for new units	8	$344	$500
Director Annual Activities	3	$125	$500

6c. Estimating Agency Burden and Costs

As mentioned previously, 46 States and the Virgin Islands are authorized to administer the NPDES permitting program. For in-scope facilities applying for reissued permits in the 10 unauthorized States and Territories, EPA will incur costs and burdens similar to those incurred by States with permitting authority.

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

During the 3 years covered by this ICR (which correspond to years 1–3 after rule promulgation), there are an estimated 1,272 facilities along with 46 States that the Section proposed rule could affect. The proposed rule would require each respondent to comply with one or more provisions. In turn, each provision has numerous activities associated with it. Exhibits A.5 and A.6 in Appendix A provide an estimate of the number of respondents and responses expected for each provision of the rule during each year of the ICR approval period. The annual estimates are based on the compliance schedule used to estimate the cost of the final rule. In addition, Exhibits A.7 to A.10 provide a summary of the respondent burdens and costs for each year of the ICR period. These estimates were calculated by multiplying facility and state Director level burden and cost estimates in Exhibits A.1-A.3 by the number of respondents performing each activity in Exhibit A.5 (see Appendix A).

6e. Bottom Line Burden Hours and Costs Tables

This section provides a description of bottom line data collection and record keeping burden and cost estimates for implementation of the proposed rule.

6e(i). Respondent Tally

The bottom line burden hours and costs for facilities and Directors are the total annual hours and costs collectively incurred for all activities during the ICR period. Table 7 provides a summary of the average annual number of respondents, burden hours, and costs. A more detailed summary can be found in Exhibit A.11 in Appendix A.

Table 7. Summary of Average Annual Respondents, Burden, and Costs for Facilities and State Directors for the ICR Period

	Average Annual Respondents	Average Annual Burden (hours)	Average Annual Labor Costs (2009$)	Average Annual Capital and O&M Costs (2009$)	Total Annual Costs (2009$)
Facilities	1033	1,471,672	$92,843,981	$17,615,733	$110,459,715
State Directors	46	49,586	$2,082,176	$658,067	$2,740,242
Totals	**1079**	**1,521,257**	**$94,926,157**	**$18,273,800**	**$113,199,957**

6e(ii). Agency Tally

The bottom line burden hours and costs for the Federal agency are the total annual hours and costs collectively incurred for all activities during the ICR period. Table 8 provides a summary of the average annual agency burden hours and costs. A more detailed summary can be found in Exhibit A.11 in Appendix A.

Table 8. Summary of Average Annual Agency Burden and Costs for the ICR Period

	Average Annual Burden (hours)	Average Annual Labor Costs (2009$)	Average Annual Capital and O&M Costs (2009$)	Total Annual Costs (2009$)
Agency Totals	1,389	$58,286	$18,400	$76,686

6f. Reasons for Change in Burden

This is a new rule ICR. The change in burden results from final regulatory changes that require information collection and record keeping activities.

6g. Burden Statement

The annual average reporting and record keeping burden for the collection of information by facilities responding to the proposed rule is estimated to be 1,425 hours per facility respondent (i.e., an annual average of 1,471,672 hours of burden divided among an anticipated annual average of 1,033 facilities). The state Director reporting and record keeping burden for the review, oversight, and administration of the rule is estimated to average 1,078 hours per state respondent per year (i.e., an annual average of 49,586 hours of burden divided among an anticipated 46 States on average per year).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, or disclose or provide information to or for a Federal agency. This includes the time

needed to review instructions; develop, acquire, install, and use technology and systems for 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 information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2008-0667, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426. An electronic version of the public docket is available through www.regulations.gov/. Use www.regulations.gov to submit or view public comments, to access the index listing of the contents of the public docket, and to access documents in the public docket that are available electronically. Once in the system, key in the docket ID number identified above. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OW-2008-0667 and OMB control number 2040-0257 in any correspondence.