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**Supporting Statement for the Information Collection Request for
Revisions to NPDES Rules for
Concentrated Animal Feeding Operations --
Proposed 308 Rule**

October 2011

EPA ICR No. 1989.08

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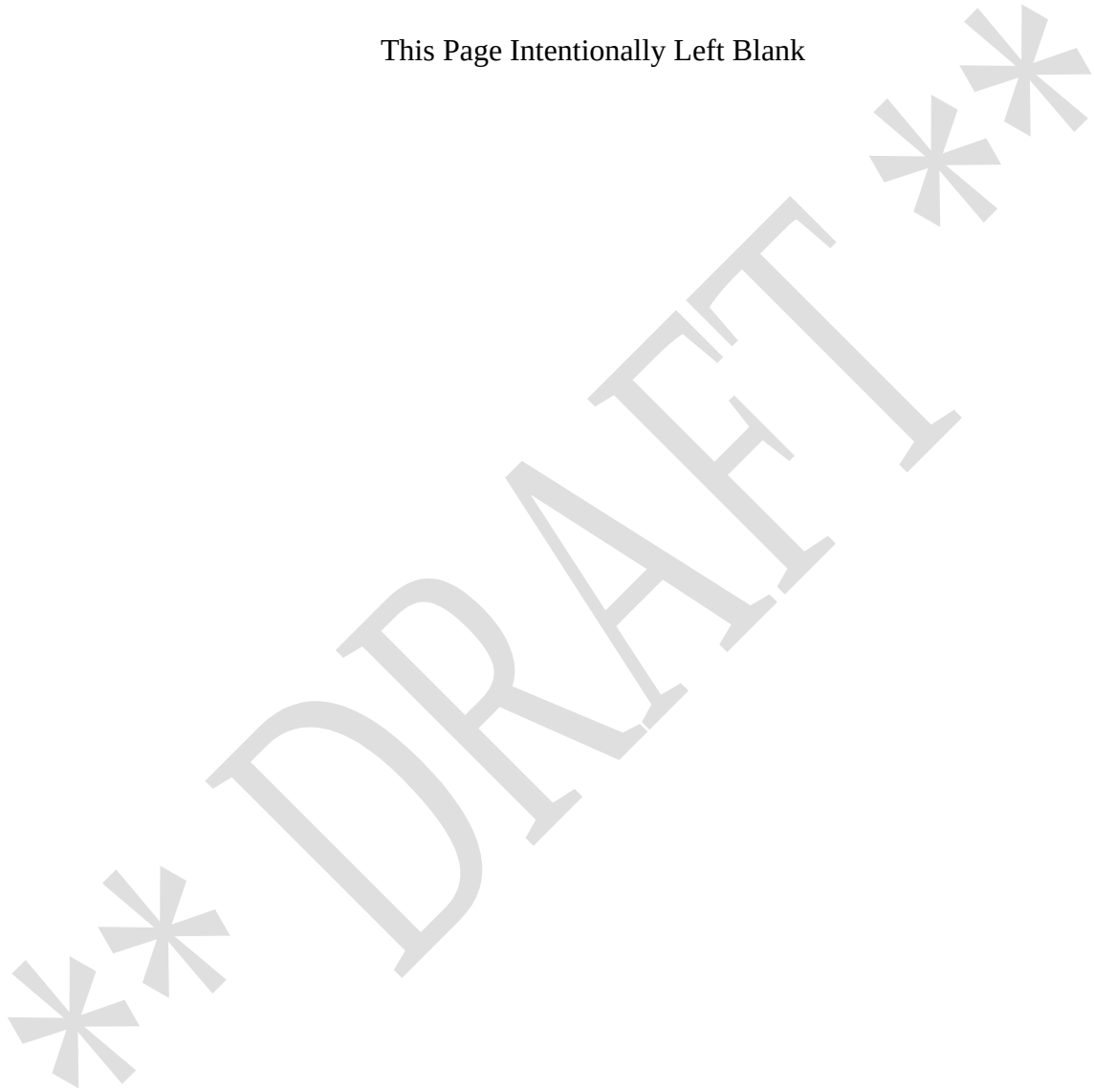
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TABLE OF CONTENTS

1. IDENTIFICATION OF THE INFORMATION COLLECTION.....2
1(a) Title of the Information Collection.....2
1(b) Short Characterization/Abstract.....2
1(c) Relationship to the NPDES Animals Sector ICRs.....2
2. NEED FOR AND USE OF THE COLLECTION.....3
2(a) Need and Authority for the Collection.....3
2(b) Practical Utility/Users of the Data.....4
3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA....5
3(a) Nonduplication.....5
3(b) Public Notice Required Prior to ICR Submission to OMB.....5
3(c) Consultations.....5
3(d) Effects of Less Frequent Collection.....5
3(e) General Guidelines.....5
3(f) Confidentiality.....5
3(g) Sensitive Questions.....6
4. THE RESPONDENTS AND THE INFORMATION REQUESTED.....6
4(a) Respondents/SIC Codes.....6
4(b) Information Requested.....10
5. THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION
METHODOLOGY, AND INFORMATION MANAGEMENT.....11
5(a) Agency Activities.....11
5(b) Collection Methodology and Management.....11
5(c) Small Entity Flexibility.....11
5(d) Collection Schedule.....12
6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION.....13
6(a) Estimating Respondent Burden.....13
6(b) Estimating Respondent Costs.....13
6(c) Estimating Agency Burden and Cost.....14
6(d) Cost Overview for Alternative Data Collection Approach.....14
6(e) Estimating the Respondent Universe and Total Burden and Costs.....15
6(f) Bottom Line Burden Hours and Costs.....16
6(g) Reasons for Change in Burden.....16
6(h) Burden Statement.....16

LIST OF TABLES

Table 4–1. CAFO Standard Industrial Classification codes and size thresholds.....7
Table 4–2. CAFO universe and CAFOs needing NPDES permits.....9
Table 5–1. SBA and EPA Small Business thresholds for animal sectors.....12
Table 5–2. ICR Respondents Schedule.....12
Table 6–1. Burden for 308-rule related activities for CAFOs and frequency of response.....13
Table 6–2. Labor Rates.....13
Table 6–3. Annual average respondent burden and cost – CAFOs.....15
Table 6–4. Annual average Federal government burden and cost.....15

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

ICR: NPDES and ELG Regulatory Revisions for Concentrated Animal Feeding Operations (Proposed 308 Rule)

EPA ICR: 1989.08

OMB Control Number: 2040-0250

1(b) Short Characterization/Abstract

This proposed rule will revise the National Pollutant Discharge Elimination System (NPDES) regulations for Concentrated Animal Feeding Operations (CAFOs) to include a new requirement for all CAFOs to submit basic facility information to EPA. The purpose of this proposed rulemaking is to address water quality issues associated with discharges of manure pollutants from CAFOs and to allow EPA to more efficiently and effectively achieve the water quality protection goals and objectives of the CWA, with respect to the implementation and management of the National Pollutant Discharge Elimination System (NPDES) program for CAFOs.

The need for this action also derives from the May 2010 settlement agreement that the Agency reached with environmental petitioners in litigation concerning the 2008 NPDES CAFO rule revisions. Specifically, EPA agreed to propose to collect basic facility information from CAFOs, regardless of whether the CAFO has an NPDES permit. EPA will use Clean Water Act (CWA) § 308¹ information collection authorities to require CAFO owners/operators to submit the data in question.

1(c) Relationship to the NPDES Animals Sector ICRs

In May 2010, EPA consolidated and updated the CAFO and concentrated aquatic animal production (CAAP) facility ICRs into a single Animal Sector ICR (EPA ICR 1898.07).

The information and analyses presented in this supporting Statement are limited to the changes in information collection burden projected to result from the proposed NPDES CAFO Reporting Rule (herein referred to as “308 rule”). These changes are modeled off of the baseline information collection burden for the NPDES CAFO regulations as presented in the May 2010 Animal Sector ICR.

¹ CWA § 308 States EPA “shall require the owner and operator of any point source” to provide information “whenever required to carry out the objective of this chapter, including but not limited to”:

- (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under the Act;
- (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
- (3) any requirement established under this section; and
- (4) carrying out Sections 305, 311, 402, 404, and 504 of the Act (33 U.S.C. § 1318(a)).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

The purpose of the CWA is “to restore and maintain the chemical, physical and biological integrity of the nation’s waters” [section 101(a)]. CWA section 402(a) establishes the NPDES program to regulate the discharge of any pollutant from point sources² into waters of the United States. Section 402(a) of the CWA, as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet the following requirements:

- All applicable requirements of CWA sections 301, 302, 306, 307, 308, and 403; or
- Any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA.

The primary mechanism to ensure that the permits are adequately protective of those requirements is the permit application process. In particular, CWA section 402(a)(2) requires EPA to prescribe permit conditions to assure compliance with requirements “including conditions on data and information collection, reporting and such other requirements as [the Administrator] deemed appropriate.”

The CWA also establishes an administrative framework for the NPDES permitting program. CWA section 402(b) authorizes States (which include U.S. territories and Indian tribes that have been authorized in the same manner as a State) to administer the NPDES program once EPA is assured that they meet minimum federal requirements. Authorized States are considered permitting authorities and are responsible for issuing, administering, and ensuring compliance with permits for most point source discharges within their borders. In States without an authorized NPDES program, EPA is the permitting authority and undertakes all permitting activities; although CWA section 401 requires States to certify that EPA-issued NPDES permits establish “effluent limitations, and monitoring requirements necessary to assure that any applicant...will comply with any applicable effluent limitations and other limitations (pursuant to the CWA) and with any other appropriate requirement of State law...” States, tribes, and U.S. territories may waive their right to certify permits if they wish. CWA section 510 provides that States, tribes, and territories may adopt requirements equal to or more stringent than standards established pursuant to CWA provisions.

Section 1318 of 33 U.S.C. provides authority for information collection (i.e., record keeping, reporting, monitoring, sampling, and other information as needed), which applies to point sources; and Section 308(a) of the CWA authorizes EPA to collect certain information from the “owner or operator of any point source” for the following purpose:

² EPA defines a point source as, “any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff” (40 CFR 122.2).

to carry out the objective of [the CWA], including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under [the CWA]; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under [§ 308 of the CWA]; or (4) carrying out [sections 305, 311, 402, 404 (relating to State permit programs), 405 and 504 of the CWA] . . . CWA § 308(a).

Information related to CAFOs' locations, size, and activities satisfies the purpose of CWA §308 because this data is necessary for EPA to implement, strengthen and enforce its NPDES program for CAFOs.

2(b) Practical Utility/Users of the Data

EPA and authorized State permitting authorities use the information routinely collected through NPDES applications and compliance evaluations in the following ways:

- to issue NPDES permits with appropriate limitations and conditions that will protect human health and the environment;
- to allow for public participation in the permitting process;
- to update information in EPA's databases that permitting authorities use to determine permit conditions;
- to calculate national permit issuance, backlog, and compliance statistics;
- to evaluate national water quality;
- to assist EPA in program management and other activities that ensure national consistency in permitting;
- to assist EPA in prioritizing permit issuance activities;
- to assist EPA in policy development and budgeting; and
- to assist EPA in responding to Congressional and public inquiries.

Other users of the data include other governmental entities and the general public. Other governmental entities can use the CAFO data to support their respective missions, and the general public can use information collected through the NPDES program to support independent efforts to protect environmental quality and quality of life.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

The information collection pursuant to the regulatory changes is site-specific and therefore not readily available from existing sources of information.

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

EPA will publish a summary of the ICR analysis with the proposed rule notice in the Federal Register.

3(c) Consultations

To facilitate the development of the 308 rule, EPA is providing a variety of opportunities for input into the rulemaking process. In addition to the notice-and-comment opportunity afforded via the rulemaking process itself, EPA has also invited input on the 308 rule during meetings with a variety of stakeholders, including State permitting authorities and industry and environmental groups. In addition, EPA will continue to conduct targeted outreach with environmental justice communities and with tribal governments as required under Executive Orders 12898 and 13175.

3(d) Effects of Less Frequent Collection

EPA has made every effort to establish NPDES permit and associated information collection requirements that minimize the burden on respondents while promoting the protection of water quality. NPDES permit applications are the primary form of information collection for regulated CAFOs, and these facilities must reapply for NPDES permits before their existing permits expire. The framework for information collection under the proposed 308 rule is that permitted CAFOs would submit their information one time only, and unpermitted CAFOs would submit their information every ten years. EPA believes that this frequency best balances the need to not overburden facilities with the need to ensure that updates on facility operations are available to EPA.

3(e) General Guidelines

This information collection complies with Paperwork Reduction Act guidelines (5 CFR 1320.5(d)(2)).

3(f) Confidentiality

EPA recognizes the concerns of operators regarding protection of confidential business information (CBI). The proposed 308 rule includes a provision allowing CAFOs to claim that their data is CBI at the time of submission. EPA will handle all confidential data claims in accordance with 40 CFR 122.7, 40 CFR Part 2, and EPA's *Security Manual* Part III, Chapter 9, dated August 9, 1976.

3(g) Sensitive Questions

Sensitive questions are defined in EPA's ICR Handbook, *Guide to Writing Information Collection Requests Under the Paperwork Reduction Act of 1995* as "questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private." The requirements addressed in this ICR do not include sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

This analysis estimates the 3-year information collection burden based on the universe of respondents for the period spanning January 2009 through December 2011. Although the proposed rule is not expected to be finalized until 2012, EPA is using the 1/2009-12/2012 modeling period for purposes of estimating burden impacts to allow for meaningful comparisons with the baseline information burden collection estimates as modeled in ICR that is currently approved.

4(a) Respondents/SIC Codes

CAFO owner/operators are the respondents for this proposed rulemaking.

EPA categorizes CAFOs on the basis of the primary type of animal produced by the operation. Table 4–1 lists the major categories along with their North American Industry Classification System (NAICS) codes and the corresponding four-digit Standard Industrial Classification (SIC) codes. Note that some industry classification codes may overlap more than one of the categories defined by EPA under the final regulations. For example, swine operations of any size have the same NAICS or SIC codes.

Table 4–1 also provides the applicable animal thresholds. EPA uses these thresholds to distinguish which AFOs are CAFOs. All Large AFOs are defined as CAFOs based on numbers of animals at the operation. AFOs in other size categories may be designated or must meet one of the following two criteria to be defined as a Medium CAFO:

- pollutants are discharged to U.S. waters through a man-made ditch, flushing system, or other similar man-made device; or
- pollutants are discharged directly into U.S. waters that originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals.

An AFO in the smallest size category may become a CAFO through designation if the facility is a significant contributor of pollutants to waters of the U.S. Any designation must be preceded by an on-site inspection, and facilities designated as CAFOs must meet one of the two discharge criteria noted above.

Table 4–1. CAFO Standard Industrial Classification codes and size thresholds

NAICS code (SIC code)	Animal type	Size thresholds		
		Large	Medium	Small
112111 (0212, 0241), 112112 (0211)	Beef cattle, heifers, calves or veal calves for either slaughter or replacement	> 1,000	300–1,000	< 300
112111, 112120 (0241)	Dairy cattle—mature dairy cattle (whether milked or dry cows) and heifer replacement	> 700	200–700	< 200
112210 (0213)	Swine—each weighing over 25 kilograms—or approximately 55 pounds	> 2,500	750–2,500	< 750
	Immature swine—each weighing less than 25 kilograms, or approximately 55 pounds	> 10,000	3,000–10,000	< 3,000
112310 (0252)	Chickens—laying hens, using liquid manure handling system	> 30,000	9,000–30,000	< 9,000
112310 (0252)	Chickens—laying hens, if other than liquid manure handling system	> 82,000	25,000–82,000	< 25,000
112320 (0251)	Chickens other than laying hens—broilers, fryers and roasters, if other than liquid manure handling system*	> 125,000	37,500–125,000	< 37,500
112330 (0253)	Turkeys	> 55,000	16,500–55,000	< 16,500
112390 (0259)	Ducks, wet manure handling	> 5,000	1,500–5,000	< 1,500
	Ducks, dry manure handling	> 40,000	12,000–40,000	< 12,000
112410 (0214)	Sheep or lambs	> 10,000	3,000–10,000	< 3,000
112920 (0272)	Horses	> 500	150–500	< 150

*Modeling of burden impacts in this ICR does not include an industry category for broilers, fryers or roaster operations with liquid manure operations since operations in this animal sector are typically designed for dry manure handling.

Table 4-2 shows the estimates of total numbers of CAFOs used in developing the respondent universe for the existing 2010 Animal Sector ICR and for this new ICR. The information presented in Table 4–2 was generated by EPA staff using data from the 1997 and 2002 Census of Agriculture, NASS bulletins, National Animal Health Monitoring System (NAHMS) species reports, 2003 Demographics Report, and industry data sources and comments. This number is slightly different from the numbers of CAFOs reported by EPA Regions; however, the Agency elected not to recalibrate its estimates of CAFOs for purposes of this ICR since the estimates do not vary much and since updating the estimate would invalidate any comparisons with the overall NPDES CAFO burden collection as shown in the existing ICR since that ICR is based on the earlier set of universe numbers.

EPA will update its estimates of CAFOs using 2007 Census of Agriculture data and reports from EPA Regions when it renews the Animal Sector ICR in 2013.

Table 4–2 also shows EPA’s estimate of the number of CAFOs that have operational or design characteristics historically associated with discharges. These are the facilities that EPA believes could need NPDES permits. These estimates of facilities with discharges are based on estimates of discharging facilities that EPA completed for the 2008 rulemaking, and are documented more fully in the ICR for that effort.

There are no direct costs to States under the proposed approach outlined in the rulemaking. The proposed approach does include a provision for States to have the option of furnishing EPA with datasets on their CAFOs. However, the effort to generate these datasets is not costed as part of the proposed approach in this ICR since EPA assumes that the States that choose to provide the datasets to EPA would be ones for whom this task would not be overly burdensome.

In the preamble to the proposed rule, EPA is putting forth two proposed options. Under the first option, all CAFOs would be required to submit their facility information. Under the second option, only CAFOs in focus watersheds would be subject to the reporting requirement. The burden analysis for this ICR presents burden estimates for the first option, since this approach would apply to all CAFOs rather than a subset. EPA has examined the two proposed approaches, and has determined that the only difference in burden would arise from the difference in number of respondents. Both options have the same required activities and burden level for individual activities.

The proposed rulemaking also puts forth as an alternative an approach under which States would be required to submit available data on CAFOs to EPA. Costs associated with this alternative are presented separately in this ICR in section 6(d), “Cost Overview for Alternative Data Collection Approach.”

Table 4-2. CAFO universe and CAFOs needing NPDES permits

CAFO Category	2009			2010			2011		
	CAFO Universe	CAFOs needing NPDES permits	CAFOs that may not need permits	CAFO Universe	CAFOs needing NPDES permits	CAFOs that may not need permits	CAFO Universe	CAFOs needing NPDES permits	CAFOs that may not need permits
Beef	3,106	2,815	292	3,191	2,891	300	3,411	3,109	302
Veal	18	14	4	18	14	4	19	15	4
Heifer	415	362	53	433	377	56	480	422	58
Dairy	3,369	3,369	0	3,511	3,511	0	3,926	3,926	0
Swine	9,289	7,563	1,727	9,639	7,843	1,796	10,800	8,896	1,904
Broilers	2,776	441	2,334	2,913	462	2,451	3,123	525	2,598
Layers(dry)	828	131	696	837	133	703	854	144	710
Layers(wet)	589	589	0	571	571	0	592	592	0
Ducks	45	36	9	45	36	9	49	40	9
Horses	401	360	40	415	373	42	459	416	44
Turkeys	526	84	442	556	88	468	591	100	492
Total	21,362	15,764	5,598	22,130	16,300	5,830	24,304	18,184	6,121

Note: Projections are based on NAHMS species reports, 2003 Demographics Report, and 2002 Census of Agriculture changes from 1997 Census. The figures by sector include both large and medium CAFOs as well as other facilities designated as CAFOs due to discharges. EPA will update the universe estimates to reflect 2007 Census of Agriculture data and reports from EPA Regions once the entire Animal Sector ICR is renewed in 2013.

4 (b) Information Requested

4(b)(i) Data Items, Including Record-keeping Requirements

CAFO Data Items

This ICR costs the requirement for all CAFOs, both permitted and unpermitted, to provide information regarding facility characteristics at the CAFO.

Specifically, EPA is proposing to collect basic facility data from CAFOs including name, address and location. Details on the questions are not listed here in this ICR due to the potential for changes to the specifics to be made late in the proposal development process.

State Data Items

EPA anticipates that CAFOs will submit the information directly to EPA largely using an electronic online system. Paper submissions will also be accepted and then later entered by EPA into the database. Consequently, the rulemaking will not directly affect small governments or States.

4(b)(ii) Respondent Activities

CAFO Activities

EPA estimates that the additional burden imposed by this proposed rule for all CAFOs to submit their facility information is 1 hour for both permitted and unpermitted CAFOs. This will be a one-time activity for permitted CAFOs. For unpermitted CAFOs, the burden will recur every ten years.

This estimate is for the reporting costs associated with understanding the requirements, navigating the website, collecting the various information pieces, and entering the data. Although unpermitted CAFOs do not have existing NPDES permit applications to which they can refer, they are assumed to have their facilities' operational and nutrient management planning information readily accessible as part of meeting the requirement in the existing NPDES CAFO regulations to complete an assessment to show that they do not need to apply for NPDES permit coverage.

For purposes of comparison, the ICR currently approved for information collection activities under the existing NPDES CAFO regulations assumes that CAFOs incur a labor burden of 9 hours to file an NPDES permit application.

There are some minimal recordkeeping costs associated with the proposed rulemaking for documenting the submission of data. However, these costs are minor and are subsumed in the costs presented for reporting.

State Activities

The rulemaking will not impose additional burden on States even where they are the permitting authority.

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

5(a) Agency Activities

Under the proposed rulemaking, EPA would be the entity responsible for receiving, storing and managing the data. In addition, the Agency would be responsible for developing and managing the system in which the data is housed.

5(b) Collection Methodology and Management

EPA anticipates that CAFOs will submit the information directly to EPA largely using an electronic online system. Paper submissions will also be accepted and then later entered into the database.

5(c) Small Entity Flexibility

Whereas EPA establishes thresholds largely on the basis of the number of animals, the Small Business Administration (SBA) uses revenue-based thresholds to distinguish small agricultural operations from larger operations. Consequently, EPA developed a model to convert the SBA's revenue thresholds to the number of animals by sector. EPA used the SBA's revenue-based definitions (except for laying hens) and data from USDA and the industry for this effort. The SBA and EPA thresholds are shown for each sector in Table 5–1. A comparison of the SBA-based animal thresholds with EPA's animal thresholds indicates that most medium and small CAFOs are small entities and some Large CAFOs will be small entities as well.

As in the 2003 and 2008 CAFO rules, EPA's premise continues to be that any regulatory burden should focus on those operations posing the greatest risk to water quality and public health—especially operations with large numbers of animals. In addition, estimates of burden for the 308 rule are such that the burden on any one CAFO is relatively small.

Table 5–1. SBA and EPA Small Business thresholds for animal sectors

NAICS code (SIC code)	Animal sector	SBA threshold (revenue in millions) ^a	Corresponding SBA animal threshold (number of animals)	CAFO Size Threshold (number of animals)
112112 (0211)	Beef cattle feedlots	\$1.5	1,400	Large > 1,000
112111, 112120 (0241)	Dairy farms and dairy heifer replacement production	\$0.75	300 ^b	Large > 700 Medium > 200
112210 (0213)	Hogs	\$0.75	2,100 ^c	Large > 2,500 Medium > 750
112310 (0252)	Chicken eggs	\$1.5 ^d	61,000	Large > 30,000
112320 (0251)	Broiler, fryer, roaster chickens	\$0.75	375,000	Large > 125,000

NAICS code (SIC code)	Animal sector	SBA threshold (revenue in millions) ^a	Corresponding SBA animal threshold (number of animals)	CAFO Size Threshold (number of animals)
112330 (0253)	Turkeys and turkey eggs	\$0.75	37,500	Large > 55,000

a. SBA thresholds effective February 22, 2002. Classification is met if the operation has revenue equal to or less than the threshold cited.

b. Mature dairy cattle.

c. Each weighing over 25 kilograms.

d. EPA consulted with SBA on the use of this alternative definition; the original threshold is \$9.0 million.

Note: Certain animal sectors (e.g., sheep and lambs, horses, and ducks) are not subject to ELG requirements, and EPA has not developed corresponding small business animal thresholds for those sectors.

5(d) Collection Schedule

This ICR, when final, will cover the initial 3-year period following promulgation of the final rule. For this ICR, annual burden estimates are based on the universe of respondents estimated to incur information collection burden in the course of the 3-year modeling period. Table 5-2 shows the number of CAFO respondents that EPA projects for each year of the ICR based on the reporting schedule in the proposed rule for CAFOs with and without NPDES permits.

Table 5-2. ICR Respondents Schedule

CAFO Respondent Type	Year 1	Year 2	Year 3	3-Year Annual Average
Non-Permitted, existing	5,404	0	0	1,801
Non-Permitted, new	193	0	0	64
Permitted, existing	15,283	0	0	5,094

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The summaries below provide brief descriptions of CAFO respondent activities. The impacts presented in this ICR reflect only the impacts associated with the incremental burden resulting specifically from the proposed approach for data collection from all CAFOs put forth in the proposed rule. The second proposed option of collecting data from CAFOs in focus watersheds is a subset of the costs outlined in this ICR. However, since the universe of CAFOs that would be subject to the second option is indeterminate at this time, these costs are not presented as part of this analysis.

6(a) Estimating Respondent Burden

CAFO Burden

Table 6-1 specifies the burden hours per response for each new activity required of CAFOs under this proposed rule.

Table 6–1. Burden for 308-rule related activities for CAFOs and frequency of response

Activities	Hours per response	Frequency of response
308 Information Collection		
Permitted CAFOs	1	First year only
Unpermitted CAFOs	1	Every 10 years

State Burden

The rulemaking will not impose additional burden on States even where they are the permitting authority. States will have the option of providing EPA with datasets on their CAFOs where the State has all the information. As mentioned above, the effort to generate these datasets is not costed in this ICR since EPA assumes that the States that choose to provide the datasets to EPA would be ones for whom this task would not be overly burdensome.

6(b) Estimating Respondent Costs

This section describes how EPA derived the cost to respondents for each of the activities described above. Costs for this ICR are presented in 2009 dollars to allow easy comparison to other cost estimates developed for the 2009 Animal Sector ICR.

6(b)(i) Estimating Respondent Labor Costs

CAFO Labor Costs

The cost imposed on respondents for the requirements discussed in this ICR is a function of the burden placed on them for compiling and submitting the information described above and the wages of a typical worker performing these activities. Table 6-2 show the labor rates used in this ICR.

Table 6–2. Labor Rates

Labor Rates, including overhead	Labor rate (\$/hour)	Source/Notes
CAFO		
General labor	\$16.94	2008 National Industry-Specific Occupational Employment and Wage Estimates: 45-2093 Farmworkers, Farm and Ranch Animals. Adjusted to March 2009 dollars using the Employment Costs Index for Private Industry workers and a fringe rate of 50 percent.
Farm Manager	\$29.30	2008 National Industry-Specific Occupational Employment and Wage Estimates: 45-1011 First-Line Supervisors/Managers of Farming, Fishing, and Forestry Workers. Adjusted to March 2009 dollars using the Employment Costs Index for Private Industry workers and a fringe rate of 50 percent.
Agronomist	\$42.44	2008 National Industry-Specific Occupational Employment and Wage Estimates: 19-1013 Soil and Plant Scientists. Adjusted to March 2009 dollars using the Employment Costs Index for Private Industry workers and a fringe rate of 50 percent.

State Labor Costs

The rulemaking will not impose additional burden on States even where they are the permitting authority.

6(b)(ii) Estimating Capital and Operation and Maintenance (O&M) Costs

CAFO Capital and O&M Costs

The proposed rule would not impose additional capital and O&M costs on CAFOs.

State Capital and O&M Costs

The rulemaking will not impose additional capital and O&M costs on States even where they are the permitting authority.

6(b)(iii) Capital Start-up vs. Operation and Maintenance (O&M) Costs

See 6(b)(ii), above.

6(b)(iv) Annualizing Capital Costs

See 6(b)(ii), above.

6(c) Estimating Agency Burden and Cost

Agency Burden

EPA anticipates that CAFOs will submit the information directly to EPA largely using an electronic online system. EPA estimates that it will spend 0.5 hours per response. This time includes record keeping and conducting follow-up activities for incomplete or erroneous submittals. EPA would also need to develop the Electronic Reporting System to receive, compile, and store the information. EPA has estimated that it would cost approximately \$218,000 to build this system, equivalent to an annual average capital costs of approximately \$31,050. (\$218,000 discounted at 7.0% rate over 10 years). EPA estimates that it would cost approximately \$21,000 per year to operate and maintain the system.

Agency Labor Costs

EPA used an hourly wage rate for a GS-12, Step One Federal employee to estimate the cost of the Agency staff. The U.S. Office of Personnel Management 2009 General Schedule reported an hourly rate of \$28.45. Multiplying this rate by 1.6 to incorporate typical Federal benefits (OPM, 1999), EPA obtained a final hourly rate of \$45.52 for this labor category.

6(d) Cost Overview for Alternative Data Collection Approach

Under the scenario that would require States to submit the information to EPA, the PRA burden would shift from CAFOs to States since States would be responsible for reporting the CAFO data to EPA. EPA projects that the reporting burden under this alternative would be biggest for those States that would need to provide paper files to the Agency. To complete a conservative

cost estimate, EPA determined what the cost would be if all States were to submit their CAFO records in this manner. If this were the case, EPA estimates that the cumulative cost to States would be reflective of a per-entity cost of photo-copying individual records on all facilities.

To develop a burden estimate for this alternative, EPA expects that NPDES-authorized states would need to find, copy/scan, and mail/e-mail a 3-page paper facility record (e.g., an NOI, registration, or license). EPA assumes that States will perform these activities for multiple CAFOs simultaneously; therefore, the estimated time required to complete this task is one hour for every 20 facilities. Additionally, EPA assumes a cost of \$0.025 per page copied.

The additional annual burden hours associated with this alternative data collection approach is 348 hours for State respondents. The total additional State respondent average annual costs over the 3-year period will be \$16,391 (\$14,303 for labor cost and \$2,088 for O&M). There is no additional burden or cost on CAFO respondents resulting from the alternative data collection approach.

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

Table 6–3 presents the annual burden and costs for all CAFOs to address the requirements in the proposed rule. Table 6–4 presents the annual Federal government cost and burden.

Table 6–3. Annual average respondent burden and cost – CAFOs

	Baseline (2010 Animal Sector ICR)	Net Changes from 308 Rule	Annual Totals Under Proposed Rule
Unique Respondents (number)	22,844	0	22,844
Responses (number)	2,934,438	6,960	2,941,398
Burden (hours)	2,810,266	6,960	2,817,226
Costs (labor)	\$56,708,595	\$203,929	\$56,912,524
Costs (capital)-annualized	\$228,971	\$0	\$228,971
Costs (O&M)	\$6,705,593	\$0	\$6,705,593
Total Costs	\$63,643,158	\$203,929	\$63,847,087

Table 6–4. Annual average Federal government burden and cost

	Baseline (2010 Animal Sector ICR)	Net Changes from 308 Rule	Annual Totals Under Proposed Rule
Responses (number)	1,303	6,960	8,263
Burden (hours)	15,188	3,480	18,668
Costs (labor)	\$691,350	\$158,411	\$849,760
Costs (capital)-annualized	\$0	\$31,050	\$31,050
Costs (O&M)	\$62,463	\$21,000	\$83,463
Total Costs	\$753,813	\$210,461	\$964,273

6(f) Bottom Line Burden Hours and Costs

There will be an annual average of 6,960 additional CAFO responses over the 3-year period under this ICR.³ The additional annual burden hours associated with the proposed rulemaking are estimated to total to 6,960 hours for all CAFO respondents (5,094 hours for permitted CAFOs; 1,866 hours for non-permitted CAFOs). The total additional CAFO respondent average annual costs over the 3-year period will be \$203,929 (\$149,260 for permitted CAFOs; \$54,669 for non-permitted CAFOs).

There is no additional burden or cost on States resulting from the proposed rule.

EPA is responsible for collection of data and record keeping. There will be an annual average of 6,960 additional responses during the 3-year ICR period. Average agency burden increase is 3,480 hours for the 3-year period. Agency costs will increase an average of \$210,461 for the 3-year ICR period.

6(g) Reasons for Change in Burden

This ICR presents the burden impacts of EPA's proposed 308 rule. The analysis of net burden impacts from the proposed rule revisions presented in this ICR controls for an adjusted calculation of baseline impacts compared to baseline impacts originally presented in the 2010 Animals Sector ICR (EPA ICR No. 1989.07).

6(h) Burden Statement

The annual public reporting and recordkeeping burden increase associated with the new proposed reporting provisions to require all CAFOs to submit facility information is estimated to total to 6,960 hours for all CAFO respondents. The annual average number of CAFO responses is 6,960.

Burden means the total time, effort, or financial resources expended by persons 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 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 the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

In summary, EPA's analysis for the Paperwork Reduction Act (PRA) projects (as shown in Table 6-3) that CAFO operators will experience an increase in total annual administrative

³ CAFO responses do not mean number of CAFOs. The proposed rule does not add CAFOs to the total universe of CAFOs or the number of CAFOs that need to seek permits. However, CAFOs as a group are required to perform new information collection activities under the proposed rule.

burden of approximately \$0.2 million as a result of the EPA proposed rule to collect facility information from all CAFOs. There are no impacts to State permitting authorities.

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-2011-0188, which is available for online viewing at www.regulations.gov, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. 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. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. 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, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OW-2011-0188 and OMB Control Number 2040-0250 in any correspondence.

